

A Canadian Parliamentary Paradox: Party Cooperation and Legislative Influence in House of
Commons Committees

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ABSTRACT

A Canadian Parliamentary Paradox: Party Cooperation and Legislative Influence in House of Commons Committees

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The prevailing literature in Canadian parliamentary politics focuses on the increasing polarization of Canadian political parties and the dominance of single parties when in majority settings, yet anecdotal evidence through politicians' comments to journalists and think tanks indicates that cooperation exists. Similarly, parliamentary committees are rarely discussed as effective arbiters in the parliamentary process, but again, anecdotal evidence, particularly media attention on committee procedures during potential political scandals such as the recent SNC-Lavalin and We Charity examples, indicates that committees are important sources of influence and cooperation in the Canadian political system. This dissertation addresses this paradox in the academic literature on Canadian parliamentary politics by examining House of Commons standing and legislative committee amendments to government bills from 2004–2019. This measures two things: the influence of committees on government legislation and the level of cooperation in committees through the passing of amendments with multi-party support. In coding all aforementioned amendments and subsequently analysing them, this study has determined that, across the board, in minority and majority settings, under Liberal and Conservative governments, committees make substantial changes to government bills, indicating that committees are an influential actor in the political process in Canada. Additionally, cooperation does indeed occur in committees, even in majority governments, in the sense that opposition party members do get their amendments passed, and those amendments are sometimes substantial. Further systemic characteristics impacting committee cooperation were uncovered: the success of amendments is impacted by issue area, the party in power, unemployment levels, type of committee examining legislation and when a bill is sent to committee. This study thus concludes that committees are, in fact, a source of systematic influence on government legislation as well as party cooperation within the House of Commons, thus providing a challenge to some of the prevailing literature that highlights the dominance of the executive. Committees thus deserve more attention in studies of the Canadian parliamentary system.

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CHAPTER ONE: INTRODUCTION

There is very little work on parliamentary committees or the significance of their work. No one studies the debates and procedural rules of the House of Commons to see if members exert independent influence on governmental legislation since this is assumed never to happen. Nor are there many studies looking into whether parliamentary debate has shaped the fate of individual bills.

- Ian Brodie (2018, 79)

Introduction

Based on the logic of Westminster parliamentary systems, party cooperation on legislation is unnecessary in majority government contexts. If one party holds more than fifty percent of the seats in the legislative branch, they can pass their desired legislation by voting as a unified bloc. This is particularly true in a country like Canada, where its first-past-the-post electoral system leads to regular majority governments at both the provincial and federal level (since Confederation, the federal government leads all governments with only 12 minorities¹ (Godbout and Høyland 2011)), and where party discipline (parties voting as a unified bloc) is incredibly powerful and limits party dissent on the vast majority of issues (Malloy 2003; Godbout 2020; Marland 2020). Further compounding this lack of incentive for party cooperation on legislation are constitutional conventions (traditional ways of government behaviour) like the limited power and action of the upper-chamber (the Senate) (Savoie 1999; Lusztig 1995). This limitation on the Senate's power essentially means that the upper chamber does not (or extremely rarely does) vote against the lower house, particularly in terms of rejecting or even altering legislation, therefore reducing reasons or needs for cooperation between upper and lower houses². In addition to these structural elements, the Canadian party system has become increasingly polarized over time (Cochrane 2010; Johnston 2017), whereby parties are entrenched daily in a competitive, hyper-partisan political process (Malloy 2010; Marland, Lennox Esselment and Giasson 2017; Patten 2017; Rae 2017). This results in a form of permanent campaigning (Aucoin, Jarvis and Turnbull 2011) where parties seek to publicly distinguish themselves from one another on issues, thus further limiting the need for party cooperation in majority settings.

Given these significant forces that work against party cooperation on legislation, it makes sense that some core arguments (and indeed, criticisms) of Canadian politics fixate on the power of the executive in a majority setting, and the limited role of parliamentarians as compared to the Cabinet (Atkinson and Thomas 1993; Savoie 1999; Bakvis 2001; Simpson 2001; White 2005; Blidook 2010; Lewis 2013; Smith 2013; Lagassé 2016; Godbout 2020; Marland 2020). These same criticisms abound in Britain as well (Lijphart 2012; Russell and Gover 2017). Despite these criticisms, insider commentary indicates that cooperation and legislative influence outside of the executive does exist, even in some of the most seemingly centralized majority governments (Smith 2013; Brodie 2018; Chartash et al. 2020), when one examines committees (Stilborn 2014; Brodie 2018). A current problem, however, is that there is very little literature or direct evidence on parliamentary committees in Canada (Stilborn 2014; Brodie 2018).

¹ As of 2019 this total has increased to 13.

² Note: the recent shift under Justin Trudeau to creating more independent Senators may have an impact on this, and indeed it seems to have in the British case (see Russell 2003; Russell and Gover 2017), but this is not yet known.

Parliamentary committees are subsets of elected officials entrusted with specific tasks regarding legislation, often scrutinizing and deliberating bills, and suggesting potential modifications (Mattson and Strøm 1995; Strøm 1998). Although parliamentary committees remain an understudied field of Canadian politics (Stilborn 2014; Brodie 2018), they are not irrelevant to the policy-making or democratic process. In brief interviews or comments within broader studies, it has been noted by former MPs as well as academics that committees are a place where partisanship gets put aside and members work for the betterment of the country (Franks 1987; Loat and MacMillan 2014; Stilborn 2014).

More specifically, one such anecdotal example of cooperation is that recounted by Kennedy Stewart, at the time an NDP MP, who successfully secured the cooperation of all opposition MPs as well as that of eight Conservative MPs to successfully create the use of e-petitions within the Government of Canada. This took three years of active work on behalf of Stewart before the introduction of the motion, reaching across the aisle to sympathetic members. The result was an astounding victory by an opposition member in a majority government that, somewhat famously, led to an expletive exclamation by then Prime Minister, Stephen Harper, when the vote count was read. The motion on e-petitions then went to committee for further examination, and the committee report supporting e-petitions was unanimously accepted by the House (Stewart 2017). Elsewhere, when MPs have given interviews, party cooperation has been mentioned in relation to the youth suicide crisis in Attawapiskat (Doudard 2016; O’Malley 2016), on free trade (Blanchfield 2017), on sexual assault training for judges (Zimonjic and Wherry 2020) and on Lyme disease (Petrescu 2014), among others. While other examples abound, the fact that cross-party cooperation exists on issues such as these indicates that such cooperation is affecting the lives of Canadians across a broad swath of topics.

Quite recently, in the early months of 2019, the role of the Justice committee shot to media prominence amidst a potential scandal involving the executive branch of the Government of Canada and the engineering firm SNC Lavalin. Evidence brought to light in the committee provided over a month’s worth of media fodder, with some TV stations going so far as to broadcast some committee proceedings instead of regularly scheduled programming. Similarly, in the summer of 2020, proceedings of the Ethics and Finance committees took centre stage in the media spotlight in the wake of the investigation in the government’s handling of the WE Charity and the Canada Student Services Grant program.

Although anecdotal, this evidence of party cooperation and committee influence starts to paint a different picture of Canadian parliamentary democracy in terms of executive control and party cooperation. This can then be combined with recent scholarship in Britain, which has noted that some structural changes have led to an increased role of parliamentary committees, and subsequently, more opportunities for party cooperation (see Russell and Gover 2017). Therefore, this anecdotal evidence in Canada and recent scholarship elsewhere indicates that there are other avenues for legislative impact and cooperation in Westminster parliamentary systems outside of a largely dominant executive, and one of the key sources of this impact is happening in the background of the political system through committees.

At this point, a few things should be clear. Canada has a number of institutional and political characteristics that significantly limit opportunities for cooperation across parties on legislation in majority governments, so much so that systematic investigations of cooperation and the effects of committees on legislation have been virtually non-existent. Even cooperation in practical terms has been relegated to limited issues in minority governments rather than full-fledged coalition governments (Malloy 2010; Paun 2011). This oversight is not unique to

Canada. In Britain, another Westminster parliamentary system, equivalent criticisms have abounded for years. Despite this, in both Britain and Canada, recent scholarship, coupled with media coverage, have indicated that cooperation is indeed occurring, and suggests that it is occurring in committees, and may be systematic. From the literature on other parliamentary systems, we also know that committees are very influential and important in the democratic process. Therefore, it can be concluded that if such cooperation is indeed occurring in Canadian parliamentary committees, then our current understanding of the democratic functioning of Canada's political system may be lacking.

The fact that there is some evidence to suggest that cooperation may form a systematic part of the democratic parliamentary process, despite occurring amidst the aforementioned structural issues in Canada that lead to dominant majority governments, poses an interesting puzzle for Canadian politics. That is, in Canada's majority, hyper-partisan political system, party cooperation is effectively non-essential and counter to the public rhetoric and actions of most parties. Such rhetoric and partisanship should lead to a system of politics that centres on control and implementing the agenda of the majority governing party, with relatively weak opposition parties and upper chambers (indeed, some political scientists have highlighted these limitations (Kornberg and Clarke 1978; Savoie 1999; Kaiser 2008; Patten 2017; Marland, Lennox Esselment and Giasson 2017)). Governing parties therefore have no clear structural reason or incentive to cooperate with other parties. This extends to committees as well—as will be discussed in Chapter 2, committee structures in Canada are generally based on party composition in the House of Commons, so a majority in the House of Commons would translate to a majority of members in committees. Indeed, when committees are mentioned briefly in studies of the broader Canadian system, they are often noted for their partisanship (Jarvis 2009; Savoie 2013).

In this regard, when engaging in party cooperation, majority parties are operating in ways that are not directly driven by exercising control or implementing their own agendas, which remains a subject of little study. That is, the focus tends to remain on majoritarian governments and the problems this leads to for Canada's democracy, rather than whether parliamentary party cooperation occurs, how it occurs, if it has systematic tendencies, how substantive it is in terms of influence on legislation and what this might imply for the impact or betterment of legislation and Canadian democracy. As there are no systematic explorations of party cooperation in parliamentary committees in Canada (or systematic studies of committees at all for that matter), this therefore impacts many of the calls to reform to increase representation in Canadian politics, because these reforms largely ignore the impact of parliamentary committees or the role that cooperation can and does play in said committees.

Understanding party cooperation in committees not only provides essential additional insight into Canada's democratic functioning, but may also provide additional avenues of reform for Canada's political system that are more viable. Many areas of reform, like the Senate, require extensive constitutional negotiations, whereas electoral reform requires the buy-in of a party that clearly succeeds in the current system. Committees, on the other hand, could be easier to reform and may provide governments with a viable tool with which to deepen Canada's democracy (Chong, Simms and Stewart 2017). Indeed, in the last three federal elections, committee reform has been included by multiple parties as a way to enhance Canada's democratic functioning in their campaign platforms, although little has been subsequently done in this regard (Brodie 2018). Therefore, there is clearly interest in committee reform, and a systematic study emphasizing the importance of committees, their influence, and how they can improve Canada's democracy could provide an impetus to push reform from rhetoric into action.

Scope

Before delving into the research questions and findings of this investigation, it is first important to understand the scope of study. When this study is referring to parliamentary committees in Canada, it is important to note that those under investigation here have been limited to House of Commons standing and legislative committees only. While this will be explained further in the next chapter, the reason for this limitation is for both practical and methodological considerations. First, only standing and legislative committees vote on amendments to bills. As amendments are the dependent variable in this investigation, other committees are not pertinent to this discussion. Second, in limiting this investigation into House of Commons committees only (therefore eliminating the Senate), this allows for the more systematic investigation of patterns of cooperation and legislative influence. Senate committees function differently due to committee size, party affiliation (or lack thereof) (Bosc and Gagnon 2017), as well as conventions that limit Senate interference on executive introduced legislation (Lusztig 1995; Docherty 2012; Smith 2013). Therefore, by limiting the study to House of Commons standing and legislative committees only, this study holds as many factors constant as possible, in order to better determine the effects of each independent variable.

Further, this study focuses solely on the 38th to 42nd Parliaments, spanning the years 2004 to 2019. The reasons for this scope are again for both practical and methodological reasons. During this time, governments were limited to two parties in power: the Liberal Party of Canada and the Conservative Party of Canada. Furthermore, in this time frame, there were minority and majority governments under both parties. More specifically, there was one Liberal minority, two Conservative minorities, one Conservative majority, and one Liberal majority. Although the most puzzling aspect of committee cooperation is that which occurs in majority settings, in order to have a fuller understanding of committee functions, as well as broader systematic tendencies of party cooperation in said committees, this study has opted to examine both minority and majority settings. In particular, there is an expectation that there will be variation in cooperation and influence across government types. Moreover, the cross-time component allows for a better determination of systematic tendencies as opposed to single sitting studies. Put differently, the goal of this study is to determine if cooperation and committee influence on government legislation is happening in non-random ways. Therefore, the study of a single parliamentary session or one type of government context would be insufficient as it would not be able to provide evidence for more systematic effects across time. Furthermore, one other consideration dictated this time frame, and that is the party composition in the House of Commons. As will be discussed in more detail in Chapter 4, prior to 2004, the conservative movement in Canada underwent a period of upheaval, and there were Parliaments with varying combinations of the Progressive Conservative Party, the Reform Party and the Canadian Alliance. Therefore, the number of parties in the House of Commons was higher prior to 2004, and therefore both the House and committee composition were affected by this. In the Parliaments examined here, the parties in the House of Commons remain constant, comprised of the Liberals, the Conservatives, the NDP, the BQ and the Greens³. This is an important methodological consideration as it holds parties constant across time, again providing more confidence in the variables being measured.

Methods and Approach

In order to fill these theoretical lacunae and account for the underlying systematic factors that are facilitating cooperation despite the hyper-partisan politicking, as well as to provide evidence for

³ The Greens were first elected to the House of Commons in 2011.

the overall influence of committees, this dissertation investigates and answers three distinct questions.

1. *When does parliamentary cooperation in committees occur and does it have any systematic tendencies?*
2. *How much influence do committees have on government legislation?*
3. *What are the implications of committee cooperation for Canadian democracy?*

This three-pronged approach is essential due to the paucity of work on party cooperation and committee functions. First, the action of cooperation, defined below as multiple parties voting together on an amendment, must be measured to demonstrate that it is occurring, and once that happens, it is then possible to look at which factors (derived from the literature) are most likely to foster or hinder cooperation. Once the existence and systematic tendencies of cooperation are ascertained, it is then possible to pursue a study of influence to understand exactly how much and what kinds of influence committees actually do have. Only once both of these have been determined is it then possible to turn to the final goal of situating the findings from the first two questions into the broader Canadian political system, to determine what the implications of committees and committee cooperation have in Canadian democracy. Given the importance and distinction between each of these questions, each is given a full chapter of consideration in this study.

In answering question one, when cooperation occurs and whether it has any systematic tendencies, this study defines all measurements based on the literature (explained further in Chapters 3 and 4). In measuring party cooperation, this is done in a variety of ways in the literature, but a common measurement of party cooperation is when more than one party votes in favour of a legislative element (Trubowitz and Mellow 2005; Baker 2015; Harbridge 2015; Paris 2017; Russell and Gover 2017). More specifically, in an important study of the UK Westminster Parliament which greatly informs this current study, Russell and Gover (2017) argue that parties can cooperate in informal or formal ways, and classify cooperation in parliamentary committees as a clear formal (institutionalized) way in which parties can cooperate. More specifically, Russell and Gover (2017) explicitly include voting on amendments within committees as a mechanism or measurement of formalized party cooperation. Furthermore, as will be discussed below, votes on amendments within committees are also viewed as a valid measurement of legislative influence (Shephard and Cairney 2005; Cairney 2006; Benton and Russell 2013). Therefore, party votes on amendments is a well-established measurement of party cooperation and is the best measurement for this study in that it allows for an examination of both party cooperation and legislative influence.

Amendments are a modification of a section or clause of a bill (Bosc and Gagnon 2017). In Canada, amendments are primarily moved/proposed in committees, and can usually only be moved by committee members (although there remain exceptions to this that will be explored later). There are three effects that amendments can have: remove words; remove words and add/replace them with other words; and adding new words where clauses or sub-clauses did not previously exist (Bosc and Gagnon 2017).

Information on such amendments were obtained through a combination of official committee reports, minutes, and transcripts of meetings, through *Hansard* as well as audio and video recordings of proceedings where applicable. Through the combination of these sources, it was possible to code each amendment in a variety of ways. These include which party proposed

the amendment and whether the amendment passed or failed. Beyond this, amendment texts were then compared to the final draft of the bill, that which received Royal Assent, in order to determine if the amendments passed by the committee were retained, removed, or altered before the formal implementation of the bill. Party cooperation, then, is operationalized in this study in the following way: when two or more parties vote in favour of an amendment that successfully passes the committee process.

Despite the limited literature on party cooperation in Canada, literature from other contexts provide a relatively consistent set of variables that can impact party cooperation. More specifically, the literature indicates that the ideology of the party in power; issue area; government type (whether majority or minority); the length of time after the previous general election and before the next general election; the popularity of the Prime Minister; and the unemployment level all have the potential to influence party cooperation. In examining the committee literature, additional variables emerged that could possibly impact cooperation, namely the type of committee to review the bill (standing or legislative); the stage of referral of a bill to a committee (before or after Second Reading); the total number of seats on a committee; and whether the committee chair hails from the governing or opposition parties. Each of these variables were added to a dataset built for this study to test for their impacts on party cooperation, as one of the core goals of this study is to identify systematic themes and patterns of cooperation, and highlight that examples of cooperation are not just random, idiosyncratic occurrences⁴.

Once it has been established that cooperation occurs across parties in Canada within committees, and what the systematic tendencies of said cooperation are, this raises the second research question pertaining to influence. In measuring the legislative influence, or legislative impact of committees, a common occurrence to measure legislative outputs, sometimes referred to as policy outputs. Legislative outputs can be a broader product, such as Private Members Bills that pass through committee (Nikolenyi and Friedberg 2019), or a more narrower version, in particular, amendments made by committees (Shephard and Cairney 2005; Cairney 2006; Benton and Russell 2013; Russell, Gover and Wollter 2016; Russell and Gover 2017). It is well established in the literature that the legislative products that pass through committees are considered legislative outputs, and that this is indeed a form of legislative influence (Shephard and Cairney 2005; Cairney 2006; Benton and Russell 2013; Nikolenyi and Friedberg 2019). This is particularly important in studying Canada, as almost no research has been done that seeks to “directly measure the influence [of MPs] on actual outputs” (Blidook 2010, 33).

Therefore, as noted above, studying committee amendments is not only a way to measure party cooperation, by examining which parties supported a particular amendment, it is also possible to use those same amendments in order to measure legislative influence. Of particular relevance to the discussion on legislative influence is the degree of substantiveness of amendments (Shephard and Cairney 2005; Cairney 2006; Russell and Gover 2017). Naturally, an amendment that corrects a typographical error within a bill prior to its enactment will have much less of an overall impact on the lives of citizens than an amendment that changes the actual substance or implementation of a bill.

The substance of an amendment was coded using content analysis. Content analysis can be defined as “the process of identifying, coding, and categorizing the primary patterns in the

⁴ In undertaking such an exploratory approach, this provides a rigorous test while at the same time, but it is to be acknowledged that the results here will be a conservative test of cooperation- cooperation can and does occur in other ways, and could be the subject of future work.

data” (Patton 1990, 381). This is standard content analysis procedure, where the “aim is to attain a condensed and broad description of the phenomenon, and the outcome of the analysis is concepts or categories describing the phenomenon” (Elo and Kyngäs 2008, 108). In this study, the phenomenon being analysed more broadly is party cooperation and legislative impact, measured through amendments, which are coded in categories. A three-point scale from least substantive, typographical (1), to clarificatory (2), to most substantive (3), was adopted (with some minor modifications) from previous works (Shephard and Cairney 2005; Cairney 2006; Russell and Gover 2017). As such, legislative influence is operationalized here through the degree of substantiveness of the content of each successful amendment. The higher the coding, from 1 to 3, the higher the level of influence.

It is important to note that while both questions one and two use the same amendments to measure different concept, the amendments are used differently. Cooperation is measured through the parties supporting successful amendments while committee influence concerns the substantiveness of the amendment. That said, the information from question one can be and is included in the discussion for question two and vice-versa, because the information gathered in answering each question provides enriched detail to their counterparts. In coding each amendment in multiple ways for both questions one and two, a data set of 358 government bills (across all parliamentary sessions) and a total of 6013 amendments was built. After coding was complete, quantitative data analysis was employed to directly answer the research questions. Quantitative analysis takes the form of frequency distributions, and ordinary least squares (OLS) regression models⁵. A qualitative narrative, stemming from the content analysis process, is also employed in each of the three findings chapters in order to provide substantiation to the quantitative findings.

Once the level of influence of committees on government legislation has been ascertained, when coupled with the evidence on cooperation, this then raises the third research question pertaining to what this means for Canadian democracy more broadly. Again, arguments about the limited impact of Westminster parliaments on legislation in majority settings abound in Canada (see Atkinson and Thomas 1993; Savoie 1999; Bakvis 2001; White 2005; Blidook 2010; Lewis 2013) and elsewhere (see Lijphart 2012; Cairney 2006; Russell and Gover 2017). The fact that committees result in actual cooperation across parties means that Parliament’s role in writing and passing legislation vis-à-vis the governing party is increased (Russell and Gover 2017). This presents a challenge to some of the core arguments in Canadian politics on the centralization of power, and provides a deeper understanding of Canadian democracy. In particular, numerous reforms that have been proposed to improve Canada’s democratic functioning, particularly in terms of increasing the representation through the number of voices, have largely failed. Therefore, based on the evidence of this study, committees, and committee reform, can play a role in filling this widely identified gap in Canadian politics.

Findings

Now that is clear what this study sought out to accomplish, and how and why this study was conducted in the way that it was, it is now possible to turn to a brief discussion of the findings. Pertaining to question one, in using quantitative analysis through descriptive statistics and OLS regression, a number of patterns emerged. Party cooperation occurs regularly in Canada, in both minority and majority governments (on at least 736 amendments in the time frame examined here), and under Liberal and Conservative leadership, although cooperation is more likely to

⁵ See Appendix 1 for a sample of the data set

occur under Liberal governments. Party cooperation is asymmetric across issue area, and appears more likely to occur in the areas of human rights and health than in areas of finance and public safety. Standing committees, on average, are a more likely source of cooperation than legislative committees.

Unlike their US counterparts, Canadian MPs are not driven to cooperate based on the popularity of the leader (here the Prime Minister), or the proximity to the previous and next elections. Interestingly, more cooperation seems to happen in Canada when unemployment rates are higher, again demonstrating a distinction from the US where the reverse is true.

In terms of the substantiveness of amendments, cooperation is most successful on typographical amendments, followed by clarificatory, with substantive amendments having the lowest success rates for cooperation. That said, in terms of actual total numbers of amendments passed, substantive amendments are what parties cooperate on most, followed by clarificatory, with typographical amendments being the smallest total number of amendments where parties cooperate. Therefore, parties are cooperating most often on substantive amendments in committees.

In looking at the legislative influence of committees, this study has uncovered systematic patterns. First, committees regularly amend government legislation. In particular, across all governments, committees amended 81% of all government legislation that went to standing or legislative committees for review. Committees thus influence government legislation in minority and majority contexts, and with either the Liberals or Conservatives in government. Further, all parties have used the committee process to amend government legislation in the time period examined here, including the Liberals, Conservatives, BQ, NDP and the Greens. Put differently, both opposition and governing parties use the committee stage as a place to influence government legislation.

Second, in terms of the total numbers of amendments passed by degree of substantiveness, substantive amendments are the most common type of legislative output. Out of 1559 total successful amendments, the majority, 822, were substantive. Therefore, it can be concluded that the majority of committee outputs are substantive changes to government legislation. The same is true when breaking down amendments by party type, governing or opposition. Both government and opposition parties most amend government legislation in substantive ways, followed by clarificatory ways, with typographical amendments being the least common type of legislative output from committees.

Third, other factors also play a role in legislative influence. The largest number of substantive amendments occur in the areas of human rights, public safety, and the environment. Also, substantive amendments are more likely to pass in standing committees compared to legislative committees, thus indicating that the most regularized type of committees are the highest source of influence.

In sum, dominant trends in Westminster parliamentary research have indicated that public policy is the result of a highly centralized process where policy stems from the executive. From that perspective, public policy, and the policy agenda, is the result of the actions of the executive. The extent to which committees influence government bills through substantive change demonstrates that non-cabinet members can, and do, change public policy demonstrates that policy can, and does, change regardless of the locus of power in a Westminster system.

Therefore, it is argued here that committees can be a genuine place of reform to increase voices in Parliament. First, the various voices in Parliament are understated. As Blidook (2010, 51) pointed out in his study of PMBs, there is space for MPs to influence public policy in various

stages of the legislative process, but we need “further study using a more systematic approach to understand better how and why this may be.” This current study provides that systematic approach. It indicates that cooperation is happening regularly, and on substantive issues, which has not been previously demonstrated empirically. This therefore means that there are more voices working together and influencing legislation than some previous assessments (Kornberg and Clarke 1978; Pross 1992; Savoie 1999).

By demonstrating that more voices are involved in influencing legislation than previously thought, this study has produced some recommendations for reform based on these new findings. Committee reform could provide an even further increase to the number of voices and Canadians represented in the political system. Further democratizing the committee process by removing the selection of committee members from party whips and instead base it on area of expertise could depoliticize committees even further and provide fruitful discussions based on common knowledge and expertise rather than ideology or directives from party leadership. Further, balancing committee spaces more evenly across parties instead of based on the percentage of seats in the House of Commons could further add more voices to the legislative process. Committees in the minority governments examined here do very well at passing legislation in a reasonable time frame, and therefore are an indication that having one party with a majority of committee seats is not needed to have a productive legislative process. Creating more opportunities for participation in the legislative process beyond voting in party blocs, and creating more opportunities for fruitful discussion and collegial, cross-party cooperation can have profound impacts on the Canadian democratic system. Not only can it increase the number of voices in government, but it has the potential to increase the number of minorities within government. A clear reason for some historically underrepresented groups, such as women, for not wanting to run for office or join in politics is the highly partisan, adversarial nature of politics (Praud 2013; Cross and Young 2013; Young 2013; O’Neill 2015; Collier and Raney 2018). Creating more collegiality and room for cooperation could play a role in increasing representatives from historically underrepresented groups, something which certainly could increase the democratic functioning of Canada’s political system.

Conclusion

In sum, by seeking to explain the paradox of party cooperation in House of Commons committees and the influence of said committees in Canada’s Parliamentary system, this dissertation makes novel theoretical and practical contributions to Canadian politics and politics in Westminster systems more broadly. Theoretically, the evidence gathered and subsequently interpreted here contributes to the understanding of Westminster Parliaments, challenging previous beliefs that the legislative branch, and its elected members, are passive participants in the legislative process (Mezey 1979; Atkinson and Thomas 1993; Savoie 1999; Lijphart 2012). Instead, this work joins a growing body of research that presents challenges to this idea, by finding alternative ways in which backbench or opposition members do produce legislative outputs in Westminster systems (Shephard and Cairney 2005; Cairney 2006; Blidook 2010; Russell, Gover and Wollter 2016; Russell and Gover 2017).

Focusing explicitly on the Canadian context, this provides further nuance to theories on the centralization of power and the democratic deficit. More specifically, based on the findings that parliamentary committees do impact legislation in Canada as they do elsewhere (see Mattson and Strøm 1995; Stilborn 2014; Russell and Gover 2017), it is argued that the functioning of such committees impacts policy and legislation in Canada. This has clear

implications for citizens, not only in terms of how policies and legislation impact their daily lives, but also in terms of representation and participation in the political system. That is, perspectives on the power of the executive and the role of Parliament in majority contexts are challenged through the lens of committee cooperation, and how such cooperation increases the power of Parliament vis-à-vis the governing party (Brodie 2018).

In demonstrating the variables that most likely influence party cooperation, this highlights the uniqueness of the Canadian system, and demonstrates that lessons from other contexts, such as the US and UK, do not all apply directly in the Canadian context. When taking these results of party cooperation, and combining them with the extant work in other Westminster systems (see, for instance, Russell and Gover 2017), there is a clear view that cooperation happens on amendments in committees in Westminster systems, and that this is, in fact, a formalized, institutional mechanism for cross-party legislative influence.

From a practical perspective, in examining the systematic tendencies most likely to impact cooperation, findings here can serve as a guide, particularly for opposition party members but government members as well, on ways in which cooperation can exist despite partisan rhetoric dividing parties. By demonstrating the factors that are most likely to foster/hinder cooperation, elected officials seeking to cooperate can use the results of this study not only to determine which institutional factors to focus on, but also which members/parties are more likely to cooperate in a particular environment. In other words, this study can serve as a guide to elected officials on when to push for cooperation if they so desire, and when they are most likely to be successful in this regard. For instance, cooperation occurs more often on bills sent to committee before second reading, so this could be encouraged to occur more often in order to increase the likelihood of cooperation on amendments.

Further, a deeper understanding of the role of committees is an essential component of Canadian democracy, and thus leads to a more comprehensive understanding of modern Canadian democratic functioning. Most importantly, the recommendations provided here based on the findings of this study provide new avenues for political reform in Canada. Where previous reforms to increase representation in the Canadian political system have failed due to reasons associated with difficulties in securing constitutional amendments or lack of political will, committee reform is a politically feasible source of reform that can provide a measurable increase in the number of voices within Canada's democracy, and have demonstrable impacts on legislation.

In carrying out this investigation, this dissertation will proceed as follows: Chapter 2 is a detailed examination of committees in Canada, providing a clear justification for why committees are important and relevant to study despite being largely overlooked in the literature. This chapter details how committees function in Canada, how committees are structured, and how they are discussed in academic literature. This chapter also situates the Canadian committee system alongside similar systems, particularly that of the UK, and draws lessons from academic studies on these systems for lessons to look for in the Canadian context. Chapter 3 focuses on the topic of cooperation and highlights what factors are most likely, according to the literature, affect cooperation. Furthermore, this chapter highlights how a discussion on cooperation, particularly cooperation in committees, ties into the broader Canadian political system. Chapter 4 discusses the methods employed in this study in extensive detail, including the coding scheme for the degree of substantiveness for amendments. Chapters 5, 6 and 7 are the crux of this dissertation—the findings. Each chapter is devoted to a single research question, and presents both quantitative and qualitative findings to answer that question. Additionally, as Chapter 7 is the final chapter of

this project, it also includes a brief summary of the project, future avenues of research, and limitations of the project.

CHAPTER TWO: PARLIAMENTARY COMMITTEES

Introduction

As noted in the introduction, committees have been highlighted in other contexts to be both a place of party cooperation and of legislative influence. Indeed, the role of committees has been noted as one of the most formalized, systematic sources/forms of cooperation in Westminster systems (Russell and Gover 2017). In particular, amendments in committees have been identified as a valid source of measurement of party cooperation and of legislative influence.

In order to truly understand how party cooperation functions within committees, committees themselves must be discussed in detail. In understanding how committees function, it is then possible to truly understand not only how cooperation in committees manifests, but how this cooperation then affects the broader political system in terms of legislative influence. In examining committee structures, a series of independent variables will be identified, including the party of the Chair, the type of committee, and committee size that must be tested alongside the party cooperation variables identified in the next chapter, in order truly have a complete understanding of the systematic tendencies of party cooperation in Canada. Again, committees are a significantly understudied subject in the parliamentary process in Canada (Stilborn 2014), and therefore this subject is not one that is simply intuitive or well known—it requires an in-depth discussion.

In that regard, this chapter will begin with a discussion on where committees fit into the legislative process, then move on to the history of parliamentary committees, followed by the current structure of parliamentary committees in Canada. The chapter will then turn to the core outcomes and functions of parliamentary committees around the world. As the literature on Canadian committees is quite scarce, it is necessary to build an understanding of the potential for committee functions, particularly in regard to cooperation across parties and the influence of committees by looking at literature on parliamentary committees outside of Canada. In examining this literature, independent variables that may impact party cooperation will be explicitly identified. Finally, this chapter will conclude with a discussion on potential reforms to committees which are essential for the work in Chapter 7. In order to put forth new committee reforms based on the results of this study, it is first necessary to examine what reforms have already occurred and what has been proposed in order to best inform and differentiate new reforms.

Committees in the Legislative Process

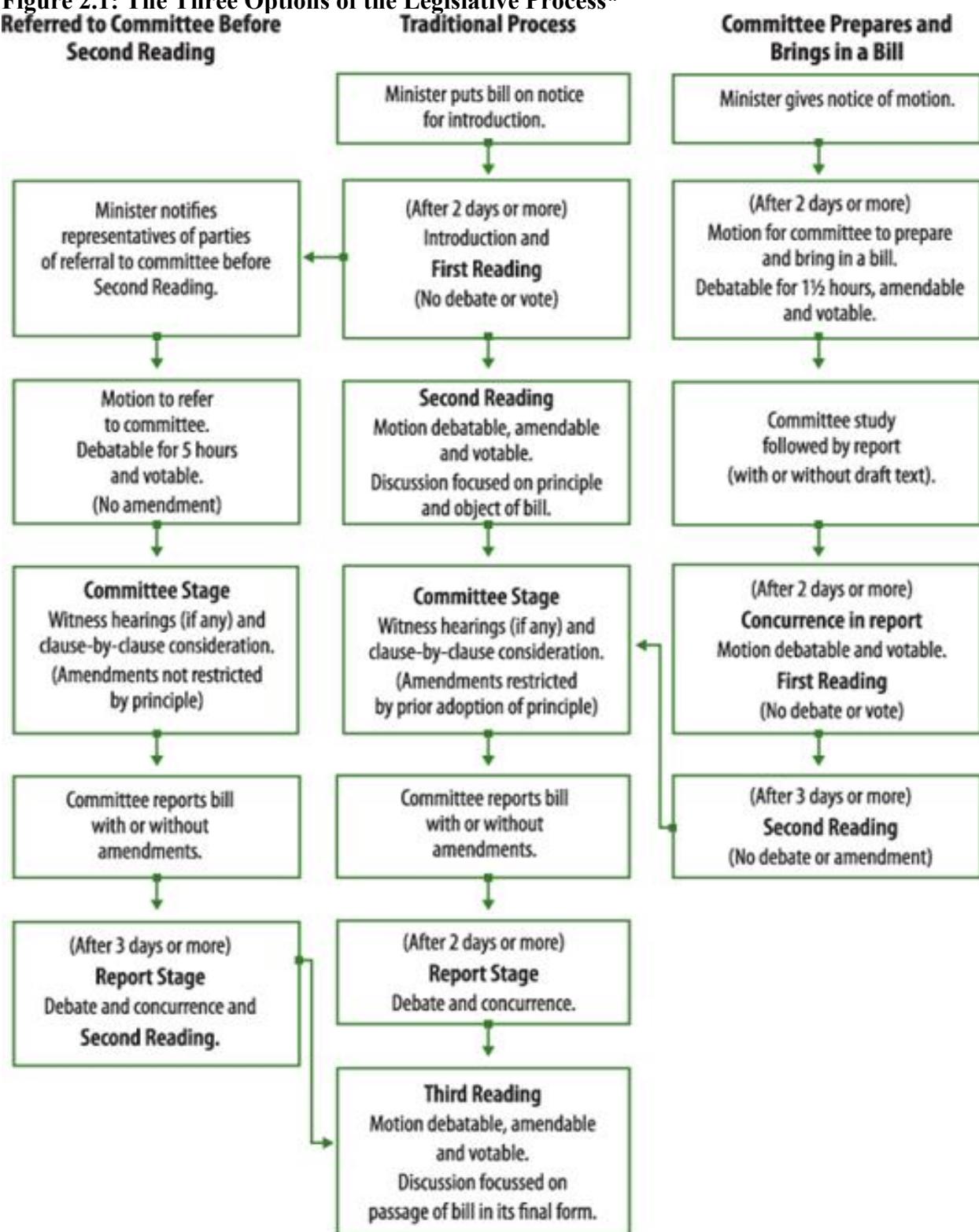
As noted previously, there are multiple places in the legislative process for parties to cooperate or publicly state agreement with one another, such as the case with the youth suicide crisis in Attawapiskat or in the case of PMBs. However, also as previously noted, these forms of cooperation are more informal or ad hoc, and the literature suggests that a more systematic, formalized source of cooperation is actually found within committees. In order to understand why committees are a more formal source of cooperation, it is necessary to understand the role of committees within the legislative process, the committee structure, and how committees function. In so doing, it is then possible to situate the role of committees vis-à-vis the executive branch. More specifically, it is essential to look at how committees can be viewed as a check or limitation on the power of the executive in order to address how committee cooperation ties into discussions of the centralization thesis or the democratic deficit.

The legislative process in Canada has its roots in the British parliamentary tradition, where there are three readings in the House of Commons on a bill. While there have been some changes over time, such as bills no longer being read aloud in their entirety (sometimes multiple times) due to advancements in technology, the process of having at least three readings has a long history. The place of committees can vary slightly in the readings, as there are technically three different avenues for a bill to be introduced. In addition, it is also possible for a bill to be introduced for the first time in the Senate, but as this project is solely focused on House committees and House bills (justified below and in the methods chapter), the Senate process will not be further discussed. Given these three potential avenues through which bills arrive at committees, discussion here will begin with the most common thoroughfare.

Figure 2.1 below, from the *House of Commons Procedure and Practice* (Bosc and Gagnon 2017), provides a visual outline for the processes through which a bill can pass. The most common process, or traditional process as labelled below, occurs when an MP, typically a Minister from the government party, puts the bill on notice, meaning it will be introduced after two days. The bill is then introduced for the First Reading without debate. It then moves on to Second Reading where it can be discussed and put to a subsequent vote. If the bill passes the vote it is deemed to have passed the Second Reading and then moves on to the committee stage, which means it will be examined in its entirety, usually by a standing committee, although a legislative committee is possible (detailed below). It is on this stage where this project places its emphasis—committee members can, and do, suggest amendments to the bill at this stage. Once the committee has discussed every clause and voted on amendments to said clauses, it will be reported with or without amendments. It then moves to the Report Stage where committee changes can be discussed. The bill then moves to the Third Reading, where it will again be debated and voted upon. A bill that receives a majority of votes in favour will then move to the Senate for a similar three stage process, and upon passing will receive Royal Assent from the Governor General.

The other two options for bills to pass through the legislative process are much less common but are both still worth noting as the role of committees is slightly changed. Further, it is possible that these changes could lead to different impacts on cooperation, and therefore are a factor to investigate. In the first column in Figure 2.1, the first steps remain the same with the Minister putting the bill on notice and then first reading. Where this then differs is if the Minister makes a motion to refer the bill to committee before the Second Reading, which is open for debate. If it is voted to move directly to the committee, the committee stage is then the same as in the traditional format with the committee hearing witnesses as needed and engaging in a clause-by-clause investigation of the bill. What is different here is that the restrictions and rules around amendments that the committee can make are looser. That is, committee members are less hamstrung by rules surrounding substance because the bill has not yet been agreed to in principle by the House. Alternatively, if the committee is examining the bill after second reading, its principle has been agreed to and therefore the scope of amendments is much smaller. Therefore, for the purposes of this study, it is possible that there will be an impact on the substantiveness of amendments based on which process occurs, and therefore will be investigated as an impacting factor. Under this second process, upon final examination of the bill in its entirety, it is reported with or without amendments. The next stage is viewed as the Report Stage as well as Second Reading, and, upon passing, then again follows the traditional process through Third Reading and on to the Senate (Bosc and Gagnon 2017).

Figure 2.1: The Three Options of the Legislative Process*
Referred to Committee Before Second Reading



*(Bosc and Gagnon 2017, 742 Figure 16.1)

The third process again starts with a Minister giving notice of a motion, but instead of having a completed bill to go to First Reading, a vote occurs on whether or not a committee

should prepare a bill. If this passes, it then goes to committee to study and draft the text of the bill. This newly drafted bill then comes from the committee to the House which votes on the committee report. If it is accepted in a vote, it automatically is deemed as passed through first reading and then moves on to second reading without debate. It then follows the same process as the traditional process, to the committee for clause-by-clause consideration and witness hearings, committee submits their report, then Report Stage, Third Reading, and on to the Senate (Bosc and Gagnon 2017). For the methodological purposes of this study (detailed Chapter 4), this third option will not be investigated in terms of committee creation of a bill, but it is worth noting that this is an additional power of committees.

While the latter two are very uncommon processes, what is important to note is that in all three legislative processes, committees work on a bill at least once, and all members of a committee are eligible to put forth amendments. Furthermore, in all three forms it is up to the sponsor of the bill to suggest which committee the bill should go to (Bosc and Gagnon 2017). Which committee a bill is examined by could impact cooperation (for instance, are some committees more cooperative or combative than others?). Therefore, this study will include committee source as a variable to be investigated for its potential impact on cooperation on amendments. Now that it is clear where committees fit into the legislative process in Canada and why they are a natural laboratory for research on cooperation, both theoretically and practically in the Canadian context, it is time to turn to committees themselves to discuss their types, structure, and powers.

History of Committees in Canada

In discussing committee types, structures and powers, it is also essential to look at how committees have evolved along these lines. This is because the characteristics of committees can impact the occurrence of cooperation, and how this cooperation affects the broader political system. Furthermore, as will be discussed in the final chapter, committee reform is a potential source for improving the democratic functioning of Canada. In understanding how committees have evolved, it is thus possible to better understand and visualize how they could further shift in the future.

Committees, at their most basic principle, are smaller groups of parliamentary members that are at the same time created and empowered by the House of Commons to carry out certain tasks (Bosc and Gagnon 2017). As will be discussed in more detail below, committees can be either permanent or ad hoc, meaning some committees continue on after a parliamentary session or an election (permanent), while others are more temporary and only exist for a short time (ad hoc) (Bosc and Gagnon 2017; Chong 2017). Committees today comprise a significant percentage of working hours of MPs (Bosc and Gagnon 2017; Chong 2017).

The current committee system in Canada, discussed below in terms of type and scope, is the product of decades of parliamentary reform. Technically, it is actually centuries of reform, given that British parliamentary committees (a system from which Canada drew inspiration), date back to the 16th century (Bosc and Gagnon 2017; Chong 2017). Focusing specifically on the Canadian context, committees existed prior to Confederation in 1867 in both Upper and Lower Canada. After 1867, this trend continued with committees established by standing orders in the first few days of a parliamentary session (Bosc and Gagnon 2017). Interestingly, these committees were generally quite large, sometimes including over one hundred members. Naturally, this made individual participation difficult, and also made reaching quorum problematic (Bosc and Gagnon 2017; Chong 2017). Therefore, it is quite possible that committee

size can impact cooperation, possibly showing that the bigger the committee, the lower the chance or likelihood of cooperation. Committee size will therefore be examined as a variable in this investigation.

While there was some variation in committees post-1867, there was very little formal reform during Canada's first one hundred years (Bosc and Gagnon 2017). The first notable set of reforms came in the mid-1960s, driven by a desire to improve Parliament's credibility and effectiveness. These reforms, occurring primarily in 1968, created standing committees, and gave them the power to examine bills and estimates (Stewart 1977; Franks 1987; Stilborn 2014). These reforms, under Pierre Trudeau, notably increased the functions of committees by shrinking their size for more intensive deliberation and by requiring that most legislation be referred to committees after second reading (a process that still exists today, as noted in the legislative process above). While the number of committee members was not always uniform across committees at this time, the largest committee was fifteen members—an obviously smaller amount from preceding times (Bosc and Gagnon 2017; Chong 2017).

These new roles required regular meetings by committees and reports at the end of their mandate, thus increasing the usage and function of committees, which had previously gone through patterns of idleness (Franks 1987). While the intention of this committee reform was to make committees less partisan and develop more expertise, there was still a conscious effort to maintain governing party control in committees when desired. Thus, while some investigations may have been less or non-partisan, committees did not develop into independent bodies at this time, primarily due to the control of committees by the governing party through the Chair positions; limited attendance of some opposition party committee members; unstable committee membership through frequent substitutions of members; a lack of coordination of witnesses or question processes, leading to disjointed, chaotic meetings; and a limited number of support staff, which was argued to result in more rudimentary studies rather than meaningful, in-depth investigations (Franks 1987).

These problems, along with some experimentation with different subcommittee and joint House-Senate committee structures indicated that such problems could be reduced through further reform. This led to the creation of a special committee to investigate future parliamentary committee reform (Franks 1987). This special committee, or the McGrath Committee as it came to be known, recommended that committees receive a broader scope as to what they could investigate; that a more practical committee structure be created so as to better reflect governmental organization, and finally to create a Liaison Committee (which will be discussed in further detail below), among others (Bosc and Gagnon 2017). Of the McGrath Committee's recommendations, a majority were implemented (Bosc and Gagnon 2017).

Implemented reforms following the McGrath Committee report further empowered committees by giving them the ability to initiate studies without waiting for House references; reduced the size of committees to facilitate expert knowledge and cooperation; and placed a requirement on the government to respond to committee reports (Franks 1987; Stilborn 2014). Shortly after, in 1985, further reforms created legislative committees (which are ad hoc, not permanent committees), further reduced the number of members in a committee, and granted supplementary powers to committees, increasing their abilities to request and receive information from departments (Franks 1987; Stilborn 2014).

Since the 1980s, while reforms have not been as broad in scope as those of the 1960s and 1980s, some minor reforms have occurred. For instance, in 1991, broadcasting of committee proceedings began (with some exceptions). It has been argued by some that the televising of

committees was a detractor for cooperation (Loat and MacMillan 2014) which may be the case, but as noted previously and as will be demonstrated in Chapter 5, this has not prevented cooperation. Further, based on the methodological selections of this study, this study will not investigate committees prior to 2004, although it could be worthwhile in future works to examine cooperation pre- and post- 1991 to see if it actually was hampered by the televising of committee proceedings in a future study.

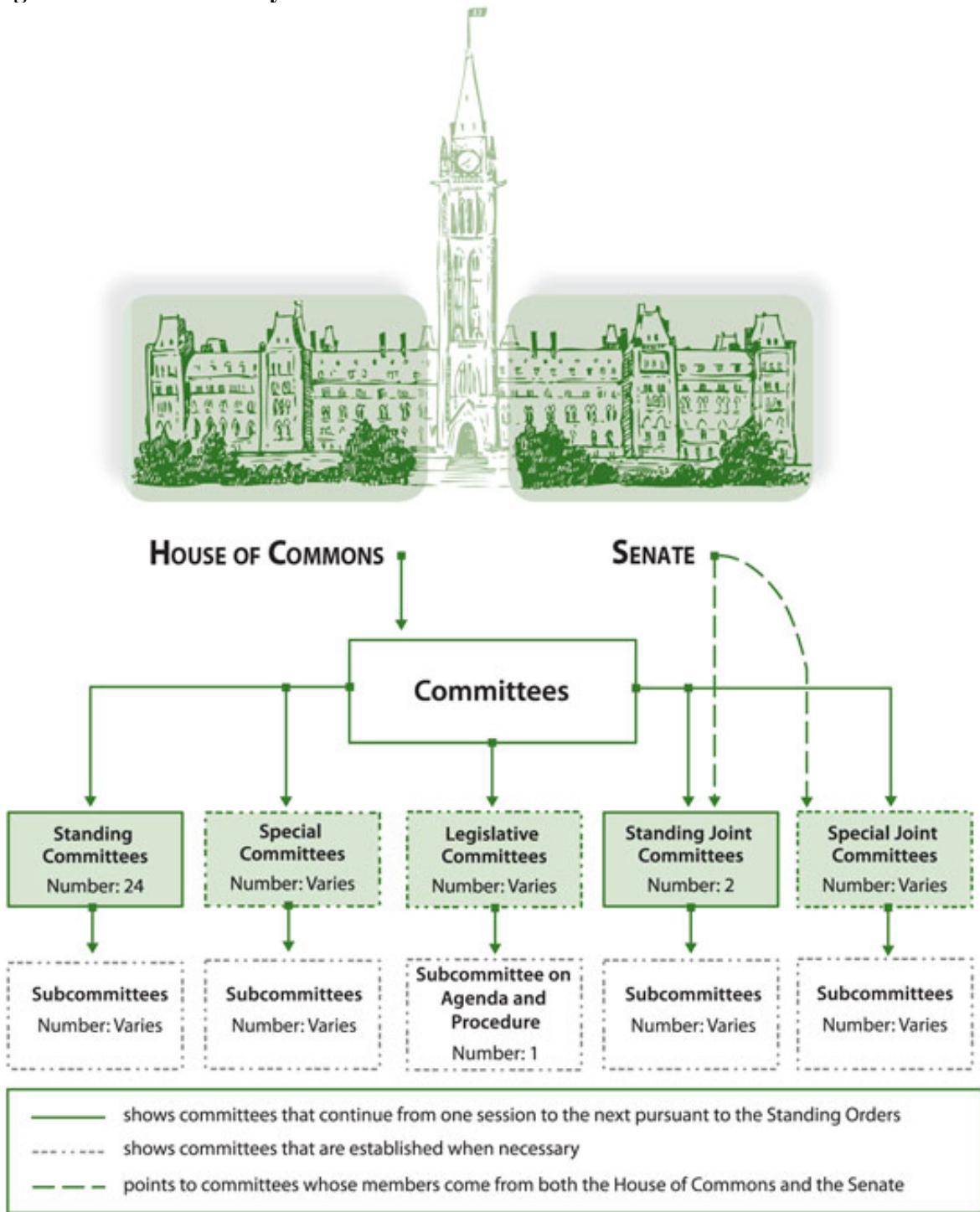
Further, in 1994, the Standing Orders were amended to include the aforementioned procedure for allowing committees to examine a bill before second reading, as well as the power to draft a bill if so instructed (Bosc and Gagnon 2017). In 2002 there were also some changes made to the election of Chairs and Vice-Chairs, to the current practice as discussed below. In 2015, committee members were allowed for the first time to attach to committee reports dissenting or supplementary opinions. Also, over time the number of standing committees has shifted. For example, in 2002, the Standing Committee on Government Operations and Estimates was created, while the Standing Joint Committee on Official Languages was abolished in favour of a House Standing Committee on Official Languages (Bosc and Gagnon 2017).

