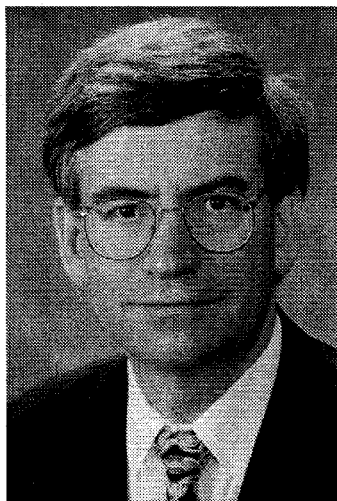

Parliamentary Reform: Recent Proposals and Developments

by Hon. Bill Hartley, MLA

The topic of legislative reform was addressed in the March 2000 Speech from the Throne in British Columbia. This article looks at some proposals outlined in a subsequent motion in the legislature. It also looks at recent reform proposals in Australia and Great Britain.



For many years, the Parliamentary system has been the subject of criticism, not just from the public, but from its own members. A familiar observation in British Columbia, which may also be common in other jurisdictions, is that backbenchers, be they in government or opposition, do not feel they have sufficient opportunity to participate in and influence the work of Parliament. Indeed, across the Commonwealth,

members routinely call for more opportunities for participation in the daily work of their legislatures, more opportunities to represent their constituents, and more opportunities for effective committee activity.

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Among the public, few people would argue that Parliament is perfect. There is increasing evidence that politics and politicians are regarded with cynicism and distrust, which in turn has affected popular view of Parliament. For example, a 1993 Gallup poll found that only a quarter of those questioned had "a great deal" or "quite a lot of confidence" in Parliament.¹

Similarly, a 1994 conference titled "Reinventing Parliament" held at the University of Lethbridge reported "a high level of frustration, alienation, scepticism and loss of respect amongst Canadians towards politics in general and the current system in particular."² A 1995 British opinion poll found that the British public believed, by a majority of three to one, that Parliament did not have sufficient control over what the government did.³

Some critics believe that the problem with modern parliamentary government is that it needs to be more open and democratic - i.e. "the evils of democracy can be addressed by more democracy", with citizen initiated referenda and recall procedures.

While these external reforms have been applied in British Columbia and other jurisdictions, they do not address much of the daily dynamics of our legislatures. Further, it is my belief that while these reforms result in positive gains for the public, there is a danger with these issues to see democracy as the right of the majority to overrule any minorities.

Instead, as parliamentarians, I believe we must recognize the duty of the majority to compromise, and on occasion, to concede to the minority. John Stuart Mill described the task in this way: "to concede something to

opponents, and to shape good measures so as to be as little offensive as possible to persons of opposite views." This balancing of the interests of the majority and minority is central to the role of parliament as a representative institution.

The majority must have its way but the minority must have its say, and the rules and procedures of our institutions must guarantee freedom of debate and safeguard the rights of all members. Presiding officers have a traditional role in the protection of the rights of all members and the members themselves need to have confidence in the impartiality of the chair, if Parliament as a whole is to function effectively. As our legislatures evolve, we must evaluate their effectiveness in the area of balancing of the interests. Also essential is a continuous review of parliamentary rules and procedures to make sure that they are adapted to changing circumstances.

An effective parliament is not a static institution and rules can become archaic if they are not regularly reviewed.

Parliament must be accessible to the public, the media, and its debates and proceedings should be readily available. These days many parliaments broadcast their proceedings on television and on the Internet, which has greatly extended the public's opportunities to follow the debates. All proceedings, including committee proceedings, should take place in public unless there are strong and valid reasons for meeting in-camera.

We must also be practical in nature and enhance the efficiency of parliament. This can include measures, to streamline our business and re-evaluate our daily practices and procedures.

However, as we strive towards enhanced efficiency in our business, we should recognize the fact that "efficiency is not the first priority (nor has it ever been) of the British parliamentary system".⁴

Reforms in Britain, and in other jurisdictions, such as British Columbia and Australia have addressed concerns related to parliamentary effectiveness and efficiency.

