
Toward a More Responsive Parliament

by Chuck Strahl, MP

Parliamentarians from all parties have long called for changes that would make the House of Commons more responsive to Canadians. The record low voter turnout at the last federal election is also a warning from the electorate to make local MPs more responsive and responsible to the people casting the votes. Everyone knows that power has been concentrated increasingly in the Prime Minister's office, and while we all can acknowledge the successful political party's right to govern, all Canadians (and all elected persons) also want their local MP to have a meaningful role in Parliament itself.



At the onset of the 37th Parliament, Members of the House have a unique opportunity to implement key changes and begin a new session with a constructive new spirit. In Canada, we should follow the lead of other British Parliamentary systems around the world, and seek a new understanding of the proper and rightful role of backbench MPs in a

modern democratic country.

Stockwell Day, the Leader of the Official Opposition, said during the recent election campaign, "Canadians are justly proud of our heritage of responsible government. But our parliamentary democracy is not all that it should be. Too much power is exercised by the Prime Minister instead of being shared by our elected represen-

tatives. Excessive party discipline stifles open discussion and debate. Grassroots citizens and community groups feel that their opinions are not respected or heard." Therefore we are proposing some simple and do-able reforms that could be a starting point to begin the process of rebuilding Canadians' trust in our parliamentary system.

Free Votes

In April 1998, Preston Manning, noted: There is a myth in the House that lurking out there somewhere is the fiery dragon of the confidence convention, the erroneous belief studiously cultivated by the government that if a government bill or motion is defeated, or an opposition bill, motion or amendment is passed, this obliges the government to resign. This myth is used to coerce government members, especially backbenchers, to vote for government bills and motions with which they and their constituents disagree and to vote against opposition bills, motions and amendments with which they substantially agree. The reality is that the fiery dragon of the confidence convention in its traditional form is dead. The sooner the House officially recognizes that fact, the better for all.

The Canadian Alliance believes that an official commitment by the House to conduct votes freely without

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jeopardizing our parliamentary traditions would strengthen Members' resolve to represent the wishes of their constituents. This can be done by adopting a resolution in the House stating:

That the House shall not consider the vote on any motion to be a question of confidence in the government unless the motion is directly relating to the government's budget or the motion is explicitly worded as a question of confidence.

Closure and Time Allocation

The excessive use of the rules to curtail debate over the years has diminished the effectiveness of debate in our parliamentary system. While the rights of the opposition are immediately and most visibly at stake, ultimately the threat is to democratic rights and freedoms in general. A few rule changes and a commitment to attitudinal change would go a long way toward reversing this trend.¹

Those changes are as follows:

- Bring more accountability to the process by amending the rules to allow for a mini question period prior to a Minister moving a closure or time allocation motion.
- Amend the rules to provide the Speaker with greater discretionary authority. The Speaker should only allow a time allocation motion to be put forward if he is satisfied that the motion does not infringe on the rights of the minority.
- Respect the parliamentary tradition of the balance between the right of an opposition to solicit public support through debate and reasonable delaying tactics and the right of a government to eventually have its legislation come to a vote.
- Provide more legitimacy to the legislative process, including the process for allotting time by allowing free votes.
- Members of the other opposition parties have made similar suggestions during the last Parliament, especially once time allocation was used with a regularity never before seen in Canada. A governing party that restricted debate only on rare occasions would not only have sympathy from the Speaker when such a move proved necessary, but would have public understanding and support as well. Opposition parties would, in turn, pay a political price for unreasonable delaying tactics, and a proper re-balancing would naturally occur.

Spending Accountability – Business of Supply

The business of supply legislation, which accounts for some \$150 billion of spending each and every year, goes through the House faster and with less scrutiny than any other business. Interim supply goes through without any debate at all. Can anyone imagine anything more funda-

mental and more central to Parliament than the way government spends money? Over many years, the House has allowed its authority to be eroded and stolen by the government to the point where the House is now simply a rubber stamp.

That should change. The all-party recommendations from the 51st report of the Standing Committee on Procedure and House Affairs from the last Parliament should be adopted. The recommendations in this report would:

- Give Parliament more authority over the way governments spend Canadians' money
- Allow Parliament some discretion to move the money around.
- Call for the creation of an estimates committee to study the expenditures on an ongoing basis.

Improve Debate

Under the current rules, the most important speakers cannot be questioned in debate. In other words, if the Prime Minister, the Leader of the Opposition or the Minister sponsoring the bill speaks on the bill, we cannot as Members of Parliament question the Minister, the Leader of the Opposition or the Prime Minister following their speeches.

