Widening the Centre: Examining the Impact of Backbencher Participation on Cabinet Committees in Ontario

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Introduction

There is no shortage of literature in Canadian politics that states the limited policy influence backbenchers wield. This is largely a result of executive-dominance and centralization of power around the first leader, which characterizes Westminster parliamentary systems. Due in large part to responsible government, and the requirement that the executive maintain the confidence of the legislature, we have highly disciplined parties, leaving private members few opportunities to engage in a significant policy role.

However, a few recent reforms in Ontario suggest the diminutive policy role of the backbench MPP may have been improved. Dalton McGuinty introduced two reforms during his first mandate aimed at strengthening the role of the private member, the first being co-sponsored private member’s bills, and the second being backbencher participation on the policy subcommittees of cabinet. It is the latter reform that is the focus of this paper.

When McGuinty was sworn into office in 2003, he explained his decision to involve backbenchers explicitly as an opportunity to involve them in the policy making process:

“Because we believe in public service and we believe in government, we will strive to make government more relevant to the people that we serve. With that goal in mind, we’re moving to make the people’s representatives—our MPPs—even more relevant to government. For the first time in Ontario History, every MPP in the government caucus will sit on Cabinet Committees. And those committees will be chaired by non-ministers. In keeping with our parliamentary traditions, decisions will remain with Cabinet. But with this innovation, MPPs will have real, meaningful input into those decisions. When it comes to policy making in our government, there will be no backbench.”

Over ten years later, the question becomes—to what extent has this reform achieved the stated objectives outlined by the former premier? This paper updates Sasha Tregebov’s 2011 paper “There will be no backbench: The democratizing impact of backbench participation in cabinet policy committees” by looking at both backbencher participation in the McGuinty era, as well as at the beginning of Wynne’s premiership. Being in a new administration offers the potential advantage of more honest evaluations from interviewees, since the individuals interviewed about backbench participation in the McGuinty days are no longer beholden to that leader. It also allows for further time and space for reflection on the motivations, impacts and effects of the reform, and offers a new perspective on the motivations behind the reform through interviews with Dalton McGuinty and Tony Dean, the Secretary to Cabinet during the transition period.

This paper attempts to address the impact of backbencher participation on cabinet committees by interviewing three backbench MPPs, four current or former cabinet office officials, as well as two former premiers, including Dalton McGuinty, as well as a former cabinet minister. I begin with a review of the function and history of Cabinet as an institution, and what role the policy subcommittees of cabinet play in the executive decision-making process. Next, I examine the motives behind the reform, to evaluate, outside of the above quotation, what potential motives

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1 Although it should be noted that Premier Mike Harris did appoint some backbenchers with a limited role to Cabinet committees, but this was extended to all backbenchers by McGuinty.

may have also been at play. Finally, I outline how backbenchers perceive the impact of their involvement on the cabinet committees.

**Cabinets**

Canadian Cabinets are very powerful, and constitute the central locus of government power. They are highly guarded, characterized by cabinet secrecy—a constitutional principle—and access to cabinet documents is kept very tight. Indeed unofficial leaks occur, but on the whole, cabinets are fortified institutions.

The composition of cabinets in Ontario, like the rest of Canada, is drawn almost exclusively from the ranks of elected legislators in the government caucus, and characterized by the dominance of the premier. The premier has unquestioned power to choose ministers, their portfolios, and whether they remain in cabinet. Although certain principles, like regionalism and diversity, inform ministerial selections, it is ultimately up to the first minister to select who gets what portfolio. First ministers also control access to cabinet by setting the agenda, chairing the meetings, and summarizing the decisions. Cabinets are highly institutionalized and bureaucratized, and the meetings are scheduled and follow detailed procedures.

There are two key features to note about Canadian cabinets, where Ontario is no exception. The first is the paradox that the central law-making body is nearly invisible in the statute books—there is no law or document that defines cabinet or its responsibilities. Certain features, like minister’s salaries and conflict of interest are set out, but the cabinet structure, composition, process and powers are not detailed. Which leads to the second main feature, that this lack of definition of cabinet structure and operation provides significantly large flexibility, the authority over which falls to the first minister.

Canadian cabinets have seen considerable growth over time, and alongside this growth they have become increasingly institutionalized. Prior to the 1960s, cabinets in Canada, and Ontario, were generally ‘unaided,’ meaning that there were few institutional resources available to support their comparatively few decisions to be made. Up until 1972, Ontario’s cabinet was largely unaided. In response to the increasing complexity and reach of government, John Robarts appointed the Committee on Government Productivity (COGP) in 1969, with the mandate to “improve the efficiency and effectiveness of the Government of Ontario.” Part of the committee’s key recommendations involved a substantial restructuring of Ontario’s cabinet decision-making process, including the creation of cabinet committees.

The recommendations of this committee implemented by Premier Bill Davis in 1972 have shaped the cabinet process that is generally in tact today. The COGP recommendations also created the Premier’s office as the political advice and support to the premier and cabinet, and

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7 White 2005, 33.
Cabinet office to provide non-partisan advice and critical analysis, as well as manage the cabinet decision-making process. This resulted in a more institutionalized cabinet structure, with written agendas, formal records, and formalized processes and procedures.

The design of cabinet decision-making systems is typically explained by the importance of representational imperatives, such as region, gender, and ethnicity, as well as a government’s agenda, and the need for capacity and collegiality. Given the typical explanations for cabinet design, compounded by the highly secretive nature of cabinets, it seems a bizarre choice institution for McGuinty to use to enhance democracy. Yet it is this lack of legal stipulations makes it a flexible and dynamic institution, and this flexibility falls entirely under the first leader’s discretion.