Committee Type and Structure

Today, at the federal level, there exist five different core types of parliamentary committees, as well as various subcommittees, which are noted in Figure 2.2 below (Bosc and Gagnon 2017). Each type varies in regards to length of service, terms of reference from the House of Commons, as well as membership (Bosc and Gagnon 2017). Given the differing structures and powers within these committees, of those that will be investigated, it is important to understand the differences, so that in testing cooperation in committees, if there exist variations in committee type, it should be possible to understand or explain the differences based on committee structure and powers.

First, there are the *standing committees*, which are permanent fixtures that remain in existence for the entire parliamentary session and will resume the following session, albeit most likely with some or all new members. Standing committees are entrenched in the Standing Orders, and are expected to play “a crucial role in the scrutiny of legislation and the oversight of government activities” (Bosc and Gagnon 2017, 963). In fact, the majority of all committee work in the House of Commons is carried out by standing committees. In terms of their scope, standing committees cover pretty much every area of governmental activity. Standing committees are largely categorized into three groups: those that deal with House of Commons procedures (such as the Standing Committee on Procedure and House Affairs); those linked to one or more departments; and finally, those that deal with broad issues that span across government activity, such as the Standing Committee on Indigenous and Northern Affairs (Bosc and Gagnon 2017).

Figure 2.2: Committee System of the House of Commons*



*(from Bosc and Gagnon 2017, 964)

As noted previously, issue area has been identified in the literature as a factor that can foster or hinder cooperation. As each committee is essentially responsible for a general issue area, it is important to note what they are and to distinguish between them in the examination of

cooperation to test whether or not cooperation in Canada is more likely in certain issue areas than others. At the time of writing, there exist twenty-four House Standing Committees. These are:

- Access to Information, Privacy and Ethics
- Agriculture and Agri-Food
- Canadian Heritage
- Citizenship and Immigration
- Environment and Sustainable Development
- Finance
- Fisheries and Oceans
- Foreign Affairs and International Development
- Government Operations and Estimates
- Health
- Human Resources, Skills and Social Development and the Status of Persons with Disabilities
- Indigenous and Northern Affairs
- Industry, Science and Technology
- International Trade
- Justice and Human Rights
- National Defence
- Natural Resources
- Official Languages
- Procedure and House Affairs
- Public Accounts
- Public Safety and National Security
- Status of Women
- Transport, Infrastructure and Communities
- Veterans Affairs

The general mandate of these committees is to review and report on issues assigned to them, such as objectives of programs or policies in departments under a committee's purview; spending plans of departments; comprehensive analyses of overall departmental performance; as well as to examine specific bills, estimates, motions, potential appointments, or other studies assigned to them by the House (Bosc and Gagnon 2017). Beyond issues assigned directly to them by the House, standing committees have the power to "define the nature and scope of studies it will undertake," provided that these fall within their purview (Bosc and Gagnon 2017, 979). Certain standing committees have specific mandates set out in the Standing Orders. For instance, the Standing Committee on Citizenship and Immigration regularly examines the Government of Canada's performance and commitment to the multiculturalism policy, while the Standing Committee on Procedure and House Affairs regularly examines topics directly related to the House functioning, such as the *Conflict of Interest Code for Members of the House of Commons*, and manages the usage of Committee rooms, among many other tasks (Bosc and Gagnon 2017).

Presently, most standing committees are comprised of ten members⁶ (with occasional variation), representing parties according to the distribution of parliamentary seats. However, not all parties participate in committees on the caveat that committee representation is traditionally made up of the parliamentary distribution of seats of *recognized* parties, a number which is currently set at twelve members. Thus, only parties with at least twelve members are eligible for standing committee membership (Bosc and Gagnon 2017). Furthermore, if the House so chooses, it can change the composition of committees with relative ease—for instance, in 2013, based on a recommendation from the Standing Committee on Procedure and House Affairs, the House voted to change the number of standing committee members from twelve to ten (Bosc and Gagnon 2017). Similarly, in December 2019 (after the 2019 election which reduced the Liberal governing power from a majority to a minority), the Standing Committee on Procedure and House Affairs approved a change from 10 members back to 12 members (O’Malley 2020). Due to the fluctuations in size, in order to determine whether or not committee size impacts cooperation, this will be tested for in Chapter 5. Regardless of size of the committee, in terms of seat proportionality, in effect, in a majority setting, the governing party usually maintains a majority in standing committees, again adding to the puzzle of why committee members across parties cooperate.

Upon determination of how many members each party will have in a committee, it is typically decided upon by each party leader and/or party whip who will be representing them on each committee (Loat and MacMillan 2014; Bosc and Gagnon 2017; Chong 2017). Further, in regards to the official membership of standing committees, there are different forms. First, members, who have the power to vote, submit amendments and motions, and be considered for quorum of the ten members, must be from the House of Commons and cannot be the Prime Minister or a Cabinet Minister (Bosc and Gagnon 2017). Second, although not a written rule, tradition dictates that other members with known parliamentary functions such as the Speaker of the House or leaders of recognized parties do not occupy committee positions either. Committees also have associate members who are not normally counted for quorum or allowed to vote or move motions, but may do so if stepping in for a member who is not present at a meeting. Further, as will be discussed in more detail below, in the event of the creation of a subcommittee, associate members may be appointed to said subcommittee, and in that case, maintain all of the roles of a member on the subcommittee (Bosc and Gagnon 2017).

Committees are led by a Chair and a Vice-Chair, both of whom are chosen by the committee itself. Chairs must be a regular committee member. The Chair comes usually from the governing party and the Vice-Chair from the Official Opposition. That said, some committees, the Standing Committee on Access to Information, Privacy and Ethics; the Standing Committee on Government Operations and Estimates; the Standing Committee on the Status of Women; and the Standing Committee on Public Accounts choose the Chair from the Official Opposition and the Vice-Chair from the government, with a second Vice-Chair from a second Opposition party. The role of Chair is an important one, as Chairs enforce rules, procedures, and decorum; decide on agendas for meetings; and are the committee liaison to Parliament, the media and the general public, among others. In the Chair’s absence, the Vice-Chair plays this role (Bosc and Gagnon 2017; Chong 2017). Chairs typically do not vote unless the committee needs to break a tied vote, or if the committee is reviewing a Private Member’s Bill. As noted above, the Chair is selected by the committee, but convention dictates that party whip of the governing party (or Official

⁶ This was the case for the final two Parliaments examined here. As time has passed since the writing of this chapter, this has increased to 12 seats after 2019.

Opposition in the case of committees chaired by an opposition member) controls the nomination for the Chair (Chong 2017). The centralization of this power essentially means that it is possible for the PMO to greatly influence standing committees by handpicking members and chairs (Chong 2017). Thus, given the potential power of Chairs in enforcing party discipline or carrying out orders from the executive, it is important to examine whether or not having a Chair from the governing party hinders cooperation on passing amendments, particularly for opposition members. Therefore, the party the Chair hails from will be tested as well in Chapter 5.

The second type of committee is *legislative committees*, which are created ad hoc to examine a specific bill, or sometimes can be created before the introduction of a bill to the House, with the goal of preparing a bill to later put forward in the House. Unlike standing committees, legislative committees must only examine the issue they have been assigned. In examining a bill, they may suggest amendments but cannot submit comments or a report on the bill, unlike standing committees which can do both. That said, in the case where a legislative committee is tasked with preparing a bill, the committee can make recommendations on a variety of issues like the scope and principle of the bill. Due to their ad hoc nature, legislative committees are disbanded once they have made a report to the House of Commons (Bosc and Gagnon 2017). Legislative committees also differ from the standing committees in regards to membership. Membership in legislative committees is capped at fifteen members (not including the Chair), although it is not uncommon to have committees of less than fifteen. These members are selected by the Standing Committee on Procedure and House Affairs. Further, the Chair of a legislative committee is not elected by the members (as done in standing, standing joint, special, and special joint committees), but instead is chosen by the Speaker of the House from a pre-existing list created at the start of the parliamentary session, referred to as the Panel of Chairs (Bosc and Gagnon 2017). A recent example of a legislative committee, under the Conservative majority government of Stephen Harper, was Legislative Committee on Bill C-11, also known as *An Act to Amend Copyright Act*, which presented their report to the House of Commons on March 15, 2012. As noted previously, given the differences in structure between standing and legislative committees, it is important to see if committee type impacts cooperation, and thus will be tested for in Chapter 5.

Special committees are the third type, similar to legislative committees in that they are created ad hoc, tasked with a specific issue, and terminate once they have delivered their report to the House of Commons. Where special committees differ from their legislative counterparts is that they are given a wider array of tasks than studying a bill, such as completing inquiries or detailed studies on particular issues. When the House creates a special committee, it dictates what the mandate and powers of the committee are, and thus these committees can vary greatly in their scope (Bosc and Gagnon 2017). Membership on special committees is held to a maximum of fifteen members, although there is no requirement that there must be exactly fifteen members, and some recent special committees have had less than this amount. An interesting aspect of special committees is that members can be appointed by the House in the creation of the committee, thus allowing more flexibility in terms of the number of representatives from each party (Bosc and Gagnon 2017). Indeed, an example of a recent special committee is the Special Committee on Electoral Reform, created after the 2015 election of the federal Liberals under Justin Trudeau (Chong 2017). Upon pressure from opposition parties, the special committee was created with membership according to the popular vote, rather than seats in the House (which would have given the Liberals a majority on the committee). The resulting

composition was five Liberals, three Conservatives, two New Democrats, one Bloc Québécois and one Green (Wherry and Tasker 2016).

The remaining two types are joint committees, meaning that they include members from both the House of Commons and the Senate. *Standing Joint Committees* are permanent committees, which pause at the end of a parliamentary session and then resume at the start of a new session. There are currently two committees of this type: the Standing Joint Committee on the Library of Parliament and the Standing Joint Committee for the Scrutiny of Regulations, although there have been others in the past, such as the Standing Joint Committee on Printing which was removed from parliamentary existence in 1986 (Bosc and Gagnon 2017). Membership in the standing joint committees varies from session to session, and is primarily contingent on the number that each House wishes to appoint to the committees, albeit with the requirement that membership is roughly equivalent to the balance between the Houses—meaning approximately one third of members come from the Senate, with the remaining two thirds from the House of Commons (Bosc and Gagnon 2017).

The fifth and final type of committee are *special joint committees*, which, like their House counterparts, are set up in an ad hoc manner and disbanded after reporting to both the House and the Senate. These committees are typically used in a similar fashion to special committees, for the purpose of studying complex issues like the most recent one, the Special Joint Committee on Physician-Assisted Dying, which was set up to investigate the issue prior to a bill being tabled in the House (Chong 2017). Other topics include foreign policy, child custody, and Senate reform, among others (Bosc and Gagnon 2017). Unlike special committees, however, special joint committees are sometimes tasked with preparing a bill or can be referred a bill after second reading (Bosc and Gagnon 2017). Membership in special joint committees is flexible and not limited to fifteen members, although traditionally membership will continue along the proportion of seats in both Houses⁷.

Within all of the aforementioned committee types it is possible to create subcommittees for a temporary period of time to undertake a particular task. There is no requirement that a committee strike a subcommittee in a given session, but it remains an option—particularly if a committee feels it is overburdened with a number of activities and would like to download some specific tasks to a subcommittee. Composition, membership, mandate, and powers of subcommittees remains up to the committee creating it, and thus there is wide variation. Subcommittees report to the main committee, and the main committee has the choice of whether to accept, reject, or amend recommendations made by the subcommittee (Bosc and Gagnon 2017). Typically, either through official limitations through the Standing Orders or through convention depending on which committee is in question, subcommittees do not examine bills in a clause-by-clause manner to possibly apply amendments, and therefore will not feature prominently in this discussion.

Technically, there also exist two other types of committees. On occasion, it is also possible that a Committee of the Whole is created, whereby all members of the House meet and deliberate on certain issues. In this situation, technically a new committee is struck with each new issue to debate, and is disbanded once it has completed its task (Bosc and Gagnon 2017; Chong 2017). Thus, it is actually an ad hoc committee although the regular occurrence of Committees of the Whole in a single parliamentary sitting can make it seem like a standing committee. Committees of the Whole are typically led by the Deputy Speaker of the House as

⁷ Although with the current changes in the Senate, particularly the recent creation of the new Canada Senators Group, in addition to independent senators as well as party affiliated Senators, this may change (Connolly 2019).

the Chair of the Committee (Bosc and Gagnon 2017; Chong 2017). The scope of Committees of the Whole is quite broad and can include take-note debates, consideration of main estimates, as well as for resolutions and motions, and the examination of legislation. Although their role in the House of Commons has evolved over time, today Committees of the Whole are used more for special debates and not really for the close examination of legislation (although this sometimes does happen, particularly if there exists unanimous consent to expedite a bill), and Committees of the Whole do not undertake studies like some of the aforementioned committees (Bosc and Gagnon 2017; Chong 2017).

There is also a Liaison Committee which focuses on allocating funds to committees. The Liaison Committee has a mandate in each parliamentary session, so it is similar to standing committees in that regard, but it is treated differently. This committee is comprised of all of the chairs of standing and standing joint committees. Its core purpose is to review budgets (including requests) and to allocate funds to the standing and standing joint committees to carry out their duties (Bosc and Gagnon 2017; Chong 2017). In addition to budget allocations, the Liaison Committee is also granted the right under the Standing Orders to produce reports for the House, or to strike subcommittees if it so chooses (Bosc and Gagnon 2017). Unlike other committees, the default of the Liaison Committee is to meet *in camera*, meaning the discussions are not made publicly available.

For all committees, whether permanent or ad hoc, their existence is based upon the House of Commons. In other words, committees are “creations of the House of Commons and have no independent existence” (Bosc and Gagnon 2017, 975). This means that when the House is prorogued, committees too cannot sit nor report to the House and must cease meetings and studies during this time. When Parliament is dissolved pending a general election, all committee business is terminated and all committees cease to exist (Bosc and Gagnon 2017). That said, under certain circumstances, in a new parliamentary session, it is often possible for committees to resume work on a study, or to accept past testimony into evidence from a previous session, provided it has a mandate from the House of Commons to do so (Bosc and Gagnon 2017).

The focus of this dissertation will only be on House committees, and in particular, the standing committees and legislative committees. Of particular focus are standing committees, as they are the committees where the most work is done (Bosc and Gagnon 2017; Chong 2017), and are argued, “[o]f all the committees, the most important are the standing committees” (Chong 2017, 85). For the purposes of this study, standing committees are where the chances of finding systematic tendencies structuring cooperation are most likely to be found. Beyond this stated importance of standing committees, there are multiple other reasons for the focus on standing and legislative committees. First, the focus of this project is on amendments from the committee, which typically come from standing and legislative committees as part of the traditional parliamentary legislative process. As a result, this essentially excludes the Liaison Committee. The Liaison Committee is further excluded due to the majority of its meetings being *in camera*, and therefore not made public. Furthermore, Committees of the Whole are not the same structure—they are typically the entire House and often vote in a single day, the same day the bill is introduced. There is almost no room for meaningful discussion, therefore these are eliminated from this work’s focus. Indeed, according to political scientist and Canadian parliament expert William Foster Dawson (in referring to Committees of the Whole), “it is hopeless to expect a committee of such size to accomplish any useful work” (as quoted in Bosc and Gagnon, 2017, 919).

Special committees are also eliminated here due to their difference in structure and mandate. As noted above, special committees often are tasked with studying an issue, not necessarily dealing with legislation, therefore they do not make amendments if legislation is not being examined. Furthermore, the composition of special committees varies, as noted above in the recent example of the special committee on electoral reform.

Finally, this study will not look at Senate committees or joint committees between the House and the Senate, because the party dynamics are entirely different. Given aforementioned uniqueness of the current Canadian Senate, its function, and the possible move towards fully independent Senators, committees involving Senators cannot be considered. In order to have a more systematic approach and understanding of party cooperation it is necessary that the committees are as systematic, structured, and comparable as possible. Further, the examination of standing and legislative committees not only provides a comparable, manageable list of cases, it also provides a sufficient sample size of cases for this exploratory study.

Amendments and the Amendment Process

Before moving beyond how parliamentary committees are structured to how they have behaved in practice, it is first essential to include a deeper discussion on the role of amendments and their connections with committees, as this is core piece of this study. According to a ruling by former Speaker of House John Allen Fraser, “[w]hen a bill is referred to a standing or legislative committee of the House, that committee is only empowered to adopt, amend, or negative the clauses found in that piece of legislation and to report the bill to the House with or without amendments” (as quoted in Bosc and Gagnon 2017, 1003). The way that this breaks down in practice is that committees traditionally start examining a bill clause-by-clause, meaning that they look at each part of a bill, sometimes as detailed as a word-by-word consideration, traditionally after second reading. The bill is typically examined in order, from Clause 1, although sometimes Clause 1 is stayed if it includes a short title of the bill, and thus examination begins with Clause 2, coming back to Clause 1 at the end. Sometimes, if the committee agrees, a number of clauses can be considered and passed or rejected simultaneously (Bosc and Gagnon 2017).

More explicitly, an amendment “attempts to modify the text of the clause under consideration so that it will be more acceptable, or to propose an alternate text to the committee” (Bosc and Gagnon 2017, 767). Such amendments may only be moved by members (typically not the Chair, unless it is a Private Member’s Bill), and must be specific to the clause being discussed. In terms of what amendments can do, typically there are three types: removal of a word or words; removing words and adding others; or the addition of words or even entire clauses (Bosc and Gagnon 2017). Amendments must follow a number of rules in order to be deemed admissible, and those that do not meet the necessary criteria will be deemed inadmissible and thus not applicable.

The first rule that amendments to legislation must meet is that they must fit with the principle and scope of the bill, if it is being proposed after second reading. A second rule is that the amendment must only pertain to the bill at hand; that is, an amendment cannot be proposed on a parent Act that the current bill seeks to change, unless the clause is directly in the current bill. Again, this is specific to bills that are in committee after second reading, which occurs the vast majority of the time (Bosc and Gagnon 2017). Another rule is the amendments proposed must be consistent with the committee proceedings to that point. For instance, if one amendment is contingent on another, and one is negated (voted down), then the second amendment would

thus be considered out of order and therefore inadmissible. A fourth rule limiting the scope of amendments pertains to public spending. That is, amendments cannot include the spending of money, as amendments cannot “infringe upon the financial initiative of the Crown” (Bosc and Gagnon 2017, 772).

Other limitations on amendments vary. For instance, an amendment cannot be put forward to negative or veto a clause in the bill being examined, but rather the clause would simply be voted on, and if a majority of members do not vote in favour then it is negated through this process. This is based on the principle that you should not do something indirectly that you can do directly. Similarly, it is traditionally accepted that amendments do not address the headings, titles of bills, or the preamble unless other amendments have changed the conditions of the headings and/or title, thus necessitating a change (Bosc and Gagnon 2017). These limitations are important to understand, as they are directly related to the coding process of amendments. While this will be discussed in further detail in the methods chapter, amendments deemed out of order/inadmissible are done so for one (or sometimes more than one) of the aforementioned reasons.

It is also possible for a committee to recommend that all the clauses of a bill be removed, thus effectively stating that the committee does not recommend that the bill go through. Another alternative to this is to report to the House that a bill be withdrawn. However, the final say remains in the power of the House, and thus only the House can formally withdraw a bill or refuse to pass it in a majority vote (Bosc and Gagnon 2017). This is useful to note in terms of the overall power of committees, but also expedient to note that no cases of this (committees voting down entire bills) occurred within the bills studied here.

Typically, a committee member will introduce an amendment when the clause they are seeking to amend is first called, and will speak on behalf of the amendment. If there are a number of similar clauses affected by an amendment, the amendment is usually introduced at the first clause to be amended (but only if permitted by the Chair). There are no official limitations on when an amendment may be introduced, although each committee can adopt some rules such as having amendments submitted prior to the meeting so that the committee clerk may be able assemble them all into an easy-to-follow package (Bosc and Gagnon 2017). This occurs commonly, as it provides time to have the amendments translated and provided in both official languages. After a clause has been considered with or without amendment, prior to the committee reporting it to the House, the clause may be revisited and possibly amended or amendments be subamended, provided that it is the will of the entire committee. These rules are important, as they do impact the number of total amendments that can be put forward. Over the course of this investigation, many committee members sought to bring amendments to a bill after a clause had been considered and voted on, and therefore were unable to do so. Although rules are not a variable to be tested for here (due to methodological limitations and also the ad hoc nature of each committee in choosing which rules to enforce for each bill), it is useful to note that the total number of proposed amendments for a given bill would likely be higher if such limitations did not exist. It does not mean there would be more cooperation, although that could be a future source of investigation as well.

Finally, once all clauses have been considered and voted upon, the Chair will then ask if the bill shall carry, meaning should it be passed, and upon a majority vote in favour, will then ask if the bill should be reported to the House (either with or without amendments). The bill will then be reprinted if it was amended by the committee, and sent to the House for the Report Stage. Important to note, each committee is required to report any bill referred to it by the House, and

the House must accept the report (with the exception being when a bill's examination is incomplete upon prorogation or dissolution of Parliament) (Bosc and Gagnon 2017).

At the Report Stage, it is possible for other members to propose amendments, although the same rules apply as noted above, and new amendments cannot repeat those from the committee proceedings, cannot be facetious, nor can they simply be for the purpose of prolonging the debate. These amendments must also be submitted at least 24–48 hours prior to debate (depending on whether the committee reviewed the bill before or after second reading), and should demonstrate that there was no previous opportunity for such an amendment to be put forward for discussion (Bosc and Gagnon 2017). For instance, it is possible for a member to provide amendments to amendments made by the committee. This is an important point to note—just because an amendment passed in committee does not mean that it is officially accepted. The amendment needs to pass through the full legislative process as outlined above before such amendments are formally accepted and the bill is passed, although acceptance is the norm (Stilborn 2014; see also findings in Chapters 5 and 6). Further, it is up to the Speaker to decide which amendments, if any, meet the criteria for debate in the House. If no such amendments are proposed, the bill moves forward without debate, and is voted on as concurrence in the Report Stage, and upon passing Report Stage, moves on to Third Reading and then the Senate (Bosc and Gagnon 2017). Amendments are also possible in the Senate, although these will not be examined here, again for the desire for systematic analysis, keeping as many variables constant as possible, and for the manageability of this investigation.

Now it should be clear what committees are, how they have evolved in Canada over time, how they operate, how they are structured, and what their formal powers are. Furthermore, it should now be clear how committee members can affect government legislation through amendments. In effect, other factors that can impact party cooperation in committees (beyond those presented in the next chapter), such as committee type (standing or legislative), Chair type (government or opposition), committee size, and committee issue area have all been identified. Further, the role of committees has been well situated within the legislative process, and therefore it has been established that committees can impact legislation directly through amendments.

In demonstrating how committee amendments can impact legislation, the stage has thus been set for incorporating the second research question pertaining to how committees can influence government legislation. Legislation clearly impacts the lives of Canadians, so this is not only how committees influence government legislation, but the broader Canadian parliamentary system, and the lives of Canadians. The substance, or degree of influence, is an important part of this discussion. More specifically, the substance of amendments is clearly a measurement of the degree of influence of committees, and this will be discussed explicitly in Chapter 4. With this understanding, it is now time to turn to the broader parliamentary literature to understand not just how committees ought to function, but how they truly behave, and are perceived to impact the parliamentary process more narrowly, and the overall democratic process more broadly.

Committee Behaviour in Parliamentary Systems

Despite some of the aforementioned studies on parliamentary committees in Canada (see Franks 1987; Stilborn 2014) committees in Canada have not received much attention recently (Stilborn 2014), either as a case within a broader study, or as the sole locale of a committee study. For instance, even in a discussion focused on evaluating the performance of Westminster

parliamentary committees, Britain and Australia are discussed in detail while Canada is left out (Monk 2014). Despite the dearth of studies on Canadian committees, multi-country examinations of parliamentary committees have been conducted by multiple authors (see Mattson and Strøm 1995; Longley and Davidson 1998; Monk 2010; Pedersen, Halpin and Rasmussen 2015; Nikolenyi and Friedberg 2019), in addition to single country studies (see Benton and Russell 2013; Russell and Gover 2017), and substate studies (Shephard and Cairney 2005; Cairney 2006). In looking at the literature on parliamentary committees in Canada and elsewhere, some core themes emerge, and these themes are essential in providing a set of implications from which we can draw expectations and boundaries for this exploration.

One such theme that forms the core of this dissertation is that committees can indeed be a place of cooperation across parties. While it is possible that committee power structures and composition can lead to some committees being an extension of the majority governing party (Mattson and Strøm 1995; Zwibel 2016), across parliaments it is possible for certain committees, particular the more permanent ones, to be less partisan (King 1976; Arter 2003; Shephard and Cairney 2005; Cairney 2006; Loat and MacMillan 2014; Stilborn 2014; Russell and Gover 2017). It has thus been argued that Westminster parliamentary committees are the “key to breaking down blind party loyalty and encouraging more policy-focused work” (Russell and Gover 2017, 235). In the UK, for example, while select committees themselves cannot propose amendments, their reports led to the acceptance of numerous amendments including those desired by opposition party members and backbenchers (Russell and Gover 2017). When this dispersion of blind party loyalty is coupled with the increase of third parties, Russell and Gover (2017) argue that this leads to a rise in cross-party cooperation. If this is extrapolated to the Canadian context, then committees should be a logical source for cooperation in an otherwise hyper-partisan system, which has seen substantial staying power of minor parties over the past several decades, namely the Bloc Québécois and the NDP, with the more recent addition of the Greens (Paun 2011; Johnston 2017).

Perhaps more convincingly for the Canadian context, former MPs interviewed by the founders of Samara, a non-partisan think tank focusing on the role of democracy in Canada, echoed this idea of cross-party cooperation. For example, former Liberal MP Bill Graham is quoted as saying that committees require MPs to “take off their partisan hats and say, ‘Okay, we are going to work on something here to get the best possible thing we can for the country, recognizing we have different political attitudes’” (as quoted in Loat and MacMillan 2014, 143). Furthermore, in a study of some Canadian standing committee reports, Stilborn (2014) found that a majority of the committee reports in the sessions examined (including both majority and minority government contexts) were of unanimous agreement among committee members. In concurrence with the view of this dissertation, such cooperation across parties in committees is noted to stand in stark contrast to the current hyper-partisan climate of political activity (Stilborn 2014). Interestingly, however, when Ministers were interviewed about their perceptions towards such cooperation, consensus was viewed as an unimportant aspect of committees. These diverging opinions of actors literally involved in the committee process themselves, coupled with previously mentioned examples of cooperation, are clearly evidence that a more detailed and systematic investigation is in order.

It is important to note that there is no consensus on the role of cooperation or cohesion in committees. This dichotomy of some parliamentarians highlighting the importance of committees, while others question their usage or overall impact, is indeed prevalent throughout the literature (see Loat and MacMillan 2014; Stilborn 2014; Chong 2017). It has been argued by

some that the level of cooperation can be mitigated by the openness of meetings. For instance, where committee meetings are open, it is argued that it becomes easier for party leaders to enforce party discipline (Mattson and Strøm 1995). This was echoed by former MPs as well as former Prime Minister Paul Martin, who stated that the televising of committees “is the absolute worst thing in the world because all of a sudden the attempt at non-partisanship, the attempt to be reasonable, goes out the window” (as quoted in Loat and MacMillan 2014, 148). This provides an extra layer to the Canadian puzzle, where many committee meetings are open to the public or televised, and therefore cooperation should be limited, yet many examples of cooperation do exist. Subsequently, this is a further justification for why the Canadian case needs to be better understood—it works counter to some established literature on parliamentary systems.

Next, and again closely related to the influence discussion of this dissertation, is that committees can be a limitation on the power and control of the executive (Ahmed 1997; Russell and Gover 2017). In particular, committees can have an “independent and distinct identity from the executive” (Russell and Gover 2017; see also Norton 1998). For example, when committees are established and understood to be experts, parliamentarians as a whole are more likely to defer to the recommendations of the committee. In this regard, the knowledge and preferences of committee members are reflected in the policy-making process, rather than those of the governing party (Mattson and Strøm 1995). In Canada, in examining government responses to committee reports, Stilborn (2014, 351) found that governments regularly adopt committee recommendations, thus indicating that “committees have made a genuinely autonomous contribution, and are not merely feeding pro forma recommendations to governments.” This is important for this study because it not only indicates that cooperation can indeed occur in committees, but it also connects to the aforementioned literature on party cooperation, whereby individuals can be motivated to cooperate on certain issues because of their overlapping knowledge or skillsets, even if their party affiliation differs (Russell and Gover 2017). In understanding how committees can limit the power of the executive, this is thus providing a framework for the second and third research questions of this investigation. More specifically, once cooperation within committees is better understood through this study, there already exists a precedent that committees have power over the executive in certain instances. Therefore, committees have influence over government legislation and therefore influence in Canada’s democratic process. Coupling the cooperation with this understanding of influence can provide evidence of limitations on the executive, and thus alter (to a certain degree) our current understandings of the Canadian political system.

Another theme is the belief that committees can play a key role in engaging citizens and other un-elected groups in participating in the policy-making process (Giddings 1985; Benton and Russell 2013; Loat and MacMillan 2014; Pedersen, Halpin and Rasmussen 2015; Zwibel 2016; Chong 2017; Russell and Gover 2017). For example, in looking at the Dutch, Danish, and British committee systems, Pedersen, Halpin and Rasmussen (2015) found varying levels of civil society engagement in the policy-making process through committee participation. Similarly, Zwibel (2016, 43) notes that the committee process in Canada “may provide individuals and organizations with a rare moment to engage with lawmakers... and raise concerns that may not be obvious to those who reside primarily in the halls of political power.” This point is also echoed by Canadian politician Michael Chong (2017), who notes that committees give MPs more of a connection to the public through the participation of individuals and groups. Similarly, in discussing committee proceedings, former Conservative MP Monte Solberg stated, “[w]e were always meeting with groups, which was tremendously helpful in terms of getting to understand

the issues that people were concerned about around the country" (as quoted in Loat and MacMillan 2014, 142). This is a clear path to increasing voices within Canada's democracy, a key topic of reform, and a demonstration that committees can, in fact, be used to increase representation, participation, and inclusion within Canada's democratic system.

In terms of importance, committees have been noted in multiple settings to be a valuable tool in the democratic process. In particular, committees are often a place for elected officials to gain more expertise on certain issues, to provide a forum for the inclusion of information, and to enter evidence that might not otherwise be considered in the policy-making process (Mattson and Strøm 1995; Loat and MacMillan 2014; Pedersen, Halpin and Rasmussen 2015; Chong 2017; Russell and Gover 2017). With these previously identified sources of importance of committees, this study can thus add an understanding of cooperation and influence on governmental bills as additional sources of importance. With multiple avenues of committee importance and influence identified vis-à-vis Canada's democratic functioning, perhaps more studies will consider committees more closely when discussing the legislative process, rather than relegating them to a footnote or a few sentences.

Due to the expertise and information that committees can create, an argument can be made that this increases the overall effectiveness of parliament (Loat and MacMillan 2014; Zwibel 2016). This increased knowledge and evidence can lead to better policy-making; the smaller number of participants in committees (compared to parliament as a whole) allows more cooperation and discussion from different points of views; and the increased expertise of committee members can guide the process. Therefore, it can be expected that committees should be a source of cooperation, and this reinforces the idea that it is likely that some committees will see more cooperation than others.

One thing becomes resoundingly clear in looking at the literature on parliamentary committees: committees matter in a political system (Mattson and Strøm 1995; Strøm 1998; Benton and Russell 2013; Loat and MacMillan 2014; Stilborn 2014; Zwibel 2016; Chong 2017; Russell and Gover 2017; Nikolenyi and Friedberg 2019). As noted above, literature from other systems can inform studies on Canada, but due to its unique political structures, Canada still needs, and deserves, its own investigation on committee functions. Large comparative studies of parliamentary committees exist, but they primarily focus on European examples (see Mattson and Strøm 1995; Strøm 1998; Arter 2003). Differences across these systems clearly exist, and even though Canada's committee system is similar to Britain, it is not the same and must be investigated on its own merits. Further, if we are to assume that party cooperation matters in a democracy, as this study does⁸, then it is doubly important to conduct a case study specifically on the Canadian context, because committee function and cooperation are both impacting factors in the democratic process, and Canada lacks systematic studies in both areas.

Potential for Committee Reform in Canada

Now that we have a comprehensive understanding of how committees work, before looking more concretely at amendments and methodology of this project, it is first necessary to discuss the arena of committee reform as a viable avenue for democratic reform. As previously noted, one of the aims of this project is to use its findings to make recommendations on committee reform, therefore a discussion of the current literature on committee reform is necessary not only to support the claims that will be made in Chapter 7, but also to show how this work is different from previous works. Further, in order to provide suggestions for fostering cooperation in

⁸ This study is not unique in that regard (see, for instance, Cameron 2015; Moscrop 2016).

committees, it is essential to understand past reform and insider suggestions in order to guide suggestions to ensure that they are the most logical, best supported reforms possible.

In turning to committee reforms today, it is not to say that committees are catastrophic failures requiring reform. They function much more substantially than in the past, in contrast to the era prior to the reforms of the 1960s and 1980s. That said, committees do have some clear limitations and weaknesses, and thus have room for improvement. Given that committee reform does not require constitutional amendments, it means that this kind of reform is genuinely possible in the Canadian system. Thus, rather than focusing on less viable avenues to increase voices in the political system through constitutional change like Senate reform, or more politically contentious avenues like electoral reform, committees can be a source of increasing cooperation and input across parties, a desired outcome for many Canadians (Wicks and Lang-Dion 2007; Moscrop 2016; Hayes 2019; O’Sullivan 2019). Therefore, not only can reform improve the functioning of committees, but the overall democratic functioning of Canada’s political system as well, and that is a worthy cause of study.

The idea of committee reform is not unique, and previous suggestions abound; however, they have thus far been less effective than desired. In terms of potential committee reform, some proponents argue for a package of reforms, such as Michael Chong, former Conservative Party leadership candidate and Cabinet Minister, while others more anecdotally focus on a single area of reform. In comprising his package of reforms, Chong (2017) suggests looking to the British case of reforms, a sentiment echoed by Russell and Gover (2017). Without engaging in excessive detail into the British committee system, this section will briefly outline the system, highlight its similarities and differences with the Canadian context, and demonstrate the impact of recent reforms and why these have led parliamentarians and academics alike to tout such reforms.

In discussing committee comparison between Canada and the UK, it is important to note that different terms are used. The standing committees in Canada are most like select committees in the UK (Ahmed 1997; Chong 2017). Select committees in the UK were long criticized for some of the same things as their Canadian standing counterparts: as being a minor, rather ignored cog in the legislative process (Ahmed 1997; Russell and Gover 2017), and as being rather under the foot of the executive (Ahmed 1997).

Like Canada’s standing committees, British select committees can send for persons and hear their testimony, gather evidence through paperwork, examine expenditures, scrutinize policies and actions from the department that they shadow, and draft reports (Ahmed 1997; Russell and Gover 2017). Interestingly, one of the things select committees do not engage in is the examination of bills, although this was recommended as a best practice in the 1970s by a report by the Procedure Committee (Ahmed 1997). Instead, bills are sent to ad hoc committees for examination (Ahmed 1997; Russell and Gover 2017), similar to the principle of legislative committees in Canada.

In the 1960s, in a study of the UK Parliament, it was determined that committees could be strengthened by being organized differently, to shadow departments and to have more powers rather than simply acting as an executive controlled phase of legislation. Despite these recommendations, the implementation was very slow, beginning with two committees in the 1960s and then expanding to more in the 1970s and 1980s (Ahmed 1997; Russell and Gover 2017). One of the driving factors prompting this change was growing backbench dissent in the 1970s, and the belief that stronger committees comprised of backbenchers could be an added parliamentary venue of participation and influence for such members. Furthermore, there was a

sense that adversarial or partisan politics had reached an undesirable level, and that committees could be a source of cross-party cooperation that could reduce such aduerseness (Ahmed 1997).

In 2010, more changes occurred that have been argued to have notably democratised the select committees. This resulted in a change to membership, shifting the choice of members and Chairs away from party whips (as it still exists in Canada) (Russell 2011; Benton and Russell 2013; Russell and Gover 2017). Members are chosen by a secret ballot vote in party caucuses, and chairs are chosen by the House of Commons as a whole (Chong 2017; Russell and Gover 2017). This is argued to have created a layer of independence to committees, because no longer can membership or Chair positions be used as tools of patronage (Chong 2017; Russell and Gover 2017)⁹.

The work of the select committees after the 2010 reforms also have been noted to have an elevated impact on the parliamentary process. For example, such committees were found to impact policy and legislation through the power of their reports, the influence of their evidence gathered, public exposure and communications of wrongdoing, as well as increasing accountability mechanisms of Parliament (Benton and Russell 2013). According to Benton and Russell (2013, 793), “oversight committees strengthen the policy-making process inside and outside government by exposing decision-making to rigorous tests, and by encouraging more careful consideration of options.” That is, committees provide a source of deep investigation into issues, sometimes exposing weaknesses in government legislation, thus allowing for more viable or even better solutions to be incorporated.

Thus, the lessons that can be taken from the British case are that permanent committees are important to and have an impact on the political process, and can be viewed as a vehicle for non-partisanship or at least a reduction in adversarial politics (Ahmed 1997; Benton and Russell 2013; Russell and Gover 2017). Beyond that, committees are viewed as a check on the power of the executive in terms of the quality and action of government legislation. Similar patterns can be seen in the Canadian context, where committees were used to press the governing party on aspects of their legislation, sometimes leading to change. Thus, the capacity for Canadian House of Commons committees to act not only as a source of cooperation, but also as a stronger source of oversight does exist. Further, there is an indication that reforms pertaining to committees are politically possible and effective, which bodes well for the suggestions of this study located in Chapter 7. Of course, an additional commonality across the UK and Canada are that select committees in the UK suffer from a lack of scholarly attention (Benton and Russell 2013). Thus, more investigation is needed, particularly in the Canadian context.

Based on this understanding of the UK committee reform, as well as his own personal experience as a committee member, Chong largely suggests four sets of reforms to committees. In his view, committees should be reformed in four distinct ways, with the first two focusing on selection of membership, and the latter two more on process. First, a secret ballot approach in the House of Commons should replace the current selection of members by the party leadership. Second, selection of committee chairs should be done by secret preferential ballot by committee members. Third, Chong suggests reducing the overall number of committees so as to give MPs more time for other tasks. Fourth, Chong criticizes the process of items being automatically

⁹ According to one study, in committees chaired by an opposition party member, there was also anecdotal evidence that such committees were more successful in having their recommendations implemented, because opposition party chairs worked more to build consensus across members, particularly to avoid appearing as though they were obstructive (Benton and Russell 2013).

reported if the deadline lapses, and suggests removing this entirely (Chong 2017). In essence, estimates are the expected or projected spending of the government for the fiscal year, and are broken down, tabled and referred to the appropriate committee. If committees do not report on the estimates or consider them prior to May 31 of a given year, the assumption is that they have been accepted by the committee (although it is possible that they were not even discussed) (Bosc and Gagnon 2017).

Moving on from packaged reforms to single issue committee reforms, in interviews with current and former members of Parliament on the state of democracy in Canada, Loat and MacMillan (2014) uncovered a number of suggestions on behalf of parliamentarians as to how to make committees more effective. One of the resounding criticisms, which is also part of Michael Chong's package of reforms, is taking away membership controls from party leaders and party whips. For example, as former Liberal MP Bill Graham pointed out, just as more widely discussed positions like Cabinet Ministers can be weaponized, coveted committee positions too can be given to those who toe the party line, while at the same time can be withheld for those who do not step into line (Loat and MacMillan 2014). In this regard, it is not the best person for the job, but the people most willing to do whatever they are told to do by leadership.

Similarly, also in relation to membership, several MPs (including Martin and Graham, former Conservative MP Ken Epp and former Liberal MP Paul DeVillers) point out the need to reduce membership changes. That is, when a regular member cannot attend, they can be replaced by another member from that party. While this can be useful in cases where members truly cannot attend a meeting for valid reasons, it is also used as a tool by party leaders, particularly when it comes time for a vote on clauses. This then can result in a situation where regular committee members do extensive work, listening to testimony, reading legislation, preparing amendments, and then on the day of the clause-by-clause examination, they are unceremoniously swapped out for a "hitter" or "verbal assassin"—in essence, someone with the abilities to get a good sound bite, who has little or no interest in the actual committee proceedings but is rather acting as instructed by the party leadership (Loat and MacMillan 2014). Thus, general consensus seemed to be that membership needs to be more strictly protected and that the substitution of a member needs to be done only when it is truly necessary, not at the whim of party leadership. According to Paul Martin, "[r]espect that you are on a committee because you have developed expertise, and let the committee function" (as quoted in Loat and MacMillan 2014, 220).

Because power is in the hands of the party leadership and whip, and that membership can be used as the proverbial carrot or stick, it often means that committees are often not staffed by those with expertise in the area they are dealing with. For instance, former Liberal MP Andy Scott thought he should be on a human resources committee due to his experience, but upon being elected, was assigned to the health committee, a topic which he stated he had no knowledge of (Loat and MacMillan 2014). In another similar account, former Liberal MP Andrew Telegdi was shocked he was assigned to the public accounts committee, even becoming Vice-Chair, despite not liking nor wanting the position. Furthermore, Telegdi was surprised when the committee operated with only one accountant in the entire group (Loat and MacMillan 2014). If committee positions are opened to those with expertise rather than as a tool of the party or of the executive, then cooperation should increase, as those with the most knowledge in a subject area will converge on positions due to their shared knowledge, rather than partisan politicking.

Indeed, in cases where committees were allowed to operate with minimal interference from party leaders, that is without arbitrary substitutions of members or strong whipping of

members, there is praise for the work done in committees. For instance, former Liberal MP Omar Alghabra argued that “[c]ommittees are where most relationships get established. You sit there for four or five hours a week with the same individuals. You find out who they are through their questions, their ideas, and you develop respect for them” (as quoted in Loat and MacMillan 2014, 143). Based on this and other interviews, Loat and MacMillan (2014, 143) conclude that “MPs attributed the productivity of committees in part to their largely non-partisan environment.” Parliamentary committees are thus important (Loat and MacMillan 2014; Stilborn 2014; Chong 2017), not only in Canada but abroad as well, for their ability to amend legislation, include citizens in the decision-making process, and provide essential evidence in policy-making, among others (Benton and Russell 2013; Russell and Gover 2017). Committees therefore influence government legislation and policy-making and are a source of increasing inclusion in the democratic process. However, how they do so remains to be systematically demonstrated, providing further justification for this study.

This chapter has thus demonstrated how Canada’s committees are structured, what role they play in the legislative process, and what potential factors exist to foster cooperation in committees. Further, it has also demonstrated that there is potential for committees to be reformed in order to improve the democratic functioning of Canada, primarily by fostering cooperation to increase participation in the political process. This study thus seeks to demonstrate that party cooperation does occur in committees in Canada, thus providing a context for more impactful, meaningful, influence across partisan lines in the legislative process, if the right kinds of reform are implemented. Before engaging in this analysis in Chapters 5, 6 and 7, this study now turns to the literature on party cooperation to understand the variables outside of committees that are most likely to influence party cooperation, and therefore impact legislative influence, and potentially guide reforms.

CHAPTER THREE: PARTY COOPERATION

Introduction

In order to determine if there are any systematic tendencies that explain when and why party cooperation occurs in committees in Canada, and if it has any substantive effects, it is necessary to understand what the literature on party cooperation says. More specifically, using the existing literature is essential to understand what cooperation is, what it looks like, how it is measured, and what facilitates or hinders its existence. With a full understanding of these processes, it is then possible to develop a testable model of party cooperation in Canada for detailed exploration. At the same time, it is equally important to understand Canada's institutional structure in order to understand where party cooperation, and specifically party cooperation in committees, fits within the broader institutional structure. In so doing, this allows for a discussion on committee reform to respond to criticisms of executive domination.

As such, this chapter will proceed as follows. First, this will define party cooperation and establish the mechanics of cooperation in committees in a Westminster system. In so doing, this will further justify the scope of this study and how cooperation in committees can be considered as a systematic process. More specifically, this literature will assist with the conceptualization and operationalization of one of the dependent variables, party cooperation, measured through amendment success in committees. Second, this will examine the potential independent variables that, according to the literature, are most likely to lead to cooperation, beginning with more structural factors followed by motivational factors. Put differently, this chapter will highlight the factors that will be used to determine if there are any systematic patterns of cooperation. Third, this chapter will then turn specifically to the Canadian context, providing a synthesis of how party cooperation is studied in Canada, and why Canada is unique in some regards in terms of its capacity for cooperation. In other words, this section will highlight what cooperation looks like in the Canadian context, at least from the little information we currently have on it. The final sections of this chapter will then discuss the institutional structure of Canada's political system in order to determine what hinders party cooperation, as well as what indicates areas for cooperation, in order to situate where party cooperation in committees, and committee influence, fits into the broader political system of Canada. This will then conclude with a discussion on democratic reform efforts in Canada, highlighting the desire to incorporate more voices within Canada's system. This will provide the set-up for the final chapter of this study, where the desire to reform Canada's democratic system to include more voices will be linked to the results of this study, whereby increasing party cooperation in committees and the influence of said committees can be viewed as a viable method of reform to achieve these goals.

Definition and Mechanics of Cooperation

Party cooperation can take different forms and can be defined and measured in different ways, but a common method of both measuring and defining party cooperation, sometimes also called bipartisanship or multi-partisanship, is through the measurement of votes. More specifically, party cooperation is often operationalized, in both parliamentary and presidential systems, through how a party member votes on either whole pieces of legislation or on subsets of legislation, like amendments (Collier 1991; Trubowitz and Mellow 2005; Cairney 2006; Harbridge 2015; Russell and Gover 2017; Ryan 2019). Party cooperation, then, is when members of two or more parties vote together on a bill or amendment.

Narrowing in on Westminster systems, Russell and Gover (2017) examine the ways in which parties can cooperate in the UK, and categorize them from formal to informal. This is an important contribution as there is little work done on this area in Westminster systems. Indeed, as Russell and Gover (2017, 235) note, “there is very little literature devoted to the question of cross-party working at Westminster. Indeed, the impression given by scholars is often that such work is weak to non-existent.” Despite this, cooperation does exist, and it is possible to analyse it in a more systematic way (Russell and Gover 2017).

In order to simplify the understanding of different types of party cooperation, Russell and Gover (2017) have designed a continuum (see below). At one end of the continuum are uncoordinated forms of joint action across parties, such as multiple parties agreeing in debate on a bill, or even multiple parties voting in favour of a bill (Russell and Gover 2017). This type of party cooperation is quite common. For instance, in the US, some scholars have used roll call voting to measure bipartisanship (Trubowitz and Mellow 2005).

From uncoordinated joint action between front and/or backbenchers at the most informal, the ways in which parties can cooperate then increases in formality, from backbench networks, to frontbench networks, to other types of networks including parliamentarians and other organizations (All-Party Parliamentary Groups). At the most formal end of this cooperation spectrum are committees (Russell and Gover 2017).

Table 3.1: Informal-Formal Mechanisms of Parliamentary Party Cooperation

Mechanism	Possible Results
Informal ----> Formal	Uncoordinated joint action (front/backbench)
	Organized backbench networks
	Frontbench collaboration
	All-Party Parliamentary Groups
	Public bill committees
	Select committees

*Adapted from Russell and Gover (2017, 237 Figure 9.1)

In other words, a clear formal (institutionalized) way in which parties can cooperate and such cooperation can be measured, is through parliamentary committees. Such committee cooperation can take various forms, including discussion, reports, and even subsequent policy and legislative outcomes. Indeed, one of the key forms of cooperation highlighted by Russell and Gover (2017) are amendments to legislation. More specifically, for cooperation to occur, multiple parties work together to either design and/or support amendments to legislation. This thus provides a justification for the dependent variable in this study, emphasizing that how parties vote on amendments in committees is indeed a valid measurement of institutionalized cooperation. Therefore, in seeking to identify if cooperation in committees has any systematic tendencies, using amendment success as the dependent variable is justified and rooted in the literature.

Potential Determinants of Cooperation

Now that it is clear that committees are a relevant, institutional source of cooperation in Westminster systems, it is now possible to look for potential factors that foster/hinder such cooperation. Bipartisanship is a largely understudied field across the world and is in dire need of deeper, expanded studies (Matthews and Ravenhill 1988; Trubowitz and Mellow 2015; Carr 2017). The context with the most study of bipartisanship is the United States, although some examples of bipartisanship exist in a few other settings including the parliamentary system in Australia (Bell 1984; Carr 2017). On the one hand, looking at the US literature is useful in Canada, because as a two-party system, bipartisanship typically involves the governing majority party cooperating with the non-majority party. In a majority government in Canada, similar dynamics may be at play, with one party having a majority of seats and cooperating with smaller opposition parties. On the other hand, caution is taken when seeking to apply lessons from the US presidential context to parliamentary systems such as Canada due to institutional distinctions. For example, Canada has strict party discipline, multi-party legislatures, and a less adversarial Senate.

