FORUM ON PARLIAMENTARY REFORM

The Parliamentary Centre has organized a meeting on Parliament Hill on May 7th to encourage discussion among parliamentarians on how to improve Parliament's contribution to democratic governance in Canada. The paper emphasizes the key relationships and dynamics and offers a number of proposals for consideration by parliamentarians.

The paper is based on consultations with former Members of Parliament and other knowledgeable observers, as well as the research and experience of the Parliamentary Centre.

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FORUM ON PARLIAMENTARY REFORM: OVERVIEW AND SUMMARY

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 weakened, 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 scepticism, 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.

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 spend time in 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 following sections 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.*

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.*

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 their party.*

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.*

2.3: ***Whipping and the Government Caucus***: *If the whip was a member of Cabinet, would this lead to caucus being better informed and, if so, would*

the views of caucus carry more weight before policy decisions are made? Would the concerns of members and of their constituents be better reflected in legislation?

2.4: ***Private Member roles***: *Since continuity can promote specialization, parties should consider appointing private members to committees, the position of Parliamentary Secretary and interparliamentary activities for longer terms – in a sense professionalizing these private members' roles.*

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 they should be: a) broadly representative of Canadian interests; and b) knowledgeable about the policies and programs related to their mandate.*

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 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.*

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.*

3.4: ***Consideration of resource allocation:*** *Committees should consider the study and reporting to the House on resource allocation to be a priority, but one linked to other committee work. By tailoring policy and program recommendations to government plans, priorities and resource allocation, committees have an additional vehicle to make their views public and an additional opportunity to influence government actions.*

3.5: ***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.

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

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 our electoral system, without seeking to reduce the power of the executive or changing the Standing Orders of the House of Commons. We also believe it is important to start with the expectations of citizens and the relationships between Members of Parliament and with their constituents.

We think that setting out specific circumstances where private members could reflect their personal opinions or those of their constituents would both 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.

FORUM ON PARLIAMENTARY REFORM

Context

In Canada public confidence in parliamentary democracy is weakening. Parliament is not playing effective roles in legislation and financial oversight. Private members often are heard to say that they "cannot do the job I was sent here to do". To be sure, many members devote exceptional effort and skill in support of the interests of their constituents and all citizens. Yet, based on the experience of the participants and observers who advised on the preparation of this paper and our own work with parliamentarians, we believe that Parliament needs revitalizing.

Canadians see conflicts in Parliament too frequently as battles among political parties jostling for advantage rather than genuine differences regarding public policy. They see some Ministers treating Parliament – the people elected to represent citizens' interests – more as a "procedural hurdle" than as an essential step in obtaining legitimate public acceptance. They sense that their voices and those of their fellow citizens are not adequately heard nor respectfully deliberated. A balanced portrayal of Parliament might improve its public image somewhat, but we believe that the gap between public expectations and current practice is real and growing. For these reasons the need for parliamentary reform is now resonating with the public.

Explanations of the causes of this decline vary. Some observers point to the regionally fractured nature of party representation in the House. Other observers see fundamental flaws in our electoral system and in the Westminster parliamentary system, matters that would require fundamental – even constitutional – change. We recognize that such factors are important in how effectively Parliament plays its role in representing citizens and overseeing the government. At the same time, we believe there can be improvement without waiting for a fundamental shift in the current system of governance.

The parliamentary reform initiatives over the last twenty years have addressed certain weaknesses. In particular, important improvements in the committee system were made in 1985 and the pre-budget consultation procedures introduced in 1994 have facilitated improved public engagement on these important public decisions.

But public expectations of parliament and democracy have evolved with a more educated public and the changes in communication technology. People want to be

heard and engaged on public policy issues. Faith in a 'paternalistic elite' has disappeared.

It is necessary to focus reform on more than the rules, structure and resources. It is important also to look at the underlying relationships on which Canadian parliamentary democracy is built. This package of proposals focuses on changes in relations between members and the public, members and their parties and members and the executive branch of government.