**Cabinet Committees: Structure and Processes**

**The Function and Evolution of Policy Sub-Committees**

In order to understand the impact of backbencher participation on the policy subcommittees, it is first important to understand the broader executive decision-making system, and the role these subcommittees play within that system. In Ontario, the cabinet committee structure is at the premier’s prerogative, and the structure of policy cabinet committees are generally seen as a signal of the leader’s priorities. As a result, cabinet committees vary more than full cabinets in terms of size, informal norms, composition, and operating style, but like full cabinet, the proceedings are based on extensive documentation circulated in advance of the meeting, and follow a formal agenda. Their mandates are narrower, and since they have a defined policy focus, they feature longer, more detailed discussions of a policy or spending proposal. Attendance at the policy sub-committees tends to also include ministry officials, executive council office staff, and political advisors.

The structure of Cabinet committees is an indicator of how power is shared within cabinet, and the premier can alter the committee structure and processes to their own management styles, leadership philosophy, as well as political objectives. Beyond the two cabinet committees that are created by statute, the creation of the other policy committees can be a signal of government priorities. An increase in size and number of committees may be seen as a less centralized government, because more members will work on the file and the issue before it reaches the premier. If the cabinet process is being respected, a cabinet committee will review a proposal before it is submitted to full cabinet. At this phase, all of the administrative and budgetary implications will have been reviewed.

It was in the 1970s in Ontario that cabinet committees increased in number as well as presumed a greater role in the cabinet system, and the structure in place today greatly resembles the one implemented as a result of the COGP committee. However, despite this seeming stability in the cabinet committee structure, recall that Mike Harris initially eliminated the cabinet policy system

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10 Glenn 2005, 159.
11 White 2005, 35.
12 White 2005, 54.
14 Ibid.
that had been in place since the 1970s.\textsuperscript{16} And even though most Premiers have used the policy committee system, the number of committees, as well as their policy focuses, have fluctuated between leadership, and even within governments, both the number of policy committees, as well as the purview of these committees, can change. These fluctuations highlight the centrality of first ministers in determining the decision-making processes and structures of the executive.

**Cabinet Committees in the 40\textsuperscript{th} Parliament**

It is important not only to understand the decision-making system, but also the structure of cabinet in the 40\textsuperscript{th} parliament, as well as what the role of each committee is, and how backbenchers participate in these committees.

*Table 1: Ontario's Cabinet Committees, Composition, and Mandate: pre 2014 Election*

<table>
<thead>
<tr>
<th>Committee</th>
<th>Composition</th>
<th>Chair</th>
<th>Mandate</th>
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<tbody>
<tr>
<td>Cabinet</td>
<td>Premier and all ministers (26)</td>
<td>Premier</td>
<td>All decisions</td>
</tr>
<tr>
<td>Priorities and Planning</td>
<td>Premier and 10 ministers</td>
<td>Premier</td>
<td>Set policy</td>
</tr>
<tr>
<td>Treasury/Management Board of Cabinet</td>
<td>9 ministers, 3 backbench advisors</td>
<td>Finance Minister</td>
<td>Fiscal</td>
</tr>
<tr>
<td>Legislation and Regulation</td>
<td>9 ministers, 6 backbenchers</td>
<td>Backbencher</td>
<td>Legislative, statutory decisions</td>
</tr>
<tr>
<td>Emergency Management</td>
<td>Premier, 6 ministers, 1 backbencher</td>
<td>Premier</td>
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<tr>
<td><strong>Policy Committees:</strong></td>
<td></td>
<td></td>
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<tr>
<td>Health, Education and Social Policy</td>
<td>11 ministers, 4 backbenchers</td>
<td>Backbencher</td>
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</tr>
<tr>
<td>Jobs and Economic</td>
<td>11 ministers, 4 backbenchers</td>
<td>Backbencher</td>
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</tr>
<tr>
<td>Northern Ontario</td>
<td>9 ministers, 6 backbenchers</td>
<td>Backbencher</td>
<td></td>
</tr>
<tr>
<td>Cabinet Committee on Poverty Reduction</td>
<td>8 ministers, 3 backbenchers, 3 external members</td>
<td>Minister</td>
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Committees support the work of cabinet in different ways, and their influence in decision-making varies. Some information on cabinet committees is publicly available, such as the membership and current make up of the committees, but given the secretive nature of Cabinet, much of the information on the cabinet committee set-up in the 40\textsuperscript{th} parliament has been drawn from four interviews with current and former Cabinet Office officials familiar with the committee system. They were interviewed on a not-for-attribution-basis.

\textsuperscript{16} Although it should be noted that in May of 1996 he began to reinstitutionalize the cabinet process by reintroducing some ad hoc policy committees under P&P. For more details see Glenn 2005.
Priorities and Planning is the “inner cabinet.” Often called “P and P,” this committee is a central decision-making body designed to determine the government’s medium to long-term priorities, and set out the strategic directions for achieving them.17 According to the premier’s site from 2011: “this committee focuses on delivering measurable improvements in core government priorities like economic growth and jobs, and access to health care and student achievement.”18 The mandate of this committee is broad, and generally focuses on overseeing policy implementation and facilitating interdepartmental coordination. Given the moniker of “inner cabinet,” it is understandable that there is not much information on this committee publicly available, but it is nevertheless clear that this is the committee with the greatest influence. P and P is chaired by the premier, and comprised of 10 other ministers, typically with the most important portfolios.