Similarly, many lessons on party cooperation and committee behaviour can be applied from Britain to Canada, but again lessons need to be interpreted with caution as Britain has some institutional factors that make it more amenable to cooperation. For example, party discipline, while still strong in Britain, is weaker than in the Canadian context (Henderson 2007; Russell and Gover 2017). Thus, government backbenchers and opposition parties are more likely to combine to force amendments on and change government bills than their Canadian counterparts (Russell and Gover 2017). Further, while there has been some recent movement towards creating more space for individual independence Canadian Senate, it is not as deconstructed as the British House of Lords where the Crossbenchers can play a formidable role in cross party negotiations (Russell 2003; Russell and Gover 2017). Crossbenchers are viewed as independents as well as having the potential to swing a vote either for or against the government, which leads UK Parliamentarians to actively seek out cooperation with such members (Russell and Gover 2017). Early studies demonstrate that this does not appear to be the case in Canada, where Senators, although independent in name, still vote along party lines the majority of the time (Evelyn and Allen 2018; Godbout 2020). Therefore, lessons from the UK also need to be interpreted with caution, both due the fact that they function differently in terms of overall structure as well as in terms of the actions of independent members.

The limitations on extrapolating studies from other countries to the Canadian context demonstrate the need to study Canada explicitly, thus further justifying this work. Despite these limitations, some potential driving factors in the bipartisan and party cooperation literature can be used to inform this investigation, such as the issues (or issue areas) parties are more likely to cooperate on, as well as the motivations for why parties or individuals choose to reach across the aisle and incorporate more viewpoints and voices on legislation. More specifically, the independent variables most likely (according to the literature) to impact party cooperation in Canada, and therefore those that need to be tested for, are issue area, economic performance, leader popularity, the electoral cycle, and party ideology. Each of these will be explained in detail below as to how and why these variables may impact party cooperation in the Canadian context. These variables will then be combined with those identified in Chapter 2, specific to committees and committee structures, and will all be tested for in Chapter 5. Only once these

have been fully explored is it possible to develop a Canadian specific understanding for how and why party cooperation exists in parliamentary committees in Canada.

Variables Influencing Cooperation: Issue Area

In terms of sources of party cooperation, that is, the factors that most impact whether or not bipartisan (or multi-partisan) action will be taken, the largest body of literature pertains to issue area. That is, the chances of cooperation occurring are more or less dependent on the issue at hand. Of all issue areas, foreign policy is the most addressed in the literature. In fact, it has been argued that “... our understanding of bipartisanship is largely rooted in foreign policy literature” (Flynn 2014, 398). Unlike in other issue areas, bipartisanship has remained a steady fixture in foreign policy over the years (Falk 1983; Bell 1984; Albinski 1986; Matthews and Ravenhill 1988; Collier 1991; Trubowitz and Mellow 2005; Flynn 2014; Harbridge 2015; Carr 2017). Even though bipartisanship has slightly declined in foreign policy as of late, it is likely the most prevalent topic for bipartisanship because there is a general consensus that effectual foreign policy requires continuity in politics (Falk 1983; Carr 2017). More specifically, the general idea is that bipartisanship in foreign policy presents a stronger and less-confusing front to other countries, and also increases the chances that policies and agreements can be entered into because they are more likely to survive a change in the governing party (Collier 1991). In this sense, bipartisanship can be triggered by the desire to present a united front in response to international crises (Falk 1983).

Aside from foreign policy, there are other issue areas that are more or less likely to influence cooperative behaviour across parties. There is a general consensus in the literature that bipartisanship does occur in the US regularly, but never on divisive, hot button, or big ticket topics (Hilley 2008; Baker 2015; Harbridge 2015). Such issues include abortion, labor relations, LGBTQ rights (Hilley 2008), and climate change (Baker 2015; Brown and Hess 2016). The justification provided for this is that the defining values of parties are generally non-negotiable in terms of bipartisan action because feelings towards these issues are so deeply entrenched within the parties that it is not possible to compromise (Hilley 2008; Baker 2015). Instead, initiatives that involve spending money, like a budget (Hilley 2008; Baker 2015), or less divisive issues like transportation (Harbridge 2015) can lend themselves to bipartisan processes. Despite this, Canada actually functions in the opposite manner—party discipline is often lifted on morally divisive issues, and therefore there exists less party cohesion on these issues (Kam 2001; Marland 2020). Thus we may see the opposite effect in Canada, that the more morally divisive the issue, the more cooperation will exist across party members based on personal ideological, moral, and religious commonalities. This is because in order to pass (or defeat) a bill, party members will need to seek out others who share their same moral persuasions. Further, cooperation on budgets is less likely in the Canadian context, as budgets are a confidence vote, and typically parties will vote cohesively on budget bills (Chartash et al. 2020; Marland 2020).

In sum, based on the literature, it is expected that cooperation in committees will be affected by issue area, and will be more likely to occur in areas of foreign policy and on morally divisive issues, whereas it will be less likely in areas that are clear confidence votes, such as on matters of finance. Issue area will thus be a factor investigated later in Chapters 5 and 6. In addition to these issue areas that are more likely than others to lend themselves to party cooperation, the motivations for parties or individuals to engage in cooperation are also a core aspect of this investigation, as motivations are a cornerstone of explaining why party cooperation exists when it is structurally unnecessary.

Variables Influencing Cooperation: Motivations

In terms of the motivations for party cooperation, or reasons why individuals or parties choose to cooperate, there is some consensus across presidential and parliamentary literature. For instance, choosing to cooperate as a means of achieving future electoral gains, or strategizing, exists in bipartisanship literature (Trubowitz and Mellow 2005; Flynn 2014; Beckmann 2016; Paris 2017), as well as parliamentary literature (Bale and Dann 2002; Bogdanor 2011; Russell and Gover 2017).

In this regard, party cooperation is indeed political. Choosing to engage or not engage in bipartisan or multi-partisan processes is often the product of political calculation and strategy in order to maximize one's political leverage (Trubowitz and Mellow 2005; Flynn 2014; Beckmann 2016; Paris 2017). Willingness to engage in bipartisan processes has been shown to increase support for individual candidates, even if the bipartisan activity does not lead to a successfully passed piece of legislation (Paris 2017). More specifically, the propensity for using party cooperation strategically is indeed affected by the economic context (Trubowitz and Mellow 2005), leader popularity (Beckmann 2016) and the electoral cycle (Trubowitz and Mellow 2005; Beckmann 2016). Thus, context affects strategic calculations towards cooperation.

Regarding the economy, when things are going well, such as when unemployment is low and the overall economy is growing, this provides a more fruitful environment for opposing parties to work together. This is because there is less incentive for parties to use divisive policy wedges to stand out from one another, as both wish to take credit for the economic upturn. The counter is also true—in times of economic downturn, parties are more likely to engage in staunch partisan policies to distinguish themselves from the other and encourage electoral retribution of voters against opposing members for poor policy choices (Mellow and Trubowitz 2005; Trubowitz and Mellow 2005; 2011).

In terms of leader popularity, opposition party members are more likely to engage in bipartisan efforts on issues supported by the leader when public support for the leader is high (Beckmann 2016). This is so that they can claim an aura of legitimacy among swing voters by appearing to be moderate and willing to negotiate (Trubowitz and Mellow 2005). By contrast, if the leader is unpopular, it is more strategic to confront the leader and their party, thus eschewing party cooperation. This is also the case if the leader is embroiled in scandal—opposition members, regardless of how moderate or cooperative they have been in the past, will likely turn to partisan policy-making in order to distance themselves from the scandal and appeal to their core base of voters. Naturally, this could similarly be the case in Canada, whereby a Prime Minister embroiled in scandal may encourage opposition parties to distance themselves and not engage in cooperation for fear of electoral reprisals. Therefore, the popularity of the PM can and will be measured as a potential impacting factor on cooperation in the Canadian context.

The electoral cycle also remains an important mitigating factor for the occurrence of party cooperation. During a campaign prior to a general election, cross-party cooperation is unlikely to happen as elected officials are trying to establish their own clear policies from those of the opposing party (Baker 2015; Harbridge 2015; Beckmann 2016). Immediately after a general election, however, elected officials, and particularly leaders, are willing to engage members of the opposing party. For leaders the strategic reasons of this are two-fold. First, immediately after an election, leaders generally enjoy high public support, which, as noted above, is often a bargaining tool to use to encourage opposition party members to cooperate,

especially if their constituency is particularly warm to the leader (Beckmann 2016). Second, leaders only have a finite time in office as re-election is not guaranteed, and want to hit the ground running.

Similarly, the electoral cycle has played a role in party cooperation in parliamentary systems as well. For example, the 2010 British coalition between the Conservatives and the Liberal Democrats was a strategic choice. The Liberal Democrats lacked the funds for another general election, and thus wanted to avoid this scenario which was more likely in a Labour-Liberal Democrat coalition (Bogdanor 2011). Therefore, although the reasoning was different, the desire to cooperate immediately after a general election was higher. In Canada, Prime Ministers and their parties often undergo a ‘honeymoon phase’ after an election or leadership change, with high approval ratings across the country (Fagan 2004; Zerbisias 2015; Trimble 2017). Opposition parties willing to capitalize on these approval ratings might be more willing during this time to encourage cooperation across parties.

Thus far the literature has demonstrated that the most likely factors to facilitate cooperation in committees is the issue area being discussed (foreign policy and morally divisive issues being the most likely), and when the context is strategically amenable based on the economic situation, the popularity of the leader and the proximity to the general election, both previous and subsequent. Again, while this literature is not coming directly from Canada, it feasibly can be extrapolated to the Canadian context, by demonstrating that cooperation happens in situations similar to those in the Canadian context.

One thing that is clear about strategy from the literature is that it is not the only condition for cooperation. In other words, strategy can only provide so much insight into the incentives and motivations for engaging in bipartisanship. Bipartisanship does not guarantee better or longer lasting results than purely partisan activities (Dixon 2008; Harbridge and Malhotra 2011; Harbridge, Malhotra and Harrison 2014; Harbridge 2015; Baker 2015; Carr 2017). For instance, some instances of bipartisanship can be viewed by politicians and voters as a loss. According to Harbridge, Malhotra and Harrison (2014, 329) “bipartisan processes may produce outputs that are more akin to losses than wins for a particular party, especially if the alternative is standing firm and winning.” Thus, while bipartisanship activities may appeal to swing voters (Trubowitz and Mellow 2005), it may lose support from stricter partisans (Harbridge and Malhotra 2011). Therefore, if politicians do indeed know that cooperation does not guarantee an improvement in one’s electoral standing, then other factors, such as altruism or simple agreement on an issue, must be a factor in determining whether or not cooperation will occur. By testing for the strength of aforementioned motivational variables, this study can thus shed light on which (if any) of these motivational factors drive Canadian MPs to cooperate. Alternatively, a lack of statistical significance or weak effects would more likely indicate that other factors, such as altruism, may be playing a stronger role in determining when and if cooperation happens in the context of Canadian House of Commons committees.

Certainly, there exist examples of parties working together simply because they agree on an issue, not because they are seeking any type of political gains. Some parliamentarians work together simply because of a similar perspective or vested interest, such as those with medical degrees on a health bill, regardless of party affiliation (Russell and Gover 2017). There is a genuine belief in the policy or amendment and therefore parties are willing to cooperate even if it means not getting credit for it publicly, for the sake of achieving genuine interests. The example of Elizabeth May’s Lyme disease Private Members Bill (discussed below) is a clear example of

that—it is hard to argue that cooperation on behalf of the larger parties occurred for a strategic reason when the party proposing the bill at the time had one seat of 308.

This is important because it demonstrates that motivations for bipartisanship cannot simply be chalked up to electoral strategy by individuals or parties, and it provides additional support for the puzzle identified in this study. That is, why do majority parties engage in bipartisan activities when they do not need to in order to pass legislation or for strategic electoral gains? This indicates that motivations for engaging in party cooperation, the factors that most facilitate party cooperation, why party cooperation occurs, in other words, whether it has systematic tendencies, is in need of investigation.

Similar to some issues being more likely to invoke cooperation, an additional motivation for cooperation is party ideology. Within the US, Democrats have been reported to be more willing to engage in bipartisan process than their Republican counterparts (Flynn 2014; Rippere 2016). Similarly, in Britain, David Cameron, the Conservative leader, was a moderate and sought a more stable coalition with the Liberal Democrats than with Labour so that he would be less at the mercy of the right-wing members of the Conservative party (Bogdanor 2011). The literature therefore seems to indicate that party cooperation is more likely between more moderate/centrist/left parties than those on the right. This certainly can be applied in the Canadian context, where the Conservatives are more right wing, and the Liberals more centrist (Cochrane 2010). If this applies in the Canadian context, this suggests that we should find more cooperation under Liberal governments than Conservative governments.

In sum, it can be concluded that, according to the literature, factors that impact party cooperation in countries often compared to the Canadian context include issue area, strategic motivations, and ideology. All of these will therefore be tested for in Chapter 5. With these variables in mind, it is now essential to turn to the literature on party cooperation in Canada to understand its history, context, and the institutional structures that can facilitate/hinder cooperation to better apply the aforementioned variables to the Canadian context.

Party Cooperation in Canada

Party cooperation in majority settings is almost entirely ignored in the Canadian parliamentary literature, save for discussions on party cohesion. The party cohesion literature is essentially borne out of the persistence of party discipline in the Canadian system. Party discipline occurs when party members vote as a unified bloc as directed by the party leader or party whip. Given that the government of the day must hold the confidence of the legislature in order to remain in power, MPs are expected to vote in favour of all bills introduced by members of the Cabinet, both to ensure the continuing position of their party overall, but also their position as MP (Kerby and Blidook 2011; Lagassé 2016; Godbout 2020; Marland 2020). While a form of party discipline is expected in a parliamentary system with responsible government—indeed, Canada is not alone in this—other similar systems do not have discipline as strong as Canada’s (Henderson 2007; Lagassé 2016; Russell and Gover 2017; Stewart 2017; Marland 2020).

One of the reasons why Canada’s party discipline is so strong is because of the power of party leaders and the power of the PM over appointments (Savoie 1999; Smith 2013; Lagassé 2016; Stewart 2017; Godbout 2020). Such appointments include Cabinet Ministers, deputy ministers, committee chairs, parliamentary secretaries, various officers of the House and caucus, and party candidates, among others (Savoie 1999; Lagassé 2016; Brodie 2018). In dealing specifically with MPs or individuals who want to run for the party, a party leader can use a carrot approach, such as dangling future advancement within the party as a reward for toeing the party

line, or they can use a stick approach, threatening to remove support for MPs in future elections for non-compliance (Franks 1987; Docherty 1997; Savoie 1999; Carty, Cross and Young 2000; Kam 2009; Soroka, Penner and Blidook 2009; Lagassé 2016; Stewart 2017; Godbout 2020; Marland 2020).

A second reason for why party discipline is so strong in Canada is the relative inexperience of many MPs, particularly the backbenchers (Docherty 2012; Marland 2020). MPs outside of the executive have been referred to as “nobodies” (Trudeau 1993), “trained seals” (Franks 1987), “inexperienced” (Atkinson and Thomas 1993), and compared to “parrots who learn to repeat phrases and buzzwords” (Marland 2020, 5). Essentially, MPs in Canada are generally less experienced than their counterparts in other countries for a number of reasons, including voter volatility, the lack of a career structure between levels of government, the (perceived) weakness of backbenchers, the distance between home constituencies and the House of Commons in Ottawa, and post-parliamentary career opportunities (Kerby and Blidook 2011). This limited experience can therefore lend itself to less backbench intervention in party politics through weakening their potential efficacy, thus putting even more power in the hands of the executive (and thus, one party governance). This is not the same in Britain, where many MPs often make politics a career, which can help to explain why there is more power and more revolt by British backbenchers (Russell and Gover 2017). Such strict party discipline limits opportunities for cooperation as MPs are less willing, or less able, to reach across the aisle for support on issues, and instead vote the way they are told to by the leadership of their party. Thus, it is essential to understand the phenomenon of strict party discipline in understanding party cohesion in Canada, as well as Canada’s party system.

While scholarship on party cohesion is not new, indeed scholars were discussing this in the 1970s (Marland 2020), there has been a recent resurgence on the topic in the past few years. Kam’s (2001; 2009) work on party discipline has been noted to have “propelled scholarly thinking about why MPs rarely dissent” (Marland 2020). Cohesion within parties is defined as “the degree to which members of the same party can be observed to work together in pursuance of the party’s goals” (Kam 2001, 95). The research on party cohesion then, is not directly about party cooperation, as it is looking at how often a member votes with or against their own party. That said, party cohesion literature is indirectly linked to party cooperation in that it is often examining the reasons why members of a party do not vote with their own party. Put differently, it is looking at why some MPs vote the same way as parties other than their own. Therefore, this literature informs our knowledge of party cooperation in Canada by looking at the circumstances and factors that lead to MPs seeking out other parties than their own.

Like party discipline, party cohesion, or party unity, is not new. Party unity on votes has occurred for the better part of a century with a common consensus that MPs dissent, or are not cohesive, less than one percent of the time (Godbout 2020; Marland 2020). Indeed, when examining the most recent majority Parliaments (those examined in this study), party unity is usually above 90%, even 99% for some parties like the NDP, for the entire session (Godbout 2020; Marland 2020).

In seeking to measure and explain party cohesion in Westminster systems, Kam (2001; 2009) tested Krehbiel’s (1993) preference-driven model to determine if it is possible to have cohesion across legislators based on their preferences rather than their party affiliation. The findings were a rejection of this model. In Westminster contexts, including Canada, party membership matters in determining the behaviour of MPs. According to Kam (2001, 115), an “MP’s party affiliation provides vastly more information about his or her behaviour than do his

or her preferences.” That said, preferences still play a role in how an MP behaves. In particular, electoral strategizing is one of the factors identified that most likely impacts whether an MP will dissent from toeing the party line. More specifically, “dissent, like constituency service, is principally an electoral strategy intended to win the MP a personal vote” (Kam 2009, 207). Similarly, one of the prime reasons why MPs will continue to toe the party line is also for strategic reasons—the desire for career advancement (Kam 2009). In extrapolating this to party cooperation, then, this literature is similar to that discussed above—strategic gains are explanatory reasons for why MPs seek to vote with other parties, and therefore it is important to test for in this study to see if the same logic applies to votes on amendments in House of Commons committees.

More recent work on party cohesion has come to the same conclusions. According to Marland (2020, 6), “legislators frequently endorse policies that they know little about. Sometimes they publicly support things that they privately oppose.” Current parties maintain high levels of party cohesion because of the role of political communications, whereby the 24-hour news cycle amplifies partisanship. Despite these findings, in his interviews with MPs, Marland (2020) found that such partisanship and party cohesion was not always that of blind followers, but rather of strategic actors. One of the explanations provided for why MPs of a party may publicly toe the line on some issues that they personally disagree with is because they are anticipating a trade-off on an issue more important to them in the future. According to Marland (2020, 6), “[t]heir acquiescence comes with a quid pro quo understanding: siding with the parliamentary group improves their ability to champion a policy that they care about, to access resources, and to improve their prospects for promotion and re-election.”

Similarly, in analyzing party votes in the House of Commons and the Senate from 1867-2019, Godbout (2020) also finds increasing partisanship and party cohesion over time, to its highest point in the current political climate. His conclusions are that changes to parliamentary rules increased party discipline, which, over time, resulted in a fracturing of Canada’s historical two big parties, the Liberals and Conservatives into multiple smaller parties. The staying power then, of the NDP and the BQ are attributed to rebellions against party discipline. This is a challenge to prevailing literature which tends to focus more on the electoral system as the driving factor for change in the party system (Godbout 2020). What these conclusions may hint at is an explanation for party cooperation in Canada. That is, there is notable overlap in the positions of parties in Canada on certain issues, and this may stem from the fact that some of the parties are historical offshoots of one another. This thus highlights one of the reasons for studying issue area as a potential source of party cooperation. More specifically, some MPs may be more inclined to cooperate on some issue areas than others because they are a source of historical overlap between parties and their members.

Chartash et al. (2020) take a slightly different approach to party cohesion. Instead of looking at how individual MPs vote, and whether or not that differs from their party, they look at MPs with similar voting patterns to determine if they are co-partisans, meaning from the same party, or if they are from different parties. The scope of this study is 2006-2015, thus covering both the minority and majority Conservative governments under the leadership of Stephen Harper. Their findings do fit with the aforementioned studies, that partisanship and party cohesion remain relatively strong, but they are not absolute. In looking specifically at the Harper majority government, this study found that a sufficient cohesion was followed to maintain control over government bills, but that there was less cohesion than was expected. Similarly, opposition parties within the majority Conservative context were not significantly cohesive

either (Chartash et al. 2020). Put differently, party cohesion is never absolute, regardless of party, in both minority and majority contexts. MPs do vote with other parties at intervals higher than what is portrayed in the media and common parlance, at least on votes on the floor of the House of Commons. It is thus expected that this same logic extends to votes on amendments in House of Commons committees, indicating that party cooperation can occur in committees even in majority settings.

The party cohesion literature does not typically measure party cooperation directly, it is instead a focus on intra-party behaviour, rather than inter-party behaviour. Despite, this, given that this body of literature does look at majority and minority contexts, and that it finds that cohesion is not 100%, it indicates that there is room, even within a system of strict party discipline, for MPs of various parties to vote together despite what they are being told to do by their leadership. As noted by Kam (2009, 10), “[d]issent is important, then, because it may lead to... the amendment of government bills [among others].” These sparing gaps in party cohesion then, may help to explain the party cooperation that is being measured here. Furthermore, this literature demonstrates that amendments (which are traditionally most often passed in the committee process) play an influential role in the Canadian political system. In addition to what amendments actually accomplish in terms of their context, amendments to government bills can be a demonstration of party dissent within the political system. Therefore, this literature notes both the influence and value of committees in Canada’s political system. Kam (2009, 210) ponders this exact point, stating, “[i]n theory, MPs who are motivated by policy influence rather than the office perks of ministerial office can operate in relative freedom from the party line, secure in the knowledge that they can develop their careers in the committee system.” In other words, committees are the best place for MPs seeking to vote based on their policy concerns rather than their party line. Therefore, if committees could be reformed to encourage more independence of MPs, committees could become significantly more influential and a source of increased voices and cooperation in Canada’s democratic system.

Outside of the party cohesion literature, again there exists little work done on party cooperation in Canada. While other systems have robust literatures on coalition governments, there has never been an official coalition government in Canada at the federal level (Conley 2011). In fact, coalition governments are incredibly rare in Westminster parliamentary settings with a first-past-the-post electoral system like Canada and the UK (Bogdanor 2011). As such, the coalition government literature will not be a central focus, as coalition governments typically require formal agreements across parties and usually result in shared Cabinet postings across coalition parties, and remain rare in Westminster systems (Bale and Bergman 2006; Kaiser 2009; Boston 2009; Paun 2011). Despite this, however, the ability of coalition governments to function in systems outside Westminster over long periods are typically linked to many of the same issues noted above. Specifically, coalition success (or failure) is linked to issue area (Timmermans 2006; Strøm 1990; Strøm, Müller and Smith 2010), electoral strategizing (Strøm 1990; Müller and Strøm 1999; Strøm, Müller and Smith 2010), the strength of the economy (Strøm, Müller and Smith 2010), and ideology (Warwick 1979; Martin and Vanberg 2003). Therefore, if we are to look at coalition governments as another form of party cooperation, this body of literature helps to inform this study in terms of most significant variables to measure for potential systematic tendencies in the Canadian context.

Cooperation in Canada has never, at least at the federal level, taken on such a formal structure. Rather, cooperation, even in minority settings, remains quite ad hoc. While minority governments are also understudied in Canada (and in other Westminster systems (Bale and

Bergman 2006; Conley 2011)), Canada has had a few notable minority governments throughout its history thus eliciting some academic attention. In a comprehensive comparison of productivity of minority governments to majority governments, Conley (2011) found that minority governments do take longer to draft and pass legislation, and therefore can be deemed less productive than their majority counterparts on these measurements. However, what Conley (2011) also discovered is that there is significant variation in these groups. For instance, Lester Pearson's minority governments of the 1960s were highly successful in terms of the percentage of bills introduced versus those passed (around 80% success rate), whereas Pierre Trudeau's minority in the 1970s was below 50%. This thus indicates that a minority government does not mean guaranteed party cooperation on a multitude of issues, but rather there are other characteristics at play that determine when parties are more or less likely to cooperate with one another. While cooperation in majority governments is perhaps the biggest puzzle because it is technically unnecessary, it is still important to see if there are themes of cooperation across minority and majority governments. As noted by Conley (2011), scholars have largely failed to systematically examine legislative phenomena in Canada across minority and majority governments, save for a few exceptions. Comparing across both types of systems provides a more comprehensive understanding of Canada's democratic system. Coupled with this is the fact that this study is one of the first to systematically analyse House of Commons committees in Canada, and therefore it is essential to study committees in both minority and majority settings to have a more holistic picture of committee functions, and more specifically, party cooperation in committees. More precisely, in order to determine if there are any systematic tendencies of party cooperation and what kinds of influence committees have in Canada's democratic process, both minority and majority governments must be examined.

It is this exact phenomenon of party cooperation in Canadian minority government contexts that Godbout and Høyland (2011) investigate and seek to explain using a modified theory of inter-party voting coalitions. According to this theory, minority governments in Canada form on an ad hoc basis based on electoral strategy and, to a lesser extent, issue area (Godbout and Høyland 2011). In this regard, ad hoc means that winning voting coalitions are struck on essentially each issue, with different parties tipping the balance of power at different times. This is an important finding, as it coincides with some of the findings within the party cooperation literature—namely that strategy and issue area are two dominant facilitating factors of cooperation. It thus provides further justification for including both minority and majority governments in this study, as well as the reasons for testing these variables, thus increasing the likelihood that some of these will indeed be an impacting factor in this study.

Studies of party cooperation in Westminster parliamentary systems are clearly needed. Even in New Zealand, where the switch to MMP for elections has limited the presence of single party majority governance, the role of support parties, that is, those not in a formal coalition but who cooperate with the governing party on certain issues, remain understudied (Bale and Dann 2002; Bale and Bergman 2006). Recent coalition governments and increased third-party power in Britain have led to some recent examinations of cross-party cooperation, but more work is still needed to foster a deeper understanding of this phenomenon (Russell and Gover 2017). Despite this increased attention in Britain and New Zealand, party cooperation in Canada has continued to remain understudied, and this could have serious future implications given that literature in Britain is demonstrating that cross-party cooperation is occurring and is having important impacts on policy outcomes and legislative behaviour (Russell and Gover 2017). For example, if this is indeed the case in Canada, it means that we do not currently have a full account of policy

and decision-making, policy outcomes, or how elected officials are behaving behind the scenes, all resulting in a reduced understanding of Canada's democratic functioning.

Institutional Limitations on Cooperation

As noted above, party discipline is a limitation on the potential for party cooperation in Canada. In addition to party discipline, other institutional factors contribute to limitations for cross-party cooperation, including the party system, the cooptation of responsible government by the executive, and literal institutional structures such as the seating arrangements in the House of Commons. Understanding these limitations is necessary for two reasons. First, it provides a clearer picture of where party cooperation is unlikely to occur, as well as helps to identify areas where it may be more likely to occur. Second, understanding these factors that limit the number of voices in the legislative process is necessary in order to understand why and how committee reform can be a legitimate source of reform to increase the number and diversity of voices in Canada's democratic process.

Although party systems can be somewhat contentious, there is a general consensus that 1993 was a watershed moment for Canadian political parties (Carty, Cross and Young 2000; 2002; Gidengil et al. 2002; Koop and Bittner 2013; Patten 2017). The 1993 federal election resulted in a shift away from pan-Canadian parties like those of Pierre Trudeau and Brian Mulroney to one of strong regional parties with the emergence of the Bloc Québécois (BQ), a separatist party that only ran in Québec, and the Reform Party whose success largely hailed from the West (Cartier, Cross and Young 2000). These regional parties would cement themselves for another election, with the Reform taking over from the BQ in 1997 as Official Opposition. According to Carty, Cross, and Young (2000, 13), this marked a new period where “[n]ational parties, national politics, and national electoral competition no longer existed in a Canada that was deeply divided and regionally fragmented.” This notable break from the previous party system, whereby parties were largely partisan or eschewed partisanship, opened the door for more diverse parties that sought to challenge the status quo and the establishment parties of the Liberals and Progressive Conservatives (Cartier, Cross and Young 2000). During this time period, Question Period also became more partisan, with parties staking out more time to focus their attention on their most important issues. It is also argued that this shift to more partisan behaviour was in part reflective of the trends in issue attention by their voters (Penner, Blidook and Soroka 2006).

Beyond the new party divides, the period of 2004–2011 also ushered in an interesting time in Canadian politics—a series of minority governments, first under the Paul Martin Liberals (2004-2006), and then under the Stephen Harper Conservatives (2006-2011). According to some, these minority governments entrenched partisanship (Bittner and Koop 2013; Patten 2017). That is, minority governments “lead parties to become more adversarial, as the scorekeeping required when they are ‘constantly campaigning’ becomes more intense” (Bittner and Koop 2013, 4).

After 2011, majority governments returned with the Conservatives winning a majority in 2011 and the Liberals winning a majority in 2015. What did not change, however, was the kind of permanent campaigning whereby parties remain in “a state of being in which the strategies and tactics of elections are used between elections regardless of how unlikely it is that an election could be called” (Patten 2017, 19). Such strategies include controlled media messages focused on the party and its leader and the use of divisive wedge issues to distinguish between party positions (Patten 2017; Marland 2020). Further, the increasing prevalence of digital media continues to intensify partisanship (Marland 2020; Marland and Wagner 2020).

The combination of party discipline and the evolution of Canada's party system over time have led to the current hyper-partisan context, which both limits opportunities for cooperation and also limits the discussion on cooperation that could be happening behind the scenes in places like committees. That said, these are not the only contributing factors to Canada's hyper-partisan politicking. Rather, such partisanship has become obviously entrenched in the system over time through other institutional structures.

As noted above, because Canada follows the Westminster model, it is structured by responsible government. While in theory a parliamentary system with responsible government should be one where the executive is responsible to the legislative branch, and therefore the legislative branch should control the cabinet, in practice, this is not the case (MacGregor Dawson 1949; Lagassé 2016; Marland 2020). Indeed, as early as 1949, MacGregor Dawson pointed out that an alarming inversion of power had occurred, whereby "the Cabinet is no longer responsible to the Commons; the Commons has instead become responsible to the Cabinet" (434). As such, opposition party members, or MPs outside of the executive are argued to rarely be able to affect legislation (Kornberg and Campbell 1978; Atkinson and Thomas 1993; Savoie 1999; Kaiser 2008; Blidook 2010; Russell and Gover 2017; Godbout 2020; Marland 2020).

One reason why the executive in Canada is less beholden to the legislative branch than in other forms of government is because of the relative limitations of one of the chambers of the legislative branch. It is not uncommon for this to happen in Westminster systems, whereby power is concentrated in a single body of the legislative branch, despite having a bicameral structure. In the case of the UK, the power lies within the House of Commons (Lijphart 2012), although recent reforms may indicate that this is changing (Russell 2003). The same is true in Canada, where the Senate, while having many investigative and representative qualities (see Docherty 2012), is constrained by convention. Since the Senate in Canada is not elected, it is rare for real action (such as rejecting legislation from the House of Commons) to happen in this branch (Lusztig 1995; Docherty 2012; Smith 2013)¹⁰. According to Smith (2013, 17), senators are aware "that it is not their duty, where the will of the people is clear, to reject legislation coming from the lower house." This therefore means that the House of Commons is where almost all legislation is made and decided upon. Since the legislature tends to be controlled by the executive, therefore the executive maintains control over the political system. Again, where the executive of one party has such control over legislation and the legislative branch, the prevailing logic is that there are limited opportunities for cooperation or for members outside the executive to influence government legislation. Put differently, over time, opportunities for cooperation and influence on government legislation outside the executive has continued to decline, thus leading to many criticisms and calls to reform to increase the number and diversity of voices in Canada's democratic process.

Another component of the executive branch in Canada is the Crown—the British Monarch, represented by the Governor General. As mentioned above, the Crown's powers are, in

¹⁰ Although different from the UK House of Lords reforms, since 2015, Senate appointments under Prime Minister Justin Trudeau have been independent, whereby those appointed do not sit in the Liberal caucus. Over time, the Senate has evolved in different groups, whereby most of the former Liberal Senators are now part of the Independent Senators Group, many Conservative appointees remain part of the Conservative Party grouping, and newer groups include the Canadian Senators Group and the Progressive Senate Group, and few Senators, for a variety of reasons, remain entirely unaffiliated (Tasker 2020). It is not yet clear if this move towards independence in the Senate will influence the relationship between the Senate and the House of Commons. At the time of writing, the status quo appears to be largely maintained, albeit with some slight shifting (Evelyn and Allen 2018; Godbout 2020).

theory, extensive. Indeed, the Crown maintains the ability to decide when to begin, pause, or terminate a parliamentary session; has the final say on bills, particularly those that require the spending of money, through royal recommendation and assent; the ability to appoint Senators; and the ability to add Senators in the event of a legislative tie, among others (Lagassé 2016). These duties, while rather extensive and often quite important to the democratic functioning of Canada's political system, typically do not lie explicitly in the hands of the Crown. Instead, these powers are typically utilized on the advice of the Prime Minister, thus indirectly placing these powers into the hands of the Prime Minister (Lagassé 2016).

According to Savoie (1999), two other institutions have been coopted by the Prime Minister in order to further centralize decision-making: the Privy Council Office (PCO) and the Prime Minister's Office (PMO). The PCO is headed by the Clerk of the Privy Council, who is essentially the head of the Canadian public service, and simultaneously Secretary to the Cabinet and Deputy Minister to the PM. The role is generally filled by a successful career bureaucrat with years of experience in the upper levels of government, who is expected to use their knowledge and expertise to advise the Prime Minister and the government on how to proceed on various issues. The Clerk also chairs several meetings, directs PCO secretariats, and is directly involved in the appointment process of Deputy Ministers and Cabinet Ministers. In the past, this role was a check on the power of the PM, but since Pierre Trudeau, Savoie (1999) argues, the PCO and the Clerk have been pressured to serve the desires of the PM. Indeed, while the full story is not yet clear, the recent release of a recorded conversation between former Justice Minister Jody Wilson-Raybould and former Clerk of the Privy Council Michael Wernick did seem to demonstrate the willingness of the clerk to advocate on the Prime Minister's behalf (Globe and Mail 2019). While this example does not prove that this is always the case, it certainly does provide some evidence for Savoie's arguments in the present day, particularly that while the role of the PCO and the Clerk is to be neutral, that these roles can be utilized by the Prime Minister to extend their reach and influence policy and decision-making.

Unlike the PCO, the PMO is designed to be an entirely partisan organization, led by the PM's Chief of Staff and comprised entirely by members supportive of the PM. The PMO provides service to the PM by writing speeches, fielding media requests, answering inquiries from the public, managing the PM's hectic schedule, all in the name of improving the image of the PM (Savoie 1999).

Taken together, the powers of the PMO and PCO are immense (Savoie 1999). These powers have been succinctly summarized by Lagassé (2016, 22) who states that "prime ministers have relied on their political staff in the PMO and their *de facto* department, PCO, to help manage and coordinate their absolute responsibility and accountability for government." Echoing this sentiment is Don Johnston, a former Liberal Cabinet Minister, who stated that the "combined power of the PMO and PCO [under Pierre Trudeau] had grown far beyond anything reasonable in a parliamentary democracy" (1986, 69).

In addition to the power the Prime Minister has over the PCO and PMO, it is argued that this greatly impacts the legislative process because rather than the PM bringing an idea or a potential piece of legislation to Cabinet for meaningful deliberation, the PM can use the resources of the PCO and PMO and bring in an essentially finished piece of legislation to fly through Cabinet and be introduced to the House (Savoie 1999). The aforementioned role of party discipline and unwillingness of the Senate to reject legislation should then lead to the bill's easy passage in a majority context, as well as limiting opportunities for others to influence said legislation. Further to this, it is also argued that together, the PM, PMO and PCO also dictate

international issues that the government will focus on. Indeed, not only do these actors essentially select which international issues will be prioritized, but in so doing, “they will dominate the discussions and even shift the debate away from other issues at hand” (Savoie 1999, 136). For example, Cooper (1997, 217) notes the power of political tactics whereby “all important decisions in this issue area [agricultural trade] in the later stages of the GATT negotiations” were routed through the PCO and PMO. Thus, the Prime Minister’s ability to use the PCO and PMO in various ways to limit the effects or roles of the broader legislative branch are criticized for limiting the number of voices and members able to actually influence government legislation, especially in a majority setting.

Beyond these powers, there are physical legislative structures like the oppositional seating and structure of the Westminster system and Question Period that also enhance hyper-partisan politicking. According to Smith (2013), the Westminster system is one that is built off of an emphasized role for the opposition, both Official and otherwise. In this type of system, then, by its very definition, “opposition is not conducive to accommodation” (Smith 2013, 101), thus indicating that the very political system Canada has in place limits party cooperation, particularly in a majority setting.

Similarly, while Question Period is argued by some to be an essential component of Canadian democracy (Franks 1987; Penner, Blidook and Soroka 2006; Ryan 2009; Hill 2010; Cooper 2017), academics and parliamentarians alike have argued that Question Period has become little more than a partisan taunting fest rather than a democratic mechanism to hold the government of the day to account (Chong, Simms and Stewart 2017). Indeed, it is hard to argue that Question Period is a truly honest democratic discussion when party leadership of opposition parties write the questions to be asked and decide who is allowed to ask them; government members respond using pre-crafted responses, often repeating similar answers until the time is up; members of a party will loudly applaud and cheer for their members, regardless of how inspirational or mundane the question or statement was; members actively taunt members of other parties; and time limits on questions, coupled with a loss of time to clapping and jeering lead to very surface level discussions (Chong, Simms and Stewart 2017; Cooper 2017). This partisan wrangling in a public forum has led to a situation where “excessive partisanship is what Canadians see” (Rae 2017, xv; see also Atkinson 1990; Atkinson and Thomas 1993). Even those who defend the role of Question Period do note that it has increased in its partisan nature, focusing more on partisan issues than generalized, national interest issues (Penner, Blidook and Soroka 2006). Thus, even Question Period has been criticized for limiting the number of perspectives and voices in the Canadian political system, summed up as little more than scripted, partisan theater. Even when cooperation does happen behind the scenes, it remains behind the scenes, trumped by the one-liners of Question Period.

One of the major contributing factors to this imbalance of power in favour of the executive over the legislative branch is the fact that majority governments tend to be the norm (Godbout and Høyland 2011; Lijphart 2012), and a majority for one party allows that party to dominate the legislative branch. A core reason for the prevalence of majority governments is the electoral system. Canada has a first-past-the-post or single member plurality (SMP) system, which means that the candidate with the most votes in a particular constituency will win that seat, and the party with the most seats in the election (typically) will form the government¹¹

¹¹ Note: Canada does not have a legal requirement to decide which party will form government. Rather, it is up to the Governor General to decide which party will form government, which, based on convention, means that the

(Blais 2008). One of the reasons why this tends to result in majority governments in Canada and other SMP systems like Britain is because each riding is based on a vote for individuals, not the party, and a winner-take-all calculation, whereby the person with the most votes wins, and those who voted for all candidates besides the winner do not have their vote counted towards the party. Put differently, the total vote percentage across the country does not matter, and many seats are won with a plurality of the vote, not a majority (Courtney 2004; Smith 2013). This then leads to a vote-to-seat distortion that tends to favour large parties, returning them to majority governments, even without 50% of the popular vote (Butler 1983; Courtney 2004; Lijphart 2012; Blidook and Byrne 2013). This thus creates what has been referred to as manufactured or false majorities (Rae 1967; Russell 2008; Flynn and Kuzman 2013).

When these majority governments are then coupled with the aforementioned strict party discipline and the limitations on the legislative branch to hold the executive more accountable, the governing party thus has very little reason to seek cooperation with other parties. It can be argued that the governing party does not need this cooperation at all. Instead, they can seek to posture up their own positions and values, entirely unbothered by opposition parties. Indeed, bills can be hustled through parliament using the majority party voting as a bloc, as well as other techniques such as time allocation limits. An example of this is the 2012 passing of Bill C-18, which limited the monopoly of the Canadian Wheat Board. The legislative process was so fast that it led to parliamentary scholar David E. Smith (2013, 148) to lament, “[o]pposition parties could not keep up... no one seems interested in, or listens to, legislative debate anymore.” It can thus be extrapolated that reduced debate is part of the broader issue of hyper-partisanship—with limited debate there is likely little room for public cooperation. This issue of time allocation is also important for committees—as will be discussed in Chapter 7, time limits can also be used within committees to limit debate, and are a potential source of reform to increase debate and cooperation.

In examining the roles of these institutions, the role of party discipline, and the overall power of the executive and leadership over MPs, another theme emerges in the Canadian literature. That is, Canadian political literature on these topics tends to focus more on institutions and institutional structure as the key determinant of governance and policy-making, rather than actually looking at MP behaviour (Soroka, Penner, and Blidook 2009). As a result of this institutional focus, a discussion of parliamentary cooperation is naturally left out because it requires a much more behavioural approach. Parliamentary cooperation is inherently about the behaviour of MPs, but there is little to draw on in terms of the Canadian literature, as it has generally forgone behavioural studies for more institutional ones. More recently, however, scholars have made the argument for a more behaviouralist approach in order to explain why MPs break party discipline, how they act when representing diverging interests between their constituency and their party (Soroka, Penner, and Blidook 2009), and, as will be discussed in this dissertation, how behaviour in committees cannot be accounted for in a purely institutional manner. In looking at the behaviour of MPs, in terms of how they vote on amendments, this study allows for more evidence of cooperation, and allows for a deeper understanding of how Canada’s Parliament functions in reality, rather than how it is hypothesized or expected to act based on existing structures.

Examples of Cross-Party Cooperation in Canada

party with the most seats will form government, although this is not a requirement and there have been some exceptions, such as Mackenzie King in 1925 (Courtney 2004).

Despite these obvious and powerful limitations on party cooperation in Canada, cooperation is not impossible. While the dominant or conventional wisdom is “that MPs play little, if any, meaningful legislative and policy roles” (Blidook 2010, 34), this has been challenged by examining understudied areas of Westminster systems. Party cooperation and the breaking down of strict partisanship has been examined in Scottish committees (Shephard and Cairney 2005; Cairney 2006), in the UK committees (Russell and Gover 2017), and on Canadian PMBs (Blidook 2010). Each of these studies notes that they are studying phenomena often excluded from broader discussions on Westminster (committees and PMBs), that their work presents a challenge to the prevailing power of the executive at Westminster, and that more such work is needed.

Furthermore, party cooperation is happening and being discussed, albeit anecdotally, in the media. As noted in Chapter 1, anecdotal examples of cooperation abound. For instance, in the wake of the State of Emergency called in regards to an astonishing increase in suicides (particularly of youth) in Attawapiskat in April 2016, Conservative MP Todd Doherty stated, “[s]ometimes partisan politics need to be put aside and members need to come together to find solutions to prevent another unnecessary loss of life” (Doudard 2016), feelings which were echoed both by NDP MP Charlie Angus and Liberal Health Minister Jane Philpott (O’Malley 2016).

Aside from the above example, the most recent negotiations over NAFTA that were undertaken by the Liberal majority government maintained the support of the Conservative party (Blanchfield 2017). According to Conservative MPs, this support is “non-partisan,” as the Conservative Party has a vested interest in protecting aspects of NAFTA that fit with their platform and ideology, such as job creation and securing access to various markets for Canadian products (Blanchfield 2017). This cooperation included bringing in former Progressive Conservative Prime Minister and original NAFTA negotiator Brian Mulroney for assistance and consultation (Blanchfield 2017), as well as creating a multi-party NAFTA advisory committee which included former Conservative Cabinet Ministers Rona Ambrose and James Moore, as well as NDP strategist Brian Topp, among others (Bryden 2017).

NAFTA is not the only free-trade agreement that the Liberals and Conservatives have agreed and cooperated upon. In fact, the Comprehensive Economic Trade Agreement (CETA), between Canada and the European Union was negotiated by the Conservatives under Stephen Harper and followed-up on by the Liberals under Justin Trudeau. During the negotiation process under the Conservatives, Justin Trudeau stated that the Liberals were “broadly supportive of CETA” (Trudeau, 2013). CETA negotiations were completed in 2014, still under the Conservative regime, but subsequent negotiations, energy, and resources were needed by Trudeau’s Liberal government in the wake of European hesitations, particularly from Wallonia (Herman 2016; Langrish 2017). This case also included other forms of party cooperation, given that all provinces were consulted (a necessary condition) throughout the process (Herman 2016; Langrish 2017).

Another form of cooperation which has been discussed in the literature (although not extensively) is the role of Private Member’s Bills (PMBs). A PMB is a bill or motion put forth by an MP that is not part of the Cabinet, including members of both the governing party and opposition parties (Docherty 1997; Blidook 2010). MPs are chosen in a lottery fashion to determine the order in which PMBs will be presented, so as to ensure that there is no favoritism or preference given to certain MPs and not others (Blidook 2010). A PMB can come in two forms: an actual bill which requires three readings in both the House of Commons and the Senate, with the end result being a statute; or a motion, which only needs to be adopted by the House of Commons but has no legal standing (Blidook 2010). The average number of PMBs in

one session of Parliament is just under 300, while the number of motions is approximately 450 (Blidook 2010).

PMBs can be a source of cooperation, in that the MPs proposing the bills usually need to seek assistance from like-minded MPs in passing their legislation (Blidook 2010), a need which naturally lends itself to cooperation across parties. A recent example of this can be seen in the work of Green Party Leader and sole Green Party MP in the House of Commons at the time, Elizabeth May, whose PMB on creating a federal framework to deal with Lyme disease not only passed the House of Commons, but did so unanimously (Petrescu 2014). As stated by May of the process, “extraordinary levels of non-partisan co-operation went into this” (Petrescu 2014).

These instances are more ad hoc opportunities and examples of party cooperation. They are ad hoc in the sense that they are not regularly occurring, and are more informal (Russell and Gover 2017). PMBs are presented arbitrarily—MP names are drawn randomly to decide the order of presentation, and the topics range significantly, such as from E-petitions (Stewart 2017) to Lyme disease. Similarly, free trade agreements are not a regular event, and therefore are limited in occurrence, as are motions recognizing a State of Emergency. What these examples do show is that while politics in Canada might currently be “hyper” partisan, politics is not *strictly* partisan. And while these ad hoc examples are worthy of investigation in the future, this study will focus on the areas the literature suggests there is more likely to be systematic cooperation, and the investigation of committees provides that.

Reform

All of the aforementioned criticisms, and others, of Canada’s democratic system have brought with them a variety of suggestions at reform. In particular, such reform has sought to incorporate more voices into Canada’s political structure (primarily to balance out the dominant executive) (Savoie 1999; Wicks and Lang-Dion 2007; Moscrop 2016; Hayes 2019; O’Sullivan 2019). The argument is clearly that limiting centralizing forces and incorporating more voices will lead to better democratic functioning, because more people and perspectives will be represented. Yet many of these sources of reform are met with widespread criticism or significant political hurdles. Thus, the argument is that to improve Canada’s democracy we need to incorporate more voices, but current suggestions for reform are limited in viability. Therefore, new avenues of reform are visibly necessary. As will be argued later in Chapter 7, committees are a source of reform to incorporate more voices in Canada’s democratic system, and committee reform is easier, from a political and constitutional standpoint. Before the potential for committee reform can be firmly established in Chapter 7, it is first important here to demonstrate that there is a widespread call for the incorporation of more voices in the Canadian system, and to highlight the difficulties with past and current calls for reform.

A core area of focus on the inclusion of more voices within academia but perhaps even more so within the general public is reformation of the electoral system. As noted above, Canada’s first-past-the-post system is widely criticized for overly rewarding regional parties (Cairns 1968; Courtney 1980; Johnston 2017) and creating false majorities, where the winning party garners more than 50% of the seats while earning less than 50% of the total vote (Butler 1983; Kanji and Bilodeau 2006; Masicotte 2006; Blidook and Byrne 2013). What both of these criticisms are associated with is distorting the representation of voices. What this means then, is that in a false majority setting, the governing party, representing less than 50% of voters, can rule with an iron fist (Savoie 1999). Kanji and Bilodeau (2006) discovered that value diversity in Canada is linked with discontent with the current electoral system, connecting the idea that the

proliferation of more diverse voices in society is not being reflected politically, and the primary target of discontent is the electoral system. This has led to a variety of calls for reform at both the federal and provincial levels in Canada, to a variety of proportional representation systems which are argued to include more voices in governing (Caron 1999; Blais 2006; Wicks and Lang-Dion 2007; Hayes 2019; O’ Sullivan 2019). That said, experts in Canadian politics have opined that potential reforms for changing the electoral system may not guarantee more voices in Parliament (Courtney 2004), and of course, the move to change would have to come from the party in power, a party which is obviously successful under the current system. Thus, electoral reform may not happen, and even if it does happen, it is not guaranteed to actually increase the number of voices in the system.

Similarly, other groups have made calls for more direct participation of citizens in the political process through referenda. Canada is no stranger to both state-wide and province-wide referenda, but these phenomena do not occur on a regular basis. Indeed, the last state-wide referendum in Canada was on the Charlottetown Accord in 1992, and before that it was on the issue of conscription in World War II (Mendelsohn and Parkin 2005). In the 2000 election, the Canadian Alliance (now a part of the Conservative Party of Canada) included increased national referenda as a way to increase political participation (Mendelsohn and Parkin 2005). Despite this potential, increased referenda do not appear to be the choice of any major party, and therefore lack political will as a source of reform (Smith 2013).

