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# *Rules of Procedure in the National Assembly: The 1984 Reform Experience*

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by Lawrence Cannon, M.N.A.

*In 1983, the political parties of the Quebec National Assembly had come to an agreement on the main objectives of reform, but they reached a stumbling-block when it came to deciding how to implement them. They thereupon resolved to entrust to the President of the National Assembly the initiative of drafting a proposal that would achieve a consensus while centring on the attainment of the same objectives. The result was an in-depth reform of its rules of procedure which gave expression to a desire by all elected Members for parliamentary reform. This article outlines some of the major reforms.*

**I**n June 1983, the President of the Assembly tendered a reform proposal whose objectives were the following:

- better balance in our democratic institutions;
- modernization of the functioning of the Assembly and its committees;
- better monitoring of the executive and of the public administration;
- better monitoring of public finance and expenditures.

The reform set out to enhance the role of Parliament by furnishing Members with new means to perform efficaciously their important parliamentary duties. With a view to entrenching more deeply the principle of the separation of legislative and executive powers, the reform paid special attention to the role of the Assembly and its committees in overseeing public expenditures as well as acts of government and of the administration.

To attain these objectives, several procedures were radically changed and entirely new ones were added to our Standing Orders. Since it would be tedious to

comment on each of these measures, I shall limit myself to four aspects of the reform that aroused considerable interest at the time and were to transform the institution of Parliament.

## **The Parliamentary Calendar**

Members must attend to a variety of affairs and they have many people to see. Uncertain until the very last minute of which days the Assembly would be summoned to meet, Members had in the past often found it difficult to plan their work.

It was thus decided to incorporate in the Standing Orders of the National Assembly a parliamentary calendar establishing fixed sessional dates. While the Assembly can still be recalled for an extraordinary sitting at any time upon a request from the Prime Minister, such a request has been made only once since 1984.

I believe the fixed-date parliamentary calendar to be a success. Members are no longer in doubt as to when sittings will be convened. They are thus able to plan their activities with greater confidence and can devote themselves more fully to their parliamentary duties when the session resumes. The parliamentary calendar offers many advantages in the organization of the

*Lawrence Cannon is Deputy Speaker of the Quebec National Assembly.*

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Members' time and is an aspect of the reform which the vast majority of Members appreciate.

### **The Consideration of Estimates**

The consideration of the government's estimates by parliamentary committees was to be one of the major facets of the reform. Whereas this exercise had previously extended over three months (April to June), the reform sought to make it a focal point in the parliamentary monitory role. Thus, for ten consecutive days, during which time the Assembly may meet only for Routine Business, four committees must set aside all other matters and devote 200 hours to the examination of the estimates. Here too we may speak of a success even though some aspects of the new procedure have been difficult to apply.

In our political system, it falls to the Members of the Assembly to consider the estimates in which the government asks the Assembly to concur each year. The great merit of the new procedures adopted for the consideration of estimates is that, while this activity is under way, it receives the undivided attention of elected Members and of the press. This arrangement contributes to re-establishing the importance of the exercise in the minds of its participants—that is to say, the Members—and also of the press in general.

This result is, in my view, quite a happy one, for the consideration of estimates is an integral part of the annual budgetary process and could, following Canadian constitutional conventions, place at risk the Assembly's confidence in the government of the day.

The provision that this exercise must be concentrated over a period of ten consecutive days has, in reality, never been applied, since it is judged to be too constraining. Experience has shown that three weeks are needed to complete the estimates, and I believe modifications relaxing the new rules established in 1984 would be advantageous. As well, the Assembly ought to have ultimate power to reinstate estimates not concurred with by a parliamentary committee, a power that the current Standing Orders do not recognize. It seems logical to me that the Assembly should be able to review a committee's work, since every parliamentary committee remains a creature of the Assembly.

### **The Restructuring of the Parliamentary Committees**

Parliamentary committees were an ideal media through which to make certain that the initial goals of our parliamentary reform would be achieved. Accordingly, they were remodelled and granted additional powers.

