PARLIAMENTARY REFORM — EVERYTHING OLD IS NEW AGAIN

Thomas S. Axworthy

Offering an in-depth academic examination of Parliament, Thomas S. Axworthy, chair of the Centre for the Study of Democracy at Queen’s University’s School of Policy Studies, writes that if Parliament is suffering from distemper “only an election can clear the air.” The paper, “Everything Old is New Again: Observations on Parliamentary Reform,” lays out 25 recommendations, which chart a course to build on Canada’s historic parliamentary traditions, aiming to ensure the House of Commons and the Senate will operate more effectively and to provide a clear plan to energize both vital institutions, and Canadians along with them.

On March 14, 2008, the Speaker of the House, Peter Milliken, made a ruling in which he implored members to change their behaviour. Citing “crisis management in committees,” Milliken told the House, “I do not think it is overly dramatic to say that many of our committees are suffering from a dysfunctional virus that, if allowed to propagate unchecked, risks preventing members from fulfilling the mandate given to them by their constituents.” He entreated House leaders and the whips of all parties to “address themselves to the crisis in the committee system that is teetering dangerously close to the precipice at the moment.”

These are strong words from the Speaker, but not unwarranted. Indeed, a month later, The Globe and Mail was quoting election speculation and citing the dysfunctions of the Procedure and House Affairs Committee in its attempts to investigate charges of Conservative campaign finance irregularities, and of the Environment Committee, and of the Justice Committee as it addressed allegations by the widow of Independent MP Chuck Cadman that Conservative Party officials offered him a $1-million life insurance policy prior to a 2005 vote.

In truth, most Canadians are largely unaware of the workings of parliamentary committees. They may take a keen interest in revelations about former prime minister Mulroney’s relationship with Karlheinz Schreiber, but they look right past the Ethics Committee to whom those facts are revealed. Yet the Speaker’s recent comments deserve our attention, and not least because they are an important reminder that Parliament is not indestructible. Parliament requires the regular care and attention that any complex instrument demands. And as times change, Parliament needs to keep pace.

The Centre for the Study of Democracy at Queen’s University (CSD) recently concluded a major review of the Canadian Parliament and, among other things, compared its institutions and practices with those of several other leading democracies. The resulting report highlighted 25 recommendations for parliamentary reform, and, interestingly, many of them turn on precisely the issues that lie behind Speaker Milliken’s comments: concerns about the workings of committees, the influence of parties on Parliament, and Parliament’s ability to harness partisan energies and ambitions in productive ways.

Canada’s Parliament is an executive-centred, party-dominated, adversarial-minded, multi-tasked institution. It has had these characteristics for a long time, yet it has always succeeded in adapting well enough to keep up with the changing demands of markedly different eras.

Reform of Parliament is part of a continuous and honourable tradition. In effect, parliamentary democracies are always in the midst of reform. Our system of government may look as immovable and unchanging as the stones of the
Peace Tower, yet it is in fact, and by design, in a state of constant evolution.

The history of parliamentary reform in the past generation offers many examples of good practice that remain relevant, and these innovations, plus recent reports by MPs from all parties — especially the 2003 report The Parliament We Want — point the way toward a timely reform agenda. As the report recommended, and as the CSD’s international scan of legislative practice confirms, two of the main requirements are (1) to enhance parliamentary committees and to improve the ability of those committees, and individual MPs and senators, to call on specialized, non-partisan research expertise located in the Library of Parliament; and (2) to create, within the library, a new Parliamentary Office of Citizen Engagement to assist committees in reaching out to, and learning from, Canadian citizens.

To those two suggestions from the Parliament We Want the CSD study emphasizes a third idea: to improve scrutiny. The ability of Parliament to assess the economic management of the government requires a well-funded and appropriately senior staffed Parliamentary Budget Office. The operating assumptions of the Department of Finance must be tested, and this requires independent expertise of a high order.

Despite the ever-present partisanship of Parliament, I believe in the virtues of the Westminster system of representative and responsible government. One of its clear strengths is that it can govern. My emphasis, like many reformers, is directed toward improving parliamentary committees. Reforming Parliament will not only right a crucial balance between the executive and the legislature, but this shift will ultimately improve the government’s effectiveness.