A more perennial source of debate is the topic of Senate reform (Docherty 2002; Smith 2003). Widely touted by the Reform Party was the idea of a Triple-E Senate, one that is elected, equal, and effective (Elton and McCormick 1990), marking a shift away from the current system where Senators are appointed, numbers are based on region, and in practice, the Senate rarely votes against the House of Commons. In theory, this is supposed to lead to a more active Senate, thus incorporating more voices into the political system. While numerous criticisms of the current Senate abound, the calls for reform are flawed themselves. One core reason these are flawed is because they require constitutional change, which, depending on the type of reform, would require seven provinces with 50% of Canada’s population to agree, or, for outright abolition, the agreement of all provinces, processes which are highly unlikely in the current political climate (Docherty 2002; Smith 2003). These reform models also operate on the assumption that an elected Senate would somehow be more effective than the current version, when in reality, elected officials are beholden to their parties, and having a Senate battling the House of Commons on almost every issue could lead to a lack of effective legislation and political gridlock, as often seen in the US (Lusztig 1995; Docherty 2002). This model has further been criticized for requiring increased public spending (Lusztig 1995).

An example of a more holistic attempt at democratic reform is the *Reform Act*, a Private Member’s Bill from Michael Chong that sought to take power away from the executive and put it back in the hands of MPs more broadly, thus empowering backbench MPs. Despite receiving widespread support and receiving Royal Assent, the final product was a significantly watered-down version of Chong’s original vision (Stilborn 2017), and has largely been panned as ineffective by many for not having any significant legislative power or enforcement capabilities (Samara n.d; Stilborn 2017; Selley 2019). What Chong highlighted in the process, however, was the importance of making changes to Canada’s system that do not require constitutional modifications. This example is thus quite telling: reform is possible in Canada’s political structure, with support across the aisle from various parties. This thus sets the tone for committee reform. If committees are indeed a place where we find systematic cooperation, and committees

are influencing government legislation through amendments, then committee reform can be undertaken to increase democratic participation in Canada. All this can be completed without constitutional amendments, thus avoiding much of the malaise associated with Senate reform. Moreover, committees are directly dealing with legislation, therefore committee reform is direct change in the political system, rather than leaving it up to parties to enforce reform outside of the legal parameters of the House of Commons, as with Chong's bill.

As should now be clear, along with these calls for democratic reform, criticisms of the potential failings of such reforms are just as ubiquitous. This thus denotes that in order to increase more voices in the Canadian political process, other avenues are needed, and as will be argued in Chapter 7, committee reform can provide such an avenue. Committees are the best place to look for reform to incorporate more voices because, as this study will show, cooperation does happen in committees, committees are a source of influence on government legislation, and therefore reforms that seek to increase both of these actions can and will result in an increase in the number and diversity of voices in the Canadian democratic system.

Conclusion

This chapter has demonstrated a number of important factors. It has demonstrated that Canada's institutional structures and party system combine to create an executive dominated system with little room for cooperation. Indeed, the dominant trend in scholarship and the media is that Canada's system is one of hyper-partisanship rather than cooperation. This executive dominance has thus led to criticisms of Canada's democracy as not incorporating enough voices, in turn leading to a myriad of suggested reforms. Such reforms, however, all remain limited.

Alternatively, by understanding cooperation within Canada's political structure, it is then possible to not only provide a challenge to current perceptions of the domination of the executive branch, but it is also possible to discuss clear avenues for the incorporation of more voices into Canada's political structure through the committee process. Therefore, increasing such cooperation and committee influence should increase the number of voices in Canadian politics.

CHAPTER FOUR: METHODOLOGY

Introduction

As previously mentioned, this study seeks to answer three questions pertaining to the role of cooperation across parties in House of Commons committees, the influence of committees within the Canadian parliamentary system, as well as potential areas of reform related to committee processes. In order to answer these questions, a variety of methodological tools and considerations were employed. While several such methodological considerations have been discussed in previous chapters which ascertained the necessary variables to consider, it is important here to present all methodological considerations together, and to add additional information related specifically to the coding process to provide a full understanding and justification for the methods employed in this study. More specifically, this is a multifaceted analysis and its methodology deserves greater and more detailed step-by-step consideration.

In so doing, this chapter will proceed as follows. First, there will be a brief discussion on the research questions of this study and how exactly they will be addressed. The aforementioned time frame for this study will then be further justified. Using amendments to measure cooperation as the dependent variable has been previously justified, but more detail pertaining to the actual measurement process will be provided here. Beyond this, in discussing the methodology employed here of content analysis, the coding scheme for identifying the level of substantiveness of an amendment will be spelled out in clear detail and justified using previous work. This is a crucial element in answering the second research question pertaining to the influence of committees. Upon completing the discussion on measuring substantiveness, this will then move to a comprehensive list of the variables to be analysed quantitatively. In this regard, the variables identified from the literature in previous chapters will be combined, along with a discussion of how information on each variable was obtained.

Addressing Research Questions—What is Required?

As noted at the outset of this study, a mixed-methods approach has been selected as the best approach to this study. Using mixed-methods in general is good practice, as each type of methodology is based on different assumptions and limitations, which bias data. Combining multiple methods to study the same phenomenon can limit such bias and increase the precision and impartiality of results, thus leading to more robust analysis and trustworthy results (Tarrow 2010). In particular, in this study, information that is qualitatively interpreted and coded (such as the substantiveness of an amendment) is balanced out with more quantitative variables that are not open to such interpretation, such as whether an amendment passes or fails, whether the chair is a member of the governing party or not, or which party proposes an amendment. Further, the qualitative narrative provides more confidence in the quantitative findings, providing clear examples of what the quantitative analysis is measuring. In addition to being good practice, this study demands the use of multiple methodologies. Each research question demands different data and methodological requirements.

The first research question of this project is: when does parliamentary cooperation in committees occur and does it have any systematic tendencies? In this regard, this study is seeking to examine a systematic pattern of party cooperation in committees. In order to ascertain such patterns, it is necessary to first uncover the potential variables that could provide indication of such patterns, which has been done in the previous chapters (and will be discussed briefly

again below). Upon identifying such variables, it is then necessary to turn to the case selection, or what will be studied as the dependent variable. For instance, according to Fearon and Laitin (2008, 756),

[t]o ascertain whether some interesting pattern, or relationship between variables, obtains, the best approach is normally to identify the largest feasible sample of cases relevant to the hypothesis or research question, then to code cases on the variables of interest, and then to assess whether and what sort of patterns or associations appear in the data.

As such, the dependent variable here, party cooperation, is measured in the form of amendments proposed to government bills in House of Commons standing and legislative committees between 2004 and 2019. It is argued here, and indeed will be justified in extensive detail below, that this is the ideal sample and variable to measure systematic tendencies of cooperation in the House of Commons.

In answering question one, about when cooperation occurs and if it has systematic tendencies, quantitative analysis is needed. For example, basic quantitative analysis such as descriptive statistics allows for the preponderance of amendments and amendment success to be clearly tabulated and analysed, while more advanced quantitative analysis such as regression allows for a measurement of causation between independent and dependent variables. In order to demonstrate the impact of independent variables on the dependent variable, in other words, the systematic tendencies or factors that impact cooperation, quantitative methods are clearly needed.

In this regard, a data set was created of the factors that may indicate systematic cooperation (the independent variables), as well as the dependent variable. The systematic tendencies are then demonstrated in the next chapter using a combination of descriptive statistics and regression analysis based on the data set. Regression analysis allows for the isolation of the causal effects of covariates towards a specific dependent variable. Specific to this study, this will identify the independent variables most likely to impact cooperation, and whether these variables foster/hinder cooperation. Taken together with the descriptive statistics, these will provide the systematic tendencies of party cooperation. These results are then supported with a qualitative description of the context and processes under which some of the successful amendments were passed in order to provide additional perspective and clarity as to what cooperation looks like in different settings.

The second question that this study seeks to address is related to the influence of committees on government legislation. This question, like the first, also uses amendments as the core measurement, albeit with a different primary focus. In using the substance of amendments as the dependent variable in this question, amendments are inherently text based. Therefore, in order to use them as a measurement of substance, a qualitative approach is needed. The content of the amendments needs to be interpreted for its degree of substantiveness, a measure which differs markedly from the first approach as to whether an amendment is successful or not and which parties supported it, which lends itself much more quantitative analysis. Content analysis allows for the interpretation of text, in this case amendments, and allows for the sorting this text into categories, namely degrees of substantiveness. As plainly stated by Russell, Gover and Wollter (2016, 289), “[d]etailed amendment analyses can clearly answer important questions about parliamentary influence on legislation.” In this regard, it is particularly the type of

amendments passed that will determine just how much influence committees, and in particular, opposition parties have on government legislation. Therefore, as with question one, question two also combines quantitative analysis on the total number of amendments and amendment types as an empirical measure of influence, with qualitative analysis on the substance of amendments as well as a description of some of the most influential amendments.

To reiterate, both question one and two, and therefore Chapters 5 and 6, use the same amendments as the dependent variable, and both depend on the success or failure of said amendments, however the variables are operationalized differently for each. In Chapter 5, for party cooperation, the primary focus is on the parties proposing and supporting amendments, because multiparty support is the measure of party cooperation. As such, most of the tables will break down amendments as to whether they denote cooperation (support from multiple parties) or not. While this is the primary focus of cooperation, it is also interesting, and indeed useful, to include the degree of substance as a secondary focus in some discussions to demonstrate when/if cooperation occurs on typographical, clarificatory, and substantive amendments. For question two in Chapter 6, the primary focus is on the degree of substance of the amendments because this is the measurement of committee influence on government legislation. As substantive amendments are those that produce the most significant changes to government legislation, these form the primary base for most tables and discussion. Therefore, while both chapters use amendments, and there is some overlap, the primary focus of each chapter uses different measurements of amendments. Chapter 5 uses the party support of amendments to measure cooperation, while Chapter 6 uses the substance of amendments to measure committee influence. Together, the two measurements provide a holistic picture of party cooperation and committee influence, and how these two seemingly separate topics intersect within committee behaviours.

The third and final question that this study seeks to answer is: what are the implications of committee cooperation for Canadian democracy? Answering this question again requires relying on both the quantitative and qualitative analysis, and applying the results to the broader political context, which has been identified and explained in previous chapters. The goal here is to use the analyses conducted in this dissertation to demonstrate the characteristics most likely to foster cooperation, and that committees do indeed influence government legislation, and, in particular, opposition parties influence government legislation via their actions (passing amendments) in committees. These findings indicate that committees have a more elaborate role in the parliamentary process than previously discussed, and that committees are a source of inclusion of diverse voices. Thus, the implications of committee behaviour and in particular, committee cooperation for Canadian democracy ascertained in this study stand in stark contrast to what has been suggested by many in the past. From this perspective, potential reforms can be extrapolated to achieve the goal of incorporating more voices in Canada's parliamentary structure.

Time Period

Another important consideration after selecting the appropriate methodological approach is the scope of the study, and an important element of this is the time frame. As noted previously, the time period being studied here ranges from the election of the Liberal minority government under Paul Martin in late 2004, to the end of the most recent Liberal majority government in 2019. This includes five Parliaments, the 38th through to the 42nd. There are several justifications for the selection of this time frame.

First, as noted in Chapter 2, the significant committee reforms undertaken in the 1960s and again in the 1980s further justify why no examples prior to at least 1986 should be examined, as committee types, scope, powers, and structures were different prior to this period (Stewart 1977; Stilborn 2014). Similarly, as noted in Chapter 3, the election of 1993 is largely argued to have been a watershed moment in Canadian politics which permanently shifted the party system. In doing so, it significantly shifted the future of the number of parties in the Canadian House of Commons (Carty, Cross and Young 2000; 2002; Gidengil et al. 2002; Cross 2004; Koop and Bittner 2013; Patten 2017). These two impacting factors are likely to have their own independent and muddying effects on cooperation, which would limit the generalizations of this study if they were to be included by affecting the systematic patterns that may exist. 1993, therefore, is the earliest possible time that can be considered for a systematic analysis of amendments in committees. The number and strength of opposition parties plays a key role in examining the dynamics of party cooperation in committees, so this is something that must be factored into this study. For instance, the number of parties available to cooperate with will naturally impact cooperation. Moreover, the types of parties are also likely to play a key role in cooperation. As noted previously, ideology is likely to impact the likelihood of a party to cooperate with others. A prime example of party ideology possibly playing role is also important in the decision to start the analysis in 2004 rather than 1993, and that is the consideration of the role of the Conservative Party of Canada.

Although both parties had previously been created, the Bloc Québécois in 1991 and the Reform Party in 1987 (Carty, Cross and Young 2000), the 1993 election saw both of these largely regionally based parties jump to the forefront, finishing second and third respectively, with both gains largely coming from the demise of the Progressive Conservatives (Frizzell and Pammett 1997; Carty, Cross and Young 2000; Bélanger and Godbout 2010; Cross 2004; Andrew, Fournier and Soroka 2013). Notably, the Progressive Conservatives finished with two seats, thus losing official party status. The Reform Party of Canada was a socially conservative, populist, western-based party that maintained success in the following election, moving into second place in 1997, with the Bloc third, the NDP fourth, and the Progressive Conservatives under Jean Charest fifth (albeit with official party status restored) (Whitaker 1997; Woolstencroft 1997; Blais et al. 2003). The inability at this time of the Reform Party to win seats outside of the western provinces, and the return of the Progressive Conservatives to official party status then coupled with concerns about the future of the conservative movement in Canada (Whitaker 1997; Bélanger and Godbout 2010). The Reform Party was plagued by its inability to include Québec (indeed, on occasion, the party was accused of overtly discriminating against Québec) (Whitaker 1997), and there was a realization that a divided conservative movement would be unable to truly compete with the Liberals for government (Whitaker 1997; Blais et al. 2003). In a slow shift towards a unified conservative movement, the Reform Party rebranded itself as the Canadian Alliance under the leadership of Stockwell Day in 2000 (Blais et al. 2003), which then merged with the Progressive Conservatives to form the Conservative Party of Canada under the leadership of Stephen Harper in 2003 (Bélanger and Godbout 2010). The Conservative Party then went on to finish second in the 2004 election, effectively reducing the governing Liberals to a minority government (Bélanger and Godbout 2010).

The presence of the Reform Party, Canadian Alliance, and the Progressive Conservatives changed the party dynamics in the House, and therefore the dynamics of the committee system. However powerful this interlude of the Reform Party (Johnston 2013; 2017) is for the broader party system, it creates a difference in terms of measurable variables pertaining to the

examination of party cooperation in committees during that time. For instance, two parties with official status now merged into one (Walchuk 2012), and the new Conservative Party of Canada was noted to be different in identity from its predecessors (Andrew, Fournier and Soroka 2013). Furthermore, the 1993 election saw the Bloc Québécois finish in second place, as the Official Opposition (Carty, Cross and Young 2000; Cross 2004), while the 1997 election saw five parties win official status and thus eligibility for committees, neither of which have been done since. Indeed, while some focus on 1993 as an important watershed moment, others have pointed to the 2004 election as the moment when the transition from the tumultuous 1990s finally solidified (Patten 2017), while still others argue that 2004 itself is the start of a new party system (Walchuk 2012).

Therefore, this study begins with the 2004 election because it is the first time we see the modern Conservative Party of Canada in the House of Commons, and therefore it allows for the most direct comparability across governments, and controls for as many potentially confounding variables as possible. Moreover, the 2004–2019 period sees Liberal and Conservative governments, both with enduring periods of majority and minority governance, thus providing multiple avenues of comparison. Consequently, in order to keep as many elements constant as possible for this systematic analysis, this study begins with 2004 and continues until the end of the Liberal majority government in 2019, the most recent complete parliamentary session¹².

Beyond the desire to limit confounding variables and to increase generalizability, there are further methodological considerations in selecting the time frame 2004–2019 that deserve mention, namely the work of previous studies as well as the workload for a doctoral dissertation. Previous studies of parliamentary amendments normally have not spanned lengthy periods of time. Griffith's (1974) influential work spanned three parliamentary sessions from the 1967 to 1971 in the UK. Shephard and Cairney's study of the Scottish Parliament spanned one single session, from 1999–2003. Similarly, Russell and Gover (2017; see also Russell, Gover and Wollter 2016) looked at amendments to twelve bills spanning two parliamentary sessions, from 2004 to 2012. Similarly, in a study of US committee amendment votes, Ryan (2019) uses the 104th–114th congressional terms, spanning 1995–2017. The reason for these times frames is typically linked to comparative methodological reasons but also due to the largely time intensive nature of analysing and coding amendments, as well as tracing amendments through the legislative process. Therefore, feasibility also plays a role, in terms of time and work load constraints. As the work of a single researcher, rather than an entire team (see Russell, Gover and Wollter 2016; Russell and Gover 2017), or of multiple authors (see Shephard and Cairney 2005), this study had to be completed within a reasonable period of time. In sum, based on the desire to create a truly comparable study of committee amendments based on party continuity, party system structure, as well as based on previous studies and workload feasibility, the time frame of this study is justified on multiple fronts.

Amendments—the Dependent Variable

As noted throughout this study, the prime object of this study is legislative amendments, which represents a way of conceptualizing and operationalizing cooperation and influence. That is, this study analyses all amendments made by House of Commons standing and legislative committees to government bills that received Royal Assent from 2004 (starting with the Liberal minority

¹² Note that the Green Party achieves electoral success during this time period, thus adding to the number of parties in the House of Commons, but it does not achieve official status during this time, and therefore does not alter committee composition.

government under Paul Martin) until the end of the Liberal majority government in 2019. House amendments to bills that did not receive Royal Assent during this time frame as well as amendments made by the Senate or other committees (like Committees of the Whole) are not examined here. While the time frame is clearly addressed above, the other reasons for these parameters are two-fold. First, in terms of answering research question one, in order to establish systematic tendencies, it is important to compare examples that share multiple characteristics for methodological purposes (Gerring 2004; Bennett and Elman 2006; Mahoney and Goertz 2006). As noted in Chapters 2 and 3, the House of Commons and the Senate function quite differently as institutions, have differing party compositions, and their respective committees are structured differently, therefore studying all committees is not ideal for uncovering systematic tendencies. However, as noted in Chapter 2, both the standing committees and legislative committees of the House of Commons play a similar role in examining bills and proposing amendments, and therefore have been selected here for study¹³. Second, given that one of the goals of this study is to shed light on the impacts of committees on government legislation more broadly, with a particular interest in the role of opposition parties in amending government legislation, it is essential to only examine bills that received Royal Assent, as those that did not are not officially impacting Canadians or the Canadian political system, since they have not been enacted. Thus, in relation to the second and third questions of this study, the implications of cooperation and committees on the Canadian system, this plays a pivotal role. All of the accepted amendments in this study impacted the final, passed version of the legislation, and therefore impacted the overall implementation, to varying degrees of substantiveness. These are thus clearly a form of legislative outputs (Kreppel 2002; Shephard and Cairney 2005; Cairney 2006; Blidook 2010; Benton and Russell 2013; Russell and Gover 2017). In sum, these changes *influenced* government legislation to a certain extent.

Additionally, again building off previous works (Griffith 1974; Russell, Gover and Wollter 2016; Russell and Gover 2017), this study only focuses on government bills, and not on other forms of legislation such as PMBs. For the purposes of systematic analysis, the unique aspects of PMBs (as discussed in more detail in previous chapters) add too much variation in terms of the number and type of influences on party cooperation and bill passing, and therefore will not be examined here.

Like previous studies in the UK (Griffith 1974; Shephard and Cairney 2005; Cairney 2006; Russell, Gover and Wollter 2016; Russell and Gover 2017), the data on amendments is gleaned from official Government of Canada committee reports, transcripts, and minutes. These sources are used to analyze committee decisions and negotiations, particularly focusing on which members from which parties were in support of official decisions made by the committee. In particular, committee reports and official bills are utilized in order to compare alterations to existing bills and policies (pre-committee) with the final products of those bills and policies in order to provide evidence of the effect of committees on legislation in Canada and by extension, the functioning of Canada's democracy. For example, in the 40th Parliamentary Session, on Bill C-31, *An Act to amend the Old Age Security Act*, the Standing Committee on Human Resources, Skills, Social Development and the Status of Persons with Disabilities passed an amendment that

¹³ In examining only legislative and standing committees of the House of Commons, this study deviates from previous work in the UK by Griffith (1974), Russell, Gover and Wollter (2016), and Russell and Gover (2017), as these works do take upper chamber amendments into consideration. Due to the aforementioned methodological and institutional reasons, this is a justified limitation for the Canadian context.

allowed prisoners to apply for Old Age Security benefits once they knew their release date, rather than having to wait to apply until they were formerly released from prison. In so doing, it allowed released senior prisoners to have access to their benefits sooner upon release, rather than having to wait for the paperwork to be processed after release. Undoubtedly this amendment affects the lives of some Canadians, and only does so because the actual bill, with this amendment, received Royal Assent and was enacted. If the bill had died, this overall amendment would have had no formal, institutional impact on Canadians.

While studying amendments proposed by opposition members is of particular interest in this study because it shows that opposition party members can affect government legislation and that parties cooperate, even in majority settings, which runs counter to the prevailing logic, this study examines *all* proposed amendments in both minority and majority situations in order to present a full analysis of the role that amendments play in the committee process. That is, amendments from all party members, either government or opposition, are identified here. This justification is two-fold. The first reason is primarily methodological, for the purposes of truly identifying systematic tendencies and removing selection bias (discussed in detail below). The second reason is that this is necessary in answering the second research question. In studying the influence of committees as a whole on government legislation, any amendments, whether from the government or opposition, are relevant because they mark a change in the bill. This will be reflected in the analysis in Chapters 5 and 6, where Chapter 5 will have a significant focus on opposition amendments and amendments with multi-party support, whereas Chapter 6 will focus on the substance of amendments, including those passed by government.

This approach to analysing amendments, while rare (Shephard and Cairney 2005), is not novel. Rather, it is rooted in the extant literature on committees, particularly the recent work done in the UK by Russell, Gover and Wollter (2016) and Russell and Gover (2017). Furthermore, these recent works are also based off previous well known studies, such as Griffith (1974), as well as that of Shephard and Cairney (2005) and Cairney (2006). Griffith (1974) examines amendments made to government bills in three parliamentary sessions as a measurement of the impact of the parliamentary process on bills from the executive. In particular, Griffith (1974) examines the impact of amendments by measuring them in two ways: the quantity of amendments passed vs. negated, as well as the quality of amendments, in terms of substance. Similarly, in examining the impact of the Scottish Parliament on legislation from the executive, Shephard and Cairney (2005; see also Cairney 2006) also examine the number of amendments put forward by MSPs, measuring them both in terms of quantity as well as substance.

Furthermore, also acknowledging a paucity of studies on US committees, particularly studies spanning across Congressional sessions and committees, Ryan (2019) utilizes committee votes in order to measure the impact of minority parties on legislation. Although the US committee system functions differently than the Canadian parliamentary one (and therefore it is difficult to draw larger lessons and comparisons across the two), Ryan's (2019) work does provide additional justification for the methods in this study. That is, in dealing with a situation where there is limited existing research, and in seeking to make a more systemic analysis across committees and time, the general consensus seems to be that looking at committee votes is a legitimate and substantial method for undertaking an analysis of non-majority party influence on legislation. Thus, there exist multiple studies (Griffith 1974; Shephard and Cairney 2005; Cairney 2006; Benton and Russell 2013; Russell, Gover and Wollter 2016; Russell and Gover

2017; Ryan 2019), including this one, that argue that amendments to legislation are a measurement of the overall impact of the legislative branch on bills from the executive.

As previously noted, the quantity of amendments agreed to by committee members and the party proposing them is only an important measure of cooperation, the substance of the amendments is argued to be a deeper measurement of the overall effects of amendments on legislation, and therefore influence (Griffith 1974; Shephard and Cairney 2005; Cairney 2006; Russell, Gover and Wollter 2016). Simply put, the more substantive the amendment, the more influence it has on government legislation and the lives of Canadians. Indeed, the most work intensive and laborious part of this study was the classification of amendments in terms of their overall substantive effects on legislation. Again, the classification into degrees of substantiveness is not novel in this study, rather it is informed by previous works, which have evolved over time to sharpen and hone the coding schematic, and therefore can be argued to be a well justified coding process for this particular study.

The first hint of a coding scheme for committee amendments can be traced back to Griffith (1974), however while this study was incredibly detailed in other ways, his discussion of how amendments were evaluated in terms of substance was limited. How to classify degrees of substance, however, is clearer in more recent works. Russell, Gover and Wollter (2016, 293–294) classify amendments into three categories of substance: 1) typographical/consequential, which are deemed to be “cosmetic or lexical changes;” 2) clarificatory, which do not change the intention or a section, but rather “limited its interpretation;” and 3) substantive amendments, which do impact the overall effects of the legislation.

This model used by Russell, Gover and Wollter (2016) was originally developed by Shephard and Cairney (2005), who built off the work of Kreppel (2002). Kreppel (2002) initially measured amendment substance (in studying the EU) by coding them into three categories. These three categories, going from least substantive to most, were clarificatory, extending, and creating a new policy dimension (Kreppel 2002). As acknowledged by Shephard and Cairney (2005), while useful, these do not work as well in a Westminster setting as procedural rules typically reduce the options for new policy arenas. Furthermore, these categorizations do not distinguish between a clarification of a section or simply correcting a typographical error (Shephard and Cairney 2005).

Thus, it is argued here that the categorization of amendment substance is more closely related and better measured by the three category coding as adopted and used by Shephard and Cairney (2005), Cairney (2006), Russell, Gover and Wollter (2016) and Russell and Gover (2017). Amendments will be classified here as typographical, clarificatory or substantive. Typographical amendments are those that do not change the bill except to correct technical language, grammar, or address a translation issue. For example, in the 39th Parliamentary Session, on Bill C-37, *An Act to amend the Citizenship Act*, the words “was made abroad on after January 1, 1947” was replaced with “was made abroad on or after January 1, 1947,” thus correcting the obvious omission of the word “or” (Canada, Standing Committee on Citizenship and Immigration 2008). Note that the Canadian context is unique to the UK’s in that bills must be published in both official languages, English and French, and therefore translation is an issue that is not addressed by these studies. Naturally, this may impact the number of typographical amendments in the Canadian context. For instance, in the 42nd Parliamentary Session, on Bill C-44, a budget bill, the French text was altered from “sur la macroéconomique” to “sur les politiques macroéconomiques” while the English version was left unchanged because it was

correctly referring to policies, while the original French version left the equivalent word out (Canada, Standing Committee on Finance 2017).

The second category, clarificatory, is reserved for amendments that seek to clarify a section or sections but are not seeking to change it. As noted by the UK studies, (particularly Russell, Gover and Wollter 2016), amendments in this category essentially limit interpretation. For example, in the 39th Parliamentary Session, on Bill C-2, commonly referred to as the Federal Accountability Act, text was clarified from “A member of the Senate or House of Commons may, with respect to conduct governed by *The Conflict of Interest and Post-Employment Code for Public Office Holders*” to “A member of the Senate or House of Commons may, with respect to persons subject to and obligations established by *The Conflict of Interest and Post-Employment Code for Public Office Holders*” (Canada, Legislative Committee on Bill C-2 2006). Essentially, the amendment is clarifying how the bill should be interpreted, particularly if a case is before the courts pertaining to this section. Instead of focusing just on conduct covered by the Conflict of Interest Act, it is specified to persons subject to the act, thus providing more clarity.

It is important to note that this study did deviate from that of the aforementioned UK studies, in that amendments that are subsequent to previous ones are classified here as a clarificatory amendment, rather than typographical. Subsequent amendments are those that follow a previously passed amendment. In some cases, committee members will put forward a single amendment which includes all subsequent changes, and they are all voted on as one amendment. Other times, however, particularly on longer bills with many sections, the substantive amendment will be voted on first, and any necessary subsequent amendments that are needed due to the change in the first one, will be voted on later when their section comes up in the clause-by-clause consideration phase. For example, in the 38th Parliamentary Session, in discussing Bill C-12 *An Act to prevent the introduction and spread of communicable diseases*, an amendment was agreed upon that screening officers could act if they have grounds to suspect that travellers “have or might have a communicable disease,” which was a clearly substantive change from the original text, which said that they could only act when dealing with travellers that they suspect “have a communicable disease” (Canada, Standing Committee on Health 2004). This noticeably shifts the burden of proof from suspecting a traveller has a communicable disease to the idea that they *might* have a communicable disease. This first amendment of its kind to the bill is undoubtedly a *substantive* amendment, rather than clarificatory. However, after this amendment was accepted, several other sections of the bill had to be amended in order to reflect this change to when individuals or travellers *might* have a communicable disease as opposed to having it. Therefore, in these cases, the first amendment was rated on its degree of substantiveness, usually a 3 for most substantive, and then subsequent amendments that were needed due to this original amendment passing, were labelled clarificatory (2).

The reasoning for including these as a 2, or a clarificatory amendment, is that many subsequent amendments, like the example just utilized, are providing notable changes, and are different from typographical amendments, in the sense that the reason for their passing is different from that of stand-alone amendments. That is, correcting a typographical error is different in logic and reasoning than is passing an amendment that is subsequent to a previous vote. Moreover, subsequent amendments here are not always guaranteed to pass, they still require a vote, and often times would create a substantive difference if they failed. Therefore, to mark that subsequent amendments are different from simple typographical or translation errors, this study chose to classify them as clarificatory.

Substantive amendments, like the first amendment in changing the evidentiary burden on when screening officers can act if they suspect individuals may have a communicable disease clearly go beyond simple technical changes and create real change to the bill. That is, they change the bill in some actionable way. That said, as noted in previous chapters, if a bill is referred to a committee after second reading, no amendments are so substantial that they change the principle of the bill, as this would violate House of Commons procedures.

Content Analysis

Content analysis, although defined in multiple ways, is often defined as “a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use” (Krippendorff 2004, 18). The researcher then uses these inferences to connect texts with the context(s), and does so with the goal of answering pointed research questions (Krippendorff 2004; White and Marsh 2006; Drisko and Maschi 2015). As noted above and in Chapter 1, this study has clear, established research questions and this study is not only looking at the text of the amendment, but analysing it within its context. More specifically, each amendment is not looked at in a vacuum, rather it is examined within the context of the committee in which it was proposed. Therefore, every amendment is interpreted, analysed, and coded based on what was said about it within the context of the committee meeting.

Content analysis is often used for exploratory research, whereby it provides new information on pre-existing text (Drisko and Maschi 2015). This study is exploratory in nature because it is the first of its kind to examine amendments in committees in this way, at least in the Canadian context. There currently exists no measurement for the degree of substance of an amendment, therefore the context of each amendment must be ascertained in order to provide an accurate code.

Content analysis has been recommended as a useful methodology not only in studying policy outcomes from government documents, but also as a useful method to unite quantitative and qualitative measures (Prior 2014). Therefore, it is argued that this is the most appropriate method for this study based on the state of this research of this subject.

Coding involves determining categories in which to sort data (Saldaña 2014). More specifically, “[c]oding is a heuristic—a method of discovery—to the meanings of individual sections of data. These codes function as a way of patterning, classifying, and later reorganizing them into emergent categories for further analysis” (Saldaña 2014). The individual sections of data here are amendments, and the classifying or patterning is the process of sorting the data into categories of organized observations (Saldaña 2014; Drisko and Maschi 2015; McNabb 2015).

Coding amendments within their committee context then allows for a qualitative narrative to emerge (Saldaña 2014). As committee proceedings were analysed, specific cases of interest were highlighted and are later used in all three findings chapters to provide a descriptive narrative that complements the quantitative studies.

In order to increase validity and reliability this study has undertaken several measures. Validity refers to how well measures capture the concept, while reliability is about the replication of studies leading to the same results (Shephard and Cairney 2005; White and Marsh 2006). When conducting content analysis, data selection and collection is of considerable importance. The selection and justification of source material can greatly increase (or decrease) the validity of the findings (Drisko and Maschi 2015). For this study, the usage of amendments has been established previously in the literature as a valid source of measuring the impact of the legislative branch on legislation. Furthermore, coding should be decided upon *a priori*, that is,

before the action of coding has begun (White and Marsh 2006). As previously noted, the coding scheme of amendment substantiveness is well rooted contextually, and has been tested by multiple scholars in different arenas, thereby increasing validity. Finally, as is discussed above, the time frame applied to amendments is also strictly justified.

Furthermore, the sample of amendments impacts the overall results. Where possible, it is desirable to examine all cases of a particular phenomenon (White and Marsh 2006). By examining *all* committee amendments proposed during the selected time frame, this study is able to look at the population of cases as opposed to a random sampling of cases, which, in turn, removes issues associated with sampling bias. In particular, a population sampling limits selection or confirmation bias, whereby the researcher is not selecting data which fit most with the dependent variable or phenomenon being studied. For instance, if this study had only chosen to focus on amendments passed by opposition members, it would be biased in the sense that the sampling would be selecting based on the dependent variable. Instead, by examining all amendments from all parties, this allows for a more holistic examination of committee behaviour pertaining to amendments. Additionally, examples of coding, for each of the three types, are provided throughout as well as in the appendix for transparency purposes, as suggested by the literature (Drisko and Maschi 2015).

In order to address external reliability, or the ability of others to replicate the coding consistently (Shephard and Cairney 2005; Drisko and Maschi 2015), a random sample of 25 of the amendments were examined and coded independently by another researcher with experience in coding. The sample matched the coding by the principal investigator, therefore lending more confidence and confirmation to the coding scheme¹⁴. Intra-coder reliability (the ability of the original coder to come to the same conclusions upon reexamination) (Shephard and Cairney 2005; Drisko and Maschi 2015) was also tested. This was done by giving the principal coder a blind sample of 10 of the amendments and recoding them. Again, the second blind coding matched with the original coding, increasing the overall reliability (see appendix). Furthermore, as previously mentioned, the coding scheme adopted here is not unique—rather it has been tested and utilized by multiple other authors in the same fashion (see Shephard and Cairney 2005; Cairney 2006; Russell, Gover and Wollter 2016). Therefore, there is increased confidence in the coding of this project on these two fronts.

Quantitative Analysis and Independent Variables

As previously noted, this study takes a mixed-methods approach. Accordingly, while the content analysis is incredibly important in measuring the substantiveness of amendments, the degree of substantiveness is not the only measurement in this study. Rather, several potential factors which need to be tested for as independent variables have been identified in Chapters 2 and 3. That is, these variables need to be analysed to see if they reveal any systematic tendencies of party cooperation in committees in order to answer the first research question. Thus, the following paragraphs will discuss each of these variables and include where the information on said variables was obtained as well as how it was coded for the data set.

Since amendments are the core focus of this dissertation, but are utilized in two different ways, two data sets were constructed. The first, measuring legislative influence, focused on the substantive coding. In this regard, amendments were coded in order of the bill numbering, from the 38th Session to the 42nd Session. In coding an amendment, the original text was placed next to

¹⁴ There was one amendment which did not match the principal coder, but after discussion and further investigation, the independent coder agreed with the principal coder

the proposed amended text. It was then labelled as to whether it passed or failed, whether the change appeared in the final draft of the bill that received Royal Assent, and whether it was typographical, clarificatory, or substantive in terms of its overall substance. In addition to this, a column was created with the explanation for what the amendment sought to do. An additional column was made for extra notes about unique or interesting characteristics, which highlighted ideal cases for detailed narrative description. This thus provides a comprehensive detailing of every amendment proposed to eligible bills for this study, and provides the basis of the measurement of influence of committees on government legislation.

In order to measure party cooperation, the coded amendment information was combined into a data set sorted by bill. That is, every amendment examined in this study received its own row, grouped by the bill to which the amendment was proposed, containing the information of all variables, including those from the first data set such as degree of substantiveness and whether it passed or failed, as well as the other independent variables such as the party proposing it and Prime Ministerial popularity and committee size.

Each of the variables and their indicators are presented in Table 4.1. Several of the variables are basic information coded into categories according to how they may impact the passing of amendments and therefore cooperation. For instance, the first variable listed is simply in which parliamentary session the bill, and therefore its amendments, occurred. As noted previously, the time limited selected for this study is 2004–2019, ranging from the 38th Parliament to the 42nd.

The second variable is the party that was in power during the parliamentary session, and therefore the party that was in power when the amendments were voted on. As previously noted, during this time frame, Canada was only governed by two parties, either the Liberal Party of Canada or the Conservative Party of Canada. Additionally, the third variable notes whether the governing party held a majority or a minority of seats in the House of Commons for that session. While the first three variables are all common knowledge for academics in Canadian politics, the information was verified using a variety of Government of Canada sources, such as the House of Commons website.

Legisinfo is a website jointly maintained by the House of Commons, Senate, and Library of Parliament, designed to be an electronic research tool to provide information on each bill, including

details on the passage of the bill through the Senate and House of Commons; the text of the bill as introduced at First Reading and its most recent version if it is amended during the legislative process; votes; major speeches at second reading; coming into force data; legislative summaries from the Parliamentary Information and Research Service of the Library of Parliament; and government press releases and backgrounderers (for government bills)¹⁵.

Therefore, Legisinfo was used as the source of all bills, including the comparison of the pre-committee text of bills with the amendments themselves. This is partially how degree of substantiveness was achieved, by comparing the original text with the amended text¹⁶. Further, upon the acceptance of an amendment by a committee, the amended text was then compared to

¹⁵ Legisinfo homepage (<https://www.parl.ca/LegisInfo/AboutLegisInfo.aspx?Language=E>)

¹⁶ This was supplemented with speeches in committees, obtained through committee transcripts, or audio/video recordings whereby members explained the intention of their amendments as well as justified their vote.

the final draft of the bill at Royal Assent, to ensure that the amended text did, in fact, make it to the final version.

Beyond the text of bills, Legisinfo was used to obtain the information for which committee was reviewing the bill, whether the bill was referred to committee before or after second reading, and the date on which amendments were voted. Said date was used as the reference for the number of months since the last election, the popularity of the Prime Minister, and the unemployment level. Once the committee examining the bill was obtained, then individual committee websites were used to discern the number of members, the party affiliation of members, and whether the committee chair was a member of the governing or opposition party.

Table 4.1 Variable List and Coding Scheme for Data Set, Organized by Bill

Variable	Coding Scheme
Parliamentary Session	38 th , 39 th , 40 th , 41 st or 42 nd
Party in power	Liberal (1) Conservative (0)
Government type	Majority (1) Minority (0)
Committee reviewing bill	See Chapter 2 for the list of all committees examined
Stage of referral	After First Reading (1) After Second Reading (2)
Committee seat total	Across all sessions, ranging from 10–15 members
Committee chair	Government Party (1) Opposition Party (0)
Time since previous election	# of months since the last election
Popularity of the Prime Minister	%
Unemployment level	%
# of Amendments proposed	Total By Government By Party
Result of Amendments	Reported in total numbers per bill, allocated to Withdrawn (Total, Government, Opposition) Inadmissible (Total, Government, Opposition) Negated (Total, Government, Opposition) Accepted (Total, Government, Opposition, by Party)
Substance of Amendments	Typographical (1) Clarificatory (2) Substantive (3) Total number of each type, organized by Total Proposed and Total Accepted, by Government and by Party

In terms of the date since the last election variable, this was identified in previous chapters as a potential influencing factor on cooperation, because it indicates roughly where the government is in the election cycle. So, for instance, this is essentially measuring whether amendments are more likely to be passed in the “honeymoon phase” after an election, or perhaps

later in the electoral cycle when members have had time to build relationships with another. In measuring this variable, the date amendments were voted on was used (on the occasion that voting on amendments took more than one day, the later date was used). The date of the previous election is subtracted from the amendment date, to give the distance, in months, between the last election and the time that potential cooperation took place.

The date on which amendments were voted is also used in the calculation of the popularity of the Prime Minister. In order to obtain this measurement, public opinion polls were used, with the poll proximate the date on which the amendment was passed. Due to the uneven dates of polling related to the popularity of the Prime Minister (as well as the randomness of dates for voting on amendments) as well as the lengthy time frame of this study (2004–2019), data was taken from ten reputable sources to find the closest possible measurement to the voting date. Data from the following firms was used: Abacus, Angus Reid, Campaign Research, EKOS, Environics, Forum, Harris Decima, Ipsos-Reid, Léger, and Mainstreet.

Similarly, the amendment voting date was also used for calculating unemployment rates. Unemployment rates were obtained from Statistics Canada for the month corresponding to the month of voting. While using the unemployment level as a measurement of economic performance is by no means perfect (Levine 2011), ample studies do indicate that the public cares about unemployment as a measurement of economic performance (Hibbs 1979; Dua and Smyth 1993; Trubowitz and Mellow 2005). Given that this study is focused on the justifications for why or why not parties cooperate with one another, public perceptions are a mediating factor in the link between economic performance and party cooperation. That is, as noted in Chapter 3, one of the justifications for why parties may choose to cooperate in good economic times, and not cooperate in weaker economic times, has to do with how their voters perceive their actions. If the prediction of economic impact on party cooperation holds, if voters perceive unemployment to be a measurement of economic performance, and unemployment is high, then we should see less cooperation (Trubowitz and Mellow 2005). Furthermore, studies have found that voters in Canada do consider national unemployment when deciding which party to vote for (Nadeau and Blais 1993; 1995; Nadeau et al. 2000). As there is existing literature on the connection between potential economic impacts on party cooperation that use unemployment as a measurement, for the purposes of this study, unemployment levels are argued to be a sufficient measurement of economic performance.

As for the amendments themselves, these have been discussed in detail above. Each amendment was coded as whether it passed or failed¹⁷, which party was responsible for proposing the amendment, and the degree of substantiveness of the amendment. By attributing each amendment to the proposing party, this allows the research to determine the amount of success (in terms of modifying government legislation) each individual opposition party has cumulatively had in the period of study. This differs from the work of Russell, Gover and Wollter (2016) and Russell and Gover (2017), who group together government officials as those from the executive, and non-governmental officials as those including governing party backbenchers and all opposition members. The reason that this study does not adopt this approach is due to differences in the Canadian system. Canadian party discipline is stronger than

¹⁷ Note: an amendment may fail because it is withdrawn (the mover chooses to retract the amendment from consideration); inadmissible (the Chair determines that the amendment does not fit the criteria as laid out in the Standing Orders, and therefore will not be voted on); or negated (whereby the committee votes against the bill). For most discussion, this study focuses on pass/fail, and therefore groups together amendments that were withdrawn, deemed inadmissible, or voted against.

in the UK, and the UK backbenchers are known to be much more politically independent than their Canadian equivalents (see Russell and Gover 2017). Therefore, in this study, government amendments will include those proposed by any member of the governing party, while non-governmental amendments will be exclusively limited to opposition party members. The parties listed in this study are the Conservative Party of Canada, the Liberal Party of Canada, the New Democratic Party, and the Bloc Québécois. Additionally, a category for Green Party and independent party members was made. The reason these two groups were combined into one is not to undermine the Green Party or to insinuate that their members are independent, but rather reflects their status within committees during this time period. Parties with less than 12 seats in the House of Commons or independent MPs are not eligible for committee seats according to the current system, and therefore when these members present amendments at committees, their position is the same: non-voting. Hence, the Green Party and independent MPs proposing amendments to government bills in committees are labelled here as Green/Other.

Qualitative Case Selection

As noted previously, for the first two research questions, a qualitative component is important to demonstrate cases of what party cooperation looks like for question one, and what substantial legislative influence looks like for question two. For both, specific cases were selected, and it is important to note that these cases were selected according to rigorous methodological standards.

To start, for both questions, the purpose of case selection is descriptive; the goal of the cases is to describe the phenomenon being studied, rather than to provide a causal mechanism (Gerring and Cojocaru 2016). Therefore, case selection is done after the quantitative analysis, as the goal is to demonstrate, or describe, what the phenomenon looks like, where the outcome is already known (Gerring and Cojocaru 2016). In this type of case selection, for description rather than causation, case selection “is not an issue if the author’s sole purpose is to explain the case, or cases, under study. Here, the case or cases are already chosen by virtue of their intrinsic interest” (Elman, Gerring and Mahoney 2016, 377). In this study, the case selection for the broader study, the 202 bills across 2004–2019 has been extensively justified above. The qualitative cases are a subset of these cases, selected to demonstrate some of the most important elements of this study, namely what party cooperation looks like as well as what substantive amendments, and therefore significant legislative influence of committees, looks like. Therefore, there is significant openness in terms of case selection. In this regard, this study sought to balance methodological, practical and content considerations as well as consistency in case selection.

For the cases in Chapter 5, it was determined that 4 cases was an appropriate number for multiple reasons. First, for methodological comparisons, this study essentially examined four distinct types of government: a Liberal minority, a Conservative minority (two of them), a Conservative majority and a Liberal majority. Therefore, in order to demonstrate how cooperation occurs across all government types, one case from each government type was selected. This type of case selection is referred to as diverse, where the goal is to demonstrate or describe the phenomenon across a number of different contexts (Gerring and Cojocaru 2016).

Second, in selecting one case from each of these types of governments, further factors were considered. As case selection was done after the original amendment analysis, it was possible, and indeed necessary, to narrow down to bills where amendments were accepted, and in particular, only those amendments that fit with the definition of cooperation as outlined in this study. That is, the amendments could come from any party within minority governments, but

exclusively from opposition parties in majority contexts. Third, an additional limitation was used, in that only cases with substantive amendments, those coded a 3, would be considered. This is because these are the most interesting or difficult to explain cases, particularly in majority settings. That is, cooperation across parties on substantive changes to government bills is the most puzzling phenomenon, that is not currently explained by the literature.

With these limitations in place, the original total of 202 bills was narrowed down to 95 bills, with 18 in the 38th Parliament, 42 between the two Conservative minorities (the 39th and 40th Parliaments), 9 bills in the 41st, and 26 bills in the 42nd Parliament. From this narrowed list of cases, selection occurred again on the basis of diversity and availability of information. For some amendments, there was not enough discussion available within the committee proceedings in order to properly ascertain what the motivations or processes were behind cooperation. In terms of diversity of information, cooperation is not arrived at nor occurs in a single fashion. Rather, cooperation, again measured here as the cooperation of at least two parties voting in favour of an amendment, can be arrived at in a variety of ways. For instance, cooperation can be a form of compromise, whereby multiple parties work together crafting an amendment that is a compromise between their points of view. The resulting amendment, then, is different from what either party originally proposed. Cooperation can be more one-sided, whereby one party is able to convince another party to support their position through education and explanation of the change. In this way, the proposing party gets what they originally proposed. Cooperation can also be the product of learning, whereby multiple parties learn about deficiencies or limitations in legislation through the committee hearing process, and thus seek to address such issues through amendments. Cooperation can also occur when multiple parties put forward the same or similar amendments to address an issue. In this way, agreement occurs on the issue of the amendment itself, convincing other parties is not necessary because some or all of the parties arrived at the same conclusions on their own. In order to provide a diversity of cases, one of each of these types was selected, to represent an example of the range of plausible types of cooperation, and each are detailed in Chapter 5.

For the case selection in Chapter 6, the process was similar in most respects, but some differences occurred. First, because the focus is on the substance of amendments, presenting an amendment change is less time and text intensive than the previous cases for Chapter 5, therefore it was possible to select more cases. Again, the purpose of these cases is to describe, therefore case selection across the diversity of governments is useful. At the same time, selecting across a diversity of issue areas is also important to demonstrate that committee influence is not limited to one or two areas, rather it is pervasive across a wide swath of topics. In this regard, this study opted for 15 different cases, with three per Parliamentary session.

As with Chapter 5, examples needed to be limited to those of successful amendments only, otherwise they do not have legislative influence. Similarly, typographical and clarificatory amendments were removed, as substantive amendments are those with the most influence and therefore deserve the most attention in seeking to provide examples of legislative influence. Furthermore, while committee influence includes successful amendments from any party, as this study looks at both cooperation and committee influence, the case selection was further limited to successful substantive amendments that denote cooperation. Therefore, the selection was limited to the same 95 bills as those in Chapter 5.

The final limitation for narrowing down cases of substantive legislative influence is related to issue area. As noted above, it is important to demonstrate a diversity of issue areas, but at the same time, there is also the possibility to focus on areas of salience. Issue salience refers to

the relative importance of an issue to a party (Heibling and Tresch 2011; Wagner and Meyer 2014). In order to determine issue salience, this study used the electoral platforms from the previous election of the party in power for a given Parliamentary session¹⁸ (using electoral platforms as a measure of issue salience is common practice in the literature (Wagner and Meyer 2014)). Put differently, in order to determine case selection for Chapter 6, the 95 bills were each compared to the governing party's platform, and those bills that did not appear in some form in text of the platform were excluded. In cases where more than three options remained for a Parliamentary session, the choices were made based on diversity of issues.

So, for instance, the 38th Parliamentary session used the 2004 Liberal Party of Canada platform and selected three bills with successful substantive amendments, passed by opposition members, on issues that appear in the platform¹⁹. The reasons for using issue salience is because it is a measure of the most difficult cases to explain. Put differently, committee influence on government legislation is most difficult to explain on issues that are of the most importance to the government, because these are the issues that the governing party most claims as their own, or that they are the champion of that issue (Bélanger and Nadeau 2015). By limiting the case selection in this way, this study is able to demonstrate that committees are able to influence government legislation on a range of issues, including those most important to the governing party, and not on issues deemed unimportant or irrelevant. This, in turn, increases the confidence of the findings of this study.

Conclusion

The resulting analysis is therefore both qualitative and quantitative mixed-methods. The content analysis and coding scheme comes from the qualitative branch of methods, while the subsequent data set analysis is quantitative in nature. It is widely argued that using mixed-methods is good practice as each methodology has different assumptions, thus lending themselves to different biases. By combining different methods to study the same phenomenon, it is possible to increase the overall precision and impartiality of results, thus leading to more robust analysis and trustworthy results (Tarrow 2010).

Naturally, there are some methodological limitations to this study, as with any methodological undertaking. For instance, some similar studies to this have conducted amendment analysis in conjunction with the case study approach (Russell, Gover and Wollter 2016; Russell and Gover 2017). A case study is “an intensive study of a single unit for the purpose of understanding a larger class of (similar) units” (Gerring 2004, 342). Case studies are particularly useful when the investigation focuses more on causal mechanisms in explaining specific outcomes rather than effects (Gerring 2004; Bennett and Elman 2006; Mahoney and Goertz 2006). It could thus be argued that a case study approach could dig deeper into causal mechanisms, particularly the motivations and procedures of engaging in parliamentary committee cooperation, than the current method.