Parliamentary and Democratic Practices in Canada: Our sense of the situation

In votes, the citizen is sovereign. In a Westminster parliamentary democracy they periodically select a body of representatives – in Canada, a single representative from each constituency. From among these members a Cabinet and Prime Minister – supported by a majority of members – is selected. The remaining members: a) provide the executive with specific and limited powers through legislation, supply and authority to raise revenue; b) monitor the executive's performance and exact accountability; and c) engage each other and the public in debates on the public interest.

Notwithstanding the strong support for representative democracy in Canada, participation in elections and membership in political parties have decreased. Citizens seem to be gravitating to other means for expressing their public policy interests.

Over the last hundred and more years, political parties have evolved to play a critical role in the democratic process and in the functioning of the Canadian Parliament. Parties – together with effective leaders – are the glue that makes it possible for a large number of members to more quickly arrive at a consensus. In addition, they have also increasingly become the principal vehicle for selecting and *branding* candidates to compete to become representatives.

Has the role of parties become too pervasive? Parties now play the dominant role in managing parliamentary activity – the agenda of the House, of committees, and of resource allocation. Oversight, which should be the least partisan activity of Parliament, as all parties are interested in integrity and effectiveness, is affected as well. With the partial exception of the Public Accounts Committee, the key instruments of oversight – Question Period, the Business of Supply, and committee review of policies, programs and departments – appear to be becoming more occasions for party competition than opportunities to challenge the executive on behalf of citizens. In addition, there has been a rise in the last generation of

party professionals whose primary concern is with party image and its impact on the next election. And the more Parliament looks simply like a forum for inter-party battle, the less it will seem the voice of the public interest.

Political parties are an integral part of the parliamentary system and we recognize their importance and value. Clearly, they assist the electorate to understand the policy positions of the candidates and help them forecast their behaviour in Parliament. We also recognize the fundamental importance of consensus-seeking institutions – and the roles parties can play in arriving at consensus – especially in a country as large and diverse as Canada. For these reasons balancing the responsibility of private members to their parties, their constituents and their personal judgement must be addressed. This is particularly important for members of the governing party since its leaders form the government and direct the public service.

To the extent that Members of Parliament deliberate the public interest, actively oversee government, and shape legislation, these functions tend increasingly to occur in committees. Moreover, committees are where members can actively engage citizens, can question experts, can deliberate in smaller groups and become knowledgeable on specific issues. In addition, committees can travel to locations outside Ottawa to get a better sense of citizens concerns and interests. Committees in the past have done excellent work in this regard and still do. Notwithstanding that useful and often very intense effort, we believe that there is substantial scope for committees to strengthen Parliament's performance in legislation, oversight and policy deliberation.

Finally there is the question of the role of the individual representative in engaging the Canadian public. While private members play this role more actively than in the past, it is evident that the expectations of citizens have grown even more rapidly. In addition, before polling became a tool enabling the executive to know how the public feels about new policies, private members were regarded by Ministers as a good source of advice on regional public reactions to government initiatives. This role has largely disappeared.

This overview of parliamentary effectiveness indicates a need to:

- ***strengthen citizen engagement*** by increasing the capacity of private members to engage the public in their legislative, oversight, and representation roles;
- ***harmonize party interests with a productive role for private members****;* and
- ***improve the effectiveness of parliamentary committees*** by updating their practices and the visible consideration of their work.

Our proposals are grouped together into these areas to facilitate presentation and discussion. In their application and impact, however, we see them as an integrated package.

Strengthening Citizen Engagement

While much of a parliamentarian's job focuses on Parliament itself and dealing with the executive, a more important part focuses on the relationship with citizens and constituents, a role we call representation. It covers both policy and administrative activities. The administrative part is that of interceding with the executive on behalf of citizens regarding difficulties in dealing with the public service – the ombudsman role. We feel that this role works quite well.

