

**Accountability and Financial Oversight Reform:
The Case of the Parliamentary Budget Officer (PBO)**

by

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Abstract

The Conservative Government came to power in 2006 on a platform of accountability. One aspect of this platform was the creation of a Parliamentary Budget Officer (PBO). The PBO was intended to contribute to a higher level of accountability in government budgeting. This thesis seeks to explain why the PBO was created, what it does, and contemplates whether the PBO has been able to help Parliamentarians hold the Executive to account. In addition, the thesis questions how the PBO itself is held accountable. Finally the study considers potential changes to the PBO and what might become of the PBO after its conspicuous first leader Kevin Page passes from the scene. Minor changes to the PBO's legislation and placement within the institutions of government may improve the results of the PBO. However, the PBO's effectiveness, independence and accountability will still depend on the office's structural characteristics and leadership.

For Mom and Dad

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Chapter I: Introduction

In 2004, Dr. Tim O'Neill, the former chief economist at the Bank of Montreal, reported that for each of the previous ten years, budget balance predictions of the federal Liberal government were underestimated by ten billion dollars on average (Darling, 2006). In late 2008, the Conservative government predicted there would be no deficits in the near future. By 2009, Minister of Finance, Jim Flaherty was predicting the largest budget deficit in Canada's history. However, because Parliament's role in the budgeting process is so limited, it is difficult for Parliamentarians to hold the government to account for budgeting and economic decisions. Without accountability, governments are not held responsible for the decisions they make and may not be under adequate pressure to improve their performance.

Created in 2006 as part the Conservative government's Federal Accountability Act (FAA), the Parliamentary Budget Officer (PBO) is supposed to help Parliamentarians hold the government to account for budgeting and other financial decisions. Canada is not alone in this regard. A growing demand for transparency and accountability around the globe has resulted in part in a growth in independent budgetary offices like the PBO. There are three central aspects of the PBO's mandate. First, monitoring the health of the nation's finances. Second, analyzing trends in the Canadian economy and government estimates. Third, upon request of committees or Parliamentarians, costing any proposal that falls within Parliament's jurisdiction.

However, the PBO does not have the legislated powers of the Auditor General, the Privacy Commissioner, or other "Officers of Parliament." The PBO simply falls

under the jurisdiction of the Library of Parliament. Whether the PBO should be in the Library of Parliament or whether the PBO should become an Officer of Parliament has been a matter of great debate. The PBO's mandate, goals and structure seem simple. Yet, three years of controversy since Kevin Page's appointment as PBO indicate otherwise. Deliberately or by circumstance, there has been a misalignment between the Conservative Party's campaign commitment, the PBO's original rationales, its legal mandate, and its actual operations.

1.1 Research Questions

This thesis provides a case study in parliamentary reform and accountability agencies focusing mainly on the House of Commons¹. The study seeks to answer central questions about the PBO. Why does the PBO exist and what does it do? This study will answer these questions by explaining the rationales for the PBO's creation, its mandate, and its experience to date. In discussing the PBO's experience to date the study will also ask about the PBO's strengths and weaknesses. Specifically, has the PBO been able to help Parliamentarians² hold the Executive to account? Officers of Parliament and other agencies and organizations of accountability like the PBO cannot forget about their own accountability. Therefore, the study asks how the PBO strikes a

¹ This study does not rule out further participation by the Canadian Senate in holding the government to account for budgeting and financial matters. However, this study will focus on the role of the House of Commons. The House of Commons plays a larger role than the Senate in the budgeting and oversight process in Canada.

² Generally when this study discusses "parliamentarians holding the Executive to account" the study is focusing on Opposition parliamentarians. However, this study does not rule out the possibility of government members utilizing the work of the PBO to put pressure on their own leadership or to scrutinize the ideas and proposals of opposition parties. However, this pressure is the type exhibited behind closed doors in meetings of the cabinet, caucus and in private conversations.

balance between accountability and independence. In addition, the study asks, do changes need to be made to the PBO? The thesis responds to this question by discussing whether or not the PBO should make changes to become an Officer of Parliament or operate separately from the Library of Parliament. Finally, the study asks about the future of the PBO, and what might become of the PBO after Kevin Page?

1.2 Summary of Research Questions

- Why does the PBO exist?
- What does the PBO do?
- Has the PBO been able to help Parliamentarians hold the Executive to account?
- How does the PBO strikes a balance between accountability and independence?
- Should the PBO become an Officer of Parliament?
- Should the PBO be removed from the Library of Parliament?
- What might become of the PBO after Kevin Page?

1.3 Methodology

The first aspect of the study's research consisted of a review of secondary academic, government, and popular literature. Because there has been little academic research about the PBO, this consisted mainly of collecting news items relating to the PBO. Because the PBO is a new and active organization, research also needed to be done to cover the PBO's activities and relevant developments in the period spanning

from the completion of a research paper on the PBO on April 28, 2010 until the Summer of 2011.³ The secondary research collected contributed to a solid understanding of the PBO.

Nevertheless, the amount of primary and secondary research on the PBO is limited. As a result, it was determined that elite interviews would be of great value. Interviews with key informants confirmed, denied, clarified, and enriched preliminary findings. Interviewees included officials in the office of the Parliamentary Budget Officer, the Library of Parliament, a member of the Standing Committee that examined the mandate of the PBO, a former official in the Prime Minister's office familiar with the creation of the PBO, and a former bureaucrat involved in the design of the PBO's statute. The key informants were chosen for their close proximity to the events, organizations, and individuals discussed by this study, because they come from different organizations in the debate, and because they represent different and unique points of view. However, consistent with the nature of qualitative studies, these interviews cannot be considered a complete representation of opinion inside or outside Parliament about the PBO. The opinions presented here only represent the insight of a small group of individuals with intimate, but varying relations with the PBO.

Because the individuals interviewed are involved at different times and in different areas of the debate they were asked different questions relevant to their positions and experience. Basic interview scripts were created in advance of

³ This thesis builds on a lengthy research paper on the PBO for Professor Paul Thomas in his Seminar on Public Administration. Much of the research on the PBO was conducted in early 2010, and a fundamental understanding of the PBO existed before beginning the thesis project.

interviews, but other questions often came up during the interviews. The interview questions dealt with how the key informants perceived the performance of the PBO thus far. These questions focused on how the PBO may have helped Parliamentarians hold the Executive to account for budgeting and financial issues, and if the PBO has been able to raise the level of discourse surrounding the discussion of financial and economic issues in Canada. Accountability and independence were themes discussed with most of the key informants. In particular, how the PBO strikes a balance between independence and its own accountability was an important question. In addition, the role of Parliamentarians to hold the Executive to account was discussed, as was the PBO's operations in an environment marked by control and secrecy. Finally, a number of questions were asked about the future of the PBO. More specifically, should changes be made to the PBO and could majority governments affect how the PBO fares in the future?⁴ Although the secondary research process made some interview responses predictable, new information was uncovered that enriches the study. In particular, there was often a concern expressed by interview participants that the media's portrayal of events may not have always been wholly accurate which reinforced the importance of conducting interviews with key informants. However, responses from Kevin Page, who has been widely quoted in the media on the topics that came up in interview questions, were sometimes more predictable.

All of the interviews were conducted over the phone and were recorded with a digital device between January 27, 2011 and June 21, 2011. These interviews were

⁴ See Appendix, Section D, for a full listing of interview questions.

conducted under the terms of the ethics proposal which was approved by the Joint-Faculty Research Ethics Board on November 15, 2010. Where confidentiality has been requested it has been respected. The interviews were transcribed soon after being conducted. In the case of the Parliamentary Librarian, the staff requested to view the questions the Librarian would be asked before allowing the interview to proceed. This request was accommodated.

1.4 Challenges

The relative newness of the PBO presented challenges. This newness means relationships are ongoing, fluid, and changing while impacts on Canada's political system are difficult to detect. However, the fundamental issues which this study of the PBO touches on demonstrate the topic's importance. The story of the PBO touches on Canada's economic future, parliamentary democracy, and the issues of accountability and reform. The following thoughts from Barry Winetrobe (2008) who has examined watchdogs similar to the PBO reflects this researcher's experience well:

Study of the operation and governance of core constitutional watchdogs associated with parliaments is both a highly rewarding and hugely frustrating exercise. Rewarding, in the sense that it raises many of the fundamental issues of contemporary political and constitutional governance, including public trust and engagement in their governance, and the nature of representative, parliamentary democracy in the modern age. Frustrating, in that the very centrality of these issues makes it seem an impossible topic to examine in isolation. Its mercurial qualities make it so much easier to raise interesting questions than to devise ways of seeking their answer, as many academics, parliamentary committees and others have discovered. (120)

Another challenge is that it is difficult to separate the personality and actions of Kevin Page from the PBO. One must understand that it is called the Parliamentary

Budget Officer, not the Parliamentary Budget Office. Yet, the PBO is still an office staffed by around 13 individuals. Indeed, it is often referred to as the office of the Parliamentary Budget Officer (OPBO). As a former senior bureaucrat in economic and fiscal policy areas at the PCO, Treasury and Finance, Kevin Page has become a larger than life bureaucrat as the first PBO. Therefore, the study uses “PBO” and “Kevin Page” interchangeably. In addition, because Kevin Page’s impact on the new office has been so profound there is some discussion later as to what might become of the PBO after Kevin Page.

Finally, the PBO is not an Officer of Parliament. Yet, its operations, functions, and circumstances are very similar to those of other Officers of Parliament. Indeed, the research process came across a number of assertions that the PBO essentially acts as an Officer of Parliament. Indeed, it would not be unreasonable to consider the Parliamentary Budget Officer a de facto Officer of Parliament. And yet, Kevin Page and others wish for the PBO to become an Officer of Parliament. This has posed some challenges surrounding clarity. However, it has also allowed this study to utilize research on other Officers of Parliament, as it is directly relatable to the experiences of the PBO. Many of the conclusions and assertions made about the Officers of Parliament by other scholars are applicable to the PBO as well. A more detailed explanation of the Officers of Parliament can be found in Section 2.5 of the Literature Review.

1.5 Key Definitions

Parliamentarian: This study refers to Parliamentarians as any member elected to the House of Commons or appointed to the Senate. However, the study will focus mainly on the House of Commons. In addition, when the thesis discusses Parliamentarians holding the Executive to account, the study is focused on Parliamentarians from opposition parties.

Government: This study refers to “the government” as the governing party in Ottawa. More specifically, “the government” refers to the Prime Minister and his Cabinet. However if this study refers to the Government of Canada or the Canadian Government it is referring to all things that make up the federal government.

Executive: This study uses the terms, “the Executive,” and “the Government,” interchangeably. Once again, “the Executive” refers to the Prime Minister and Cabinet.

1.6 Organization

This thesis will be organized into 8 main chapters. Chapter 2 outlines the study’s Literature Review. Providing a review of budgeting and budget oversight will help set the PBO’s location in Canada’s budgeting system. In addition, an introduction to Canada’s Officers of Parliament will explain that the PBO is not alone as an agency of accountability and oversight in Canada’s machinery of government. This Section will also help guide a later discussion of potential institutional changes for the PBO. Because the Parliamentary Budget Officer is an accountability agency, the Literature Review will outline what accountability, transparency and responsibility really means for this study. Finally, by briefly examining the Budget Officers internationally the study demonstrates that the PBO is not an idea unique to Canada. Finally, because

Canada is so often compared to the United States, and because Kevin Page has been inspired to some degree by the Congressional Budget Office (CBO) (see Page, 2010b and Good, 2007), this study will explain those differences between Presidential and Parliamentary systems. This explanation will clarify why it may be risky to depend too much on the CBO to guide the PBO.

Chapter 3 will outline the rationales for the creation of the PBO. This will allow the study to explain why the Officer was created in the first place and therefore answer the study's first research question.

Chapter 4 will deal with the actual creation of the PBO. In addition, the chapter will delve into the operations of the PBO. The chapter will explain exactly what it is that the PBO has done and has been tasked with doing in its first years.

Chapter 5 will deal with the turmoil that the PBO has gone through in its early years. This chapter delves into the confusion and disputes over the PBO's mandate and will expand on the misalignment of the Officer's original rationales, the Conservative Party's campaign commitment in the 2006 Federal election, the PBO's legal mandate, and the PBO's operations under Kevin Page's leadership. In addition the chapter will discuss concerns and thoughts coming from the bureaucracy and Opposition parties about the PBO. Finally the chapter will discuss reservations about how the PBO handles its reports, apprehensions about Mr. Page's style of communication and will explain the story of the PBO's budget battles.

Because it is so difficult to separate Kevin Page and the PBO, Chapter 6 is dedicated to Kevin Page and the makeup of the PBO. This will include an explanation

of the appointment and dismissal process of the Parliamentary Budget Officer, a discussion on Kevin Page, and a look at the staff of the PBO.

Chapter 7 will deal with the PBO going forward. This chapter will address the research questions which consider possible reforms to the PBO, including a discussion of the potential for the PBO to become an Officer of Parliament and the PBO's possible removal from the Library of Parliament. In addition, this chapter will discuss the challenges that the PBO will face in the future and will touch on a PBO without Kevin Page.

Chapter 8 is the concluding chapter. Here the study will provide some conclusions and recommendations in response to the research questions outlined in Chapter 1. In addition, the study will offer some ideas on where other important avenues of research may lie regarding the PBO.

1.7 Summary

There has been a misalignment between the rationales for the creation of the PBO, the Conservative Party's 2006 election commitment to a "Parliamentary Budget Authority," the legal mandate of the Parliamentary Budget Officer once created, and the actual operations of Kevin Page as the Parliamentary Budget Officer. In addition, the PBO still has work to do in motivating Parliament to further scrutinize the Executive's role in budgeting. The PBO can do this by making its presentation of information to Parliamentarians more relevant by determining the interests of Parliamentarians, and simplifying the presentation of information related to those interests. This study will also recommend that in order for the PBO to strengthen its

independence the Prime Minister's power to appoint and dismiss the Parliamentary Budget Officer should be weakened and Parliament's role strengthened. Like with Officers of Parliament, the PBO should be appointed after consultation with all recognized party leaders, and following approval of the appointment by resolution of the House and Senate. Nonetheless, the power of the Prime Minister in appointing the Officer will be strong even in a minority government situation.

Being subordinate to the Library of Parliament has been a strange fit for Kevin Page and his office. However, the Library of Parliament sets a high standard for independence and non-partisanship in the Canadian government and thus far has not greatly inhibited the PBO from doing its work. In addition, becoming an Officer of Parliament will not resolve all of the controversies surrounding the PBO. The definition and classification of Officers of Parliament is vague, and the balance of independence and accountability will still depend on the PBO's structural characteristics and leadership. The PBO has already made a positive contribution to Canadian policy debates, and if Kevin Page's superiors in the Library, Parliament, and the Prime Minister's office can resist shuttering or neutering the office now and in the future, the PBO will be an impressive legacy item of this government.

Chapter II: Literature Review

This study draws on and addresses a number of themes and topics which are central to the discussion of the PBO. These will be explored in the literature review in order to establish an understanding of the ideas that affect the PBO, as well as the contextual location of the PBO internationally and within the budgeting and oversight functions of the Canadian government. The literature review will explore the concepts of accountability, responsibility and transparency. In addition, the literature review will discuss Canada's budgeting process, its Officers of Parliament, and will establish the international context of the PBO by briefly discussing independent budgetary research offices around the world. Finally, the literature review will touch on the CBO and demonstrate how the Parliamentary and Presidential systems differ.

2.1 Budget Process in Canada

Because this study delves into the budgeting process in some detail it is important to have a basic understanding of the budgeting and financial oversight processes that the PBO interacts with. In particular, it is important to mention some of the limitations of the budgeting process and describe how the PBO might begin to remedy some of the issues. First, all funds collected by the government are placed into the Consolidated Revenue Fund (CRF), and no funds can be withdrawn without Parliament's approval (Dobell and Ulrich, 2006). In order to balance spending obligations i.e. legislation, political commitments and tax measures with economic

forecasts, financial constraints, and political priorities, an annual budget is put forward by the government that shapes department and program plans (Dobell and Ulrich, 2006). Within this budget framework, each department develops plans and a budget, as part of the Estimates, which are tabled in Parliament and presented to Standing Committees for review. However, David A. Good (2007) notes that in Canada committees do not have much of a role in budgeting. Good asserts that budget making is the role of the Executive in Canada. Paul G. Thomas' (2003) illustration of Parliament's role in the budgeting process is appropriate here:

[A]pproval of the government's spending plans through the Supply Process is probably the weakest of all parliamentary procedures. Although Estimates are referred to Commons committees, little actual review of spending takes place, and eventually when a certain date is reached on the calendar, the Commons simply votes the government the money it has demanded. Committees represent an exercise in frustration and futility for most MPs because of the tight control exercised by government over agendas, proceedings and reports (289).

The estimates ultimately provide the Minister in charge of the department for one year of funding for said department. These funds supply a maximum level that can be withdrawn from the CRF to cover all activities detailed in the wording of the vote that approves them during the supply process. Dobell and Ulrich (2006) describe the Estimates this way:

The estimates, arguably, have become the reality check for government policy pronouncements. In other words, if one wants to know what the government is doing and what it plans to do, the Estimates should be an excellent place to look (58).

All funds must be used in accordance with the Financial Administration Act and Treasury Board policies, and all reporting is subject to audit by the Auditor General

(Dobell and Ulrich, 2006). In addition, all funds must be accounted for, and their use reported to Parliament, through detailed financial reporting in the Public Accounts, and Departmental Performance Reports (Dobell and Ulrich, 2006). The PBO has recently tried to improve the scrutiny of program spending and the Estimates through their Integrated Monitoring Database which will be discussed in Chapter IV.

Because this study deals with economic forecasting it is important to understand how the Department of Finance conducts their forecasts. The Department of Finance does not come up with their own economic forecasts. Here is how the Department of Finance (2010) described the process for Budget 2010:

Contrary to some reports the economic forecast used by the government to plan its budget is not based on a secret hidden formula! Each year since 2004, the Department of Finance has surveyed leading private-sector forecasters to obtain their estimate of how the economy will grow. The economic forecast is the average of this sample. In Budget 2010, the sample included 16 leading Canadian economists.

The paragraphs above explain some of the technical details of the budgeting process in Canada. However, in order to explain what the budgeting process in Canada has become this study must describe Parliament's diminished role in the management and control of public money (Good, 2007). There are a number of reasons why the role of Parliamentarians in the budgeting process has waned. Dobell and Ulrich (2006) provide a useful summary. The two authors posit that the reasons are the increasingly large and complex scale of government operations, a growing number of competing demands on the time of MPs, and the growing power of the Prime Minister. Dobell and Ulrich (2006) argue that these factors have led to a feeling in the public service that Cabinet is the ultimate endorsement of policy and budgets rather than

Parliament. Dobell and Ulrich (2006) argue that for many officials, rather than being an essential step in getting better legislation and greater public understanding and legitimacy, parliamentary approval is merely an obstacle. In addition, the Lambert Report, which studied accountability and financial management in Canada, concluded that party discipline had relieved the Executive from needing to find a majority in the House of Commons on an issue by issue basis, which made the House of Commons unable to provide appropriate oversight and extract a relevant accounting (as cited in Sutherland, 1991). The PBO seeks to change this dynamic by aiding Parliamentarians hold the Executive to account.

2.3 Responsibility

The PBO was created to help improve accountability, responsibility and transparency in government finances. Before discussing these aspects however, this study must clarify that despite being similar and often used interchangeably, each term is unique. For instance, the term responsibility is related to accountability. However, this study will deal specifically with the role of responsibility as it is outlined for ministers and Cabinet in Canada's Westminster style Parliamentary democracy. Sutherland (1991) posits that there are four different aspects of ministerial responsibility. The first aspect is that because the Monarch is not legally responsible, responsibility must be assumed by the Crown's servants, i.e. its Ministers (Sutherland, 1991). Second, the government, i.e. the Executive is responsible and subordinate to Parliament (Sutherland, 1991). Third, Ministers are morally culpable for their portfolios. And fourth, there is a sense that Ministers are constitutionally accountable

to Parliament and liable to suffer penalties in case of parliamentary disapproval (Sutherland, 1991). Part of this last aspect is the responsibility of ministers to answer questions about their portfolios in the House of Commons.

Responsibility has traditionally been divided in two ways. There is both collective and individual responsibility. Collective responsibility refers to the notion of “Cabinet solidarity.” This refers to the idea that on any issue understood as Cabinet policy, all Cabinet members must take the same line and display “solidarity” (Sutherland, 1991). In addition, it is expected that matters discussed within Cabinet are private. This is known as Cabinet confidentiality.

Individual responsibility refers to the legal responsibility for all acts of the Crown within a Minister’s department (Sutherland, 1991). The responsibility lies not only in the legal responsibility, but the responsibility to try to satisfy the House of Commons on whatever topic they may wish to raise so long as it pertains to that minister’s portfolio (Sutherland, 1991). Expanding on that notion, Ministers should explain circumstances without vilifying public servants within their departments in order to vindicate themselves. Public servants do not have the same means to defend themselves (Sutherland, 1991).

2.2 Accountability

Accountability is not a term limited to the discussion of government, let alone a discussion of government budgeting and the Westminster System of Parliamentary democracy. It is a fundamental aspect in the lives of thriving members of civil society. The essence of accountability is that actions can have consequences. It is central to

Canada's parliamentary democracy as well. Those in a position to spend public money need to be held to account for those decisions. If money is used incompetently or improperly, there are consequences. In addition, there is pressure to make sure poor decisions are not repeated. In Canada's Westminster system, Ministers and the Executive are held accountable to the Canadian public through their representatives in the House of Commons. The government needs to satisfy a majority of the members House of Commons or face defeat. This notion is not written in law, but is one of Canada's founding conventions known as Responsible Government.