Despite this, the generalizability of looking at several examples over the last five

¹⁸ (see Liberal Party of Canada 2004; Conservative Party of Canada 2006; Conservative Party of Canada 2008; Conservative Party of Canada 2011; Liberal Party of Canada 2015).

¹⁹ The one exception is the Medical Assistance in Dying Bill in the 42nd Parliament, which does not appear in the Liberal Party platform (Liberal Party of Canada 2015). However, the issue was talked about notably in the media prior to the 2015 election, with the Liberal stating that they would seek to create a non-partisan committee to investigate the issue (Paperny 2015). It was included because it is a very important issue, dealing with the literal lives of Canadians; it is distinct from other issues and expands issue diversity; and because it was a campaign issue even if it does not appear in the Liberal platform.

governments provides an alternative vantage point and can be argued to outweigh the benefits of a case study in this particular study. The phenomenon of party cooperation through amendments in committees needs to be explored systematically first before it can be examined in detail, as it is unclear what cases would be considered typical or atypical without this prior investigation, or which independent variables are most likely impacting the dependent variable of cooperation. For instance, when conducting case study analysis, one would want to select cases that vary on the dependent variable of cooperation. However, it is not possible to identify these cases without conducting prior research first. Additionally, previous approaches that combined case studies with amendment studies were the product of several years of research conducted by an entire team of researchers (Russell, Gover and Wollter 2016; Russell and Gover 2017). Thus, for an exploratory project, generalizability purposes, as well as the workload of a single researcher, a case study approach is not feasible at this time, although certainly could be part of a future research agenda.

Despite these potential limitations, the additional steps taken in this study in order to increase methodological confidence, such as using established coding process and inter- and intra-coder reliability tests, and using both qualitative and quantitative approaches to measure the same phenomena in different ways, strengthen the overall findings. Therefore, it is argued here that this approach is the most appropriate methodologically and contextually speaking. Furthermore, due to the precautions taken, we can have confidence in the findings presented in the next chapters.

CHAPTER FIVE: SYSTEMATIC TENDENCIES OF COOPERATION

Introduction

This chapter uses the aforementioned quantitative and qualitative data to answer the first research question of this project, specifically, “*When does parliamentary cooperation in committees occur and does it have any systematic tendencies?*” In order to answer this research question (and the next one), some additional background information is needed in order to fully grasp the findings of this study. As such, this chapter will begin with a brief discussion of the political climate and committee composition in each parliamentary session. This is because there are variations across Liberal and Conservative governments, as well as across minority and majority governments, therefore, by breaking down the political climate and committee distributions by session, it does provide discussion on distinctions across sessions, and how to interpret differences. That is, according to the literature, the number of seats a party has either within the House of Commons or within a committee could certainly impact their level of cooperation, as could party ideology as well as whether a government is a majority or a minority. Therefore, by presenting these first, it provides the context through which to interpret the subsequent results of the variations of the independent variables, or systematic tendencies. After the context is made clear, the second part of this chapter will turn to a series of descriptive tables focused specifically on amendments in terms of totals proposed, success rates, and degree of substantiveness. These tables are necessary in order to understand how much cooperation is occurring, as well as to highlight some of the differences across parties and across amendment type, and on what kinds of amendments. This will flow into the third part, which will present a series of bivariate analyses based on the factors mentioned in previous chapters that are most likely to impact cooperation on amendments, including committee issue area, committee type, and whether a bill was referred to committee before or after second reading. This is an important first step of the explanatory process in identifying the variables most likely to facilitate or hinder cooperation in the Canadian context. The fourth part of this chapter will focus on the multivariate analysis pertaining to the likelihood of successful party cooperation on amendments. That is, the regression tables will demonstrate which factors have the strongest impacts in predicting cooperation. Following the presentation of the quantitative findings is the fifth section, which summarizes the accumulated evidence of cooperation, in terms of when it occurs and its systematic tendencies. This chapter then concludes with supplemental qualitative cases to flesh out some of the quantitative evidence presented and to demonstrate what cooperation looks like in committees through specific examples.

Political Context

Table 5.1 breaks down the number of seats won by each party in the five parliamentary sessions (38th, 39th, 40th, 41st and 42nd) under investigation in this study, including the total percentage of seats as well as whether the government was a majority (more than 50% of the seats for the governing party) or a minority. This is important information because not only does it provide the seat percentage, which is then translated into committee seats (see Table 5.2), but it also shows the fluctuation of parties, particularly the smaller opposition parties outside the Liberals and the Conservatives in terms of their seats and therefore potential bargaining power.

As noted above, the first three parliamentary sessions are minority governments, the first under the Liberals, with the remaining two under Conservative leadership. The most recent two governments in this study are majority governments, with the Conservatives in power for the 41st

Parliament, with the Liberals coming back into power for the 42nd. For all sessions where the Liberals governed, the Conservatives were the Official Opposition, with this placement reversing for when the Conservatives governed. The one exception to this is the 41st Parliament, where the NDP formed the Official Opposition by finishing in second place, with the Liberals falling to third. Also of note, the BQ loses official party status (12 seats required) after the 40th Session, thus losing their right to committee seats. Additionally, both the Constitution and legislation require that Canada's electoral boundaries are revisited every ten years after the collection of census data, in order to update the total number of electoral districts in the goal of achieving as equitable a balance of representation by population as possible. As a result, while there are 308 seats in the House of Commons for the first four elections, the seat total increased due to the redistricting process. Thus, it is useful, in comparing seat totals, to not only look at totals across this time, but to look at the percentage per party, in order to account for the seat change.

Table 5.1: Party Seat Breakdown in the House of Commons by Parliamentary Session

Parliamentary Session	Liberal		Conservative		NDP		BQ		Ind/Green		Total Seats	Minority/Majority
	N	%	N	%	N	%	N	%	N	%		
38th (2004–2005)	135•	43.8	99	32.1	19	6.1	54	17.5	1	0.3	308	Min
39th (2006–2008)	103	33.4	124•	40.2	29	9.4	51	16.5	1	0.3	308	Min
40th (2008–2011)	77	25	143•	46.4	37	12	49	15.9	2	0.6	308	Min
41st (2011–2015)	34	11	166•	53.8	103	33.4	4	1.2	1	0.3	308	Maj
42nd (2015–2019)	184•	54.4	99	29.2	44	13	10	2.9	1	0.2	338	Maj

Source: Elections Canada

Note: this table measures the party distribution after an election and does not include any floor crossings, of which there are several throughout this period, although not so many that it ever shifted the balance in the House of Commons committee structure.

• Denotes governing party

Committee seats are distributed roughly based on a party's seat share in the House of Commons. Table 5.2 presents the number of seats for each party on standing committees (as noted in Chapter 2, these totals do not pertain to legislative committees). Again, to achieve committee representation, a party must have at least 12 seats in the House of Commons, therefore there is no column here for independents or the Green Party of Canada, as they have not attained the minimum seat requirement. It is also why the BQ has no seats on committees in the 41st and 42nd Parliaments. With independents and smaller parties not eligible, this does increase the percentage of parties with official status on committees. For instance, in the 41st Parliament, the Conservatives had 53.8% (166 of 308) of the seats in the House of Commons, while having 60% of the seats in standing committees²⁰ (6 out of 10). In a majority government, the governing party will have a majority of seats on committees, and in a minority government, the governing party will have the most, but less than a majority, of committee seats. In all of the five sessions listed in Table 5.2, the Liberals, Conservatives, and NDP maintain seats on all standing committees. While the seat totals vary from session to session, it is also important to

²⁰ In the second session.

note that in the second session of the 41st Parliament under the governing Conservatives, committees were restructured from 12 members to 10. The committee seats were therefore reapportioned (still according to the House of Commons party distribution from the 2011 general election). The 42nd Parliament continued with this restructured process, thus maintaining the standard of 10 members per standing committee in the House of Commons through to 2019²¹. As noted in previous chapters, committee size may impact cooperation so this change in size is important to note as it will help in interpreting rates of cooperation below.

Table 5.2: Breakdown of Standing Committee Seats by Party

Parliamentary Session	Liberal	Conservative	NDP	BQ	Total
38th (2004–2005)	5	4	1	2	12
39th (2006–2008)	4	5	1	2	12
40th (2008–2011)	3	6	1	2	12
41st Session 1 (2011–2013)	1	7	4	0	12
41st Session 2 (2013–2015)	1	6	3	0	10
42nd (2015–2019)	6	3	1	0	10

Source: House of Commons

Amendments

With an understanding of the variations in the political context in terms of seat distribution in the House of Commons and committees, which are institutional structures that may influence the cooperation through bargaining power or relationship building on committees, it is now possible to turn to amendments. Through the examination of amendments, the first task of searching for evidence of when cooperation occurs and whether it has systematic tendencies is possible.

Again, as noted in previous chapters, according to the literature, how parties vote on an amendment is considered a measurement of party cooperation. Therefore, it is important to understand how many amendments have been proposed, as well as the number that have passed and failed to understand just how much potential there is for cooperation. For instance, if there were only 10 amendments proposed in an entire parliamentary session, then the study of cooperation (and later, legislative influence) is far less impactful. However, in demonstrating that there are hundreds, and sometimes thousands of amendments proposed in a single parliamentary session, this further justifies this study and demonstrates that amendments are a regularly occurring phenomenon in the House of Commons. While amendments are a measurement of both party cooperation and legislative impact, the relationship between amendments and legislative impact will be examined in the next chapter, therefore the discussion here will focus primarily on the number of parties involved in voting for amendments as the measure of cooperation. Some information from the measurement of influence, specifically the substance of amendments, will be used to enrich the discussion on party cooperation, in terms of what kinds of amendments that parties cooperate on.

²¹ As noted previously, however, standing committee seat totals have returned to 12 as of 2020.

Table 5.3: Total Number of Amendments, Passed and Failed, by Parliamentary Session

Parliamentary Session	Total Amendments Moved	Total Amendments Passed	% of Amendments Passed	Total Amendments Failed	% of Amendments Failed
38th (2004–2005)	449	220	48.9	229	51.1
39th (2006–2008)	696	248	35.6	448	64.4
40th (2008–2011)	387	140	36.1	247	63.9
41st (2011–2015)	1730	204	11.7	1526	88.3
42nd (2015–2019)	2752	747	27.1	2004	72.9
Total	6013 ²²	1559	25.9	4454	74.1

Table 5.3 demonstrates the actual number of amendments passed by standing and legislative committees during these five parliamentary sessions, and some patterns already emerge. First, the findings from this table demonstrate party cooperation is happening in House of Commons committees. In a minority government, all amendments passed are the product of at least two parties voting together because no single party has a majority of seats on committees. Therefore, all successful amendments in the 38th, 39th and 40th Parliaments are a measure of party cooperation. Second, Table 5.3 demonstrates that there are many more amendments proposed in majority contexts than minority contexts. While the information presented here cannot explain this, the likely reason is that in a minority setting, it is more likely that bills have been discussed and reviewed by multiple parties before being sent to committee, thus reducing the number of amendments put forward by the opposition, since they have already had input in previous versions (Dobell 2000; Chalmers 2009). In a majority context, on the other hand, it is much less likely for the governing party to consult with other parties behind the scenes before the introduction of the bill, because with the strict party discipline that exists in the House of Commons, the support of opposition parties is not needed. Therefore, in terms of cooperation, it is likely that the committee stage in majority contexts is the first time opposition parties have to really make suggestions and have their input into government bills. Another distinction between majority and minority governments is that the total percentage of amendments accepted is higher in minority government contexts. Across the three minority governments, 608 of 1532 amendments were accepted (39.6%) compared to 951 of 4482 in majority governments (21.2%).

²² This does not include all amendments proposed. There is some flexibility in the moving of amendments, and typically before considering a bill clause-by-clause, each committee will decide on its procedure for moving and accepting amendments. As such, when amendments are submitted to the committee prior to clause-by-clause consideration, some committees will deem all amendments moved at the start, therefore all will receive an official decision. Others, however, will allow for amendments to be moved for each appropriate clause. Therefore, if a member feels like their amendment has been addressed, or perhaps a similar one has already been negated, they may choose not to move the amendment, and therefore no official decision is ever taken, and therefore it is not counted here. In this study, only amendments that were formally voted on or had an individual result were coded. Similarly, it is not uncommon to amend multiple sections of text at once. For instance, it is possible to have one single amendment that amends 5 separate parts of clause, while in another clause, each of these may be presented separately if done by different members or different parties. As above, amendments were counted and coded as moved and voted on, so those with multiple changes were still counted as one amendment if so moved.

This is likely again due to the fact that the governing party does not hold a majority of seats in the committee, and therefore it is possible for opposition members to combine to pass their amendments, an issue which is explored below in more detail by breaking down amendments passed by party. Although it is perhaps an unsurprising finding that more party cooperation happens in minority governments within committees than majority governments, this is still the first type of empirical demonstration of that fact (pertaining to committee amendments), thus providing empirics to prevailing rhetoric. The exact nature of cooperation will be fully elucidated below, but at this point, we do know that it is happening on amendments in House of Commons committees. Finally, another finding here does seem to demonstrate that the governing Liberals, in minority or majority contexts, do have a higher percentage of amendments passing in committees than when the Conservatives are governing in either minority or majority contexts. Indeed, the lowest percentage of accepted amendments across all governments is the 41st Parliamentary Session, where the Conservatives held a majority. In total, across all Liberal governments, 30% (967 of 3201) of amendments passed while only 21% (592 of 2813) passed under Conservative governments. As indicated by the literature in Chapter 3 (Bogdanor 2011; Flynn 2014; Rippere 2016), more right leaning parties, like the Conservatives, are less willing to cooperate with opposition parties than more centre/leftist parties. While more investigation of this occurs below, this is the first measurement in this study that demonstrates that the Liberals are more willing to cooperate on amendments with opposition parties than their Conservative counterparts when in government.

While Table 5.3 provides some important findings, it does not delineate between the amendments proposed, passed and failed in terms of whether they denote cooperation. Cooperation is measured here in terms of whether two or more parties were required to support an amendment. In a minority setting, both government and opposition amendments require cooperation because no single party has a majority of the committee votes. The same is true of all amendments proposed by opposition parties in majority governments. In order to clearly lay out these findings, Table 5.4 illuminates the nascent success rate of such amendments in committees on government bills in Canada. Indeed, these findings are significant, as they, for the first time, really demonstrate the level of cooperation in committees across party lines across all sessions. In taking the total number of amendments passed in minority governments (608), and adding to that the total opposition amendments passed in majority governments (128), then, at minimum, at least two parties cooperated on 736 successful amendments, out of the 6013 total examined in this study, or 12.2% of the time. Of course, this is significantly lower number than the actual total—parties can combine to support an amendment but it can still fail, and opposition parties can support government amendments in a majority, so it is safe to say that parties successfully cooperate more than 12.2% of the time on amendments. In looking at the total number of amendments where cooperation occurred of the total number of amendments passed, (736 of 1559), then it can be concluded that of the amendments passed by committees examined in this study, cooperation occurred on nearly half of them. Therefore, cooperation is absolutely happening in minority governments, as well as majority governments.

Second, even in majority contexts, opposition parties still get amendments passed. Opposition parties combined for 128 successful amendments of the 951 total amendments across both majority governments. Put differently, opposition parties were responsible for 13.5% of amendments in majority governments, meaning that party cooperation occurred on at least 13.5% of successful amendments in the majority contexts examined here. As noted in the introduction, this is seemingly a paradox of Canadian politics: the rhetoric of parties and the tone of academic

literature on the power of governing parties in majorities often seems to indicate there is no room for influence outside the executive nor cooperation (Savoie 1999; Kaiser 2008; Blidook 2010). And yet, as noted in comments in the media and in exit interviews of politicians with committee experience (Loat and MacMillan 2014), cooperation happens. Granted, cooperation happens less in a majority setting, but it happens, and this table presents one of the first known quantitative demonstrations of that cooperation.

Table 5.4: Total Amendments Passed Denoting Cooperation

Parliamentary Session	Total Amendments Passed	Total Amendments Passed by All Parties in Minority and Opposition Parties in Majority	
		N	%
38th (2004–2005)	220	220	100
39th (2006–2008)	248	248	100
40th (2008–2011)	140	140	100
41st (2011–2015)*	204	22	10.8
42nd (2015–2019)*	747	106	14.2
Total	1559	736	47.2

* Denotes majority government

Naturally, Table 5.4 only provides a small snapshot of the overall picture of party cooperation in committees through amendments. In breaking down the total number of amendments proposed compared to those that are successful into parliamentary session in the tables below, this provides a demonstration of the uniqueness of each session, as well as the variation and continuity that exists across sessions in terms of the total number of amendments proposed and successful. Each session, as noted above, is unique in its party seat and committee composition, and there exists variation in governing party (Liberal or Conservative) and government type (minority or majority). Thus, if only aggregate totals were to be examined, the uniqueness and continuity over time would largely be lost. Furthermore, examining each session alone allows for the interaction of some of the aforementioned variables to be examined more closely. For instance, according to the literature, there should be more cooperation in minority governments and more cooperation under the Liberals, but these variables can interact, whereby a Liberal minority government could be the most likely place of cooperation, while a Conservative majority government could be the least likely place. Further still, examining each session individually allows for an examination of the total number of bills per party, which provides additional information as to which party is cooperating in a given context. Given the small number of parliamentary sessions examined here, it is thus important to examine each session individually before aggregating the results. Following the examination of amendments by parliamentary sessions is that of the substantiveness of amendments.

Table 5.5 presents the number of proposed and successful amendments by each party in the minority government under the Liberal Party. The most successful party in terms of getting their amendments passed was the governing Liberals, followed by the Bloc Québécois at 33.9%, the Conservatives just over 20%, and the NDP just over 10%. Therefore, the governing party,

despite not having a majority of seats on committees, does still have the highest number and percentage of accepted amendments. Also of particular interest here is the success of the BQ. The BQ is a unique federal party in that it only runs candidates in the province of Québec, it has been identified as being distinct from the other major parties in terms of its policy preferences (Godbout and Høyland 2011), and has been deemed a questionable partner for potential coalition building by some politicians and political pundits (see Franks 2009; Wheeldon and McBrien 2014). Despite these differences, the BQ, at least under the Liberals, is able to cooperate on amendments.

Table 5.5: 38th Parliamentary Session Amendments Proposed and Successful

Party	Total Amendments Proposed	Total Amendments Accepted	% Amendments Accepted
<i>Liberal</i>	152	147	96.7
Conservative	136	29	21.3
NDP	46	5	10.8
BQ	115	39	33.9
Other	0	0	—
Total	449	220	49

Note: Governing party italicized

Also important to note at this time is the lack of amendments proposed by parties outside the four with official status. One of the core reasons for this, as will be seen through the 39th and 40th Parliamentary Sessions as well, is that independent members and those of parties not achieving official status were able to present amendments at the Report Stage, and therefore did not utilize the committee stage as a place to present amendments. During the 41st Parliament, however, the Conservatives used their majority to pass the exact same motion across all standing committees, which in effect required all non-official status party members to submit their amendments at committee stage rather than later at Report Stage. This will be addressed in more detail below and in the last chapter.

Table 5.6: 39th Parliamentary Session Amendments Proposed and Successful

Party	Total Amendments Proposed	Total Amendments Accepted	% Amendments Accepted
<i>Liberal</i>	77	25	32.4
<i>Conservative</i>	153	148	96.7
NDP	297	32	10.7
BQ	169	43	25.4
Other	0	0	—
Total	696	248	35.6

Note: Governing party italicized

The total number and percentage of successful amendments per party in the 39th Parliamentary Session is presented in Table 5.6. A clear political difference between the 38th and 39th Parliaments is the switch in governing parties from a Liberal minority to a Conservative minority, but aside from this, the results of the 39th Parliament are strikingly similar. The total number of amendments passed in this session is 248, up only slightly from the 220 in the

previous session. The governing parties in both passed 96.7% of their proposed amendments, with the Liberals passing 147 in the 38th Parliamentary Session, and the Conservatives passing 148 in the 39th Parliamentary Session. Similarly, the NDP's results are within a tenth of a percentage (10.8 and 10.7 in the 38th and 39th Parliamentary Sessions, respectively), albeit with 32 amendments total passing in the 39th compared to only 5 in the 38th. Although the Liberals were more successful as the Official Opposition in the 39th Session, passing 32.4% of their amendments compared to 21.3% of the Conservatives in the 38th, the total number passed are close, with 25 and 29, respectively. The BQ did see a small drop in percentage, from 33% to 25%, but did see an increase in total number passed, from 39 up to 43 in the 39th Parliamentary Session. Therefore, the BQ is able to cooperate under both Conservative and Liberal governments. A notable difference in the 39th Session from the 38th is the percentage of total amendments passed, which dropped almost 15% from the previous session to 35.6%. Another difference is that the total percentage of amendments passed by the opposition increased in this session, up to 40.3% of the total compared to 33.1% in the previous session.

Table 5.7: 40th Parliamentary Session Amendments Proposed and Successful

Party	Total Amendments Proposed	Total Amendments Accepted	% Amendments Accepted
Liberal	43	16	37.2
<i>Conservative</i>	98	98	100
NDP	206	12	5.8
BQ	40	14	35
Other	0	0	—
Total	387	140	40.3

Note: Governing party italicized

The 40th Parliamentary Session, listed in Table 5.7, does show some changes from the previous two minority governments. The first indication of change is the drop in the number of amendments proposed—at 387, this Parliamentary Session is the lowest of all five examined. The same is true for total number of amendments passed—140 is the lowest of all the parliamentary sessions examined in here. Of these 140, 70% came from the governing party, an increase from the almost 60% and 67% in the 39th and 38th Parliamentary Sessions, respectively. Meanwhile, the Liberals and BQ maintained relatively stable success rates from the previous session (although the total number of amendments passed dropped for both parties). The NDP decreased in both their percentage successful as well as total number passed. Notably, this is the only session where a party (in this case, the Conservatives) witnessed all (100%) of their proposed amendments get accepted. These lower totals of proposed and successful amendments across the board are likely due to a combination of the attempt of the Liberal/NDP/BQ coalition to oust the Conservatives in a confidence vote, prompting then Prime Minister Stephen Harper to request a controversial prorogation of Parliament (Jeffrey 2015). Upon resumption of duties, Harper then requested a second prorogation, supposedly to pause for the 2010 Olympic Games in Vancouver, BC (Jeffrey 2015). In times of prorogation, committee activity, including the examination of bills and clause-by-clause consideration also stops. Therefore, the pauses in sessions, and therefore committee work, likely contributed to the declining totals of amendments proposed and passed.

In looking at the three minority sessions, some patterns of cooperation emerge. First, the governing party always is the most successful, and therefore cooperation appears to be linked to

the power of governing. Second, the BQ is remarkably consistent across the three sessions, maintaining a range of successful cooperation 25-35% of the time. Third, the NDP shows increasing attempts to cooperate. Of the total amendments proposed by all parties, the NDP was responsible for 10%, 43%, and 53% in the 38th, 39th, and 40th Parliaments, respectively.

Table 5.8: 41st Parliamentary Session Amendments Proposed and Successful

Party	Total Amendments Proposed	Total Amendments Accepted	% Amendments Accepted
Liberal	386	7	1.8
<i>Conservative</i>	185	182	98.3
NDP	766	12	1.6
BQ	37	0	0
Other	356	3	0.8
Total²³	1730	204	11.8

Note: Governing party italicized

Table 5.8 includes the totals and percentages for the first majority government examined here under the governing Conservatives, and demonstrates a marked difference from the three previous minority governments. The total number of amendments put forward is higher than the previous three minority governments combined. This notable increase in amendments is likely due to the fact that it is a majority government, and therefore the governing Conservatives did not work with opposition parties behind the scenes to develop bills before tabling them for First Reading. Despite the significant increase in total amendments proposed, the number of total amendments passed remains relatively consistent with minority governments, standing at 204 (compared to the three previous totals of 220, 248 and 140 in the three preceding sessions). This thus marks a significant decrease in the overall percentage of successful amendments, dropping from a high of 49% in the 38th Parliamentary Session to a low of 11.8% in the 41st Session. Of the 204 amendments passed, 89% came from the governing party, thus demonstrating a notable drop in the total percentage of amendments that originated from opposition parties.

In terms of party success, the decreasing success rates occurs for all opposition parties. Despite being the Official Opposition for the first time, the NDP only witnessed a success rate of 1.6%. Therefore, moving from the party with the third or fourth highest seat total to the second

²³ Note: one bill which qualified for the criteria of this study (a government bill, examined by a standing committee, with amendments voted on), was not included in the totals. There were a few reasons for this. The bill, C-45, a budget bill, was subject to a lot of contention. In a seeming form of protest, opposition parties presented over 3000 amendments to the bill. Using committee techniques, the majority Conservatives used their committee membership majority to force closure on discussion of amendments and, as a result, the vast majority of amendments were voted on without any discussion or explanation. The clause-by-clause lasted three days, from November 21 to November 23 (the longest straight clause-by-clause examination of all the bills in this study), and at times, it was unclear even to voting members which amendments were being voted on. Due to the lack of discussion, the lack of clarity (amendments were not read and were often grouped, with errors in oral communication on the numbers being grouped), and the ostensible stalling tactics (in multiple sections, the Liberals put forward 365 amendments to a single line to change the date of implementation, with each amendment being one day later), this bill was omitted from this study. From a methodological perspective, this bill also would have been problematic, given that there were over 3000 amendments on this bill alone, and just over 6000 total amendments across the five sessions. That said, it could be used as a case study for future research into committee roles and powers: committees can possibly be used to delay implementation of legislation, if committee members are willing to put in the effort of presenting a few thousand amendments. In other words, this is a potential additional source of influence of committees, but remains outside the current scope of this study.

did not increase the ability of the NDP to cooperate. Further still, the BQ's success plummeted to 0, which is a significant change from the previous three minority governments. Due to the fact that the governing party in a majority government has a majority of committee seats, in order for each of the opposition amendments to pass, they needed support from at least one or more governing MPs. Therefore, in looking at Table 5.8, the governing Conservatives in this context cooperated most often with the NDP (12 times), followed by the Liberals (7 times), followed by the Greens and independents (3 times).

This context, according to the literature and prevailing rhetoric, should be the least likely situation for cooperation: a majority government under a more right-wing party, so these totals do fit with the literature. At the same time, however, cooperation is still occurring in this most unlikely scenario, which is a significant finding.

Table 5.9: 42nd Parliamentary Session Amendments Proposed and Successful

Party	Total Amendments Proposed	Total Amendments Accepted	% Amendments Accepted
<i>Liberal</i>	655	641	97.8
Conservative	766	50	6.5
NDP	805	38	4.7
BQ	39	1	2.5
Other	487	17	3.4
Total	2752	747	27.1

Note: Governing party italicized

Similar to Table 5.8, Table 5.9 contains the total amendments proposed and passed in a majority government setting, albeit with the Liberals forming government in this context. Besides shifting the governing party, the 42nd Parliament also shows some notable changes from its predecessor—the total number of amendments both proposed and passed significantly increased. With 2752 total amendments proposed, the 42nd Parliament increased the number of amendments by over 1000 from the previous majority government, and increased the total number of successful amendments by approximately 500 from any previous session, minority or majority. While 747 amendments in a given session is large, it is important to note that the bulk of them, 641 (85.8%), came from the governing Liberals. However, this still means that 106 (14.2%) amendments came from opposition members, a marked increase from the 22 (10.7%) in the previous majority government. In addition to the higher number of successful amendments, the overall success rate for opposition parties increased notably under the Liberals, with 6.5% for the Official Opposition Conservatives (compared to 1.6% for Official Opposition NDP in the previous session), a slight increase from 0 to 2.5% for the BQ (albeit with only 1 total amendment passing), and an increase from 0.5% to 3.4% for independents and the Green Party. Based on a comparison between majority governments under Conservatives vs. Liberals, this provides further evidence that governing Liberals are more willing to entertain cooperation from other parties, which again lends further credence to the argument from other contexts that some parties are more cooperative than others (Bogdanor 2011; Flynn 2014; Rippere 2016).

Compared to Table 5.8 under the majority Conservatives, the parties the governing majority Liberals cooperate with differ. The party the Liberals cooperated with most is the Conservatives (50 times), followed by the NDP (38 times), then the Greens and independents (17 times), with the BQ the least of all the major parties (1 time).

In looking specifically at individual parties, across all of the sessions, it is clear that the BQ is very successful at cooperating under minority contexts, and very unsuccessful in majority contexts, which is rather fascinating. It could be a result of the BQ actively seeking to cooperate and utilize their influence in minority settings when their chances of success are higher. Alternatively, it could be that governing parties view the BQ as a partner only when they need them (in minority settings), and choose not to engage them or entertain their perspectives when they do not (majority settings). Or it could be a combination of the factors. It certainly indicates that more work is needed in this area to better understand party dynamics in different contexts.

Another party specific finding across the governments is that the NDP try hard to cooperate. With the exception of the 38th Parliament, the NDP put forward more amendments than any other party, including the government. While this comes with varying levels of success, it does indicate that the NDP is willing to cooperate, regardless of the party in power.

Moving forward, while the total numbers of amendments passed are an important explainer for the puzzle of parliamentary committee cooperation, an interesting complement to this information is the degree of substantiveness of the amendments on which cooperation exists. While the degree of substantiveness of an amendment is primarily a measure of its legislative influence (to be discussed in the next chapter), the degree of substantiveness provides a qualitative, contextual element to the discussion of cooperation, as it illuminates whether cooperation happens on more insignificant or significant amendments.

Table 5.10 does exactly that, by listing the number of amendments proposed by degree of substantiveness, compared to the total number passed in terms of cooperation. That is, this takes the amendments as they have been classified into degree of substantiveness, and then within each category, includes the total number and percentage of those amendments that were successfully passed by committee. The total number of successful amendments is then broken down into those that were passed by the cooperation of at least two parties in order to demonstrate the link between cooperation and degree of substantiveness of amendments.

Table 5.10: Cooperation Success Rates of Amendments by Degree of Substantiveness

Degree of Substantiveness	Total Amendments Proposed	Total Amendments Accepted		Total Amendments Passed by All Parties in Minority and Opposition Parties in Majority	
		N	%	N	%
Typographical	198	184	92.9	81	44
Clarificatory/Consequential	668	553	82.7	232	42
Substantive	5147	822	15.9	423	51.4
Total	6013	1559	25.9	736	47.2

In looking at the degree of substantiveness (from least significant (typographical) to most significant (substantive) in terms of changes to the bill), a number of patterns emerge in relation to party cooperation. In terms of total numbers of successful amendments that denote cooperation, categorized by degree of substantiveness, as the substantiveness increases, so too does the total number of amendments accepted. Put differently, the highest number of

amendments that are a clear example of party cooperation are substantive. This is an incredibly important finding because it visibly shows that party cooperation on amendments is not limited to insignificant changes. Rather, the majority of amendments on which cooperation occurs, 57.5% (423 out of 736) are substantive. Further still, out of all of the substantive amendments passed across all five sessions examined here, 51.5% (423 out of 822) were passed by at least two parties. This is thus direct evidence of party cooperation on substantive changes occurring within committees.

In sum, 47.2% (736 out of 1559) of all amendments passed on the government bills examined within this study can be deemed as a product of cooperation of at least two parties, therefore indicating that party cooperation is happening in Canada, and it is happening within committees. It must be stated again, however, that this is an underrepresentation of party cooperation. As noted above, some of the amendments proposed by governing parties in majority contexts also had the support of opposition parties. Further still, some of the amendments put forward by opposition parties that ultimately failed did have support from more than one party. For instance, with the introduction of the requirement for parties without official status to present amendments at the committee stage instead of the Report Stage in the 41st Parliamentary Session, many of the Green Party amendments had support from other opposition parties, often the NDP, but due to the inability of the Green members to vote, and the minority of committee seats held by the NDP, these amendments did not pass. Even further still, although subamendments were not part of this study for a variety of reasons²⁴, some government amendments were subamended by opposition members. This all demonstrates that party cooperation, even as it is demonstrated in this study, is understated.

Bivariate Analysis

Now that it has been demonstrated that party cooperation exists within House of Commons committees, and that it occurs on substantive changes to government legislation, it is now possible to dig deeper into the topic of party cooperation on amendments, in order to examine which factors, beyond party ideology and minority/majority context most affect the likelihood of party cooperation. Table 5.11 lists the total number of amendments proposed, total amendments passed, and the total amendments passed that denote cooperation (again, all amendments in minority governments plus all opposition amendments in majority governments) and their percentages of the total, for each standing committee. The reason for this is to get an idea of how issue area can impact cooperation. As noted in previous chapters, issue area is identified in the literature as a factor that is likely to facilitate or hinder cooperation. Essentially, each standing committee presides over a broad issue area, however, it must be noted that this is not a perfect comparison, as some omnibus bills cover a wide swath of issues, and thus technically much of the bill may not actually fall under the issue area of the committee. This will be discussed in more detail below. In addition, due to the wide variation in committee size, composition of members, and the fact that they were assigned on a very specific topic, legislative committees

²⁴ Subamendments were not included in this analysis, as it would be quite cumbersome, and would likely require another coding scheme. Furthermore, some committees take a more collegial approach, allowing for “friendly” subamendments, meaning that no votes are taken, but the original mover accepts the change to their amendment, while other committees maintain a rigid voting structure on all subamendments. This thus creates a lack of comparability across bills. For all of these reasons, subamendments were not counted towards the total number.

were not included here for methodological comparative purposes. Rather, legislative committees will be discussed separately below.

The totals for each committee are aggregated over all five parliamentary sessions. Some committees underwent name changes during this time, and where appropriate, were combined. For instance, the Standing Committee on Foreign Affairs and International Trade was combined with the Standing Committee on Foreign Affairs and International Development. In combining these committees which clearly focus on the same issue area, and simply differ in their name, this will avoid needless replication and less room for biased results, rather than having them reported separately. Furthermore, certain standing committees, such as Status of Women and Public Accounts did not put forward amendments on bills covered in this study, and therefore do not appear here, as their totals across all sections would be 0.

Table 5.11 is organized by the total number of amendments proposed in descending totals from the most amendments proposed (the Standing Committee on Justice and Human Rights with 853) to the least (the Standing Committee on Veterans Affairs with 14). These totals themselves are interesting, but must be interpreted cautiously in looking for broader trends, simply because certain issue areas of bills, like those falling under the purview of Veterans Affairs, occur much less often than issues related to Justice and Human Rights. For example, during the time period under investigation, the Veterans Affairs committee examined 2 bills, while the Justice and Human Rights committee examined 32. Thus, the total number of amendments proposed is impacted by the total number of bills that were referred to a committee, not necessarily a measure of how cooperative a committee is. That said, the totals are still important to demonstrate some trends in committee behaviour—namely that some committees work on clause-by-clause of bills extensively more than others, a topic which will be revisited in the final chapter in terms of committee workload reforms. What can also be noted is that, according to the literature presented in previous chapters, working closely with members can foster cooperation through the building of relationships. It could possibly be argued that cooperation on clause-by-clause may be hindered in some committees because they spend less time working together.

Therefore, now that there is some contextual understanding in terms of the number of amendments committees examined and passed, it is now possible to look at the findings presented in this table. Again, amendments passed by opposition parties always require cooperation across at least two parties to pass, and in minority settings, government amendments need cooperation with at least one other party in order to secure a majority of the committee votes to pass, therefore these amendments are at the crux of Table 5.11.

Based on the results of Table 5.11, it can be determined that cooperation happens in all committees where amendments were put forward on government legislation. Cooperation is widespread and systematic and is not limited to a single issue area. That said, some interesting variations do emerge in terms of issue area.

Table 5.11: Total Amendments Proposed and Passed by Standing Committee

Standing Committee	Total Bills Examined	Total Amendments Proposed	Total Amendments Passed		Total Amendments Passed by All Parties in Minority and Opposition Parties in Majority	Percentage of Total Amendments Proposed That Denote Successful Cooperation
			N	%		
Standing Committee on Justice and Human Rights	32	853	205	24	135	15.8
Standing Committee on Finance	31	844	109	12.9	57	6.8
Standing Committee on Public Safety and National Security	18	786	167	21.2	39	5.0
Standing Committee on Environment and Sustainable Development	6	571	179	31.3	40	7.0
Standing Committee on Procedure and House Affairs	8	555	139	25	35	6.3
Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities	11	290	118	40.6	30	13.4
Standing Committee on International Trade	12	290	27	9.3	22	7.6
Standing Committee on Health	8	227	123	54.1	87	38.3
Standing Committee on Aboriginal Affairs and Northern Development	13	216	32	14.8	23	10.6
Standing Committee on Industry, Natural Resources, Science and Technology	12	209	52	24.8	35	16.7
Standing Committee on Transport, Infrastructure and Communities	14	203	57	28	44	21.7
Standing Committee on Citizenship and Immigration	8	191	62	32.4	45	23.5
Standing Committee on Government Operations and Estimates	5	100	51	51	50	50
Standing Committee on Fisheries and Oceans	2	93	21	22.5	7	7.5
Standing Committee on Canadian Heritage	3	82	31	37.8	10	12.1
Standing Committee on Foreign Affairs and International Development	3	62	8	12.9	4	6.5
Standing Committee on Access to Information, Privacy and Ethics	1	58	14	24.1	1	1.7
Standing Committee on Agriculture and Agri-Food	4	56	11	19.6	3	5.3
Standing Committee on National Defence	4	43	15	34.8	2	4.7
Standing Committee on Veterans Affairs	2	14	3	21.4	1	7.1

First, the highest total number of cooperative amendments passed by a single committee is the Standing Committee on Justice and Human Rights at 135, followed by the Standing Committee on Health at 87. Those committees with the lowest total of cooperative amendments are the Standing Committee on Access to Information, Privacy and Ethics and the Standing Committee on Veterans Affairs, each with only 1 amendment passed that denotes cooperation. While the lower numbers for the last two aforementioned committees are likely explained by the limited number of amendments that these committees examined, the total number of amendments examined by a committee does not fully explain why the top two committees passed as many cooperative amendments as they did. That is, while the Standing Committee on Health passed 87 total cooperative amendments out of a total of 227 proposed, the Standing Committee on Finance, the Standing Committee on Public Safety and National Security, and the Standing Committee on Environment and Sustainable Development all examined more total amendments (844, 786 and 571, respectively), but passed less cooperative amendments (57, 39, and 40, respectively). Therefore, while the total number of successful cooperative amendments may be impacted to a certain extent by the total number of bills a committee examines, or the number of amendments committee members are willing to put forward during clause-by-clause consideration of government legislation, this is clear evidence that other factors impact cooperation within committees. As noted previously, issue area has been identified as a factor that can hinder or facilitate cooperation, depending on the issue. It would appear, based on the total numbers just discussed, that issue area does have an impact on cooperation in the Canadian context as well, whereby some areas, like justice and human rights, are areas of more cooperation.

To examine the link between issue area and cooperation further, we can now turn to the final column of Table 5.11, where the total number of successful amendments that denote party cooperation is divided by the total number of amendments proposed for each committee, thus providing a success rate percentage of cooperation per committee. Interestingly, the committee with the highest level of cooperation is the Standing Committee on Government Operations and Estimates at 50%. This means that 50% of the total number of amendments proposed within this committee were successful examples of party cooperation. While there is no obvious explanation of this according to the literature, in looking at some of the assessments of MPs, the estimates process has been highlighted as problematic in Canada because it functions more as a rubber stamp process within committees (Chong 2017).

In looking at the next most cooperative committees, a likely explanation is more discernable. The committee with the second highest overall success rate for cooperation on amendments in the Standing Committee Health at 38.3%, followed by the Standing Committee on Citizenship and Immigration at 23.5%. Given that both of these committees make decisions that impact the literal lives of Canadians, it is possible that these are areas where it is easier to cooperate and find common ground, rather than adhere to strict party divides.

Meanwhile, at the other end of the spectrum, the lowest rate of successful cooperation occurs on in the Standing Committee on National Defence (4.7%) and the Standing Committee on Access to Information, Privacy and Ethics (1.7%). Again, however, these committees examined very few bills and amendments, and therefore this must be interpreted cautiously. If we are to examine committees that examined at least 100 total amendments, the three least cooperative committees are the Standing Committee on Finance (6.8%), the Standing Committee on Procedure and House Affairs (6.3%) and the Standing Committee on Public Safety and National Security (5.0%). In terms of procedure, given the desire of the governing party to

control parts of the legislative process, including committee proceedings as will be examined in the final chapter, it is understandable that the governing party would be less willing to compromise on governmental structures or House of Commons procedures.

In regards to finance, this is not surprising, as the Standing Committee on Finance regularly examines budget bills. Budget bills are subject to votes of confidence in the House of Commons (Marland 2020), and typically set out the actions of a Parliament, therefore it is understandable that the governing party may be less willing to compromise in this area. Furthermore, variation in perspectives of the role of the government and spending is one of the most significant ideological dividing lines across parties, not only in Canada, but elsewhere (Van Dalen and Swank 1996; Herwartz and Theilen 2020). Therefore, finance is likely a deeply divided topic in terms of partisanship, thus limiting cooperation.

Similarly, in terms of the issue of public safety, as well as the environment which has a cooperation rate of 7.0%, it would appear that perhaps party ideology on these issues impacts cooperation. Put differently, party lines can be broken down more easily on certain issue areas like human rights and health, but others, like finance, public safety, and the environment are areas where ideological divides are significantly deeper and therefore are much less likely to be overcome. That said, cooperation is still not impossible in any of these areas. In fact, in every single issue area, cooperation on amendments to government legislation occurred at least once.

In sum, Table 5.11 does shed light on the uneven interpretations by MPs of the committee process, but it also provides some clear patterns of cooperation in relation to issue area. It would have been a herculean task to attempt to group bills together, as both the governing Liberals and Conservatives have frequently used omnibus bills, or single bills addressing a swath of topics (Kirchhoff and Tsuji 2014; Curry 2019) (like the Conservative budget bill in the 41st Parliament that included changes to Supreme Court appointment processes among other topics). Thus, in lieu of grouping bills by topic, it does work well to group bills according to the committee that they were assigned to, as each committee does cover a topic area, but of course, due to the aforementioned omnibus bills, this does need to be interpreted cautiously. In interpreting the impacts of issue area, the fact that opposition parties are most successful in terms of sheer volume of amendments passed in the area of justice and human rights can be explained in terms of human rights perhaps being an area where Canadian MPs can find common ground and put aside partisanship. The same is true for the issue of health, which has the second highest success rate for cooperation at 38.3% as well as the second highest total number of cooperative amendments at 87; it is perhaps easier to find common ground across party lines in areas that noticeably affect Canadians regardless of political bent. That is, perhaps on issues where the literal lives of Canadians can be more expressly connected (human rights, health) partisanship can be put aside, whereas other contentious issue areas that are perhaps less directly connected to life, like finance or the environment, remain more partisan²⁵. Similarly, this does fit with the unique Canadian context where party discipline tends to be released or relaxed on areas that are morally divisive or concern morality (Overby, Tatlovich and Studlar 1998; Kam 2001; Overby, Raymond and Taydas 2011), which puts Canada in stark contrast from the US, where these issues tend to be the most partisan (Hilley 2008; Baker 2015). This thus indicates that Canadian political parties are more likely to cooperate on issues that differ from other

²⁵ This is not meant to imply that issues of finance or environment are not important or do not influence the lives of Canadians, but simply that human life can perhaps be more directly associated with topics like health or human rights.

contexts, thus demonstrating the importance of studying Canada specifically, and not relying on the work of other countries to be extrapolated and assumed to apply here.

Similarly, in other contexts, foreign affairs has been noted to be a prime area of cooperation (Falk 1983; Bell 1984; Albinski 1986; Matthews and Ravenhill 1988; Collier 1991; Trubowitz and Mellow 2005; Flynn 2014; Harbridge 2015; Carr 2017), and yet in Canada, this does not appear to be the case. The Standing Committee on International Trade has a cooperation rate of 7.6%, while the Standing Committee on Foreign Affairs and International Development has a cooperation rate of 6.5%. Therefore, it can be concluded that while cooperation does exist in some instances on topics related to foreign affairs, it certainly is not one of the highest areas of cooperation.

In discussing the topic of issue area, it is important to note that Table 5.11 does not include legislative committees, which are also of interest. As noted in Chapter 2, legislative committees are struck to examine only a single bill, and then disband once they have reported the bill to the House of Commons. In terms of issue area, then, these committees are specifically focused on a single bill, rather than the standing committees which typically examine many bills.

Table 5.12: Amendments Proposed, Passed, and Cooperated on by Legislative Committee

(Parliament) Committee	Bill	Total Amend- ments Propose- d	Total Amendments Passed		Total Amendments Passed by All Parties in Minority and Opposition Parties in Majority	
			N	%	N	%
(38 th) Legislative Committee on Bill C-38	C-38 An Act respecting certain aspects of legal capacity for marriage for civil purposes	19	2	10.5	2	100
(39 th 1st) Legislative Committee on Bill C-2	C-2 An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	171	105	61.4	171	100
(39 th 2nd) Legislative Committee on Bill C-2	C-2 An Act to amend the Criminal Code and to make consequential amendments to other Acts	25	0	0	0	0
(41 st)* Legislative Committee on Bill C-11	C-11 An Act to amend the Copyright Act	35	8	22.8	0	0
(41 st)* Legislative Committee on Bill C-18	C-18 An Act to reorganize the Canadian Wheat Board and to make consequential and related amendments to certain Acts	21	2	9.5	0	0

*Denotes majority government

Table 5.12 presents the total number of amendments proposed and passed (by government and opposition members) in legislative Committees across all five sessions. Out of the five sessions, the 40th and 42nd Parliaments did not have any legislative committees. In looking at the overall number of amendments passed, with the exception of *Bill C-2 An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability*, also known as the Federal Accountability Act, legislative committees have a fairly limited impact on legislation. Across the four remaining committees, a total of only 12 amendments were passed. Looking specifically at cooperative amendments (all those from the 38th and 39th sessions, and the opposition amendments from the 41st), the tale is even more stark. Again, excepting the Federal Accountability Act, cooperation only occurred on 2 amendments across four bills in legislative committees, for a success rate of 2% (2 out of 100). On average, legislative committees do not typically denote success for opposition parties or party cooperation. This is not to say that legislative committees are unimportant in the legislative process; this study is not measuring any of the impacts outside of amendments, such as reports and recommendations made by committee, cross-party relationship building, citizen engagement in the process, or even citizen satisfaction with the process. This is simply to note that legislative committees are typically not more successful places for successful party cooperation than standing committees. This fits with the prevailing literature which has noted that more permanent committees are likely to have cooperation, likely attributable to the relationships that can be built during this time (King 1976; Arter 2003; Loat and MacMillan 2014; Stilborn 2014; Russell and Gover 2017).

Despite this, if we include the Federal Accountability Act in the legislative committee totals, cooperation increases to 107 total amendments out of 271 total proposed amendments, for a cooperation rate of 39.5% on legislative committees. Compared to the previous table of standing committees, the cooperation rate of legislative committees is thus higher than standing committees, where cooperation occurred on 670 amendments out of a total 5742 amendments for a success rate of 11.6%. The Federal Accountability Act can thus be viewed as a potential beacon of cooperation, given the total number of amendments passed by opposition parties is 47 with 9 from the Liberals, 20 from the NDP, and 18 from the BQ. Of course, this was passed in the first Conservative minority and, as noted above, opposition parties have had more success in passing amendments in minority governments rather than majority, in terms of the total percentage of successful amendments compared to the total proposed. This bill was rather unique: the Conservatives won their first government in over a decade, it was their first win as the unified Conservative Party of Canada, and they won in the wake of a massive spending scandal linked to the then governing Liberals and subsequent release of the Gomery Commission report. Thus, in the 2006 election, accountability played a feature role, with wide public support for changes to accountability (Austin 2016). This is noteworthy because, if public support is high for an issue, this may be another time where parties are able to put aside partisanship and cooperate to meet citizen demands, whether it is for strategic gain or simply the “right thing to do.” Alternatively, it may be that public accountability is simply an issue area where parties can find agreement. What can be concluded here in terms of party cooperation is that striking a legislative committee alone is not enough to foster cooperation and influence on government bills, as demonstrated by the other four bills examined in legislative committees here. However, what the Federal Accountability Act example shows is that legislative committees *can* be a source of extensive party cooperation, but other factors, such as public support, issue area, political motivations, or others, are likely to influence party cooperation. Therefore, for

practitioners, if the goal is to foster a situation for cooperation, more must be understood in terms of impacting factors, and that simply creating a legislative committee rather than sending a bill to a standing committee is no guarantee of cooperation.

In terms of factors that can potentially impact party cooperation, closely related to the type of committee that examines a bill is the timing of when a bill goes to committee. As noted in previous chapters, bills are most often referred to committee after second reading, but it is possible to refer a bill after first reading, which increases the types of amendments that committee members can propose, as they do not have to fit the scope and principle as voted in the second reading, because that vote has yet to happen.

