

INFLUENTIAL, EFFICIENT, OR BOTH:
DOES COMMITTEE REVIEW OF LEGISLATION MATTER
IN WESTMINSTER PARLIAMENTS?

by

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Abstract

This paper examines the legislative impact of committee review in Canadian provinces. Traditionally, legislation in Westminster systems has been scrutinized by a Committee of the Whole House. Today, four of Canada's ten provinces have moved this committee stage into the separate committee system. The British House of Commons and Canada's Federal Parliament have also made similar reforms. These reforms consistently received cross-party support, as reformers believed that the changes would both increase efficiency and also create more legislative influence for committees. I test for these effects by measuring both the ability of committees to amend legislation and the efficiency of the legislative process in Canada's provinces from 1983 to 2013. Results show that while legislation is amended more frequently when reviewed in the committee system, there are no measurable gains in efficiency. This finding has important implications for questions about legislative-executive balance and the effects of institutional reform in Westminster-style parliaments.

Preface

This thesis is original, unpublished, independent work by the author, Colin Whelan.

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1. Introduction

In Westminster parliaments committee stage of legislation traditionally took place in a Committee of the Whole House. Over the last number of decades however, both the Canadian and the British House of Commons have moved committee stage out of the whole house and into the committee system of the legislature. Similar reforms have been undertaken in 4 of the 10 provinces in Canada. Reformers consistently claim that committee review not only improves the efficiency of the legislative process, but increases the real influence of the legislature relative to the executive. Typical views of Westminster parliaments see them as highly dominated by executives, and would suggest that any real increase in legislative influence is unlikely. However the difference between the two types of systems is clear in the fact that 15% of legislation is amended in provinces that review bills using Committees of the Whole, whereas provinces using a committee system amend 45% of all bills they pass, a threefold difference. The question of whether this increase is attributable to the practice of committee review is the focus of this article. My findings suggest that controlling for other factors, committee review does have a real impact on the ability of Westminster style parliaments to scrutinize a bill, doubling the rate at which the legislatures bring successful amendments to legislation. On the other hand, increases in efficiency are not seen in the data.

The common view of Westminster legislatures is that they play little role in shaping legislation. Despite this assumption, Martin and Vanberg argue that “scholars know remarkably little about the extent to which legislatures in parliamentary systems matter” (2005, p. 14). Little work exists systematically testing the effect of legislatures by examining actual legislative outputs (Arter, 2006; Cairney, 2006). Typically, evaluations of the legislative influence of parliament take a “veto-players” approach and focus on divided government in the form of coalitions or minority governments (e.g.: Damgaard & Jensen, 2006; Martin & Vanberg, 2005; Newell, 2006). The lack of knowledge about legislative influence is especially acute regarding Westminster committees, which are typically

evaluated not on their ability to influence legislation directly, but instead on their influence on other policy actors such as the executive, bureaucracy, or interest groups (Hamm, 1983; Monk, 2010).

This is due in part to the fact that Westminster committees are particularly weak relative to alternative constitutional arrangements (Lees & Shaw, 1979, pp. 398–404). Single party majorities use party discipline to tightly control the legislative agenda. Nonetheless, there is substantial room for variance *within* the Westminster system as to how much power committees are given and what role they play. Specifically, the ability to review legislation is not a given. In the UK, legislative review was devolved from Committee of the Whole House (COWH) in 1882. However, these ad-hoc standing committees operated by much the same rules as in COWH until 2006 when they were given the ability to call witnesses and hear evidence. In Canada, the Parliament's standing committees¹ weren't given the power to review legislation until 1968, before which time all review was conducted in COWH. Currently, only four of ten Canadian provinces send bills into the committee system in lieu of COWH review. Proponents of committee review are seeking to increase efficiency in the legislature, but they also consistently claim that committee review enhances the power of the private members to influence legislation as it passes through the house. Despite these claims, almost no research has examined if this institutional reform is successful in its stated goals.

It is clear that in theory the differences between review in COWH and proper committee review are substantial. It is efficient because having multiple committees enables multiple pieces of legislation to be considered simultaneously. However, it also provides a very different context in which the review takes place. The differences are of three types: membership, resources, and examination powers. Committees consist of different members from the whole house, and are significantly smaller. As such members may devote significant time and attention not just to the bill at hand, but to the issues which their

¹ In the UK permanent committees are referred to as select committees whereas standing committees are ad hoc. In Canada standing committees are the parliament's permanent committees. For the duration of this paper committee in general refer to a sub-set of members of the house with more informal rules of debate, and the power to call witnesses and receive written evidence. Whereas I use the abbreviation COWH to refer to a Committee of the Whole House.

committee examines in general (i.e. they can specialize). Committees are also given access to resources, mainly research staff, that is not available in COWH. If opposition or government members need research assistance before questioning a bill during Committee of the Whole they must draw on their caucus' resources to do so. Finally, committees that consider a bill have the power, and in some cases the obligation, to conduct additional types of examination beyond just clause-by-clause analysis. They can call expert witnesses, or conduct public hearings to gauge both the professional and public opinion on the bill. Such a process would be completely foreign to proceedings in COWH. Overall, committees can work as a smaller group of more knowledgeable members, and do so using a greater array of tools and resources.

On the other hand, it is not surprising that governments are protective of their legislative agenda. Debating the changes at the federal level in 1968 Ged Baldwin, the house leader for the official opposition, outlined this reality with some flair:

When the government sees fit to introduce a measure and brings it to the stage of second reading, obviously it is a measure that has worked its way up from the bowels of the civil service, has received final approval so far as the government is concerned and probably has political sex appeal. Once the bill comes to second reading it is a beloved child of the government. The government, as is the custom of all parents, will not tolerate any suggestion that there is any hint of imperfection or deformity in this child
(Canada. Parliament. House of Commons, 1968, p. 401)

Given this, it is reasonable to ask if enabling committees to review legislation does in fact enhance the scrutiny that legislation receives. Further, if this is the case it is unclear why governments would empower these committees in the first place.

Work that has been done examining committee review has never directly tested its effects as compared to review by COWH. Thompson (2012) who updated the work of Griffith (1974) on the British House of Commons, examines amendments to bills made by committees.

However her work focuses only on change over time, as opposed to differences between institutions. Levy (2009, 2010) has an excellent analysis of reforms made in the U.K. in 2006. Her analysis concludes that they were effective at increasing legislative scrutiny; but this conclusion is based on the impressions of committee members given in a series of interviews. A number of analyses were also conducted following the 1968 Canadian reforms and came to mixed, though mostly positive, conclusions (Hockin, 1970; Mallory & Smith, 1972; Thomas, 1978). These were primarily based on case studies however.

This paper exploits variance in the use of committee review across Canada's provinces to directly test its effect. I use a new dataset of all government bills considered in the legislative sessions of Canadian provinces since 1983. These data are well suited to test the effect of committee review. The high level of similarity across provinces, both in terms of the structures and rules of the legislatures, as well as social and economic contexts in which they operate, allows for a more meaningful comparison than can be made in cross-national research. In addition to the differences across provinces, Saskatchewan changed their system during the period studied, allowing for a comparison within that province over time.

The next two sections of the paper outline the context of the reforms in Canada, and the theory that speaks to them in the political science literature. Two perspectives emerge both in practice and in theory. Reformers in practice see committee review as a means to both efficiency and legislative influence. Section 2 below outlines how with both aims in mind, these changes were well supported by both government and opposition members. Section 3 shows that the arguments made by both kinds of reformers are well supported in the theoretical literature, at the expense of other kinds of explanations. Based on these findings, I develop a series of hypotheses in subsections 3.2 and 3.3 to test the effects of committee review. The remainder of the paper describes the data and carries out the tests. I find that claims about legislative influence increasing are well supported, but there is no evidence of an increase in efficiency.

2. The reforms in context

Lees and Shaw state that, “the advantages of devolving some of the heavy work of a large organization onto committees . . . are well understood but not often articulated” (1979, p. 366). These advantages are consistently cited as twofold: a more efficient use of legislative time and greater role for the legislature in shaping bills. These dual reasons have been cited each time a Canadian legislature has devolved legislative review to committees.