The PBO holds the government indirectly accountable by evaluating their performance and potentially harming their reputation for competent governance. If the government's economic projections, cost estimates, tax revenue projections, and other figures are incorrect the PBO may indicate in their reports where the government has gone astray. From there, Parliamentarians, commentators in the media, and members of the public can hold the government to account in their own ways. They can ask questions like, "why did you get this wrong?" "what are you going to do to fix this and stop similar errors and problems from happening again?" And "can we trust you to fix it?" These are all questions that governments, departments and agencies would rather not have to answer. This creates a pressure for those in government to be accurate, professional, and forward thinking, rather than having to be reactionary in response to errors. In order for there to be accountability, the government, and its department and agencies must be held responsible for their use of public funds. If public money is spent inappropriately, inefficiently, or ineffectively

and this goes unnoticed or is ignored there is no accountability and there is little incentive for government to improve their operations.

2.4 Transparency

Because this study and Kevin Page frequently mention transparency it is important to establish a working definition of the term. It is also important to distinguish transparency from responsibility and accountability. George Kopits and Jon Craig (1998) provide a good definition. The two define fiscal transparency as openness towards the public about the structure and functions of government, the government's fiscal policy intentions, projections and public sector accounts. Kopits and Craig (1998) argue that this consists of ready access to reliable, comprehensive, timely, and understandable information on government operations. A Globe and Mail editorial argued that accountability is only possible when the governed receive fair, unbiased information about the government's track record and future plans (Keeping, 2009).

2.5 Officers of Parliament

The Officers of Parliament are important mechanisms of accountability in the Canadian government. There has been considerable discussion about whether or not the Parliamentary Budget Officer is an Officer of Parliament, and if not, should it become one? Therefore it is important to explain what and who the Officers of Parliament are, and to understand that the answers to these questions are not straightforward.

2.5.1 A Problematic Concept

It is crucial to note that “Officer of Parliament” is a problematic concept. In fact, John A. Stilborn (2010) notes that most watchdogs preceded the term “Officer of Parliament.” There is even some dispute as to whether or not there is an actual list of the Officers of Parliament. Jean-Marc Tremblay asserts that there is no definition of who is and is not an Officer of Parliament (2009, also see Stilborn, 2010; Hurtubise-Loranger, 2008). Thomas (2003) agrees with this assessment, writing that there is no official count of Officers of Parliament.⁵ Thomas adds that the term “Officer of Parliament” is used loosely and inconsistently, and that these entities have evolved overtime in an ad hoc and improvised manner. Thomas concludes that Officers of Parliament exist in a kind of “constitutional twilight zone,” where it is unclear how they fit within the policy and administrative processes of government (2003: 288, see also Chaplin, 2011). The Parliamentary Librarian has even been considered an Officer of Parliament in some cases (Thomas, 2003).⁶

While there is no set definition of what makes an Officer of Parliament, there are some general characteristics. For instance, there is parliamentary involvement in the appointment of Officers of Parliament (Gay and Winetrobe, 2008). In Canada, the Officers of Parliament are approved by one or both chambers of the House of

⁵ The Parliament of Canada website says that there are 8 offices which are “traditionally referred” to as Officers of Parliament. They list these as the Auditor General, the Chief Electoral Officer, the Official Languages Commissioner, the Privacy Commissioner, the Access to Information Commissioner, the Conflict of Interest and Ethics Commissioner, the Public Sector Integrity Commissioner, and the Commissioner of Lobbying (Canada. Parliament of Canada).

⁶ Agents like the Parliamentary Librarian assist in procedural and administrative areas, whereas the Officers of Parliament aid Parliament in its accountability and scrutiny functions (Hurtubise-Loranger and Robertson, 2012).

Commons (Hurtubise-Loranger, 2008; Hurtubise-Loranger and Robertson, 2012). Officers are also usually appointed in consultation with all recognized party leaders (Stilborn, 2010). Gay and Winetrobe (2008) also argue that when it comes to Officers of Parliament, independence from the Executive is emphasized rather than the sustained scrutiny and accountability of the Officer. For instance, independence from the Executive is stressed, requiring the permission of one or both chambers of the House of Commons to dismiss an Officer (Stilborn, 2010; Hurtubise-Loranger, 2008). The terms of appointment for Officers also tend to be guaranteed by statute (Hurtubise-Loranger, 2008). Finally, as their title suggests, Officers tend to serve Parliament, and thus report to Parliament through the Speakers of both chambers (Stilborn, 2010). Officers of Parliament are generally held accountable through appearances before Parliamentary committees, and often have a dedicated parliamentary committee, which examines the office's strategic plans and finances (Gay, and Winetrobe, 2008). Officers are also accountable to Parliament, which controls the purse strings, as well as appointment and dismissals. Ann Chaplin (2011) summarizes that the Officers of Parliament act on behalf and in support of Parliament in its function of oversight of the Executive. Chaplin (2011) adds that the growing complexity of government operations has threatened Parliament's ability to fulfill its oversight function.

Nonetheless, Officers of Parliament are not structured in a uniform way. Thomas argued in 2003 that clarification and standardization of the Officer of Parliament position was still needed. Thomas concluded that an agency's

independence and accountability are still dependent on the unique structural features of individual parliamentary agencies. Ann Chaplin (2011) writes that the Federal Accountability Act (FAA) brought a degree of standardization to the Officers of Parliament. The FAA standardized the appointment, tenure, removal provisions, and the way the Officers report to Parliament (Chaplin, 2011).

Elise Hurtubise-Loranger (2008) writes that substantial credibility is credited to the work done by Officers of Parliament in Canada. They can have a great impact on public opinion, and put the government on the defensive. However, there have been recent complaints that Officers of Parliament created and appointed by the Harper government have failed to bring any serious wrongdoings to light (Geddes, 2010; Galloway, 2011). Therefore it is important to discuss the funding and independence of Officers of Parliament.

Paul G. Thomas (2003; 2006-2007) writes that there is some concern that if an agency with responsibilities to investigate government is provided funding directly through the Treasury Board, that agency's independence could be perverted. John A. Stilborn (2010) asserts that the independence of Officers has generally been respected and few complaints have ever been made about budget cuts being used to challenge independence. However, Stilborn (2010) adds that there are no guarantees that Officers will be insulated from unilateral government budgetary action, and that this action will not necessarily be a result of politically hostile reasons.

An ad-hoc all party panel started under the Martin government and continued by the Harper government considers funding requests for the Officers of Parliament,

and recommends levels to the Treasury. Thomas (2006-2007) concludes that the Treasury Board gives the panel recommendations significant weight (see also Stilborn, 2010). Chaplin (2011) adds that the appropriate minister has little choice but to sign off on the recommendations of the panel. Hurtubise-Loranger (2008) adds that Officers of Parliament must also comply with Treasury Board policies on human resources, reporting, compensation and other matters. In addition, the Treasury Board can conduct audits and investigations relating to compliance with these matters and this could give rise to the appearance of interference (Hurtubise-Loranger, 2008).

However, the independence of Officers of Parliament is not the only thing that deserves mention. Thomas (2003) writes that the independence of Officers of Parliament needs to be balanced with accountability. Stilborn (2010) has also questioned whether the quest for exceptional independence has led to Officers of Parliament that are isolated from the need for accountability to Parliament and Canadians (see also Gay and Winetrobe, 2008). Stilborn (2010) concludes that Officers of Parliament are currently skewed towards independence rather than accountability (see also Hurtubise-Loranger, 2008), and Chaplin (2011) asserts that it is difficult to trace the avenues of accountability for Officers of Parliament. This study defines independence as an organization or individual's ability to accomplish tasks assigned to them with sufficient resources to do so and without undue influence from outside organizations and individuals. Meanwhile accountability, as explained above refers to an organization's or individual's need to answer for their actions. Those in a position to spend public money, like the PBO, need to be held to account for those decisions. If

money is used incompetently or improperly, there are consequences as well as pressure to make sure poor decisions are not repeated. Recent controversies surrounding Christiane Ouimet, the former Public Sector Integrity Commissioner, and George Radwanski, the former Privacy Commissioner demonstrate that concerns about the accountability of Officers are not unfounded (see Bronskill and Bryden, 2011; Woods, 2009).

One of the ways Officers maintain accountability is by producing yearly reports, which are supposed to be reviewed by a relevant Parliamentary committee. However, performance of this task has been mixed and most reports do not undergo thorough review (Thomas, 2003). Thomas (2003) writes that, “periodic reviews of the mandates of parliamentary agencies should be required in the statutes that create them” (308). Nonetheless it is difficult to imagine Parliamentarians truly getting behind this process because partisan and electoral benefits seem minimal. Stilborn (2010) asserts that political parties are distracted from keeping Officers accountable because they are too busy scoring political points, and they may be scared of the optics of challenging watchdogs. In addition, rather than becoming accountability agencies for the different Officers, the respective committees often depend on the work of the Officers and become champions of their mission (Stilborn, 2010). In fact, it was the watchdogs themselves who urged Parliamentarians to provide more scrutiny. In a letter from seven agents of Parliament, including a number of Officers, they asked Parliament to establish more rigorous appointment procedures, and urged House of Commons committees to be more vigilant (Ditchburn, 2011).

Parliament also holds Officers of Parliament accountable through “debates on legislation to establish or revise the mandate and structure of an office; participation in the process of filling leadership positions; [and] the approval of budgets [of Officers of Parliament]” (Thomas, 2003: 304-305). Thomas concludes that Parliament holds Officers accountable in less formal ways as well, such as through debates about an agency in the House if it is in the news, or through the frequent contact of Officers with MPs acting in their role as ombudsmen to their constituents. For example, MPs are one of the most frequent users of the services of the Information Commissioner (2003).

2.6 Establishing the International Context

The PBO is not without precedent internationally. Independent budgetary research offices have been active internationally, and are now more than ever in vogue. John K. Johnson and Rick Stapenhurst (2008) write that legislative budget offices are increasingly being established around the world in the last decade (also see Anderson, 2009). Still, Straussman and Renoni (2009) note that few countries have budget offices and they are not yet a mainstream feature of legislatures. However, the number of budget offices is increasing. Johnson and Stapenhurst (2008) argue that this is the case because there are more countries, in particular more free and democratic countries, and more legislatures. The two add that there are also growing demands for transparency and accountability. As with the PBO and the Federal Accountability Act, the creation of budget offices have often been part of larger budgetary and accountability reforms (Johnson and Stapenhurst, 2008). Finally,

Johnson and Stapenhurst (2008) add that there is evidence of copying and consultation between new and old budget offices.

2.7 Parliamentary versus Presidential System

One example where there is some copying and consultation is with the PBO and the Congressional Budget Office. Kevin Page said that he has consulted with the CBO and has been motivated in part by its successes. For these reasons it is important to note the difficulties involved in making comparisons between the CBO and the PBO. There is a wide gulf between Parliamentary and Presidential systems which this study will explain here. Because Canadians live alongside the United States, it is not surprising that they are often “inspired” by the American political system. However, the American system’s origins, philosophy and structural features are all fundamentally different from the Canadian system. While this should temper any grand conclusions made as a result of the comparisons, this point also necessitates asking if any attempts by the Parliamentary Budget Officer to mirror the Congressional Budget Office, are misguided or inappropriate. In the PBO’s summary of its consultation with stakeholders, Kevin Page acknowledges this concern, and concedes that the CBO is “very much a creature of the Congressional system” (Page, 2008: 11). Nonetheless, Page argued that there are fewer relevant differences between the Canadian Parliament and American Congress than one would expect. Page (2008) added that this is especially the case in minority Parliaments. In an interview Page (2011) posited that:

there is significant responsibility whether you're sitting in Congress or sitting in Parliament, Washington or Ottawa, when you're signing off on this stuff ... I think that the "bar of due diligence" is the same in both. But the systems are just different.

These differences still need to be explained. Gary Levy notes that most legislatures that have budgetary research organizations have a congressional system where the legislature is able to "propose its own expenditures or taxes" (Levy, 2008: 39). David A. Good notes that in Canada, unlike the United States, committees just do not have much of a role in budgeting. Good (2007) asserts that budget making is the role of the Executive in Canada.

Good (2007) writes that it is difficult to imagine the PBO having a large impact on budgeting because the Treasury Board and Finance have more resources and experience to dedicate to costing proposals. Good (2007) concludes that the PBO may have more of a role in public debates over high profile and contentious expenditures. Good utilizes the conflict in Afghanistan and the gun registry as examples. Mike Blanchfield and David Pugliese (2008) illustrate in the *Ottawa Citizen* what they call the "stark contrast" between the power of Parliamentarians and members of Congress relating to the issue of the conflict in Afghanistan. The two write that Congress has approval power, and access to more details than members of Parliament. Pugliese and Blanchfield even conclude that Congress has some details about Canadian involvement in Afghanistan that Parliamentarians are not privy to (Blanchfield and Pugliese, 2008).

The role of confidence is also an important factor in distinguishing between the roles of the CBO and PBO. In Canada, the Executive must maintain the confidence of the House or face an election, but in the United States no such dynamic exists. Allan

Darling (2006) writes that in the estimates process in Canada, supply is a confidence motion, so changes are not made to estimates. Writing in the *Ottawa Citizen* Kathryn May (2008) agreed. She wrote that in confidence systems like Canada, only the Executive can change the budget. The threat of toppling the government prevents Parliamentarians from making changes. In addition, in Canada's Parliamentary system, government is inherently centralized, while authority in the Congressional system is dispersed with numerous checks and balances.

Others such as John Ibbitson (2009) argue that the cultures of the United States and Canada create different challenges for Canada. While they over-state the challenges Canada's political culture creates for the PBO and under-state the challenges America's political culture creates for its budgeting, the opinions are still relevant here. Kevin Page argues that one of the challenges the PBO has faced has been Canada's political culture. Page (2010) asserts that he has encountered a culture of tradition, control and secrecy among government institutions. Ibbitson (2009) made a similar point, when he wrote how the American political system is open, responsive, and dynamic while Canada's political culture, particularly that of the federal government, is closed and unresponsive. Assistant Professor of Journalism at Concordia, James McLean (2009) adds that Kevin Page is a revolutionary in comparison to the closed culture of the bureaucracy, where hierarchies dominate, and deputy ministers would rather "overdose on poutine" than talk to a journalist.

This relates to the old debate over whether or not Canadians are more deferential to political authorities than their southern neighbours. While this notion is

open to debate, there is little doubt that few Americans would describe any aspect of their government as open, responsible, or dynamic. Nonetheless, different political cultures play a role in determining how the experiences of the CBO and PBO differ.

Chapter III: Rationales for the Creation of the PBO

Before discussing changes at the PBO, any recommendations and discussions of the future, this study needs to explain the PBO's creation and its early days as an office. The area that will first be touched on to explain the PBO's beginnings are the rationales for the PBO's creation. This chapter will answer the research question which asks why the PBO exists.

Understanding the rationales behind the creation of the PBO and some of the counter-arguments will not only help explain the reasons behind the PBO's creation, but will illustrate the environment into which it was "born." In addition, this will allow for discrepancies between the PBO's original rationales and its later mandate and actual practice to become more obvious. Deliberately or by circumstance, there has been a misalignment between these components. Perhaps because the PBO was one component in an omnibus accountability bill, less time and resources were spent aligning these components. If the PBO had been created by a separate piece of legislation it might have received closer examination, resulting in a measure of clarity in its relationships and operations that is lacking. Brooke Jeffrey (2010) also argues that complications arose because the legislation creating the PBO was done through amendments to the arcane Parliament of Canada Act. Jeffrey (2010) adds that the Parliament of Canada Act has little relevance to modern procedures, practices and institutions.

Bruce Carson, a Senior Policy Advisor to Prime Minister Stephen Harper said that at the beginning of the Harper government policy was not a priority. Instead,

discipline was the central focus (as cited in Martin, 2010). It was a new minority government at the time and most members of the Cabinet and government benches were not used to being in government. This is hardly without precedent. In speaking of the situation in the United Kingdom, Gay and Winetrobe (2008) write that watchdogs were set up in response to scandals and specific events with less focus on the wider “landscape of watchdogery” (12). Nonetheless, in an interview, a top official in the Prime Minister’s office at the time of the PBO’s creation said that they were mindful of the growing number of oversight agencies, or what the official called a potential “officer overload.” The official also noted that the government recognized that there were difficulties with “the management and oversight of smaller government offices,” like Officers of Parliament (Official, 2011).

3.1 Underestimated Budget Balance Projections

The Conservative Party of Canada created the PBO as part of its Federal Accountability Act, the first legislation introduced when Parliament was called after the Harper government was elected in January 2006. While in Opposition, Stephen Harper’s Conservative Party was angered by the Liberal government’s budgetary statements, which consistently underestimated the wealth of the government’s books (Gilmore, 2009). There was a feeling that government needed to be held to account with accurate information (Gilmore, 2009).

This concern existed long before the surpluses of the 21st century. During his time as Canada’s Minister of Finance, Ralph Goodale appointed long time Chief Economist of BMO Financial Group, Dr. Tim O’Neill, to look into these discrepancies

(Darling, 2006). O'Neill reported in 2005 that budget balance projections had been too low for the previous ten years. Ten billion dollars was the yearly average discrepancy (Levy, 2008; Darling, 2006)⁷. O'Neill added that revenues were under-forecast, and expenditure projections were overestimated. Expenditures were exaggerated more than revenues were underestimated (Levy, 2008; Darling, 2006). O'Neill (2005) also concluded that frequent revisions of economic data by Statistics Canada contributed to divergences between predictions and actual outcomes.

However, it could be argued that it is prudent for governments to forecast in this way. It is certainly wiser than overestimating the financial health of government. Forecasting on the low end allows the government to appear competent when finances are better than predicted and could increase public confidence in government management of finances. O'Neill (2005) reported that most of those he consulted believed that underestimating surpluses was a better problem than running deficits⁸. In addition, O'Neill's (2005) report concludes that the extra prudence associated with the government's "no deficit" policy had inevitable behavioral consequences, which have been a factor in budget discrepancies. Incentives were created at the time, "for those responsible for producing the fiscal projections, to incorporate extra (implicit) prudence into their forecasts" (O'Neill, 2005: 8).

⁷ Brooke Jeffrey (2010) even argues that this concern presented itself as far back as the Mulroney years. Jeffrey wrote that that government underestimated the problem of exponential growth in deficits and debt.

⁸ It is important to note that many of the economists Tim O'Neill consulted with were concerned about a "no deficit" government fiscal policy. They argue that a deficit may be appropriate in some cases, and preferable to perverse policy options intended to maintain surpluses at any cost. Others argue that allowing deficits of any kind is a slippery slope, which could return Canada to a difficult fiscal situation akin to the 1980s and early 1990s. (O'Neill, 2005)

O'Neill (2005) also argued in his final report that small errors in forecasting revenues and expenditures can lead to big errors in final projections, and those who do not understand this arithmetic may expect a much greater degree of accuracy than is realistic. The following quote from O'Neill's (2005) report illustrates the "unavoidable level of uncertainty":

A budget balance, whether surplus or deficit, is the arithmetic difference between two very large numbers - revenues and expenditures. A small error in either or both can translate into a large error in the difference between the two. If, in fiscal 2003-04, revenues had been 1% higher and spending 1% lower than they actually were, the surplus would have been \$3.6 billion higher than the actual reported result of \$9.1 billion. If a projected surplus were smaller than that - say, \$4 billion - then a comparable 1% error would almost double the surplus while the surplus would disappear if revenues were lower and spending higher by 1% (5).

Nonetheless, the creation of the PBO can be seen in this light. Many felt that they could not trust government balance projections. Kathryn May (2008) of the *Ottawa Citizen* wrote that the PBO was born out of suspicion and mistrust caused by ten years of the Finance Department underestimating expected surpluses. This feeling is not totally unreasonable. According to an International Monetary Fund (IMF) study (2005) comparing Canada's financial forecasting with G-7 countries (excluding Japan), as well as Australia, New Zealand, the Netherlands, Sweden, and Switzerland, Canada is a poor performer. The IMF report (2005) concluded that Canada more persistently and consistently than other countries under-forecast revenues and over-forecasted expenditures (see also O'Neill, 2005). The IMF report (2005) concluded Canada demonstrated more conservative and pessimistic fiscal forecasts and growth projections. In addition, the IMF (2005) concludes that Canada deals with a great deal

of uncertainty relating to transfers and tax sharing with provinces that are relatively large in comparison to the federal government. Page (2009) adds that a number of high profile and controversial cost overruns in major government programs like the Gun Registry was another reason for the creation of a budgetary research office.

3.2 International Trends and Private Sector Forecasting

More and more countries are establishing independent budgetary research offices (Anderson, 2009). Page (2009) agrees, and adds that new and emerging global standards on financial and budgetary transparency were a contextual rationale for the creation of a budgetary research office in Canada. For instance, despite its differences, America's Congressional Budget Office (CBO) inspires the Parliamentary Budget Officer (Good, 2007).

3.3 Bureaucratic Self-Interest

David A. Good (2007) illustrates a public choice rationale for the PBO. Good writes, perhaps too cynically, that there is a clear recognition inside government that both bureaucrats and politicians face incentives that could lead to inefficiency and waste. Good refers here to William Niskanen's idea of the "budget-maximizing bureaucrat" (as cited in Good, 2007). The PBO would play a guardian role, protecting against budget maximization by other actors in government. Good (2007) concludes that the creation of independent monitoring organizations like the PBO can be seen in this light.