Table 5.13: Amendments Proposed and Passed by Bill Reading

Reading	Total Amendments Proposed	Total Amendments Passed		Total Amendments Passed by All Parties in Minority and Opposition Parties in Majority	
		N	%	N	%
After 1 st Reading	572	219	38.2	164	28.6
After 2 nd Reading	5441	1340	24.6	613	11.3

Table 5.13 looks at the total number of amendments proposed, total number of amendments passed, and the total number of amendments that denote cooperation separated by reading. 13 bills were referred to committee after first reading, or 6.4% of all bills. These 13 bills account for 9.5% of all amendments (572 of 6013), and therefore this does demonstrate that more amendments are likely to be discussed in bills referred before second reading rather than after. That is, on average, bills sent to committee before second reading average 44 amendments per bill, whereas bills sent to committee after second reading average 28.7 amendments per bill. In terms of success rates, for all parties, 38.2% of amendments were passed before second reading, compared to 24.6% of amendments after second reading. Therefore, it can be concluded that amendments have a higher likelihood of passing on bills referred before second reading. It is possible that this higher level of success is attributed to the fact that some amendments that may have been successful based on amount of support after second reading were deemed ineligible or out of order by the chair because they violated certain rules like being beyond the scope and principle. Put differently, it is possible that some amendments may have had the support of a majority of committee members (thus denoting party cooperation), but if the amendment was deemed to be ineligible due to being beyond the scope and principle of the bill, it would thus automatically fail, whereas if the amendment was introduced before second reading, it would not be deemed ineligible, and therefore could pass. In terms of the cooperation success rate, party cooperation is more successful on amendments prior to second reading, 28.6% of the time, compared to after second reading at 11.3%. Given the broader scope of amendment eligibility before second reading, it is possible that this could be a signal from the governing party that they are more open to cooperation on a specific bill, and should be something that parties think about in seeking cooperation.

Multivariate Analysis

At this point, the relevant variables identified for descriptive analysis from the data set have been presented. Consequently, this investigation will now turn to the multivariate analysis to discuss the predictability of cooperation on amendments, and which variables most influence such

cooperation. As noted in previous chapters, beyond issue area, committee type and the timing of when a committee examines a bill, other factors have been known to impact party cooperation in other contexts and therefore should be examined in the Canadian context to see if they hold in this context as well. Also as previously noted, the aforementioned variables are not ideal for regression analysis²⁶, and therefore are better examined as descriptive statistics as they were above. The previously identified variables that have not yet been examined are appropriate for multivariate regression and can impact cooperation include whether the Chair came from a governing or opposition party, committee size, the proximity to the last election, the popularity of the leader, and unemployment levels. In order to provide a more developed, specified model, this will also include whether the party in power was Liberal or Conservative, and whether the government was a majority or minority.

To test the effects of the various explanatory factors identified in the literature in previous chapters, this study now utilizes multivariate regression analysis. This type of analysis has not yet been conducted in the literature on committees and committee procedures in Canada and allows for a direct examination of some of the determinants of amendment success, which, when limited to all parties in minority governments and opposition parties in majority governments, is a measurement of cooperation. To determine what affects the likelihood of cooperation occurring on a particular amendment, the dependent variable in Model 1 is a binary variable which indicates whether an amendment put forth by either an opposition party member or a government member in a minority government passed (1) or failed (0). To calculate this, an OLS regression was employed to demonstrate which variables affect the likelihood of an opposition amendment being successful.

The model includes seven covariates. These covariates include a dummy variable capturing whether the committee chair was a member of the governing party (1) or an opposition party (0), a variable measuring the total number of seats in the committee, a dummy variable measuring whether the government at the time of the amendments passing was Liberal (1) or Conservative (0), and whether the government of the day was a majority (1) or minority (0). Also included is a measure which takes the date the amendment is passed less the date of the previous general election—this allows for the calculation of the distance, in months, between the election and the passage of the amendment. A variable measuring national unemployment in percentage is included as well. Unemployment is recorded via the monthly unemployment rate reported by Statistics Canada. For amendments that are passed beyond the 15th day of the month, that month's unemployment rate is used. For amendments passed before the 15th, the preceding month's unemployment rate is used. A similar logic is applied to the months variable. If the amendment was passed 15 months and 20 days after the previous election, the variable has been rounded up to 16 months whereas amendments passed prior the 15th day are rounded down.

²⁶ The timing of a bill sent to committee (before or after second reading) is left out because it is highly collinear with the minority/majority variable. Issue area measured through the committee a bill was referred to is not included in this model for clarity of information. That said, this exact model including committee fixed effects was run (results are appendix). Including committee fixed effects did not change any of the relationships or the significance of variables, with the exception of committee chair, which became significant. This is not surprising due to the fact that most committee chairs are from the governing party, and that there would be collinearity effects within committee fixed effects and the committee chair. Similarly, committee type (standing or legislative) is not included for methodological purposes, although the rationale is different. Across the 202 bills, only 5 went to legislative committees, and therefore would prohibit a normal distribution. By not including these variables that would distort the impacts, there is more confidence in the overall model. Further, these variables have been analyzed in depth above, and therefore have been accounted for using the most appropriate methods.

Finally, a measure gauging the popularity of the Prime Minister is further included. In so doing, approval ratings of the Prime Minister have been aggregated from ten different polling companies. The poll proximate the date on which the amendment was passed is utilized.

Of the explanatory variables in Table 5.14, the party of the Chair of the committee, the number of months since last election, and the popularity of the Prime Minister are statistically insignificant in terms of their impact on party cooperation. The fact that these are not statistically significant is an important finding, as it demonstrates that Canada deviates from the US, whereby the popularity of the leader as well as the potential for a honeymoon period immediately after an election, or fierce partisanship just before an election affect cooperation. Therefore, party cooperation within House of Commons committees is not simply an artifact of popularity or timing. In terms of the party chair, this is important in terms of parties seeking cooperation in the sense that opposition parties do not need to have opposition chairs to get amendments passed.

Table 5.14 Determinants of Cooperation Success

VARIABLES	Model 1 Likelihood of Cooperation
Chair	-0.0146 (0.0243)
Total Committee Seats	0.0239*** (0.00887)
Months Since Last Election	-0.00110 (0.000801)
PM Popularity	0.000362 (0.000730)
National Unemployment	0.0304*** (0.00977)
Government	0.0740*** (0.0132)
Majority Government	-0.291*** (0.0151)
Constant	-0.114 (0.173)
Observations	5,174
R-squared	0.213

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

In moving now to total number of seats on the committee, as the total increases, so too does the likelihood of an opposition amendment being accepted. This can have two implications. The first is that bigger committees may increase the likelihood of party cooperation, but this must be interpreted cautiously, as it is likely that the bigger number of members will need to skew in favour of the opposition. Secondly, this can also be explained through the fact that the total number of committee seats dropped partway through the 41st Parliament (a majority), and this lower number was maintained through the second majority government in the 42nd Parliament. So it is likely that the higher number of seats is more associated with minority governments and therefore opposition success, and thus must be interpreted very cautiously.

National unemployment is associated with an increased likelihood of parties cooperating on an amendment such that a one-unit increase in unemployment makes party cooperation on a successful amendment 3% more likely. Across the total unemployment scale, moving from a recorded low of 5.4 to a high of 8.7 increases the likelihood of an amendment with party cooperation being passed by nearly 10%. This is interesting and runs counter to the prevailing literature as well, whereby parties in other contexts are less likely to cooperate as unemployment increases (Trubowitz and Mellow 2005). This fits with the first noted finding, that the popularity of the leader and the timing of elections are insignificant, in the sense that Canadian MPs do not seem to be driven by the same strategic concerns as elected officials in other states.

One obvious finding of this table is that majority governments, regardless of party, are less likely to accept opposition amendments. Of course, this is no surprise and very much fits with the prevailing literature and the earlier findings discussed in this chapter. In focusing on the fact that minority governments accept more opposition amendments in terms of total numbers, and are more likely in terms of probability to accept opposition amendments, this does demonstrate that multipartisan activity, or cross-party cooperation, happens in committees in minority governments. Thus, if one is studying minority governments in Canada, it can be said that party cooperation regularly occurs in committees, and that this could be a future focal point of study in trying to explain the significant variation of term lengths for minority governments.

The final finding of this table is that the likelihood of cooperation is impacted by the government in power. Liberal governments are 7.4% more likely to accept amendments that are the products of cooperation compared to Conservative governments. This, combined with some of the results in the tables above, does indicate that opposition parties will have more success under Liberal governments in getting amendments passed, than if the Conservatives are in government. In this regard Canada is more in line with the literature, whereby more left-leaning parties are more likely to cooperate than right-leaning ones.

Discussion

As noted above, the purpose of these tables is to present quantitative findings that answer the questions driving this work. While the tables above have answered the first research question, it is important to tie all of the findings together. In regards to the question, “*When does parliamentary cooperation in committees occur and does it have any systematic tendencies?*” there are now some clear tendencies to unpack, the majority of which are briefly summarized in Table 5.15.

Table 5.15 Summary of Findings

Evidence of Cooperation	Systematic Tendencies
Total amendments passed that required at least two parties to cooperate: 38 th : 220 (minority) 39 th : 248 (minority) 40 th : 140 (minority) 41 st : 22 (majority) 42 nd : 106 (majority) 14.2% of all proposed cooperative amendments were successful (736 of 5174) 736 (47.2%) amendments, of the total 1559 passed are an example of cooperation	Cooperation happens in all contexts, whether minority or majority governments, and regardless of party in power. It happens on at least 12.2% of all amendments proposed Cooperation happens more often in minority contexts. This is also supported by the regression analysis and the literature. The least amount of cooperation happened under a Conservative majority government, which was what was expected by the literature. Of all the amendments passed on government legislation during the time examined here, at least 47.2% were the result of cooperation across two or more parties.
Total amendments passed, coded by degree of substantiveness and percentage of total successful amendments passed in that category, that required the cooperation of at least two parties: Typographical: 81, 44% Clarificatory: 232, 42% Substantive: 432, 47.2%	Most common source of cooperation is on amendments of the highest degree of substantiveness The total number of amendments for each category that are the result of cooperation is very consistent, between 42 and 47%
Total amendments passed and cooperation rate that required cooperation of at least two parties by specific committee: Justice and Human Rights: 135, 15.8% Health: 87, 38.3% Finance: 57, 6.8% Government Operations: 50, 50% Foreign Affairs: 4, 6.5% National Defence: 2, 4.7% Veterans Affairs: 1, 7.1%	Cooperation is asymmetric across issues, but all committees cooperated at least once. Patterns remain unclear, but given the differences in total amount of cooperation, as well as success rates of cooperation, it appears that some issue areas <i>are</i> a source of more cooperation than others. Foreign Affairs does not appear to be a source of significant cooperation, at least on committee amendments, which runs counter to the literature. More work is needed to understand this phenomenon in the Canadian context.
Total amendments passed and the percentage of all amendments proposed that required cooperation	Evidence of cooperation in legislative committees mixed. Most legislative committees have little or no cooperation, but the Federal Accountability Act had 105 amendments denoting cooperation. This could be evidence of issue area being a

of at least two parties by committee type: Standing Committees: 670, 11.6% Legislative Committees: 107, 39.5% Legislative Committees without the Federal Accountability Act: 2, 2%	source of cooperation or an idiosyncratic event. More research is needed.
Total amendments passed plus percentage of total amendments passed that required cooperation of at least two parties by timing of bill sent to committee: After 1 st Reading: 164, 28.6% After 2 nd Reading: 613, 11.3%	Cooperation is more likely on amendments to bills sent to committees before second reading, but it occurs less often because sending bills to committees before second reading is rare.
The impact of national unemployment on cooperation, from regression analysis: 0.0304***	The likelihood of cooperation increases as unemployment increases. When coupled with the statistically insignificant variables of Prime Ministerial popularity and the proximity to the previous/next general election, this indicates that Canadian MPs are not driven by strategy in the same way as their counterparts in other countries.
Amendment success rate by parties in opposition, by minority then majority NDP: 9.1%, 3.2% BQ: 31.4%, 1.3% Green/Ind: N/A, 2.1% Liberal: 34.8%, 1.8% Conservative: 21.3%, 6.5%	All parties cooperate more in minority contexts. The BQ and the Liberals have the largest gap between success under minority contexts compared to majority. The NDP remains the most consistent across contexts.

First, the simple response to when cooperation occurs is: consistently. It occurs in majority and minority governments, and it occurs under Liberal and Conservative governments. More specifically, out of the 5174 amendments that required cooperation studied here, 736 (14.2%) were successful. Cooperation thus happens at least 14.2% of the time on amendments in committees, which, as noted above, is an underestimation since multiple parties cooperated on government amendments in majorities which are not captured here, and multiple parties cooperated on unsuccessful amendments.

This simplistic response is then nuanced with the broader systematic tendencies. First, unsurprisingly, party cooperation happens more often in minority than in majority contexts. Cooperation here is seen on 608 (39%) amendments to government bills in minority governments compared to 128 (8.2%) amendments in majority governments of the total 1559 amendments passed in the sessions examined in this study.

Second, in breaking amendments down further, by degree of substantiveness, it can be concluded that the rate of success of cooperation, measured through the total of accepted amendments divided by the total amount proposed, is highest for typographical amendments, followed by clarificatory, and lowest in substantive amendments. However, in terms of the total

number of amendments accepted, focusing solely on the total amount accepted that denote cooperation, substantive amendments are by far the most common occurrence. Therefore, while the success rate of cooperation on substantive amendments is low, the occurrence is high. Consequently, in examining amendments as a source of cooperation, in the Canadian context, cooperation happens the most often on substantive amendments. Cooperation is thus not in insignificant or minor areas, it is regularly occurring in substantive areas of change.

Third, cooperation appears to be impacted by issue area, as the total number of bills or amendments that a committee examines does not explain the resulting amount of cooperation. Based on the results of this study, cooperation is more likely to occur in issue areas of human rights and health, and less likely to occur in areas like finance and public safety. However, more research is needed to confirm these findings.

Fourth, cooperation is more likely to occur under Liberal governments than their Conservative counterparts. Fifth, standing committees appear to be a more likely source of cooperation, possibly due to the relationship building that can occur with working directly with members of opposing parties regularly and for lengthy (often several years) periods of time. Again, however, due to the limited number of legislative committees examined here, more work is needed to confirm these findings.

Sixth, in looking more specifically at some of the motivation factors, the findings are quite mixed. Given the impact of the statistically significant motivation variables, it would appear that Canadian officials may be motivated by factors other than those focused on electoral success. Cooperation is actually more likely to occur in times of higher unemployment, and is not associated with the proximity to either the most recent or next election, nor the popularity of the Prime Minister. This does not mean that Canadian MPs are not strategically motivated, but if they are, it is likely by other factors, which is certainly an area worth further investigation. An additional explanation, given the higher rates of cooperation on areas related to the wellbeing of Canadians, is that altruism, or what is viewed as the “right thing to do” is a driving motivation in Canada.

In sum, research question one has been answered lucidly by the quantitative data. Party cooperation occurs in committees, it occurs on substantive issues, and it has some clear systematic tendencies. Although the measurement of cooperation through amendments is well rooted in the literature as demonstrated in previous chapters, it is possible to bolster confidence in these purely quantitative findings through a qualitative narrative of some examples of cooperation. In order to provide such confidence, the final section of this chapter will provide examples of cooperation, determined through committee proceedings. One example will be drawn from each type of government, that is, one each from a Liberal minority, Liberal majority, Conservative minority and Conservative majority. Further still, examples will be drawn exclusively from bills with amendments coded as substantive, as these are the most curious part of the cooperation puzzle, and the most difficult cases to explain based on the current literature.

Party Cooperation: Qualitative Examples

Starting with an example from the Liberal minority government, the 38th Parliamentary Session, a clear example of party cooperation related to substantive amendments occurred on Bill C-2, *An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act*. The overall purpose of this bill was to strengthen the Criminal Code in terms of sentences for offences related to the sexual exploitation of young people, including areas of child pornography and child abuse.

Evidence of party cooperation can be seen immediately within the clause-by-clause consideration. Prior to discussing specific clauses, the Chair asked if any members had any opening comments pertaining to the process. BQ MP Richard Marceau began by stating²⁷ that prior to this meeting, the “Liberal Party of Canada, that is to say the government, the Conservative Party, and the Bloc seem to have agreed on the duration of minimum sentences to include in Bill C-2” (Canada, Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness 2005). This is thus indicating that these three parties, later confirmed to be three members of the committee itself, met prior to the clause-by-clause consideration in order to work together, or cooperate, on the topic of mandatory minimum sentences within the bill. This interpretation of cooperation was then confirmed by Conservative MP Vic Toews, who stated that the “Conservative Party had introduced a number of amendments with respect to minimum penalties. Pursuant to discussions with the Bloc and the government, we are agreed on the minimum sentence provisions that we have now jointly put forward” (Canada, Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness 2005). This discussion across these three parties occurred as a direct result of the committee process on amendments. Prior to clause-by-clause consideration, parties submitted their amendments. This is typically done 24–48 hours prior to the official clause-by-clause process, so that each member has time to review the amendments proposed by each party, and so that public servants are able to provide a formal translation of each amendment in each of the two official languages (amendments are commonly first submitted only in the first language of the mover).

In this case, both the BQ and the Conservative Party had separately put forward several amendments each pertaining to the issue of minimum sentences to be considered within the clause-by-clause process. In the spirit of potentially seeing a successful compromise amendment pass, members of the BQ, Liberals and Conservatives met prior to clause-by-clause consideration to discuss their position to come to an amenable solution. This is demonstrated through Richard Marceau’s statement, “[d]uring our discussions yesterday... this is the agreement that we have arrived at yesterday with the Parliamentary Secretary and Mr. Toews” (Canada, Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness 2005). Although the government did not previously submit amendments like the Conservatives and the BQ, they were brought into these discussions to find the best solution across parties. Thus, the governing party was not necessarily looking to add mandatory minimums prior to committee clauses, whereas the BQ and Conservatives did. That said, if mandatory minimums were to be part of the bill, the governing Liberals were willing to acquiesce if they could limit the length of the minimums. Indeed, the government’s position was noted by Parliamentary Secretary Paul Harold Macklin, who stated, “in this case we have [come to a consensus on mandatory minimum sentences] reluctantly. We would much prefer that we left the courts with full opportunity to examine all of the factors that come with sentencing” (Canada, Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness 2005).

While the Liberals did not really want to have minimums, the Conservatives wanted even stronger ones. This is demonstrated through Toews’ comment that “I am still concerned that some of these minimum penalties are not strong enough, but in the interest of moving forward with the idea of minimum prison sentences for these kinds of offences, the Conservative Party is agreeing with this” (Canada, Standing Committee on Justice, Human Rights, Public Safety and

²⁷ For consistency as well as clarity for those who may not speak both official languages, the official translation from French to English will be used whenever a member spoke in French. For English comments, direct quotations are used.

Emergency Preparedness 2005). Toews also added, in discussing the overall process of how these mandatory minimums would come into effect, “we will be monitoring this. I know Mr. Macklin is proposing a review of this process in the next five years, and I think that’s an important step.” Macklin then echoed this idea, stating that since these minimums were a form of experiment and that the outcomes were not yet known, with a review in five years, “we will see whether, in fact, the effectiveness that was sought by this committee’s review in the bringing forward of this bill with these amendments has really found its mark within the judicial system and whether, in fact, we are actually achieving the goals we wish to achieve” (Canada, Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness 2005).

The resulting cooperation across all three parties took place in several steps. First, each party proposed their amendments prior to the committee meeting for clause-by-clause consideration. Then, members of the committee representing the Liberals, Conservatives, and the Bloc met privately to discuss their positions. Within that meeting, they came to an agreement on the mandatory minimums. Then, during the clause-by-clause consideration, both the BQ and Conservatives withdrew their original proposed amendments in favour of the newly agreed upon amendments, which were introduced by the BQ. This overall process resulted in several amendments related to the sexual exploitation of youth, all establishing mandatory minimum sentences ranging from 14 days to 2 years depending on the crime. Such crimes include sexual exploitation; production, distribution, possession and access to child pornography; procurement of ones’ children to third parties for sexual activity; and living on the avails of a child prostitute, among others. The five-year review amendment was then also passed. This case is thus a very clear example that committee members are willing to negotiate in good faith with members of other parties in order to amend legislation. Further, all of the mandatory minimum sentence amendments were proposed by the BQ, with the five-year review proposed by the Liberals. Thus, unlike in some other instances where the governing party seeks to coopt the ideas of opposition parties and pass similar legislation of their own (see Cairney 2006; Blidook 2010), opposition members were able to propose the amendments themselves, and there seemed no animosity on behalf of the Conservatives that they were not credited with proposing the amendments. Rather, there was a genuine sense of satisfaction that cooperation and compromise had been achieved through fruitful discussion. This is demonstrated through the Chair’s closing comments, after the bill was approved by the committee and sent to the House of Commons for Report Stage, where he stated, “I would like to thank all parties and acknowledge all the work that went into reaching a consensus on most of these items.” Vic Toews then added, “I want to thank the draftsmen who did all the drafts for us... that work is essential for the kind of consensus that took place today” (Canada, Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness 2005).

This bill then, is an interesting example of cooperation, because it is not one where all parties immediately agreed, instead it is a clear example of achieving consensus through compromise. In essence, none of the cooperating parties got exactly what they wanted, but they each got to influence the overall final product. Cooperation then, is not always about agreeing exactly on what needs to be done, but working behind the scenes to strike an acceptable balance across party lines. Cooperation also clearly happens on substantive issues, as creating mandatory minimum sentences where none previously existed is unmistakeably a substantive change.

Moving onto a second example, this time from a Conservative minority government, here the second session of the 40th Parliament, the governing minority Conservatives cooperated with the Official Opposition Liberals in passing an amendment on Bill C-4, *An Act respecting not-for-*

profit corporations and certain other corporations, also known at the NCPA, or Not-for-profit Corporations Act. The purpose of this bill was to replace part of the former Canada Corporations Act pertaining to federally incorporated non-profit corporations, to provide clarity and distinction between non-profits with and without share capital.

This bill is interesting because it has a long history of cooperation. First, a version of this bill was first introduced by then Minister of Industry, David L. Emerson, in the 38th Parliament (where the Liberals were in government). This bill, then C-21, was introduced following Industry Canada consultations across Canada from 1999 until 2002, and was deemed widely to be “long overdue” and limited in the “number of published commentaries and criticisms” (Bird et al. 2009, 4). Despite not being a bill rooted in partisan conflict, this bill did not pass in this session, as it died on the Order Paper upon the dissolution of the Parliament. A similar version of this bill was then introduced in the Conservative led government, this time as C-62 in the 39th Parliament, this time by Minister of State (Small Business and Tourism) Diane Ablonczy. Again, however, the bill suffered a similar fate, and died on the Order Paper with the dissolution of Parliament. It was introduced as Bill C-4 in the first session of the 40th Parliament, but one more time, died on the Order Paper when Parliament was prorogued on December 4, 2008. Finally, on January 28th, 2009, Bill C-4 was again introduced by Minister of State (Small Business and Tourism) Diane Ablonczy, whereby it went through to the committee proceedings examined here, and eventually received Royal Assent.

While there were 14 total amendments proposed to this bill, (11 marked as substantive) there is one amendment of particular interest, coming from the governing Conservatives. While this is a government amendment, because it was within a minority government situation, even the government requires support, or cooperation, from at least one other party, therefore this is worthwhile examining. On Clause 2 of the bill, there were two Liberal amendments, presented by Siobhan Coady, as well as Conservative government amendments put forward on the same lines by Mike Lake. As per committee procedures, when there are amendments to the same line, a line may only be amended once. So if one amendment is accepted, the second will be ruled out of order because it cannot amend an amended line. Further, as is usually done, the committee will examine amendments in the order they are received. So whichever party submits their amendment first will be considered first.

In this context, the Liberal Party’s amendments were received first. Ms. Coady introduced her amendment as seeking to provide clear definitions for when a non-profit is considered soliciting vs. non-soliciting, and when a corporation can be considered to have shifted from one status to another. She then noted that she was unsure how to proceed, given that her amendment was similar to that of the government. The Chair explained the procedure above, after which Mike Lake offered a solution that they could discuss the government amendment at this time, receive input from the public servants serving as witnesses to the proceedings, and then “if that doesn’t satisfy what you’re trying to accomplish, we can always talk about yours as well” (Canada, Standing Committee on Industry, Science and Technology 2009). Ms. Coady agreed to this. So here, it is clear that two parties had similar amendments, and were willing to forgo strict committee rules in favour of more amenable discussion that would allow for clarity to be provided from experts on the contents of the two amendments. Discussion then came from Coleen Kirby, Manager of Policy Section, Corporations Canada, who explained what the government amendment was seeking to do. While it was doing the same thing in terms of content as Ms. Coady’s amendment, it was doing so in a different technical way. That is, it was seeking to place some of the definitions in different areas, due to how regulations must be

applied, and therefore the government's amendment was the more legally correct version, according to the Department of Justice. Ms. Coady then asked a few more questions of Ms. Kirby, ensuring that the government amendment was doing what she had wanted to do, albeit in a more legislatively sound way. After these questions were answered, the Chair provided Ms. Coady the option of withdrawing her amendments, rather than having them defeated. She indeed chose to withdraw her two amendments, and with the unanimous consent of the committee, this was done. Ms. Coady then quipped "See how easy it is to get along with me?" The committee then turned to the vote on the Conservative amendment introduced by Mike Lake and it passed without further discussion (Canada, Standing Committee on Industry, Science and Technology 2009).

Thus, this example, while visibly a form of cooperation, is different from the preceding example. Rather than an amendment being a negotiated compromise amongst parties, this amendment was one of an area of clear agreement across parties on the changes that needed to be made to improve the bill. There was no compromise on content or overall impact, but instead, two parties agreed on proceeding with the best amendment in terms of its legislative capability. Further, it is an example of cooperation, in terms of how similar versions of this bill were introduced by members of the executive of both the Liberal and Conservative parties. It is a demonstration that although there is extensive hyper-partisan rhetoric in the media and daily parlance, that the two major parties can come to clear agreements when provided evidence from the public service, in consultation with Canadians, that a change or update is needed in a particular area. Not every issue has to be necessarily partisan or designed to be viewed as a political win for a single party. It is also a demonstration of why it is important to have members from the public service within the committee proceedings to explain the impacts of amendments. While two amendments may be the same in intention, depending on how they are phrased and where they are placed in the bill, they may have very different implications once implemented.

In moving now to examples of party cooperation in majority contexts, this will start with an example from the 41st Parliament under the governing Conservatives. As previously noted, while this session had the smallest number of total examples of cooperation (22), cooperation still occurred, and it occurred in substantive ways. One such bill was Bill C-26, *An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons)*. The purpose of this act was to, in essence, redefine the concept of self-defence to remove distinctions between provoked and unprovoked attacks, and instead focus primarily on whether force, or threat of force is present in a given situation, and that the person defending themselves does so within reasonable circumstances. If these criteria are met, a person defending themselves should not be found guilty of an offence.

The idea of what constitutes a reasonable circumstance is where party cooperation can be plainly seen within committee proceedings on the clause-by-clause consideration of this bill. The first substantive amendment changed what the court can consider in terms of reasonable characteristics. The original text of the bill stated that "the court may consider" certain factors. Such factors covered in this section include items like the nature of the force or threat; the imminence of the threat; the presence of a weapon; and the size, age or gender of the persons involved, among others. NDP MP Jack Harris put forward an amendment that would require the court to consider certain factors, by changing the wording to "the court shall consider" (Canada, Standing Committee on Justice and Human Rights 2012). This is an important distinction and it is one that comes up often in the amending process. Using the term 'may' allows for the courts to consider the factors they desire. Thus, the listed factors then act more as a guideline for the

courts. When the term ‘shall’ is used, it becomes a requirement, not a guideline. Thus, the courts must consider what is listed in a given clause when the term ‘shall’ is used. At the same time, Jack Harris also included an additional phrase, stating that the courts shall consider... “including, but not limited to, the following factors.” In this way, the meaning of the original clause has now changed. Rather than the courts being able to consider the factors they want to as in the original, in the amended text, courts must consider the factors listed, as well as have the flexibility to consider other factors they may deem appropriate.

After Mr. Harris presented this amendment, Conservative MP Robert Goguen stated, “The law clearly requires a balance between perception and subjectivity... [this amendment] puts more focus on the perception of the accused... for that reason, we’ll be supporting it. It strikes a balance.” This then led NDP MP Françoise Boivin to quip, “I won’t even say anything. I’ll take it. As my dad used to say, ‘quit while you’re ahead.’ I’ll do just that.” She then added, “I’d ask that the question be put right now before they [the governing Conservatives] change their mind.” This amendment then passed unanimously, 11-0, with support across all parties (Canada, Standing Committee on Justice and Human Rights 2012).

After this success, Jack Harris proposed another substantive amendment. In introducing it, he said that the reason he was submitting this amendment was in regards to committee testimony from the Canadian Bar Association, in terms of the relevant circumstances of self-defence. Notably, Harris was highlighting section (e) of the aforementioned factors for the courts to consider in terms of the degree of reasonableness. In particular, section (e) originally said, “the size, age and gender of the parties to the incident.” Harris’ amendment expanded this to instead read, “the size, age, gender and physical capabilities of the parties to the incident.” His rationale for this amendment was that, “you can’t just assume, because someone’s one gender or another, that they’re bigger or smaller or more or less capable. Size doesn’t necessarily matter either... The addition of physical capability seems to be to be aiming at what the section was trying to achieve by saying that it has to take into account the person’s circumstances” (Canada, Standing Committee on Justice and Human Rights 2012). Conservative MP Kerry-Lynne Findlay then responded, “we agree with this. I think the wording of it is good... It adds to the non-exhaustive list of the circumstances for the court to take into account. That seems reasonable... we’re supportive of this amendment.” This unequivocal support from the Conservatives then led the Chair, Conservative MP Dave Mackenzie to jokingly ask Harris, “you want to withdraw?” thus jokingly implying that such cooperation between the NDP and the Conservatives had to indicate something was wrong. This spurred some chuckles and side comments among the members, who then voted again unanimously in favour of the amendment (Canada, Standing Committee on Justice and Human Rights 2012).

Cooperation then continued even further on this bill. The next amendment on the list was another NDP amendment which sought to change the language of another one of the aforementioned factors measuring reasonableness. The original text in question was “the nature, duration and history of any relationship between the parties to the incident...” and Harris was proposing an amendment to change the text to “the nature, duration and history of any interaction or communication between the parties to the incident...” At the heart of this discussion was the issue of whether the term “relationship” was too strong and that relationship implied more of a connection between individuals. A discussion then arose on whether or not changing the language may then limit one’s claim of self-defence on issues of “battered woman” and “battered spouse” syndrome. This then led Françoise Boivin to note that there appeared to be a discrepancy between English and French, because while the English version used the word relationship, the

French used the word *rapports*, which is not equivalent to relationship, it is a broader conceptualization. Throughout this entire process, a general consensus seemed to be achieved, whereby none of the members wanted to weaken protections for “battered spouse” syndrome, but at the same time, they wanted an acknowledgement that there was a need to specify that other types of interactions that may not constitute a ‘relationship’ needed to be covered (Canada, Standing Committee on Justice and Human Rights 2012).

Jack Harris then asked for advice from Joanne Kineberg, Senior Counsel, Criminal Law Policy Section for advice on how to balance these concerns. She suggested keeping the original relationship clause as is, and adding an additional subparagraph at the end of the section to include the concept of interaction. Jack Harris then requested permission from the committee to withdraw his amendment, which was granted. Liberal MP Irwin Cotler then suggested adding a new amendment, this time with a new section, as suggested by Ms. Klineberg. Mr. Cotler proposed an additional factor be added that stated “any history of interaction or communication between the parties to the incident” (Canada, Standing Committee on Justice and Human Rights 2012).

Conservative MP Brian Jean voiced his displeasure with the new amendment, stating that he felt it would restrict the idea of relationship, and therefore that he opposed Cotler’s suggestion. Conservative MP Kerry-Lynne Findlay then disagreed with her Conservative colleague, arguing instead that she felt “it’s just adding factors to a non-exhaustive list. I don’t see it as something that would take away from that broader word [relationship].” Harris then agreed with Ms. Findlay, as did fellow Conservative Robert Goguen. It appears that Mr. Jean’s concerns were allayed because on the vote for the amendment put forth by Irwin Cotler, the vote was again unanimous, 11-0 (Canada, Standing Committee on Justice and Human Rights 2012).

These three amendments are quite interesting because these occur on a topic typically considered salient for the Conservative Party. That is, the Conservative Party in Canada is more typically associated with law-and-order bills and a general tough on crime approach (Jeffrey 2015). In this instance, within a majority government, the Conservatives did not need to include any of these amendments. They very easily could have used their majority representation within the standing committee to vote in a bloc against the opposition amendments. However, they did not vote as a bloc on these issues. Instead, a collegial atmosphere, demonstrated through the number of jokes and chuckles throughout the proceedings, as well as the seemingly genuine pursuit of more knowledge, allowed for explanations, learning through pointed questions to public servants, as well as reflection on testimonies that had been heard by the committee prior to the clause-by-clause consideration. The end result on this bill were three substantive changes on the topic of reasonableness in justifying self-defence, all of which were viewed as improvements to the original legislation. In terms of substance, these amendments literally could change whether a person would be found innocent or guilty of a violent crime in the process of self-defence, and therefore are notably significant. This is thus a clear example that committee cooperation can be on genuine ways to improve a bill for the sake of Canadians, and not just to score political points or divide along partisan lines. It is also a demonstration that minds can be changed within committee proceedings, and that members do not always enter committee meetings with one perspective and an unrelenting commitment to that view. It also shows that in majority governments, under a more right-of-centre governing party, on an issue of particular salience to that party, cooperation happens. This is an example of cooperation in the least likely situation according to the prevailing rhetoric and literature, and thus an example of how cooperation really does need to be examined more closely in the Canadian context.

Moving on to the final example for this chapter, this time within a Liberal majority government, a useful example of cooperation is found on Bill C-84, *An Act to amend the criminal code (bestiality and animal fighting)*. The purpose of this bill was to update the existing laws on bestiality and animal fighting within the Criminal Code after gaps in the Code had resulted in some acquittals, and the courts suggested that Parliament may want to broaden the scope of the legislation (Walker 2020).

Cooperation in clause-by-clause consideration is seen immediately on the first amendment. The first amendment to this bill came out of the testimony heard before the committee about a deficiency in the bill, whereby someone convicted of bestiality could still legally own animals. The amendment put forth here sought to close this gap in the legislation, and explicitly prevent individuals convicted of bestiality from owning animals. Interestingly, nearly identical amendments to this effect were put forward by the governing Liberals, the Conservatives, the NDP and the Greens. As per committee proceedings, the amendment to the line received first would be dealt with first, and it was the governing Liberals whose amendment had been submitted first to the committee. Introducing the amendment, Liberal MP Nathaniel Erskine-Smith stated, “it’s pretty straightforward. Others have proposed similar amendments. It’s to get at what witnesses brought forward and I think there was unanimity on this subject” (Canada, Standing Committee on Justice and Human Rights 2019). NDP MP Don Davies then commented, “The NDP supports this motion, obviously. We have an identical motion.” There was then a series of questions between Davies, Erskine-Smith, and Carole Morency, Director General and Senior General Counsel, Criminal Law Policy Section, Policy Sector. These questions were directed at technical aspects of the amendment, and whether some changes needed to be made. Ms. Morency provided suggestions on how to improve the amendment from a technical, legal perspective, and these were accepted as “friendly amendments” to the existing amendment (Canada, Standing Committee on Justice and Human Rights 2019). As will be noted in the final chapter, the use of friendly amendments varies significantly from committee to committee and chair to chair. In this context, members of the Liberals and NDP were both seeking to ensure that the amendment was phrased in the best way from a legal drafting perspective, and therefore were willing to accept minor tweaks to the amendment in the goal of improving it from a legal standpoint. The content remained the same.

The result of this was a successful government amendment, which technically, in a majority setting, would not be caught under cooperation as defined in this study. However, what this is an example of is how cooperation, even as measured here, is under reported. Further, it highlights how cooperation can be hidden through the rigidity of committee proceedings. As amendments can only be proposed by one member affiliated with one party, it does not allow for co-sponsored amendments. Clearly, in this case, given the identical nature of the Liberal and NDP amendments, co-sponsorship could have been possible. Added to this is the fact that both the Greens and Conservatives had similar amendments that sought to do the same thing. Again, this is a clear example of a topic that parties across the ideological spectrum can find common ground. It highlights the utility of witness testimony before committees, whereby when a clear deficiency in a bill can be highlighted, MPs will seek to fix it for the sake of the bill, regardless of party stripe.

Beyond this first amendment, the cooperation continued on the next amendment as well. Here, again, three parties, the Greens, NDP, and the Liberals submitted identical amendments. As per committee proceedings, the first amendment submitted was by Elizabeth May from the Green Party. As will be discussed in the final chapter, Ms. May was forced to submit her

amendment to the committee instead of at Report Stage due to identical motions passed by all committees forcing independent MPs as well as those from parties without official status to do so. Ms. May was unable to attend the meeting, and therefore discussion then moved to the NDP to provide their justification. Mr. Davies noted quickly that the identical amendments from the three parties again were in response to testimony from witnesses, whereby the current phrasing of the bill required that cocks seized from cock fighting rings be automatically destroyed. The amendments sought to allow for an assessment to be made on the birds on a case-by-case basis on whether they could be rehabilitated or not, rather than immediately destroyed. The result was then a successful vote on the Green Party amendment (Canada, Standing Committee on Justice and Human Rights 2019).

After this amendment, the third and final amendment to this bill was put forward, this time by the Conservative Party. In this case, the Conservatives were the only party to put forward an amendment. In introducing it, MP Michael Cooper stated that the purpose of this amendment was to have individuals convicted under the new bestiality sections be placed on the sex offender registry. He stated that the intention of this was to “close the loophole so that anyone convicted of a bestiality offence would be required to register. It closes what I believe is a loophole, which is supported by the testimony of the sergeant from the Ottawa Police Service” (Canada, Standing Committee on Justice and Human Rights 2019). There were then a series of questions from MPs to the expert witnesses to clarify what it meant to be on the sex offender registry, who has access to the registry, and what the effect on someone’s civil liberties would be if placed on the registry. After the questions were answered, fellow Conservative Dave Mackenzie stated his support of his colleague’s amendment, justifying his support on the connection between those who prey on animals and those who prey on children in terms of sexual acts, and ended with, “I think that’s the evidence we heard” (Canada, Standing Committee on Justice and Human Rights 2019).

Mr. Davies of the NDP then echoed these claims, “that there was evidence heard at committee that violence or mistreatment of animals can be an indicator of further violence towards children or a partner... I would support the amendment.” Liberal MP Colin Fraser then stated, “Mr. Chair, I thank all of my colleagues for their contributions, and Ms. Morency for her input. I’m in favour of this amendment as well.” The subsequent vote was unanimous in favour of the amendment (Canada, Standing Committee on Justice and Human Rights 2019).

Overall, then, this bill is quite interesting in terms of cooperation because only three amendments were put forward, all substantive, and all three were successful. One came from the governing Liberals but was supported by literally all parties on the committee, plus the Greens. One amendment came from the Green Party, and one came from the Conservative Party. All three amendments were in direct response to testimony heard by the committee from individuals, organizations and interest groups, and all three sought to improve the bill based on the criticisms heard at committee. Much of the discussion centred around protecting the lives of the vulnerable, namely children and animals. This thus lends some support to the idea that party lines can be more easily broken down on certain issues, particularly in protecting vulnerable Canadians.

Conclusion

In conclusion, this chapter provides multiple sources of evidence that party cooperation occurs in Canadian House of Commons committees on amendments to government bills. Not only does cooperation occur, it occurs with systematic tendencies, and it occurs on substantive amendments. This is the first empirical demonstration of this cooperation in the Canadian context, thus providing an important contribution to the study of Canadian politics. What these

findings also illuminate is that committees impact legislation. Therefore, the subsequent chapter will present additional findings that specifically examine the legislative impact of committees in order to provide a more holistic understanding of how the cooperation in committees, as discussed in this chapter, translates to legislative impact.

CHAPTER SIX: LEGISLATIVE IMPACT OF COMMITTEES

The comparative literature on legislative influence is lacking in detailed empirical studies (in part because of the dominant assumption within the literature that parliaments are peripheral to the policy process.) Most studies provide impressionistic discussions of the capacities of committees and the constraints on their effectiveness. They do not follow this through with an analysis of committee ‘outputs’

-Cairney (2006, 181)

Introduction

The previous chapter established that cooperation does, in fact, happen in committees, and it happens most often on substantive issues. While the previous chapter was focused on highlighting the systematic tendencies of cooperation on amendments, this chapter will turn to the impacts of those amendments. Like its preceding counterpart, this chapter will use a mix of quantitative data and qualitative narrative to answer the second research question of *How much influence do committees have on government legislation?* As noted previously, committee influence is measured here in terms of legislative outputs, sometimes referred to as policy outputs, and those outputs are amendments to government bills. By amending a government bill, committees are thus impacting legislation. The degree to which each amendment impacts a bill is the direct measure of influence. Therefore, those amendments with the highest degree of substantiveness have the most influence.

Since the political and committee context of this study was demonstrated in the previous chapter (see Tables 5.1 and 5.2 and the ensuing discussion), this chapter will immediately commence with descriptive statistics that specifically demonstrate both the amount and type (measured through degree of substantiveness) of influence that committees have on the legislative process. In looking at the number and substance of amendments, this chapter will highlight the overall impact, or influence, of committees.

While a core area of focus of this study is amendments that required cooperation across parties, it is important to also look at all amendments passed through committees, in order to have a better understanding of the role of committees in the parliamentary process. For instance, if it cannot be demonstrated that committees are a source of influence on government legislation, then clearly cooperation in committees is less important. By demonstrating that committees *are* influential in terms of the amendments they make to government legislation, then the cooperation discussed in the previous chapter increases in its importance and significance to Canadian politics. Looking at all amendments here—and not just those that measure cooperation like the previous chapter—allows for a deeper understanding of how committees themselves function, and more specifically, how committees, as a whole, substantively influence government legislation. For the first time, this study provides an empirical demonstration of how committees are a source of substantive influence on government legislation, which is unique and necessary in order to have a clearer understanding of how Canada’s democracy functions in practice.

As such, the descriptive statistics will proceed as follows. First there will be a brief discussion on the number of bills amended and the total number of amendments passed as a broad indication of committee influence. This will present a mix of new information as well as some overlap with the preceding chapter, although the discussion will not be a repeat of cooperation. Again, as amendments are used to measure both cooperation and influence, some

overlap is inevitable. Throughout this chapter, the focus will be primarily on the substance of the amendments, thus providing a different perspective on the usage of amendments. Specifically, this chapter is about how amendments change (influence) legislation rather than what parties are supporting an amendment, as was done in the previous chapter.

While this will briefly present a discussion on all three types of amendments, substantive amendments will receive additional attention, as those demonstrate the most influence. Using substantive amendments as the baseline also allows for a distinctive discussion from the preceding chapter. Following the demonstration of this influence using data, this chapter will conclude with a qualitative demonstration further substantiating the claims made here that committees do, in fact, influence government legislation in significant ways.

Committee Influence on Government Legislation

To begin, while the focus of this chapter is about the impacts and influence of amendments on legislation, it is first worthwhile to look at the number of government bills that were amended by committee. More specifically, this is an additional empirical measurement of the influence of committees within Canada's parliamentary system. As noted in previous chapters, legislative influence can be measured simply as a legislative product, or output. Therefore, all government bills that were amended by committees are a measure of committee influence.

Table 6.1 looks at the total number of bills passed (those that received Royal Assent) compared to those that went to committees, and of those bills that went to committees, the number that were amended by committee. Again, the total number of government bills passed is limited for methodological purposes to only to those introduced by members of the executive. This therefore does not include Private Members' Bills, nor does it include bills that originated in the Senate.

Table 6.1: Total Government Bills Passed vs. Total Amended by Committee

Parliamentary Session	Total Number of Gov't Bills Passed	Total Number of Gov't Bills Passed through Standing/ Legislative Committees	Total Number of Gov't Bills Passed and Amended By Committee	Total % of All Passed Gov't Bills Amended By Committee
38th (2004–2005)	46	38	29	76.3
39th (2006–2008)	65	38	29	76.3
40th (2008–2011)	59	39	29	74.3
41st (2011–2015)	105	70	60	85.7
42nd (2015–2019)	83	64	55	85.9
Total	358	249	202	81.1

Source: Legisinfo

It should come as no surprise that more government bills are passed in a majority setting (an average of 94 per session) than in minority settings (an average of 57 per session). This can be explained by the longer tenure of majority governments compared to their minority counterparts, as well as the power of strict party discipline in passing government legislation (Conley 2011). The second column is a subset of these bills: those that went to standing or

legislative committees. As previously noted, these were chosen for methodological purposes, as these are the only committees that do clause-by-clause examination of bills. What is removed from column 2 to column 3 are bills that went to a Committee of the Whole (which is comprised of all elected MPs to the House of Commons). The most common bills that go to a Committee of the Whole are releasing funds to be spent, but there are also a variety of others that go to a Committee of the Whole rather than a standing or legislative committee for further investigation, like bills recognizing certain indigenous rights and agreements, as well as others like Bill C-17 in the 40th Parliament, which declared Beechwood Cemetery as Canada's official national cemetery. These bills are typically voted on rapidly, on the floor of the House of Commons, often passing through multiple Readings in a single day.

Thus, of particular comparison are the third and fourth columns; the total number of bills passed through standing or legislative committees in the third column, compared to the total number of these bills that were amended by committee in the fourth column. In order for a bill to be deemed amended by a committee, the amendments passed by committee had to be retained in the final version of the bill that received Royal Assent. If a bill had amendments pass at the committee stage but then those amendments were removed in a later stage, it was not counted as amended. This thus limits committee amended bills to only those where committees changed the final product of the bill. In other words, this comparison determines the total number of bills that were influenced by committees.

In comparing the third and fourth columns, the first notable finding of this chapter becomes clear: committees matter. More specifically, committees regularly amend government bills in minority and majority settings, and they do so in a remarkably consistent way. In the three minority governments examined here, the total number of executive introduced bills that went to either House of Commons standing or legislative committees for review was 38, 38, and 39, respectively. In each of these sessions, committees amended 29 of these bills, or roughly 76%. Thus, it can be stated that a majority of the time, in minority governments, committees amend government legislation. This consistency is carried across majority governments, where committees amended just under 86% of all government bills in both the Conservative and Liberal majorities, amending 60 and 55 bills, respectively.

This evidence is compelling: it is a clear demonstration that committees regularly influence government legislation, and thus provides a clear justification for the research question addressed in this chapter. Committees regularly produce legislative outcomes in the form of amendments to government bills. Indeed, of the bills that went to standing or legislative committees for debate (249), 202 (81.1%) of them were amended by committee across all of the sessions examined.

These findings are important. As noted in Chapter 2, the role of committees is debated and understudied. While the more qualitative importance of committees like democratic participation and public discussion (Giddings 1985; Benton and Russell 2013; Loat and MacMillan 2014; Pedersen, Halpin and Rasmussen 2015; Zwibel 2016; Chong 2017; Russell and Gover 2017) are not examined here, this does provide a quantitative measure of the impact of committees on legislation more broadly. Indeed, as noted by Lewis (2013, 804), most "work on Canadian political institutions still relies heavily on descriptive, qualitative work." Here we have a concrete, quantitative finding, that of the bills that went to standing and legislative committees from 2005–2019, over 80% were amended by committee, and those amendments remained in the

bill (albeit with some sub-amendments in rare cases²⁸) through to Royal Assent. Further, even if these were all governing party amendments (which they are not, as discussed in the previous chapter and below), the sheer number of bills being amended indicates that committee proceedings are an influential part of the legislative process in Canada.

Now that the number of bills that have been amended by committees in the Parliamentary sessions investigated in this study has been demonstrated, it is now possible to look at the number of amendments per Parliamentary session, to examine exactly how many legislative outputs (amendments) we see per session. This is narrowing down the level of measurement from the most macro (number of amended government bills), to the number of total amendments (the specific outputs). This will then move to the specific measure of this chapter, the degree of substantiveness of said amendments.

Table 6.2: Total Number of Amendments, Passed and Failed, by Parliamentary Session

Parliamentary Session	Total Amendments Passed	Total Amendments Passed by Government		Total Amendments Passed by Liberal	Total Amendments Passed by Conservative	Total Amendments Passed by NDP	Total Amendments Passed by BQ	Total Amendments Passed by Green/Independents
		N	%					
38th (2004–2005)	220	147	66.8	147	29	5	39	0
39th (2006–2008)	248	148	59.6	25	148	32	43	0
40th (2008–2011)	140	98	70	16	98	12	14	0
41st (2011–2015)	204	182	89.2	7	182	13	0	3
42nd (2015–2019)	747	641	85.8	641	50	38	1	17
Total	1559	1216	78	836	507	100	97	20

While some of this information was presented in the previous chapter (see Tables 5.4–5.9), it was discussed in relationship to cooperation. Here, amendments are being examined in their relationship to legislative influence. Thus, while there is some overlap in the utilization of amendments here, they are being used differently. Table 6.2 demonstrates the actual number of amendments passed by standing and legislative committees during each of these five parliamentary sessions, which range between 140 and 747 per session—totals which are clearly not insignificant. This finding presents an overt challenge to the belief by some that standing committee amendments “in any given year usually number in the single digits” (Chong 2017, 91). Therefore, this is a clear, empirical demonstration that House of Commons legislative and

²⁸ Only 4 amendments of the 1559 accepted were minorly altered after the committee stage (3 in the 39th Parliament and 1 in the 42nd).

standing committees combined for 1559 total legislative outputs just in terms of amendments to government bills.

As with cooperation, this is an understatement of the legislative influence of committees. For instance, procedurally speaking, it is not possible to submit an amendment to delete an entire clause. Instead, the process for negating or deleting an entire clause is to vote against the clause in the clause-by-clause consideration. While it is not entirely common, there are instances of the deletion of clauses to bills by committees in both minority and majority contexts. For example, in Bill C-7, in the 42nd Parliament (pertaining to the role of the RCMP in the Public Service Relations Act), clauses were deleted out of concern from members across parties, particularly in response to witnesses speaking at committee meetings. Therefore, these are additional changes made by committee members, often spearheaded by opposition members, that are not considered here because they are outside the scope of procedural amendments. Consequently, the impact of committees on government legislation is understated in these totals, as not all changes can be accommodated by this investigation.