Although the Treasury Board and Management Board of Cabinet are two separate committees, they have the same membership, and often meet simultaneously, so are often referred to as a single entity. The second most influential committee, it’s primary role is to authorize annual Ministry spending plans, as well as consider proposals that have spending or resource implications that were not included in those annual plans. It also approves government’s overall information technology and human resource plans, and oversees decisions about government land and buildings.19 It is the only committee that can approve, instead of just recommend, proposals submitted by line ministries. It is headed by the finance minister, and co-chaired by another senior minister. Although according to statute no private members can be part of the committee, three backbenchers sit as “advisors” on the committee, including the parliamentary assistant to the Minister of Finance.

Legislation and Regulations committee has existed in some form or another since the COGP recommendations were implemented by Premier Bill Davis in 1972. It is the machinery of government committee, with the primary role to ensure that the new statutory instruments implement the government’s policy and fiscal directions.20 It generally meets biweekly while the house is sitting, and traditionally has been comprised of private caucus members.21 Before a government bill is tabled in the House, Legs and Regs makes sure the legislation is consistent with the government’s agenda. Once the piece of legislation is passed, this committee reviews the regulations that will affect how the bill is implemented.22 This committee also deals with routine regulatory issues. As a result, this committee has a limited policy role, and instead focuses on realizing the government agenda and policy implementation. It is chaired and co-chaired by a backbencher, and has 15 members total, 6 of whom are private members.23

Ontario’s 40th cabinet consists of four policy committees: Health, Education and Social Policy Committee; Jobs and Economic Policy Committee; Cabinet Committee on Northern Ontario; Cabinet Committee on Poverty Reduction and Social Inclusion. A policy committee reviews most issues before they come to full cabinet. Like in many other jurisdictions, policy committees in Ontario have been used to “ensure that new policy proposals are consistent with the

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17 Glenn 2005.
19 http://www.premier.gov.on.ca/team/committees.asp?Lang=EN (from Oct 26 2011), using the description from the older version of this website (accessed using the way back machine, an internet site that archives former web pages) since the current premier site does not include committee descriptions.
20 Glenn 2005, 158.
21 G.White, personal communication, May 2014.
23 The number of 6 backbench members includes 1 member who was appointed to cabinet in the shuffle in March 2014, but is included in that tally since they sat on the committee prior to that appointment.
government’s strategic directions and priorities, improve policy coordination, and ensure proposals are fully developed before proceeding to cabinet.\textsuperscript{24} They review ministry policy submissions in detail, and make recommendations to Cabinet on the policies and programs the government delivers, as well as assist with interdepartmental coordination of government projects.\textsuperscript{25} The goal is that all the details will have been discussed and addressed, and any contentious issues resolved in the policy committees.

These four policy committees represent the main forum for backbencher involvement in the decision-making process. Health, Education and Social Policy Committee (HESP) is chaired and co-chaired by a backbencher, and consists of 15 members, 4 of which are backbench members. Jobs and Economic Policy Committee (JEP) is also chaired and co-chaired by a backbencher, and of the 14 members, 4 are backbenchers. The Cabinet Committee on Northern Ontario is also chaired and co-chaired by a private member, and of it’s 15 members, 5 are backbenchers.\textsuperscript{26} Finally, the Cabinet Committee on Poverty Reduction and Social Inclusion is chaired and co-chaired by ministers, and has 15 members, three of which are backbenchers. Three members also sit on the committee as external advisors: Alvin Curling, who served twenty years as a liberal MPP; Don Jaffray is the Executive Director at the Social Planning and Research Council of Hamilton and teaches a course at McMaster on; and Anna Angelidis, executive director of the Housing Information Services of Windsor-Essex county and former director of Canadian Auto Workers Child Care Centre.

**Decision-routing**

As mentioned, it is the general practice that policy proposals go to a cabinet committee before being taken up at the cabinet table, but the decision-routing process is more complicated than that. The following account for decision-routing has been drawn from interviews with Tony Dean, the former Secretary to Cabinet, as well as one current and two former cabinet office officials. The agenda for cabinet is typically set by the P and P committee, which is chaired by the Premier and determines the government’s priorities and policy, communications, financial and legislative plans. Often times this agenda is done with intentional and specific reference to the party’s election platform, or other commitments made by the government of the day.\textsuperscript{27} These policies will then be referred to the appropriate ministry/ministries to be developed. Once the policy has been developed, the ministry will prepare a cabinet submission that is sent to Cabinet Office.\textsuperscript{28}

The general rule is that the cabinet submission will go to the appropriate policy committee before it goes to cabinet. But before it is presented to committee, briefing materials on the submission, as well as on any other items on the agenda, will be given to committee members in advance of the meeting, and the committee chair will get a more in-depth briefing from a cabinet advisor.

\textsuperscript{24} Glenn 2005, 157.
\textsuperscript{26} Again, one of these 5 was promoted to cabinet in March of 2014, but did sit as a backbencher member prior to this appointment.
\textsuperscript{27} Interview with a former Cabinet Office official, who emphasized that since Mike Harris, governments intentionally and frequently refer back to the election platforms when making decisions to ensure they are keeping in line with those commitments.
\textsuperscript{28} It should also be noted that ministries can prepare submissions without the explicit direction of Cabinet. At times, ministries will send up cabinet submissions that do not have policy implications.
At the committee, the Minister will typically present the submission, but other public servants, such as the Deputy Minister, Cabinet Office, and other ministerial staff are on hand to answer questions and provide clarification. The committee will discuss the submission in detail, and if they want to have a more political discussion, will ask the public servants to step out momentarily. At the end of the meeting, the chair will “call the consensus” to state the position of the committee. Thus, the policy committees do not approve policy, but review and make recommendations to cabinet. After the meeting, cabinet office officials will draw up the committee report detailing the consensus and other details discussed, as well as the cabinet minute.

