
Can Parliamentarians Become Real Players?

by J. Patrick Boyer

For the first time in twenty-five years Canadians elected a House of Commons where no single party has enough seats to command a majority. The advent of minority government is an opportunity for Members of Parliament to overcome problems that have undermined confidence in the House as a political institution. This article argues that in a House of Commons which is again at political centre stage, MPs need quality information about the workings of government. This will enable them to be real players in evaluating the effectiveness of programs and the efficiency of operations.

By way of background let me set out the broad context in which members of the new Parliament find themselves. First, the public and politicians alike have grown highly dissatisfied with existing arrangements. Academics, public policy organizations, public servants and journalists have so busily articulated criticisms and advanced proposals for reform that anyone reading this article already probably knows the litany on unaccountable and dysfunctional systems by heart. From this critical outpouring flows a rising tide of measures for democratic renewal, some implemented at the national level before the election and others, such as electoral reform, on the agenda in British Columbia, Ontario, Quebec, New Brunswick and Prince Edward Island.

Patrick Boyer, author of more than a dozen books including many on Canadian election law and democracy, has worked as a printer, a journalist, and lawyer specializing in communications and electoral law. He was a member of the House of Commons of Canada from 1984 to 1993. A past president of the Couchiching Institute on Public Affairs, he is currently chairman of the Pugwash Thinkers' Lodge in Nova Scotia, president of Breakout Educational Network, and adjunct professor of political science at University of Guelph where he teaches courses in political ethics and accountability in Canadian government.

Second, 'value for money' legislative audits have increasingly documented serious shortfalls both in effective accountability for government operations and appropriate institutional structures for public reporting. From the Auditor General's findings and a steady diet of disheartening scandals in public finances, a growing number of Canadians now believe that a key component of 'responsible government' has eroded to a dangerous degree.

Third, the 2003 report from Canada's *Underground Royal Commission* has documented through extensive interviews with past and present parliamentarians and officials a profound malaise in the workings of institutions intended to provide democratic accountability.¹ From this novel and far-reaching study about the relationship between citizens and government comes, in timely fashion, a clear and dispassionate view of our present circumstances.

Fourth, development in 2003 by the Canadian Comprehensive Audit Foundation (CCAF)² of new principles to report on performance of government operations more rigorously means public reporting has begun moving to a higher level.³ From such comprehensive and comprehensible performance reporting, though still in its early stages of implementation, comes the kind of information that permits parliamentarians to interpret

what really happened and understand with greater specificity what needs to be done for more effective governance.

Fifth, the high level of education of Canadians and the extensive reach of Canada's diverse media of communication combine so that today if any country is able to truly be a self-governing democracy it would be this one. From this web of trained intelligence and interpreted information emerges a citizenry often as acutely informed as the men and women who represent them, and the concomitant belief that a new theory of representation in a modern democracy is overdue.

Other factors of course mix with these five – from the ethical dynamics of news reporting to the partisan contests between contending political parties, from the shifting expectations about government to a revised sense of priorities caused by the end of the Cold War, terrorism, health pandemics and depletion of natural and financial resources.

The End of Responsible Government?

Yet even within this larger accountability context, reinventing or at least dramatically upgrading the role of parliamentarians remains a major matter. This is so because the men and women who represent citizens find themselves functioning amidst institutional relationships that are themselves in the process of historic evolution. In this Information Age, we may be well into the final stage of a 350-year evolution of 'representative' government and legislative assemblies, as we have known them. At its core, this is intrinsically about the viability of democratic self-government in an age where the very underpinnings of responsible government are at issue. That is why the role of parliamentarians, as a talisman for all that is happening with the performance of democratic government in the modern state, is so important.

Prime Minister Paul Martin, within days of taking office and facing severe political fallout from a long-brewing scandal within the Government of Canada's Sponsorship Program, asserted that "a cultural shift" was required in Ottawa. Even before becoming leader, he emphasized that there "must be a change in the way Ottawa works". Mr. Martin addressed the specifics of the Sponsorship Scandal through a variety of measures, from instituting a judicial inquiry to dismissing several senior officials, while also advancing on the larger institutional problems. He did this with measures to improve Parliament by paying down what he had identified as Canada's "democratic deficit".⁴

His various measures (the appointment of a more powerful ethics commissioner, upgrading parliamentary committees, reclassifying the votes in Parliament in order to reduce the strictness of party discipline, and others) should be welcomed as movement in a constructive direction, while still acknowledging they are insufficient to achieve the major "cultural shift" the prime minister himself calls for.

You cannot change the culture until you change the structure. Tinkering is not enough when times call for radical attention to the democratic condition and institutions of representative democracy.