Also of interest in terms of legislative influence is who influences? That is, who uses committees in order to impact legislation? The simple answer, demonstrated in Table 6.2, is everyone. All parties, whether achieving official status or not, have used House of Commons committees to produce legislative outputs on government bills. In particular, the Liberal Party of Canada has been the author of 836 amendments, followed by the Conservative Party of Canada with 507, the NDP with 100, the Bloc Québécois with 97, and the Green Party and independent members with 20²⁹. Put differently, the governing party was responsible for 1216 amendments across the five sessions examined in this study, while opposition parties were responsible for 343 amendments across the same time frame. This is thus a further demonstration that the governing party, whether Liberal or Conservative, views the committee process as an important place to make changes to government bills. Similarly, opposition parties utilize committee proceedings to influence government legislation according to their point of view. For both, then, committees are viewed as a place to improve government legislation.

A further piece of evidence that all parties view committees as a legitimate place to improve government legislation, and that the committee process is well respected within Canada's parliamentary process is the number of times committee amendments have been overruled at later stages of the legislative process. The percentage of amendments that are passed by committee but removed in a later stage is minuscule. In the 38th Parliament, 2 accepted committee amendments were removed; the 39th Parliament had 7 removed (although three were all related to same issue); the 40th Parliament had 4; there were no accepted committee amendments rejected later in the 41st Parliament; and in the 42nd Parliament there were 3. If these are added to the total amendments accepted to bills studied here ($1559+16= 1575$), then the percentage of amendments that are accepted in committees but then removed later by the House of Commons or Senate is 1%. This further adds to the argument that committees matter—only 1% of the time are committee decisions regarding amendments on government bills overturned.

Of course, the total number of bills amended, or the total number of amendments passed are two types of measurement of legislative outputs. The numbers are important, again as this is the first demonstration of its kind in the Canadian context, and they provide notable findings about how often committees do influence government legislation, as well as the fact that parties

²⁹ Note that the Green Party and independent members did not have to present amendments in committees during the 38th-40th Parliaments, and therefore their legislative influence is understated- this does not account for any amendments made at the Report Stage across these sessions.

do view committees as a legitimate place to influence and improve such legislation. That said, in seeking to answer the question, how much influence do committees have, as noted by others studying legislative amendments, substantiveness is a key component of that measurement (Shephard and Cairney 2005; Cairney 2006; Russell and Gover 2017). More specifically, beyond the total number of amendments, it is important to look at what those amendments seek to do, in order to determine just how big of an impact an amendment will have on legislation, and therefore the lives of Canadians affected by the bill.

Table 6.3 is a demonstration of this substantiveness component, examining the total number of amendments proposed by all parties by category of substantiveness. For more detail on classification, see Chapter 4. In brief, typographical amendments are just that: amending a typographical issue. These are quite common in Canadian legislation, given that all bills need to be presented in both official languages. Indeed, the bulk of typographical amendments across all sessions were related to translation inconsistencies, where the two languages did not sufficiently match in content. As noted above, of the 6013 total amendments examined here, only 198 (3.3%) total proposed amendments were of a typographical nature. Moving to the next category in terms of degree of substantiveness, clarificatory amendments are those that sought to clarify a section, usually due to the potential for varying interpretations in legal settings. Clarificatory amendments typically are not those having a notable impact on the overall power of the legislation, but by clarifying sections, they may have long-term impacts by reducing the number of legal cases brought forward on differing interpretations. The other component of this classification section is consequential amendments. That is, an amendment has already been passed, but subsequent, or consequential amendments are needed to future sections in order to reflect the changes stemming from the first accepted amendment. At 668 total amendments proposed, clarificatory amendments are substantially larger in number than typographical ones, but again are a small subset (11.1%) of the total 6013 amendments. That leaves the bulk of the amendments proposed as substantive in classification. Indeed, the 5147 amendments classified as substantive represent 85.6% of all amendments examined across these five parliamentary sessions. This means that these amendments will, if passed, create some form of change in the bill that will be actionable; things will be done differently³⁰. These attempts to alter bills are an important part of the democratic process through seeking to hold the government accountable for its choices and also seeking to improve the bill according to their own perspective. This again highlights the importance of committees in the legislative process in Canada.

As noted in the previous chapter, across all five Parliaments, there is a clear pattern of substantiveness in the total number of amendments proposed. That is, typographical remains the smallest number, followed by clarificatory, followed by substantive with the highest number. This is a significant finding because it demonstrates that committees are a source of discussion for substantial change, regardless of whether a government is a minority or majority. Put differently, committee members (governing and opposition) most seek to alter bills in substantive ways, ranging from a low of 70.4% of all amendments in the 38th Parliament to a high of 90.2% of all amendments in the 41st Parliament. This common pattern across minority and majority governments is certainly a new finding of committee behaviour, and one that

³⁰ It is possible in a larger amendment to have some changes technically being classified differently. For instance, one amendment may include changes to a text seeking to correct a typographical error while also providing a clarification or specification to a clause. In these instances, the amendment was coded according to the higher degree of substantiveness. So, if an amendment had a clarificatory and typographical element, it was classified as whole as clarificatory.

should be considered in studies of the parliamentary process, particularly when looking at how legislation is influenced. It also lends further justification to this study in selecting minority and majority governments in order to best explain committee behaviour in terms of legislative influence.

Table 6.3: Number of Amendments Proposed by Substantiveness per Parliamentary Session

Parliamentary Session	Typographical		Clarificatory/Consequential		Substantial		Total
	N	%	N	%	N	%	
38th (2004–2005)	27	6	106	23.6	316	70.4	449
39th (2006–2008)	42	6	72	10.3	582	83.6	696
40th (2008–2011)	24	6.2	58	15	305	78.8	387
41st (2011–2015)	38	2.2	132	7.6	1560	90.2	1730
42nd (2015–2019)	67	2.4	300	10.9	2384	86.6	2752
Total	198	3.3	668	11.1	5147	85.6	6013

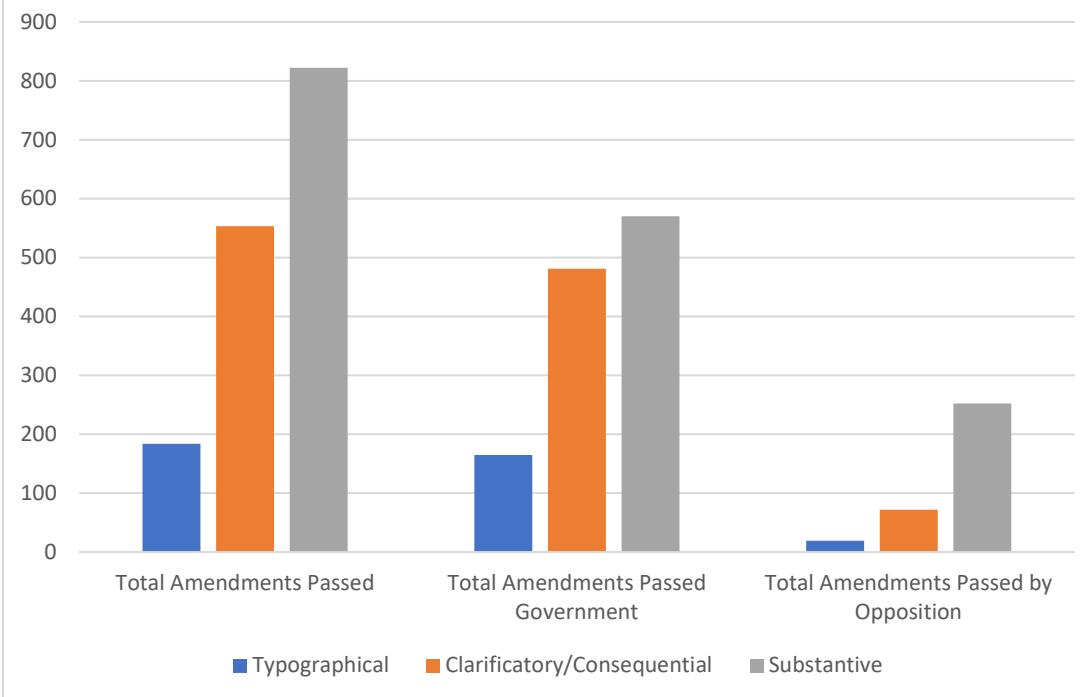
* Note: percentages may not total exactly 100% due to rounding

Of course, while looking at the total number of amendments proposed is useful in understanding legislative intentions, the measure of actual amendments passed by degree of substantiveness is a direct measurement of legislative impact through legislative outputs. The findings presented in Figure 6.1 get to the crux of this investigation by demonstrating just how often committees have impacts on government legislation separated by degree of substantiveness. Even further still, Figure 6.1 separates the total impacts by governing and opposition parties. In conceptualizing amendments and amendment success in this way, this is thus an operationalization of influence, and a direct finding of the influence of committees in the legislative process.

The pattern of the total number of proposed amendments carries over to the total number of accepted amendments, whereby typographical amendments are the lowest total number accepted, both in total and by either governing or opposition parties. This is followed by clarificatory amendments comprising the second highest total number of amendments, with the highest total number of amendments, and therefore legislative outputs, coming from the substantive category.

In comparing these to the findings in the UK and Scotland, we do see some variation across settings. The first distinction in the Canadian context is that the highest number (47%) of amendments passed by the governing party fall into the substantive category. This is a marked difference from the UK, where only one-third of government amendments proposed are substantive (Russell and Gover 2017). Similarly, in the Scottish case, “only four percent of successful ministerial amendments made substantive changes” (Shephard and Cairney 2005, 312). This demonstrates that, in Canada, governing party MPs use the committee process to make substantial changes to legislation more often than their UK counterparts.

Figure 6.1: Total Amendments Passed by Degree of Substantiveness



In terms of opposition parties, in the UK government, approximately two-thirds of the amendments by non-governmental members were coded as substantive, which is similar to the Canadian context, where the majority of amendments proposed and passed, for opposition members, are substantive. In Scotland, by contrast, whether coded by total number of non-executive amendments, or even narrowed down to just opposition party amendments, substantive amendments comprise significantly lower numbers and percentages of total amendments passed than the less substantive categories (Shephard and Cairney 2005). Again, what these findings visibly demonstrate is that while lessons can be learned from other contexts, the functioning of Canada's parliamentary committees differs from countries with similar structures, and thus deserves its own investigation, as done here. In engaging in such a systematic look of only the Canadian context, this study demonstrates that both cooperation (as demonstrated in the previous chapter) and influence of committees are happening in ways not previously understood, or, at the very least, not previously demonstrated in an empirical, systematic way.

Another area of similarities across contexts is that the numbers and percentage of successful amendments do overstate the power of the governing party, a phenomenon also noted by Shephard and Cairney (2005) in the Scottish case. As noted above, sometimes withdrawn amendments are pulled in favour of other similar amendments³¹. For instance, in Bill C-11 in the

³¹ 19 amendments in this study were noted to have been withdrawn by the proposing member in favour of an amendment by either another party or a collaborative new amendment by several or all committee members. Note that while some of the subsequent amendments were successful, this was not always the case. For instance, sometimes one opposition party member would withdraw their amendment in favour of another opposition party's amendment, but then that would get voted down by a majority of the committee. Regardless, it shows that there are

38th Parliament, both Conservative and BQ amendments were withdrawn in good faith by their respective members because the goal of their amendments was going to be addressed in more detail in a government amendment later in the bill. Similarly, on Bill C-13 in 2005 (considering DNA collection), committee members of the BQ, Conservatives, and governing Liberals all withdrew proposed amendments in order to work together on creating more holistic amendments that were proposed at the next meeting. In this case, the official amendments were moved by the governing party, but were the product of several parties. This indicates that opposition influence is understated.

Table 6.4 presents the data from Figure 6.1 in a different way. These findings are again a conclusive demonstration that committees impact government legislation in substantive ways a majority of the time. This is a clear, quantifiable demonstration of legislative outputs by degree of substantiveness. While substantive amendments will be given the bulk of the remaining attention in this chapter due to their higher level of substantiveness of outputs, it is useful to discuss the impact of typographical and clarificatory amendments first.

Table 6.4: Success Rates of Amendments by Degree of Substantiveness

Degree of Substantiveness	Total Amendments Proposed	Total Amendments Accepted		Total Amendments Passed by Government		Total Amendments Passed by Opposition	
		N	%	N	%	N	%
Typographical	198	184	92.9	165	89.6	19	10.4
Clarificatory/Consequential	668	553	82.7	481	86.9	72	13.1
Substantive	5147	822	15.9	570	69.3	252	30.7
Total	6013	1559	25.9	1216	78	343	22

From a political perspective, typographical amendments are relatively depoliticized: a typographical error is apparent and agreeable to committee members to change regardless of political stripe, partisan leaning, or attitudes towards cooperation. A core reason for why the vast majority (89.6%) of accepted typographical amendments come from government is not simply because governing members maintain the highest number of committee members (which is still a factor), but rather because governing party members have the public service at their disposal. That is, members of public service, particularly those in the Department of Justice assist in designing bills and writing them with proper legal language. Thus, when the bill is being reviewed, there are many eyes, both of the governing party and their aides, but also by drafting experts to catch small grammatical errors. These changes are then noted by public servants for governing party members to put forward in committee. Other times, errors are caught by opposition members, and usually voted on swiftly without delay.

That said, typographical amendments do matter, and are not inconsequential. Of course, moving a comma or correcting a spelling error are naturally very small in scope, and would not change how a bill was implemented or interpreted by the courts, and therefore have a limited

an additional 19 amendments that are labelled as unsuccessful because they were formally introduced and did not successfully pass, but all 19 denote cooperation across at least two parties.

impact. Translation issues, however, are more notable. As noted previously, due to Canada's constitutional structure of having two official languages, all bills must be printed in both languages. The two versions are not word-for-word translations of each other, but rather are the same in meaning. However, sometimes the meanings do not match exactly. For instance, in an example in the previous chapter, there was discussion on a bill whereby the English version used the word "relationship" while the French equivalent used the word "rapports" which was viewed to be a looser term than relationship. A lot of discussion has ensued throughout committees in terms of translations, as there does seem to be a general consensus that if the translation is different in the two languages, then the overall application of the legislation, and how it is interpreted by the courts, may vary. Furthermore, it leads to a question of, which version is the correct one, as intended by the drafters? Given Canada's long tumultuous political history on the topic of official languages and the distinctions between English and French, this is not insignificant. Therefore, translation amendments, while seemingly small and insignificant at first glance, can actually have legal implications as well as political ramifications, and therefore are worth examining and noting as legislative outputs.

Similarly, the bulk of successful clarificatory amendments do come from the governing party (86.9%). Again, while the number of committee seats held by the governing party plays a factor, there is an additional explanation for the high success rate of these amendments, particularly for the governing party: consequential amendments inflate the success rate. That is, consequential amendments are those that are subsequent to another amendment that has already been successfully passed. This inflates the success rates for both governing parties and opposition parties, but more so for the governing parties, due to the sheer number of amendments that they do get passed in committee.

In terms of the legislative impacts of clarificatory amendments, while clarifying a bill may not change the overall outcomes of the bill itself, it can have indirect noticeable influence when it comes to judicial interpretations of the legislation once implemented. In particular, clarifying passages narrow the scope of how a section is to be interpreted by the courts, rather than leaving it more open to the personal opinions or interpretations of individual judges or the broader court system. It can also limit the number of legal challenges brought forward due to varying interpretations of the legislation, in that MPs state explicitly how they mean the section to be interpreted through these clarificatory statements.

Now that the impacts of typographical and clarificatory amendments have been established, it is now possible to turn to substantive amendments. Substantive amendments are the most significant legislative outputs in that they create an actionable change in a bill, and therefore result in the bill being implemented differently than it was originally drafted. As these types of changes are the most substantial, they will receive additional attention here.

As noted in previous chapters, each committee is responsible for a broad issue area. While the total number of amendments proposed and those that were cooperated on were presented in the previous chapter, Table 6.7 presents amendments differently in the context of legislative influence. The focus of Table 6.7 is exclusively substantive amendments, with a primary focus on the number of accepted amendments, and therefore the number of legislative outputs. This allows for a discussion on which committee areas are responsible for the most legislative outcomes.

Table 6.5: Total Substantive Amendments Proposed and Passed by Standing Committee

Standing Committee	Total Substantive Amendments Proposed	Total Substantive Amendments Passed	Total Substantive Amendments Passed by Government	Total Substantive Amendments Passed by Opposition
	N	N	N	N
Standing Committee on Justice and Human Rights	733	109	64	46
Standing Committee on Finance	780	57	49	8
Standing Committee on Public Safety and National Security	705	97	79	18
Standing Committee on Environment and Sustainable Development	483	95	87	8
Standing Committee on Procedure and House Affairs	471	65	47	18
Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities	214	42	32	10
Standing Committee on International Trade	265	12	5	7
Standing Committee on Health	162	62	46	16
Standing Committee on Aboriginal Affairs and Northern Development	187	23	10	13
Standing Committee on Industry, Natural Resources, Science and Technology	166	35	22	13
Standing Committee on Transport, Infrastructure and Communities	181	40	26	14
Standing Committee on Citizenship and Immigration	157	29	16	13
Standing Committee on Government Operations and Estimates	65	24	20	4
Standing Committee on Fisheries and Oceans	81	9	3	6
Standing Committee on Canadian Heritage	68	19	10	9
Standing Committee on Foreign Affairs and International Development	51	6	2	4
Standing Committee on Access to Information, Privacy and Ethics	53	9	8	1
Standing Committee on Agriculture and Agri-Food	53	8	6	2
Standing Committee on National Defence	30	4	2	2
Standing Committee on Veterans Affairs	13	2	1	1

In terms of the committees with the highest number of legislative outcomes, the Standing Committee on Justice and Human Rights is the highest with 109, followed by Standing Committee on Public Safety and National Security at 97, the Standing Committee on Environment and Sustainable Development with 95, the Standing Committee on Procedure and

House Affairs at 65 and the Standing Committee on Health at 62. At the other end of the spectrum, the committees with the lowest number of substantive legislative impacts are Standing Committee on National Defence with 4 and the Standing Committee on Veterans Affairs with 2. Of course, as noted in the previous chapter, a core reason for this variation is simply the total number of bills referred to a single committee.

While the Standing Committee on Justice and Human Rights examined 32 government bills over the time span examined here, the Standing Committee on Veterans Affairs only examined 2. That said, it is still valuable information to note which committees are producing the largest number of legislative outputs measured through substantive amendments, because it is possible that committee influence is linked to the issues the Canadian public cares most about. In a recent survey conducted by Ipsos, the number one issue most important to Canadians was healthcare, followed by climate change (Bricker 2019). Committees covering both of these areas rank in the top five of most active committees in amending government bills. Therefore, it is possible that committees are most active in areas that Canadians care most about. This is certainly an area ripe for future investigation.

Discussion

As noted above, the second question in this study, and the focus of this specific chapter is *How much influence do committees have on government legislation?* The quantitative data presented above has answered this question, but it is useful to tie all of the findings together to present a clear summary of the findings. Simplistically, committees influence government legislation regularly. In fact, committees influence the vast majority (81.1%) of government legislation sent to committees, regardless of governing party (either Liberal or Conservative), or government type (minority or majority). All parties, either those with official status or not, have introduced amendments that influenced government legislation. The NDP, BQ, and Greens/independents all have a higher success rate of influence under Liberal governments compared to Conservative governments.

In examining the degree of substantiveness of amendments, clear patterns emerge. The most successful (in terms of the pass/fail rate) amendments are typographical, followed by clarificatory, with substantive amendments having the lowest success rate. Despite this low success rate, substantive amendments comprise the bulk of changes to government legislation. Across all sessions studied here, of 1559 total successful amendments, 822 (52.7%) were substantive. Therefore, the majority of the time that committees amend government legislation it is in substantive ways. This means that committees regularly make significant changes to government legislation, and therefore that committees absolutely have notable influence on government legislation. In breaking this down further to look specifically at the ability of opposition parties to influence government legislation, across all the session examined here, opposition parties amended government legislation substantially 252 times. Of the total 343 successful opposition amendments in this study, 252 were substantive, meaning that the majority of the time opposition parties amend government legislation (73.4%), it is in substantive ways. This indicates that opposition parties absolutely use the committee process to influence government legislation.

Another finding noted above, linked to influence, is that committees have asymmetrical influence on government legislation. That is, while the degree of substantiveness produces very clear patterns across majority and minority governments, these patterns are not held in all variables. In issue area, there is notable variation in the total numbers of amendments passed thus

indicating that some committees have more influence over government legislation. For instance, the areas with the most substantive amendments passed are linked to human rights, followed by public safety and the environment. A possible explanation is that certain issue areas, perhaps those that are high on importance to the public, are a source of more committee influence. As with cooperation, it appears as though issue area plays a factor, but more investigation is needed before conclusions can be drawn on the role of issue areas in relation to either cooperation or legislative influence. This thus concludes a summary of the findings demonstrated above. Now that influence has clearly been demonstrated through quantitative measures, and patterns of legislative influence uncovered, it is now possible to turn to a qualitative demonstration of legislative influence.

Legislative Influence: Qualitative Examples

While it is immensely important to demonstrate the systematic impact of committee amendments on legislation through quantitative means (particularly as this study is the first of its kind), there is value in examining this impact further within the confines of this study. Focusing specifically on the most substantive successful amendments (those coded as a 3 on the substance scale), examples from each parliamentary session will be provided below to provide more context and a qualitative perspective as to the influence of committees on government legislation. Put differently, this demonstrates what substantive committee influence looks like. Just as the previous chapter provided specific qualitative examples of how cooperation occurred within committees, the following will provide a narrative explanation of exactly how committees amended, and therefore influenced, government legislation. In so doing, confidence can be increased in the overall conclusions presented here pertaining to committee influence.

In selecting the examples to use in this section, emphasis was placed on substantive opposition amendments. While this chapter is focused specifically on legislative influence of committees, and therefore amendments by all parties, the broader focus of this study is on the intersection of committees and cooperation. Therefore, in order to maximize the impacts of this qualitative narrative, examples of substantive amendments will be drawn exclusively from opposition parties, all of which required the cooperation of at least one other party to pass. It is important to note that this does not detract from the many substantive government amendments that were also passed at this time, as these also indicate that governing parties are willing to use the committee stage as a place to influence government legislation through changes, additions, and/or subtractions. In selecting cases, an additional criterion was included, namely that the amendment needed to come from a bill that was either directly or indirectly mentioned in governing party's platform from the previous general election. This is to demonstrate that committees amend government legislation of all kinds, including those that could be argued to be salient or important to the governing party.

This section will start with an example carried over from the previous chapter. That is, the first example of cooperation, related to a substantive amendment in the preceding chapter occurred in the 38th Parliamentary Session on Bill C-2, *An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act*. Again, the purpose of this bill was to strengthen the Criminal Code in terms of sentences for offences related to the sexual exploitation of young people, including areas of child pornography and child abuse. As noted in the previous chapter, both the BQ and the Conservatives were very interested in adding the concept of mandatory minimum sentences for the crimes covered in the bill. After discussions across the BQ, Conservatives, and minority governing Liberals, a series of

compromise amendments were written up, proposed, voted on and accepted which added mandatory minimum sentences to anyone convicted under crimes covered by the bill, again relating to the sexual exploitation of young people. Depending on the severity of the crime and the type of conviction, such minimum sentences ranged from 14 days to 2 years in prison. This is an obvious, significant, substantive change to a bill that affects the legal system and any person convicted of crimes that fall under this part of the Criminal Code. By establishing mandatory minimum sentences, it means any person convicted must spend time in prison. In doing so, it limits judicial discretion in deciding on penalties, by removing the ability for judges to forgo prison time (Canada, Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness 2005). Therefore, these amendments are clear example of legislative outcomes that obviously have important implications for those affected by this bill.

It is also important to note, then, that all of the examples of cooperation on substantive amendments provided in the narrative section of the preceding chapter are clear examples of the impacts of these amendments. That said, in the spirit of providing multiple examples to demonstrate the breadth of legislative impacts of committees, this section will not repeat any other examples from the preceding chapter, and instead will focus on other substantive legislative impacts from other government bills.

Also during the 38th Parliamentary Session, multiple substantive opposition party amendments were passed on bill C-5, *An Act to provide financial assistance for post-secondary education savings*. This bill was introduced with the goal of helping lower income families in Canada save for post-secondary education for their children. The first substantive amendment to this bill came from the BQ, which added a new sub-clause, “3.1 The Minister shall take any measures that are necessary to carry out the purpose set out in section 3, including making known to Canadians, through informational and promotional activities, the existence of CES grants and Canada Learning Bonds and any terms and conditions” (Canada, Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities 2004). In essence, this new sub-clause requires the Minister responsible to adequately advertise the programs created by the bill to Canadians, including an explanation of the programs as well as their terms and conditions. On a later clause, the Conservatives put forward an amendment to change the applicability of these registered education savings accounts to be “(A) the individual is at that time enrolled as a full-time or part-time student in a qualifying educational program at a post-secondary educational institution” (Canada, Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities 2004). This is a noted change from the original text, which did not include part-time students. While the requirement to adequately advertise a program is more of an indirect impact for Canadians, explicitly opening up eligibility of registered educational savings programs to those doing part-time studies is a notable, substantive increase in the program’s reach and to the number of Canadians eligible to access it. Therefore, both of these amendments have substantive legislative impacts on the overall implementation of the bill, as well as its effects on the lives of Canadians.

In a third example from the 38th Parliamentary Session, on Bill C-9 *An Act to establish the Economic Development Agency of Canada for the Regions of Quebec*, several opposition and government amendments were accepted, several of which were coded here as substantive. The purpose of this bill was the promotion and development of regional economies in the province of Québec. One of the successful opposition substantive amendments that was made included a requirement that no grants under the program be announced during the writ period of a federal

election, which came from the Conservative Party. The newly added sub-clause read, “(3) No grant or contribution shall be announced from the date that a federal election has been called until the day after voting day” (Canada, Standing Committee on Industry, Natural Resources, Science and Technology 2005). This is obviously an impactful amendment as it prevents federal government funds from being used as a potential campaign tool for the governing party. Given the history, and, at the time, relevancy of spending issues by the federal government in the province of Quebec, this was an important political limitation of this bill.

A second successful opposition amendment to this bill, this time from the BQ, changed the definition of areas of promotion eligible under the program. The original text of the bill was (Canada, Standing Committee on Industry, Natural Resources, Science and Technology 2005)

6. (1) The Minister may, by order, establish as a designated area, for the period set out in the order, any area in Quebec where, in the opinion of the Minister, exceptional circumstances provide opportunities for improvements in employment. (2) The Minister may, by order, establish as a designated community, for the period set out in the order, any community in Quebec with respect to which, in the opinion of the Minister, exceptional circumstances provide opportunities for improvements in employment.

While the amended text was (Canada, Standing Committee on Industry, Natural Resources, Science and Technology 2005):

6. The Minister shall, while respecting the regional development priorities of the government of Quebec, exercise his or her powers and perform his or her duties and functions in a manner that will (a) promote economic development in the regions of Quebec where low incomes and/or slow economic growth are prevalent or where opportunities for productive employment are inadequate; (b) emphasize long-term economic development and sustainable employment and income creation; and (c) focus on small- and medium-sized enterprises and on the development of entrepreneurial talent.

In effect, this changed the definition of areas eligible for the program to include areas of slow economic growth, required a commitment to long-term and sustainable employment, and placed an emphasis on small- and medium-sized businesses. This too, is a notable change to the bill, namely directing potential federal government funds into regions of Québec with sustained long-term economic decline rather than previously utilized designated areas, and required that the funds be used only for smaller businesses, thus providing real change to the eligibility of Canadians for this program.

Moving on to the second Parliament covered in this study, the 39th, under a Conservative minority government, there continues to be a prevalence of notable substantive opposition amendments passed by committees. For instance, on Bill C-11 *An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts*, which sought to bring numerous changes to the transportation industry, including several dealing with complaints and mediation procedures, multiple opposition parties were successful with substantive amendments. First, the NDP put forward an amendment, which was then sub-amended by the BQ, to redefine the national transportation policy of the government to include

increased safety and environmental standards. In particular, the original text was, “5. It is declared that a competitive, economic and efficient transportation system that is safe...” (Canada, Standing Committee on Transport, Infrastructure and Communities 2006). This was then amended, again in a combination of work from the NDP and BQ to read “5. It is declared that a competitive, economic, and efficient national transportation system that meets the highest practicable safety and security standards and contributes to a sustainable environment and makes...” (Canada, Standing Committee on Transport, Infrastructure and Communities 2006).

A second substantive amendment by the BQ dropped mediation requirements in disputes to 30 days from 60 days, to encourage quicker resolution for all parties. A third substantive amendment, this time from the Liberals, requires the Canadian Transport Agency to make regulations surrounding the advertising of air travel, where the original clause only said that they had the power to do so. As noted in the previous chapter, this change may seem small, changing from “The Agency may, on the recommendation of the Minister, make regulations” to “The Agency shall make regulations” (Canada, Standing Committee on Transport, Infrastructure and Communities 2006), but the shift from may to shall moves the clause from being an optional guideline to a required behaviour. In effect, then, the substantive amendments to this bill redefined the purpose of Canada’s transportation system to include priorities on safety and environmental standards, shorten the mediation time for disputes by one month, and required the Canadian Transport Agency to make regulations in this area, therefore creating multiple substantive changes in the implementation of this government bill.

On Bill C-14 *An Act to amend the Citizenship Act (adoption)*, passed during the 39th Parliamentary Session, a BQ amendment was accepted that sought to shift the length of time before the bill would be enacted. While the original text allowed for Cabinet to decide when it would be implemented, “This Act comes into force on a day to be fixed by order of the Governor in Council,” the amended text stated, “This Act comes into force on the earlier of (a) a day to be fixed by order of the Governor in Council, and (b) six months after the day on which this Act receives royal assent” (Canada, Standing Committee on Citizenship and Immigration 2006). In effect, then, this amendment guarantees that this bill will come into effect six months after receiving Royal Assent or earlier. There were many concerns raised about the implementation date of this bill during committee proceedings, because it governs citizenship paths for children adopted abroad and children born abroad to Canadian citizens. Therefore, for those parents and children currently in the adoption process, knowing the implementation date was within six months would allow them to prepare their applications either under the current system, or under the next system that this bill was implementing. This amendment is naturally different than those previously discussed in that it does not actually change the substance of the bill, but it is still an actionable change in delaying when the bill is enacted, therefore impacting the lives of Canadians impacted by the contents of this legislation.

Another example comes from Second Session of the 39th Parliament, on Bill C-21 *An Act to amend the Canadian Human Rights Act*, which sought to repeal the exemption of application of the *Canadian Human Rights Act* to the *Indian Act*. In examining this bill, the Liberals put forward an amendment that would require complaints against a First Nation government under the *Canadian Human Rights Act* to be interpreted with First Nations legal traditions and customary laws. This newly added sub-clause read (Canada, Standing Committee on Aboriginal Affairs and Northern Development 2008),

In relation to a complaint made under the Canadian Human Rights Act against a First Nation government, including a band council, tribal council or governing authority operating or administering programs and services under the Indian Act, this Act shall be interpreted and applied in a manner that gives due regard to First Nations legal traditions and customary laws, particularly the balancing of individual rights and interests against collective rights and interests.

This thus shifted the judicial procedure on certain complaints under the Canadian Human Rights Act to include First Nations legal traditions for a subset of complaints. In seeking to strike a balance between the broader Canadian legal system and First Nations traditional legal systems, this is indeed a substantive change to the interpretation and implementation of this bill, and likely also has further reaching implications in terms of the relationships between the Government of Canada and First Nations peoples. Interestingly, this amendment was opposed by the governing Conservatives, but was supported by the Liberals, NDP and BQ, and was subsequently held up in future readings, and incorporated into the final version which received Royal Assent.

Moving forward, we continue to see additional examples of substantive opposition amendments achieving success in committees in the 40th Parliamentary Session. The first example comes from Bill C-11 *An Act to promote safety and security with respect to human pathogens and toxins*, where the Liberals succeeded in including an additional sub-clause requiring the Minister to consult an advisory panel before making certain regulations, and requiring that recommendations of this panel to the Minister must be made public. The newly added sub-clause read, “(4) The Minister shall consult an advisory committee established under subsection 14(1) of the Public Health Agency of Canada Act before making any regulation under subsection (1), (2) or (3). (5) The advisory committee shall make available to the public the advice given to the Minister” (Canada, Standing Committee on Health 2009). From a democratic perspective, this amendment is substantive, in that it requires an advisory committee under the Public Health Agency be established to make recommendations to the Minister before the Minister can make regulations pertaining to the handling of human pathogens and toxins. While the power still rests in the hands of the Minister as it originally did according to the bill, this amendment requires consultation by the Minister with an advisory panel, and by making the panel’s recommendations public, allows citizens to hold the Minister accountable if they should choose to deviate from those recommendations.

Another example of an opposition amendment that can be viewed as an attempt at increasing democratic transparency and oversight is found in Bill C-24 *An Act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru*. In this free trade agreement with Peru, which sought to increase not only the free trade of certain goods, but also to expand overall trade and investment relations between Canada and Peru as well as increase environmental and workers’ rights, the NDP introduced an amendment requiring the Attorney General to place decisions consenting to causes of action under the Act in writing. According to the amended section, “No person has any cause of action and no proceedings of any kind shall be taken, without the consent in writing of the Attorney General of Canada, including the reasons why consent was given, to enforce or determine any...” (Canada, Standing Committee on International Trade 2009). The original version required consent from the Attorney General, but not that it be in writing. So again, in terms of the implementation of the bill, the content itself

remains the same, and the powers of the Attorney General do not change. That said, having decisions in writing, including the reasons for consent allowing certain actions to be taken, absolutely are important in terms of transparency and accountability. Therefore, such a change can be viewed as increasing accountability and transparency within Canada's democratic decision-making processes, which certainly can be viewed as substantial.

On Bill C-11 *An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act*, despite the opposition of the governing Conservatives, an amendment was passed by the Liberals to the bill which removed a concurrent bar on refugees applying for humanitarian and compassionate grounds, and a one year waiting period. The original text would not allow the Minister to examine requests if (Canada, Standing Committee on Citizenship and Immigration 2010),

- (a) the foreign national has already made such a request and the request is pending; (b) the foreign national has made a claim for refugee protection and their eligibility has not been determined or the claim is before the Refugee Protection Division or the Refugee Appeal Division; or (c) less than 12 months have passed since the foreign national's claim for refugee protection was last rejected or determined to be withdrawn or abandoned by the Refugee Protection Division or the Refugee Appeal Division.

This was then replaced by the amended text, "The Minister may not examine the request if the foreign national has already made such a request and the request is pending" (Canada, Standing Committee on Citizenship and Immigration 2010). According to the NDP, who spoke passionately in support of this amendment, this would allow for individuals such as members of LGBTQ+ community that may not fall under the conventional refugee determination process, but were still fleeing persecution, to apply for refugee status in Canada on humanitarian and compassionate grounds, an exception that would not have been accessible in the original wording of the government legislation. Again, although this may not affect a large number of individuals, this amendment has the power to affect the literal lives of individuals who may be granted exception under this section, and therefore is a clear example of an influential legislative outcome.

While all of the aforementioned examples are important in demonstrating the influence of committees on government legislation, these did all come from minority governments, where opposition members do outnumber the governing party. Thus, it is essential, in demonstrating the overall impact of committees in the democratic process, to include examples of opposition party success in majority governments as well. Naturally, as noted above, the success rate for opposition party amendments decreases notably in majority governments, but it does not disappear. Indeed, one of the most common types of amendments seen throughout all sessions occurs in the 41st Parliamentary Session. Namely, these types of amendments, again of which there are several throughout the bills examined here, require a review of a given act. While the language varies, it requires that certain sections of certain acts be reviewed by parliamentary committees, in order to examine their effectiveness and impacts. One example of this was proposed by the Liberals requiring a comprehensive review of sections 487.011 to 487.02 within three years (which was sub-amended to seven years by the governing Conservatives) by a House of Commons committee on Bill C-13 *An Act to amend the Criminal Code, the Canada Evidence*

Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act. The final text read (Canada, Standing Committee on Justice and Human Rights 2014),

487.021 (1) Within seven years after the coming into force of this section, a comprehensive review of the provisions and operation of sections 487.011 to 487.02 shall be undertaken by such committee of the House of Commons as may be designated or established by the House for that purpose. (2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as the House may authorize, submit a report on the review to the Speaker of the House, including a statement of any changes the committee recommends.

A core focus of this Act was to update Canada's laws pertaining particularly to the non-consensual distribution of intimate images. In recognizing the rapid pace at which technology has and continues to change, supporters of this amendment noted that attempts to address the online distribution of intimate images may need to be updated within a few years to reflect the current realities, and that future legislators should be required to review this bill and report on its status. Again, such reporting can be argued to be an important amendment in increasing the transparency of Canada's legislative process, providing Canadians with public reports and evaluations on the effectiveness of certain acts.

Another example during this Conservative majority government occurred on C-14 *An Act to amend the Criminal Code and the National Defence Act (mental disorder)*, whereby the NDP included a requirement for victims of offenders falling under the Act (with a diagnosed mental disorder, deemed not criminally responsible for their crimes), to be not only notified of the offender's release, but also to be provided with the address of the offender if they so request. The original text from the bill stated, "If the accused is discharged absolutely under paragraph 672.54(a) or conditionally under paragraph 672.54(b), a notice of the discharge shall, at the victim's request, be given to the victim within the time and in the manner fixed by the rules of the court or Review Board" (Canada, Standing Committee on Justice and Human Rights 2013). This was then amended to read, "If the accused is discharged absolutely under paragraph 672.54(a) or conditionally under paragraph 672.54(b), a notice of the discharge and accused's intended place of residence shall, at the victim's request, be given to the victim within the time and in the manner fixed by the rules of the court or Review Board" (Canada, Standing Committee on Justice and Human Rights 2013). The NDP argued that this was important for the protection of victim's rights, and they did so based on information that had arisen from witnesses that appeared before the committee to speak to the bill. Again, this study is not examining the role of witnesses in committees, but it has been mentioned as an example of how committees can increase democratic participation and inclusion in other settings, and this is a clear example of that in the Canadian context. Further, this amendment had unanimous consent across parties.

A final example to be discussed from the 41st Parliamentary Session comes from the Green Party, which has not yet been discussed in this section. The Green Party, despite not receiving official status for electing less than 12 MPs and therefore not having any members on the committees examined in this study, still managed multiple successful substantive amendments. One such amendment includes a shift in the text of Bill C-46 *An Act to amend the National Energy Board Act and the Canada Oil and Gas Operations Act*, which expanded the clause of the bill and allows for aboriginal governing bodies to be an eligible entity category for

reimbursement in the case of an incident regarding a pipeline. The original text read (Canada, Standing Committee on Justice and Natural Resources 2015),

(1) If an unintended or uncontrolled release from a pipeline of oil, gas or any other commodity occurs, all persons to whose fault or negligence the release is attributable or who are by law responsible for others to whose fault or negligence the release is attributable are jointly and severally, or solidarily, liable for... (b) the costs and expenses reasonably incurred by Her Majesty in right of Canada or a province or any other person in taking any action or measure in relation to the release...

Part (b) was then amended to say, “(b) the costs and expenses reasonably incurred by Her Majesty in right of Canada or a province, any Aboriginal governing body or any other person in taking any action or measure in relation to the release...” (Canada, Standing Committee on Natural Resources 2015). While aboriginal governing bodies were previously defined in the bill, it was not explicit that they, as an entity, could be eligible for reimbursement in the event of an incident involving a pipeline on their territory. Given the existing political tensions between Indigenous peoples and the government of Canada on the topic of environmentalism and pipelines, making it explicit that Aboriginal governing bodies are eligible for reparations in the event of a pipeline incident is significant and substantial.

The 42nd Parliamentary Session, the second majority government examined here, albeit under the Liberals this time, also exemplifies instances of substantive opposition party amendments to government legislation. For instance, on Bill C-6 *An Act to amend the Citizenship Act and to make consequential amendments to another Act*, a successful amendment was proposed by the NDP which gave the Minister the power to grant citizenship in cases of statelessness or extreme hardship. This new sub-clause stated, “(4) Despite any other provision of this Act, the Minister may, in his or her discretion, grant citizenship to any person to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada” (Canada, Standing Committee on Citizenship and Immigration 2016). This is a notable power and exception to citizenship in Canada that, while it would affect a very small number of individuals, could very literally impact the literal life of those individuals, in understanding that the laws governing citizenship in Canada may not always work as designed in certain unique circumstances. Thus, providing Ministerial discretion in extreme circumstances allows for some flexibility within Canada’s citizenship laws.

Another example of opposition party substantive change occurred during this period by the BQ on the hotly debated C-14 *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*. On this bill, the BQ proposed changing the original text from legalizing medical assistance in dying for those who have received, in writing, information that their “natural death has become reasonably foreseeable” to the broader qualifications of individuals with “a grievous and irremediable medical condition” (Canada, Standing Committee on Justice and Human Rights 2016). Other sections of this overall bill had previously been shifted from the original “reasonably foreseeable death” to “a grievous and irremediable medical condition” however, in the draft sent to committee after second reading, in terms of the safeguards section, the original bill still stated that a medical practitioner would have to sign and date a form stating that the individual’s natural death was foreseeable. There were thus concerns that this would limit the ability of individuals with serious medical conditions to

obtain medical assistance in dying if they fit the original definition, but could not have a medical practitioner sign off saying that their death was reasonably foreseeable. This thus removed a potential legal challenge or differing interpretation in the bill that could limit the accessibility of medical assistance in dying to only those who have a foreseeable death. This is obviously a notable change, in that the amendment made this section conform with the rest of the bill, and possibly made it easier for those with grievous and irremediable medical conditions, but not necessarily a foreseeable death, to obtain medical assistance in dying, due to the original limitations of this section.

The final example of successful substantive opposition amendments comes again from the Green Party. On Bill C-55 *An Act to amend the Oceans Act and the Canada Petroleum Resources Act*, Elizabeth May managed to obtain cross-party cooperation for her amendment which added a new criterion for the Minister to consider, namely ecological integrity, in determining what the justification is for determining a marine protected area. In particular, in the section of the bill updating characteristics for what could determine a marine protected area, Ms. May's amendment added "(f) the conservation and protection of marine areas for the purpose of maintaining ecological integrity" (Canada, Standing Committee on Fisheries and Oceans 2017). In a later section, an additional sub-clause was added to define what ecological integrity meant in this context, which was, "(a) the structure, composition and function of ecosystems are undisturbed by any human activity; (b) natural ecological processes are intact and self-sustaining; (c) ecosystems evolve naturally; and (d) an ecosystem's capacity for self-renewal and its biodiversity are maintained" (Canada, Standing Committee on Fisheries and Oceans 2017). In essence, it gives the Minister more reasons to designate a marine area as protected, and incorporates the idea of ecological integrity into the *Oceans Act*, thereby expanding it.

Conclusion

In sum, substantial amendments have been made in committees that have established minimum sentences for sexual exploitation of youth; extended government loan eligibility to part-time students; limited the use of federal government funds during election periods in Québec (an issue with a long history in Canadian politics); required the Canadian Transportation Agency to make regulations governing the advertisement of air travel; changed the implementation of changes to citizenship pathways for adopted children; required traditional laws and legal practices of First Nations to be balanced with the *Canadian Human Rights Act* in cases pertaining to First Nations governments; required Ministerial consultation with an advisory panel before making regulations on the handling of human pathogens and toxins; made it obligatory that the Attorney General put decisions relating to free trade with Peru in writing; allowed for victims of persecution not currently covered by Canada's refugee process to still apply for refugee status on humanitarian and compassionate grounds; required multiple bills to undergo review and reports by committees to determine their impacts and effectiveness; made the address of offenders deemed not criminally responsible for their crimes due to mental disorder to be provided to their victims upon their release; included aboriginal governing bodies as eligible entities for reimbursement in the event of a pipeline incident; created an exemption for the Minister to offer citizenship to individuals in unique situations of statelessness; clarified medical assistance in dying to be available to those with serious medical conditions but not necessarily a foreseeable death; and included the concept of ecological integrity into the *Oceans Act*.

This list is by no means exhaustive, even for the scope of amendments passed covered by this study. Committees clearly have had, and continue to have, extensive influence on

government legislation. Therefore, it can be concluded, based on the aforementioned quantitative data and qualitative narrative that committee influence on government legislation is real and it impacts the lives of millions of Canadians in a variety of ways. Axiomatically, committees deserve a more prominent place in the discussion of the Canadian Parliamentary system.

Further, given that every single one of these amendments discussed in this last section came from opposition parties, they are also a clear example of cooperation. Therefore, these are examples where party cooperation has produced significant legislative outcomes to government legislation. The fact that each and every one of the aforementioned amendments are the product of at least two parties working together demonstrates the incorporation of more voices into Canada's democratic system. Therefore, the findings across the last two chapters have presented a challenge to prevailing claims about Canada's political system, namely that party cooperation does happen regularly and on substantive issues, and that committees play a significant role in the legislative process. Therefore, what does this mean for our understanding of Canadian politics? This will be addressed in the following chapter.

CHAPTER SEVEN: IMPLICATIONS FOR DEMOCRACY

Introduction

This study illuminates two understudied phenomena not only in Westminster parliamentary systems, but particularly in Canadian politics: party cooperation in House of Commons committees and the legislative impacts of said committees. In seeking to study these phenomena and to provide a more holistic understanding of Canada's political structure, this study looked at an aspect of party cooperation and legislative influence: acceptance of amendments to government bills in both minority and majority governments. As a result, this study has determined that party cooperation happens regularly, and that it is affected by the party in power, unemployment levels, whether the government is a minority or majority government, committee type, the degree of substantiveness of amendments, and is asymmetric across issue areas. When looking at all amendments passed by House of Commons committees, whether by government or opposition parties, it is clear that all parties seek to use House of Commons committees to influence government legislation, and that influence is affected by variables such as committee type, government type, party in power, the degree of substantiveness of an amendment, and is asymmetric across issue area.

Now that these findings have been demonstrated and patterns identified (see, for instance, Table 5.15), the question then turns to, what does this mean for Canadian democracy? More specifically, as identified previously, the third question of this study is *What are the implications of committee cooperation for Canadian democracy?* As noted in previous chapters, the power of the executive in Canada is quite extensive (MacGregor Dawson 1949; Savoie 1999; Simpson 2001; Blidook 2010; Lagassé 2016; Godbout 2020; Marland 2020). Indeed, while many, both inside and outside academia have tackled this prevailing argument in a variety of ways (see, for instance, Bakvis 2001; Thomas 2003; White 2005; Lewis 2013; Brodie 2018), there has yet to be a systematic discussion on the role of committees in limiting executive power. Therefore, in order to answer this third research question, this chapter will proceed in six sections. First, there will be an overview of some of the key findings from the previous chapters that demonstrate the role parties play in committees and how committees influence government legislation, which provide a clear summary of what the implications are of this deeper understanding of the functioning of committees. This will also present some of the data from this study in a different way, specifically focused on the role of committees in relation to the power of the executive. This will then flow into the second section, which will provide an overview of the context of democratic reform in Canada. The third section will build off of the first two sections and demonstrate how the knowledge generated from this study can be used to inform future committee reforms to improve the functioning of Canadian democracy. Put differently, the conclusions of this study are used to suggest reforms to improve Canada's democratic functioning. Finally, as this is the concluding chapter of this project, the fourth, fifth and sixth sections will discuss the limitations of this study, provide future avenues of research related to this project, and offer concluding remarks on the entire project.

Overview

Based on the previous findings of this study, namely the role committees play in terms of party cooperation and legislative influence, another contribution of this study, based on the conclusions drawn from the empirical evidence presented, is that we need to nuance arguments about the power of executive. That is, committees do have an impact on Canadian democracy

through the amending of legislation. Even if one is only looking at government amendments, the committee stage is an important one in terms of influence on bills, as substantive amendments are regularly passed at this stage. In nuancing the power of the executive argument, committee members (both backbench MPs from the governing party (outside of the executive) and opposition MPs) do affect government legislation in substantive ways (in addition to typographical and clarificatory ways). This notes that when discussing some of the common themes in Canadian political science, like the power of the executive, the passing of legislation, or even just the overall parliamentary process, committees need to play a larger role in these discussions, as they are a prominent force of influence in these areas. More specifically, in examining the role of committees in other contexts, committees have demonstrable impacts in terms of engaging citizens (Giddings 1985; Benton and Russell 2013; Loat and MacMillan 2014; Pedersen, Halpin and Rasmussen 2015; Zwibel 2016; Chong 2017; Russell and Gover 2017), and as a source of learning for committee members (Mattson and Strøm 1995; Loat and MacMillan 2014; Pedersen, Halpin and Rasmussen 2015; Chong 2017; Russell and Gover 2017). Canada does not appear to be any different in this regard, as committee members regularly commented on what they had learned through the process of participation from individuals and groups pertaining to their scrutiny of bills. Further, as demonstrated in the qualitative examples from Chapter 5, individuals and groups testifying on bills do, on occasion, convince MPs to alter legislation. Thus, if it assumed that, in Canada, committees are a place for learning, for democratic participation of actors outside government, and in addition to that, are a place where bills are substantively changed, they are therefore deserving of much more academic attention than what they currently achieve. Committees affect Canada's political processes in substantive ways, and they act as a serious counter argument to the prominent and relatively uncontested argument about the dominance of the executive.

Tables 7.1 and 7.2 provide a clear demonstration that the party in power is not all powerful. Table 7.1 presents the total number of amendments proposed and accepted by party, excluding when a party was in government. So where the Liberal and Conservative numbers are presented, any amendments that they proposed or passed while in government are not included. When not in government, the Liberal party amended Conservative bills 48 times. Similarly, when not in government, the Conservatives amended Liberal government bills 79 times. Having never been in power, the NDP, BQ, and Green/Independents (Other) amended governing party bills 100, 97 and 20 times, respectively, across the five Parliaments examined in this study.