2.1 The arguments for reform in Canada

The moves to committee review in Ontario, Quebec, and the federal parliament came about at similar times in the late 1960s and early 1970s. The roles of government were quickly multiplying with more legislation, and more complex legislation, being introduced each session, the need for a division of labour and a greater degree of specialization arose (Kornberg & Mishler, 1976, pp. 29–33; Lees & Shaw, 1979, pp. 214–216). Federally, the Special Committee on Organization and Procedure was struck to examine the issue. They justified the need for greater legislative efficiency in their 3rd report by arguing that members needed as much time as possible to be in their constituencies and Ministers to run their departments (Special Committee on Organization and Procedure, 1968, pp. 763–764). In Ontario, the change was suggested by the Camp Commission, which undertook a broad review aimed at modernizing the legislature's practices. In their words, “a major problem faced by the Ontario Legislature is how to deal effectively with an increasing volume of complex, provincial business” (Commission on the Legislature, 1973, p. 70) and committee review was the means to address this. The situation was no different in Quebec, where, Massicotte argues, “contrary to the impression that prevailed in certain quarters, this reform was designed less to restore the influence of private members than to free the floor of the Chamber, which had been visibly overburdened since the early 1960s” (Massicotte, 1989, p. 87). In each case, efficiency was the primary motivation.

If the impetus of committee review was simply to move more legislation through the house faster, we would expect it to be a controversial measure. In fact, while opposition members expressed some wariness on this front, they nonetheless supported the reforms because they saw them as an important increase in the influence of the legislature. In the House of Commons, speaking on behalf of the NDP, Stanley Knowles argued that “this procedure should also enhance the prestige of members, in short emphasize their role as legislator and not as civil servant” (Canada. Parliament. House of Commons, 1968, p. 412). Saskatchewan adopted committee review in 2003, and supporting the change in the house, a member of the opposition explained that, “whenever legislation is presented to the Assembly, basically it’s a fait accompli. ... and the public, who are just finding out about any particular piece of legislation, have very limited opportunities to have any input into this,” however he added, “these recommendations, Mr. Speaker, when implemented, have that opportunity for the public to come forward and have a say during the committee sessions. I believe that’s a major change” (Legislative Assembly of Saskatchewan, 2003, p. 357). While a government member claimed the goal of the reform was to “[provide] a more active role for private members on both sides of the House to engage in policy discussion, to have a more active role in legislation, in the study of Bills” (Legislative Assembly of Saskatchewan, 2003, p. 356). In Ontario and Quebec, the desire for enhanced scrutiny was further emphasized when additional resources and powers were extended to committees in each province at the start of the 1980s (Cannon, 1990; Dunn, 1990).

The use of committee review in Manitoba actually focuses on enhancing scrutiny to the point that efficiency is not a motivating goal. It is not clear when committee referral began in Manitoba, but Anstett and Thomas claim that it is “a long-standing practice of the Manitoba legislative process.” It is also clearly an important one given that, “Manitobans view committee stage as their point of access to the law-making process. There is never a question of whether there should be public input, just a question of when,” however; regarding efficiency, “this question is of some relevance because of the absence of a sessional timetable” (Anstett & Thomas, 1989, p. 100). In other words, the drag committee review

creates on the sessional calendar is a frequent concern.

There are multiple ways in which advocates think committee review will increase legislative influence. Anstett and Thomas explain that one effect of committee review is to expose the government's agenda to the influence of public opinion. They claim that the prospect of significant criticism in a public committee hearing means that, “the leverage available to the public and special interest groups is greater in Manitoba [compared to provinces without public hearings], if for no other reason than the government's desire to avoid embarrassment” (1989, p. 101). The federal parliament's Special Committee on Organization and Procedure explained that there is also room for influence through specialization. Their goal was that:

[Standing committees] would develop areas of subject specialization. We would expect debate in the Standing Committees to be well-informed and pertinent; their members to become influential in the areas of their specialised experience; and their reports to the House to assume a critical significance related more closely to the national interest as a whole than to simple political differences.
(Special Committee on Organization and Procedure, 1968b, p. 434)

Note that in neither case is the committee able to change the policy of the government just because it disagrees with them. Instead, influence comes from the new methods to bring to bear public opinion or expert analysis.

2.2 The motivations for reform in Canada

Despite this increase in legislative influence, the governments enacting these reforms were never forced to do so. The reform was enacted by a minority government in Saskatchewan, whereas majorities were in power in Ontario, Ottawa, and Quebec. That being said, the review process federally was first proposed by a minority government, and in Ontario Bill Davis' Progressive Conservative majority government was “urged on by a number of its

frustrated backbenchers” (White, 1980, p. 358). However, even if they felt some pressure, it was the governments themselves who tended to champion the reform process to begin with. If backbench pressure was the concern, empowering institutions like cabinet committees or caucus meetings is a much less risky or public way to allow backbench influence (Malloy, 2004). Why governments would freely give up such influence is an important puzzle.

It may be that the claims of reformers are misguided or disingenuous, and there simply is no increase in influence. The picture of diligent and specialized committee work is often met with criticism. Rush argues that despite the claims of reformers, efficiency gains have always been the primary motivation (1982). Paquin explains that in Quebec, “committees make little use of their powers and are not as autonomous as expected. More than the lack of time or resources, blame rests with the control exerted by political parties and the executive” (Paquin, 2012). Nonetheless, whether or not specialization, resources, and examination powers are realized to their fullest potential, they are inevitably much greater in committee systems compared to COWH. As such, the difference between the two ought to be meaningful, all else being equal.

Alternatively, the increase in influence could be the price governments have to pay for an increase in efficiency. Given the wide range of alternatives open to these governments, this is also unlikely. For example, the British system until 2006 gained efficiency by running multiple committee sessions, but without giving additional powers to the committees, nor any degree of specialization. A similar tactic was employed in British Columbia in 2012. Facing a legislative backlog mid-way through the session, the government decided to split the chamber into two COWH sessions in parallel, so that, in addition to the Committee of Supply, 3 chambers could operate at once. As the government house leader explained at the time, “I don't believe that two people asking questions of each other, across from each other, need to take up the time in this Legislature. There's other work to be done” (British Columbia Legislature, 2012). This approach is obviously distinct from that taken by legislatures that have adopted committee review.

In practice, the behaviour of reformers fits neither explanation. They have consistently proposed reforms citing both goals, and in doing so have successfully drawn support both from government and opposition parties. Governments proposing these reforms had other options open to them if simply increasing efficiency or placating their own backbench was the primary goal.

3. Political science theory and committee power

3.1 Perspectives in the literature

The two arguments made by reformers are well reflected in the political science literature. Cox argues that managing plenary time is the most basic challenge faced by legislatures, and committees are a natural response to the challenge of increasing demands on plenary time (2008). However, new institutionalist literature suggests a number of other types of benefits that empowered committees bring about. Mattson and Strøm (1995, pp. 250–255) provide a summary of these arguments and find three basic view points. Strong, enduring committees could serve as enforcement mechanisms to maintain policy coalitions over time (see also: Shepsle & Weingast, 1987; Weingast & Marshall, 1988; Weingast, 1989). They could serve as tools to solve information problems; Krehbiel (1992) shows that if legislatures have imperfect information to begin with, then empowering committees can create the appropriate incentives for members to invest in specialization. Lastly, they could simply serve as instruments of partisan coordination (Cox & McCubbins, 1994, 2007). In this view individual member's power in committee is dependent on their party. Because of this, the party can threaten to withdraw that power as an effective tool to maintain discipline. Committees are powerful in order to increase the value of this “bond” between party and member. This breakdown is useful to analyze the role committees might play in the Westminster context.

These three motivations do not all fit the Westminster system though. Clearly, party discipline is strong enough in the absence of committee review that such legislatures do not severely lack in partisan coordination. Additionally a member's committee specific capital in Cox and McCubbin's theory relies on institutions such as seniority and enduring committees that are absent in Canadian legislatures.² In Westminster systems strong parties also act as coalitional bargaining solutions, the role committees play in the Weingast and Shepsle view.

² In Canada standing committees are re-struck with new members and new mandates after each election

Weingast himself makes this point in discussing the differences in parliamentary systems (1989, p. 700). Even in situations where parties are not perfect policy coalitions, institutions other than parliamentary committees exist to correct for that; typically cabinet committees and caucus meetings (Malloy, 2004). Information problems, on the other hand, are unlikely to be addressed by party discipline. This provides a more plausible reason that parliamentary governments might devolve some genuine power to committees.