I recommend many of the same policy prescriptions as the reformers who worry about the “friendly dictatorship” of the Prime Minister. But my rationale is different, in that I do not fear a strengthened executive. True, in the short term, cabinet ministers may worry that enhanced parliamentary effectiveness will lead to more penetrating questions designed to embarrass the executive. In the longer term, however, the Prime Minister and ministers should realize that using parliamentary committees to probe problems or to engage citizens will lead to better policy. Most importantly, such reforms would reduce the almost total reliance of ministers on the bureaucracy.

Yet what exactly are the sources of turmoil and counterproductive committee wrangling? Arguably much of it proceeds directly from the ambitions of the members both as individuals and as extensions of their parties. After all, consider the motivations that propel this relatively small number of Canadians to enter politics (which then, in turn, demands an almost total commitment of energy to keep up). I have met a few political “monsters” whose egos have completely overtaken their judgment, but those ties which bind the representative to his constituents are strengthened by motives of a more selfish nature. His pride and vanity attach him to a form of government which favours his pretensions and gives him a share in honours and distinctions.

Abraham Lincoln has rightly been elevated to political sainthood, but we should not forget that before he became a wise president, he was a striving Illinois politician whose ambition, according to William Herndon, his law partner at the time, was “a little engine that knew no rest.”

Ambition is likewise the engine that drives most Canadian politicians. David Docherty’s surveys of Canadian MPs reveal that 80 percent of the members sampled in the 34th Parliament (1988-93) stated that getting into cabinet was at least somewhat important to them, and among rookie MPs in the 35th Parliament (1993-97), the number was even higher, at 84 percent. In the 37th Parliament (2000-2004), almost two-thirds of responding MPs indicated that getting into cabinet was important.

This ambition for ministerial office, however — and here is the crucial point — often leads to frustration and discontent: most of the caucus may want to be in cabinet, but only a few at any one time can grab the prize. Among parliamentarians as a whole, the ratio of ministers to ordinary members is 10:1. John Roberts, a former minister in the Trudeau government, laughingly recalled that upon his elevation to cabinet, not many of his Ontario caucus colleagues seemed overly pleased.

Competition drives every aspect of Canadian politics. There is competition for party nominations, then the election itself. If your party has succeeded in winning the election, there is competition to get into cabinet; if you are in the opposition, there is a desire to be a front-bench opposition leader as well. The history of parliamentary reform in the past generation offers many examples of good practice that remain relevant, and these innovations, plus recent reports by MPs from all parties — especially the 2003 report The Parliament We Want — point the way toward a timely reform agenda. As the report recommended, and as the CSD’s international scan of legislative practice confirms, two of the main requirements are (1) to enhance parliamentary committees and to improve the ability of those committees, and individual MPs and senators, to call on specialized, non-partisan research expertise located in the Library of Parliament; and (2) to create, within the library, a new Parliamentary Office of Citizen Engagement to assist committees in reaching out to, and learning from, Canadian citizens.

To those two suggestions from the Parliament We Want the CSD study emphasizes a third idea: to improve scrutiny. The ability of Parliament to assess the economic management of the government requires a well-funded and appropriately senior staffed Parliamentary Budget Office. The operating assumptions of the Department of Finance must be tested, and this requires independent expertise of a high order.

Despite the ever-present partisanship of Parliament, I believe in the virtues of the Westminster system of representative and responsible government. One of its clear strengths is that it can govern. My emphasis, like many reformers, is directed toward improving parliamentary committees. Reforming Parliament will not only right a crucial balance between the executive and the legislature, but this shift will ultimately improve the government’s effectiveness.

I recommend many of the same policy prescriptions as the reformers who worry about the “friendly dictatorship” of the Prime Minister. But my rationale is different, in that I do not fear a strengthened executive. True, in the short term, cabinet ministers may worry that enhanced parliamentary effectiveness will lead to more penetrating questions designed to embarrass the executive. In the longer term, however, the Prime Minister and ministers should realize that using parliamentary committees to probe problems or to engage citizens will lead to better policy. Most importantly, such reforms would reduce the almost total reliance of ministers on the bureaucracy.