The policy part of representation involves giving voice to the values and interests of those represented. It involves listening and understanding citizen views and interests, as well as informing and educating them on the views and interests of others. Citizens know that the collective will (decisions carrying the coercive power of the state) often varies from their personal views, but they tend to accept such decisions as legitimate if they see their own and their fellow citizens' views clearly taken into account in Parliament and in the making of those decisions.

Authoritative and open deliberation in Parliament also increases the effectiveness of policy. Where citizens see policy as legitimate, they are much more likely to comply than in situations where their compliance is based solely on the risk of punishment. In other words, effective policy must be both right and seen as legitimate. The actions proposed regarding committee matters and the relationship between private members and parties discussed later in the paper would strengthen the legitimacy of legislation, and likely its quality in reflecting the public interest.

An important distinction in engaging citizens is between organized and disorganized voices. Organized voices are those of interest groups who for the most part are heard and often are the focus of committee hearings. While both sets of voices need to be heard, greater effort is needed to engage the unorganized voices if citizens are to feel they are well represented.

Dialogue with constituents: Our impression is that there have been improvements in recent years in the engagement of individual constituents – unorganized voices – by members. This is partly a result of the resources that provide for members to spend increasing amounts of time in their constituencies and better resourced riding offices. Nevertheless, it appears that citizens are less satisfied. The three principal arguments supporting the need for strengthening parliamentary dialogue with citizens are that:

- Canada now has well-educated, highly mobile and culturally diverse citizens who have views and interests and an expectation of being heard;
- the new information and communication technology (ICT) has raised the potential – and therefore expectations – for strengthening citizen involvement, but the parliamentary support services to do so are limited; and
- the growing intensity of government consultation prior to tabling legislative proposals, plus the increasing involvement of central agencies (for greater policy coherence) are intensifying executive resistance to change during parliamentary consideration.

There are a number of ways that parliamentary consultation with citizens can be strengthened directly. Parliaments elsewhere are experimenting with creative use of modern information and communications technology. A summary of some current practices and options is provided in *E-Governance: Some Implications for Parliamentatians*: Nos. 16 and 17, May 2003, Occasional Papers on Parliamentary Government. It is clear from that report that specialized assistance is required to use these tools effectively. Notwithstanding constraints, a few members appear to do a particularly good job of engaging their constituents. Such practices, if more widespread, would add substantially to public understanding and to enhancing the public image of private members. This suggests that a resource centre specializing in assisting members to connect to all constituents might help. It will be important that such communications be linked to the core roles of parliamentarians, so that they are not dismissed as simply "self- or party-promotion" tactics.

Action 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.

The growing executive consultation, in the eyes of many private members, has further weakened the role of private members. The answer is not to seek reduced executive consultation with the public. Rather, the question is how to strengthen consultation by members as well as linking executive and parliamentary consultation.

Many members feel that they can make a positive contribution to departmental consultations. They typically spend considerable time in their ridings communicating with their constituents in a face-to-face manner, are aware of difficulties their constituents face through their ombudsman role, and will be seen

to be more empathetic than unknown officials. Surveys provide broad and balanced coverage, but very little depth and nuance. Individual members' strength is in just this weak area. This should not be seen as ceding 'control' to parliamentarians, but rather as consultation and involvement.

That such a process is more than wishful thinking is illustrated by the results of the pre-budget consultations introduced in 1994. This public consultation involves members individually as well as the Finance and other committees. Notwithstanding its intensiveness, it does not appear to undermine the government's consultation. In the view of many observers it helped establish the legitimacy for very difficult packages of budgetary proposals over several years, and did so in an atmosphere that was largely collegial. This is not to argue that the Finance Committee's pre-budget consultation process is ideal, but rather to demonstrate the potential value to the government of engaging committees in consultation.

Another procedure that might be of interest is being used in Thailand. Its Senate has a Standing Committee on Citizen Engagement, which is responsible for overseeing the government's policies and practices regarding public consultation and citizen engagement.