The number of parliamentary committees was reduced from 27 to eight. These eight standing committees have well-defined fields of competence and carry out all

mandates within their respective jurisdictions, whether they relate to legislation or to parliamentary surveillance. With rare exceptions, Members – excluding ministers – may sit on only one committee; in this way they can become specialists in a particular field of expertise.

This new structure has shown itself to be a distinct improvement over the old one, in which there were as many committees as there were ministries. It is nonetheless apparent after a few years of experience that the committee workload is not uniformly distributed, with three committees claiming the greatest share of the legislative mandates. This slight imbalance could be corrected, however, by adjusting the field of competence of each committee or by creating a new standing committee.

I come here to one of the subjects appointed for discussion: relations between individual Members and their parties. In the spirit of the parliamentary reform, the office of committee chairman, elected by his peers, was to be central to the accomplishment of the reform's objectives. The chairman would be, at once, the planner, organizer and prime mover of the committee that elected him.

Since the reform, five committees are presided over by Members from the ministerial parliamentary group and three by Members from the opposition parliamentary group. Described in the Standing Orders as an elective position, the chairmanship is in reality nominative, for in practice, chairmen are selected after negotiations between the caucuses and the party leaders.

One might have preferred that these elections be the outcome of a completely free choice on the part of committee members; in practice, since the members of committees are themselves designated by their party caucuses, an effort is made to name as chairman the Member who best represents his peers in committee.

Despite the considerable influence wielded by the parties in the process of electing committee chairmen and vice-chairmen, the prestige and authority of these offices have not been compromised. These positions are eagerly sought owing both to the leadership that office-holders must demonstrate in exercising their duties and to the political visibility that rebounds upon them in consequence.

The fact nevertheless remains that the independence of committee chairmen could be further asserted. I have in mind procedures that I believe would contribute to attaining this goal, such as electing committee chairmen by secret ballot or endowing them with a special right to break any impasse that may arise among members of a committee.

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## Parliamentary Oversight

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As is true in most parliamentary institutions today, the largest share of parliamentary work is done in committee.

The diagnosis pronounced in 1983 found the parliamentary committee system to be deficient. Numerous observers of the day concluded that the institution was in decline and that growing disheartenment among Members would inevitably ensue.

Accordingly it was decided to enhance the role of Members in committees by granting them additional powers. Thus, besides carrying out legislative mandates which receive priority, committees could henceforth act on what we in Quebec term mandates of initiative. These are mandates relating to subjects within a committee's competence that its members have, by a double majority, chosen to undertake. Committees may in this way examine:

- draft regulations and regulations;
- the orientation, activities and management of public agencies;
- financial commitments;
- any other matter of public interest

An analysis of statistics on the mandates of initiative carried out by parliamentary committees in recent years shows that this type of mandate constitutes only a minute part of committee work.

The authors of the reform nonetheless believed they had opened up a promising field of activity in allowing Members to exercise greater surveillance over the administration and over public finance and expenditures. How can we explain the limited use that Members have made of the resources they do have at their disposal? It is possible to hazard some guesses about the reasons for this phenomenon:

- mentalities have not changed since the reform was implemented; the party line prevails as much as it did before the reform;
- participants have an inexact understanding of the concept of ministerial responsibility, which they extend to the most trifling administrative decision;
- the mechanisms allowing committee members to act with relative autonomy have been circumvented by the establishment of parallel mechanisms controlled by the political parties;
- committee proceedings have few, if any, repercussions in the Assembly itself.

I believe it will be necessary to re-evaluate all aspects of the 1984 parliamentary reform in the light of the fruit it has borne. Is it realistic to think the ascendancy of the party line can be diminished to the benefit of greater autonomy for individual Members? This question is more complex than it might appear, for the facts do not seem to confirm the theory. It will also be necessary, sooner or later, to make adjustments in those procedures that have proved through experience to be inadequate, incomplete or unrealistic.

## Conclusion

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In tabling his parliamentary reform proposal the President of the National Assembly noted that "the proposed reform will be genuine only to the extent that Members of the Assembly agree to adapt themselves to the proposed new mechanisms. This reform is founded upon the hypothesis that such is the wish and the ability of Members and that such will be the exigencies of parliamentary democracy in Quebec in years to come."