Yet what exactly are the sources of turmoil and counterproductive committee wrangling? Arguably much of it proceeds directly from the ambitions of the members both as individuals and as extensions of their parties. After all, consider the motivations that propel this relatively small number of Canadians to enter politics (which then, in turn, demands an almost total commitment of energy to keep up). I have met a few political “monsters” whose egos have completely overtaken their judgment, but those ties which bind the representative to his constituents are strengthened by motives of a more selfish nature. His pride and vanity attach him to a form of government which favours his pretensions and gives him a share in honours and distinctions.

Abraham Lincoln has rightly been elevated to political sainthood, but we should not forget that before he became a wise president, he was a striving Illinois politician whose ambition, according to William Herndon, his law partner at the time, was “a little engine that knew no rest.”

Ambition is likewise the engine that drives most Canadian politicians. David Docherty’s surveys of Canadian MPs reveal that 80 percent of the members sampled in the 34th Parliament (1988-93) stated that getting into cabinet was at least somewhat important to them, and among rookie MPs in the 35th Parliament (1993-97), the number was even higher, at 84 percent. In the 37th Parliament (2000-2004), almost two-thirds of responding MPs indicated that getting into cabinet was important.

This ambition for ministerial office, however — and here is the crucial point — often leads to frustration and discontent: most of the caucus may want to be in cabinet, but only a few at any one time can grab the prize. Among parliamentarians as a whole, the ratio of ministers to ordinary members is 10:1. John Roberts, a former minister in the Trudeau government, laughingly recalled that upon his elevation to cabinet, not many of his Ontario caucus colleagues seemed overly pleased.

Competition drives every aspect of Canadian politics. There is competition for party nominations, then the election itself. If your party has succeeded in winning the election, there is competition to get into cabinet; if you are in the opposition, there is a desire to be a front-bench opposition leader as well.

Canada’s Parliament is an executive-centred, party-dominated, adversarial-minded, multi-tasked institution. It has had these characteristics for a long time, yet it has always succeeded in adapting well enough to keep up with the changing demands of markedly different eras.
Members who sit in Parliament. There must be positive outlets and cabinet posts or front-bench opposition ambition and the relative paucity of tenure can attest. Margaret Thatcher and Jean Chré-
a whole would benefit greatly if the Library of Parliament was reassessed, beginning with a review of the library’s section of the Parliament of Canada Act. Since the Act’s passage in 1871, the only changes to the Library of Parliament’s functions have been a legislative mandate for the parliamentary poet laureate and the Parliamentary Budget Office.

The library’s current legislation states that it exists to purchase, collect and house books, maps and other articles. It has long since grown well beyond these duties, and the recommendations of the CSD’s report would require further expansion. The library’s legislative mandate should be reviewed by the Standing Joint Committee on the Library of Parliament in light of the library’s current devolving circumstances. As part of this review, the joint committee should also look at its own mandate and perhaps bring in amendments to the standing orders that would make it more of a management body, like the House of Commons board of Internal Economy.

A call for increased library resources, however, should not be misconstrued. MPs reported in 2003 that it was not that information was lacking, but rather that “the deluge of information coming from all sides, the complexity of departmental performance reporting of estimates and estimates processes and the lack of time all conspire to reduce Parliament’s scrutiny function to a few partisan skirmishes on largely symbolic matters.” Already, in the 1970s, Robert Stanfield spoke of parliamentary overload, but today, MPs must deal with a 24-hour news cycle, e-mail and the Internet. Parliamentarians admit in the report that “they are simply overwhelmed…There are too many expenditures, too many reports, and too many departmental programs to review for some 400 individuals in the House of Commons and the Senate to oversee effectively.”

