

FORUM ON PARLIAMENTARY REFORM: SUMMARY REPORT

Parliament, perhaps more than other institutions, is about relationships -principally with citizens, but also with and among political parties, with the executive, and between individual members and their parties. We believe what happens in Parliament that is of interest to citizens- that is, the performance of Parliament-reflects the evolution of these relationships at least as much as it reflects authorities, rules, procedures and resources. In this paper, we identify areas of weakness as well as some actions that we propose parliamentarians, political parties and the executive consider in order to strengthen the relationships that are at the heart of Canadian democracy.

ANALYSIS

Our central conclusions, based on the views of observers and participants from all parties, are that:

- many citizens do not feel that their voices are heard and their ideas discussed in Parliament and, as a result, are seeking other avenues to express themselves or dropping out of the political process;
- political party discipline practices and inter-party competition in Parliament have left insufficient latitude for the exercise by private members of personal judgment and the advocacy of the concerns of constituents; and
- relations between the executive and Parliament have deteriorated, leading to less information-sharing and reduced trust, thereby diminishing the effectiveness; of Parliament.

Moreover, these weaknesses are linked in a way that might be termed a 'negative spiral'. To the extent that Parliament is seen principally as a forum for political party gamesmanship, citizens will not feel Parliament serves their interests. And if Parliament is not seen as the voice and arm of the people, there is less incentive and value to the executive in working cooperatively with Parliament.

Improvements in any of these areas will likely support improvements in other areas -a positive spiral. Is this wishful thinking? While there is skepticism, we believe the timing for consideration of such changes is good. Public interest in parliamentary reform is higher than in recent years. We now have the combination of very experienced parliamentarians and have or will have new leadership in four of the five parties. Moreover, we expect that many parliamentarians would welcome most of the proposed changes.

We have framed the actions as proposals for consideration in three areas as described below. They, of course, are not independent. A plan of action would need to consider the package as well as the specifics.

THE PROCESS

The Parliamentary Centre has developed this report by first drafting a document that drew on its long experience in studying parliament and on the advice of a panel of parliamentary experts, journalists and other close observers of Parliament. We then tested the resulting proposals through an extended consultation with Members of Parliament that consisted of a forum held on Parliament Hill on May 7, a questionnaire posted on the House of Commons web site and a series of one-on-one interviews with MPs. A paper detailing the findings of these consultations is available along with the full version of this report and the verbatim text from the May 7 meeting at www.parlcent.ca/publications.

In the summary report that follows we provide a brief account of the rationale for a series of proposed action items, the results of consultations with MPs on these proposals and final observations on the way ahead.

Strengthening Citizen Engagement: For members to be effective in Parliament, they need to be visibly connected to their constituents and Canadians generally. The steps taken in recent years to provide for members to return regularly to their home ridings and establish riding offices have been useful. We propose two further actions to strengthen direct contact between members and their constituents. In addition, many of the recommendations in the other sections of the report would contribute to a member's effectiveness in engaging constituents.

1.1 *Creating a connecting-with-constituents "resource centre":* *Parliament should consider creating a resource centre to assist committees and members in various consultation/engagement techniques (deliberative dialogues, citizen juries, citizen panels, e-consultation) with citizens in a non-partisan manner. In addition to assistance on new information technology, this could include training staff in public consultation and citizen engagement.*

MPs expressed **divergent views** on this proposal, but there was clear interest in learning and training supports to help MPs better engage and represent constituents. Many supported the idea of staff training in public consultation techniques, though they also considered that they were personally effective in consulting their constituents. Others questioned the feasibility of their doing more in this area and suggested that perhaps Parliament itself should take the lead in explaining to the public the roles and services rendered by MPs.

1.2 *Involving members in government consultation with Canadians:* *Committees should consider inviting departments to discuss how they could productively work with departments on consulting citizens. Committee members might add or review the questions, participate in the consultation, and assist in interpreting the results.*

MPs expressed **divergent views** on this proposal, with some expressing support and others doubts arising from the differing interests of MPs and officials. Case by case experimentation is probably the best approach within a framework of ground rules developed by Parliament and the government.

Harmonizing Party Interests with a Productive Role for Private Members: We recognize the importance of political parties and their leaders, but also the need for members to be the respected voice of constituents and able in appropriate circumstances to express their own judgment in Parliament, such as through:

- 2.1: ***Balancing party, personal and constituency interests:** Parties should describe and communicate publicly how their members in Parliament should balance their responsibilities to their constituents and personal judgment as well as to their party.*

MPs expressed **very divergent and sometimes opposing views** on this proposal, reflecting differences between political parties and especially between government and opposition members. Any action on this proposal would have to be taken independently by each party but an open discussion of the choices faced by parties and members would be useful, particularly if parties adopt a new approach to voting discipline.

- 2.2 ***Voting discipline:** Parties-particularly the government party-should consider adopting the more flexible UK approach to party voting discipline and work together to harmonize implementation.*

Both government and opposition MPs expressed **strong support** for this proposal to adopt the practice of varying levels of whipping, with pressure to conform with the party position varying correspondingly from strong to non-existent. MPs from all parties thought that the budget would remain a matter of strict discipline.