Action 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.*

Harmonizing Party Interests with a Productive Role for Private Members

Parliamentarians in countries with effective democracy play very important roles. In recent years in Canada, however, members of the governing party are often seen by Canadians as doing the Prime Minister's bidding and the opposition as attacking. Moreover, when individual Members do take positions that vary from those of their party leader, the media tend to interpret the situation as a "party in disarray" or "ineffective leadership". It does look like a no-win situation for both leaders and private members. And while the media might well overplay this dimension, there likely is enough truth in the portrayal to make it plausible. We believe that there are ways to both enhance private member roles and utilize the important strengths of parties.

This section describes how voting and other practices could be adjusted to provide for party consensus building while allowing adequate flexibility to permit private members on appropriate occasions to express their own views and those of their constituents. We also suggest how certain roles of private members can be made more personally rewarding and more valuable to parties.

Representation and Parties: It is widely accepted that in Canada the party leader and party identification, much more than the policy positions or personal characteristics of the individual candidates, are the dominant factors in electoral success. Moreover, most members are elected by fewer than 50% of the eligible voters. A result of both these factors is that the links between the individual member and those he/she represents in the constituency might often be weak. This and other factors have led to growing calls for electoral reform. But our assessment of the situation is that the current system – which does have some important advantages – is unlikely to be reformed anytime soon. Accordingly, we are looking for ways that would increase citizens' sense of being represented – of having a voice in Parliament – without changing the election system.

One step might be for parties to more clearly recognize the complex accountability of members to their parties and leaders, their constituents, and their own judgement. One way parties could do this is by more clearly articulating and communicating how their members in Parliament are expected to balance these competing loyalties in their policy deliberation, legislation and oversight roles.

Action 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 their party* .

Voting and party consensus: Some parties appear to have understandings regarding conditions for members voting contrary to party positions. However, the practice seems sufficiently rare not to be perceived as generally accepted in Parliament. The UK three-line whipping practice approaches the problem from a different perspective. The British Parliament has formulated four levels of party discipline to apply in different circumstances, without an apparent greater loss of party loyalty or a substantial negative impact on the executive. The following description outlines the formulations that they have selected.

- A three-line whip informs party members that they are expected to vote with the party. Items that fall in this category include the budget and policies set out in the party's election manifesto.

- A two-line whip indicates that the party would like members to vote with the government, but will consider valid grounds for being absent or even voting against the party position.
- A one-line whip indicates that the Cabinet has approved a bill or a policy, but leaves it to members to exercise personal judgment. A Canadian equivalent would be the vote on capital punishment a couple of decades ago.
- A free vote where the government takes no position and each member makes up his or her mind. As in Canada free votes usually take place on moral issues.

It is noteworthy that when the British House was voting on joining the European Union only a one-line whip was issued to government members. Having ascertained through their whips that the government would win the vote even if it were not designated a matter of confidence it was decided to issue only a one-line whip which identified it as government policy, but left MPs free to vote their personal opinion. This was a decision calculated to demonstrate that a clear majority of members of the House personally favoured joining the E.U.

The UK system provides a balance between more discipline on the budget and matters of party election policy and greater flexibility on issues that are less associated with party commitments during elections. But it has further advantages in comparison to the Canadian approach. It demonstrates sensitivity to the party loyalties and responsibilities of members, while also validating the importance of their personal judgment and their constituency linkages. Moreover, it greatly strengthens the accountability of members to their constituents by effectively obligating them to explain and justify their votes – a factor closely related to establishing a stronger link between individual members and their constituents.

We acknowledge that there are differences between the Canadian and British political systems that might stand in the way of the Canadian House fully implementing the British practices. In Britain, for example, there are a number of safe seats that allow incumbents to safely resist taking direction from their parties. In Canada, as illustrated by the 1984 and 1993 elections, that there are few such safe seats. Nevertheless, the tenure of the current MPs is the longest in Canadian history. We believe that a significant number of them on both the government and the opposition sides would be attracted by a new practice that would expect them to side with their party in appropriate circumstances while allowing them on other occasions to represent their personal views or those of their constituents.