Around two weeks later, the item will usually be taken up at cabinet.29 The chair of the committee will present both the cabinet submission and the committee report to full cabinet, although it should be noted that the chair only attends cabinet for the portion of the meeting where their item is on the agenda. Following the presentation by the chair, it is common for the Minister to also make additional comments. After this, the submission may go to Treasury Board if there are fiscal implications to be determined, or it may go to Legislation and Regulations for regulatory discussions, and then finally will be sent back to Cabinet for final approval.

**Backbenchers on Cabinet Committees**

**Looking West—comparative jurisdictions**

The most comprehensive account for backbencher cabinet participation can be found in Graham White’s “Cabinet and First Ministers.” As of 2002, it was solely the Western provinces in Canada that allowed backbenchers access to cabinet and cabinet committees.30 In Saskatchewan, two backbench members of the government caucus attend cabinet meetings. Backbenchers rotate through these two spots in for a month at a time, so overall a typical backbencher will have two opportunities a year to sit on cabinet meetings. They do not receive cabinet documents ahead of the meetings, but are given them when entering the room and then return them to officials on their way out.

In British Columbia, the practice is less open than Alberta and Saskatchewan. Chairs of the hybrid cabinet-caucus committees attend cabinet meetings once a month to provide an overview of the results of the committee review of legislation and policy submissions.

In Alberta, two members of government caucus attend all of the meetings of full cabinet. These MLAs are referred to as “caucus liaisons,” and there is one for the north and one for the south of the province. They are chosen by the premier, and have full voting rights and full access to cabinet documents. Additionally, the chairs of the standing policy committees participate in cabinet meetings when reports from their committees are being considered. It should also be noted that in Alberta cabinet committees do not exist.31 Instead, a series of caucus committees, formatted like standing policy committees, are made up both ministers and government backbenchers. The Agenda and Priorities Committee, and the Treasury Board, which are the two most powerful committees, are comprised of seven ministers and three backbenchers. For

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29 Although this is not necessarily the case. The cabinet agenda is usually determined at a four corners meeting—which will include typically the premier’s office, cabinet office, minister’s office, and the deputy minister. This is an informal meeting to sort out issues, including timelines, and there are no minutes taken.
31 For a more comprehensive history of the committee system in Alberta, see White 2005, 120-123.
the six policy committees, not only does a backbench MLA chair the committee, but private member’s outnumber ministers—each committee has three to five ministers, and seven to nine private government members.

According to Graham White’s interviews of nonpartisan bureaucrats, the committees “are marked by genuine equality of participation.” Decisions are made by a formal vote, and each members vote counts for the same, so it is possible for backbenchers to overrule ministers. The committee recommendations are reviewed by full cabinet, but are not often reversed or reopened. According to White, “private government members clearly do enjoy substantially greater access to critical documents and decision-making structures than in the more conventional governments elsewhere in Canada.”

Inclusion of backbenchers in Ontario

In Ontario, it is unclear who was the first premier to break with tradition and place backbench MPPs on cabinet committees. Bob Rae, Mike Harris, and Ernie Eves are all noted to have appointed parliamentary assistants to some cabinet committees, and traditionally backbenchers have been allowed to sit on Legs and Regs. Mike Harris is sometimes cited as the first to place backbench members on Cabinet Committees, but it is unclear if that is PAs only or private members without a PA role. Ernie Eves included two or three parliamentary assistants to sit on all cabinet committees except for PPCB (the equivalent of Priorities and Planning).

Nevertheless, Dalton McGuinty’s reform marked a noteworthy difference in the cabinet structure. It stipulated whole caucus will sit on a cabinet committee, and that the policy committees will be chaired and co-chaired by private members. He also appointed a caucus chair to P&P to sit as a full member, which is unique. In no other jurisdiction does a non-cabinet member, let alone a caucus chair, sit on the inner cabinet. In general, private members tended to outnumber ministers on the policy committees, and a few members also sat on the treasury board as advisors. Kathleen Wynne has continued this tradition, and appointed all of the backbenchers onto cabinet committees, although with a much smaller caucus in a minority government, the ratios of ministers to backbenchers is much higher. She continued to have a backbencher sit as an advisor to the treasury board, and also appointed three external advisors to the Cabinet Committee on Poverty Reduction and Social inclusion.

The question then becomes, do the cabinet committees provide a meaningful opportunity for private member participation? In order for the participation to be meaningful, the committees themselves have to play an important role in the cabinet process. In other words, the influence backbenchers can wield can only be as great as the influence of the policy subcommittees themselves.

32 White 2005, 124.
33 Former Cabinet Office official, personal communication, May 2014.
34 Glenn 2005.
36 Wynne has also made every backbencher a Parliamentary Assistant, although the motivations and impact of this are not explored in this paper.
37 Former senior minister in the McGuinty government, personal communication, May 2014.
As the above analysis suggests, policy committees are where lengthy discussions about implications, communications, intended and unintended consequences, and optics of a policy happen at the policy committee. But by the time an item comes to the cabinet committee, it’s already been largely decided upon.\(^{38}\) Nevertheless, all initiatives that go before cabinet are first discussed in a policy committee.\(^{39}\) Committees cannot make amendments to the cabinet submission, but they do offer their feedback in the form of the committee report, and as one civil servant observed, “committees don’t decide, but they do make recommendations.” And these recommendations can have real impact—whether it leads to a reviewed communications strategy, or the significant delay of a policy.\(^{40}\) These reasons suggest that the cabinet committees can carry weight, even if the final decision ultimately lies with the Premier.