The information perspective (Gilligan & Krehbiel, 1990; Krehbiel, 1992) starts from the view that legislators want to make good policy to increase their chances of getting re-elected, but have imperfect policy information. To incentivize some members to invest in specialization, the legislature gives sufficient power to committees that members can have influence in return for their role as specialists. One of Krehbiel's most important conclusions is that this “informational committee power” creates positive-sum outcomes, specifically, “in instances of informational committee power, a committee credibly transmits private information to get a majority to do what is in the majority's interest” (1992, p. 77).

In Canada, if committees passed amendments to legislation because they disagreed with the policy, this would require the government members on the committee to register their disagreement publicly. It may occasionally be the case that the government backbenchers on a committee disagree sufficiently with the government to dissent. If the amendment made only a marginal change to the legislation this would be dissent with low visibility and need not significantly harm the government's public image. Research shows that not all dissent is created equal in this regard (Kam, 2009, pp. 130–160). But these circumstances would be rare. The strength of party discipline in the Canadian case is simply too high to reasonably suspect that any ambitious government committee member would routinely go against the party position in the exercise of committee work. Additionally, any change made by the committee can be overturned at report stage if the government so desires.

However, if an information perspective is adopted, the willingness of a government to delegate powers to a parliamentary committee makes more sense. The work of the committee

is more likely to improve the bill in ways that are beneficial to the government either because it is objectively better policy, or because it is more in line with public opinion. However, there are a number of key differences between the committee-legislature relationship in Krehbiel's analysis and the situation in Canada. Not only does the existence of a strong party system with high levels of party discipline alter the incentives, but committees in Canada are much less powerful overall, and most importantly do not have the ability to propose legislation, only to alter government proposals.³ Nonetheless, the fundamental points that can be translated from Krehbiel's arguments are a) where informational asymmetries exist, opportunities are available for positive-sum gains from specialization; and b) committees are well-situated to act as policy specialists. The information perspective helps explain why some legislatures would adopt this approach and not others. If the committees' enhanced scrutiny is about bringing to bear better information, then the efficiency and scrutiny effects of committee review address the same problem: an increasingly complex policy environment.

3.2 Informational committee power in Westminster parliaments

Assuming that the government does not have perfect information prior to introducing a bill, there is typically room for improvement to the government's benefit. They could lack information about what the optimally efficient policy is (as Krehbiel assumes) or about the public popularity of the policy. With only COWH review, investing in specialization, or even scrutiny of a single bill, is costly for members. Not only do they have to rely on their own research or use up caucus resources, but the time allocated on the floor is likely to be limited relative to what would be enjoyed in a committee system. Committee review, by providing resources and powers to committee members, subsidizes the cost of specialization and scrutiny. Any influence exchanged by the government further incentivizes investment in specialization by members. If committees have influence in Westminster parliaments, it is likely because they allow members to act as information specialists, helping the legislature as

³ In fact, because after second reading the legislation has been approved “in principle” the committee is barred from making any amendments that would fundamentally change the principle of the bill

a whole create positive-sum benefits from legislative scrutiny.

Scholars that have studied these reforms previously have also observed information effects. Hockin (1970) and Mallory and Smith (1972) both argue that committee review made an impact in the Canadian House of Commons in cases of constructive work across party lines to improve the quality of legislation. Levy also reports that information effects are the mode through which reforms in the U.K. have had an impact (2009, 2010). This logic was well expressed by an opposition member in the Canadian House of Commons, who argued that even though “there are innumerable cases of statutes coming out of this parliament and out of provincial legislatures which are half-baked, ill-conceived, ill-prepared and which do not attain the object for which they are designed” committee review would result in ,“an opportunity to put in a more concrete and eloquent way, a way which receive some attention from the government, proposals which better the legislation enacted by this parliament” (Canada. Parliament. House of Commons, 1968, p. 402).

In order to study the impact of committee review, measures are needed for each effect. Looking first at legislative influence, I measure whether or not the legislature amends a bill after first reading. Not all amendments are highly substantive. However; if we are comparing the rate of amendments across jurisdictions there is little reason to worry that the need for housekeeping or technical amendments would be systematically different given the committee system. What is crucial, is to show that any observed committee effect comes from informational power and not because committees alter policy to suit their preferences. If the latter is true, a problem emerges for identifying the effect of committee review by looking at rates of amendment. This is because to the extent that the government has any knowledge about the policy preference of the committee they can exercise their agenda power to anticipate and offset this effect. This strategic interaction would alter the rate of amendments in ways that mask any true effect of committee review.

To see this, consider a scenario in which the government proposes a different policy than that preferred by a majority on the committee. Assuming the committee has some influence over

the policy, then to the extent that the government knows a) the majority preference of the committee and b) the willingness of the committee to act on this preference (i.e. given the cost of dissent to government members), they can use this information when deciding what to propose. Suppose committees amend proposed legislation in the direction of their preferences, but the extent of such amendments is limited by the costs of dissenting. Knowing this, the government could simply propose a more extreme policy than they prefer, such that the committee's amendments would bring it in line with their true preference. In this case amendments would be observed but they would not represent any genuine power of the legislature to change government policy. Alternatively, say there is a cost to the government's public image when backbenchers amend its bills against its wishes. In this case, they might anticipate the compromise in advance and arrange it with the committee members without the display of proposal and amendment occurring in the public forum of the legislature. In this case the committee system would in fact impact the policy, but such an effect would not be measured. In either case, observed amendment rates would not reflect the true impact of committee review.

On the other hand, if committees do not generate policy contention, but instead act as sources of information, the observed legislative impact should reflect the true effect of committee review. By changing the information available to government, they actually change the policy preferences of the government. This effect, by definition, could not be anticipated in the government proposal. This is true whether they alter the politically preferable policy by enhancing public input or media scrutiny or by altering the assessment of which policy is most optimal through expert witness testimony or some level of committee expertise itself. Therefore, if the role played by committees is an informational one, any impact of committee review is directly observable.

For this reason, some hypotheses are required that distinguish between information effects, and effects arising from policy disputes. Recall from above that the claim that committees wield informational power in the Westminster context derives from the claim that the committee system subsidizes scrutiny of bills, and incentivizes further specialization by

members. Nonetheless, members in systems of COWH review can choose to invest some amount of resources into enhanced scrutiny where they think it will make a difference. If we identify types of legislation that members facing COWH review are likely to invest in, we can hypothesize that these differences in scrutiny would be attenuated in the provinces practicing committee review. This is because as scrutiny becomes less expensive, the range of bills facing a high level of scrutiny should increase.

This hypothesis can be tested in two ways. First with regard to whether or not legislation is politically contested. If legislation is controversial it is more likely to be visible to the public and in the media, and members are more likely to invest costly time and information resources into scrutinizing it. These bills should then receive more amendments in COWH review provinces, compared to uncontroversial bills, but such a difference should be much smaller in committee review provinces. Second, I would contend that new statutes are more likely to attract additional scrutiny than amending bills. Though amending bills may contain important policy changes, they often address minor issues or housekeeping matters. New statutes are, in general, more likely to reflect new and important policy issues. Again, this would mean higher amendment rates among new statutes compared to amending ones under COWH review, with these differences attenuated under committee review.

If informational power causes governments to agree to amendments, it should also cause them to back off of legislation after committee stage more frequently. This is especially true insofar as committee review increases the government's exposure to public opinion on the issue. Because third reading is little more than a formality in most cases, a bill that has passed through committee stage is very unlikely to not pass third reading for time reasons. Rather, this will almost always indicate that the government has decided to back off of, or delay to a future session, the passage of the bill. On the other hand if committees seek to amend legislation to suit their policy preferences, governments are free to deny the changes at report stage and pass the unaltered legislation. Thus, if governments in provinces that use committee review are more likely to let legislation lapse after it has passed through committee stage, this would suggest that the effect of committees is information based.

To sum up, if committees pass amendments because they generate new information about the quality of the legislative proposal, then the observed effect of committee review on amendment rates would be the true effect, *ceteris paribus*. The discussion in this section generate four testable hypotheses. The first addresses the fact of committee power, and the remaining three test that this fact results from an information effect:

1. Amendments hypothesis: *Ceteris paribus*, legislation is amended at a higher frequency in provinces that practice committee review of legislation

2a. Contentious legislation hypothesis: if amendments are driven by the informational role of committees, then committee review attenuates differences in amendment rates between contentious and non-contentious legislation compared to review in committee of the whole

2b. New statutes hypothesis: if amendments are driven by the informational role of committees, then committee review attenuates differences in amendment rates between new statutes and amending legislation compared to review in committee of the whole

3. Retraction hypothesis: if committee power is informational, then provinces that practice committee review more frequently abandon legislation after committee stage.