It is worth noting that the British do not make a direct link between whipping and confidence. A defeat of any measure where a three-line whip had been issued

might indicate that the government had lost the confidence of the House. However, if there was doubt that this was the case, they could introduce a motion calling for a vote of confidence, which would be definitive. Equally important is the reaction of the opposition and the media after the defeat of a bill. In that case, neither the opposition parties nor the media would normally respond. If a similar practice were to be adopted in Canada, it would be important that the opposition parties understand and accept the implications and assist in conveying the message to the media.

Action 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*.

Relations between Cabinet and Caucus: A related British practice is their approach to the role of the whips. The chief government whip, who sits in Cabinet, is supported by some 20 assistant whips, each of whom is responsible for keeping in touch with some 20 MPs. In effect the role of the whips is heavily weighted on intelligence gathering, putting the chief whip in a position to inform his colleagues in Cabinet of the concerns of the caucus. The Ontario legislature and Quebec's National Assembly have both adopted this practice and it has been judged to be effective.

The merit of this approach is that policy is formed and legislation drafted, taking full account of the opinions of caucus. Although ministers in Canada report to caucus on proposed legislation, not only may details be sketchy because time is limited, but the policy may have been debated and elaborated in Cabinet before caucus is informed. As Herb Gray noted when introducing in 1994 measures intended to "enable members to play a greater role in the legislative process", Ministers who have made difficult compromises in Cabinet are sometimes uneasy about having the matter reopened in caucus or in committee.

The challenge for the government whip when this happens is to deliver the votes, using cajolery and such rewards as are available. A possible measure of the consequence of the Canadian practice is that some thirty percent of bills now remain on the order paper, some of which appear to be blocked by unanticipated problems or objections in the government caucus. If well informed caucus views were to be considered when Cabinet was taking a decision on policy, the legislation that emerged might better reflect the complex needs of this vast and regionally diverse country. Caucus should also feel engaged and satisfied. Would this objective be more effectively accomplished if in Canada the whip were to be a member of Cabinet? Or would the House Leader be equally able to perform this second task?

Action 2.3: ***Whipping and the Government Caucus****: If the whip was a member of Cabinet, would this lead to caucus being better informed and, if so, would the views of caucus carry more weight before policy decisions are made? Would the concerns of members and of their constituents be better reflected in legislation?*

Roles of Private Members: For a number of private members the culmination of their ambition would be to become a minister. However, it is also clear that many have found other satisfying ways of serving their constituents, influencing public policy and pursuing their personal ambitions. The degree of satisfaction to be gained could be increased for many if they could expect to be able to continue in a field that they enjoyed and where they felt they were making a contribution. We have in mind strengthening three career paths opens to members – policy expert, Parliamentary Secretary, and parliamentary diplomat.

The first is specializing in an area of public policy. Many members play such roles through their work on House committees, caucus committees and through personal networking. Notwithstanding the constraints placed on members to specialize in this way, many have succeeded. An important impediment to such specialization is the changing membership of committees. Recognition of the value of the policy expert role could be substantially achieved by simply according committee membership much greater stability during the life of a Parliament, thereby enabling members to gain increased knowledge and competence. If membership were stable, the new approach to the selection of chairs and vice-chairs might well ensure knowledgeable and capable individuals would gradually work their way up in committees.

A second role, which applies only to governing party private members, is that of Parliamentary Secretary. Under previous governments a number of individuals served for many years in this office, made substantial contributions and found the experience rewarding. The current practice of cycling private members of the governing party through this position every two years does not give them time to develop the necessary expertise to serve effectively either Parliament or the relevant Ministry. Just as they are acquiring working knowledge of the ministry and beginning to feel useful, they are replaced. (See *Parliamentary Secretaries: the Consequences of Constant Rotation.* Vol. 2, no. 4, Sept. 2001, IRPP Policy Matters)