It is also important to look at the structure of the cabinet committees to see what potential there is for backbencher involvement. In McGuinty’s cabinet committees, there were more backbenchers in proportion to ministers in comparison to Wynne’s, however, it must be noted that McGuinty’s caucus, especially during the majority years, was much larger, and that Wynne also has a larger cabinet than McGuinty. Nevertheless, the policy committees are structured with a private member as a chair and co-chair. This decision was intended to assure backbenchers on the committees that their opinions are being reflected and represented at the Cabinet table.\(^ {41}\)

Allowing the Chair to attend cabinet is also a significant reform. Access to the cabinet table is a closely guarded privilege, with often only cabinet ministers and a handful of non-ministers present, including a few senior cabinet office officials, as well as a couple of the premier’s top staff. As a result, the structure of the cabinet committees, and access to cabinet, seems to provide the opportunity for real backbench participation.

Access to information is also a critical factor in determining how much influence a backbencher can have.\(^{42}\) Government is so complex, that without the adequate information, and the time to think about it, private members would not be able to fully participate in the cabinet process.\(^{43}\) It is important that the flow of information be a two-way street—backbenchers not only need to have their input be heard, but they also need to receive the necessary information in order to provide thoughtful feedback. Ontario seems to do well in this regard. Committee members are provided with the cabinet submission a few days before the meeting, so have time to study up beforehand. At the meeting, there are numerous public servants available to provide clarification or answer any questions. Moreover, the chair of the committee receives support from Cabinet Office, both before the meeting with a briefing, and after to assist with report writing.

Ontario’s cabinet committee structure seems to offer a chance for meaningful engagement from backbench members, but the mere fact that the structure is amenable does not mean the participation will also be. The desire to hear the input from the leader needs to be genuine, and in order to evaluate the authenticity of the reform, as well as the leader’s commitment to it, we need to trace the motivation behind the reform.

\(^{38}\) Current Cabinet Office Official, personal communication, April 2014.
\(^{39}\) Although a former cabinet minister in the early McGuinty years did note that the premier became concerned about how long it was taking to get things done, so changed the informal rules so that mandate items go straight to cabinet, while non-mandated items go first to the committee. This information was only gleaned quite late in the research phase, but is definitely an avenue for further inquiry for subsequent drafts of the paper.
\(^{40}\) Former Cabinet Office official, personal communication, May 2014.
\(^{41}\) Ibid.
\(^{42}\) White 2005, 118-122.
\(^{43}\) G.White, personal communication, May 2014.
Motivation behind the reform

The anomaly of backbencher participation in cabinet in Alberta and British Columbia can be somewhat explained by their different political cultures. The former has been dominated by single-party legislatures, which has had an incredible influence on institutions and processes, and the latter is known for eccentric politics. Moreover, both of these reforms came out of large majorities—in Alberta, after a series of landslide majorities in the 1970s, and in general a system dominated by one party, and in British Columbia, when the BC liberals took 77 of 79 seats in 2001. With such large caucuses, both governing parties would, in all likelihood, be concerned about dissent from the backbench. Conversely, Ontario has been more traditional in its adherence to the conventions of Westminster parliamentary government, so the reform is perhaps more surprising. Moreover, McGuinty’s majority was of much smaller proportions, just 72 of 107 seats, so the concerns of caucus revolt would be minor, especially so early in the mandate.

Democratic reform and renewed trust in government, including empowerment of the backbench, was part of the liberal party platform in 2003: “We will give your elected representative more power. Your MPP should be free to represent your views, not just parrot the views of his or her party. We will make sure all non-cabinet MPPs are free to criticize and vote against government legislation, with the exception of explicit campaign promises and confidence matters.” Even before the election period in 2003, McGuinty unveiled a Democratic Charter for Ontario in 2001, suggesting this commitment to reform was longstanding.

Optimists might argue that the reform was motivated by a genuine desire to widen the decision-making process and empower the backbench, and provide them with a greater role in policy making. Skeptics, on the other hand, might suggest that the reform came from a practical need to reduce the workload for cabinet ministers, as well as include backbenchers in the decision-making process so as to limit their ability to publicly critique the government. It was also critiqued as a move to placate MPPs who were disappointed at being passed over for cabinet, pointing out that many of the chairs of cabinet committees were veteran members. This would be a real concern for McGuinty in 2003, when so many of his caucus members were veteran MPPs.

Indeed, from the outset, there were vocal critics of McGuinty’s decision to have all of caucus participate in cabinet committees. NDP member Peter Kormos noted that backbenchers will have to swear an oath of secrecy, and critiqued McGuinty for “neutering and spaying all these new puppies here at Queen’s Park in the hope that they won’t get too frisky or chew at the furniture.”

In order to evaluate the motivations and intent of the reform, I interviewed Tony Dean, Secretary to Cabinet and the Clerk of the Executive Council from 2002-2008. Dean worked on McGuinty’s transition, and provided advice as to how to restructure the cabinet processes and systems in order to achieve McGuinty’s objectives. I also interviewed Dalton McGuinty, as well as the two senior officials with Cabinet Office experience.