To play their crucial role in accountability, parliamentarians must be able to discover who is responsible to whom, for what. Timely and relevant information is a prerequisite, and while Parliament certainly has an abundance of timely data, their relevance to the needs of parliamentarians is another matter. What is needed is a system to link spending to performance, the estimates, departmental performance reports and the reports of the auditor general. Parliamentarians need data from the various departments to be consolidated. The CSD report recommends not only increased expert assistance, but differing kinds of advice as well: there should be parliamentary advisers on broad, cross-cutting issues,
such as science and the environment. The Liaison Committees of the House
and the Senate (made up of the Chairs of the various standing committees)
should meet and recommend to the library what type of specialized advice is
required and in what areas.

At present, the Library of Parliament is under-resourced to carry out
such an expanded role. The library has professionals who have a considerable
degree of specialization and capacity in given fields, and it does create multidiscipli-

tary teams to address certain committee studies. But it is stretched to provide
prospective studies and in-depth expert overviews on potentially controversial
issues or emerging problems that require intensive and concerted effort by a team of researchers or outside contract-
ual experts. It has recently published a new InfoSeries on Afghanistan, which is an example of the work it
could do if it had more resources. In short, the capacity of the library has to
be strengthened to allow it to provide more ongoing services to individual
committees and parliamentarians. It also needs additional resources to
engage experts as required for major studies or particularly complex pieces
of legislation.

As the Library of Parliament continues to expand its research capacity, it
should also be possible to arrange exchanges with government depart-
ments, so that parliamentary researchers gain the experience of
working within the executive, and so that public officials will come to know the
workings of Parliament.

The Parliament We Want made cri-
tiques that are also found in most past
studies. It noted that the House of Commons had lost its “forum” quality and
was no longer the place in which meaningful debate occurred; Parliament had lost its ability to scruti-
nize government activity, especially the link between spending and per-
formance. All of this had been said by parliamentarians a generation ago.

But where the report did break
new ground was in situating the issue
of parliamentary reform within the
broader context of citizen engagement
and democracy. “As one parliamentar-
ian put it,” the report said, “parliamen-
tary reform can, and perhaps should,
be seen as a way to buttress democracy
between elections.” In answering the
question of what Parliament should
look like in the 21st century, the report
began with an assessment of citizens’
expectations. The report found:

- Citizens expect a greater voice and
  inclusion in public deliberation, espe-
  cially on normative questions. But
  the public is currently under-
  whelmed by the existing regime of
  consultation and engagement.
- Citizens do not want to provide
dictates to parliamentarians, they
want to provide advice. They do
not expect their advice to be taken
at all times; rather, they want to be
told how their advice was used.
Feedback is critically important to
any consultation exercise.

A Parliamentary Office of Citizen
Engagement (POCE) should be created
within the library of Parliament to assist the library’s substantive policy
experts in developing engagement
techniques that will further the work of parliamentary committees.

In addition to its substantive expert-
ise, the Library of Parliament should
engage animators, experts in deliberative
democracy and technology specialists to
assist Canada’s Parliament in becoming
a leading practitioner of citizen engage-
ment programs. Citizen assemblies,
deliberative polling and mediated
Internet discussions are only a few of the
techniques that parliamentarians can
use to complement their traditional
methods of cross-country travel and

By taking committee positions more seriously, by channelling
personal ambition and by essentially raising the stakes on
committee work, Parliament can reasonably expect that
committees themselves will begin to perform more seriously
and that dysfunction of the kinds that are currently worrying
the Speaker will diminish.