For all the benefits that can accrue to parliamentary government even from Mr. Martin's specific changes, something more is required. To truly eliminate the democratic deficit, parliamentarians themselves must be more effective.

The Politics of Information

It is not a sufficient condition for improving the role of parliamentarians to change the way votes are conducted – if those who vote remain blindfolded; nor improve the resources of parliamentary committees – if it means only more people doing the same old thing; nor contend that elected representatives will be empowered to hold government more accountable – if they still view government performance through the same lenses.

In the new context of a minority House where positions matter and nothing can be assumed, the true "effectiveness" of MPs – and their rising political capital and public credit – will come from overseeing the standards of conduct for public business, the government's choice of strategies to achieve its goals, and the rate at which these goals are achieved.

Marlene Catterall MP drawing on her experience in municipal government where every detail of a city budget was scrutinized and debated, told the *underground royal commission* she found the "superficial consideration of spending estimates in the federal government really quite concerning." Whereas some MPs regarded the internal auditors as "the enemy", she saw the auditor function "as the biggest assistance government has in terms of finding out how well we are doing, how well the resources are being used and whether we're getting the results we should be getting."⁵

More voices can now be heard to say, correctly, that the role of Parliament is to hold the government to account, but accountability is *directly* tied to performance reporting. How can it be otherwise? A parliamentarian's effectiveness is *directly* proportional to the timeliness and quality of the information he or she possesses. Again, how can it be otherwise? A legislator can only become 'empowered' to the degree he or she gets good information about government operations, and 'good' information for parliamentarians requires that it be both *comprehensive* and *comprehensible*.

The way information about government programs and operations is compiled, the criteria used to evaluate that information, and the way it is presented – directly affect how we see government, and whether we judge its workings to be failures or successes. 'We' includes citizens, public servants, journalists, civil society organizations, academics, businesses, labour organizations, the international community and, especially, parliamentarians.

In the breathtaking private sector scandals, from Enron to Parmalat, the verdict has been rendered on the role of false reporting, compounded by weak oversight: reluctance or inability to get true and timely information led to business failures, a downward impact on stock prices, and a retreat of small investors from the market. The absence of credible reporting in the public sector has led to the same erosion of confidence and credibility. Monumental failures, measured by the cost overruns from a nuclear power facility (in Ontario) to a national gun registry, reflect a system where elected representatives (whether in provincial legislatures or the House of Commons) had been marginalized by late and limited information. It sounds trite to observe that the effectiveness of parliamentarians depends on the quality of the information they work with. Yet that is the essence of the problem, which results in people referring to Parliament as 'dysfunctional'.

Institutional trip-wires that formerly stopped mistakes from continuing – such as annual parliamentary scrutiny of spending estimates and the centrality of the Comptroller General's control over spending *before* it took place – have been removed or diminished to vestigial tokenism.⁶ Timely reporting of good information about the operation of government institutions is thwarted by design and by inadvertence alike. Most of what MPs learn is after the fact. More energy is spent on damage control than on course correction. Our quest for 'early warning' systems in defence, national security and public health likewise needs to find expression in relation to government operations.

Since nature abhors a vacuum, at least some of the void in performance reporting has been filled with arms-length evaluations by others – such as *Maclean's Magazine's* annual ranking of Canadian universities or

the Health Council that will monitor and report on key aspects of Canada's health system. While an increase in *management* reporting has been taking place, the lacunae in *public performance* reporting on a timely basis remains, even though such deeper evaluation is essential to give parliamentarians a "view from the driver's seat". The Government of Canada itself reports to Parliament each year in a composite or overview fashion on Canada's large-scale advance toward the country's 'strategic goals'.⁷ This information is truly helpful in providing context and a broad sense of national objectives, though the more detailed performance appraisals making up this composite picture are what MPs need to see to get beneath the gloss.

Critics may argue that the way certain performance reporting has taken place, for instance the reports to Parliament by the Auditor General *after* the fact, only contributes to growing public cynicism, voter apathy, tax evasion and sentiments favouring Canada's multi-billion dollar underground economy. On the other hand, some may believe it is just the opposite: not the public shock of intermittent scandals, but the public's suspicion that waste, confusion and mismanagement are the norm, is what has ruptured trust between citizens and government. If the cure for the problems of democracy is more democracy, the solution to 'bad news' reporting is a dramatic improvement in the quality of the information and a steady flow of comprehensive appraisal reports. A parliamentarian's effectiveness, the sustainability of parliamentary reform initiatives, and the nature of journalistic coverage of government operations, all depend on it.

