

## OP-ED/GUEST COLUMN

# What ails Parliament

## Five ways the institution is failing and none addressed by Paul Martin's proposals

By GARY LEVY

A friend and long-time student of Parliamentary government suggested to me recently that the best reform would be to suspend Parliament for 20 years and see if anyone noticed. For precedents we have Cromwell or more recently Newfoundland in the 1930s.

His argument is that government departments are now more heavily committed to public policy consultation than is Parliament. In addition, a plethora of non-governmental organizations and an active media provide just about all the accountability needed in a free society. Public opinion polling is just as accurate as voting in determining the will of the people and the internet provides a direct link between government and citizen. So Parliament is left as a good low cost service bureau for constituents and a huge source of grist for the multi-channel media mill.

While I am not quite ready to advocate suspension, the very idea does force us to reflect on what has happened to the dear old institution and whether we need to go beyond reforms suggested so far by Mr. Martin and his camp.

The following are but five ways the institution is failing, none of which are addressed by the Martin proposals.

**1. Scheduling of business.** The number of days the House of Commons sits has been declining since the introduction of a fixed calendar in the 1980s. Break weeks are scattered throughout the year. Summer and Christmas adjournments are often taken early. Evening sittings are rare. Fridays are travel days for many MPs outside of central Canada. Conventional wisdom among all parties seems to be that it is more important to be talking to voters than slogging it out on legislation and studies in Ottawa.

The reduction in time has come mainly at the expense of government business which leads to more guillotine motions and more omnibus bills both of which encourage talk about process rather than substance. The scheduling of Parliamentary business will always be more art than science but a



Photograph by Jake Wright, The Hill Times

**USE PARLIAMENTARY COMMITTEES:** OVERUSE OF CAUCUS COMMITTEES REPRESENTS THE 'ALBERTANIZATION' OF FEDERAL POLITICS, SAY GARY LEVY AND THE APPROACH CAN DRAIN ENERGY AND UNDERMINE THE PARLIAMENTARY COMMITTEE SYSTEM IN A MULTI-PARTY CONTEXT SUCH AS THE HOUSE OF COMMONS.

shortened calendar has made it more irrational than necessary.

**2. Stop the proliferation of dissenting reports by committees.** Traditionally, all-party Parliamentary committees could be powerful vehicles for examining public policy and promoting accommodation and compromise as they tried to come up with unanimous reports. The recent reports on the Radwanski affair come to mind as an example. But for more than a decade the usual pattern has been for a majority committee report and one or more dissenting opposition reports. Eventually both sides begin by assuming there will be no rapprochement so it becomes an exercise in confrontation rather than accommodation. Good chairmanship can sometimes mitigate the situation but so would rule changes, such as tighter provisions relating to substitution and perhaps some procedural incentives to encourage unanimous committee reports and discourage dissenting ones.

**3. Appoint caucus committees sparingly.** Partly in response to the polarization of House committees, a tendency has developed to turn many public policy

issues over to caucus task forces. Good work has been done recently by Prime Ministerial Task Forces on Women Entrepreneurs, Future Opportunities in Farming, Seasonal Work, and Urban Issues. Opposition parties have established their own task forces or held regional hearings on various issues.

This extensive use of caucus committees represents the "Albertanization" of federal politics. But whereas the wide-spread use of government-only committees in a legislature where one party has a huge majority may be a good idea, this approach can only drain energy and undermine the Parliamentary committee system in a multi-party context such as the House of Commons.

A different but more positive development was the "unofficial" all party committee on access to information which showed that intelligent discussion of public policy is possible even in a seriously dysfunctional institution. Unfortunately this seems to be an isolated case.

**4. Keep think tanks in their proper place.** As Parliament has declined as a forum for debating public

policy, think-tanks have emerged to fill the gap. Many are closely-connected to the governing party and have come to think of themselves as mini-Parliaments. One such think-tank even notes on its website, "on behalf of the Government of Canada, the Public Policy Forum is leading a national consultation on proposed amendments to the Competition Act." Is it not the role of members of Parliament to undertake hearings on government white papers, discussion papers and particularly "proposed amendments" to legislation?

Many issues are technical and only a few members may be interested but surely the committee system should be flexible enough to permit these members to undertake consultations and spare the millions given to public policy professionals. The fact that these private bodies probably do a better job of consulting than does Parliament is a sad reflection on the present state of affairs.

**5. Remove the de facto ban on constitutional discussion.** Since 1993, the government has deliberately and effectively shut down constitutional debate

(aside from a couple of amendments that concerned only one province at a time). In view of the Meech Lake and Charlottetown debacles, this was probably a good idea and may well prove to be Jean Chrétien's wisest decision. But to continue the moratorium indefinitely is imprudent when there is so much to be done.

Our antiquated form of bicameralism cannot be ignored forever. Let's start small, deal with one issue at a time but begin moving toward change. For example, why not establish a ten year term for members of the Senate and at the same time insure some balance by providing for new appointments to be made alternatively by the Prime Minister, the Leader of the Opposition and the Governor General on her own. (This latter change might not even require a constitutional change although it would be preferable to have a formal process rather than an informal convention.)

This change would produce a more credible Upper House with the potential to play an expanded role in the public policy process, perhaps by way of joint conferences to resolve dis-

putes between the Chambers (provided for in the constitution but not used for half a century) or at least more joint committees which seem to have fallen out of favour after a few recent bad experiences.

At least let us reopen some constitutional issues for discussion by our elected and appointed Members of Parliament.

Canadians might be surprised to see what kind of improvements their legislators could come up with if given the opportunity.

We should not expect a new Prime Minister alone to fix Parliament, particularly when his major proposals seem to be more free votes, a say in the appointment process, naming an independent ethics commissioner and greater scope for private members' bills. Real change will be up to the MPs. If they cannot come up with more significant changes a lot more people may begin questioning why we need this institution.

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