Citizen forums can be wonderful or
they can be meandering, and it
takes real expertise to use these new
tools well. Therefore, the office should
also be located in the Library of Parliament to work with the substan-
tive experts who service the commit-
tees. The library team would work with
the procedural clerks to suggest new
mechanisms of engagement. The ulti-
mate authority, of course, would con-
tinue to be the chairperson and
executive of the committees. The
Standing Committee on the Library of
Parliament should also examine the
contribution than the use of engagement tools themselves. Far more time to assess how citizens can make a useful evaluation exercises in democratic promotion is that it takes assessing deliberative citizen assemblies and participatory The experience of the Centre for the Study of Democracy in the government's fiscal plan, the Parliamentary Budget Office the Parliamentary Budget Office the needs of MPs. accompany improvements that serve the executive that will necessarily shift in balance between Parliament power of information, and with the Library of Parliament, with the have to do with the growing capacity websites are also basic citizen resources. that every MP distributes quarterly. MPs' organizations around broad themes that could detail recent or pending government action. Such a publication could be e-mailed to interested Canadians with Internet access. This Hansard would be in addition to the mail-out that every MP distributes quarterly. MPs' websites are also basic citizen resources. MacLeod reports that constituency staffs all say the same thing: over the course of the past 15 years, constituency offices have become the federal government's unofficial front door. Every day thousands of Canadians call their MPs seeking more information regarding government services. Each office has between two and four staffers, serves 100,000 potential clients a year and annually opens 1,000 new files. MacLeod recommends that Parliament should create a new "popular" Hansard, organized around broad themes that could detail recent or pending government action. Such a publication could be e-mailed to interested Canadians with Internet access. This Hansard would be in addition to the mail-out that every MP distributes quarterly. MPs' websites are also basic citizen resources. Finally, two of the recommendations of the CSD report bear repeating in their entirety. They, too, have to do with the growing capacity of the Library of Parliament, with the power of information, and with the shift in balance between Parliament and the executive that will necessarily accompany improvements that serve the needs of MPs.

In addition to the central role of the Parliamentary Budget Office (PBO) in assisting parliamentarians to understand the assumptions behind the government's fiscal plan, the PBO should revise the system by which estimates link expenditure to performance, and should also attempt to integrate programs by function across the various departments. This task should be carried out in cooperation with the Treasury Board and the Auditor General.

MPs have complained for a generation that they cannot do their job of financial scrutiny because of the complexity of the estimates. The first task of the PBO — the latest addition to the expertise resources of Parliament — should be to fix this problem. The job classification of the PBO should be determined by Parliament, not the Privy Council Office. In general, Parliament — and not the executive — should determine the responsibilities and salary ranges of its most senior officials. The new position of a Parliamentary Budget Office within the Library of Parliament has already raised important issues of the executive trying to control parliamentary institutions through stealth. In December 2006, soon after Parliament had approved the creation of a Parliamentary Budget Office, the Librarian of Parliament forwarded a job description for this position to the Privy Council Office. The Privy Council Office took its time in approving the job classification and in July 2007, the library received word that the classification would be roughly equivalent to an EX-3 or director general level in the public service.

My view is that such an important post should be equivalent to an assistant deputy minister. By having the Privy Council Office determine the job classification of offices that report to Parliament, the executive can determine who, in general, will apply for the post. John McKay, a member on the House of Commons Standing Committee on Finance, was quick to draw the implications of the PCO's less-than-robust support of the new parliamentary institution. McKay said, "I can see Finance's sticky little paws all over this. They do not want to have any entity — particularly not an entity from Parliament — disputing what their numbers might be for budgetary purposes." Parliament should determine the job classification of its main officers, not the Privy Council Office. As the eminent parliamentary authority C.E.S. Franks argues, The question of who appoints, sets salaries for, and reviews the performance of these senior staff of the legislature has received little attention in Canada. These procedures are, however, crucial to the autonomy and independence of the legislature. The full report of the Centre for the Study of Democracy from which the present article is drawn plumbs all of the above issues and many more to a level of detail not afforded here. The report takes solace in the fact that change is a mainstay of Parliament. But there should be little doubt that change is again an urgent priority, because the current dysfunction is a crisis, not a blip. The CSD report is full of recommendations about how to improve process and procedure, but none of these ideas will have much impact if Parliament does not have the will to make the system work. As Speaker Milliken aptly quoted from Shakespeare in his appeal to the Members, "the fault...is not in our stars, but in ourselves."

Thomas S. Axworthy, former principal secretary to Prime Minister Trudeau, is Chair of the Centre for the Study of Democracy at Queen's University. The study can be found on the Centre for the Study of Democracy's Web site at http://www.queensu.ca/csd/