If the latter three hypotheses are supported by the evidence, then modelling the first hypothesis produces informative results. If they are not, the models are more suspect.

3.3 Committees and efficiency in Westminster parliaments

The second effect to measure is the impact of committee review on efficiency. The claim that committees are a tool to increase efficiency is in line with Cox, who argues that committees are created in the first place to address bottlenecks in plenary time as legislatures specialize (Cox, 2008). However, committees are not the only means to this end. Regarding the need to

pass a greater volume of legislation, governments have alternative options. Most straightforwardly, they can sit for more days. Typically, of course, the introduction of committees seeks in part to avoid this option. Another way to decrease the load on members time is to increase the number of members themselves. This allows the house to sit for longer hours or more days but with less total stress on the time of each individual member. As in the case of the British House of Commons before 2006, or British Columbia in 2012, legislatures can split into additional sections without giving these sections new powers of scrutiny. Each of these changes may negate the need for a move to committee review. Most importantly though, if stresses on plenary time are high in any one session a government can use the institutions of closure and time allocation.⁴ Because the typical situation is one of majority government, this tool consistently means “prime ministers seem to be able to get the legislative results they want” (Malloy, 2004, p. 209). The ability to force legislation through the house in the event that time runs low means governments are able to pass as much legislation as they feel is necessary. Any of these institutions could act, in part, as substitutes for committee review.

In addition, committee review in general may lead to increased lengths of time spent in committee per bill, and may make it more difficult to expedite the committee stage of legislation when the government desires to do so. In this way committee review may also hinder efficiency by throwing up new roadblocks in the way of bills passing through the house. What this means is that any increase in efficiency from committee review need not be reflected in the volume of legislation passed. The observed effect may be positive, it may be negative, or it may be nil. In none of these cases would this necessarily reflect the true effect.

A more direct test of the efficiency gains from committee review is whether it reduces the reliance on institutions like time allocation to push a government's agenda through the house. As one federal MP pointed out (as an argument in support of committee review), during the

⁴ The main difference between closure and time allocation is that the latter requires unanimous consent, whereas closure can be imposed by a majority. Nonetheless time allocation is much more common. This is likely because the threat of closure is a strong incentive for opposition parties to extract what little concessions they can in agreeing to a schedule for time allocation. In either case, the effect is that a great volume of legislation can be passed in a shortened period of time.

period of 1966-67, "the house sat for 250 days and passed, I believe, 83 bills. A survey of them can be a very interesting exercise. 78 of these measures were each passed in one day. It took one day each for these measures to pass all stages ... five bills of that session took 80 days to pass" (Canada. Parliament. House of Commons, 1968, p. 402). If the time it takes to pass bills is constant throughout the session, this is indicative of an orderly and well managed legislative agenda. If, on the other hand, a large percentage of bills are passed right at the end of a session, or just before sessional breaks, this reflects a reliance on expediting the agenda as time runs out. In other words, committee review can be seen as efficient not through direct effects on the volume of legislation, but rather to the extent that lessens the need to rush legislation through at the end of a sitting.

Thus, to examine efficiency, I test the following hypothesis:

4. Concentration of passage hypothesis: The timing of passage of bills in legislatures that practice committee review pass is less concentrated than the timing in legislatures that use COWH to review legislation

4. Data

The hypotheses from section 3 are tested using an original dataset on legislation in Canada's provinces from 1983-2013. Data was collected at the bill level on the progress of legislation in each session. It was also collected at the session level to measure a number of important covariates.

4.1 Control variables

Despite the similarity across Canada's provinces, a number of control variables are still important to model the impact of committee review. Three groups of control variables are considered below.

Of primary theoretical concern is legislative professionalization. Literature on U.S. State House's concludes that the degree to which a legislature is professionalized significantly effects its partisan make-up (Fiorina, 1994, 1999; Meinke & Hasecke, 2003), incumbent turnover (Berry, Berkman, & Schneiderman, 2000), and the efficiency and level of scrutiny in the legislative process (Squire, 2007). Professionalism is hypothesized to impact the quality of legislators who make-up the legislature, the investment they make in legislating well, and the tools available to them. Moncrief shows that legislatures in Canadian provinces vary significantly with regards to professionalization (1994). Professionalism in this literature is defined by the compensation available to members, the degree to which a legislator's job is a full-time commitment, and the resources available to members (Squire, 2007). The size of the legislature is also thought to be an important factor (Fiorino & Ricciuti, 2007; Pettersson-Lidbom, 2012; Stigler, 1976).

The move to committee review is itself one part of professionalizing these legislatures. Typically it was done in conjunction with other moves meant to modernize the practices of the institutions. If differences in amendments are merely a function of a more professional and engaged legislature as opposed to the specific result of committee review, results might be spurious. As such, measures of professionalization are absolutely essential to test the effect of committee review on both efficiency and scrutiny.

The second major concern is the political context in which bills are considered. The first part of political context I consider is the stage in the electoral cycle. This means both how many sessions have passed since the last election and whether the current session is the last before an election takes place. Research demonstrates that electoral timing affects government's incentives regarding fiscal policy (Alesina, Cohen, & Roubini, 1993; Blais & Nadeau, 1992) including in Canadian provinces in particular (Petry, Imbeau, Crête, & Clavet, 1999). As such, the models must allow for similar behaviour regarding parliamentary strategy and the willingness to allow amendments to pass. Another determinant of parliamentary strategy is the status of the government (minority or majority) and if they have a majority, then its size. The control of a government over the legislative agenda is obviously a direct consequence of its control of the legislature. Any test of committee review's effects on legislative efficiency and scrutiny must account for this.

Last, measures of population and GDP are necessary to ensure that effects correlated with the committee variable are not merely reflecting differences in the size of the economy or population of the provinces. As populations and economies grow this is a direct driver of the need for more government policy, and a greater level of policy complexity facing the legislature. This is especially important because population size and economic capacity are two areas where there are substantial differences across Canadian provinces. Thus, given that much of the leverage in this data relies on cross-sectional comparisons, properly controlling for these differences is paramount.

4.2 Sources of data

Data on the progress of bills in provincial legislatures is available as far back as 1983 for every province and territory. For most provinces the data are available from the provincial legislature's website from between 10 and 20 years back.⁵ During periods not covered by the online data, data was collected from *Provincial Pulse* (CCH Canadian Limited, 1982) which was published between 1982 and 1986 and the *Provincial Legislative Record* (CCH Canadian Limited, 1987) published between 1987 and 2009. The total dataset comprises 17,605 bills spanning 276 legislative sessions in 10 provinces. Data for each bill covers the name of the bill, whether it reached second reading, if it was amended, whether the bill was passed, the date it was passed, and if it was not passed whether it was carried over to the next session (a procedure used rarely, and only in some legislatures). The data include only government bills.

To control for professionalization I collect data at the session level on sitting days, legislature size, and the salaries of legislators. The data on salaries is not available for every year unfortunately. Moncrief reports data for 1980 and 1990 (Moncrief, 1994, p. 37), *Fleming's Canadian Legislatures* reports data for 1997 (Fleming & Glenn, 1997), and the Alberta legislature collected data for the year 2010 (Legislative Assembly of Alberta, 2010). This gives information on salary at four points in time throughout the study period. For other years, each session was coded at the salary level of the year with data closest in time to the year in which the session began. Data on sitting days are based on Hansard records from each province. To generate the other control variables, I also collect data at the session level on the partisan make-up of the legislature, and the population and GDP of the province at the time of each session. Population and GDP data come from Statistics Canada's CANSIM database

5 The URLs of the provincial legislature web pages that contain the data are as follows: http://www.assembly.ab.ca/net/index.aspx?p=bills_statusarchive; <http://www.leg.bc.ca/legislation/bills.htm>; <http://web2.gov.mb.ca/bills/40-2/index.php>; <http://www.gnb.ca/legis/business/pastsessions/pastsessions-e.asp>; <http://www.assembly.nl.ca/business/bills/>; <http://nslegislature.ca/index.php/proceedings/statusofbillsarchives/>; http://www.ontla.on.ca/web/bills/bills_all.do?locale=en; <http://www.assembly.pe.ca/bills/index.php>; <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/>; <http://www.legassembly.sk.ca/legislative-business/bills/>. All data were collected May and July 2013.