A third role is that related to what has come to be known as parliamentary diplomacy. Decisions on appointments to international delegations seems to be the prerogative of party whips and are at times used as a reward for faithful service in other situations. In addition some whips appear to spread the opportunity to travel equitably among as many members of their caucus as possible, often without

much concern for the contribution they could make to the delegation. (See *Parliamentary Diplomacy*, No. 18, May, 2003, Occasional Papers on Parliamentary Government) As a result for most private members specialization in a region or country or policy areas by participating at inter-parliamentary meetings over a period of time is rare. Specialized knowledge of other regions and countries and bi-lateral issues that would be obtained by focused and longer participation could be a useful complement to official diplomacy, as well as an asset to Parliament. In an ever more globalized world such in-depth knowledge of a region or specific country is also becoming more valuable to parliamentary deliberation.

The increased competence that could result from recognizing the importance of these roles and increasing continuity and specialization and the potentially greater influence that members might gain could be rewarding for many of them. Such an approach would re-enforce the fundamental importance of knowledge and skill to being an effective private member and a productive Parliament. In a knowledge economy and a knowledge society, a more knowledge-oriented Parliament would help.

Action 2.4: ***Private Member roles***: *Since continuity can promote specialization parties should consider appointing private members to committees, the position of Parliamentary Secretary and inter-parliamentary activities for longer terms – in a sense professionalizing these private member roles.*

Expert and Effective Committees Supporting Parliament

The House of Commons Standing Orders provide authority for committees to play pivotal roles in all key parliamentary functions – enacting laws, providing resources, overseeing the executive, and deliberating public policy. Although committees do much useful work and many committee members devote exceptional energy to this work, we believe there are a number of ways of improving the performance of committees.

Committees have been a focus of several previous parliamentary reform initiatives and have been studied in some detail. Based on this experience, we see three perspectives as relevant: the relationship between committees and the Chamber; committee support for legislation, budgeting and policy deliberation; and improving their internal operations.

Relationship to the Chamber: Parliamentary committees have become so central to parliamentary effectiveness that it is difficult to imagine Parliament being effective without its committees being effective. Other than caucus committees, they are the principal parliamentary forum where members can become

sufficiently knowledgeable to review complex legislation or oversee complicated programs. They are the only parliamentary vehicle that visibly engages individual Canadians and the civic and business sectors. They are the forums in which it is most likely that citizens will be able to feel that their voices are being heard and their interests deliberated. To be useful in these ways committees must be seen as providing knowledgeable and balanced advice.

In view of the importance of committees in serving the whole House, expertise should be a key consideration. For example, it has been suggested that Ministers, on occasion, are uneasy about sending their legislation to committees because committee members do not have the expertise to understand related legislation, including that in other jurisdictions, and the inter-relationship of the various provisions of legislation.

It is important that committees not be seen as simply advocates for a particular sector, if they expect to be treated as more than "just another pressure group". Accordingly, it is important that committees be seen as a balanced reflection of Canadian interests. While the current practice provides for balance among parties, several committees – for example, Fisheries and Oceans, Agriculture, and Defence – tend to have membership predominantly from ridings where these sectoral interests are paramount. If such interests are not balanced by other members with different perspectives, a committee consensus will be seen as less representative. Achieving the desired balance will be very difficult in practice. Nonetheless, treating such balance as a desirable objective might help in certain circumstances.

It also is important that committee products be taken seriously by both the plenary and the executive. While the executive is now obligated to respond to a committee report, committees often feel that many responses ignore the recommendations and evidence. Moreover, they feel they have little opportunity to expose these matters to the public.

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

Action 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 have the means to require the Minister's participation in a debate in the Chamber. This can be achieved without diminishing the time available for*

government business by starting at 1 pm on Wednesday, as the House very occasionally does when faced with a report from the Joint Committee on Statutory Regulations.

Advising on legislation: The particular strengths of committees relative to the Chamber suggest that they can be especially useful on complex legislative initiatives. This is where integrated knowledge of current practices and resource allocation is particularly important. Moreover, by calling witnesses, engaging Library of Parliament staff and other experts, they are well placed to be sensitized to important issues. Moreover, committees can discuss and deliberate, identifying key issues and finding common ground.

