

Notes for Remarks to APEX

“Appearing before Parliamentary Committees: Do’s and Don’ts”

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- I am delighted to be here this morning to talk about preparing for appearances before Parliamentary committees. I want to talk today about:
 - first, what you need to bear in mind about the role of officials appearing before Parliamentary committees;
 - second, what can go wrong, and
 - third, what you can do to help things go right.
- If it goes well, appearing before Parliamentary committee can be one of the most satisfying things you will ever do as a senior public servant.
- I appeared before a House committee just the other day, together with a university professor and officials from Statistics Canada. That two-hour session was interesting, full of substance, and a model of how a committee proceeding should take place.
- I came out of it impressed – again – by the dignity of Parliament, by the deep interest that Parliamentarians have in the work of government, and struck by how appreciative they are of the contribution that knowledgeable witnesses can make to their work.
- But if a committee appearance goes badly, and I've seen that happen, it can be one of the most difficult and frustrating experiences of your career.
- My purpose today is to help you prepare for a rewarding and productive encounter with Parliament. I'll speak for about 20 minutes and then I'll be very happy to take any questions you may have.

Why it Matters

- The first thing to remember is that when officials appear before committee, *they do not appear before Parliament in their own right. They are there on behalf of their Minister* (or, now that we have adopted formally the concept of the “Accounting Officer”, officials sometimes appear with, or on behalf of, their Deputy.)
- When officials appear before committee, it is because both the committee and the Minister (or Deputy) believe that it serves Parliament’s interests to have knowledgeable public servants there to provide the detailed information on programs or policies that Parliament requires.
- Public servants go to committee to inform and explain – not to defend or justify the programs, policies or activities of the Government.
 - Of course, not all committee members understand this. Some appear to think that officials are there to be held to account for what they have done.
 - Some members seem to hold the view that committees of our House and Senate ought to function like committees of the American House or Senate.

- But as we all know, the two systems of government, and the two legislatures, are very different. We in Canada operate a system of responsible government – the Americans do not. In our system, it is Ministers, and not officials, who are responsible to the elected legislature. And it is therefore Ministers who carry the basic responsibility to answer before committees. As I said, officials are there on behalf of the Minister or the Deputy.
- A word on appearances by representatives of agencies and Crown corporations.
- As I'm sure you know, their role is different from that of departmental officials, because their organizations stand in a different relationship to Parliament. It is precisely because Parliament did not want a Minister directly responsible for those organizations that they were created as they were.
- Heads of Crown corporations and agencies do answer directly to Parliament. They are there on their own behalf. In this respect, they are like the Minister. But subordinate officials in Crown corporations are in the same position as subordinate officials in departments – they are not accountable directly to Parliament; rather it is the head of the organization who is.

Minority Government

- Our present situation of minority government imposes particular demands on officials appearing before committee.
- One obvious reason for this is that the position of the Chair is relatively weaker than it is in a majority situation. Today, committees can (and do) vote to over-ride the Chair, if Members believe it is the right thing to do, or if they see political advantage in doing so. And importantly for you, the government side has less capacity to protect the witness if the questioning becomes difficult.
- A second consideration is that the rhetoric of Parliamentary reform has, to date, exceeded the reality. Members are conscious that much has been promised by way of an expanded role for committees, but, as yet, little has been delivered. So to some extent, members of committees are operating with an awareness of the differences between what they could be doing and the reality of the committee's work.

Committees

- A couple of preliminary words on committees.
 - First, there is a big difference between committees of the House and the Senate.
 - House committees are often, though not always, more partisan in character and sometimes more fractious in their behavior than are committees of the Senate. That's the way it always has been, but it doesn't mean that every House committee is like this, or that you can't have a very satisfying appearance before any committee.
 - Senate committees tend to be more respectful of witnesses, though as I said you can have an equally positive experience before committees of the House.

- Second, a great deal depends on the capabilities of the Chair. Some chairs are effective, while others are less skillful. As a witness, you want the best Chair possible.