Table 7.1: Amendment Success Rate by Party

Party	Total Amendments Proposed	Total Amendments Accepted	% Amendments Accepted
Liberal ¹	506	48	9.5%
Conservative ¹	902	79	8.7%
NDP	2120	100	4.7%
BQ	400	97	24.2%
Green/Other	843	20	2.2%

¹ Total party amendments, excluding when in government

Table 7.2 takes the success rate for each party (total number of amendments passed divided by total number of amendments proposed), and breaks them down into majority and

minority contexts. As has been demonstrated throughout, the success rate for opposition parties in majority contexts is low, but every single party to be elected to the House of Commons in the last two majority governments, including the Greens, has amended government legislation in committees. This is a clear indication that opposition parties do have power, even in majority settings, to impact government bills. Thus, a majority government should not be viewed as a source of total domination, and opposition parties should look to committees as a source to alter government legislation.

Table 7.2: Amendment Success Rate by Party by Government Type

Party	Amendment Success rate Majority	Amendment Success Rate Minority
Liberal ¹	1.8%	34.2%
Conservative ¹	6.5%	21.3%
NDP	3.2%	8.9%
BQ	1.3%	29.6%
Other	2.2%	N/A

¹ Excluding when in government

The success rate for minority governments is also a significant finding for the role committees play in party cooperation and in the democratic process. There are arguments that point to the series of minority governments examined here as being a source of party contention and intensification of partisan entrenchment (Bittner and Koop 2013; Patten 2017). While this study is not measuring degrees of contention over time, it does demonstrate that all parties have found success in recent minority governments at passing amendments. Therefore, while it may be true that minority governments have entrenched the outward partisanship of parties (in terms of what is being conveyed to the public), within Parliament itself, parties are still cooperating, and they are doing so at significant rates. Across all minority governments (again removing the success rates for the party in power), the Liberals were successful 34.2% of the time, the Bloc Québécois 29.6% of the time, the Conservatives 21.3%, and the NDP 8.9%. The Greens and other independents do not have totals for the minority sessions as they were not forced to present amendments at the committee stage until the 41st Parliamentary Session. The fact that these parties, despite varying in ideology (and even in views on the state of federalism in Canada in the case of the BQ), find success in minority governments demonstrates that Canadian MPs are willing to work together. These results should be added to discussions on Canada's minority governments. As noted previously, Canada does not form coalition governments when the governing party wins less than 50% of the seats, which tends to make Canada rather unique (although the UK has followed a similar trend, albeit with recent coalitions). This thus leads to questions on how a government can function in a minority setting without a formal partner. What the results here visibly show is that parties of all stripes are able to work together in minority settings, and thus cooperation can be found from issue to issue, thus not requiring a formal coalition partner.

The implications of this study are not limited to Canada. Instead, in linking the findings of this study with others similar in nature (Shephard and Cairney 2005; Cairney 2006; Russell and Cowley 2016; Russell, Gover and Wollter 2016; Russell and Gover 2017), we start to see an

emerging pattern: *Westminster parliaments are not so passive*. That is, Westminster systems are not purely dominated by the executive as a form of dictatorship, even in majority contexts. Parliament matters, and has an impact on legislation. This thus presents a challenge to broad classifications, whereby active systems like that of the US are found to be in stark contrast to the passivity of the Westminster system (Mezey 1979; Lijphart 2012). Instead, we need to adjust our expectations of these systems more broadly, emphasizing that, in recent Westminster governments, backbench government and opposition MPs do influence the legislation put forward by the government, and therefore are active in the legislative process, even in majority contexts.

Similarly, this study, along with those from the UK (Russell and Gover 2017) demonstrate that committees matter. Committees matter in the legislative process in Westminster systems. Committees matter as a source of influence on legislation, but beyond that, they matter as a source of party cooperation. Despite the partisan rhetoric that may be playing out in the media and at widely publicized events, parties are not incapable of reaching across the aisle and putting aside their partisan hats for the good of legislation. In this regard, committees are therefore a place where voices beyond the executive are heard and have influence. In other words, committees are a source of increasing the number of voices within Canada's democracy, and this is an important revelation that will be addressed in the subsequent section.

Context for Reform

With this understanding of the influence of parliamentary structures like committees in mind, and this firm grasp on the influence of committees on government legislation in Canada's Westminster system, and the influence of opposition parties on said legislation, this chapter now turns to the final goal of this study: improvements to Canada's democratic system. As noted previously, suggestions for improving Canada's democracy abound, both by academics and practitioners alike, but these are often met with criticism, resistance, and in some cases, an outright near impossibility of being adopted (Savoie 1999; Stilborn 2017). As Savoie (1999, 8) once lamented,

The failure of our politicians to see or admit that the prime minister has become the key actor who can make government change course has led them to search for solutions where none exist, to spend public funds when it is not necessary, and to ignore areas where solutions may exist. In fact, some of the solutions embraced have not only been expensive, they have been counterproductive. They have slowed down decision-making, unnecessarily complicated matters, and made it more difficult to chart a new course.

Reforms to incorporate more voices in the Canadian democratic system are probably the most common (see Savoie 1999; Wicks and Lang-Dion 2007; Moscrop 2016; Hayes 2019; O'Sullivan 2019). Indeed, as noted throughout this study, a core criticism of the centralization of power within the hands of the executive is that such centralization limits the impact of other voices (Savoie 1999). But given that the solutions to this problem have often been flawed, particularly in understanding not only the formal rules of the political system, but also the power of informal, entrenched practices (Franks 1987; Docherty 1997; Smith 2007), new avenues of reform are necessary to incorporate more voices into Canada's political system.

As noted in Chapter 2, committees are a place to incorporate more voices. This is true not just in the Canadian context, but around the world through the active participation of civil society (Giddings 1985; Benton and Russell 2013; Loat and MacMillan 2014; Pedersen, Halpin and Rasmussen 2015; Zwibel 2016; Chong 2017; Russell and Gover 2017). Beyond the inclusion of individuals and citizen groups, another way to incorporate more voices into legislation is through the participation of multiple parties in modifying and passing bills (King 1976; Arter 2003; Loat and MacMillan 2014; Stilborn 2014; Russell and Gover 2017). The incorporation of more parties is equivalent to more citizen voices being represented, as the connection between representatives and their constituents is a core tenet of Canada's democratic founding. In other words, incorporating the voices of more parties means more diversity of values and ideals of Canadians are also being represented, thus making multipartisan legislation, on the whole, more inclusive of the perspectives of Canadians.

In terms of incorporating more voices in Canadian politics, party cooperation is supported by the Canadian electorate. According to Smith (2013, 4), products of inter-party compromise are "public policy deemed in the interests of the nation." That is, when public policy is made across party lines it is viewed as dropping the shroud of partisan motivations and instead is more viewed as the right thing to do for Canadians. Similarly, former NDP leader Jack Layton's popularity was notable. He was widely praised by Canadians of all political stripes as being cooperative and fostering cooperation. More specifically, Canadians lauded his consensual style of politics as the way that things should be done (Smith 2013). Thus, there is ample evidence (more presented below) that Canadians want more voices in government, and they want those voices to be more cooperative.

Additionally, optimism exists among political insiders who have experienced the frustrations and limitations of party discipline first-hand. For instance, Anita Vandenbeld, Liberal MP in Ottawa-West Nepean, noted that committees seemed like a place for more cross-party cooperation, and further hypothesized that "[i]f there were more platforms for cross-party cooperation, the tone of attacks during adversarial times would diminish as well, and more women would be encouraged to run" (Vandenbeld 2017, 120). This is echoed by others, whereby the adversarial nature and polarization of party politics have been stated as reasons why some women, in Canada specifically, have chosen not to run in politics (Praud 2013; Cross and Young 2013; Young 2013; O'Neill 2015; Collier and Raney 2018).

Therefore, it is argued here that since cooperation is desired by Canadian citizens, and it has the potential benefits of increasing political participation of minority groups long underrepresented in the Canadian political process, then undoubtedly it is something worthwhile to consider to increase inclusion. As this study has demonstrated, committees are a prime source for cooperation to occur, and therefore very likely could be a source to increase cooperation within the broader political system. If cooperation can be increased, this can in turn be highlighted as a source of collegial politicking rather than the hyper-partisan politicking that currently dominates the news cycle. In highlighting these sources of collegiality, it is possible that this goes beyond creating policies that represent the voices of more Canadians (which is noticeably very important to many), to encouraging more active participation of minorities within the political process itself.

Returning to the topic of optimism, former NDP MP turned Mayor of Vancouver, Kennedy Stewart, also showed optimism not only in the possibility of more cross-party cooperation, but actually found success with the passing of his PMB on e-petitions. In discussing his bill, he argued it was an example that "shows that reaching across the 'two-swords lengths'

separating the government and opposition can work if the effort is genuine, and that additional reforms should be enacted to unleash the promise of the backbench” (Stewart 2017, 79). More recently, in the CBC English leadership debate on October 7, 2019, then Green Party leader and MP Elizabeth May repeatedly pleaded with other leaders and called for cross-party solutions regarding climate change.

What these and numerous other examples demonstrate is the true nature of optimism on behalf of political insiders abounds regarding the future potential of cross-party cooperation in the Government of Canada. The range of optimism, that cross-party cooperation can, and should occur, exists across all major parties, from Conservative Michael Chong to Green Elizabeth May. While optimism does not guarantee change, indeed, it needs to be balanced realistically against the idea that political parties want to win and control the agenda as they see fit, it certainly lends more power to the possibility of change.

Bringing this discussion back to the focus of this study, party cooperation indeed happens in committees, resulting in substantial change to government bills. As noted in the previous chapters, substantive amendments that were the result of cooperation occurred on a myriad of topics, from establishing minimum sentences for offenders convicted of the sexual exploitation of youth to providing ministers with the ability to grant citizenship in exceptional cases of statelessness. Such cooperation incorporates a variety of voices and impacts the literal lives of Canadians and those living in Canada.

Given the implications of this study on the ability of committees to impact legislation, it thus means that more empowered, reformed committees can have an even bigger impact than they currently do, increasing the number of political voices in the passing of legislation. Therefore, it can be argued that committees are a natural place to increase and encourage party cooperation, particularly given that committee change does not require constitutional changes, which has been difficult in the past. While cooperation in committees does exist, it is not easy, and it does happen less in certain circumstances, such as in majority governments. Therefore, in order to facilitate more cooperation in committees, and therefore more voices in parliament, and theoretically, the representation of more citizens in Canada’s political process, committee reform is needed.

Suggested Reforms

The purpose of this section is to lay out committee reform suggestions based upon the results of this study and informed by the knowledge obtained from other sources (see, for instance, Russell, Gover and Wollter 2016; Russell and Gover 2017). This will begin first with a discussion of the reforms suggested by Michael Chong (detailed in Chapter 3), as Michael Chong is one of the few prominent voices to place recent emphasis on reforming committees as a source of improving Canadian democracy. This will thus connect the findings of this study to the reforms of Michael Chong, demonstrating which ones are the most important, and which ones will perhaps have less of an effect, with what we now know from this study. After the discussion of these reforms, this will then turn to other ways in which to reform committees based on the conclusions of this study.

In terms of Chong’s first suggestion, that committee members be selected on the basis of some kind of secret ballot, the literature does point to the potential for success. Indeed, not only does this take power out of the hands of party whips, and therefore out of the executive in the case of the governing party, but this also opens up more opportunities for those with experience or interest in an area to be considered. In essence, this would mitigate the role of partisanship or

political strategizing from trumping expertise. Such knowledge and expertise can then facilitate cooperation across parties, as well as provide further power to committees in the sense that they will be viewed as the experts, and thus other Parliamentarians will defer to them (see Mattson and Strøm 1995; Norton 1998; Stilborn 2014; Russell and Gover 2017). Put differently, when committees are viewed as experts on an issue, then the recommendations or amendments they make to bills are widely accepted by others, because they defer to the experts in the area rather than simply toeing the party line. Cooperation, then, would be fostered in committees by basing membership on knowledge and expertise, whereby more consensus building would be made possible through such shared knowledge, rather than partisan politicking. That is, committee members who are all relative experts in an area are much more open to knowledge transfer and learning from the committee process than those who lack knowledge and are only armed with knowledge of the party line (Mattson and Strøm 1995). Indeed, if knowledge and expertise were the core criterion for committee membership, this should certainly result in lower levels of hostility or adversarial commentaries, and thus could give credence to the notion that politics in Canada do not have to be adversarial, thus potentially increasing the desires of women to participate directly in politics.

In listening to and reading through the proceedings of committees for this study, it was noted that some committees were dominated by select members, some of whom could be considered to have expertise, with some members rarely, and sometimes never, participating in discussions of clauses or amendments, only to raise their hand in a vote, which was essentially always with their other party members. There were also clear examples of more junior committee members being talked over or essentially talked for by more senior members, particularly within their own party. In reality, therefore, some individuals dominate committee discussions in the Canadian House of Commons, but if all members had expertise or knowledge in the area, participation would likely be more balanced. This would then hopefully also remove the desire to replace quieter members with verbal assassins trying to get a soundbite. Thus, this study does support the suggestion by Michael Chong and others, that House of Commons committee membership should be taken out of the hands of party whips, and placed into a more democratic process based on knowledge and expertise rather than party control or discipline.

Of Chong's second recommendation, on committee chairs being elected by preferential ballot, this could certainly assist in increasing the feeling of democratizing the overall process, but would not necessarily impact the ability of committee members to impact legislation. This study has demonstrated that having opposition chairs does not increase the ability of opposition parties to affect legislation. Further, in a cursory examination of comments made about chairs in committees in the process of this study, most comments towards chairs were often a debate over interpretations of the Standing Orders in governing the committee process, and not on a level of unfairness of treatment by the Chairs for certain members (although there were some accusations of this). Therefore, using a secret ballot to elect chairs could democratize the process, and is certainly open for discussion, but it would not necessarily have an impact on the ability of opposition parties to impact government legislation, based on the evidence documented in this study.

Reducing the number of committees, which is another suggestion of Chong's, while clearly impacting the hours required of MPs, actually may not have a significant impact. Indeed, in examining the clause-by-clause process of most government bills from 2005–2019, this study noted that it was very common for procedures to be rushed. That is, arbitrary time limits were placed on discussion per clause or per amendment in order to facilitate the passing of a bill to

meet a variety of deadlines. Time limits have been noted elsewhere (on the floor of the House of Commons) to be problematic because they limit debate (Smith 2013). Committees are busy. As this study has shown, in looking at clause-by-clause processes, some committees are significantly busier than others. All standing committees undertake a variety of activities like investigations, reporting, research, and engaging with citizens and interest groups, but many committees do this in addition to very heavy legislative loads. If standing committee issue areas were adjusted to focus on workload, this would likely be a better use of committee reform instead of reducing the total number of committees. That is, spreading out the workload of committees in regards to clause-by-clause examination would create more evenness across workloads, while still maintaining the ability of committees to modify and improve legislation through amendments.

As noted in Table 5.11, the Standing Committee on Justice and Human Rights dealt with 853 amendments while the Standing Committee on Veterans Affairs dealt with 14 amendments over the course of this study. This is because the Standing Committee on Justice and Human Rights reviewed 32 bills (that fit the criteria of this study, not 32 bills total), compared to just 2 for the Standing Committee on Veterans Affairs. If the large workload of committees like the Standing Committee on Justice and Human Rights could be balanced out into other standing committees, this could assist in more meaningful discussion in committees that is not hampered by constant time constraints. Indeed, sub-committees are used to spread out the workload, but clause-by-clause must still be done by the entire committee, and therefore there is only so much work that sub-committees can engage in. Therefore, balancing the workloads of committees should have a two-pronged effect, aimed at increasing the influence of committees and the cooperation within them. First, it would allow the busier committees more time to engage in meaningful clause-by-clause discussion, which can open up more opportunities for influence on government legislation by committee members. Second, it would give other committees more time to engage in the clause-by-clause process, which, as noted in Chapter 2, has been associated with relationship building and therefore more cooperation in other contexts.

Similarly related to the issue of time constraints is Chong's fourth recommendation, which seeks to take away the current practice that estimates are automatically reported by a certain deadline if the committee is unable to examine or vote on them in time. In essence, this is again demonstrating that committees currently are so busy that they are unable to consider important issues such as estimates. Furthermore, the estimates are worthy of discussion, if the composition or overall structure of committees is not changed, a committee can "consider" estimates by quickly voting on them, using the majority members to push it quickly through. Therefore, it is unlikely that this would create any significant change without other changes.

However, Chong is right to note that there is a broader problem with committees, one that this study has noted as an essential area in need of reform: the power of the majority in a committee. Simply put, when one single party has a majority in committees, they dominate the process. This domination is not just in reducing the likelihood of opposition amendments passing (as this study pointed out), but also in terms of coopting the committee process, and limiting opportunities for cooperation. As will be discussed in more detail below, the most recent majority Conservative and Liberal governments used their numbers to pass a requirement forcing independent and non-status party members to present their amendments in committees, rather than at Report Stage, thus taking away their ability to fully participate as Parliamentarians. Furthermore, majorities were used, again by both the Conservatives and Liberals, to regularly silence or limit debate during clause-by-clause examination, thus rendering the committee

process ineffectual. In essence, majority members will vote on a motion that after a certain time (for example, 5pm), any amendments or clauses that have not yet been voted on, will be deemed reported, and voted on immediately. This prevents any discussion or debate on the clauses and prevents the proposers of amendments from explaining what their amendment is and what it should accomplish if passed. In effect, then, what transpires is a steady stream of votes on clauses, where several clauses are voted on per minute. In these cases, the majority party simply votes as a bloc to defeat any and all opposition amendments. In essence, these issues typify Chong's criticisms. The committee process can be modified by the committees themselves to remove important discussions, such as the estimates or on clause-by-clause of bills. By limiting the discussion and the opportunity for opposition amendments, this does undermine the role of committees in examining bills, and limits the opportunities for the inclusion of more voices in the deliberation of government legislation.

If no party was to receive a majority of committee seats, it is likely that these opportunities to circumvent the committee process would decline, therefore offering more opportunities for party cooperation. This study has shown that committees are effective in minority settings in passing bills in an appropriate time frame, while allowing for a multitude of voices, and increased opportunities for opposition parties to impact legislation. Thus, good governance³² does not require the governing party to maintain a majority of seats on the committee. If the governing party has a majority in the House, they can always retract some of the changes proposed by committee at Report Stage, but the idea here is that the discussions will still be had, and if the governing party wants to overrule the committee they will have to do it very publicly on the floor of the House of Commons, which typically receives more regular public and media attention than committee meetings. Therefore, based on the evidence from this study, a clear recommendation for committee reform is to balance committee seats. This is a better way to empower backbench MPs and opposition party members. As noted in previously, there have been many attempts or calls for reform to empower backbench government MPs, but the power of party discipline prevails. If government MPs are not able to vote as a unified bloc to push a majority in committees, then the ability or the reasoning for party whips to force members to vote as a bloc is limited. This would then create a scenario where backbench government MPs would actively seek to reach across the aisle to other parties to cooperate in order to get enough votes to pass amendments or legislation more broadly. As will be noted below, if combined with other reforms, this could make the overall committee process much stronger in impacting all legislation, but particularly government legislation, by providing more voices and more opportunity for change throughout the process.

The size of committees is another potential area of reform which is commonly addressed. As noted in previous chapters, standing committees in the House of Commons evolved partway through the Conservative majority government in the 41st Parliament, dropping from 12 seats to 10, which was maintained throughout the next session as well. Most recently, however, committees have been increased again to 12 seats, under the current Liberal minority. This was the product of a unanimous vote in the Standing Committee on Procedure and House Affairs (O'Malley 2020). As noted in this study, a larger committee size is associated with an increased

³² Assuming, of course, as has been pointed out throughout this study, that the goal of many Canadians is less partisanship, and that there are benefits to cooperation such as incorporation of more voices, thus creating good governance. Alternatively, good governance could simply be measured by the ability of government to get things done, which again, this study and others have shown, is entirely possible within a minority setting, where no party has a majority within committees.

likelihood of opposition amendment success, but this is likely due to the fact that the minority governments had committee sizes of 12, whereas the majority committees had less. So while a knee-jerk reaction may be to increase the size of the committee, this is unnecessary. Indeed, if one is trying to reduce the overall workload of MPs, it would make sense to have slightly smaller committees. This is supported by Yvon Pinard, former Liberal Government House Leader and President of the Privy Council, who once stated

Experience has shown that smaller and more flexible committees, when entrusted with interesting matters, can have a very positive impact on the development of our parliamentary system, upgrade the role of members of Parliament, sharpen their interest and ultimately enable this institution to produce much more enlightened measures that better meet the wishes of the Canadian people (as quoted in Bosc and Gagnon 2017).

In creating smaller committees, this could create deeper relationships across parties. Indeed, the literature across the board from the US (Rippere 2016), the UK (Russell and Gover 2017), and even anecdotally from Canada (Loat and MacMillan 2014) is that building relationships is crucial for the development of cooperation and effectiveness. Thus, in combining the aforementioned suggestions of removing member selection out of the hands of party whips, spreading out committee responsibilities to better reflect the amount of legislation that needs to be evaluated, reducing the overall size of committees (either to 10, as there is evidence that committees functioned well with this number, or perhaps slightly lower), and allowing for more opposition seats on committees to remove one party majorities, should create a more cooperative environment where strong relationships exist and there is time for truly meaningful discussion on legislation. With more cooperation comes the inclusion of more voices in Canada's democratic process and an influential check on the potential unbridled power of the executive.

As noted previously in this study, standing committees in both the 41st and 42nd Parliaments passed identical motions that require members of parties without official status (less than twelve members) to present amendments at the committee stage, instead of at the later Report Stage, as has been tradition. An outspoken critic of this motion, former Green Party leader Elizabeth May pointed out on each bill she presented amendments at that this was an affront to her rights as a Parliamentarian, and she is absolutely correct, for several reasons. For reference, the text is below, from the 41st Parliament:

That, in relation to Orders of Reference from the House respecting Bills,

- (a) the Clerk of the Committee shall, upon the Committee receiving such an Order of Reference, write to each Member who is not a member of a caucus represented on the Committee to invite those Members to file, in a letter to the Chair of the Committee, in both official languages, any amendments to the Bill, which is the subject of the said Order, which they would suggest that the Committee consider;
- (b) suggested amendments filed, pursuant to paragraph (a), at least 48 hours prior to the start of clause-by-clause consideration of the Bill to which the amendments relate shall be deemed to be proposed during the said consideration, provided that the Committee may, by motion, vary this deadline in respect of a given Bill; and

(c) during the clause-by-clause consideration of a Bill, the Chair shall allow a Member who filed suggested amendments, pursuant to paragraph (a), an opportunity to make brief representations in support of them.

As noted in Chapter 6, independent members of the House of Commons, as well as members of non-status parties like the Greens, have had notable impacts on government bills, including amendments from the typographical, clarificatory, and substantive categories. These members can, and do, impact government legislation. However, this requirement to present at committee meetings instead of at Report Stage is deeply problematic. The first reason why this is an affront to non-status party members is that standing committees meet at the same time. That is, the Standing Committee on Health can be meeting at the same time as the Standing Committee on Finance, the Standing Committee on Justice and Human Rights, and others. Thus, when these committees are considering bills at the same time, it literally requires that independent and non-status party members have to be in multiple places at once to be able to speak to or explain their amendments. The sheer impossibility of being able to divide oneself in half (or other multiples) should be enough of a reason to remove this procedure as a way for improving committee and amending processes. In coding these bills, there were multiple occurrences where Ms. May showed up to a committee out of breath from literally running from committee room to committee room to attempt to be able to speak to her amendments, while other times she was unavailable because she was quite literally presenting another amendment in another room. In addition, the time allotted, as per the motion above, is “brief representations.” This obviously had differing interpretations, with some committees allowing affected members some time to explain their amendments, while other committees limited their speaking time from thirty seconds to one minute. Similarly, there remained inequality across committees as to whether such members were allowed to respond to comments, questions, or criticisms directed towards them or their amendments.

Another reason why this is a poor committee structure and needs to change is that it is appalling how many members and even chairs supported this motion without actually having a full understanding of what it meant. There were numerous times where Ms. May had to explain the motion to the committee that had passed it and how it affected her position. The fact that a committee can pass a motion that it cannot or does not wish to understand, one that limits the ability of other members of the House to participate fully in the legislative process is a clear example of a committee failing. Other times, government members claimed that this process was more democratic in allowing independent members to participate in committees. According to Conservative MP Rick Norlock in the October 29, 2013 meeting of the Standing Committee on Public Safety and National Security, “It increases our democracy by allowing independent members, who have never been given or had the right to make amendments before committees where items are discussed, to do so.” Whether this was the intention, in practice, it is not remotely more democratic. The practice of this has been to silence the voices of independent and non-status party members by limiting any real opportunity to debate and put forth amendments.

The recommendation provided here to improve committee effectiveness, and indeed the overall effectiveness of the House of the Commons, is to remove this motion, and allow independent and non-status party members to present their amendments at Report Stage. This study has shown that these members have important and worthwhile suggestions to make, and they deserve the right to at least speak to them, without having to literally run from room to room or having to magically appear in multiple places at one time. Indeed, a goal of this study has

been to demonstrate the role committees play in the democratic process, and particularly how their role presents challenges to theories of total executive dominance. While committees have clearly been demonstrated here to be a source of cooperation, and a place where government legislation, even in majority contexts, is modified by opposition members, the role of committees differs significantly in the democratic process for status parties vs. non-status parties. That is, much of the benefits of committees in the democratic process highlighted here really pertain to those parties that have members on the committees. Non-status members limited by this newer process of presenting their amendments to committees only have seen their place in the democratic process limited, and further, their inclusion in the democratic process reduced. Therefore, beyond the aforementioned suggestions for reform to the committee process to increase the inclusion of more voices, this practice needs to be removed in order to include non-status party members in the democratic process. After all, they have been democratically elected by Canadians and represent citizens of their riding, and therefore their inclusion in parts of the parliamentary process should be restored.

Beyond these suggestions, on a much smaller level informed by this study, another suggestion would be to clearly publish the formal amendments accepted by committees (both House and Senate), that are then accepted in the final bill. When a committee reports the bill with or without the amendments, the amendments are not marked as to which party proposed them or which parties voted in favour of them. It is also not indicated whether or not these suggested amendments make it through the rest of the legislative process to Royal Assent. While this information does exist, it typically requires going into the minutes of meetings or into *Hansard*, both of which require extensive reading through other information before finding each amendment, who it was proposed by, and who supported it³³. It then requires an additional comparative step to find out if the amendment is contained in the final legislation. If a more simplified section that was devoted specifically to this information about amendments was added to government websites or committee reports, such as *LegisInfo*, this could be an easy source for Canadians to visually see the level of cooperation across party members, and perhaps provide further confidence in the system that it is not entirely dominated by the majority governing party. Furthermore, it could also function as a small counter to the typical public barbs across parties and politicians, that cooperation can, and indeed does succeed. It has the potential to reassure Canadians that the governing party is not all powerful, that opposition parties, especially smaller ones, do have an effect on government legislation, even in a majority. In effect, it has the power to provide some evidence of party cooperation, which, as noted above, many Canadians desire and view as a source of improving Canada's democracy (Smith 2013).

Although not directly linked to the research questions or the core goals of this study, two further suggestions have arisen from this investigation as ways to potentially improve committee functioning. Both of these relate to updating the Standing Orders definitively on issues that regularly come up in committee parlance, but lack consistency in application. An example of this is the use of the "friendly amendment." A friendly amendment is one where someone has proposed an amendment, and another committee member proposes a change to it, which the original proposer agrees with. In effect, this is a subamendment, and there is a clear process for subamendments. However, some committee chairs allow for friendly amendments, which by consequence, change the original amendment, but there is no formal record of subamendment nor an official vote, while other committee chairs do not allow this process. Thus, this is

³³ As this researcher can personally testify to, this is an onerous project that the average Canadian interested in this subject is very unlikely to undertake.

unevenly applied across committees and often causes confusion when members who have been on more lenient committees seek to propose a friendly amendment, only to be rebuked by the committee chair that friendly amendments do not exist. Accordingly, there should be a proper procedure discussed as to whether or not friendly amendments are allowed.

More anecdotally, it perhaps would be wise to have a definition of a “technical amendment.” This term is bandied about in committees regularly, and never means the same thing. In coding amendments, amendments referred to as technical by committee members included everything from correcting typographical errors and translation issues; changing the section numbers that are referred to in a clause; changing terminology to reflect different legal environments; clarifying clauses; and also include amendments which actually deal with technology. Hence, the term technical amendment is anything but, and could perhaps use a definition to clarify what a technical amendment actually is, and therefore what members are actually voting on. Again, in creating these changes, there is no indication that they will improve cooperation, but these issues did come up in multiple committees across parliamentary sessions, and certainly caused some confusion across members, as well as created an opportunity for disagreements. Removing an additional potential source of disagreement would just be good practice, and indeed could perhaps assist in facilitating cooperation by giving committee members a more cohesive experience across committees. Therefore, committee rules and proceedings need to be re-examined with the evidence provided in this study, and any future studies, to ensure that Canada’s parliamentary procedures are based on the most current insights and all available information.

As noted above, there are obvious challenges to prevailing calls for reform, and committee reform is no different. Indeed, the irony of the solutions proposed here is that they will likely require cross-party support within government to actually implement the changes. It is thus cross-party cooperation begetting cross-party cooperation. Despite the difficulty in getting buy-in from MPs across multiple parties, previous examples of democratic reform, such as Michael Chong’s and Kennedy Stewart’s aforementioned successful PMBs, demonstrate that change is possible through cooperation.

Democratic improvement through committee reform will be difficult, and will require cross-party cooperation but, as this study has visibly demonstrated, parties are more capable and willing to cooperate than previously thought. Therefore, change is possible. Not only that, notable change to increase voices in the Canadian political process is possible through committee reform, and this reform is *doable*. It does not require constitutional change, provincial-federal cooperation, or a referendum. Instead, it requires the collaboration of multiple parties to increase the influence of committees, of which there already is some support, as noted in examples throughout this study.

Limitations of this Study

This study has elucidated the importance of committees in the legislative process, and has indicated some areas of potential reform to improve the democratic functioning of Canada’s political system. While this is important work, it is, of course, not without limitations.

As this was one of the first works of its kind on Canadian House of Commons committees, naturally it made sense, as explained previously, to limit discussion to the most comparable items, in order to have a more systematic understanding of the role of party cooperation in committees. While this is important, and deemed as essential for this study, the rigidity of the cases discussed naturally do not capture the entire picture of the role of

committees in government, or even party cooperation in committees. For instance, understanding informal processes has been ignored here. That is, it has been noted that the informal discussions, meetings, even glances among members may influence whether an amendment is put forth or passed (Griffiths 1974). Naturally, informal processes may play an important role, and deserve study.

Similarly, another limitation of this study is that it perhaps does not catch the true amount of opposition party influence on government legislation. For instance, in studying the UK, it has been noted that sometimes government members will vote down an opposition amendment or discourage opposition members from posing certain ideas, but then subsequently propose a very similar amendment of their own (Russell, Gover and Wollter 2016). This is clear politicking: the governing party is seeking to get the credit for an opposition member's idea (Russell, Gover and Wollter 2016). This phenomenon also has evidence in the Canadian context with PMBs, where an opposition MP will introduce a PMB that is defeated, only to see a similar issue reintroduced by the governing party (Blidook 2010). This was also the case in this study, whereby it was common for multiple parties to propose an amendment, only to withdraw those amendments in favour of another amendment. That amendment was thus the product of multiple parties, but since an amendment can only be proposed by one party, this study attributed the amendment to the party who officially proposed it³⁴.

Another limitation of this study is related to the uniformity of coding of amendments. For instance, in the deciding whether or not to code an amendment as substantial (as opposed to clarificatory or typographical), the requirement here (informed by previous studies (Shephard and Cairney 2005; Cairney 2006; Russell, Gover and Wollter 2016; Russell and Gover 2017)), was to require an actionable change to occur. That is, the amendment, if passed, would require a form of change to the bill. A common substantial amendment was changing the date of enactment. In this case, it is clearly actionable and will affect Canadians, as it changes when the bill, or sections of the bill, become law. Another example of a substantial amendment that passed what in the case of Bill C-51 in the 42nd Parliament, where an amendment was accepted that changed the rules on consent in sexual activity. The amendment shifted the language of the bill to require consent immediately before and during sexual activity, thus having major implications for issues such as sexual assault and rape. Although vastly different in their application, both changing the date of enactment and changing requirements of consent for sexual activity are given the same degree of substantiveness here, because they are both actionable changes. Naturally, based on these examples and others, what is *substantive* can therefore vary significantly.

Future Avenues of Research

The limitations of this study highlight that there is a need for future avenues of research related to both party cooperation and committee function. For instance, interviews and more qualitative research should be combined with this quantitative work in order to further examine committee behaviour. In particular, this study was limited in its ability to examine motivations for cooperation. Now that clear areas of cooperation have been highlighted, it would be worthwhile to follow up with the MPs involved in order to ask questions about their underlying motivations

³⁴ This occurred on at least 19 occasions on amendments under investigation here. Even that, however, is a suppressed total, as this study only examined amendments that had been formally moved and voted on. It happened on multiple other occasions that parties had amendments that they were set to introduce, but did not introduce them, again in favour of more collaborative amendments.

for cooperating with other parties. Was it strategy, politicking, or altruism, or were they just convinced by the logic of the opposing member to vote in favour of their amendment? Furthermore, what role do personalities play? The literature does indicate that in other settings, party cooperation has been facilitated (or hindered) by the personalities of some individuals. Is this true in the Canadian context as well?

Similarly, as noted in the limitations section, more investigation is needed of cooperation. This study, while methodologically sound, only examined a specific subset of opportunities for party cooperation. In order to truly understand party cooperation as a whole in Canada's parliamentary process, study needs to be expanded. While some work has been done on PMBs, it would be worthwhile to perhaps combine PMB cooperation with committee cooperation in order to pinpoint broader systematic tendencies of cooperation. Further, roll call votes (or how an MP or Senator votes on a bill, a measurement often used in studies in the US) could be used at each stage of the parliamentary process as part of these broader systematic tendencies. Further still, this study omits study of the Senate. The Senate has its own committees and proposes its own amendments to bills. Therefore, an understanding of the role of amendments more broadly in the legislative process, not just in the House, is needed to complete the discussion.

Beyond the aforementioned importance of committees in the legislative process, one role of committees has yet to be examined. Are committees a source of potential filibuster? That is, committees certainly are a place where members take long periods of time to speak to amendments, requiring recorded votes for every single vote, and even proposed hundreds, sometimes thousands of amendments, to delay the clause-by-clause consideration of the bill. A delay in the clause-by-clause process means that the rest of the legislative process is also delayed.

Another future avenue of research would be to look specifically at the role of omnibus bills. Omnibus bills have seemingly become more ubiquitous recently, and these absolutely have an impact on committees. That is, omnibus bills are sent to a single committee, whereby, in one example, sometimes the finance committee ends up voting on clauses related to Supreme Court appointments. So how do omnibus bills affect opposition participation in bills, and what is the role of committees on such bills? Are committees less influential in dealing with these bills because members are unable to be experts or have sufficient knowledge on all of the topics covered? These are valid questions and, although beyond the scope of this project, are deserving of more attention in future work.

Conclusion

As noted at the outset of this study, the goals here were to elucidate systematic tendencies of party cooperation within House of Commons committees as well as the legislative influence of said committees. Prior to this study, party cooperation in general was understudied in the Canadian context, while studies of cooperation in committees were virtually non-existent. Similarly, the legislative impacts of committees is equally understudied in Westminster systems (Shephard and Cairney 2005; Cairney 2006; Russell and Gover 2017), and especially understudied in Canada (Stilborn 2014). Yet anecdotal examples of cooperation abounded in the media and other reports: MPs of all the elected political parties in the House of Commons have commented on cooperating with other parties. Despite this cooperation, the dominant theme in the media and in Canadian academia tends to focus more on the hyper-partisanship of Canada's political system.

Using these anecdotes as a springboard, as well as the recent work on party cooperation in and legislative influence of committees in the UK, this study sought to investigate more systematic tendencies of party cooperation by looking at the committee process. In so doing, this study not only uncovered some tendencies of cooperation, but it also took a very needed look at the role committees play in the legislative process in Canada.

Indeed, this study has determined that party cooperation in committees does occur, on substantive issues, in both minority and majority settings. Even in majority settings, opposition parties do find success in influencing government legislation, and in substantial ways. That is, while some opposition amendments are typographical or translation corrections, they also clarify passages (which can have notable impacts later on if the clause is the subject of a court case). Beyond this, looking at committee behaviour more broadly, committees amend government legislation the vast majority of the time (over 80% of all government bills that were examined by committees in this study were amended). Moreover, the vast majority of those amendments are *substantial*. Therefore, committees are regularly, substantially amending government legislation.

The ability of opposition parties to influence government legislation is uneven across issue area, with more success coming in areas of justice and human rights, public safety, and health, and lower levels of success in areas of finance. Similarly, such opposition party success is likely to be more successful under Liberal governments than Conservative ones, in standing committees compared to legislative ones, and more likely to occur on bills referred to committee before second reading rather than after.

In conclusion, this study contributes to the literature on Westminster parliamentary systems, adding to the increasing trend of studies indicating that previous assumptions of the Westminster system are incomplete and should consider the role of committees (Russell and Gover 2017) and that amendments to bills are a source of cooperation and influence of elected officials outside the executive or governing party (Shephard and Cairney 2005; Cairney 2006; Russell, Gover and Wollter 2016; Russell and Gover 2017). This study shows that Canada is similar to the UK and Scotland in that opposition members do amend government bills, and in substantial ways. The criticisms levied against the legislative branches as useless or moribund in majority Westminster settings are myopic. Active legislative branches are not solely the product of presidential systems like the US (Lijphart 2012). Thus, by studying an underrepresented area of the parliamentary process, this study, and others like it in the UK (Russell and Cowley 2016; Russell, Gover and Wollter 2016; Russell and Gover 2017) have demonstrated the importance of studying more of the parliamentary process rather than simply the decision-making powers of the executive.

In short, committees matter in the Canadian legislative process, and have more of a systematic and substantive impact than previously thought. This study has visibly demonstrated the impacts committees have on amending government legislation. Taken in consideration with the other extremely important work that committees do such as undertaking investigations, producing reports, holding hearings on government actions (recent televised committee proceedings relating to the role of the executive in the SNC Lavalin and in the WE Charity scandals are such examples), the results of this study demonstrate that committees need to feature more prominently in studies of the parliamentary process. Ignoring the work and role of committees, or relegating them to a mere paragraph or two in a study of Canada's parliamentary process is problematic, as it leaves out an influential stage.

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APPENDIX 1: SAMPLE DATA SET

Parlia- mentary Session	Party in Power Liberal (1), Conser- vative (2)	Type of Government Minority (0) Majority (1)	Bill Name	Amendment Text	Amend -ment Pass (1), Fail (0)	Amend- ment Degree of Substance	Committee Name
38	1	0	C-2 An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act	That Bill C-2, in Clause 2, be amended by replacing line 16 on page 2 with the following: “2. (1) Subsection 150.1(1) of the Act is replaced by the following: 150.1 (1) Where an accused is charged with an offence under section 151 or 152 or subsection 153(1), 160(3) or 173(2) or is charged with an offence under section 271, 272 or 273 in respect of a complainant under the age of sixteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge. (1.1) Paragraph 150.1(2)(c) of the Act is”	0	3	Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness

Committee Chair Government (1), Opposition (0)	Committee Seat Total	Referred to Committee Before Second Reading (1), or After Second Reading (2)	Date Amendments Voted on	# of Months Since Last Election	Popularity of PM	Firm
1	12	1	June 2 2005	11	44.8	Environics

Unemployment Rate	Party Proposing Amendment Gov't	Party Proposing Amendment LIB	Party Proposing Amendment CON	Party Proposing Amendment NDP	Party Proposing Amendment BQ	Party Proposing Amendment Green/Other
7			1			

APPENDIX 2: SAMPLE OF CODING

Bill Name	Parliament	Original Text	Amendment Text	Amendment Accepted? 1=Accepted 0=Rejected	Classification : 1) Amendment (Typographical 2) Withdrawn Royal Assent? 1= Yes 0=No 3) Out of Order	Party Proposing Amendment CON	Party Proposing Amendment GOVT (LIB)	Party Proposing Amendment NDP	Party Proposing Amendment BQ	Party Proposing Amendment Other	Notes
C-2 An Act to amend the Income Tax Act		(a) 15% of the amount taxable, if the amount ; 20.5% of the amount by which the amount by 42 amount	Clause 1, be amended (a) by replacing line 11 on page 1 with the following: “(a) 14% of the amount taxable, if the amount” (b) by replacing line 19 on page 1 with the following: “22% of the amount by which the amount”	0	0	Seeks to change the 3 tax brackets					
C-14 An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)		Clause 3, be amended by replacing line 21 on page 5 with the following: “(condition only if they meet all of the following criteria)”		42 condition if	1	1	2 section	1			
C-15 An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures		Clause 38, be amended by replacing, in the English version, line 30 on page 41 with the following: “(time, a Canadian partnership), or”		42 time), or	1	1	Corrects a translation issue from the English to French versions	1			

APPENDIX 3: INTRA-CODER RELIABILITY (SAMPLE)

Bill Name	Parliament	Original Text	Amendment Text	Classification: 1) Typographical, 2) Clarificatory, 3) Substantive	Justification	Matches Original Code? Yes/No
C-9 An Act to establish the Economic Development Agency of Canada for the Regions of Quebec	38	(iii) to the development of entrepreneurial talent in Quebec, and (iv) to economic prosperity in Quebec;	Clause 11, be amended by replacing lines 34 and 35 on page 4 with the following: "talent in Quebec, (iii) to economic prosperity in Quebec, and (iv) to the development of communities in Quebec;"		Adds a focus on community development	Yes
C-2 An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	39.1	16.4 The Public Sector Integrity Commissioner shall refuse to disclose any record requested under this Act that contains information documents qui contiennent des renseignements : (i) obtained or created by him or her or on his or her behalf in the course of an investigation into a disclosure made under the Public Servants Disclosure Protection Act or an investigation commenced under section 33 of that Act; or	Clause 222, be amended by (a) replacing lines 4 to 13 on page 160 with the following: "16.4 (1) The Public Sector Integrity Commissioner shall refuse to disclose any record requested under this Act that contains information (a) obtained by him or her or on his or her behalf for the purposes of or in the course of an investigation under the Public Servants Disclosure Protection Act; or" (b) replacing lines 18 to 24 on page 160 with the following: "(2) Subsection (1) does not apply in respect of a record that contains information referred to in paragraph (1)(b) if the person who gave the information to the conciliator consents to the record being disclosed." 16.3 (1) The head of a government institution shall refuse to disclose any record		Seeks to expand coverage of what documents can be obtained by Integrity Commissioner and changes exemptions	Yes
C-10 An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures	40.2	Treasury Board, a sum not exceeding four	Clause 301, be amended by replacing line 5 on page 287 with the following: "Treasury Board, except those requiring contributions from other levels of government, a sum not exceeding four"		Seeks to place a limit on funding being released where it is a project with other levels of government	Yes
C-7 An Act to amend the Marine Liability Act and the Federal Courts Act and to make consequential amendments to other Acts	40.2	(c) a person carried on board a vessel propelled manually by paddles or oars; and	Clause 1, be amended by replacing line 14 on page 1 with the following: "propelled manually by paddles or oars and operated for a commercial or public purpose; and		requires the definition of passenger be defined as those who are in a commercially operated vessel for liability purposes	Yes

APPENDIX 3: INTRA-CODER RELIABILITY (SAMPLE, CON'T)

C-15 An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures			adding after line 27 on page 170 the following new clause: "213.1 Section 17 of the Act is replaced by the following: 17 The maximum rate of weekly benefits is 60% of the maximum yearly insurable earnings divided by 52."			
	42	Addition		3	Seeks to increase EI benefit rate	Yes
C-50 An Act to amend the Canada Elections Act (political financing)		(4) Despite subsection (3), a regulated fundraising event does not include any event that is part of a convention referred to in subsection (2) and that is organized to express appreciation for persons who have made a contribution to the registered party or any of its registered associations, nomination contestants, candidates or leadership contestants.			Seeks to remove thank you events from the exception list	
	42		Clause 2, be amended by deleting lines 3 to 9 on page 3.	3		Yes
C-75 An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts		be issued (Section 512 or 512.2 of the Criminal Code)	Clause 337, be amended by replacing, in the English version, line 5 on page 145 with the following: "be issued (Section 512 or 512.1 of the Criminal Code)"	1	type in English version, wrong section	Yes
	42					

APPENDIX 4: INTER-CODER RELIABILITY (SAMPLE)

Bill Name	Parliament	Original Text	Amendment Text	Classification: 1) Typographical, 2) Clarificatory, 3) Substantive	Explanation	Matches Original Code? Yes/No
C-2 An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act	38	R.S., c. 19 (3rd Supp.), s. 12. (1) Paragraph 150.1(2)(c) of the Act is replaced by the following: (c) is not in a position of trust or authority towards the complainant, is not a person with whom the complainant is in a relationship of dependency and is not in a relationship with the complainant that is exploitative of the complainant.	That Bill C-2, in Clause 2, be amended by replacing line 16 on page 2 with the following: "2. (1) Subsection 150.1(1) of the Act is replaced by the following: 150.1 (1) Where an accused is charged with an offence under section 151 or 152 or subsection 153(1), 160(3) or 173(2) or is charged with an offence under section 271, 272 or 273 in respect of a complainant under the age of sixteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge. (1.1) Paragraph 150.1(2)(c) of the Act is"	3	Seeking to change the age related to consent/applicability	Yes
C-9 An Act to establish the Economic Development Agency of Canada for the Regions of Quebec	38	Addition	Clause 5, be amended by adding after line 5 on page 3 the following: "(3) The Minister shall exercise his or her powers in a manner that will respect the regional development priorities of the government of Quebec."	2	Seeks to highlight the priorities of the Quebec Gov't, would change interpretation	No After discussion with the principal researcher and a deeper investigation of the proposed amendment, comparison of the bill with the amendment, the secondary coder changed their original ranking of clarificatory (2) to substantive (3), which matches the coding of the principal investigator
C-11 An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings	38	(a) 60 days after the date on which the complainant knew, or in the Board's opinion ought to have known, that the reprisal was taken	Clause 20, be amended by replacing lines 21 to 34 on page 8 with the following: "(3) A complaint must be made to the Commissioner not later than 180 days after the date on which the complainant knew, or in the Commissioner's opinion ought to have known, that the reprisal was taken."	3	Sought to increase the date of complaint from 60 days to 180	Yes

APPENDIX 4: INTER-CODER RELIABILITY (SAMPLE)

C-2 An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	39.1	ment, as a result of a contract with the federal public administration and the report must	Clause 2, be amended by replacing lines 22 and 23 on page 13 with the following: "ment, as a result of a contract with a public sector entity and the report must"	clarifies language to match with other parts of the bill	2	Yes
C-31 An Act to amend the Canada Elections Act and the Public Service Employment Act	39.1	(b) two pieces of identification establishing the elector's name and address that are authorized by the Chief Electoral Officer;.	Clause 21, be amended (a) by replacing lines 22 to 24 on page 8 with the following: "(b) two pieces of identification authorized by the Chief Electoral Officer each of which establish the elector's name and at least one of which establishes the elector's address." (b) by adding after line 24 on page 8 the following: "(2.1) For greater certainty, the Chief Electoral Officer may authorize as a piece of identification for the purposes of paragraph (2)(b) any document, regardless of who issued it."	Requires two pieces of ID, but only one needs to have the address for voter identification	3	Yes
C-2 An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	39.1	Addition	Clause 28, be amended by adding after line 20 on page 44 the following: "(c) a former Senate Ethics Officer or former Ethics Commissioner."	Expands who could be eligible for the positions (opens door of keeping current ones)	3	Yes

APPENDIX 4: INTER-CODER RELIABILITY (SAMPLE)

C-33 An Act to amend the Canadian Environment al Protection Act, 1999	39.2	Addition	thereafter, a comprehensive review of the environmental and economic aspects of biofuel production in Canada shall be undertaken by such committee of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.	3	Seeks to include a comprehensive review process	Yes
C-37 An Act to amend the Citizenship Act	39.2	was made abroad on after January 1, 1947 if	Clause 13, be amended by replacing, in the English version, line 8 on page 10 with the following: "was made abroad on or after January 1, 1947 if"	1		Yes
C-50 An Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget	39.2	chairperson.	Clause 121, be amended by replacing line 9 on page 99 with the following: "chairperson, and they shall be designated in the following manner: (a) three directors shall be chosen from the lists provided by the most representative employers' associations; (b) three directors shall be chosen from the lists provided by the most representative union associations; and (c) one director shall represent the Government of Canada." 3		Seeks to place qualifiers on who can be on the board	Yes

APPENDIX FIVE: REGRESSION WITH COMMITTEE FIXED EFFECTS

Determinants of Cooperation with Committee FE	
VARIABLES	(1)
	Likehood of Cooperation
chair_dummy	0.209*** (0.0472)
total_seat	0.0331*** (0.0108)
months_since	-7.32e-05 (0.000836)
pm_popularity	0.00116 (0.000821)
unemployment	0.0359*** (0.0106)
gov_dummy	0.0507*** (0.0133)
majority_dummy	-0.297*** (0.0172)
Constant	-0.331* (0.198)
Observations	5,174
R-squared	0.270
Committee FE	YES

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1