At the end of 1998, the Standing Committee on Procedure and House Affairs refreshingly sought to re-focus Parliament on its core role. In a report that is an unknown classic, *The Business of Supply: Completing the Circle of Control*, the Committee addressed what Ms Catterall saw as the cause of "a continuing dissatisfaction with members of parliament", the ongoing need for parliamentary scrutiny of the spending estimates process in a way that "members of Parliament fit into that equation."⁸ The message of *Completing the Circle of Control* and its recommendations were that MPs should address spending *before* it took place, rather than *after* as happens with the Public Accounts Committee and the Auditor General. The report's primary purpose was "to make MPs more aware of the whole package of tools at their disposal, to influence not only the immediate budget and the immediate spending plans, but longer-term, shifting priorities of the government." She described a number of these tools, such as the planning and priorities report in the spring ("which lays out not only what the department is doing now but also what they see as the challenges for the next three years") and in the fall the performance report ("so they can hold departments and

ministers accountable for having achieved the results they said they would”), adding that many MPs were not aware of these reports. “I think nobody is satisfied with the job committees do on the spending estimates right now. Better information, more concise and comprehensive information, is needed.”

We need better reporting and more understandable financial performance information. Most financial reports on government operations in Canada defy real analysis, while the spending estimates are prepared in a way “even accountants don’t understand”, according to Hon. Paul Dick. An Assistant Crown Attorney before he served for 21 years as a Member of Parliament, Mr. Dick told the *underground royal commission*, “Quite frankly, the government’s accounting system would be considered illegal, I think, if you happened to be a corporation in the private sector: you would not be allowed to deliver statements the way the government does its accounting.”⁹

All the talk about ‘transparency’ in government is just empty rhetoric when the windows are so tinted all you get is a murky view of a vague picture about an uncertain practice.

Canadians, including government officials and elected representatives as well as citizens and journalists, find present day government confusing and incomprehensible because that’s exactly what it is.

“Our members of Parliament just don’t know what’s going on,” former MP and cabinet minister Paul Hellyer told the *underground royal commission*. “They don’t have sufficient information, they don’t spend enough time studying what’s going on, so how can they criticize effectively?” Most MPs know they are inundated with information, swamped with more than they can ever digest in the time available, but Hellyer’s point was about the *quality* of the information. Forty years ago when he was Liberal Defence Critic, pretty much the same as today, the information MPs deal with in Ottawa on defence matters is fairly low calibre. “I had to get nearly all of my information from the minutes of the Senate and House committees in Washington,” Hellyer explained. “It was astonishing, the information that they had about Canada, far more information than our own people were getting. So I would get up in the House of Commons and ask questions based on the information that Congress obtained from their military people.”¹⁰ As Mr. Hellyer asked, “How can you have an informed debate without MPs who are informed?”

The politics of information requires a robust new reference point for analysis that changes the frame of reference. To move reporting on government performance to such a higher level, one where true analysis can take place, is where the new ‘reporting principles’, developed by the CCAF following widespread consultation, enter the picture. The nine principles enable better performance reporting by advising those who do it to:

- focus on the few critical aspects of performance
- look forward as well as back
- explain key risk considerations
- explain key capacity considerations
- explain other factors critical to performance
- integrate financial and non-financial information
- provide comparative information
- present credible information, fairly interpreted; and
- disclose the basis for reporting.

Any report following those nine principles should, for a change, be both comprehensive and comprehensible – the kind of thing an MP would likely devour as part of his or her diet for self-empowerment.

The CCAF principles are now beginning to be adopted for reporting by governments in Canada, a process that will accelerate as people become aware of them and demand the kind of quality information on government programs and operations that result from their application.

Hand in hand with these reporting principles the CCAF has identified five ‘keys’ for achieving better performance reporting, and in turn better performance, from government. The first is: “Create and sustain relationships built on trust.” The second, very important for human motivation, is: “Align incentives with results and report on results.” The other three keys, intended to lead to higher level reporting, pertain to process: build capacity to generate and use performance information; establish reasonable expectations about performance reporting; and, ensure opportunities for continuous learning and improvement.¹¹

It is clear this is reporting of a different nature than the sensational and scandalous revelations that have become associated, in the politics of information, with many of the Auditor General’s reports. These new principles announced last year for performance reporting by departments, crown corporations and other government agencies have already been getting good reviews abroad, including in the United States. Everyone connected with government in Canada will benefit from standards and criteria uniformly applied across the public sector, just as Generally Accepted Accounting Principles have come to normalize and provide quality reporting in the private sector.