While Good provides a public choice rationale for the PBO, Veldhuis and Lammam (2010) utilize public choice theory to make the case against the PBO. They write that “public choice economics tells us that we shouldn’t expect Page’s PBO to behave any differently than any other government-financed organization. In fact, observers have accused the PBO of being politically active, contrary to its mandate” (Veldhuis and Lammam, 2010). Advocating for a larger budget and greater independence may be just as crucial to expanding the PBO’s bureaucratic empire as it is for allowing the PBO to better carry out its mandate. Barry K. Winetrobe (2008) also suggests that for watchdogs, becoming an Officer of Parliament may enhance prestige and aid in bureaucratic empire building. Stilborn (2010) adds that over the course of time the mandates of the Officers of Parliament have expanded incrementally but consistently. Finally, Gay and Winetrobe (2008) note that in the United Kingdom politicians have had difficulty ending or merging different watchdogs because they fear that they will be accused of cover-ups.

However, Page (2010b) has indicated that his fight for independence and resources has been so that his successor has what they need to carry out the PBO’s mandate. Furthermore, Kevin Page has indicated that he will not seek an extension of his five-year mandate after it expires in 2013. New Democratic Party MP, Thomas Mulcair has argued that because Page has indicated he would not seek another term, his quest for further resources and independence for the PBO was not about expanding his own bureaucratic empire (as cited in Argitis and Badertscher, 2010).

3.4 Aiding Parliamentarians

One of the most often cited rationales for the PBO's creation was Parliament's diminishing role in the management and control of public money (Good, 2007). Refer to Section 2.1 on budgeting in the literature review for a thorough explanation of the decline of parliament's influence in the budgeting process. The rationale therefore is that the PBO could encourage Executive accountability in legislatures by helping Parliamentarians understand complex budget issues and processes (see Anderson, 2009; Levy, 2008; Darling, 2006). Dobell and Ulrich (2006) report that a majority of members of Parliament believe that their understanding of how public resources are used to accomplish policy results is inadequate. Legislators need reliable and unbiased information to participate constructively (Anderson, 2009). For example, the PBO would aid Parliamentarians in the review of estimates, a process that has atrophied, and the fiscal planning framework (Darling, 2006; Levy, 2008). Essentially, the goal would be to place the Executive and legislature on a more equal footing with respect to resources and budgetary information (Anderson, 2009; May, 2008). This is a sensible rationale, because as Thomas (2003) wrote, improving the scrutiny and accountability of government is the most realistic avenue for reform of Parliament. Thomas (2003) wrote that the rise of agencies serving Parliament allows Parliamentarians to become more informed about the nature of government operations, and allows them to better contribute to debates on various bills. However, Kevin Page has argued that the budgeting process itself needs to be overhauled. Calling the system of voting on budget matters "archaic", Mr. Page asserts that MPs

are not properly scrutinizing spending and taxation (as cited in Vongdouangchanh, 2011; Minsky, 2011). Mr. Page refers to the scrutiny role as the “core responsibility” for members of Parliament (as cited in Vongdouangchanh, 2011, Minsky 2011).

Yet we must acknowledge that the PBO has not arisen in isolation and some Parliamentarians are not sure they want help. Gay and Winetrobe (2000) describe the proliferation of watchdogs as part of a drive towards rules-based governance and a depoliticization, where elected representatives are not trusted with all decisions. Instead, there is a perceived need for experts to enforce impartial codes of conduct. Chaplin (2011) adds that most Officers of Parliament can have direct contact with the public, therefore they are not really supporting the function of MPs helping their constituents, but instead replacing that relationship in some cases with their own processes. As this study will demonstrate, some, including Parliamentarians, do not always offer their full support for offices like the PBO. Parliamentarians may be hesitant because this depoliticization could remove important areas of influence from the control of Parliamentarians (Gay and Winetrobe, 2008). Stilborn (2010) argues however, that Officers are actually doing new things that Parliament never did before in the first place, and are creating a new source of information for Parliamentarians. Stilborn (2010) posits that Officers seem to be winning the battle with Parliament over who holds the Executive accountable, yet “in the context of modern governance, in which the primary accountability relationship is between governments and electors” it is an “extremely questionable assumption” that it is the exclusive role of Parliament to hold the government accountable (252-253). Accountability measures taken by

oversight bodies and Parliamentarians can complement and reinforce one another rather than compete with each other in a zero sum game. Stilborn (2010) adds that the creation of Officers of Parliament can be seen as an expansion of government, however this expansion may be a reasonable response to the expansion of Executive power in Canada. A quote from Hurtubise-Loranger (2008) may best describe the role Officers and watchdogs like the PBO play:

[they] play a crucial role in providing the knowledge necessary to ask the right questions but ultimately, only Parliamentarians and the Canadian public have the power to truly hold the government to account (78).

It is also important to note that Thomas (2003) concludes that when Parliamentarians are better informed, they will be able to enter the legislative process earlier, where their influence is larger. Ministers and public servants are protective of legislation after bills are drafted and introduced into Parliament. Thus there is little scope for amendment to bills (Thomas, 2003).

Yet there are concerns with the way the PBO has gone about aiding Parliamentarians. Some are worried that rather than supporting Parliamentarians, the PBO is supplanting or usurping MPs. For instance, Senator Sharon Carstairs (2011) believes that by releasing reports on its own to the media, the PBO is assuming a role that should be played by Parliamentarians. In addition, she wonders whether all the reports coming out of the PBO creates a “boy who cries wolf” scenario. She added that:

I think that he [Kevin Page] might have been far more effective if he had done what he was envisaged he would do which was research for individual Parliamentarians. And then those individual Parliamentarians

could have then raised those issues in the House or the Senate in a “gotcha” moment which would have generated even more publicity (Carstairs, 2011).

Yet, Stilborn (2011), scholar on constitutional watchdogs and an advisor to

Parliamentary Librarian William Young, thinks this concern may be overstated:

Because the Parliament doesn't have a lot of power in our system these guys are extremely sensitive to anything that intrudes on their prerogative [and] discretionary activities. I mean, hyper-sensitive to it. And if they had thought that any Officer of Parliament, or of the PBO, or anybody else were somehow supplanting their role or displacing them. I think you'd find there would be a strong movement in Parliament to terminate that person or organization, and of course they have ... the power to do that. Yet there's never been any evidence that Parliament views them that way at all. Never any attempt to do that. And the mandate changes that have occurred in the Officers of Parliament universe have all been expansions of mandate. So I think that would suggest that Parliament which ought to be the, you know the canary in the coal mine that would alert us to any threat of that kind you know, certainly doesn't think there is one.

It is important to address the fact that Canada's Parliament is a bicameral one. Parliament has a House of Commons and a Senate. It would not be unreasonable to wonder if the Senate could do some of the work that the House of Commons has failed to do or is unable to do in scrutinizing the government's budgets and finances. For instance, the Australian Senate plays a large role in reviewing the Estimates and holding the government to account for budgeting and financial issues (Dobell and Ulrich, 2006). However, it is important to understand the differences between the Canadian and Australian Senates. Unlike the Australian Senate, the Canadian Senate is unelected, and does not specialize in reviewing estimates and holding government to account on financial matters (Dobell and Ulrich, 2006). The Australian Senate has had a strong

scrutiny function because there is usually an absence of a government majority (Thomas, 2009). This was the result of 1949 reforms which brought proportional representation to the Senate (Thomas, 2009). Senators were also elected to six year terms, making them freer from the constraints of electoral politics (Thomas, 2009). Thomas (2009) concludes that great pride is taken by the Australian Senate in holding the executive to account and overseeing government finances. The Canadian Senate is more interested in broad administrative matters, large and in-depth studies of program management, and the financial administration practices of government (Dobell and Ulrich, 2006). This study does not rule out further participation by the Canadian Senate in holding the government to account for budgeting and financial matters, however it will focus on the role of the House of Commons.

3.4.1 Can't the Library's Research Branch Do This?

It is important to understand that the Library of Parliament served a role similar to the PBO before the PBO was created. Parliamentary Librarian, William Young (2011), described that role this way in an interview:

The PBO really is an extension or an addition to the work that the Library was already doing prior to the establishment of the Parliamentary Budget Officer. I mean, we didn't do in house forecasting but we had a team of senior economists who work with, for example, the Standing Committee on Finance and those guys would bring together the best of the private sector forecasters prior to a budget and to provide cost estimates. We did a lot of costing of legislation, as well, when members bring forward private members bills, etc. etc. So a lot of the kind of work he's doing, and has been doing according to his legislative function is an expansion of activities that the Library had already undertaken, already doing it.

In their report for the *Inquiry into the Sponsorship Program and Advertising Activities*, Dobell and Ulrich (2006) recommended the creation of a financial analysis service to be housed within Parliament which would help the scrutiny function of financial committees in the House of Commons. While the PBO is not as linked to the committee system as Dobell and Ulrich may have wished, their argument that a service needed to be created in addition to the Research Branch of the Library of Parliament is still relevant here. Because after all, why is there a need to have a Parliamentary Budget Officer when there is already a Research Branch in the Library? Dobell and Ulrich (2006) argue that this is mainly about resources. The two argue that the Library has a modest staff that is already stretched thin, and that the skills of the Research Branch are mostly in the social science and law branches, rather than in financial and program analysis (Dobell and Ulrich, 2006; see also Jeffrey 2010). In Section 6.3 on staffing in Chapter 6, there will be an explanation of how the PBO has specifically sought out employees with unique skills in program analysis, economics and finance. In addition Dobell and Ulrich (2006) posit that because of government efforts to cut spending in the 1990s, resources within the Library's Research Branch are less now than they were in 1993.

The study will discuss confidentiality and the solicitor-client relationship in Section 5.7. However, the topic can also be touched on during this discussion of the Library's Research Branch. A Parliamentarian really concerned about the confidentiality of a request might consult solely with the research services within the

Library, separate from the PBO. William Young responded to this idea, and described the point of contact with Parliamentarians in an interview with this researcher:

I mean, what we have developed here is a central intake point where Parliamentarians can e-mail or telephone and there's a certain level of triage done at that point and the inquiry or request is directed to the part of the Library that is best equipped to deal with it. So, sometimes it's a, it's just a straight information request, it might go to a reference librarian. Other times it's a mixed request which would involve the work of a reference librarian, plus an analyst. Sometimes it's divided, I think between parts of a request might go to the Parliamentary Budget Officer and other parts might go to an economist who's looking at policy issues in a related area, or the same area (Young, 2011).

3.5 Improving Discourse

Barry Anderson (2009), a Director at the Committee for a Responsible Federal Budget and the former acting Director of the Congressional Budget Office argues that the PBO could help Parliament encourage the Executive to discuss the risks society faces in a more open and informative manner. More simply, a PBO could elevate debate around fiscal policy (Darling, 2006). This would be done by simplifying complexity, and improving understanding. This would strengthen the capacity of the legislature, media, academia, and society at large to engage with the fiscal and budgetary matters of the Canadian government and economy (Darling, 2006; Anderson, 2009).

Chapter IV: Creation and Operations

4.1 The Conservative Party of Canada's 2006 Election Commitment

In describing what the PBO does, it is important to discuss the mandate of the Officer, the disputes surrounding the office, and the different activities the PBO engages in. A good place to begin this discussion is with the creation of the Officer. During the 2006 federal election campaign, accountability was a major focus of the Conservative Party. A Parliamentary Budget "Authority" was one of the items they planned to implement if elected. A discussion of the campaign commitment will allow for comparisons with the actual outcomes and practices of the PBO later in Section 5.2. The campaign platform called for an "independent parliamentary budget authority" to provide "objective analysis directly" to Parliament on the state of the nation's finances and the national economy (Darling, 2006: 2; Conservative Party, 2006: 11). In addition, the commitment called for government departments and agencies to provide "accurate, timely information to the Parliamentary Budget Authority" to make sure the new authority has the information it needs "to provide analyses to Parliament." Finally, the commitment called for the new authority to "ensure that government fiscal forecasts are updated quarterly" and "provide complete data for both revenue and expenses" (Conservative Party, 2006: 11). In the preamble to their planned commitment, the Conservative Party asserted that the previous Liberal government's projected surpluses were always lower than the actual outcomes, and the Conservative Party concluded that "governments cannot be held to account if

Parliament does not know the accurate state of public finances” (Conservative Party, 2006: 11).

4.2 Section 116 of the Federal Accountability Act

Section 116, which amends the legislation of the Library of Parliament under the Parliament of Canada Act, provides the PBO with a formal mandate similar to the Conservative Party’s campaign commitment. The PBO is authorized to provide independent analysis to the House and Senate regarding the nation’s finances, government estimates, and trends in the national economy (Gilmore, 2009; Darling, 2006). The PBO is also required to support parliamentary committees in their consideration of the estimates (Gilmore, 2009). This includes the National Finance committee in the Senate, the Finance Committee in the House, the Public Accounts committee in the House, and any other committee of either chamber mandated to consider estimates (Gilmore, 2009; Darling, 2006).

4.3 Costing of Proposals

In addition to this workload, the PBO is mandated to support any member of either chamber regarding the financial costs of proposals (Gilmore, 2009; Darling, 2006). This includes estimating the costs of any proposal that relates to a matter over which Parliament has jurisdiction (Gilmore, 2009; Darling, 2006). This not only includes government sponsored bills, but could include opposition proposals as well. Government MP Pierre Poilievre agreed, stating that the “pie in the sky” policy ideas of Opposition members need to be brought back down to earth (May, 2008). In fact a

former top official in the Prime Minister's office stated in an interview that they were surprised how little the government has taken advantage of the PBO in costing opposition proposals (2011).

However, as a result of the dynamic created by the role of confidence in the Canadian system, Darling (2006) recommends that the PBO focus on specific programs, and try to ensure more relevant presentation of data to Parliamentarians. Similarly, Good (2007) writes that it is difficult to imagine the PBO having a large impact on budgeting because the Treasury Board and Finance have more resources and experience to dedicate to costing proposals. Good (2007) concludes that the PBO may have more of a role in public debates over high profile and contentious expenditures, utilizing the conflict in Afghanistan and the gun registry as examples. Darling (2006) adds that the PBO needs to determine the interests of Parliamentarians, and simplify the presentation of information related to those interests. This may be an honorable pursuit but it would not be overly cynical to wonder if the partisan interests of Parliamentarians to embarrass and damage the government of the day and other time constraints distract Parliamentarians from playing a more constructive role. There is an argument to be made that the adversarial nature of the system keeps the government accountable and honest. However, if the PBO only heightens the level of partisan bickering rather than the level of informed yet partisan debate, its mandate will not be fulfilled and its reputation will suffer.

Nonetheless, the public and Parliamentarians are more knowledgeable decision makers if they are aware of the costs of certain endeavours. For example, if

Parliamentarians know the costs of the mission in Afghanistan or employment insurance reforms they will have a more complete picture of the policy implications of their decisions. The PBO's role is distinct from the "retrospective" and "assurance role" of the Auditor General. The PBO is a largely "prospective" body, which plays a role in supporting the decision making ability of Parliamentarians in advance of voting (Page, 2008). However, the PBO does not remain completely silent about the past.

However, there are some concerns with this ability. The Parliamentary Librarian was concerned that if everything within Parliament's jurisdiction could be costed, then the PBO would be overwhelmed. Barry Anderson (2009) also worried about potential congestion caused by requests to cost individual proposals. There could simply be too many requests for the PBO to handle. This problem became a reality. During his funding battles Kevin Page noted that his reduced budget led the PBO to scale back and turn away requests from Parliamentarians (Chase, 2009; Curry, 2009). Speculating before the PBO was created, Darling (2006) noted that the costing of proposals like tax changes was already done in the Parliamentary Information and Research Bureau in the Library of Parliament.

Kevin Page is now urging Parliamentarians to demand information about costs of legislation on their own. For example, the PBO did a report on the costs of the Harper government's crime bill, C-25, but Page has said that he does not want the PBO to be doing any more reports on new crime legislation, and that Parliamentarians should demand that information from the government on their own (as cited in MacLeod, 2010). Apparently having taken Page's advice, Opposition Parliamentarians

demanded to be informed about the costs of crime legislation and corporate tax cuts. This created a potential confrontation where the Speaker would have to decide whether Parliament was entitled to the kind of information it was asking for. However, the government relented and released the costs of their crime legislation and corporate tax cuts. Liberal Party Finance critic Scott Brison argued that it was impossible to fact check those numbers and the figures were “absolutely unbelievable” (Curry, 2011; as cited in Cheadle 2011). The Speaker eventually agreed with Opposition members and the government was found in contempt over the issue of not providing sufficient information to Parliamentarians (Ibbitson, 2011). In combination with other issues this led to the defeat of the government and a federal election in 2011.

4.4 Economic Forecasts

The PBO is mandated with reviewing the economic forecasts of the Canadian government. Because it would be too costly and time-consuming to do otherwise, the PBO essentially duplicates the Department of Finance’s forecasting process which was described in the budgeting Section (2.1) of the Literature Review, and tries to determine if an alternative interpretation could be reasonable (Darling, 2006, May, 2008). Peter W. Phillips (2009) notes that the PBO says it does not do its own forecast, however he argues that the end result is that the PBO seems to produce another quasi-forecast into the debate. Don Drummond notes that this portion of the PBO’s role had changed since it was first proposed (as noted in May, 2008). The PBO was not originally supposed to challenge Finance with its own projections. Rather the PBO was

to be a facilitator for Parliamentarians to interpret what the Department of Finance is doing (May, 2008). Most recently, the PBO argued that the forecasted deficits and predicted return to surpluses of Finance were too optimistic. The PBO's forecasts predicted larger annual deficits, and a long-term structural deficit, which would not be remedied by economic growth alone. Nonetheless, Phillips (2009) is skeptical of the PBO's ability in this regard:

This hubris about the power and self-sufficiency of economics is reflected in the appointment of the PBO. Generally, the PBO has fallen back on the notion that it is likely to be either less biased or more prescient than the various economics teams in the federal system. That is a standard that will be hard to meet (A9).

Yet, Page (2011) would still like to see the PBO go further in terms of economic forecasts:

I think we should be doing our independent economic forecast. Right now we do independent fiscal forecast ... which is sort [of] the way ... Finance does it, but I think Finance has got it wrong now, we should be saying, here's the PBO economic outlook, here's how the PBO economic outlook looks at the private sector averages ... And then here's our fiscal forecast as a result, and here's risk analysis, et cetera ... we should be going to these committees and saying here's our view of the economic outlook, you know, here's all our assumptions you know, it is actually the assumptions [that] are more important [than] the projections so that they really understand the environment in a detailed way.

Page followed up on this desire and made the decision to break with past practices, and the PBO produced their own projections about economic growth in advance of the Harper government's first majority budget in 2011. The PBO's forecast was more negative than others due to a more pessimistic opinion of the economic outlook in the United States (Beltrame, 2011).

Niels Veldhuis and Charles Lamnam (2010) of the Fraser Institute have a different take on the PBO doing economic forecasts. They argue that given Canada's current deficit position, something akin to Paul Martin's Program Review exercise of the 1990s should be implemented. As a part of that, they argue that the PBO should also be reviewed. One of the tests of the Program Review was whether government involvement was necessary. The two argue that if this test was used on the PBO, it would be cut because private sector forecasters already perform economic forecasts (Veldhuis and Lamnam, 2010). Phillips (2009) does not call for an end to the PBO, but also wonders if the PBO needs to be in the forecasting debate since there are plenty of other think tanks, universities and brokerage houses who already take part in that process. However, Veldhuis and Lamnam (2010) fail to note the crucial point that the PBO has a number of other roles besides forecasting. Private sector forecasters do not cost proposals, analyze the estimates, and are not held accountable by government institutions. In addition, David A. Good (2007) notes that the Department of Finance has expressed concerns that there has been a decline in expertise among private forecasters. In addition, these private forecasters are not making the necessary investments to update and improve their tools (Good, 2007).

4.5 Integrated Monitoring Database

Kevin Page has been concerned that the PBO was not satisfying their mandate with respect to scrutiny of the Estimates. However in 2011, the Parliamentary Budget Officer launched the Integrated Monitoring Database which scrutinizes government spending. The database analyzes how much

departments have spent throughout the year on a quarterly basis, as compared to what the departments had asked for during the main estimates (Vongdouangchanh, 2011c). Page argued, that before the implementation of the database it would take members of Parliament twenty months before they could find out how much of the money they approved was actually spent (Vongdouangchanh, 2011c). Page concludes that this database will give members assistance in scrutinizing the estimates (Vongdouangchanh, 2011c).

The following quotes from *The Hill Times* demonstrate how the database can tell Parliamentarians when more money is being spent on a program than was approved:

In 2010, Human Resources and Skills Development Canada asked Parliament for \$10.2-million for the Canada Disability Savings Grant. It spent, however, \$91.8-million, 900 per cent of the total spending Parliament approved. Another program, the Canada Disability Savings Bond, sought \$5.7-million, but HRSDC spent \$36.4-million, a 639 per cent increase (Vongdouangchanh, 2011c).

Or when less money has been spent:

When it comes to what was spent, the Office of Infrastructure Canada asked for \$169.8-million for the Green Infrastructure Fund [GIF], but only got \$26.9-million out the door, 16 per cent of its allotted budget for “green priorities” and “sustainable energy infrastructure.” In 2009, the GIF was allotted \$13.6-million and it spent nothing, the database says. According to the Green Infrastructure Fund’s website, only 17 projects were approved for funding ... Infrastructure Canada also asked for \$219.9-million for its Building Canada Fund. It spent \$206.2-million, according to the database. The department also asked for \$1.4-billion for the Infrastructure Stimulus Fund, but only spent 73 per cent of its budget (Vongdouangchanh, 2011c).