(Statistics Canada, 2011, 2012).

In order to test hypotheses 2a and 2b I require data on the contentiousness of bills and their type. For the latter, coding is based on the name of the legislation. Amending statutes use titles along the lines of “An Act to Amend Statute X”; “Statute X Amendment Act”; or “Statute X (amendment).” These are coded as such. As mentioned above, supply bills must also be coded separately, this coding is based on the keywords “appropriation(s) act”; “supply”; and “loan act”. The number of bills is small enough that error checking could be done to correct for any non-supply legislation erroneously captured by this method.⁶ Finally it is important to differentiate omnibus legislation which is a distinct category. Coding of omnibus bill titles is based on the descriptions given by Massicotte (2013). These include references to “various statutes” or “various measures”; and the specific titles: “Miscellaneous Statutes Amendment Act”; “Budget Measures Implementation Act”; and “Statute Law Amendment Act.” Though coding based on the name does not allow categories as fine-grained as would be ideal, it still tells us about important differences between bills.

The measure of contentiousness is whether a bill faced a recorded division at second or third reading. Most motions in Westminster parliaments pass or fail on voice votes, but when a group of members wants to ensure that the vote is formally counted and recorded they have the right to call for a division. Divisions are used in cases where there is either genuine uncertainty that a measure will pass, or when one party caucus wants the record to reflect their opposition to a motion proposed by a different party. In either scenario, divisions indicate a heightened level of political contestation surrounding the vote. Unfortunately, information on divisions is not included in most of the data sources used for this study. However it is included for the online portion of the data from Alberta, Ontario, and Quebec. In addition, British Columbia's Hansard Indexes include excellent summaries of recorded divisions for all but two sessions in the data set (Legislative Assembly of British Columbia, 2013). As such data on divisions are available for 64 sessions across 4 provinces. This

⁶ For example “An Act to secure the **supply** of hogs to a slaughterhouse enterprise in the Abitibi-Témiscamingue region” from the 2nd session of Quebec's 36th National Assembly was caught and corrected.

includes two that practice committee review (Ontario and Quebec) and two that do not (Alberta and BC). Though data from all provinces would be preferable, the comparison is a useful one as Alberta and BC are the 3rd and 4th largest provinces after Ontario and Quebec in terms of both population and GDP.

Testing the concentration of passage hypothesis requires a measure of concentration. I consider two. A simple measure is the proportion of legislation passed in the final 5 days⁷ before a session is prorogued. This measure is helpful because it measures not just concentration, but concentration at the end of the session specifically. It is also straightforward to calculate and interpret. However concentration can occur not only at the end of the session, but leading up to mid-session breaks. A measure of overall concentration is necessary to capture this effect. A widely used measure of concentration is an inverse Simpson index. This measure is a technique well known in political science from its use to calculate the effective number of political parties (Laakso & Taagepera, 1979). Equivalently, I calculate the effective number of third reading days in a session.⁸ Unlike the first measure, this does not tell us if the passage is at the end of the session, but it incorporates information about every bill into its measurement without the need for to choose a cut-off point. Both measures give important information about the concentration of passage.

4.3 Descriptive statistics

Table 1 shows descriptive statistics for the dependent variables across all 10 provinces. The data for Saskatchewan is reported both before and after 2003, which is when that province adopted committee review. The provinces that practice committee review are bolded in the table.

7 As with any similar measure, the choice of cut off is arbitrary. In this case, 5 days is meant to represent the last week's worth of sitting days. Testing with other cut-offs obtained the same results

8 An inverse Simpson index is the inverse of the sum of the squared proportion of observations described by each category. In this case, each bill is an observation, and each day of a session is a category. So the measurement is calculated for every session as the inverse of sum of the squared proportion of bills passed on each day of that session. This calculation is also identical to the inverse of the Herfindahl index widely used in economics literature.

Table 1: Average amendment rates and efficiency by province, 1983-2012

| Province | Amendments | Efficiency | | |
|------------------------------------|----------------|------------------------------|----------------------|--|
| | Amendment Rate | Bills passed per sitting day | % Passed last 5 days | Effective number of 3 rd reading days |
| <i>Alberta</i> | 23.3% | 0.73 | 27.7% | 7.33 |
| <i>British Columbia</i> | 25.4% | 0.62 | 16.1% | 11.21 |
| <i>New Brunswick</i> | 11.9% | 1.31 | 27.4% | 6.72 |
| <i>Newfoundland</i> | 11.4% | 0.79 | 37.6% | 5.25 |
| <i>Nova Scotia</i> | 11.7% | 0.88 | 28.8% | 7.41 |
| <i>Prince Edward Island</i> | 8.0% | 1.11 | 34.9% | 3.87 |
| <i>Saskatchewan pre-03</i> | 10.7% | 0.92 | 28.8% | 8.38 |
| <i>Saskatchewan post-03</i> | 17.9% | 0.76 | 14.9% | 8.76 |
| <i>Ontario</i> | 59.7% | 0.31 | 8.5% | 18.17 |
| <i>Quebec</i> | 62.6% | 0.88 | 10.2% | 18.84 |
| <i>Manitoba</i> | 33.2% | 0.57 | 59.8% | 2.84 |
| OVERALL | 23.2% | 0.82 | 28.4% | 8.39 |

Provinces in bold are those that practice committee review; data are pooled at the session level before averaging

Looking at amendment rates the difference is clear. With the exception of Saskatchewan, the provinces with the highest amending rates are those that use committee review. Importantly, we see that although Saskatchewan under committee review does not amend legislation as frequently as other provinces, there is a large increase before and after the adoption of committee review. The table also demonstrates that Ontario and Quebec amend significantly more legislation than any other province. Because they are also the largest and most populous provinces this makes it especially important to ensure that any results are not driven by the uniqueness of Ontario and Quebec relative to other provinces.

Turning to the measures of efficiency, the effect of committee review is less clear. In addition to the measures of concentration, a measure of the volume of legislation passed (bills per sitting day) is included. Quebec has a reasonably high rate of bills passed per sitting day, but

it is still lower than the rate of passage in New Brunswick and PEI. Ontario, on the other hand, has the lowest rate of bills passing per sitting day of any province, and the second lowest is in Manitoba. This is not surprising. As discussed above, it does not mean that committee review is ineffective at moving more legislation through the chamber compared to a hypothetical status quo, but it confirms that provinces have more than one way of increasing the efficiency of their legislative process.

The measures of concentration are a better test of the efficiency effect of committee review. In this case the results appear more positive. Ontario and Quebec pass much fewer legislation in the last 5 days of their sessions than other provinces and have much lower levels of concentration of third readings than other provinces.⁹ Though Saskatchewan did not see a marked decline in the concentration of passage after changing to committee review, they are passing a significantly lower portion of their legislation at the end of their sessions. Manitoba is the clear exception though. As mentioned above, Anstett and Thomas suggest that the process of public hearings in Manitoba is a drag on the efficiency of the process. This result is clear here as Manitoba passes a very high 59.8% of legislation at the end of the session, and has the highest concentration of third reading dates, effectively passing all their bills on just a few days each session.

Looking at provinces that do not practice committee review, Alberta and British Columbia stand out as having higher rates of amendment despite the lack of committee review. One possibility is that being the third and fourth most populous provinces, each with a large and important economy, they likely have more professionalized legislatures. This reaffirms the need to control for professionalization. Table 2 summarizes the measures of professionalization.

The measures show clear differences in professionalization across provinces. After Ontario and Quebec, B.C. and Alberta have the most seats in their legislatures. and B.C. legislators

⁹ Because this measure is the “effective number of third reading days” higher numbers indicate lower concentration.