They will be implemented in Canada more swiftly if parliamentarians demand better information. Pressure from citizens will help. Senator George Baker, when still an MP, told the *underground royal commission* that reform of the Canadian Parliament would not happen through action by the politicians or the parties. "If you want to change procedures, you need to have people from the outside making the recommendations. Set up an outside committee made up of academics, political scientists, members of the press gallery and members of the general public who will recommend changes to procedure, as they do in Great Britain and Australia. If you leave it in the hands of the politicians, you won't get change."¹²

Citizens certainly have a stake in this. The more effective our representatives, the healthier become political fundamentals. As Guy Breton, then Auditor General of Quebec, told the *underground royal commission*, "Our high level of participation in affairs of the state through taxes gives us the right to the intellectual satisfaction of knowing that this money is being well spent and not wasted."¹³

This truth lay at the core of a timely report in September 2003 entitled "Meaningful Scrutiny" which dealt with practical improvements to the estimates process. Written by parliamentarians for parliamentarians, it focuses on how to make better use of these new reporting documents coming from government.¹⁴

Modernizing institutional structures and relationships is important because it affects incentives for human behaviour, but it is as important in this process to change the way we really see our government (the so-called 'transparency' issue). Parliamentarians and citizens who elect them need, not new eyes, but fresh ways of perceiving the realities in Canadian government operations. That generally comes in tandem with better information. How one collects information, and what kind of information, and how one reports that information to others, can change the culture. Until this is done Canada's lamented democratic deficit will continue.

Notes

1. The Underground Royal Commission, a citizens' inquiry into Canada's governing institutions and how they serve us, published its report during 2003 in 16 books and 14 hours of television documentaries on ichannel. Information on the books and videos of the documentaries is available at www.theurc.com
2. CCAF-FCVI Inc., a non-profit research foundation incorporated nationally in 1980. The original name, Canadian Comprehensive Auditing Foundation – La fondation canadienne pour la verification integree, was subsequently contracted when the Foundation recognized its role needed to go beyond "an unalloyed focus on audit" and deal with additional aspects of governance and

management, such as "strong accountability, good stewardship and well-performing organizations."

3. See, "Taking Public Performance Reporting to a New Level, at www.ccaf-fcvi.com.
4. Paul Martin delivered an address on October 21, 2002 at Osgoode Hall Law School at York University, Toronto, in which he described the 'democratic deficit' (a term borrowed from the European Community) and six proposals he advocated to deal with it. They were concise, if relatively modest, dealing with: (1) a three-line whip for MPs, (2) referral after first reading, (3) a new system for private members' bills; (4) more independent parliamentary committees; (5) Commons committees review of government appointments, and (6) independent ethics commissioner. Upon winning the leadership of the Liberal Party of Canada at its convention in Toronto in November 2003 he stressed the need to "change the way Ottawa works", and both in Ottawa and Quebec City after taking office as prime minister in January 2004 he described the need for a "culture shift" in Ottawa, with particular reference to the attitudes and practices surrounding to the Sponsorship Scandal.
5. *A Call to Account*, Criss Hajek (ed.) (Toronto: Breakout Educational Network/Dundurn Press, 2003), p. 124.
6. See, for example, Ch. 2, 'The Case of the Missing Tripwires' in J. Patrick Boyer, *"Just Trust Us": The Erosion of Accountability in Canada* (Toronto: Breakout Educational Network/Dundurn Press, 2003), pp. 35-9.
7. *Canada's Performance*, issued yearly by the President of the Treasury Board, and available in various formats. See the Treasury Board of Canada Secretariat website at www.tbs-set.gc.ca.
8. *A Call to Account*, op. cit., p. 124.
9. *Guardians on Trial*, Anthony Hall (ed.) (Toronto: Breakout Educational Network/Dundurn Press, 2003), p. 199.
10. *Talking Heads Talking Arms: Playing the Ostrich* John Wood (ed.), (Toronto: Breakout Educational Network/Dundurn Press, 2003), p. 178.
11. *Ibid.* Also, for more particulars on the advancements in Public Performance Reporting, in terms of current national initiatives, see: *Connecting Canadians & Their Governments: A Research and Capacity Development Program of CCAF-FCVI – Information for Interested Parties* (Ottawa: CCAF, February 2004).
12. *A Call to Account*, op. cit., p.84.
13. *On the Money Trail: Investigating How Government Decisions are Made*, Tim Chorney with Jay Innes (Toronto: Breakout Educational Network/Dundurn Press, 2003.) pp. 171-2.
14. "Meaningful Scrutiny" (September 2003), Report of the Standing Committee on Government Operations and Estimates, Reg Alcock, MP, chair; being a report by the Sub-committee on The Estimates Process, Tony Valeri, MP, and Gerry Ritz, MP, co-chairs.