The Integrated Monitoring Database is a logical response to members of Parliament who have said that financial oversight at the program level is the weakest (Dobell and Ulrich, 2006). Dobell and Ulrich (2006) add that understanding how public resources are spent to achieve public policy results would be improved by a more thorough review of the estimates which receive little attention now. The Integrated Monitoring Database could help members of Parliament, because there is a weak understanding of how much is being spent to achieve policy results (Dobell and Ulrich, 2006). There have also been instances where there have been several years between the act of financial misuse and the discovery and review of that misuse (Dobell and Ulrich, 2006). In their report for the *Inquiry into the Sponsorship Program and Advertising Activities*, Dobell and Ulrich (2006) wonder if issues like the sponsorship scandal could be uncovered earlier with better financial oversight by members of Parliament. Perhaps the Integrated Monitoring Database, which gives updates on program spending on a quarterly basis, can make uncovering financial misuse easier, and allow for accountability to be timelier.

4.6 Compelling and Disclosing Information

There have been a number of occasions where the PBO was unable to obtain information it had requested from departments. The PBO has encountered numerous problems getting information from the Department of Finance, the RCMP and Correction Services Canada for example (see CTV.ca, 2010; Rajekar and Mathilakath, 2010; Beltrame, 2011b). However, the PBO is entitled via request of the deputy

minister of a department, or an individual appointed by the deputy minister for this purpose, “to free and timely access to any financial or economic data in the possession of the department that are required for the performance of his or her mandate” (Canada, 2006: s.116). However, there are a number of restrictions to this authority. For instance, the PBO does not have access to information deemed to be a matter of Cabinet confidence that is not on the public record elsewhere. The PBO is also limited in its authority to disclose information related to foreign, provincial, regional, municipal and aboriginal governments, and institutions thereof. Disclosure of information which could be injurious to the “competitive position” of the Canadian government in its contractual obligations or negotiations is also not allowed (Canada, 2010: s.13, s.18). These are just a few examples of the limits on the PBO’s powers to compel information, and disclose it as the Officer sees fit. Nonetheless, Allan Darling, who was involved in the creation of the PBO, does not believe the problems encountered accessing information are related to statute but to political attitudes:

The statute as its drafted requires that the Officer be given access in the same way that the Information Statute requires that information be released unless there are certain criteria that says it shouldn’t be released. The fact [that] it isn’t happening is something that probably, maybe being directed from the political level. Stall, obfuscate, whatever. It’s not anything you can correct through the statutory. I think the statute has the authority. This is a question of political attitude, and willingness to be forthcoming (Darling, 2011).

For a full listing of the limits on the PBO’s powers to compel information and disclose it, see Appendix E and F for relevant portions of the Parliament of Canada Act and the sections of the Access to Information Act referenced therein.

Declarations of Cabinet confidence have been the most significant factor in preventing the PBO from obtaining information. In an interview, Page (2011) identified Cabinet confidence as central to these difficulties:

Yeah, [Cabinet confidence has] been huge actually. It's been almost [an] ongoing issue. Almost from the beginning. Where we've struggled to get information and I think it's probably part of some type of dangerous trend that needs to be debated and corrected ... This issue is way bigger than the PBO. This is really about, fundamental, in terms of, "what is the role of Parliament?" You know, it's constitutional responsibilities to sign off on those appropriations, those revenue changes, you know it's also written in the Financial Administration Act, so, it's an issue.

Mr. Page provides the example of costing particular crime bills:

It came when we were looking for stuff, and you know, seeking crime legislation, where, C-25 bill, changing remands, there was this bill that was being debated in the Fall of 2009, and people were, you know, Parliamentarians were asking, "okay what is this going to cost, sounds like it could be expensive, sounds like headcounts could increase, and people will be in prisons longer, what does this mean?" you know, and government would say, "well no, that's a Cabinet confidence, and you know, the Opposition is saying, "wait a minute here" like "how can we sign off on this, we don't really have any idea, you're telling us, you can't even tell us what the costs are" and they're saying "yeah, that's a Cabinet confidence." There's no way that should have been in Cabinet confidence. You know, and then we go ask, we were asked by a member of Parliament to look at it, you know, we're knocking on doors, they won't let us in, they won't meet with us, we're not getting information, we're going to have to find other ways to do the analysis. ... We can't justify it in any way ... but there's no reason why, you know, Parliamentarians shouldn't get information. Here's how we costed, crime, you know, C-25 crime legislation. That's just pure bean counting work. That's work that I do. Like they should get that information (Page, 2011).

However, Mr. Page points out, that interestingly, by being secretive the government may have opened up opportunities for a legislative budget office:

If you didn't have a Parliamentary Budget Officer but you had, you know, complete transparency it's not necessarily a bad thing. I mean, what does a Parliamentary Budget Officer do, provides additional data points so... You know, and in some ways, ironically the fact that the government, at least in the previous section on things like crime bills, or F-35s, or fiscal projections was relatively secretive in the manner of information they provided it created opportunities for the PBO as a legislative budget office to demonstrate its value and provide data points (Page, 2011b).

Yet, the PBO has not always had difficulty obtaining information from departments and agencies. Why do some requests for information get accepted and others rejected? It often comes down to the self-interest of those being asked for information. "I think, if departments thought it was kind of their mutual interest to work with us, [they did]," Kevin Page (2011 b) said. Page provided the example of analyzing the costs surrounding the 2010 G8/G20 meetings:

We were pushing around security costs ... we knew that we spent a lot of money, there were numbers in the media, and even used by Parliamentarians, and the Opposition, saying "we should be able to do this for a few million dollars," and I'm saying "well wait a minute here." The country's spending hundreds of millions of dollars, you know what I mean. Barack Obama has fifteen cars and an ambulance, to go from, the White House to Congress. You have to be realistic ... you're running a G8/G20, and ... so we start poking around, I'm asking for information, and we were getting information. Because I think people said holy smokes, people may even be able to help us (Page, 2011).

Chapter V: Early Years Turmoil

5.1 Conflicts over Mandate

Conflicts with the PBO and the Library of Parliament, Parliamentarians and others began to arise in the PBO's first year of operation. Explaining these conflicts will help illustrate the PBO's mandate, and how it came to be this way. It was not long after the office was created that it began getting a lot of attention. Some would say it is undeserved, inappropriate, and unwanted attention. For example, President of the C.D. Howe Institute, Bill Robson, expressed concern that the controversial headlines of the PBO may overshadow the solid analysis from the PBO that Canadians need (as cited in Argitis and Badertscher, 2010). In the middle of the 2008 election, the PBO released a report on the cost of Canada's role in the War in Afghanistan, which was critical of the government. Page initially announced that he would not release the report during the election. However, following Opposition pressure and after all parties said they were not opposed, the report was released (May, 2008: A1). James McLean (2009) later added that Page regretted having to report on Afghanistan in the middle of an election and hoped that his mandate would be sorted out so the PBO would never be put in the same position again. However, this release may still have been incorrect. During an election, the House of Commons is dissolved. Therefore, legally the House of Commons does not exist, so no documents can be sent to it. In an interview Kevin Page had this to say on the topic:

We never intended to release a paper in the middle of an election campaign, and it [was] the last thing I ever wanted to do. On the other

end, I found myself in a situation, it was partly media driven saying they got everybody on national media, the Prime Minister, and all the other Opposition leaders to say, “hey, he should release this report.” Then I felt like, whoa, if I’m here, and I’m all about fiscal transparency and promoting financial analysis, and I’m saying “I’m not releasing it,” like I thought where do I build, where do I take the office after that ... it was probably one of the situations where you’re going to take flack either way (Page, 2011).

Soon after, the PBO was involved in the criticism of government accounting methods and began a review of government IT projects (see May, 2008c; May, 2008a; May, 2008d). Therefore the PBO was not only criticizing the current government, but was taking on issues that were sensitive for previous governments as well. It was not long after this that the PBO began to be reined in by the Speakers of the House and Senate, and the Parliamentary Librarian as will be discussed in Section 5.6.

5.2 Differences with Campaign Commitment

There are a number of things that should be noted after a comparison between the campaign commitment and what the PBO has actually become. First, it is important to note that nowhere in the commitment does it say that the budget authority should be an Officer of Parliament on par with the Auditor General, Information Commissioner, or other “Officers of Parliament.” While this does not resolve the debate over the PBO’s mandate, it does indicate that in the beginning stages of the PBO’s life, there is no evidence that people within the Conservative Party had any intention of making the PBO an Officer of Parliament. However, it is unclear whether this was a deliberate choice or not. A top official in the Prime Minister’s office at the time of the PBO’s creation asserted that:

After the election there was a discussion about whether to set it up as a free standing organization or whether it could go into either the, either the Auditor General's office which didn't really seem to be a very good match, or into the Parliamentary Library operation (2011).

In a live online chat John Ibbitson of the *Globe and Mail* wrote that the Conservative Party probably put the PBO in the Library because they regretted their campaign promise, and wanted to ensure that the PBO was weak (Ibbitson, 2009). However, there is no evidence for this argument.

While nothing in the campaign commitment indicates the parliamentary authority should be an "Officer of Parliament", the PBO does not have all of the strengths called for in the campaign commitment. For instance, the campaign commitment calls for a budget authority, which provides analysis "directly" to Parliament. However, the Parliamentary Librarian, William Young stands between the PBO and Parliament. In addition, the campaign commitment requires government agencies and departments to "provide accurate, timely" information to the budget authority (Conservative Party, 2006). In practice the PBO has reported difficulties a number of times in getting information from certain departments. Kevin Page concludes that "water [was] added to the wine" of the original campaign commitment (as quoted in O'Malley, 2010).

The campaign commitment also left out the ability of the budget authority to provide independent analysis to Parliament regarding the Estimates. This part of the PBO's mandate was added to the bill later during review in committee. Review of the estimates was added to the PBO section of the FAA after testimony by Robert Marleau, the former Clerk of the House of Commons (Darling, 2006). Mr. Marleau expressed his

concern about the waning interest that parliamentary committees have in the estimates and suggested linking the estimates process with the new PBO (Canada, 2006b). On this point, the actual mandate of the PBO is stronger than the one laid out in the Conservative Party's campaign commitment. In an interview, Kevin Page expressed that the PBO had not been able to satisfy this portion of the mandate because of a lack of resources:

It's part of the mandate we're not really addressing. Which is there, it's legislated, but I'm not addressing so I shouldn't even be sleeping at night, because I have a legislative mandate and I'm not addressing it ... Lets be reasonable, you can't ask a dozen people to do that for 95 departments, a quarter of a trillion dollars (Page, 2011).

However, the PBO has initiated the Integrated Monitoring Database in 2011 which responds to the hole in their mandate, which was described in Section 4.5.

5.3 Conflicting Messages

Public statements by politicians also confused the PBO's role. For example, then government House Leader Peter Van Loan confused matters when he said that the PBO was an independent Officer of Parliament in announcing the appointment of Kevin Page (May, 2008: A1b). Conservative Senator Donald Oliver also called the PBO an "independent Officer of Parliament" while speaking in the Senate (Gilmore, 2009). The Minister and Senator were probably not intimately familiar with the details of the issue. Nonetheless, it is indicative of the confusion surrounding the new PBO's mandate and the nature and role of Officers of Parliament. The Conservative Party's message on the PBO was inconsistent in general. In the space of only a few weeks in 2009, Conservative

statements were conflicting. Conservative Senator Terry Stratton argued that the PBO had “crossed the line,” was “over the top” and did not respect the rules (as quoted in Münster, 2009). Only a few weeks later Conservative MP Daryl Kramp argued that the PBO had done good work. Kramp added that speaking to the media is part of the PBO’s role, and that is what the public wants (Münster, 2009b). A top official in the Prime Minister’s office at the time of the PBO’s creation has said that the Harper government did not intend for Mr. Page to have the high profile that he had developed (Official, 2011).

5.4 Bureaucratic Uneasiness

The PBO did not only anger the party in power with its analysis and reports. John Ibbitson wrote in the *Globe and Mail* in late 2009 that Kevin Page did not have any friends left and that he was vulnerable to bureaucrats, in addition to his political masters (2009: A23). May (2008) wrote that bureaucrats were annoyed with the implication that they needed to be kept honest by the PBO. Brooke Jeffrey (2010) adds that many senior bureaucrats in central agencies opposed the PBO’s creation. Former Deputy Minister of Finance Scott Clark noted that when he was at Finance he would not have wanted the “hassle” of the PBO either (as quoted in Geddes, 2010).

5.5 Her Majesty’s Loyal Opposition

In the PBO’s first three years, the Liberal Party of Canada was the Official Opposition. At the time some Liberal MPs were also troubled by the PBO. In a news

article, Akin (2009) noted that Liberal MPs were concerned that the PBO had overextended its mandate. Liberal MP Carolyn Bennett asked what other bureaucrat publicly complains about funding. She concluded that if Page was a deputy minister he would be fired (Chase, 2009). Liberal Senator Sharon Carstairs, who sat on the Joint Committee that examined the PBO's mandate throughout 2009, said that she understood that the PBO was trying to duplicate the role of the CBO, but Parliamentarians need to uphold the law (Ibbitson, 2009). In Carstairs' judgment the PBO was not acting within its mandate (Ibbitson, 2009). In an interview Senator Carstairs expanded on her statements to the press:

He's gone way beyond his mandate ... He doesn't obey any of the laws or regulations of the Library of Parliament. He doesn't even obey, quite frankly, the rules that the Auditor General has had established. For example, the Auditor General tables reports in Parliament. Mr. Page doesn't table his reports in Parliament, he tables his reports with the media ... My frustration with Mr. Page was that he refuses to admit that the legislation is prescriptive. It does say what he must do. He just completely ignores that. ... I think that what Mr. Page has done is to break the law and I cannot as a Parliamentarian defend that ... If we want him to be the public official that he has been then change the law (Carstairs, 2011).

James Travers (2009) comes to the conclusion that one reason the Liberals did not fully support Kevin Page and the PBO is that they expected to be back in power soon, and did not want the scrutiny of the PBO either. Nevertheless, *The Hill Times* reported in October 2009 that the Liberals had "flip-flopped" and were now calling for full independence for the PBO and indicated that PBO independence would be a part of their next election platform (Münster, 2009d: 1). It was not.

In the 2011 federal election, the Conservatives won a larger mandate with a majority government. Therefore any changes to legislation will need at least partial support from the Conservative caucus. In addition, the Liberals lost their status as the Official Opposition and were replaced by the New Democrats. The two parties have since agreed to push for more independence for the PBO, spearheaded by New Democratic MP, Paul Dewar. Dewar says that he or another member of the NDP will re-introduce a Private Member's Bill that was stopped by the 2011 election (Vongdouangchanh, 2011d). The bill offered a number of changes to the PBO. These include changing the Parliamentary Budget Officer's term from five to seven years, creating the need to seek Opposition party support for the appointee, and requiring that the Officer can only be "removed for cause" rather than merely serving at the pleasure of the Prime Minister (Vongdouangchanh, 2011d). In addition the Budget Officer would become the equivalent of deputy head of a government department and would have "control and management" of the PBO. This means that the Officer would have discretion over budgets, hiring, and engaging outside contractors. As a result, the Library of Parliament would no longer have control over the PBO's budget (Vongdouangchanh, 2011d). This movement demonstrates that there is some will in Parliament to further entrench the independence of the PBO. However it is unclear if there will be enough support to make any changes to the PBO in the near future.

5.6 2008 Speakers' Letter

In November of 2008, the Speakers of the House of Commons and the Senate, Peter Milliken and Noel Kinsella respectively, wrote a letter to Parliament and

Parliamentary Librarian William Young, which said that the PBO had overstepped its mandate. In the letter, the two Speakers said the PBO should not operate so openly and independently, and that the office needs an appropriate accountability and operating framework (May, 2008e: A1). The Speakers said that Kevin Page should report to the Parliamentary Librarian, and not publicly release the office's own findings. The Speakers argued that the mandate of the PBO was to aid Parliamentarians, not to put the PBO at the centre of parliamentary or public debate, or to impinge on the role of Parliamentarians to hold the government to account (May, 2008e: A1). The letter concluded that the PBO was subject to the authority of the Library of Parliament, who is subject to the direction and control of the Speakers of both houses with assistance from a joint committee of the House and Senate (Gilmore, 2009; Darling, 2006).

Kevin Page disagreed with the Speakers' letter. The PBO argued that it reports to the Speakers and presents its findings to committees and Canadians (Gilmore, 2009). In a presentation to the Organisation for Economic Co-operation and Development's network of parliamentary budget officials in Italy, Page (2009) stressed again that the PBO does not only support Parliamentarians, but also serves Canadians. Page added that Canadians are paying him to get access to that information. The PBO argued that if the recommendations from the Speakers were followed, the PBO would not be open, transparent and independent (Gilmore, 2009). They argued that the reports of the PBO must be publicly available or the office risks incurring accusations of bias (May, 2008b: A1). Kevin Page also reported in 2008 that during the PBO's

consultation with stakeholders, Parliamentarians were nearly unanimous in their view that the PBO needed to be fully transparent, and operate using an “open publishing model” (Page, 2008: 28). The argument could be made that the PBO would serve Canadians by providing aid to Parliamentarians, who represent Canadians. However, it is clear that Kevin Page and the PBO decided to engage more directly with the public. The PBO has preferred to communicate their reports through the media directly to Canadians.

5.7 Solicitor-Client Relationship

The Library of Parliament operates its research services on a solicitor-client basis. This means that research can be withheld from the public by MPs and Senators who requested the research (May, 2008). In their letter rebuking the PBO, the Speakers argued that PBO reports should be handled in the same way (May, 2008).

William Young described the dynamic this way:

I started working here 25 years ago, and this hasn't changed, all requests presented by Parliamentarians are confidential requests, and the Parliamentarian or the committee of either Senate or the House of Commons decides whether that information is to be made public, and how it's to be made public. So, because he's within the Library of Parliament the PBO is actually part of that policy and approach (2011).

The Parliamentary Librarian has informed the PBO that in the future they would need Library approval to release information to MPs, Senators, the media and citizens (May, 2008 b). Senior Special Advisor for the Parliamentary Budget Officer Project, Allan

Darling added in an interview with this researcher that:

The concern that Bill Young's having is, in the initial [days] of [the] Parliamentary Budget Officer taking action he was proceeding to

operate without respecting those protocols and the risk was that it could spill over and damage the credibility of all the other aspects of service that the Library was providing to Parliamentarians (2011).

Darling added that:

It may be better that he [Page] is separate because it then would ensure there wouldn't be confusion with the credibility of ... the Library, or serving parliamentary committees. As an example the staff in the research branch in the Library are the drafters of most committee reports and the members have to have absolute confidence that what they discuss with the staff don't go outside those discussions. And that was the key concern that Bill Young had when he challenged the way Kevin was operating (2011).

Don Martin of the *Ottawa Citizen* indicated that MPs have wanted access to reports before they are publicly released, but when the PBO has done this, the reports have been leaked to the media anyhow (Martin, 2009). Cynthia Münster (2009c) of *the Hill Times* reported that in July of 2009, the Liberals leaked the PBO's five-year economic forecast to the media even after it was a Liberal MP, John McCallum that requested a two day embargo on the report in the first place. In an interview, Kevin Page (2011b) confirmed that the PBO has "had issues where, dealing with the committees where we'd have an embargo and somebody would release information with respect to the embargoed document which put us in a difficult position."

Ibbitson (2009) argued that the PBO has not made the distinction between reports commissioned by their own office, and reports and research requested by Parliamentarians, which should be confidential. Nonetheless, while the Library of Parliament was concerned with the way Mr. Page may have been handling his requests, William Young indicates that the press may have exaggerated this issue:

I mean, again to get back to what we were talking about, I think a lot of your questions are really the result of some newspaper stories that weren't based on very comprehensive or solid research so I'm not sure, while Parliamentarians are concerned and that came up during the Standing Committee meetings where they talked about the whole issue of confidentiality they're very concerned in part because they like it that way. I'm not sure that it was a real issue with regard to how Kevin prepared or handled the requests that were given to him. So, I think in that sense, it's a bit of a smokescreen dug up by the press who were looking for some kind of story that would, and conflict makes a better news story, than the fact that ... everything's going along smoothly (Young, 2011).

As noted in Section 3.4.1 the Library of Parliament already did research projects for Parliamentarians before the PBO was created. A Parliamentarian really concerned about the confidentiality of a request might be able to consult solely with the research services of the Library if the expertise is available, rather than with the PBO. There are also may be a false dichotomy at work in this debate. It may not be that the PBO either does work confidentially for members or without confidentiality. In interviews Kevin Page explained that the PBO must do its work in an open way, and they express this obligation with members who make research requests:

Even the product release strategy would make it clear that we keep it confidential until a point in time, but we would make it clear, you know, that we'd be working in a very open fashion. When you do that, you start sharing drafts with peer-review people, perhaps even people on the public service side there's, you know, you're not really, it's not a complete confidential environment (Page, 2011b).

In conclusion, there is not a large difference between how the Library and the PBO handle confidentiality of reports. While this may have been a concern of Parliamentarians in committee hearings, in practice there may not have been much of a problem with the way Mr. Page has handled confidentiality.