We see the enabling changes introduced in 1994 to provide for greater involvement of committees in the review of the principles of legislation as helpful. However, these provisions have rarely been used and when used have not often led to an open debate among committee members of the principles of the bill. We suggest that changes in the dynamics of Parliament and in relations between parties could render this practice more productive.

Other approaches that could also enhance the contribution of committees would be the referral of draft legislation and of Green Papers setting out alternative ways of addressing problems and inviting the committee to offer considered advice. If used by collegial committees, such practices likely would improve the quality of legislation, revealing problems that Cabinet could take account of when deciding on the elements of bills. Debate at this preliminary stage could have another major benefit. It may be feared that permitting more dissent could increase the already severe time constraints. However, if issues are debated in committee and Cabinet takes account of committee advice when deciding on the elements of bills, those bills might be adopted more speedily and time demands in the House actually reduced. Such an approach to time management might attract greater all-party support.

Just as importantly, such approaches would provide opportunities for incorporating minority positions in reports in juxtaposition to majority opinions, a practice that should call for elaboration of the arguments on both sides. Including minority views in a consensus committee report – rather than in separate minority reports – is much more useful to the public. Without confronting contrary voices the validity of the majority view is weakened. The aim, in our opinion, should be to use committee review to both seek improvements to legislation but also to obtain additional public understanding and consensus.

Action 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.*

Committees and Resource Allocation The Estimates show how the government plans to implement policy and legislation, as well as what it has achieved related to earlier commitments. Accordingly, it is the key source of information for accountability of the government to Parliament and the public. Therefore, while the depth and focus of scrutiny can vary, the consideration of Estimates is an essential role of committees. Moreover, the Estimates now provide three-year plans, outlining both planned results and expenditures. While annual supply is likely to remain a matter of confidence, committee recommendations on downstream spending and programming should be given serious consideration by government and a full response forthcoming. In other words, the changes to the Standing Orders introduced in 1994 provide opportunities for committees to recommend changes in future resource allocation, both as to the level of resources and the specific results being pursued.

A study of Parliament's performance regarding its budgetary oversight role identified the extraordinary complexity of the process with multiple supply periods during each year, and an extensive number of documents and linked data bases. For most members this process is simply too complex to permit effective oversight. (See *Parliament's Performance in the Budget Process: A Case Study*, IRPP Policy Matters, Volume 3, No. 5, May, 2002) Moreover, it has become a procedure largely devoid of active involvement of parliamentarians. These are matters that need to be addressed and the Standing Committee on Government Operations and Estimates has been mandated to address these and other aspects of parliamentary financial control.

In addition to the supply process, much of the committee work on policy reviews can result in recommendations that, if implemented, would impact on the government's budget and departmental plans – as described in the Estimates. Individual committees could align their estimates and other reviews to provide an integrated report on resource allocation. This report could be tabled in conjunction with the report prepared annually by the Finance Committee on budget priorities. Committees could, in addition, work cooperatively to provide a more coordinated package of advice on resource allocation.

The central idea is that the Budget and the Supply processes serve as vehicles by which committees can further their own priorities, rather than as additional chores. By tailoring their advice on policy and program matters to impact on the government plans and resource allocation, committees give themselves an

additional vehicle to explain their views publicly and to influence government actions.

Sweden has introduced a feature in parliamentary budget review that effectively requires all committee recommendations aimed at budget allocations to be within a financial envelope – if a committee recommends an addition, something of equivalent cost must be removed. This approach is said to have improved the quality of committee deliberations and advice. The idea might be explored by committees in cooperation with the Finance Committee.

Action 3.4: ***Consideration of resource allocation***: *Committees should consider the study and reporting to the House on resource allocation to be a priority, but one linked to other committee work. By tailoring policy and program recommendations to government plans, priorities and resource allocation, committees have an additional vehicle to make their views public and an additional opportunity to influence government actions.*

Improving committee operations: In view of the importance of the tasks assigned to committees, the aspirations of committee members and the constraints of time, we think it necessary to strengthen committee operations. Broadly speaking, we see the need for four kinds of operational improvements: a greater emphasis on collegiality; building more effective relations with government departments; improving the management of committee operations; and examining how research support could be made more effective.