What can go wrong before Committee

- What can go wrong in an appearance before committee? Well, as most of you know, nearly everything can go wrong, though it seldom does.
 - Committee members can ambush the witness and treat them as if they were on trial.
 - Witnesses can be patronizing or disrespectful to Members.
 - Witnesses can volunteer their personal views or opinions.
 - Witnesses can reveal secrets about what was said to or by Ministers.
 - Witnesses can volunteer information that was not requested by the committee, thereby getting the government into trouble.
- When these things happen, committee sessions can become antagonistic and frustrating for both sides. The Parliamentary process is itself frustrated and less effective than it should be. Members lose respect for public servants and vice versa.
- When this happens, it is bad for Parliament, bad for the Government and bad for democracy.

How to help things go well

- What can you do to help things go well? Here are some suggestions from my experience – both as an official and now a private citizen.
- 1) Make sure that every appearance before committee is taken as the important event that it is – *officials should never take these events lightly, or go in unprepared.***
 - If the committee is studying a piece of legislation, make sure you have read it carefully.
 - If the committee is studying your Estimates, or your Departmental Performance Report, make sure you know it by heart.
 - If there is a history to the file on which you're called to testify, make sure you know that history.
 - 2) Make sure that you understand your role and the limitations on that role.**
 - As I said, officials are there on behalf of the Minister to inform and explain. They are there to be of service, bearing in mind that they owe their professional allegiance to the Government and not to Parliament.

- 3) **When you get to the committee room, introduce yourself first to the Clerk. He or she will introduce you to the Chair. Then, go and shake hands with the other Members or Senators around the table. This simple courtesy will help make the session a pleasant experience for everyone.**
- 4) **When the session starts, never put yourself in the position of arguing with the committee, or with a particular Member.**
- 5) **If the committee asks you to do something for it – such as committing to do some research, or undertake new work – remember that you work for the Minister and not for them.**
 - If, however, what they want is information that's in the department and that is relevant to their subject of study, then undertake to get it back to them – as quickly as possible.
- 6) **Think about developing a standard training module for staff appearing with and before committees, and make sure that every senior person in your department or Agency has taken it.**
 - A two-hour session like today is no substitute for a day spent in active training, on such things as simulating an appearance, or subjecting the ADM or Deputy to the sorts of questions that might be put to them by a committee.
- 7) **Make sure that committee proceedings are followed with care.**
 - You owe the committee members the respect of knowing what they have been working on, what they're concerned about, what issues they are likely to raise – so that you can do your job in providing information to Parliamentarians on behalf of your Minister.
- 8) **Understand how to be an effective witness:**
 - Above all, be respectful.
 - If you are to be the principal witness, send the Committee a short opening statement, in both languages, well ahead of the committee session. They may ask you to read it, or they may ask you to move directly to questions – it's their choice.
 - But do not waste their time with a long prepared statement whose obvious purpose is to forestall the asking of questions by committee members.
 - Be clear and concise; don't give long, rambling answers. (One thing I do is to turn my microphone light on when I'm about to speak and then clearly turn it off when I have finished, to signal that I'm ready to answer the next question.)
 - Answer the question. If you don't know the answer, say so, and offer to find out.
 - Don't answer in areas where you are not the expert, or that are properly the domain of the Minister or the Deputy.

- Don't allow yourself to be put in the position of speaking as a political person – you are there as an official of the department;
- Be patient – don't allow yourself to be provoked.
- I could offer many more little tips for witnesses, and you doubtless have thought of many of them. My basic point is this – *committee appearances matter and all officials should take them seriously.*
- If you do take them seriously, if you know your stuff and can provide concise, accurate answers to the questions you will face, you will find the whole experience to be very positive.
- You will find, as I have, that the experience of appearing before committee deepens your respect for Parliament and for the democratic process.
- Thank you. I would be happy to take your questions.