5.8 Concerns with Populism

There are also some concerns with the content and method of Page's communications with the public. James Travers reports that some were concerned that Page and the PBO were treating Canadians, not just Parliamentarians as clients (2009). Sharon Sutherland has also indicated that she was concerned about Page's "populist appeal directly to the public" because she believed it could take power and visibility away from Parliamentarians (as quoted in Münster, 2009c). Allan Darling sounded a similar note:

I think there was a concern in the early days that Kevin was representing himself as being above Parliament. That he was there to speak directly to the public, directly ... And in fact, the role of any Officer of Parliament or any public servant is that you do not have your own independence. Even the Auditor General's reports, the Information Commissioner's reports are reports to Parliament and Parliament decides what to do with them (Darling, 2011).

Kevin Page is fond of saying that he works for taxpayers. Page likely considers this part of the PBO's mandate because of his belief that the PBO must operate openly and transparently to fulfill its duties. In addition, Page may posit that this portion of his mandate comes from the government's announcement of his appointment, when the leader of the government in the House of Commons, Peter Van Loan said that Page would "provide independent analysis to Canadians" (Page, 2008). The PBO's Director for Economic and Fiscal Analysis, Mostafa Askari added in an interview that:

For Kevin Page going before the media or talking to a reporter about our report that's not usurping, this is just explaining, making sure people understand technicalities, the different nuances of the work, which is quite difficult because often we see that, we will release a

report, and the media gets it wrong because they, don't pay attention to the details of the report, make a headline, which is not really correct. Now if we don't go out and talk to the media then those kinds of mistakes will remain (Askari, 2011).

Ann Chaplin (2011) has also contributed to this topic by commenting that it was obvious that Officers of Parliament are intended to have some relationship with, and impact on the Canadian public because this is the audience whose trust Officers of Parliament are attempting to restore. Chaplin (2011) added that Officers of Parliament act somewhat as representatives of the people in that they articulate widely-held concerns about government. In fact, Chaplin (2011) argues that Officers derive some of their legitimacy because they represent the general will of the public in the sense that the Officers support certain standards of behavior expected of government actors.

5.9 Support for the PBO

The PBO and Kevin Page do have their share of supporters. Ian Lee (2008), Assistant Professor of Strategic Management and International Business at the Sprott School of Business at Carleton University, a frequent commentator for the media on the PBO, has said that if the PBO has to ask the Parliamentary Librarian for permission to release information, then the PBO will be a second rate budget office compared to the CBO. Lee added that the CBO does not need anyone's permission to release information, and everything is made public by the CBO (as quoted in May, 2008e: A1). Lee asserted that if the PBO allows MPs, Senators or committees to withhold reports, the office will inevitably be contaminated with politics. Lee also noted that it would be

hard to attract talent if employees of the PBO are simply going to be bookkeepers for the Library of Parliament. John Geddes (2010) of Maclean's magazine wrote that Kevin Page leads a "scrappy, underdog team" against the "powerhouses" that are the Prime Minister's Office, and Finance. James McLean (2009) adds that the PBO has "enough expertise, it seems, to give the biggest, most complex, most inscrutable organizations a run for their money. Which as it turns out, is the point" (1).

There were other critics who were angry that the PBO was subordinate to the Library of Parliament. Many argued that the PBO was supposed to be independent, and merely housed in the Library. Sharon Sutherland argued that it did not make sense for the inherently controversial PBO to be in the historically non-controversial Library (May, 2008). Some scholars were also worried that the PBO could tarnish the Library of Parliament's "gold-standard of non-partisanship" (Levy, 2008: 6; May, 2008: A4).

Many newspaper editorials have written in support of the PBO as well. An editorial in the *Ottawa Citizen* stated that the PBO should be an independent Officer of Parliament, which makes its reports public, because after all, the office is paid for by taxpayer money (Open-Book, 2009). Another editorial, this time in the *Globe and Mail*, asserted that the PBO's track record on projections was considerably better than that of Jim Flaherty (Parliamentary, 2009; see also Martin, 2010). The *Globe and Mail* sounded a similar note a few months later when it wrote that accountability is only possible when the governed receive fair, unbiased information about the government's track record and future plans. The *Globe and Mail* concluded that Kevin

Page and the PBO have done a remarkable job accomplishing this task (Keeping, 2009). Although, as John Ibbitson remarked, perhaps too cynically, it was in the media's interest to back Kevin Page because the PBO provides them with a wealth of information to report on (Ibbitson, 2009).

Paul Wells (2008) of *Maclean's* magazine also weighed in on the side of Kevin Page and the PBO. Wells was particularly annoyed by the implication of the Speakers' letter that the PBO was somehow impinging on the constitutional duty of MPs and Senators. Wells wrote that MPs would never say their constitutional duties were hampered by the costing of the mission in Afghanistan for example, and that reliable information only helps Parliamentarians. Wells also disputed the idea that Page was supposed to be a prominent figure. On the contrary, Paul Wells concluded that the PBO was intended to be at the center of public debates. Wells pointed to the announcement by Peter Van Loan of Kevin Page's appointment, which said the PBO would provide "independent analysis to Canadians" (Wells, 2008).

David Akin of the *Ottawa Citizen* also reported that more than 130 economists at Canadian universities had signed a petition in support of the Parliamentary Budget Officer⁹. The signatories indicated among other things that they want the PBO to continue its commendable record of analysis and that they believed the PBO has contributed to an elevation of the democratic debate (Akin, 2009). Bruce Hyer, the

⁹ The list of signatories and petition can be found at the blog of Kevin Milligan, an Associate Professor of Economics at the University of British Columbia. <<http://supporttheopbo.blogspot.com/2009/07/signatories.html>>

New Democratic member of Parliament for Thunder Bay – Superior North has also authored a petition to enhance the effectiveness and independence of the PBO¹⁰.

Nothing in the legislative mandate or Conservative campaign commitment indicates that Kevin Page is mandated to be an obscure Ottawa bureaucrat. Page and the PBO are subservient to the Library of Parliament and should as a result operate largely on a solicitor-client basis as long as they are. However, there are no rules beyond that which state how Page and the PBO should communicate their reports to the public. PBO defender and retired public servant Jean-Marc Tremblay agrees, noting that the legislation does not mention whether or not the PBO should talk to the media (2009). It is also naïve to think the PBO will be able to avoid public debates if it is being commissioned to conduct reports on controversial items like the conflict in Afghanistan, employment insurance, and government deficits. Nonetheless, it is outside convention for a public servant to be as outspoken as Kevin Page has been. Former Deputy Minister of Finance C. Scott Clark commented that he knew Kevin Page would be a good Parliamentary Budget Officer, but that he was surprised how good a communicator Page had become (Münster, 2010b).

Despite this, Kevin Page and the PBO are not completely independent. If Parliamentarians are upset about the way Page and PBO are acting they can restrict his funds. Even more importantly, if the Prime Minister believes he or she has public support or can withstand a potential public backlash, he or she can replace Page at any

¹⁰ The petition can be viewed at <<http://www.brucehyer.ca/?download=An%20Independent%20PBO%20-%20Petition02022010.pdf>>

time. However, despite being subservient to the Library of Parliament, the PBO has a lot of room to operate and make decisions on how to best carry out their mandate.

5.10 Recommendations of the Joint Committee on the Library of Parliament

Because of the disagreements between the PBO and the Parliamentary Library and Speakers over the new office's mandate, in 2009 the Standing Joint Committee on the Library of Parliament was asked to make recommendations on the disputed issues of the mandate. The Committee ruled that the PBO did not have the funding necessary to effectively execute their mandate. In addition, the committee made ten recommendations (Canada, 2009). The committee reasoned that if the recommendations were followed by the PBO, Kevin Page should receive a funding upgrade (Canada, 2009). The recommendations received unanimous all-party support. The recommendations were as follows:

Recommendation 1

That the Speakers of the Senate and the House of Commons direct the Parliamentary Budget Officer to respect the provisions of the Act establishing his position within the Library of Parliament. The Parliamentary Budget Officer reports to the Parliamentary Librarian and, as a senior official of the Library, it is his responsibility to participate fully in management activities and to work closely with the Library's other service areas.

Recommendation 2

That the Speakers of the Senate and the House of Commons request the Standing Joint Committee on the Library of Parliament to evaluate the effectiveness of the position of the Parliamentary Budget Officer commencing on the third anniversary of his appointment.

Recommendation 3

That the Speakers of the Senate and the House of Commons ask the Parliamentary Budget Officer to provide them with an action plan describing how he intends to carry out all of the duties mandated under the Act, and that this plan be submitted for review by the Joint Committee of the Library of Parliament.

Recommendation 4

That the Speakers of the Senate and the House of Commons ask the Parliamentary Information and Research Service of the Library of Parliament and the Parliamentary Budget Officer to standardize their service agreements with the parliamentarians and committees.

Recommendation 5

That the Speakers of the Senate and the House of Commons direct the Parliamentary Information and Research Service of the Library of Parliament and the Parliamentary Budget Officer to collaborate and coordinate their activities regarding the review of government estimates and the evaluation of the financial cost of any proposal relating to a matter over which Parliament has jurisdiction.

Recommendation 6

That the Speakers of the Senate and the House of Commons instruct the Parliamentary Budget Officer that a response to a request made by a parliamentarian or a parliamentary committee in accordance with the legislated mandate shall remain confidential, until the confidentiality is lifted by the parliamentarian or the parliamentary committee making the request.

Recommendation 7

That the Speakers of the Senate and the House of Commons direct the Parliamentary Budget Officer not to release any report during a general election.

Recommendation 8

That, on the understanding that any increase of the budget of the Parliamentary Budget Officer is conditional on compliance with all other recommendations in this report, after due process and validation, the Speakers of the Senate and the House of Commons, in collaboration with the Parliamentary Librarian, submit to the Treasury Board a proposal to increase the budget of the Parliamentary Budget Officer for 2009–2010 to \$2.8 million, without reducing the current financial resources of the rest of the Library of Parliament.

Recommendation 9

In order to justify future increases in the budget allocation of the Parliamentary Budget Officer, that the Speakers of the Senate and the House of Commons instruct the Parliamentary Budget Officer to establish a management system similar to the one already in place within the Library of Parliament for all requests from parliamentarians and committees.

Recommendation 10

That the Speakers of the Senate and the House of Commons mandate the Standing Joint Committee on the Library of Parliament to take on a larger role in examining funding proposals from the Library of Parliament by developing a procedure whereby the Library's main and supplementary estimates are submitted to the Joint Committee for oversight and advice in advance of tabling. (Canada, 2009)

Importantly, the Standing Committee called for the confidentiality of reports done for committees and Parliamentarians. The Committee concluded that these reports should remain confidential until the Parliamentarian or committee who made the request lifts confidentiality. In addition, the publication of independently commissioned reports is allowed only if the reports are first presented to Parliamentarians. None of the recommendations deal with how the PBO should communicate reports to the public once it has gone through the proper channels, or say anything about whether or not the PBO should play a role in public debates. Only the PBO's ability to release reports during an election was stopped (Canada, 2009). Liberal Senator Sharon Carstairs, Co-Chair of the Standing Committee, added that the committee had compromised for all-party agreement, and now the PBO should too (Ibbitson, 2009).

The Standing Committee did reach unanimous all-party consent for its recommendations. However, not all parties were equally enthusiastic about the recommendations. Bloc and NDP members on the Committee were pushing the

standing committee to allow for more independence for the PBO, but they felt budget funding was the more pressing issue. In addition, the Bloc and NDP felt that getting all-party support for the recommendations lent the committee's new guidelines credibility. These two things allowed the NDP and Bloc to be satisfied with having PBO independence reviewed later. This was supposed to occur during a recommended review period scheduled for the three-year anniversary of the appointment of Kevin Page (Münster, 2009f). However in an interview with Senator Sharon Carstairs, the Joint Chair of the Standing Committee on the Library of Parliament from January to December 2009, it was reported that the review process did not look like it was going to go forward (Carstairs, 2011).

Kevin Page was disappointed with the recommendations and felt that the committee had not heard his message calling on the committee to strengthen transparency and accountability (Münster, 2009f). In addition, Jean-Marc Tremblay did not even believe the committee acted in a fair and transparent manner. Tremblay (2009) asserted that the committee did not hear from witnesses recommended by Kevin Page and the PBO. In response to Tremblay, B. Thomas Hall, a retired House of Commons procedural clerk who has served as joint clerk of the Library of Parliament committee, posited that the committee refused to call the witnesses suggested by Mr. Page because their testimony was not considered relevant to the issue under examination by the committee (Hall, 2009).

However, these recommendations did not alter the operating procedures of the PBO according to Senator Sharon Carstairs. In an interview, this researcher asked

Carstairs if Kevin Page had followed the recommendations of the Standing Joint Committee on the Library of Parliament, and she indicated that he had not (Carstairs, 2011). However, with less than a year left in Kevin Page's term and the review process not going forward, there is little opportunity or incentive to make reprisals or force the PBO to make changes.

5.11 Response from Kevin Page

Page argues that part of his mandate is to close the resource gap between government and Parliamentarians (Page, 2010). Page wrote that the PBO does this by supporting Parliamentarians in their oversight of government stewardship of public funds and helping to ensure transparency (Page, 2009). In addition, Page argued that the PBO helps accomplish this mission by ensuring due diligence in spending, proposals, budget estimates, and off-cycle fiscal pressures. The PBO also needs to make sure that appropriations reflect actual financial estimates. This will help ensure that Parliamentarians are informed voters in the House, and are able to assess the reasonableness of department asks and understand how other government decisions could have material effects on budgeting (Page, 2009).

Despite this study's discussion of the solicitor-client relationship and demands of Page's superiors that the PBO recognize its subordination to the Library of Parliament on matters of communication, Kevin Page has his own view of the PBO's communication mandate. Page believes that the PBO needs to utilize an open operating model where the PBO's work is public and transparent (May, 2008b). Page insists that by operating openly and transparently it allows for peer review and

collaboration by outside experts in relevant fields (Page, 2009; Page, 2010). Assistant Parliamentary Budget Officer Mostafa Askari agreed in an interview, stating that:

In order for us to provide credible analysis, we have to be public, otherwise we become like some of the analysis and advice provided by the public service to the government. It's a secret, nobody sees it, nobody can scrutinize the analysis, there is no peer review. They can do whatever they do without really these checks and balances on their work. Whereas our work, if it makes mistakes, there are a lot of people out there who can look at our work [and] can say, "you've made a mistake in that area, you better fix that" (Askari, 2011).

For instance, the PBO operates a comprehensive website where almost everything the PBO produces or says is made available to the public. This researcher was impressed with the ease in which documents were found and the quickness with which the PBO responded to inquiries for recent publications and presentations. Page has indicated that the PBO had to fight for the website because it broke with tradition (McLean, 2009).

In response to questioning from the Standing Committee on the Library of Parliament, Page asserted that the PBO must be transparent or the office will look partisan (Ibbitson, 2009). One must also consider possible outcomes if PBO reports were kept confidential. In an interview, Mr. Page wondered:

If you spend a couple of months on a project, say prison studies or F35, or G8/G20, and then it's held confidentially and the Parliamentarians looks at it and says, "whoops, I don't think this is what I want, this is not the answer I was hoping for," and it doesn't get released, like how [does] this system benefit by it? (Page, 2011b)

Page has also indicated that he needed to set strong foundations for the PBO early on in its mandate. In a PowerPoint presentation given to the OECD network of parliamentary budget officials in Switzerland, Page quoted another OECD official as

having said, “cement dries quickly” (Page, 2010). It is not absolutely clear if this meant that Page believed he needed to be outspoken so the PBO would not be marginalized in its infancy. However, Paul G. Thomas (2003) might argue that that was a good strategy. Writing about how Officers of Parliament can aid Parliamentarians, Thomas (2003) wrote that MPs like information and facts when they are interwoven with argumentation and proposals for action. Thomas (2003) adds that Officers of Parliament must not be bland or uniformly positive, if they want to maximize parliamentary, media, and public attention to their reports. This sounds a lot like Page’s leadership of the PBO who commented that he needed to be known, and to be public, so as to contribute to debates (Münster, 2010b). Allan Darling said in an interview that Page:

has the one benefit that Parliamentarians will look at his reports because, as long as he keeps them short and he has been focused and precise then he at least gets read which a lot of other people don’t. The economic council for example suffered from that. No Parliamentarian read them because they didn’t have the fifteen minutes over a coffee to do it ... The old economic council’s reports were long and verbose, the council was a tripartite business, labour and government council there was too much compromise discussed before the reports got released (Darling, 2011).

However, Assistant PBO Mostafa Askari dismissed the notion of a complex communications strategy:

We had a small office, we don’t have any communications experts. So from the beginning when we talked communication strategy, we said “okay, with our communications strategy is to be open and transparent.” And that’s how it’s done .There is really no strategy one way or another, we don’t sit down and try to figure out how to talk to the media. I mean, you know, we release our reports and Kevin talks to it and that’s essentially it (Askari, 2011).

5.12 Budget

A short history of the PBO's budget battles will also reveal important aspects of the debate over the office's mandate. The office was first created in March of 2008. For that year the PBO would receive an interim budget of \$1.8 million on the understanding that the office would receive a \$1 million upgrade in the next fiscal year (Münster, 2009b). Kevin Page was originally happy with this sum. In an interview with *The Hill Times*, Page said that because the PBO was just getting under way, the interim amount of \$1.8 million was reasonable, and that it would go a long way. Nonetheless, there were concerns from the very beginning about the budget. Sharon Sutherland argued early on that the government wanted to keep its campaign commitment, but the resources the PBO has been provided will not be enough to fulfill its mandate (Münster, 2008).

Kevin Page was not pleased about his budget for long. Instead of receiving the \$1 million budget upgrade in its second year, the PBO was stuck at the \$1.8 million level of its interim year plus a 1.5% increase equaling approximately \$27,000 (Münster, 2009 g; Gilmore, 2009). This was the catalyst for Page's public campaign for more money. This included writing Parliamentarians informing them that the PBO could not fulfill its mandate at current funding levels (Münster, 2009g; Chase, 2009). Page would go so far as to recommend later that year that the PBO be shut down if it was not given proper funding (May, 2008e). Page argued that it was better to have the PBO shut down than to pretend adequate scrutiny was being given to government budgets (Chase, 2009b). Again, Page and the PBO did not get overwhelming support from

Opposition parties in their public feud. Liberal MP Carolyn Bennett commented that nobody was getting the budget increases they wanted in the poor economic environment, and the PBO was not being targeted, or singled out for cuts (Münster, 2009 b). However, in the same year there were reports that the government was very annoyed with the PBO. Greg Weston of Sun Media reported an anonymous Cabinet minister as saying that most in the Conservative Party could not wait to rein in a “complete pain in the ass” (Weston, 2009). The source told Weston that the government was going to eliminate the office or shorten their regulatory leash enough to render the PBO “harmless” (Weston, 2009).

The matter of the PBO’s budget was also taken up by the Standing Committee on the Library of Parliament, which was charged with clarifying the PBO’s mandate. As mentioned earlier they asserted that if the PBO were to follow the Standing Committee’s recommendations then the PBO would be entitled to the full \$1 million upgrade. After the committee made its report, the Library of Parliament was able to attain an additional \$484,000 for the PBO in the supplementary estimates ‘B.’ This was roughly what the PBO would be entitled to for the last few months of the fiscal year had it received the \$1 million upgrade in the first place (Münster, 2009h). Nonetheless, Münster added that the PBO was still not able to hire the people it wanted until its budget future was straightened out (2009h). Page (2009) has stated that the value of the PBO depends directly on the quality of the talent that is attracted and retained, so he would like the budget size and certainty necessary to make the right hires.

In November of 2009, following the recommendations of the Standing Committee, the Parliamentary Librarian announced that he would be asking for a budget of \$2.8 million for the PBO (Münster, 2009). The government followed through. In the 2010-2011 main estimates the government included the originally planned \$2.8 million budget. Despite those who believed Page had not followed the recommendations, Page had won his high-profile national fight for funding. Page commented that he was pleased with the funding upgrade, as it would allow the PBO to do a better job carrying out its mandate (Vongdouangchanh, 2010; Münster, 2010). Receiving this budget upgrade has strengthened the PBO and lessened its chances of being shut down. Director General for Economic and Fiscal Analysis at the PBO, Mostafa Askari commented:

My own assessment is that I think following the first year and the ups and downs that we had. The pressures that we had and we got through that. Now I think that we have established ourselves, we have established a function, not necessarily ourself, but we established a function of something that is necessary (Askari, 2011).

Nonetheless, not all problems were solved. The increase in the PBO's budget did not come as a result of a separate line item in the budget. Indeed, the Library of Parliament provides its own estimates, and it was the Library who determined that \$2.8 million would go to the PBO. Page argued that the PBO should be funded from a separate line item outside the Library's budget. This reflects Page and the PBO's continuing discomfort with being housed within the Library of Parliament (Vongdouangchanh, 2010).

Chapter VI: Kevin Page and the PBO

6.1 Appointment Process

Because of the complaints against the PBO it is important to understand how the holder of the office is appointed and how he or she might be dismissed. Kevin Page was the first Parliamentary Budget Officer and was appointed by the Harper government on March 25, 2008. The PBO is appointed by Governor in Council to a fixed renewable term of not more than five years. All mandates for Canadian Officers of Parliament are longer than five years (Hurtubise-Loranger, 2008). Unlike Officers of Parliament like the Auditor General or the Privacy Commissioner, the PBO serves “at pleasure.” This means the Prime Minister can dismiss the PBO at any time (Gilmore, 2009). The appointee is selected from three names. These names are submitted by the leader of the government in the House of Commons, from a selection committee formed and chaired by the Parliamentary Librarian. The Parliamentary Librarian asked the Association of Former Parliamentarians to name one of their members to participate in the selection committee. The Association nominated former New Democratic member of Parliament Bill Knight. Other members of the selection committee were Maria Barrados, the President of the Public Service Commission of Canada; Don Drummond, Vice President at the Toronto-Dominion Bank; William Young, the Parliamentary Librarian himself; and Allan Darling who was the Senior Special Advisor - Parliamentary Budget Officer Project. Executive search firm Ray & Berndtson aided in coming up with appropriate candidates. In an interview with the

Ottawa Citizen's Kathryn May, Don Drummond commented on what attributes the appointee needed. Drummond said that the appointee would need to know how government works, could win the trust of MPs, have a rapport with senior bureaucrats, and the diplomatic skills to defuse conflicts (as cited in May, 2008).