If a committee is able to achieve a collegial working environment, the dynamic of meetings changes dramatically. Instead of a situation where opposition members ask partisan questions that cause government members to react defensively and concentrate on how best to rebut the assertions, members can jointly explore the issues, discuss together possible improvements and frequently agree on amendments or on recommendations.

Inter-party dialogue in committee would have particular advantages at this time when the larger parties are regionally weighted – the Alliance representing much of Western Canada, the Liberals heavily weighted in Ontario and the Bloc reflecting a segment of Francophone Quebec opinion. Admittedly the Liberal party has representation from all parts of the country and the government does make a determined effort to take account of the concerns of the different regions of the vast and diverse country. However, broad public support for new legislation would be more readily achieved if regionally based opposition parties were seen to have contributed to committee conclusions. If there were opportunities for opposition parties to contribute to committee conclusions and recommendations

they would be more likely to adopt a collegial posture on future occasions and individual members could take satisfaction from their contribution.

A spirit of collegiality could be extended to departments as well. Departments house considerable information and expertise that would be useful to committee deliberations. However, as noted in a recent study, relations between committees and departmental officials are often weak and sometimes negative. (See *Building Better Relations* No. 13, May 2002, Occasional Papers on Parliamentary Government)

While it can be supposed that committee chairs and Ministers normally will have close relations, it is important as well that personal relations are established between the Minister (and his/her senior departmental team) and the entire committee. Such relations can be developed and enhanced by Ministers presenting their planning and performance reports (Estimates), by personally participating in review of their legislation, and by encouraging informal contact between their officials and committees. Parliamentary Secretaries could also make a contribution, although their knowledge of departmental matters would need to be upgraded through longer-term appointments.

If ministers and their officials and the relevant committees developed a more open relationship, it is likely that mutual trust would increase in many cases. The concern expressed by Herb Gray in 1994 when proposing measures that he hoped would revitalize the House of Commons and "substantially reduce the quasi-proprietary attitude of Ministers and their officials toward their legislation" might be addressed in this way.

Finally, as with any important organization pressured to deliver results with limited resources, the management practices of committees could usefully be reviewed. Areas that have been noted by observers include: a) integrating committee studies – for example, the review of Estimates could focus on areas being studied in policy reviews; b) more efficient information gathering practices, c) experimenting with different consensus building and report preparation practices; d) co-operating with other committees; and e) preparing an annual report on committee performance. The Liaison Committee might review these committee performance reports and synthesize best practices.

Action 3.5: ***Strengthening 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.*

Such changes in committee management might require additional or different support resources. Initially a 'resource centre' might be charged *inter alia* with offering advice on how committees might make more effective use of existing staff. Perhaps such a centre might report to the Liaison Committee, which might be encouraged, as that committee does in Britain, to prepare reports on how working practices of House of Commons committees might be improved.

In addition to such a centre, most observers see the need for committees to have access to additional resources in view of the important tasks committees perform. In recent years, additional resources have been provided to the Library of Parliament Research Branch, some of which have been allocated to supporting committees. We believe additional resources should be considered and perhaps applied differently in some cases.

As one committee chair has observed, while additional resources for committees are needed, they should not be so large that committees become managers of – rather than participants in – committee operations. A number of opposition members have noted that for all practical purposes additional resources for committees might mean additional resources for the chair.

Two decades ago a few committees (called parliamentary task forces) allocated some of the funds they were assigned for research staff to the opposition members of the committees. These individuals worked closely with the committees' central staff, testing the acceptability to all parties of various formulae, ultimately making it possible to achieve unanimous reports.

Action 3.6: ***Strengthening committee resourcing***: *The House of Commons should consider increasing staff resources for committees, and experiment with provision of resources to opposition parties.*