Table 2: Measures of professionalization in Canada's provinces, 1983-2013

| Province | Sitting Days | Average Seats | Change in Seats 1983-2013 | 2010 Salary (CAD 2002) | Change in Salary 1980-2010 |
|----------------------|--------------|---------------|---------------------------|------------------------|----------------------------|
| <i>Alberta</i> | 55.0 | 83 | +4 | \$67,961 | \$19,210 |
| <i>B.C</i> | 60.8 | 74.5 | +25 | \$88,593 | \$33,340 |
| <i>Manitoba</i> | 69.4 | 57 | 0 | \$74,420 | \$32,290 |
| <i>New Brunswick</i> | 51.3 | 56 | -3 | \$73,930 | \$25,530 |
| <i>Newfoundland</i> | 60.1 | 50 | -4 | \$82,938 | \$39,196 |
| <i>Nova Scotia</i> | 67.0 | 52 | 0 | \$75,338 | \$24,229 |
| <i>Ontario</i> | 145.4 | 118 | -18 | \$101,371 | \$26,549 |
| <i>P.E.I.</i> | 37.1 | 29 | -5 | \$56,834 | \$15,394 |
| <i>Quebec</i> | 131.3 | 124 | +3 | \$87,299 | -\$1,880 |
| <i>Saskatchewan</i> | 74.3 | 61 | -6 | \$76,597 | \$20,810 |

Sitting Days and Average Seats are the averages by session for the whole time period. Salaries are in 2002 CAD and include both member's base salary and their indemnities; sources for the salary data are discussed above.

receive the third highest compensation after Ontario and Quebec. Alberta actually pays a below average salary to its members. With the exception of Ontario and Quebec there is not substantial variance in the average length of sessions from province to province. Most legislatures are in session for about 60 sitting days at a time. Ontario and Quebec on the other hand tend to hold sessions across multiple years, with only a few sessions between each election. The third and fifth columns show changes over time. Here we see that while most provinces have held the size of the legislatures relatively constant over time, British Columbia's has grown substantially, while Ontario's has shrunk slightly. In terms of salary, most legislatures have seen substantial increases over time, with the exception of Quebec which has had a consistently high salary for members since the beginning of the study period.

4.4 Informational versus policy effects

The next section will test these differences in full regression models, but first it is important to test hypotheses 2 and 3. These hypotheses predict particular differences that committee review would produce if its effect was an informational one. If these hypotheses are not confirmed then it is problematic to claim differences in amendment rate are reflective of the true effect of committee review.

Hypotheses 2a and 2b stem from the assumption that committee review provides an inexpensive way to apply scrutiny to the a bill. If this is the case, then that factors which affect the investment in scrutinizing bills made by members in COWH provinces would be attenuated under committee review. Table 3 examines this for the case of politically contentious bills.

Table 3: Amendment rates by recorded division (4 provinces), 1983-2013

| COWH Review | Division | | Chi-Square Test | |
|------------------|----------|-------|-----------------|---------|
| Amended | No | Yes | χ^2 | p-value |
| No | 1087 | 141 | 28.91 | 0.000 |
| Yes | 346 | 97 | | |
| % | 24.1% | 40.8% | | |
| Committee Review | Division | | Chi-Square Test | |
| Amended | No | Yes | χ^2 | p-value |
| No | 292 | 53 | 2.13 | 0.145 |
| Yes | 853 | 198 | | |
| % | 74.5% | 78.9% | | |

The table shows a cross-tabulation of bills passed that were amended and those that faced a recorded division at second or third reading for each type of committee system. In the

provinces without committee review (Alberta and B.C.), bills that face division are almost twice as likely to be amended. In contrast, this difference disappears in Ontario and Quebec. Bills in these provinces are amended frequently but there is no difference in this frequency between bills facing division and those not. While legislators may invest in scrutiny in Alberta and B.C. to influence contentious legislation, in Ontario and Quebec, committee review reduces the need to make such a choice and all bills receive higher levels of scrutiny. The chi-squared tests bear this out. While the distribution of amendments is significantly correlated with division in the case of COWH review, they are unrelated in the committee review provinces.

Table 4 repeats this analysis for bill type instead of division. This table includes omnibus legislation as a separate category. This is done for two reasons. First, omnibus legislation typically consists of amending legislation, but may also include new statutes. Second, while some omnibus bills are likely to be of particular interest, others are quite routine. As such, including them in one or the other basic category may dilute the results. Legislation that

Table 4: Amendment rates by bill importance (all provinces), 1983-2013

| COWH Review | Bill type | | | Chi-Square Test | |
|------------------|------------------|-------------|---------|-----------------|---------|
| Amended | Amending Statute | New Statute | Omnibus | χ^2 | p-value |
| No | 5149 | 2394 | 111 | 99.09 | 0.000 |
| Yes | 784 | 584 | 52 | | |
| % | 13.21% | 19.61% | 32.30% | | |
| Committee Review | Bill type | | | Chi-Square Test | |
| Amended | Amending Statute | New Statute | Omnibus | χ^2 | p-value |
| No | 1585 | 548 | 96 | 163.41 | 0.000 |
| Yes | 1156 | 788 | 239 | | |
| % | 42.17% | 58.98% | 71.34% | | |

repeals existing acts is excluded from these counts.

The table shows similar results to those in Table 3. In provinces without committee review, new statutes are amended about 1.5 times more often than amending legislation and omnibus bills are amended almost 2.5 times more often. In these provinces, new statutes and omnibus bills both draw significantly more scrutiny than amending legislation. There are still differences in the committee review provinces, but they are somewhat smaller. New statutes are amended about 1.4 times more frequently than amending legislation, and omnibus bills are amended only about 1.7 times more frequently. While new statutes and omnibus legislation are amended more frequently than amending statutes in all provinces, the differences are smaller under committee review than under COWH review. However, for these data the relationship between bill type and amendment is statistically significant in the chi-squared tests for both types of provinces.

An informational perspective on committee power also implies governments abandon legislation as a result of committee scrutiny. This requires looking at the set of legislation that passed committee stage. Unfortunately, these data are only available for the online portion of the sample, as the data from CCH does not describe passage of committee stage in particular.¹⁰ Table 5 summarizes how frequently governments neglect to pass legislation after it has completed committee stage.

These events are exceedingly rare. This is not surprising given the intense control governments exercise over the legislative agenda in Westminster legislatures, and the fact that for most legislation third reading is little more than a formality. This is a strong reminder that whatever increase in power committee review gives to Westminster parliamentary committees, they are still weak actors relative to the government itself. Nonetheless the table

¹⁰ This sub-sample also excludes Prince Edward Island for which there is no data. In all it represents 109 of the 274 sessions in the full dataset.

Table 5: Unpassed bills by Province, various time periods

| Province | Number of “retracted” bills | Total bills to pass committee stage |
|--|------------------------------------|--|
| <i>Alberta</i> | 1 | 545 |
| <i>British Columbia</i> | 0 | 447 |
| <i>New Brunswick</i> | 0 | 503 |
| <i>Newfoundland</i> | 1 | 514 |
| <i>Nova Scotia</i> | 0 | 868 |
| <i>Saskatchewan pre-03</i> | 0 | 57 |
| <i>Saskatchewan post-03</i> | 5 | 538 |
| <i>Ontario</i> | 0 | 311 |
| <i>Quebec</i> | 35 | 1120 |
| <i>Manitoba</i> | 13 | 368 |
| The data in this table covers the most recent sessions going back as far as data is available. In total it covers 102 sessions across 9 provinces. | | |

shows that while these events are all but unheard of under COWH review, when they occur it is in provinces with committee review.

A brief example shows on the one hand that this effect can be driven by committee process. But, on the other hand, the results do not guarantee that the government will not ultimately get its way. Bill 80 was introduced in Saskatchewan in 2009. It was a controversial piece of labour law, changing union regulations in the construction industry. The bill met significant opposition through committee stage (“Meeting on Bill 80 heated,” 2009), and was ultimately not passed in the legislative session in which it was introduced. However, the government reinstated the bill in the following session, and pushed it through without amendment (Hall, 2010). In this case committee review had no substantive effect on the content of the bill that was ultimately passed. However, an editorialist for Saskatoon's Star-Phoenix newspaper argued that, after the process it went through, passing the unamended law did serious political damage to the government, while minor amendments would have largely placated the opposition and avoided the damage (Mandryk, 2010). Likely, other governments in

similar circumstances would allow such amendments. In general, the fact that nearly all such events occur in provinces with committee review provides strong evidence for hypothesis 3.

5. Results

Properly testing the effects of committee review requires multivariate analysis. The primary concern is controlling for differences in professionalization across legislatures. As such, limited models are fitted in each case controlling for only this set of covariates. Full models also include the controls for political context as well as population and gdp. The results of this section show that committee review predicts a substantial increase on legislative scrutiny, but has no measurable effect on the concentration of bill passage.