During the hiring process there were some problems with determining job classification and pay grade. Some candidates for the job felt that the classification of the position would reduce the credibility of the office (Levy, 2008). However, the selection committee had a delicate situation to balance. They wanted the position to be credible, but the PBO's subordination to the Parliamentary Librarian meant that the job could only be classified so high. In addition, they were worried that if the PBO's job classification was too high they might then have to reclassify the jobs of Officers of Parliament upwards (Levy, 2008). In the end Münster (2009e) reported that despite being lower in the Library of Parliament's hierarchy, Kevin Page has a larger salary than his superior, the Parliamentary Librarian.

James McLean (2009) provides an interesting account of the appointment of Kevin Page in *The Hill Times*. McLean (2009) writes that within the civil service the position of Parliamentary Budget Officer was informally marked as undesirable. There was a feeling that the position could be a "career killer." Clark and DeVries (2010) made a similar argument in *The Globe and Mail*, saying that the PBO's level of independence hurt the initial search for an Officer. This indicates that there were concerns about a lack of independence for the PBO from the beginning. They add that unless the PBO's independence is strengthened it could be difficult to replace Kevin

Page when the time comes (Clark and Devries, 2010). Kevin Page was initially hesitant about taking the job. Like others in the civil service Page was worried that the position was fraught with difficulties and he was dealing with a loss in the family. Kevin Page was a 27 year veteran of the public service. Page had worked in economic and fiscal areas at Finance, the Treasury Board and the Privy Council Office as well as other departments (Canada. Library of Parliament – Parliamentary Budget Officer). It took multiple approaches from the recruiting firm hired by the Parliamentary Librarian for Page to be convinced and a few conditions had to be met. In personal communications via e-mail, Page expressed that he wanted to be sure that the staff of the PBO would be capable, that he would receive language training to improve his French, and that he would not have to take a pay cut to take the job.

In a public lecture given to Reg Alcock's *Managing Modern Government* class at the University of Manitoba on April 1, 2010, Page recalled a conversation with Robert A. Sunshine, Deputy Director of the Congressional Budget Office, who advised Page on what he would need to do in taking on the job as PBO. There were three main recommendations. First, the PBO would need to do quality work. If the PBO did not end up doing work at a high level the office would not last. Second, Page would need to learn how to communicate with the public, media and Parliamentarians. Third, Sunshine told Page that their office would have to be tough. He told Page that the government had tried to close up the CBO in its early days (Page, 2010b).

6.2 Kevin Page

As discussed in Section 1.4 of the introductory chapter, the tale of the PBO is inseparable from the story of Kevin Page. As the first Parliamentary Budget Officer Kevin Page has left a permanent mark on the work and image of the PBO. Therefore it is important to for this study to dedicate some time solely to Mr. Page. Prior to being appointed as the first PBO, Page's son Tyler was killed after being struck by a train while walking along a railway track after going out to the bar with friends (Castaldo, 2009). In a guest lecture to Reg Alcock's *Managing Modern Government* class Page told the audience how the loss of his son had changed his views of job security and stability. Security did not mean the same thing to him anymore. He implored the audience to be leaders, take risks, and if doors are closed on you, keep kicking them open. Page told the audience that he did not take the PBO job to keep his head down, and that he was not going to pass up an opportunity to raise the level of discourse, and create a new data point in Ottawa. Page pleaded to the class that Canada needs more public servants, but that if you are doing it for security that is not enough. Page has operated by these standards as the Parliamentary Budget Officer (Page, 2010b).

It is also important to note that Mr. Page worked closely with the Harper government, before he was appointed as the PBO. As an economic official within the PCO he was a top bureaucratic advisor to the Prime Minister and Cabinet. Therefore it would not have been unreasonable for Opposition members and outside observers to

worry about Mr. Page's independence.¹¹ However, his outspoken style as the first Parliamentary Budget Officer has likely mitigated these concerns. In a discussion of government appointees, Dobell and Ulrich (2006) argue that there is a need for a balance between independence and working experience in the environment where the appointee will be working. Mr. Page is a good example of an appointee that is balanced somewhere between these two points.

Nonetheless, it is unlikely Mr. Page has become the appointee originally envisioned. A summary of the views of a group of former Parliamentarians tasked with offering their opinions to help craft the PBO who met on January 23, 2007 illustrate some of their feelings. The summary was provided via personal communication by Allan Darling. The former Parliamentarians conclude that the appointment of a "prima donna" needs to be avoided at all costs, and that the appointee needed to understand that they are working for Parliament and Parliamentarians. The former Parliamentarians were concerned that a PBO with a public profile might become a political lightning rod which could threaten the Library's neutral and non-partisan reputation. The group added that the PBO should not have the profile of an Auditor General who calls press conferences and seeks the media spotlight. They argued that this should be the purview of Parliamentarians, and the PBO should appear before committees rather than in press conferences. They note with some foresight, that the Auditor General was never supposed to become a "television folk hero" any way (Summary, 2007). However, quite opposite of what the focus group desired, Kevin

¹¹ However, Mr. Page has worked for governments of different partisan stripes, demonstrating an ability to exhibit neutral competencies.

Page has been fond of the media and press conferences. And Page's profile has certainly rivaled that of the Auditor General.

6.3 Staffing

As of September 8, 2011 the PBO website lists 13 employees and 2 interns currently within the organization. The office is split between those employees who work on the forecasting side of the office and those who work on the costing side of the office. Requests from Parliamentarians are generally handled by the costing side of the office. In their hiring, the PBO has looked for skilled employees, with the necessary experience and ability to begin producing quality reports right away. In an interview, Mr. Page described the process.

I knew if I was able to get the right people I could do an awful lot on the economic and fiscal analysis with just a handful of people and limited resources. But I knew I have to be able to attract people who actually did the job. So you come here you don't get on the job training from a mentor you've done the job before, you've worked with models, you've done forecasting, and you know, I guess I could say that I kind of, I was really lucky, fortunate, worked hard, to land some people, you know they actually really knew the business ... Having been around, and you know, in budget office shops, and looking at what comes in from other departments, that kind of skill set where people look at business cases they start with a blank sheet of paper they built methodologies, they work collaboratively with experts to kind of estimate things, options. Ummm, and it's kind of a rare (Page, 2011)...

In a subsequent interview with this researcher, Director General for Economic and Fiscal Analysis, Mostafa Askari, head of the forecasting side of the PBO, described a similar desire in recruits,

It's kind of a function [that] requires certain expertise that is not necessarily widely and broadly available ... so we have to find people that actually know the system, know how it works, know how to do

these kind of things, and keep them here, keep them together for a long enough period that they can actually produce some stuff (Askari, 2011).

Mr. Askari also described the need for employees and the Officer to have direct, government experience.

I've worked as an academic before and I think I have full respect for all academic work that they do but unfortunately they don't know how the system works. They don't know how the Department of Finance works. They don't know how the expenditure management system in the government works. They haven't been involved in that kind of processes to know what the issues are, where the bodies are buried. Those kind of things you really need people who are from inside. Bringing someone from outside for this kind of operation, especially with the fights that we have right now is not going to work (Askari, 2011).

Chapter VII: The PBO Going Forward

7.1 The PBO and Officers of Parliament

Page now argues that the PBO needs legislative change, to make the PBO an Officer of Parliament appointed by Parliament. Page says that he wants to leave a strong independent office as his legacy (Münster, 2010). Ibbitson (2007) wrote that Kevin Page wants to change the game in Ottawa, and Tasha Kheirridin (2010), a conservative commentator, adds that Page appears determined to leave the PBO as a serious player in Ottawa. Page has said that he was not demanding more independence for himself, but for whoever takes over the PBO after him (Page, 2010b). However this begs the question, how would the PBO be more independent if it were an Officer of Parliament? Conservative MP James Rajotte noted that the PBO has almost complete independence now. Kevin Page, Rajotte concluded, already seems to report, study, and release whatever he wishes (Münster, 2010). Senator Sharon Carstairs added that the PBO already has the powers of an Officer of Parliament when dealing with self-initiated reports (Carstairs, 2009). Finally in an interview, a former top official in the Prime Minister's office questioned the need for a change in the PBO's institutional set-up:

I don't see a particular problem that they have to be independent of the Library or the Speaker, on and on, and on and on here but. How many institutional guarantees do they need? The important thing is that it's independent from the Finance Department (Official, 2011).

Kevin Page asserted that he understood that he would be in the Library when he began the job, but that he would be independent and operate at arm's length (May,

2008b). Nonetheless, speaking at a roundtable on governance put on by the Liberal Party during the prorogation of late 2009 and early 2010, Page said that the PBO, which was supposed to be modeled on the CBO, had “loosely-written legislation, confusing signals and problematic incentives” (as quoted in O’Malley, 2010). In the earliest debates about the PBO’s mandate there were even arguments over whether or not the PBO was an Officer of Parliament or the lesser Officer in the Library of Parliament (Gilmore, 2009). However it is now clear that the PBO is not an Officer of Parliament like the Auditor General or Privacy Commissioner. Indeed, Kevin Page reasoned that because he was not an Officer of Parliament, the PBO could continue to work during Parliament’s 2009-2010 prorogation (Curry, 2010). While this may be a case of the PBO making up the rules as it goes along, it is nonetheless an admission that the PBO is not an Officer of Parliament.¹² As Allan Darling commented, the PBO’s scope lays ultimately with what Parliament¹³ wants him to do (May, 2008). As demonstrated earlier, the Standing Committee on the Library of Parliament did not alter but endorsed the PBO’s position within the Library. Gilmore makes a similar conclusion. He wrote that the PBO is not as powerful as the Auditor General or other Officers, and if Parliament had wanted something else for the PBO they should have done so (Gilmore, 2009). Parliamentary Librarian William Young sounded a similar note in response to Page’s calls for more independence and a bigger budget. Young

¹² Parliament does not cease to exist during a prorogation. In fact, the work of government and Officers of Parliament does continue. The work of Officers of Parliament even continues after dissolution of Parliament during an election. But because Parliament has been dissolved, nothing is delivered to a Parliament which for a brief time does not exist during the election period.

¹³ It is important to note that Parliament is not a single body represented by one opinion. Indeed, Parliament is an arena for competing visions and values among political parties. For Page’s mandate to change, decisions in Parliament do not have to be unanimous.

said that if Parliamentarians wanted the PBO to have greater scope and autonomy they could have done so, and still can (Münster, 2009g).

7.2 Potential Changes at the PBO

Nonetheless it is important to note the changes that would occur to the PBO if it were to become an Officer of Parliament. These changes would mainly affect the appointment and dismissal of the budget Officer. Currently, the PBO is appointed by, and serves at the pleasure of the Prime Minister. If the PBO were an Officer of Parliament there would be parliamentary involvement in appointments and any dismissals (Gay, and Winetrobe, 2008). As an Officer, the PBO would be appointed by one or both chambers of the House of Commons (Hurtubise-Loranger, 2008). Most Officers are also generally appointed in consultation with all recognized party leaders (Stilborn, 2010). Finally if the PBO were to become an Officer of Parliament, their dismissal would require the permission of one or both chambers of the House of Commons (Stilborn, 2010; Hurtubise-Loranger, 2008). The terms of appointment for Officers also tend to be guaranteed by statute (Hurtubise-Loranger, 2008). Ensuring Parliament a central role in the appointment and dismissal of the PBO, and removing the Prime Minister's ability to hire and fire the PBO would result in a PBO that is more independent from the Executive. Therefore, this is a sensible reform that Parliament should consider in the future.

Changing the PBO to an Officer of Parliament through legislation will not resolve all the issues surrounding its mandate. Paul G. Thomas (2003) concludes that an

agency's independence and accountability are still dependent on the unique structural features of individual parliamentary agencies.

Remembering that the PBO is housed within the Library of Parliament, it is also crucial to note that the Library itself claims great independence, and the PBO may already benefit from that. Parliamentary Librarian William Young even argues that the Library of Parliament may be more independent than some Officers of Parliament:

The Library's always been non-partisan and independent from the government since it was established in 1867. So, in that sense the Library itself is an independent institution. Now if you're comparing the Library to other Officers of Parliament I think the Library is actually more independent of the Executive than other Officers because just the way the spending proposals are vetted and approved and the reporting is conducted. I mean the Library has no contact whatsoever with the Executive ... My estimates are signed off by the Speakers, they're printed in the estimates document. There is no second-guessing or right of veto by the spending authorities within the federal government. I'm not sure that that applies to the Officers of Parliament in the same way. I mean, Parliament quite often exempts itself from the strict set of policies which are imposed on the various Officers of Parliament with regard to the nature and level of reporting with regard to the nature and level of the hiring that goes on. The Library and the House of Commons and the Senate respect those in principle, but we are not subject to those so in that sense the Library and hence the PBO, because he's in the Library, is probably far more independent than a lot of the so-called independent Officers of Parliament (Young, 2011).

John A. Stilborn, a scholar of constitutional watchdogs and an advisor to William Young elaborated that the Library of Parliament has:

been independent since 1867. The members like it that way. They attach tremendous value to the work it does and so ... it's kind of a cultural basis for independence rather than a formal, procedural [independence] ... The PBO when it was established was a brand new organization with brand new people in it. If it had been established as a free standing organization or Officer of Parliament it would have had to build its own level of political support for whatever independence was formally given to it ... The fact that it was established within the Library

meant that it was automatically the beneficiary of these arrangements that have been outlined (Stilborn, 2011).

Thomas (2003) adds that leadership styles are at least as important as distribution of formal authority. This is particularly relevant to the discussion of the PBO considering the prominence of its leader, Kevin Page. Thomas writes that a leader of a parliamentary agency “who is determined to resist encroachment on the autonomy of the agency can mount an effective campaign of resistance” (2003: 297). Kevin Page has already engaged in this type of campaign and Thomas adds that if the organization is meant to serve Parliament this “gives them a legitimacy and measure of protection from ministerial or central agency control” (2003: 297). Democracy Watch Coordinator Duff Conacher argued that Page has done such a good job as budget Officer and in such a public way that:

he is somewhat untouchable now, unless he really screws up in some way, he is pretty much untouchable in terms of firing him, it's not as obscure as the Canadian Nuclear Safety Commission and he'll never be in that kind of position where he would be shutting down something that the government wants to operate (as quoted in Münster, 2010b).

While Page has already waged an effective campaign of resistance to outside influence, removing the Prime Minister’s monopoly on the power to appoint and dismiss the Officer could strengthen the PBO’s hand in the campaign for independence by further enshrining their freedom from Executive direction and control.

7.3 Challenges

Kevin Page foresees a number of challenges facing the PBO in the future. First, maintaining independence will be a challenge. This is not surprising considering Page

and the PBO's continuing fight for further independence for the PBO. Second, the large asymmetry of information between Parliament and the government will continue to challenge the PBO's mandate. Similarly, Page added that the culture of tradition and secrecy in the Canadian government also continues to be a challenge as the PBO strives to operate in an open way (Page, 2010). Third, Page argues that the PBO has limited resources to fulfill a very broad mandate and this causes significant restraints. Fourth, the competitive market for talent in the financial and economic analysis fields will make hiring and retaining quality staff a challenge. Fifth, appearing non-partisan while providing scrutiny, opinion and challenging government will continue to be a challenge (Page, 2009).

Chapter VIII: Conclusion

8.1 Other Avenues for Research

There are a number of other areas of research this thesis has identified that could also contribute to the study of the Parliamentary Budget Officer. The study did not endeavour to include them due to limitations of time and space. One of these topics is budget reform. A number of different potential reforms to the budget process arose during the research process. For instance in a discussion of budget reform, Conservative MP Mike Wallace suggested possible budgetary reform: “It doesn’t matter, you support those estimates because otherwise you’d force an election. I’m not sure that that shouldn’t be something we should be looking at. Maybe there can be changes made to estimates at the political level that don’t result in an unnecessary election call” (as quoted in Vongdouangchanh, 2011).

This thesis focused mainly on the role of the House of Commons in the budgeting process while leaving out a discussion of how the Senate interacts currently, and could interact further with the budgeting process in Canada. The role of the Senate in budgeting and financial matters would make an interesting contribution to the topic of budgets and the Parliamentary Budget Officer.

Finally, this study had some difficulty in evaluating whether or not the PBO had indeed raised the level of discourse about financial and budgeting issues in Canada. One way future researchers may want to better answer this question

would be to study Hansard and the transcripts of other committees to determine how many times the PBO or its studies are mentioned and in what light they are mentioned. In addition, the thesis did not ask Parliamentarians if the PBO had aided them in holding the Executive to account. The best way to answer this question may be for future researchers to conduct a survey of Parliamentarians asking this very question.

8.2 Summary of Research Questions

- Why does the PBO exist?
- What does the PBO do?
- Has the PBO been able to help Parliamentarians hold the Executive to account?
- How does the PBO strikes a balance between accountability and independence?
- Should the PBO become an Officer of Parliament?
- Should the PBO be removed from the Library of Parliament?
- What might become of the PBO after Kevin Page?

8.3 Findings and Recommendations

This study asked a number of research questions. First, why does the PBO exist? The main rationales were underestimated budget balance projections, international trends toward more independent budgetary research offices, the desire to aid Parliamentarians to hold the Executive to account, and the wish to raise the level of

discourse about government budgets, as well as financial and economic issues important for Canada.

Second, the study asked, what does the PBO do? This was explained by first demonstrating the misalignment between the original rationales for the PBO, the Conservative Party's 2006 Federal election campaign commitment for a "Parliamentary Budget Authority," the PBO's legal mandate, and the PBO's actual operations under Kevin Page's leadership. In addition, the study explained the PBO's new Integrated Monitoring Database which attempts to improve the ability of Parliamentarians to scrutinize the Estimates and spending. Finally, the PBO's role in costing proposals, and the PBO's analysis of economic forecasts were examined.

Third, the study asked about the strengths and weaknesses of the PBO. Mainly, has the PBO helped Parliamentarians hold the Executive to account on budgeting and economic issues? While the PBO has succeeded in becoming a new data point on the nation's finances and economic trends it is unclear if the PBO has helped Parliamentarians better scrutinize the Executive's handling of budgetary issues. The systemic differences between the American Congress and Canada's Parliament mean Parliamentarians do not hold the same powers to influence budgeting. In addition, Parliamentarians are often interested in embarrassing the government or praising it for partisan gain rather than contributing to, and improving the budgeting process.¹⁴ There is little evidence that the PBO has affected this dynamic. Nevertheless, the PBO is still in its

¹⁴ However this competitive system encourages governments to perform better so as to avoid moments of embarrassment and demonstrate competence and successes.

infancy and it is too early to judge if the PBO can affect this dynamic in a larger way in the future. This study recommends that the PBO can improve its ability to help Parliamentarians by making its presentation of information to Parliamentarians more relevant by determining the interests of Parliamentarians, and simplifying the presentation of information related to those interests.

Assistant Parliamentary Budget Officer Mostafa Askari offered the following:

I think progress is very slow, and I don't think we are surprised by that, I mean there is progress definitely, but we knew from the beginning that this is something new in the system. We are a new sort of element in the system and it will take time for the system actually, gets used to it, and before people learn how to take advantage of the kind of information and analysis that we can provide it's, we think we are seeing some of the changes in the language people use. (Askari, 2011)

This researcher must concede the possibility that the first Parliamentary Budget Officer could have taken a different path to achieve similar results. Perhaps the PBO could have been as effective or more if it played a more circumscribed, and low-key role. Operating in this way may have been less rewarding to Mr. Page, and the successes of the office might have been less tangible, interesting and controversial, but this does not mean the PBO would necessarily have been less effective or important. Nonetheless, it is difficult to study hypothetical situations and this paper focused on Kevin Page's first term as PBO.

Fourth, this thesis argued that it is not enough to worry about the PBO's independence. In speaking of Officers of Parliament, Paul G. Thomas (2003) wrote that there needs to be a balance between independence and accountability. The study also

asked how independence and accountability is balanced at the PBO, and how that balance might be improved.

Thomas (2003) writes that, “periodic reviews of the mandates of parliamentary agencies should be required in the statutes that create them” (308). If the PBO is to become an Officer of Parliament this seems like a reasonable addition to its statutes considering all the controversy over the PBO’s mandate, and questions of whether or not Page allowed the PBO’s mandate to drift (Thomas, 2003). The PBO is already supposed to have a review process conducted after three years. However, reviews of the performance of this task for Officers of Parliament has been mixed and most reports do not undergo thorough review (Thomas, 2003). The PBO is also held accountable in less formal ways. Considering the amount of time the PBO has been debated in the media, and the frequent contact between MPs and the PBO, these informal methods will help keep the PBO accountable to Parliamentarians and ultimately the public that they represent.