44 White 2005, 124.
46 Ibid.
During the transition to the McGuinty government, Cabinet Office looked to Alberta as a model for Ontario’s reform. Graham White suggests that both Executive Council Office, as well as the Premier’s Office, would have been in touch with their counterparts in Alberta to get an understanding of how the reform worked, what challenges it might have faced, and how it could be transferred in Ontario.

McGuinty gives two broad motivations for the reform. The first is philosophical, and the second practical. In terms of the former, MPPs, like all people, are looking to make a difference, and lead lives with meaning. In politics, this would mean MPPs want to be a part of the decision-making process. The practical side is that better decisions will be made if all of the human capital of caucus is being tapped into. So by widening the involvement of caucus in cabinet process, both the quality of policy would be better, and the caucus members would feel more efficacious.

Tony Dean elaborates that the decision to include all caucus members on cabinet committees was also influenced by what happened in the previous government’s caucus. The Harris government was known for a lack of caucus involvement, and for being highly centralized. As a result, there was a record of caucus dissent, and a history of members defying the whip in votes. This centralization was reflected in Harris’ cabinet committee structure, where in his first mandate he eliminated one of two financial boards (Treasury Board), and did away with the policy committees entirely.

It has been noted that Harris did involve Parliamentary Assistants (PAs) on cabinet committees. The Regulation Review Committee, akin to Legs and Regs, was comprised entirely of PAs, and the policy committees, once re-established in his second mandate, had one or two backbench members. Harris himself states the motivation to have PAs sit on the policy committees was to “give experience to backbenchers; to broaden the political input from a wider number of elected MPP’s; to empower more Members to have meaningful input into legislation, regulation and ministry policies.” He also highlighted the desire to “broaden the buy-in when changes were brought to the whole caucus” as well as it being an “opportunity for evaluating potential new cabinet ministers.”

Both McGuinty and Dean echoed the caucus buy-in as being an attractive incentive for including private members in the cabinet system. By making the process more inclusive, private members have a chance to air their concerns at the committee meeting, and these concerns could lend shape to the policy. It also gave caucus members ownership over cabinet decisions, and an understanding of the rationale behind the policy. Given that government backbenchers are often required to defend unpopular policies to their constituents, usually without knowledge of why or how this policy came to be, this new participation gives them the resources and information to do so. McGuinty also highlighted that this helped them better understand the complexities and constraints placed on as decision-makers. Being “forced to stare into the face of an intractable problem, and understand how challenging it is, avoids facile, simplistic criticism from caucus.”

To this end, even though backbenchers may only sit on one policy committee, being a part of the process also educates them on the complexity of policy making writ large, as well as the numerous constraints and competing perspectives that are taken into account before a decision is made.

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47 T. Dean, personal communication, April 2014.
48 M. Harris, personal communication, May 2014.
49 D. McGuinty, personal communication, April 2014.
According to McGuinty, including every member in the decision-making process lead to improved caucus cohesion. Several public servants involved in the executive council office confirmed this belief, including Tony Dean, who contrasted it to the Eves administration when he was first appointed as Secretary to Cabinet. Dean also partially attributed the longevity of the McGuinty administration to his commitment to caucus inclusion and transparency. There were some difficult moments, but even through more controversial pieces of legislation, such as the HST, caucus remained generally on board and in line.

Of course caucus cohesion may really be a euphemism for party discipline, so if backbencher involvement improved caucus cohesion, it also had the impact of strengthening party discipline. Party discipline is typically seen as an impediment to democratic governance, and this was one of main criticisms levied by opponents of the reform. McGuinty would argue that this reform enhances the ability of the backbench to hold the government to account, since it included them in the process and provided the forum to critique policy proposals.

Regardless of backbencher involvement on cabinet committees, the design of the Westminster parliamentary system and party discipline mean government backbenchers are generally constrained in their ability to hold their own executive to account. The two mechanisms that Docherty identifies for backbenchers to hold governments to account are question period and legislative committees. But questions from government backbenchers in question period do not challenge government, they provide an opportunity for the government to get their messaging out, and government member work on legislative committees is done with advising and information from the whip’s office on behalf of government.

Despite the limitations placed on legislatures to scrutinize government, some degree of party discipline is both a necessary and desirable in our system. The government can only function with support of the House, and the most effective way to achieve that, at least in majority governments, is for the government party to support the government. Discipline in our system is also largely self-imposed, since members know the severe consequences they could face for their dissent. Dissident members may fear being ostracized by their party, refused funds or organization support during elections, passed over for promotion to cabinet, overlooked for appointments to committees, refused questions in question period, or being expelled from caucus. Members also feel compelled to support their leader. Most know that the reason they were elected, or at least part of the reason, is due to the popularity of their leader and party.

Anecdotally from the interviews conducted, backbencher involvement in the cabinet process did enhance party solidarity, which meant the strengthening of party discipline. But given the nature of discipline in the Westminster parliamentary system, especially in Canada where caucuses are much smaller than in the UK, this does not mark a radical departure from the previous status quo. Another main criticism of party discipline is that when an MPPs constituents interests are at odds with the government bill, the member is forced to choose their party over their constituents. This may be somewhat mitigated by the ability of backbenchers to voice this constituency concerns during the cabinet committee phase, although this opportunity would only arise in the single subcommittee of which they are a member, suggesting this reform does little to mitigate the supremacy of the caucus position over that of a members constituency.