5.1 Modelling amended legislation

The first set of models addresses legislative scrutiny. Because the dependent variable is a count of the number of bills amended, ordinary least squares regression is not appropriate. The first choice for count data is a poisson regression model. However testing showed that the amendments variable was significantly overdispersed. Because a key assumption of a poisson model is that the mean and variance are equal (conditional on the covariates), a model that relaxes this assumption must be used if the data is overdispersed. The most common choice is the negative binomial regression model (Long, 1997, p. 230). The negative binomial model adds a variance term to the estimated equation that accounts for overdispersion in the data.

Model 1 in Table 6 shows a negative binomial regression of the number of amended bills on the use committee review, controlling for professionalization. Because not all sessions passed the same number of bills overall, an exposure variable must be used to scale the model. In this case the exposure is the number of bills passed. Including the exposure variable causes the count model to effectively model the rate of amended bills passed out of all bills passed (Winkelmann, 2008, p. 74). This model tests the hypothesis that the effect of committee review on amendments remains even when controlling for other aspects of

professionalization. Coefficients in this model, and all count models hereafter, are reported as incident rate ratios.¹¹ In this model, and all models hereafter hypotheses are tested using robust standard errors that are (where appropriate) clustered at the province level.

Table 6: Regressions, amended bills in Canada's Provinces, 1983-2013

| | <i>Full Sample</i> | | <i>Restricted Sample</i> | | <i>SK Only</i> |
|------------------------------|--------------------|----------------|--------------------------|----------------|----------------|
| | <i>Model 1</i> | <i>Model 2</i> | <i>Model 3</i> | <i>Model 4</i> | <i>Model 5</i> |
| Committee Review | 1.834*** | 2.072*** | 2.117*** | 2.114*** | 6.729*** |
| Seats | 1.015*** | 1.002 | 1.024*** | 1.007 | --- |
| Compensation | 0.999 | 0.999 | 0.999*** | 0.999 | 0.999*** |
| Sitting Days | 1.002** | 1.002*** | 1.002 | 1.004** | 0.999 |
| Pre-election | --- | 0.851* | --- | 0.775** | 0.663 |
| Session | --- | 1.069* | --- | 1.093* | 1.193* |
| Minority | --- | 0.637 | --- | 0.473 | 1.478 |
| Majority Size | --- | 1.001 | --- | 1.001 | 0.998 |
| Population (ln) ¹ | --- | 1.471** | --- | 1.241 | 1.365*** |
| GDP pc | --- | 1.000 | --- | 1.000 | 0.999 |
| Exposure | Bills passed | Bills passed | Bills passed | Bills passed | Bills passed |
| <i>N</i> | 269 | 269 | 234 | 234 | 28 |
| <i>α</i> Parameter | 0.33 | 0.27 | 0.36 | 0.31 | 0.055 |
| <i>α</i> = 0 <i>p</i> -value | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |

*: $p < 0.1$; **: $p < 0.05$; ***: $p < 0.01$; Coefficients are reported as Incident Rate Ratios (see note), standard errors are robust and (except in model 5) clustered by province

1: For the sake of comparability across models, coefficients for for logged population variable are displayed as the IRR of a one standard deviation change instead of a unit change, these standard deviations, in order, are 1.206, 1.0007, and 0.015. Which correspond to population changes, relative to the mean, of 3,069,636; 1,678,822 and 15,446 in each sample respectively

In this dataset, the average session in a province with COWH review passes about 50 bills,

11 An incident rate ratio (IRR) is the ratio of the predicted rates of the dependent variable before and after a one unit change in the independent variable. In other words, if the outcome occurs at twice the rate after a one unit change in some independent variable, the IRR of that variable is 2. If it is half as likely, the IRR is 0.5.

and an average of 7 of these bills are amended. Model 1 predicts that implementing committee review doubles this, an increase of 7 additional amended bills. However the number of bills that doubling the rate of amendment represents depends on the baseline. In the average P.E.I. session it means an increase from 3 out of 30 bills to 6, whereas in B.C. it would predict that of a similar 30 bills passed, 20 would be amended instead of 10.

Model 2 adds the additional control variables. A likelihood ratio test confirms that this full model is a better fit of the dependent variable than the limited model. With the additional control variables in the model, the effect of committee review remains the same: twice the number of bills are amended when committee review is used. This is clearly a substantively large effect compared to the other variables in the model. For example, a 50% increase in population (e.g. from 1 million to 1.5 million) predicts only 1 more bill amended on top of the 7 in the hypothetical average COWH session. Another way of interpreting the effects of the model is to examine the probability of specific counts. Table 7 breaks down the predicted probability of various numbers of amended bills. It separates the predictions out by the number of bills passed and the use of committee review, other variables are held at their conditional means for each cell.

These probabilities reaffirm the importance of the role committee review plays. Even in a session that passes between 75 and 100 pieces of legislation, there is a 45% chance that a province without committee review will amend less than 10 of those bills. The chance of this happening in a province with committee review is only 4%. In fact, no matter how much legislation is passed, less than 10 amended bills is the modal category for provinces lacking committee review. On the other hand, in committee review provinces there is a significant chance of a large portion of the bills passed being amended. This is true no matter how many bills are passed.

Looking briefly at the other independent variables, although the professionalization variables showed some effects in the limited model, they are mostly insignificant in Model 2. Sitting

Table 7: Predicted probabilities from Model 2

| | | Probability of amending N bills: | | | | |
|------------|--------------|----------------------------------|-------|-------|-------|-------|
| | Bills passed | 0-10 | 10-20 | 20-30 | 30-40 | 40-50 |
| COWH | 0-25 | 98.1% | 2.7% | 0.1% | n/a | n/a |
| Comm. Rev. | 0-25 | 78.1% | 20.1% | 4.9% | n/a | n/a |
| | | 0-10 | 10-20 | 20-30 | 30-40 | 40-50 |
| COWH | 25-50 | 86.0% | 16.0% | 1.7% | 1.7% | 0.0% |
| Comm. Rev. | 25-50 | 41.4% | 40.0% | 16.6% | 6.3% | 2.5% |
| | | 0-10 | 10-20 | 20-30 | 30-40 | 40-50 |
| COWH | 50-75 | 69% | 30.5% | 5.6% | 1.0% | 0.2% |
| Comm. Rev. | 50-75 | 16.9% | 31.7% | 23.5% | 14.3% | 8.7% |
| | | 0-10 | 10-20 | 20-30 | 30-40 | 40-50 |
| COWH | 75-100 | 44.8% | 39.0% | 15.8% | 5.7% | 0.2% |
| Comm. Rev. | 75-100 | 3.8% | 13.1% | 17.1% | 16.3% | 13.7% |

days is statistically significant, but substantively the predicted effect is very small. For example, in Ontario and Quebec, which hold significantly longer sessions than other provinces, the average session is 139 sitting days. In all of the other provinces the average session is 59 sitting days. The model predicts that the effect of this difference is a 17% increase in the number of bills amended, in other words about 1 additional bill over the average 7 in COWH provinces.

Other than committee review, the most significant effect in the model is that of the electoral cycle. Again, if the average COWH session passes 50 bills, the model predicts the first session would see about 7 amended, but this would rise to 9 by the fifth (unless it was an election year). The average committee review session on the other hand, while still passing about 50 bills, sees 31 of these amended in a first session, rising to 41 by the fifth. The exception is the pre-election session. These sessions have a 15% decrease in the number of bills amended. If the fifth sessions above were also the final sessions of the parliament, this would mean a reduction to 8 and 35 bills amended respectively. These effects, while certainly meaningful, also reiterate the degree to which the effect of committee review is

overwhelmingly important.

Models 3 through 5 serve as robustness checks. Because of the concern that the results could easily be driven by the uniqueness of Ontario and Quebec, models 3 and 4 repeat the analysis with Ontario and Quebec dropped from the sample. As such, these models capture the effect of committee review only in Manitoba and post-2003 Saskatchewan. Nonetheless, the results are remarkably consistent. Most other coefficients remain consistent across the models, with the most notable difference being that the effect of population drops to insignificance. Model 5 tests that the results aren't driven merely by cross-sectional variance. By limiting the sample to only Saskatchewan, I test only for the effect of change over time within a province. This model excludes the variable for number of seats because it has changed very little within the province in this time period, however this omission does not affect the results. The results are again consistent with the previous models. In all, these models strongly suggest that committee review increases the ability of the legislature to impact legislation through amendment.