Page indicated two other ways that the PBO is held accountable in a public lecture at the University of Manitoba. First, the PBO requires analysts to put their name on all their reports. The “Recent Publications” listed on the PBO’s website all indicate their particular authors. Page added that while he does not like doing it, appearing at committees and responding to the questions of Parliamentarians about reports is what accountability is all about (Page, 2010b). This is consistent with a general decline in public servant anonymity as more public servants appear at committees (Thomas, 2002). The PBO also does not fit into a ministry where a minister

may take responsibility for the successes and failures of their public servants, while the public servants maintain anonymity (see Furi, 2008; Privy Council Office, 1993; Hogg, 2004; and Aucoin, et al., 2004).

Fifth, the study asked questions about institutional changes such as, should the PBO remain within the Library of Parliament? And, should the PBO become an Officer of Parliament? Being housed within the Library of Parliament has been a strange fit for the PBO. However, the Library of Parliament sets a high standard for independence and non-partisanship in the Canadian government and thus far has not greatly inhibited the PBO from doing its work.

Removing the monopoly of power from the Prime Minister to appoint and dismiss the Officer and giving Parliament a larger role in the process will minimize the possibility of a more timid PBO being dominated and influenced by the Executive. The government of the day could still ignore consultations from the other recognized party leaders. However, in that case, if issues arise with the appointee, the blame can no longer be shared. For those reasons, the PBO's independence would be strengthened, and there would be fewer opportunities for the PBO to be marginalized (Chaplin, 2011). Nonetheless, just being designated an Officer of Parliament will not resolve all the outstanding issues. The term "Officer of Parliament" is problematic, and its definition uncertain. And as this study has explained the PBO already acts in many ways like an Officer of Parliament. The PBO's effectiveness, independence and accountability will still depend on the office's particular structural characteristics and its leadership.

Finally, the study asked what challenges lay ahead for the PBO and what might become of the PBO once Kevin Page departs. Being in the Library, and not having full status as an Officer of Parliament has not discouraged Kevin Page from fulfilling his mandate. A more timid appointee might not have the same fortitude to succeed. Mostafa Askari sounded a similar note of concern:

And the next person who comes in, whoever that may be, may have a different view or different approach to this thing. And you know, that could change things, that's a possibility if ... somebody becomes the PBO who does not have the same sort of beliefs and dedication to this, to the issue of transparency and open government then you may see the function gradually losing its effectiveness and disappearing (Askari, 2011).

The current government, or future governments may have learned a lesson during Kevin Page's tenure as Parliamentary Budget Officer. While Page may serve out the rest of his term, governments may be reticent to appoint another outspoken individual who has the power to criticize the government often. Allan Darling raised this point in an interview with this researcher:

I think the question will be whether this government, now especially [that] it has a majority, and it will be the government that will make the appointment. Whether they will decide to give some guidelines for some selection criteria for the search for a successor. In the first instance when Kevin was chosen to the best of my knowledge and I was pretty closely involved in it, the government stayed away from it. Even when the Executive search firm approached the Prime Minister's office for their views they just basically said, "we have no views." But that's, I think that's the greater risk. Runs from you know the legacy of how Kevin has operated will be the question of how the government chooses to proceed in the selection of his successor (Darling, 2011).

8.4 Concluding Thoughts

Almost two years after the appointment of Kevin Page, John Geddes (2010) of Maclean's concluded that while much of the Harper government's promised new open government "fizzled," this was not the case with the PBO. Still, the PBO has not been without its share of controversies, and the threat of being shuttered seems to hang over the office, especially considering the reputation that the government is one of the most secretive and controlling in recent Canadian history (Warren, 2011). However, Kevin Page is fond of the quote attributed to Albert Einstein, that "in the middle of difficulty lies opportunity." Despite its troubles the PBO and Kevin Page have created a new data point in Ottawa, have expanded the debate surrounding the nation's finances, and have implored Canadians and policy makers to ask big questions and take risks. James McLean (2009) wrote that the PBO makes "good political sense and it is good public policy. What an elegant concept. What a competent accomplishment. What a legacy for this Prime Minister" (2009: 1).

Appendix A – Ethics Proposal and Amendment

Fort Garry Campus Research Ethics Boards
CTC Building, 208 - 194 Dafoe Road
Winnipeg, MB R3T 2N2
Phone: (204) 474-7122

Protocol # _____
(Assigned by HES Admin.)

FORT GARRY CAMPUS RESEARCH ETHICS BOARD SUBMISSION FORM

Education/Nursing REB

Joint-Faculty REB

Check the appropriate REB for the Faculty or Department of the Principal Researcher. This form, attached research protocol, and all supporting documents, must be sent **in quadruplicate** (original plus 3 copies), to the Human Ethics Coordinator, CTC Building, 208 - 194 Dafoe Road, 474-7122.

Principal Researcher(s): Daniel McKenzie

Status of Principal Researcher(s): (please check): Faculty Post-Doc Student:
Graduate Undergraduate WRHA Affiliate Other
Specify: _____

Address (to receive Approval Certificate): _____

Phone: 261-6986 Fax: _____ Email: daniel.r.a.mckenzie@hotmail.com

Project Title: In Vogue, or Role Models? The Parliamentary Budget Officer and the Congressional Budget Office

Start date September 2010 Planned period of research (if less than one year):

Type of research (Please check):

Administrative Research

Student Research

Central

Thesis Class Project

Unit-based

Course Number: _____

Signature(s) of Principal Researcher(s):

For student research: This project is approved by department/thesis committee. The advisor has reviewed and approved the protocol.

Signature _____
(Required if thesis research)

Name of Course Instructor: _____

Signature _____
(Required if class project)

Persons signing assure responsibility that all procedures performed under the protocol will be conducted by individuals responsibly entitled to do so, and that any deviation from the protocol will be submitted to the REB for its approval prior to implementation. Signature of the thesis advisor/course instructor indicates that student researchers have been instructed on the principles of ethics policy, on the importance of adherence to the ethical conduct of the research according to the submitted protocol (and of the necessity to report any deviations from the protocol to their advisor/instructor).

Ethics Protocol Submission Form (Basic Questions about the Project)

The questions on this form are of a general nature, designed to collect pertinent information about potential problems of an ethical nature that could arise with the proposed research project. In addition to answering the questions below, the researcher is expected to append pages (and any other necessary documents) to a submission detailing the required information about the research protocol (see page 4).

1. Will the subjects in your study be **UNAWARE** that they are subjects? Yes No
2. Will information about the subjects be obtained from sources other than the subjects themselves? Yes No
3. Are you and/or members of your research team in a position of power vis-a-vis the subjects? If yes, clarify the position of power and how it will be addressed. Yes No
4. Is any inducement or coercion used to obtain the subject's participation? Yes No
5. Do subjects identify themselves by name directly, or by other means that allows you or anyone else to identify data with specific subjects?

If yes, indicate how confidentiality will be maintained. What precautions are to be undertaken in storing data and in its eventual destruction/disposition. Yes No

6. If subjects are identifiable by name, do you intend to recruit them for future studies? If yes, indicate why this is necessary and how you plan to recruit these subjects for future studies. Yes No

7. Could dissemination of findings compromise confidentiality? Yes No

8. Does the study involve physical or emotional stress, or the subject's expectation thereof, such as might result from conditions in the study design? Yes No

9. Is there any threat to the personal safety of subjects? Yes No

10. Does the study involve subjects who are not legally or practically able to give their valid consent to participate (e.g., children, or persons with mental health problems and/or cognitive impairment)? If yes, indicate how informed consent will be obtained from subjects and those authorized to speak for subjects. Yes

11. Is deception involved (i.e., will subjects be intentionally misled about the purpose of the study, their own performance, or other features of the study)? Yes No

12. Is there a possibility that abuse of children or persons in care might be discovered in the course of the study? If yes, current laws require that certain offenses against children and persons in care be reported to legal authorities. Indicate the provisions that have been made for complying with the law. Yes No

13. (a) Does the study include the use of personal health information? The Manitoba Personal Health Information Act (PHIA) outlines responsibilities of researchers to ensure safeguards that will protect personal health information. If yes, indicate provisions that will be made to comply with this Act (see document for guidance - <http://www.gov.mb.ca/health/phia/index.html>). Yes No

13. (b) PHIA requires that all employees, students, or agents who handle or are exposed to personal health information take PHIA Orientation and sign a pledge of confidentiality that acknowledges that they are bound by written policy and procedures.

Has PHIA Orientation and pledge-signing been completed by all employees, students, and agents? Yes No

If "No," the Principal Investigator should contact UM Access & Privacy Coordinator's Office to make arrangements, fippa@umanitoba.ca

Where individuals have not completed PHIA Orientation and signed a pledge, and for the purpose of ensuring that they do, Principal Investigator's contact information will be provided to the University Access & Privacy Coordinator's Office.

Provide additional details pertaining to any of the questions above for which you responded "yes", excluding question 13 (b). Attach additional pages, if necessary.

dd mm yr

Signature of Principal Researcher

Ethics Protocol Submission Form Page 4
(Required Information about the Research Protocol)

Each application for ethics approval should include the following information and be **presented in the following order**, using these headings:

1. **Summary of Project:** Attach a detailed but concise (one typed page) outline of the **purpose** and **methodology** of the study describing **precisely** the procedures in which subjects will be asked to participate.
2. **Research Instruments:** Attach copies of **all** materials (e.g., questionnaires, tests, interview schedules, etc.) to be given to subjects and/or third parties.
3. **Study Subjects:** Describe the number of subjects, and how they will be recruited for this study. Are there any special characteristics of the subjects that make them especially vulnerable or require extra measures?
4. **Informed Consent:** Will consent **in writing** be obtained? If so, attach a copy of the consent form. (see guidelines on informed consent). If written consent is not to be obtained, indicate why not and the manner by which subjects' consent (verbally) or assent to participate in the study will be obtained. How will the nature of the study and subjects' participation in the study be explained to them **before** they agree to participate. How will consent be obtained from guardians of subjects from vulnerable populations? If confidential records will be consulted, indicate the nature of the records, and how subjects' consent is to be obtained. If it is essential to the research, indicate why subjects are not to be made aware of their records being consulted.
5. **Deception:** Deception refers to the deliberate withholding of essential information or the provision of deliberately misleading information about the research or its purposes. If the research involves deception, the researcher must provide detailed information on the extent and nature of deception and why the research could not be conducted without it. This description must be sufficient to justify a waiver of informed consent.

6. **Feedback/Debriefing:** Describe the feedback that will be given to subjects about the research after they have completed their participation. How will the feedback be provided and by whom? If feedback will not be given, please explain why feedback is not planned. If deception is employed, debriefing is mandatory. Describe in detail the nature of the post-deception feedback, and when and how it will be given.
7. **Risks and Benefits:** Is there any risk to the subjects, or to a third party? If yes, provide a description of the risks and the counterbalancing benefits of the proposed study. Indicate the precautions taken by the researcher under these circumstances.
8. **Anonymity and Confidentiality:** Describe the procedures for preserving anonymity and confidentiality. If confidentiality is not an issue in this research, please explain why. Will confidential records be consulted? If yes, indicate what precautions will be taken to ensure subjects' confidentiality. How will the data be stored to ensure confidentiality? Will the data be destroyed, if so, when?
9. **Compensation:** Will subjects be compensated for their participation? Compensation may reasonably provide subjects with assistance to defray the costs associated with study participation.

Ethics Protocol Submission Form

Page 5

Review your submission according to this:

Checklist

Principal Researcher: _____ Daniel McKenzie _____

	Item from the Ethics Protocol Submission Form
	All information requested on the first page completed in legible format (typed or printed).
	Signatures of the principal researcher (and faculty advisor, or course instructor if student research).
	Answers to all 13 questions on pages 2-3 of Ethics Protocol Submission form, INCLUDING ANY QUESTIONS FOR WHICH YOUR RESPONSE WAS "YES".
	Detailed information requested on page 4 of the Ethics Protocol Submission Form in the numbered order and with the headings indicated.
	Ethics Protocol Submission Form in quadruplicate (Original plus 3 copies).
	Research instruments: 4 copies of all instruments and other supplementary material to be given to subjects.
	Copy of this checklist.

NOTE: For ease of reviewing it would be much appreciated if you could number the pages of your submission (handwriting the numbers is quite acceptable).

Summary of Project:

This research will provide a case study in parliamentary reform and accountability agencies by comparing two independent budgetary research offices (IBROS). In comparing the Congressional Budget Office and the Parliamentary Budget Officer, what lessons can be learned about how effective IBROs are designed, and act? To accomplish this, the comparative study will ask how the CBO and PBO compare in four key ways. First, how do the CBO and PBO compare in terms of the offices' independence from the executive, members of the legislature, and political parties? Second, how are the two offices held accountable? Third, how do the capacities of both offices compare? And finally how do the performances of the PBO and CBO compare? Because there is limited secondary research on either the PBO or the CBO, the research must incorporate elite interviews. Member checking could confirm or deny preliminary findings, expand understanding and clarify a number of issues. Interview figures will include central figures within the CBO and PBO, and those involved in the creation of the offices. In addition, those individuals involved in the debate about the merits, mandate and makeup of the two offices will be interviewed. Depending upon the availability of the respondents, these qualitative interviews will take place through email, phone, or in-person. Using publicly available directories and previously established contacts, individuals will be contacted by email or phone to participate in this study.

Research Instruments

Given the dearth of academic literature on independent budgetary research offices, these interviews are necessarily of an open-ended, exploratory nature. The researchers will be guided by, but not restricted to the following script:

-What are the rationales behind the creation of the CBO/PBO? Are there additional rationales initial research has missed? Any comment or dissent about rationales already discovered in preliminary research?

-Has the PBO and CBO increased confidence in budget projections? Have the offices expanded knowledge about budget processes and projections?

-Is the work that the CBO and PBO conducts what you expected when the offices were being created? In what ways does it differ? Are there areas where your expectations were exceeded or not met?

-Are the powers to compel and disclose information from government departments adequate to fulfilling the mandates of the PBO and CBO?

-Do the PBO and CBO fulfill their mandate, exceed their mandate, or fail to complete their mandate? And in what ways?

-Is the way that the CBO and PBO fit into the organization of government appropriate? How does this affect the independence of the offices? Has the position of the offices in government evolved over time? For better or worse?

-Are there certain ways that leaders of the CBO and PBO should perform? Particularly as it relates to their relationship with news media, and the public at large? How are they doing?

-How does the appointment process of leaders at the CBO and PBO affect independence?

-Do the resources (staff and budget) allow the PBO and CBO to fulfill their mandate?

-How are the independent budgetary research offices kept accountable? Does more need to be done, or would it just create unnecessary levels of bureaucracy?

Study Subjects

This study employs a snowball sampling technique to identify and interview other key actors. This list should not be considered a final list of those to be interviewed.

Kevin Page – Parliamentary Budget Officer of Canada

Douglas W. Elmendorf – Director of the Congressional Budget Office

Robert A. Sunshine – Deputy Director of the Congressional Budget Office, and adviser to Mr. Page in run-up to the creation of the PBO.

Alice Rivlin – First Director of the Congressional Budget Office from 1975-1983.
Director of the Office of Management and Budget from 1994-1996.

David Stockman - former United States Congressmen, and Director of the Office of Management and the Budget from 1981 to 1985.

Senator Sharon Carstairs – Senator involved in the debate surrounding the PBO as Co-Chair of the Joint Committee on the Library of Parliament.

Senator Terry Stratton – Member of the Joint Committee on the Library of Parliament.

Peter Goldring – Member of Parliament for Edmonton East and was Co-Chair of the Joint Committee on the Library of Parliament

John McCallum – Member of Parliament for Markham-Unionville. McCallum was the Finance critic for the Liberal Party of Canada, and in this role has commented about the PBO.

Carolyn Bennett – Member of Parliament for St. Paul's. Bennett was often quoted in the media about the PBO.

Scott Brison – Member of Parliament for Kings-Hants and the Liberal Party's Finance critic. Brison has often been quoted in the media about the PBO.

Brian Bohunicky - Director of the Liberal Caucus Research Bureau and Senior Policy Advisor to the Official Opposition leader Michael Ignatieff. Bohunicky is intimately acquainted with Liberal policy, and may be able to reveal more information about how Liberals view the PBO, and what they would like to do about the office, if anything.

Paul Dewar – Member of Parliament for Ottawa Centre. Put forward a Private Member's Bill in an attempt to enhance the independence of the PBO.

Dr. Tim O'Neill – Former Executive Vice President and Chief Economist at the Bank of Montreal. O'Neill was appointed by the government of Paul Martin to complete on study on the accuracy of the government's budget balance projections. Projections that turned out to be incorrect were one of the rationales behind the creation of the PBO.

Allan Darling – Associate at Sussex Circle consulting group. Darling has written about the creation of the PBO, and was in advisor during its creation.

All contact information for these individuals will be derived from publicly available sources (including government directories, telephone directories, and online searches), and previously established connections. None of these individuals is considered to be "vulnerable," by common disciplinary definitions of the term.

Informed Consent

Written consent will be secured from all individuals interviewed as part of this study. If conducted by email or by phone, a signed consent form will be faxed to the researchers prior to the interview being conducted. A copy of the consent form is included below:

[UNIVERSITY OF MANITOBA LETTERHEAD]

Informed Consent Form

Research Project: “In Vogue, or Role Models? The Parliamentary Budget Officer and the Congressional Budget Office”

Researchers: Daniel McKenzie, University of Manitoba

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

In an effort to understand these independent budgetary research offices from an academic perspective, we are conducting interviews with individuals directly involved in the PBO and the CBO. This involvement includes the creation, participation in, as well as the debate surrounding each office. The interviews will be short in duration (thirty to forty-five minutes) and will focus on the independence, accountability, resources and effectiveness of the offices. It is expected that individuals taking part in the interview will experience a minimum level of risk.

In order to ensure accuracy in reporting your comments, a digital recording device will be used during the interview. This recorder may be turned off at any time, upon your request. Individuals have the option of having their name and position remain anonymous. Should this be necessary, individuals will be referred to in the final report as “Source A”, “Source B,” and so on. All comments from that individual will then be coded, with the identity held separately under lock and key in Daniel McKenzie’s home. Individuals participating in the interview will also have the option of receiving copies of any and all publications derived from the “In Vogue, or Role Models? The Parliamentary Budget Officer and the Congressional Budget Office” study.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You

are free to withdraw from the study at any time, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

If you would like more details about this study, please feel free to contact the researcher:

Daniel McKenzie

Graduate Student in Political Studies

255 Augusta Drive

Winnipeg, Manitoba R3T 4H3

daniel.r.a.mckenzie@hotmail.com

Tel: (204) 261-6986

This research has been approved by the Joint-Faculty Research Ethics Board. If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Secretariat at 474-7122, or e-mail margaret_bowman@umanitoba.ca. A copy of this consent form has been given to you to keep for your records and reference.

Your assistance in this study is greatly appreciated.

I grant the researchers consent for my responses to be attributed to me by name.

Respondent's printed name

Respondent's signature

Date

Deception

This study does not involve any deception.

Feedback/Debriefing

Respondents will be offered a copy of any publications that spring directly from the “In Vogue, or Role Models? The Parliamentary Budget Officer and the Congressional Budget Office” project.

Risks and Benefits

Given the precautions taken to preserve the anonymity and confidentiality of the study’s subjects, risks to respondents and researchers are deemed to be minimal. The benefits of this study far outweigh its risks, given the dearth of scientific knowledge on the topic of independent budgetary research offices in Canada and internationally.

Anonymity and Confidentiality

All individuals interviewed will be asked if their comments can be directly attributed to them by name. If consent is not obtained, the individual will be assigned an identification number and referred to as “Source A,” “Source B,” and so on. Identification numbers and coding lists will be stored separately under lock and key in the office of Jared Wesley. In addition, respondents’ names will never appear on any transcripts of the interview. The sole copy of these materials will also be kept in the office of Jared Wesley, under the condition of strict confidentiality. Transcripts of the interviews will be created by the researcher, Daniel McKenzie. Should any other researchers wish to access any of the related material, each must sign an “Agreement for Maintaining Confidentiality,” as specified below:

[UNIVERSITY OF MANITOBA LETTERHEAD]

AGREEMENT FOR MAINTAINING CONFIDENTIALITY
*In Vogue, or Role Models? The Parliamentary Budget Officer and the
Congressional Budget Office*

I, _____, have read, understand, and agree to abide by the Ethics Protocol for the, In Vogue, or Role Models? The Parliamentary Budget Officer and the Congressional Budget Office study, as approved by the Joint-Faculty Research Ethics Board (JFREB) at the University of Manitoba. I affirm that I will not communicate or in any manner disclose publicly any information collected in the, In Vogue, or Role Models? The Parliamentary Budget Officer and the Congressional Budget Office study in such a manner as to compromise the confidentiality of the study's participants.

Researcher's printed name

Researcher's signature

Date

Research End

Should the information collected in this study no longer be of use to the researcher, he shall destroy all materials by means of shredding or incineration. All data collected as part of these interviews will be destroyed soon after the thesis defense which is scheduled for June 5, 2011.

Compensation

Beyond copies of any and all publications derived from this study, subjects will not be compensated for their participation.

Ethics Proposal Amendment

2) Many of the subjects this research seeks to interview are public figures. Therefore there are many items in the public domain which contain information on the interview subjects (news media items, Hansard transcripts, etc.). For example, there have been many stories written about Kevin Page, the Parliamentary Budget Officer, and these have contributed to the researcher's breadth of knowledge on the subject.

5) All individuals interviewed will be asked if their comments can be directly attributed to them by name. If consent is not obtained, the individual will be assigned an identification number and referred to as "Source A," "Source B," and so on. Identification numbers and coding lists will be stored separately under lock and key in the office of Dr. Jared Wesley (supervisor). In addition, respondents' names will never appear on any interview transcripts. The sole copy of these materials will also be kept in the office of Jared Wesley, under the condition of strict confidentiality. Transcripts of the interviews will be created by the researcher, Daniel McKenzie. Should any other researchers wish to access any of the related material, each must sign an "Agreement for Maintaining Confidentiality."