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Another rationale in the decision was to mitigate the increasing workload of cabinet ministers. The typical ministers day, if such a thing even were to exist, is long and onerous. It often begins early in the morning with a breakfast meeting with political staff or a stakeholder, and goes long into the evening, ending with a dinner or speech. Cabinet meetings, as well as the preparation of reading the cabinet submissions and binders, and keeping up with happenings in their ministry, are only part of their duties as minister. When the House is in session, they are required to attend Question Period, and at times sit in for house duty. In between, they will have scheduled briefings from their staff or the ministry, consultations with stakeholders, constituency business, political strategizing, —essentially all hours of their day are tightly scheduled and filled. The cabinet committee process being another one of these commitments, the participation of backbenchers means that ministers can sit on fewer committees, thus alleviating their workload. One MPP noted that the cabinet committees also constituted “busy work for backbenchers,” and that with a caucus of 72, McGuinty had to find enough work to keep the rest of caucus occupied and efficacious.\(^5^1\)

All of the above were taken into account in the decision to include private member’s in the cabinet decision making process. All of the public servants and the former minister interviewed confirmed that McGuinty’s commitment to democratic reform, and the attempt to make the process more inclusive was genuine, motivated by a desire to improve democracy and public policy. But it would be naïve to think that political calculations were not involved. A more cohesive caucus is a more disciplined caucus, and that makes governing easier from the perspective of a leader. More time for cabinet ministers, as well as happy and engaged caucus, means that the decision-making process could operate more efficiently. This is all from the perspective of the leader, but what about the reform impacted backbenchers?

### Impact on backbenchers role in decision-making

In order to assess the impact of cabinet committee participation on private members, I draw from my three interviews with MPPs, an interview with a former minister as well as the interviews with cabinet office officials. One is the chair of a policy committee, the other a co-chair of a policy committee, and the third a regular sitting member. Two have former cabinet experience, which allows them to offer perspectives from when they sat as ministers, to when they sat as private members. Two of the interviews are female, and two are veteran MPPs.

**Access to information**

Information is the currency of politics, and often private members are not privy to the information used in the decision-making processes of the executive. Traditionally, backbenchers may not find out about a policy decision or initiative until caucus, and typically would not have access to the policy research and work done by ministries. All of the MPPs interviewed cited one of the main advantages to being on a cabinet committee is the chance to develop a deeper understanding of policy and be involved in more technical conversations. One characterized it as “a way to dive deeper into policy issues, with much more detailed policy discussion than would happen at a legislative committee, or in House debates.”\(^5^2\) Another echoed this, saying “it is a place to get information you wouldn’t otherwise get.”\(^5^3\)

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\(^5^1\) MPP 3, personal communication, May 2014.
\(^5^2\) MPP 1, personal communication, May 2014.
Both MPPs who are members and who are chairs of cabinet committees are given the cabinet submission to prepare for the meeting. The cabinet submission is the extremely detailed decision-making document that includes the outline to the proposal or policy, and the analysis and policy options for consideration that is put together by the ministry. They are used exclusively for the purposes of giving advice to cabinet, and are therefore kept confidential. Both the submission itself, as well as the cabinet committee meeting discussion, provides a real opportunity to learn about the policy.

Despite the provision of the cabinet submission and involvement in the committee meetings, one member noted there still exists an information asymmetry. Ministers, for one, may have been a part of the conversation in P & P, which got the ball on the policy rolling, and they also can have a more intimate knowledge within their own ministry. As a result, they bring more to the committee meetings. Regardless, given the secrecy of cabinets, access to the cabinet submission should not be understated, and MPPs corroborated that one of the main benefits to being on cabinet committees was the information it provided.

**Bringing the constituencies into the executive**

Backbencher participation on cabinet committees is not just about the information received; it is also about the information you can provide in the meeting. All MPPs interviewed, as well as the public servants and McGuinty, agreed backbench MPPs often contributed input on the riding-level considerations of the policy. One member highlighted that policies have an impact across the province, and this provides an opportunity to speak to it on behalf of your constituents. This feedback may range from the impact on a group in the constituency, to a revision of the communications strategy in order to better resonate with electors. One MPP did clarify that by virtue of being a backbench MPP you do not possess a higher knowledge of riding-level politics, but in general, backbench members are known for prioritizing representation of their constituents. They have fewer restraints on their time than Ministers, and although still very busy, can spend more time in their ridings connecting with constituents. Part of this reality has also been shaped by the executive dominance in our parliamentary system, where backbench members feel limited in their ability to influence legislation, so instead focus on constituency issues and representation.

Recall also the 2003 liberal platform stated “We will give your elected representative more power. Your MPP should be free to represent your views, not just parrot the views of his or her party.” Insofar as elected representatives are expected to act as spokespeople for their constituencies, the involvement of backbench MPPs on cabinet committees may enhance the representation function of members.

**Understanding the system and strategies to wield influence**

Involvement of the backbench MPP on cabinet committees also gives them a better understanding of how the decision-making system works. This knowledge highlights access points, and the opportunity for learning how to wield influence, and where to apply pressures. One more experienced member highlighted preparedness for committee as a key way to be influential: “if you have good arguments, and get the support of your colleagues, you can stop

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something or make it more difficult to proceed.” However, as the quotation demonstrates, the preparedness is the necessary step to create a coalition with your caucus. Another MPP who was more skeptical of the impact of backbencher participation echoed this point: “individually it is very hard to be influential, but collectively you can sometimes be successful.”

Other members, as well as cabinet office officials, underscored that it is important to continue to pursue your agenda outside of the sub-committee. The committee may represent one avenue to voice your opinions, but it is important to try to maintain communications, and directly lobby fellow caucus members, as well as try to get the sympathetic ear of the minister, in order to be successful.