In legislatures around the Commonwealth, debate often arises as to how to best move towards the goals of parliamentary reform. Some reformers would suggest that voting should take place by electronic swipe card, while others may insist that "parliament by videoconferencing" is a practical evolution.

As with all things in politics and government, tough decisions need to be made. Reform proposals need to balance the rights of both government and opposition parties, and ensure the effective management of the

legislature, and effective scrutiny of its business. Any changes to parliamentary procedure should be made in consultation with legislators themselves, and with all parties. Ideally, all members will support parliamentary reform measures, but when a consensus cannot be reached, as was recently the case in British Columbia, proponents of parliamentary reform may need to "go it alone."

Recent Proposals in British Columbia

Reform proposals are part of a larger initiative by Premier Dosanjh's administration to build a more co-operative political climate.

The government followed recently through on this promise with a motion outlining a detailed legislative reform package, which proposes to amend British Columbia's standing orders. The reform proposals include:

- Extension of daily sitting hours Monday through Thursday
- Elimination of Friday sittings (to be designated as a constituency day)
- Every fourth week of the session to be designated as constituency week

This extension of sitting hours Monday through Thursday permits a better balance of time to be focused on parliamentary duties, while the designated constituency days on Fridays, and the additional constituency week once a month, allows MLAs more time to focus on work within their constituencies.

A proposed parliamentary calendar (a first in British Columbia) also states that the House shall meet twice annually with:

- A Spring session from February to June (14 weeks in total) – to debate Estimates and some legislation
- A Fall session through October and November (8 weeks in total) – to debate legislation

Overall, the schedule provides the House with approximately 90 sitting days each year – more than the average number over the past decade.

It is hoped that these changes will provide the opportunity for more orderly debate on legislation and estimates. They are also expected to have a positive impact on legislative staff. The certainty of knowing when sessional staff will be required for work may result in less training and recruitment costs and improved staff morale.

Other provisions under consideration in British Columbia include:

- More participation by private members with the opportunity for three private members to make a two

minute statement each day immediately prior to Oral Question Period.

- Creation of a time allocation / guillotine clause allowing government to limit debate on a public bill, allotting a specified number of days or hours for consideration.
- Establishment of a limit of 235 hours of debate for consideration government estimates, including any proposed amendments and sub-amendments.
- Creation of an additional Committee of Supply – thereby providing the opportunity for up to three committees to simultaneously debate Estimates

Initially there was much common ground between caucuses on these proposals. Each side felt that they could live under the proposed changes – whether they found themselves in government or opposition following the next general election. Nevertheless, after extensive consultation and negotiation, one outstanding issue remained. The Opposition suggested that the government should table all legislation for the proposed fall session before the House adjourned the spring session. The government offered that all legislation for the fall session would be tabled within the first two weeks of the fall session, other than legislation required for urgent or extraordinary reasons. Unfortunately, this issue was, in essence, the “deal-breaker” and consensus between the two sides was lost.

Successful parliamentary reforms require a supportive political climate to move ahead. In the case of British Columbia, the pre-election period has proved to be a challenging time to forward compromise on these issues.

However, progress is underway in other jurisdictions. Recent parliamentary reforms in Britain and Australia are useful to examine as potential models for future reforms in British Columbia and other Canadian jurisdictions.

The British Select Committee on Modernisation

In June 1997, the Select Committee on Modernisation of the British House of Commons was established to consider how the practices and procedures of the House could be modernised.

The Committee’s mandate directed it to work towards “enabling the whole House more effectively to carry out its functions of legislating, debating major issues, and holding the Executive to account, while at the same time seeking to ensure that individual Members were able to make better use of their time”.

To date, the work of the Modernisation Committee’s work on the legislative process has resulted in:

- more pre-legislative scrutiny of draft bills by select committees or joint committees;

- a simplified Order Paper, written in plain English, and said to be comprehensible to those beyond the ranks of “parliamentary veterans”
- agreed program motions rather than imposed guillotines. (Program motions, which are introduced after Second Reading of a bill, set the date for the completion of each stage of the bill. Unlike the guillotine motion, this formal time-tabling of legislation ensures that all sections of a bill receive some scrutiny.)
- an agreement for the carry over of bills from one Session to another; and
- explanatory notes for bills written in plain English.