Should the information collected in this study no longer be of use to the researcher, he shall destroy all materials by means of shredding or incineration. All data collected as part of these interviews will be destroyed immediately following the successful defence of the researcher's Master of Arts thesis, which is scheduled for June 5, 2011.

7) While research subjects who request confidentiality will not be named in any published research there is always a small possibility that this researcher could make an error, and publish incorrect names. In addition, those who read any publications resulting from the research may seek to deduce from quotes by confidential sources, whom those subjects may be. However, given the precautions taken to preserve the anonymity and confidentiality of the study's subjects, risks to respondents and researchers are deemed to be minimal. The benefits of this study far outweigh its risks, given the dearth of academic knowledge on the topic of independent budgetary research offices in Canada and internationally.

Appendix B – Ethics Approval



UNIVERSITY
OF MANITOBA

Ethics
Office of the Vice-President (Research)

CTC Building
208 - 194 Dafoe Road
Winnipeg, MB R3T 2N2
Fax (204) 269-7173
www.umanitoba.ca/research

APPROVAL CERTIFICATE

November 15, 2010

TO: Daniel McKenzie (Advisor J. Wesley)
Principal Investigator

FROM: Brian Barth, Chair
Joint-Faculty Research Ethics Board (JFREB)

Re: Protocol #J2010:138
“In Vogue, or Role Models? The Parliamentary Budget Officer and the Congressional Budget Office”

Please be advised that your above-referenced protocol has received human ethics approval by the **Joint-Faculty Research Ethics Board**, which is organized and operates according to the Tri-Council Policy Statement. This approval is valid for one year only.

Any significant changes of the protocol and/or informed consent form should be reported to the Human Ethics Secretariat in advance of implementation of such changes.

Please note:

- If you have funds pending human ethics approval, the auditor requires that you submit a copy of this Approval Certificate to the Office of Research Services, fax 261-0325 - please include the name of the funding agency and your UM Project number. This must be faxed before your account can be accessed.
- if you have received multi-year funding for this research, responsibility lies with you to apply for and obtain Renewal Approval at the expiry of the initial one-year approval; otherwise the account will be locked.

The Research Ethics Board requests a final report for your study (available at: http://umanitoba.ca/research/ors/ethics/ors_ethics_human_REB_forms_guidelines.html) in order to be in compliance with Tri-Council Guidelines.

Appendix C – Informed Consent Form

Andrea Rounce, Ph.D
529 Fletcher Argue Building
University of Manitoba
Winnipeg R3T 5V5
Tel: (204) 474-8546
rounce@cc.umanitoba.ca

Department of Political Studies

Informed Consent Form

Research Project: “In Vogue, or Role Models? The Parliamentary Budget Officer and the Congressional Budget Office”

Researchers: Daniel McKenzie, University of Manitoba

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

In an effort to understand these independent budgetary research offices from an academic perspective, we are conducting interviews with individuals directly involved in the Parliamentary Budget Officer (PBO) and the Congressional Budget Office (CBO). This involvement includes the creation, participation in, as well as the debate surrounding each office. The interviews will be short in duration (thirty to forty-five minutes) and will focus on the independence, accountability, resources and effectiveness of the offices. It is expected that individuals taking part in the interview will experience a minimal level of risk. The results of this study will appear in the researcher’s Master of Arts thesis, and any related academic publications.

In order to ensure accuracy in reporting your comments, a digital recording device will be used during the interview. This recorder may be turned off at any time, upon your request. Individuals have the option of having their name and position remain anonymous. Should this be necessary, individuals will be referred to in the final report as “Source A”, “Source B,” and so on. All comments from that individual will then be coded, with the identity held separately under lock and key in the office of Andrea Rounce, Ph.D. Rounce is the researcher’s thesis advisor. Should any other researchers wish to access any of the related material or transcripts of the interviews, each must sign an “Agreement for Maintaining Confidentiality.” Despite taking all necessary precautions, interview subjects should recognize that there is always the possibility that

anonymity could be compromised because of an error by the researcher in incorrectly publishing the name of an individual who has requested anonymity. Individuals participating in the interview will also have the option of receiving copies of any and all academic materials derived from the “In Vogue, or Role Models? The Parliamentary Budget Officer and the Congressional Budget Office” study.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. However, interview subjects will no longer be able to withdraw from the study after the thesis has been submitted to the Faculty of Graduate Studies after which the thesis will become a public document. The thesis will be submitted by summer 2011. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

If you would like more details about this study, please feel free to contact the researcher:

Daniel McKenzie
Graduate Student in Political Studies
255 Augusta Drive
Winnipeg, Manitoba R3T 4H3
daniel.r.a.mckenzie@hotmail.com
Tel: (204) 261-6986

Thesis Supervisor
Andrea Rounce, Ph.D
529 Fletcher Argue Building
University of Manitoba
Winnipeg R3T 5V5
Tel: (204) 474-8546
rounce@cc.umanitoba.ca

This research has been approved by the Joint-Faculty Research Ethics Board. If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Secretariat at 474-7122, or e-mail margaret_bowman@umanitoba.ca. A copy of this consent form has been given to you to keep for your records and reference.

Your assistance in this study is greatly appreciated.

I grant the researcher consent to audiotape my interview: Yes No

I grant the researcher consent for my responses to be attributed to me by name.

Yes No

Respondent's printed name

Respondent's signature

Date

Appendix D – Interview Questions

Interview Questions for Kevin Page January 27, 2011

Are your resources, in terms of budget and staff adequate now to fulfill your mandate?

Why has the PBO struggled to obtain financial and budgeting information from departments? The CBO doesn't seem to have the same struggles, and aren't departments legally compelled?

Do you think the PBO has improved the accuracy of government forecasts, projections and estimates?

There have been difficulties in your relationship with the Library of Parliament and parliamentarians. Have these relations improved?

Many worry that the focus of officers of Parliament and offices like your own are focused too much on their own independence, and not enough attention is paid to how they are held accountable? They might point to Radwanski and Ouimet. Do you have any thoughts?

In general, parliamentarians have less influence in the budgeting process than members of Congress? Does this affect the work the PBO does, and idea that the PBO could put parliamentarians on a more equal footing with the executive?

Some worry that officers of Parliament, and agents like yourself are too focused on their own independence, and not enough attention is paid in the end to how they're held accountable themselves. And they'll point to the Radwanski, and Christiane Ouimet, so I just wondered if you want to touch on that at all?

Average Canadians will actually e-mail you, and you'll get back to them?

Interview Questions for Mostafa Askari February 28, 2011

Can you describe your position/role within the PBO?

How would you describe Kevin Page's leadership?

Has the PBO helped parliamentarians hold the executive to account?

Have you noticed improvements or changes in government estimates and forecasting as a result of the PBO?

Do you think because Kevin Page has been kind of an outspoken individual that has maybe allowed to avoid being, for lack of better word, quieted or silenced. Right or wrong the current government is perceived to kind of crackdown on dissent so do you think his communication strategy is effective in fighting those forces?

Has the PBO affected public discourse on fiscal policy in Canada?

We're talking about long-term gains but some people aren't so sure the PBO is fit to last. Do you think the PBO is safe going forward?

Interview Questions for a former official in the prime minister's office March 4, 2011

Can you describe what your involvement was in creating the platform, and more specifically the creation of the Parliamentary Budget Officer?

Did the Parliamentary Budget Officer and Kevin Page become what you thought it would?

Has the PBO helped parliamentarians hold the executive to account?

Has the PBO affected public discourse on fiscal policy in Canada?

The Harper government fairly or unfairly has a reputation for being controlling and disdainful of dissent. Do you think the way Kevin Page has been outspoken has made it difficult for him to be silenced or marginalized?

Does the PBO need to receive further independence?

Is the PBO something you see as a big part of Harper government's legacy?

Interview Questions for Senator Sharon Carstairs March 8, 2011

You and some other members of the Library's Standing Committee thought that Mr. Page had gone beyond his mandate. Is this still the case, or do you think the way Kevin Page performs his duties is now appropriate, and within the mandate? Did he follow committee's recommendations?

Is the 3 year review process of the PBO going forward?

Has Mr. Page respected the solicitor-client relationship?

Do you think the PBO should become an officer of Parliament?

Rightly or wrongly the Harper government has a reputation for secrecy and controlling dissent. Do you think the way Kevin Page carried out his role in a very public way may have made it more difficult for him to be marginalized?

Has the PBO helped parliamentarians hold the executive to account?

Has the PBO affected public discourse on fiscal policy in Canada?

Thesis Interview Questions for Allan Darling June 16, 2011

There's a debate about whether or not the PBO needs to be removed from the Library of Parliament so as to further enhance the PBO's independence. Yet some argue that the PBO already has enough independence because the Library itself is independent from the executive. In addition, the PBO essentially does its work independent of the Library. But many would argue that the executive can still influence the PBO. After all the executive is fused with the legislature and exerts enormous influence that way. The budgets of the Library and hence the PBO are still likely overseen by the executive, treasury, and finance. In addition, the PBO is appointed by, and serves at the pleasure of, the prime minister. Thoughts?

Should the PBO become an officer of Parliament?

There is an argument that instead of aiding parliamentarians do their job in holding the executive to account, the PBO has in fact usurped the role of parliamentarians. But are parliamentarians really interested in little other than partisan gains? And when the executive's power seems to continue growing is it really unreasonable for accountability to come from non-traditional means?

So as far as I can tell Mr. Page never really followed the recommendations made by the Committee on the Library which looked into the PBO. What should happen now? Just let his time there run out?

Will majority government affect the PBO in any way?

The PBO seems to be having a lot of problems with access to information? Do you have any thoughts on this? Solutions?

The Harper government fairly or unfairly has a reputation for being controlling and disdainful of dissent. Do you think the way Kevin Page has been outspoken has made it difficult for him to be silenced or marginalized?

Has the PBO been able to increase the influence of parliamentarians in the budgeting process and aided them in holding the executive to account?

Has the PBO been able to raise the level of debate surrounding fiscal policy issues in Canada?

Thesis Interview Questions for William Young June 17, 2011

In the early days of the PBO some may have called the relationship between the Library and the PBO shaky. Is the relationship better now? Is there any relationship at all?

There's a debate about whether or not the PBO needs to be removed from the Library of Parliament so as to further enhance the PBO's independence. Yet some argue that the PBO already has enough independence because the Library itself is independent from the executive. But many would argue that the executive can still influence the PBO. After all the executive is fused with the legislature and exerts enormous influence that way. The budgets of the Library and hence the PBO are still likely overseen by the executive, treasury, and finance. In addition, the PBO is appointed by, and serves at the pleasure of, the prime minister. Thoughts?

Should the PBO become an officer of Parliament?

There's some concerns that Mr. Page hasn't respected the solicitor-client relationship when producing reports. While that may be true, if a parliamentarian wants to have research done privately can't they still consult with library research services rather than the PBO?

There is an argument that instead of aiding parliamentarians do their job in holding the executive to account, the PBO has in fact usurped the role of parliamentarians. But are parliamentarians really interested in little other than partisan gains? And when the executive's power seems to continue growing is it really unreasonable for accountability to come from non-traditional means?

Has the PBO been able to increase the influence of parliamentarians in the budgeting process and aided them in holding the executive to account?

Has the PBO been able to raise the level of debate surrounding fiscal policy issues in Canada?

Thesis Interview Questions for Kevin Page Part Two June 21, 2011

Is cabinet confidence the most significant hindrance to you obtaining information from departments, and agencies, etc. Or would they sometimes ignore you, not respond delay, etc?

The Standing Committee on the Library of Parliament made a number of recommendations for the PBO a while ago. Were these reasonable? Followed?

Do you respect the solicitor-client relationship?

Do you answer all requests? If not do you have to use your own judgment to prioritize?

Some are under the impression that you came under some kind of spell after consulting with the CBO, or were mesmerized by it? When it may not be the best example to follow? Care to comment?

As a follow-up the CBO is obviously a very powerful, and respected institution and yet I can't help but look at the untenable state of America's fiscal situation. Is CBO really helping, or an encouraging example?

Not sure I agree, but there is some concern that all the PBO's reports create something of an oversaturation. Could giving members of parliament more decision making power in the release of reports lead to more media attention and more "gotcha" moments? Thoughts?

You've talked about how what you've done to try to fight for the independence of the PBO has a lot to do with making sure the office is stable going forward for the next appointee and whatnot. I guess one of the pushback's against this that I've heard is maybe there's kind of a risk with you being kind of an outspoken officer that while no one's going to decide to fire you or anything they've learned a lesson for the next appointee, that they don't want to make the same mistake when they're considering appointing someone who can criticize them often and maybe that they may not get rid of you but they'll make a different decision about the next appointee because of the experience with you at the helm. I just wonder what you think about that?

Appendix E – Statute of the PBO within the Parliament of Canada Act

Parliament of Canada Act

Library of Parliament

Parliamentary Budget Officer

79.1 (1) There is hereby established the position of Parliamentary Budget Officer, the holder of which is an officer of the Library of Parliament.

Appointment and term of office

(2) The Governor in Council shall, by commission under the Great Seal, appoint the Parliamentary Budget Officer to hold office during pleasure for a renewable term of not more than five years.

Selection

(3) The Governor in Council may select the Parliamentary Budget Officer from a list of three names submitted in confidence, through the Leader of the Government in the House of Commons, by a committee formed and chaired by the Parliamentary Librarian.

Remuneration and expenses

(4) The Parliamentary Budget Officer shall be paid the remuneration and expenses set by the Governor in Council.

2006, c. 9, s. 116.

Mandate

79.2 The mandate of the Parliamentary Budget Officer is to

(a) provide independent analysis to the Senate and to the House of Commons about the state of the nation's finances, the estimates of the government and trends in the national economy;

(b) when requested to do so by any of the following committees, undertake research for that committee into the nation's finances and economy:

(i) the Standing Committee on National Finance of the Senate or, in the event that there is not a Standing Committee on National Finance, the appropriate committee of the Senate,

(ii) the Standing Committee on Finance of the House of Commons or, in the event that there is not a Standing Committee on Finance, the appropriate committee of the House of Commons, or

(iii) the Standing Committee on Public Accounts of the House of Commons or, in the event that there is not a Standing Committee on Public Accounts, the appropriate committee of the House of Commons;

(c) when requested to do so by a committee of the Senate or of the House of Commons, or a committee of both Houses, that is mandated to consider the estimates of the government, undertake research for that committee into those estimates; and

(d) when requested to do so by a member of either House or by a committee of the Senate or of the House of Commons, or a committee of both Houses, estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction.

2006, c. 9, s. 116.

Access to financial and economic data

79.3 (1) Except as provided by any other Act of Parliament that expressly refers to this subsection, the Parliamentary Budget Officer is entitled, by request made to the deputy head of a department within the meaning of any of paragraphs (a), (a.1) and (d) of the definition “department” in section 2 of the *Financial Administration Act*, or to any other person designated by that deputy head for the purpose of this section, to free and timely access to any financial or economic data in the possession of the department that are required for the performance of his or her mandate.

Exception

(2) Subsection (1) does not apply in respect of any financial or economic data

(a) that are information the disclosure of which is restricted under section 19 of the *Access to Information Act* or any provision set out in Schedule II to that Act; or

(b) that are contained in a confidence of the Queen’s Privy Council for Canada described in subsection 69(1) of that Act, unless the data are also contained in any other record, within the meaning of section 3 of that Act, and are not information referred to in paragraph (a).

2006, c. 9, s. 116.

Confidentiality

79.4 The Parliamentary Budget Officer, and every person acting on behalf or under the direction of the Parliamentary Budget Officer, shall not disclose any financial or economic data that come to their knowledge under section 79.3, unless the disclosure is essential for the performance of his or her mandate and the financial or economic data to which the disclosure relates are not information described in subsection 13(1), section 14, any of paragraphs 18(a) to (d), section 18.1, any of paragraphs 20(1)(b) to (d) or section 20.1 of the *Access to Information Act*.

2006, c. 9, ss. 116, 117.

Powers to Contract

79.5 (1) The Parliamentary Budget Officer may, in the performance of his or her mandate, enter into contracts, memoranda of understanding or other arrangements in the name of his or her position.

Technical Assistance

(2) The Parliamentary Budget Officer may engage on a temporary basis the services of persons having technical or specialized knowledge necessary for the performance of his or her mandate.

Authorization to Assist

(3) The Parliamentary Budget Officer may authorize a person employed in the Library of Parliament to assist him or her to exercise any of the powers under subsection (1) or (2), subject to the conditions that the Parliamentary Budget Officer sets.

Clarification

(4) For greater certainty, section 74 and subsection 75(2) apply in respect of the exercise of the powers described in subsections (1) to (3).

2006, c. 9, s. 116.

Appendix F – Access to Information Act Sections Mentioned in Parliamentary Budget Officer’s Statute within the Parliament of Canada Act

EXEMPTIONS EXCEPTIONS

RESPONSIBILITIES OF GOVERNMENT

Information obtained in confidence

13. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains information that was obtained in confidence from

(a) the government of a foreign state or an institution thereof;

(b) an international organization of states or an institution thereof;

(c) the government of a province or an institution thereof;

(d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government; or

(e) an aboriginal government.

Where disclosure authorized

(2) The head of a government institution may disclose any record requested under this Act that contains information described in subsection (1) if the government, organization or institution from which the information was obtained

(a) consents to the disclosure; or

(b) makes the information public.

Definition of “aboriginal government”

(3) The expression “aboriginal government” in paragraph (1)(e) means

(a) Nisga’a Government, as defined in the Nisga’a Final Agreement given effect by the *Nisga’a Final Agreement Act*;

(b) the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the *Westbank First Nation Self-Government Act*;

(c) the Tlicho Government, as defined in section 2 of the *Tlicho Land Claims and Self Government Act*;

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*;

(e) the council of a participating First Nation as defined in subsection 2(1) of the *First Nations Jurisdiction over Education in British Columbia Act*;

(f) the Tsawwassen Government, as defined in subsection 2(2) of the *Tsawwassen First Nation Final Agreement Act*; or

(g) a Maanulth Government, within the meaning of subsection 2(2) of the *Maanulth First Nations Final Agreement Act*.

R.S., 1985, c. A-1, s. 13; 2000, c. 7, s. 21; 2004, c. 17, s. 16; 2005, c. 1, ss. 97, 107, c. 27, ss. 16, 22; 2006, c. 10, s. 32; 2008, c. 32, s. 26; 2009, c. 18, s. 20.

Federal-provincial Affairs

14. The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct by the Government of Canada of federal-provincial affairs, including, without restricting the generality of the foregoing, any such information

(a) on federal-provincial consultations or deliberations; or

(b) on strategy or tactics adopted or to be adopted by the Government of Canada relating to the conduct of federal-provincial affairs.

1980-81-82-83, c. 111, Sch. I "14".

...

Economic interests of Canada

18. The head of a government institution may refuse to disclose any record requested under this Act that contains

(a) trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Canada or a government institution and has substantial value or is reasonably likely to have substantial value;

(b) information the disclosure of which could reasonably be expected to prejudice the competitive position of a government institution or to interfere with contractual or other negotiations of a government institution;

(c) scientific or technical information obtained through research by an officer or employee of a government institution, the disclosure of which could reasonably be expected to deprive the officer or employee of priority of publication; or

(d) information the disclosure of which could reasonably be expected to be materially injurious to the financial interests of a government institution or to the ability of the Government of Canada to manage the economy of Canada or could reasonably be expected to result in an undue benefit to any person, including such information that relates to

(i) the currency, coinage or legal tender of Canada,

(ii) a contemplated change in the rate of bank interest or in government borrowing,

(iii) a contemplated change in tariff rates, taxes, duties or any other revenue source,

(iv) a contemplated change in the conditions of operation of financial institutions,

(v) a contemplated sale or purchase of securities or of foreign or Canadian currency, or

(vi) a contemplated sale or acquisition of land or property.

Economic interests of certain government institutions

18.1 (1) The head of a government institution may refuse to disclose a record requested under this Act that contains trade secrets or financial, commercial, scientific or technical information that belongs to, and has consistently been treated as confidential by,

- (a) the Canada Post Corporation;
- (b) Export Development Canada;
- (c) the Public Sector Pension Investment Board; or
- (d) VIA Rail Canada Inc.

Exceptions

(2) However, the head of a government institution shall not refuse under subsection (1) to disclose a part of a record that contains information that relates to

- (a) the general administration of an institution referred to in any of paragraphs (1)(a) to (d); or
- (b) any activity of the Canada Post Corporation that is fully funded out of moneys appropriated by Parliament.

2006, c. 9, s. 147.

THIRD PARTY INFORMATION

Third party Information

20. (1) Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Act that contains

...

(b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;

(b.1) information that is supplied in confidence to a government institution by a third party for the preparation, maintenance, testing or implementation by the government institution of emergency management plans within the meaning of section 2 of the *Emergency Management Act* and that concerns the vulnerability of the third party's buildings or other structures, its networks or systems, including its computer or communications networks or systems, or the methods used to protect any of those buildings, structures, networks or systems;

(c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or

(d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

...

Public Sector Pension Investment Board

20.1 The head of the Public Sector Pension Investment Board shall refuse to disclose a record requested under this Act that contains advice or information relating to investment that the Board has obtained in confidence from a third party if the Board has consistently treated the advice or information as confidential.

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