The Canadian Alliance would like to see a question and comment period apply to all speeches with an extended time given to the Prime Minister, Leader of the Opposition and a Minister moving a government order.

Less Government Control over Standing Committees

The election of the Speaker by secret ballot was designed to take the choice of Speaker away from the Prime Minister and give it to the entire House. Since committees are creatures of the House and the independence of Chairmen is as important to Members when they are in committee as when they are in the House, the secret ballot procedure used to select the Speaker should be applied to the election of standing committee chairmen and vice-chairmen.

In addition, less government interference would be achieved by excluding parliamentary secretaries from membership in standing committees. Nothing would prevent a committee from inviting a parliamentary secretary to attend when the committee is studying government legislation or the main estimates. Again these are suggestions that have also been put forth by other Members of Parliament.²

A New Approach to Order-in-Council Appointments

Presently, standing committees have the power to consider order-in-council appointments after the Prime

Minister has made them, but since all they can do is "review" the appointments, they have little real authority. Committees should have the authority to cause a vote to take place in the House of Commons ratifying or removing an appointment made by the government. A committee report recommending the removal of an appointment would cause the appointment to be withdrawn unless the government responded by introducing a motion reinstating the appointee.

A new practice has been established where the appointment of the Officers of Parliament, (i.e. Privacy Commissioner, Access to Information Commissioner, Auditor General, etc.) receives a committee review before the motion is presented to the House. This new practice is voluntary and is not yet an obligation under the rules. The expansion of this practice would add to the responsibilities and independence of Members of Parliament.

The Standing Orders should be changed to require a government to subject all candidates under consideration for these high offices to a committee review. The committee would also be free to recommend candidates of its own. As is the practice now, the ultimate decision would be for the House to decide by adopting a motion.

The Speaker's chief advisor and bureaucrat is the Clerk of the House of Commons. The Prime Minister presently appoints the Clerk. Since the independence of the Clerk is as important to members as the independence of the Speaker, the appointment of the Clerk should be made by the House itself. The independence of the Clerk and Members of Parliament would be enhanced by having a standing committee of the House of Commons select and review candidates for Clerk. The committee would make a recommendation to the House and the House would ratify or reject the recommendation.

Privacy, Access and Ethics Issues

To facilitate the work of the House and to increase the accountability process of government, an additional standing committee should be created (and chaired by the opposition) whose mandate would be to review and report to the House on all aspects of the Acts and Reports of the Privacy and Access Commissioners and Ethics Counsellor. However, the Ethics Commissioner must be appointed by and report to Parliament (not the Prime Minister) in order to establish the office as a legitimate

and credible component of our democratic institution. The law and the rules of Parliament must be amended to allow this to take place.

Office of the Speaker

As some Members of Parliament have argued, there is a serious flaw in the current process of the election of the Speaker in that it does not provide an opportunity for the candidates to make a formal, public presentation on their reasons for seeking the office. The current rules create an unusually open process, except in this area. Without such a forum, each candidate is left to decide his or her own strategy, which leads to a disjointed process, and raises the possibility of behind-closed-doors meetings.³

A new procedure should be established to build on the work of the McGrath Committee which recommended the election of the Speaker by secret ballot. The rules should be amended to allow and require candidates to speak in an open forum before the election of the Speaker begins.

Conclusion

None of these proposals are difficult to implement. Many of them can proceed simply by all-party consent. None of them are constitutional in nature, nor do they restrict the ability of the Prime Minister and government to accomplish their proper executive and leadership roles. What they will do, both collectively and individually, is to subtly rebalance the responsibility for what goes on in Parliament back to individual MPs. Giving backbenchers a meaningful role in the 37th Parliament would go a long way towards building trust between our elected representatives and the people who elected them to these prominent public roles.

Notes

1. See Stephane Bergeron, Bloc Member of Parliament and Bloc Whip 31st Report of the Procedure and House Affairs Committee - May 17, 2000 and Peter MacKay, Progressive Conservative Member and PC House Leader Debates - April 21, 1998.
2. See Bill Blaikie, House of Commons, *Debates*, December 4, 1985 and Roger Galloway, June 21, 1998.
3. See Charles Caccia, Liberal Member of Parliament, *Recommendation to the Standing Committee on Procedure and House Affairs*, October 15, 1997.