Some unusual aspects of the debating process, such as wearing top hats to raise points of order in divisions, have been done away with. On the advice of the Modernisation Committee, the British House of Commons revised sitting hours on Thursdays, freeing up Fridays for constituency work, similar to recent arrangements in British Columbia. Finally, the Modernisation Committee recommended the establishment of a parallel chamber, similar to the Australian Main Committee to be set up as an experiment to give more opportunities for backbenchers to call the Executive to account.

The reforms of the Modernisation Committee have been met with criticism from the Opposition benches. In July 2000, the Leader of the Opposition, William Hague, released a report of a Conservative Party Commission, titled *Strengthening Parliament*. Supporters of this report characterize the work of the Modernisation Committee as mere window dressing, which fails to strengthen Parliament, and instead only makes life easier for Government. The Conservative Party Commission proposes its own reforms, which it claims enhance effective parliamentary government. Specifically, it proposes a reduction in the number of cabinet ministers, the strengthening the independence of select committees by taking the appointment of committee members out of the hands of party whips, and even a gradual reduction in the size of the Commons from 659 to 500 seats.

The Conservative report recognizes the necessity of political will to successfully implement parliamentary reform. Following this notion, Mr. Hague has made a public commitment that if he becomes the next Prime Minister, the ideas described in this report would be introduced shortly after an election, “before governmentitis sets in”⁵.

The Australian House’s Main Committee

The Australian federal House of Representatives has also adopted a number of reforms in recent years. Significant amongst these is the establishment of the Main Commit-

tee in 1994. The Main Committee is a parallel but subordinate Chamber, where members can debate matters which do not readily find time on the floor of the House. Business is referred to the Main Committee by agreement and any decisions must proceed with unanimity.

The Main Committee is an extension of the Chamber of the House, allowing two streams of business to be debated concurrently. The Committee provides Members with the opportunity to debate bills or reports of a relatively non-controversial nature, while it also frees time in the Chamber for debate on other matters. This allows the time of the House to be used more effectively, and in a sense, significantly increased.

The Australian Select Committee on Procedure began a review of the Main Committee in November 1999.

Matters for consideration by the Select Committee include:

- How effective the Main Committee has been in relieving pressure of business in the House and in meeting the demand for Members to speak.
- Whether any other types of business should be dealt with in the Main Committee, instead of, or as well as, in the House
- The mechanism for referring business to the Main Committee.
- The status of the Committee in relation to the House (both in terms of actual powers and how it is perceived by Members and others).

Conclusion

The recent reform initiatives in Australia, Britain, and British Columbia have taken place at a time when there is

widespread concern and disillusionment with the institution of Parliament. If these concerns are neglected, it is likely that popular views of Parliament will continue to diminish, and the calls for parliamentary reform would become more fervent, and possibly even extreme in nature.

I believe that proposals for reform should be moderate and achievable, but, as the British Columbia experience indicates – to be moderate and achievable, they must also be timely. In each jurisdiction, the members and the parties themselves will have to judge which proposals meet these criteria. Before adoption, reform proposals should be subjected to consultation and examination, but the time eventually comes when something must be done.

Parliamentary reform seems to be an idea whose time has come. Let us learn from each other and move ahead to restore the tradition of effective parliamentary government and adapt it to the new challenges of the 21st century.

Notes

1. Paul Silk and Rhodri Walters. *How Parliament Works*, (London: Longman, 1995), p. 235
2. Casey Vander Ploeg. *Reinventing Parliament: A Conference on Parliamentary Reform – Conference Summary Report*, (Calgary: Canada West Foundation, 1994), p.5
3. "The Restoration of Parliament" *The Economist*, November 4, 1995, p.60.
4. E. George MacMinn, *Committees of the Legislature*, (Victoria: Queen's Printer, 1979), p. 3
5. Peter Riddell, "One man's meat is another woman's poison." *The Times*, July 11, 2000.