5.2 Modelling legislative efficiency

The second set of models tests hypothesis 4: that committee review reduces the need for expedited bill passage. Given that Anstett and Thomas' discussion of low efficiency in Manitoba was confirmed by the descriptive statistics, Manitoba is not counted as a committee review province in models 3 through 6, but instead is controlled for by a separate dummy in the models.¹² Like the number of bills amended, the number passed in the last 5 days of the session is still count data. For this data tests showed similar overdispersion problems and so negative binomial regressions are used again. To model the measure of effective concentration regular OLS is appropriate. In all cases the limited model, controlling only for professionalization, is fit first, and the fuller model afterwards. Once again standard

¹² The effect of instead modelling Manitoba as a committee review province is fairly predictable: significant coefficients on the committee review variable of the same direction and size of those seen on the Manitoba dummy variables in Table 8.

errors are robust and are clustered by province.

There are some changes in the covariates used in these models compared to the previous section. The basic models in each specification include a new term measuring the proportion of omnibus legislation each session. This controls for the additional stress larger pieces of legislation inevitably put on the session's schedule. For similar reasons, in the full models, a control is also included for whether or not the session includes the passage of a budget, which likely affects the time remaining to pass other legislation. Additionally, I add a dummy variable on whether the session is the first after a change in government. This controls for any effect that might arise from a high volume of policy change desired by a new government. A final difference in this set of models is that sessions in which minority governments were defeated are excluded. This is because the legislative calendar in these sessions is truncated unpredictably, meaning there is no "end" of the session at which time a rush could occur. The results are given in Table 8. In models 1 and 2, coefficients are again IRRs, meaning that numbers above 1 indicate an increase in the number of bills passed at the end of the session, and thus an increase in concentration. In the OLS regressions, models 3 and 4, it is negative effects that show an increase in concentration, as the effective number of third reading days declines.

Across the board, Manitoba has significantly higher levels of concentration. In the average 50 bill session, model 2 predicts that provinces without committee review pass 12 bills in the last 5 days, and those with it pass 8. These predictions are not statistically different from one another at a 95% confidence level. The model predicts that Manitoba, on the other hand, would pass 31 of these 50 bills at the end of the session. The effect is similar in model 4, while outside of Manitoba, the predicted effective number of third reading days is 9 for both COWH and committee review provinces, it is 3.3 for Manitoba itself. Thus, while committee review in general has no measurable effect on efficiency in this data, there is something particular about Manitoba that causes problematic delays.

Unlike the models of legislative influence, these models suggest that other aspects of

Table 8: Regressions, legislative efficiency in Canada's provinces, 1983-2013

| | <i>Passed last 5 days (negative binomial)</i> | | <i>Effective Third Reading Concentration (OLS)</i> | |
|-------------------------------|---|----------------|--|----------------|
| | <i>Model 1</i> | <i>Model 2</i> | <i>Model 3</i> | <i>Model 4</i> |
| Committee Review ¹ | 0.957 | 0.673 | -2.365 | -0.276 |
| Seats | 1.004 | 1.030*** | 0.012 | -0.082 |
| Compensation | 0.999 | 0.999*** | 0.0001 | 0.0001** |
| Sitting Days | 0.989*** | 0.986*** | 0.102*** | 0.104*** |
| Budget Session | --- | 1.160 | --- | 1.196 |
| Omnibus Proportion | 0.021*** | 0.029* | 16.909** | 8.467 |
| Pre-election | --- | 1.220 | --- | -1.188* |
| New Government | --- | 1.145 | --- | -1.472 |
| Minority | --- | 0.417* | --- | -1.795 |
| Majority Size | --- | 0.986*** | --- | 0.047* |
| Population (ln) | --- | 0.600* | --- | 2.596* |
| GDP pc | --- | 0.999 | --- | -0.0001 |
| Manitoba Dummy | 3.315*** | 2.680*** | -6.57*** | -5.60*** |
| Exposure: | Bills passed | Bills passed | --- | --- |
| <i>N</i> | 262 | 262 | 262 | 262 |
| <i>α</i> Parameter | 1.360 | 1.247 | --- | --- |
| <i>α</i> = 0 <i>p</i> -value | 0.000 | 0.000 | --- | --- |
| <i>R</i> ² | --- | --- | 0.594 | 0.641 |

*: $p < 0.1$; **: $p < 0.05$; ***: $p < 0.01$; Coefficients in models 1 and 2 are reported as Incident Rate Ratios, standard errors are robust and clustered by province

1: This *excludes* Manitoba, whose effect is captured separately

professionalization are relevant for efficiency. Not surprisingly, more sitting days decreases the reliance on a last-minute rush, and the overall concentration of passage. Salary also has a modest effect in the model of effective concentration. The number of seats in the legislature, on the other hand, predicts a statistically significant increase in the number of bills passed at

the end of the session. Though this result is not repeated in model 4. Ultimately, what these results suggest, in conjunction with the results for committee review, is that various attempts at professionalizing Canada's provincial legislatures have had mixed success. More research should be done to separate out these effects.

Other factors that predict more effective use of legislative time are a larger population, a larger government majority, and the existence of a minority government. In the average session, model 2 predicts a minority would pass 10 bills in a rush at the end, whereas a government with a 10% majority (e.g. 55 seats out of 100) would pass 20, and a government with a 30% majority (e.g. 70 seats out of 100) would pass 15. However, while the result for majority size holds in model 4, the effect of minority governments is no longer significant.

In all, these models provide no evidence that committee review helps provinces to deal with legislation more efficiently. There are a number of ways of getting at the issue of efficiency, and this approach has examined only the one most in line with the present theory. However, two other pieces of evidence are suggestive of the possibility that committee review has not been as helpful as it was thought to be. First, provinces that use committee review use significantly more omnibus legislation than those which do not. In provinces with committee review, 8% of legislation is coded as omnibus legislation, whereas the number is 2.5% in other provinces. Given that omnibus legislation is an institution that both helps governments pass a greater volume of policy per bill and also is a means to deal with more involved and complex policy problems, this may suggest that committee review, whether or not it has helped, has not been sufficient to address these problems. Provinces that use committee review are also the only provinces in this time period that have carried over legislation from one session to the next. Manitoba carries over 2.4% of bills introduced, Ontario 4.2%, and Quebec 7.6%. Saskatchewan did use the practice prior to introducing committee review in 2003, but only on 0.1% of bills. Since 2003 it has been used on 1% of all bills introduced. This again suggests the possibility that committees can create a burden on getting legislation passed that is not seen in provinces that use COWH.

6. Conclusion

A number of important conclusions and avenues for future research emerge from these findings. There is strong evidence that committee review creates a higher level of legislative scrutiny in Canadian provinces where it is present. This undermines typical views of Westminster committees that cast them as ineffective and unimportant. Nonetheless, it is important to put this finding in context. Committees in these legislatures are not making policy through this process. The government still maintains the power to propose legislation, and if it ever wants to can easily override any concerns that committees might have. But the fact that committee review appears to double the rate at which bills are amended strongly suggests that bills receive better scrutiny in these legislatures, with more opportunity for public input.

This conclusion leaves unaddressed some implications that are important to test in further work. Are the amendments passed by these committees mostly insubstantial? It is possible the increased scrutiny amounts to little more than a glorified error-checking process. If so the claim of an important and influential role for the legislature would be undermined. A further approach would be to examine if the apparent difference in scrutiny manifests in measurable policy differences between these provinces. For example, do legislatures that practice committee review pass legislation with more public support than those which do not? Assessing the practical impact of the effects observed in the present study would not be simple. It is clear though, that the effects exist, and are substantial.

The results as regards efficiency are less clear. Though the analysis presented here shows that committee review has not guaranteed a higher level of efficiency, that does not mean it has no effect. What it suggests is that governments, in the absence of the ability to devolve work to a parallel committee system, have found other mechanisms to enhance the efficiency of their legislative process. Most of the variance in efficiency was explained by the political

context, and structural features like the population of the province.

In Westminster parliaments, legislatures are the only directly elected branch of government, and democratic accountability mechanisms must run through legislative elections. While many scholars see these elections as merely a means to choosing an executive, the question of whether legislatures have an influence beyond that role is an important one. This data shows that the use of standing committees to review legislation in Canada's provinces has materially increased the influence of these legislatures. This result contributes to a growing research agenda demonstrating the previously under-estimated role legislatures can have in parliamentary systems. Though policy in Westminster systems always runs through the government first, the legislature's role in refining and scrutinizing it cannot be written off.

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