Once a reasonable size group has formed, with well-articulated arguments, their position has a better chance of being persuasive. And what does the outcome of persuasion look like? Most identified the ability to be an obstacle for a piece of legislation, whether that be to delay the process or to defer it to a later date, and that things with consensus move forward much quicker. It is also possible to make amendments and lend shape to the policy, whether that be a change in communications or messaging, or the delivery of the operation, or who will be involved. I asked all of my interviewees, whether political or bureaucratic, if they could provide specific examples of when the Premier changed their mind based on the input of cabinet committee report, specifically driven by a backbench, but all were reticent to speak so soon about these incidences, which can likely be attributed to the force of cabinet secrecy.

Limitations of the Reform and Discussion

One particularly skeptical member stated that this reform “gives some involvement to backbenchers, the question is, how meaningful is it?” Of course it depends on your definition of meaningful, and public servants did emphasize that once cabinet submissions come to policy committees, the main decisions and direction has typically already been decided upon. So in terms of policy formulation and design, cabinet committees do not play a large role, and therefore the involvement of backbenchers in this capacity does not enable them to have that kind of influence.

A former minister who was interviewed said the reform came from a good place, with the goal of democratizing the policy making process for backbenchers, but eventually the premier became frustrated with the policy committees slowing things down or sending policies back. In order to overcome this challenge, at times the premier would bypass the policy committee and send things straight to cabinet, or bring it forward to a committee he chaired.

Nevertheless, members seem to perceive that they are treated as equals at the committee table, and have the chance to speak about policy and offer their feedback, political insights and concerns related to their constituencies. The Chair, in particular, is of particular influence since they are invited to the Cabinet room to present on behalf of the committee, as well as can establish the tone and direction of the meeting. Moreover, it provides a chance to learn about public policy, and access to information they previously would not be able to acquire. However, since the member will only sit on one of these committees, this opportunity is limited to that single policy area, although they do garner an understanding for the executive-decision making process. The question also becomes, what role is left for caucus as a whole, if the main role for backbenchers is now parceled into cabinet policy committees?
This influence is also constrained by the effort and effectiveness of the MPP themselves—just by virtue of just sitting on the committee does not mean automatic influence is gained. Rather, the member must be well versed on the file, make strong arguments, persuade caucus members, and directly lobby ministers in order to be successful. One member did also say some committees are more legitimate than others, referring to some as “kangaroo courts.” Depending on whether the policy area is a priority to the PO, the committee may not see many cabinet submissions, nor be called to meet with Cabinet very often.

Which highlights perhaps the most important finding—the involvement of the backbencher is only as influential as the premier of the day allows it to be. After all, “cabinet decision making systems are very intimate reflections of the personal aptitudes, experience and political instincts of first ministers.” From interviews with senior public servants in executive council office, as well as the premier himself, McGuinty’s commitment to making the decision-making process more inclusive, and empowering his caucus seems genuine. Public servants with the experience of sitting in Cabinet attested that he genuinely listened to the views of those around the table, including when a Chair of a policy committee was attending. And although all interviewees were reticent to provide examples of when the Premier changed his mind, all assured me that although the Premier has the unquestionable final say, it did happen.

Of course politics being politics, this commitment was not entirely altruistic. Political gains were made as well, namely improved caucus solidarity, meaning a more disciplined caucus. As Tony Dean aptly put it: “This was more than window dressing, the involvement of all caucus members meant more sub-committees, which probably engaged in longer, more in depth discussions, which lead to more buy in and less dissent from caucus.” Criticisms that backbench involvement in cabinet keeps them unquestioning and uncritical hold little weight, given the tendency for backbenchers to be compliant in the first place. And the so-called threat to cabinet secrecy also has proven unfounded—McGuinty himself said there were no leaks as a result of his reform. That the democratic payoffs are matched by political gains bodes well for this reform, as it increases the likelihood of governments elsewhere learning from Ontario’s experience involving private members in the cabinet process.

Finally, since the cabinet structures and processes are so flexible, the inclusion of backbenchers on the policy committees is entirely at the whim of the premier of the day. Wynne has continued the decision from her predecessor, and from what MPPs and public servants attest, seems commitment to genuinely listening to their contributions. But we need only to look to the Harris case in 1995, when he dramatically restructured the cabinet structure and process, to know it would be just as easy for a future leader to do away with full caucus involvement in cabinet.

It is up to the discretion of future premiers to decide whether or not to continue this reform, but Tony Dean speculates it may be part of a broader trend in governments. Institutional counterweights have popped up, in the form of well-organized, well-informed and well-mobilized interest group networks, as well as a better, more educated media, empowered with the platforms of social media. As a result, government brands can be more vulnerable, and they no longer wield the same control over the flow of information. So as governments realize they need to become more open and transparent with the public, they first need to start doing so at home in their own caucus. Moreover, governments are being expected to consult and engage more in the past, and there is little value in doing so if you are disenfranchising your own caucus.

57 T. Dean, personal communication, April 2014.
This study of backbencher reform on cabinet committees on the one hand does highlight the importance of personality, and the power of the premier in establishing the decision-making processes of their government. “It is the design of the cabinet decision-making systems, however, that the centrality of first ministers is perhaps most conspicuous.” It also adds weight to Savoie’s argument that “it seems only individuals, not institutions or organizations, can now drive change.”

However, it also highlights that the leader can make these processes more inclusive and democratic. And as Tony Dean suggests, this may be “a tide that can’t turn back,” as governments realize it is in their public interest to become more porous. Backbench MPPs are definitely not “the public,” but as their representatives, it seems like a good place to start.

References