- 2.3 ***The Role of Whip:** It is proposed that if the whip were a member of Cabinet, it would lead to caucus being better informed and the views of caucus carrying more weight before policy decisions are made. The concerns of members and of their constituents might thereby be reflected better in legislation.*

MPs expressed **strong, divergent and sometimes opposing views** on this proposal. Some felt that the whip's being elevated to cabinet status would also strengthen his/her voice in reporting caucus concerns while others argued that once in cabinet the whip would be bound by cabinet solidarity and lose a measure of independence in reporting on caucus views. These differences gave rise to other equally strong differences over whether the whip should be elected by caucus. This issue is of concern primarily to the government party and in particular the Prime Minister.

- 2.4 ***Private Member roles:** Since continuity can promote specialization, parties should consider making longer-term appointments of private members to committees and inter-parliamentary activities and as parliamentary secretaries-for two years at a minimum and perhaps for the life of a parliament. Greater continuity would render committees more knowledgeable, facilitate longer term planning and enhance their effectiveness.*

This proposal received **strong support** from MPs as an important way of enhancing their job satisfaction and committee effectiveness, although it was argued that the practice

should be subject to the proviso that Members perform their responsibilities competently. It would be for each party to determine how long to appoint members to committees,

Expert and Effective Committees, Supporting Parliament: Committees must be and be seen to be effective in deliberating the public interest as well as being balanced groups of knowledgeable policy experts, advising the House on legislation, and exercising focused oversight of government operations.

3.1: *Informed and balanced advice to the House:* *For committees to be effective as advisors to the House, insofar as practical their membership should be: a) broadly representative of Canadian interests,' and b) knowledgeable about the policies and programs related to their mandate.*

These proposals received **support in principle but concerns were expressed about the difficulty of implementation in some cases.** For example, some MPs pointed out that it is important for those representing agricultural and fisheries constituencies to serve on the relevant committees. Another noted that the Fisheries Committee has benefited from a chair that does not represent a fisheries constituency. Allowing for these considerations, it would be desirable for discussion to take place between political parties to ensure that committees are as representative and knowledgeable as possible.

3.2 *House consideration of committee reports:* *Reports on program and policy matters, which represent a committee consensus, should be debated in the Chamber. Where committee members feel a government response is inadequate, they should also have the means to require the Minister's participation in a debate in the Chamber. This could be achieved without diminishing the time available for government business by starting at 1 pm on Wednesdays. The Standing Orders already provides for a one-hour debate on Wednesdays at one in the afternoon if the Joint Committee on Statutory Instruments concludes that a department is not prepared to revise a regulation that the Committee deems inconsistent with the enabling legislation. Although the authority has been in place for over 20 years, it has very rarely been used. We are proposing this time be regularly used for House consideration of committee reports*

This proposal attracted **unanimous support.** It was noted that such a provision would encourage the adoption of consensus reports and, when accompanied by short debates, would attract media attention. Unsurprisingly considering the rarity of its use, Members were unaware that the time needed is already provided for in the Standing Orders.

3.3 *Consideration of legislation:* *Involving committees in considering draft bills and green papers would, on suitable issues, provide an opportunity to expose members to the complexity of the subject and to identify problems at an earlier stage, enabling the executive to take account of them when deciding on the elements of a bill.*

This proposal received **strong support** on the grounds that it would provide government members greater opportunity to express their own judgments, opposition members less need to attack, and Ministers greater benefit of committee advice. The only caveats were expressed by some government members who felt that draft bills and green papers should be referred to caucus for discussion before going to committee. No modification of the Standing Orders would be required so it lies with the government to decide if and when to adopt these practices.

3.4 *Improving committee operations:* *Committees should seek to work more collegially, share information and discuss priorities with departments, and establish an initiative to improve operations that might be overseen by the Liaison Committee.*

These proposals received **general agreement**, although there were numerous suggestions as to how these improvements might be effected, including greater use of sub-committees, televising of committee proceedings and production of annual reports by committees. These and other measures should be left largely to committees but it would be beneficial for the Liaison Committee or the Procedure and House Affairs Committee to establish a sub-committee to record lessons learned and recommend best practices

3.5 *Strengthening committee resources:* *The House of Commons should consider increasing staff resources for committees, and experiment with provision of committee staff resources to opposition parties.*

The proposal to increase staff resources for committees received **general agreement** though with caveats concerning cost effectiveness and the need to ensure that committee reports will be taken seriously before spending more money on their preparation. The proposal to fund opposition committee staff aroused **very little interest** on the part of either government or opposition members.

THE WAY AHEAD

In this paper we offer a perspective on the effectiveness of Parliament, principally from the viewpoints of citizens and of private members. Although public trust in Parliament has weakened, we believe Canadians want to see it play its traditional representation, legislative and oversight roles more effectively. To provide an agenda for discussion, we identify approaches that we believe should be explored.

We are satisfied that important improvements can be made without changing the Standing Orders of the House of Commons. We also believe that the chances for successful reform will be enhanced by all-party agreement and cooperation.

We think that setting out specific circumstances where private members could reflect their personal opinions or those of their constituents would add to the credibility of the House with the electorate. In our opinion a healthy political system makes room in clearly defined situations for private members to differ with their party if they have good and accepted grounds for doing so, it being understood that in those circumstances dissent is not disloyalty.

Central to the process we envisage would be some adjustment in the relationship of private members to their respective parliamentary political parties, with the impetus for change coming from the parties themselves. While it is self-evident that the government party has the greatest potential capacity to effect a change in the dynamics of Parliament, very little can be achieved if the other political parties are not also engaged in a mutually agreed effort to explore new relationships. Changing culture is not simply a case of agreeing to change; rather it is an exercise in developing understanding through discussion, deliberation and experimentation.