
The Wisdom of the Elders: A Round Table on Reform of the House of Commons

by Hon. Bill Blaikie MP, Patrick Boyer, Hon. Don Boudria, Madeleine Dalphond-Guiral, Hon. Lorne Nystrom

Respect for the ideas of elders is one characteristic of a healthy community. On May 3, 2006 the Library of Parliament in co-operation with the Canadian Association of Former Members of Parliament organized a round table bringing together some individuals with a great deal of experience as legislators. The panel was asked to suggest at least three ways the House of Commons could be improved. As one might expect there was not unanimity or even consensus on what should be done to reform Parliament. But it was a very stimulating conversation for those who believe in the need for procedural reform. Patrick Boyer was a Progressive Conservative Member of Parliament from 1984-1993. He has served as parliamentary secretary to a number of ministers including External Affairs, National Defence, Industry, Science and Technology and Consumer and Corporate Affairs. Don Boudria was a Liberal Member of Parliament from 1984 to 2004. He is a former minister, Government House Leader and Chair of the Standing Committee on Procedure and Elections. Madeleine Dalphond-Guiral was a Bloc Québécois Member of the House of Commons from 1993 to 2004. She became the first woman to serve as Whip of the Official Opposition. Lorne Nystrom was an NDP member of the House of Commons from 1968 to 2004 except for an interval from 1993-1997. He held a number of positions including Deputy House Leader and Deputy Whip. Bill Blaikie was first elected to the House of Commons in 1979. He was a member of Special Committee on Standing Orders and Procedure and the Special Committee on Reform of the House of Commons. He was chosen Deputy Speaker of the House of Commons in 2006. He served as Chairman for the discussion. The following is an abridged transcript of the session. The full transcript is available from the Library of Parliament.



Bill Blaikie: Before asking our guest panellists for their recommendations on the three most important improvements to Parliament, I would say at the outset that there actually has been a lot of change. There is a tendency, both with respect to Parliament and with respect to public policy, to say that nothing ever changes. Well, that has certainly not

been my experience over the last 27 years. All kinds of things have changed, both in the country and in Parliament. Whether they have actually had the intended effect or whether they sometimes had unintended effects is another matter.

When I first came here there was no parliamentary calendar. There were evening sittings. We often sat through the summer. The Speaker was appointed rather than being elected by secret ballot. There was no ques-

tion and comment period after speeches. There was one 40-minute mind-numbing speech after another.

I say this because I often find that new members of Parliament just take the place as they find it and assume that it was always thus. I get a kick out of saying, "You know, we didn't used to be able to do that." You couldn't get up after debate and ask somebody a question." So there are lots of things that have changed.

Private members' business has changed. Everything comes to a vote now. When I first came here, nothing came to a vote. Then we got part of the way, which is perhaps where it should have stayed. Then there were changes in the whole notion of confidence, and the language of confidence was removed from the Standing Orders so that only those things that are designated as confidence are confidence. The Board of Internal Economy used to be run entirely by the government. There were no opposition members on the board. Who would even contemplate such a regime now?

So lots of things have happened, and I could go on and on. Now we are looking at other things that we would have thought impossible at one point, like changes in campaign financing, which is not strictly a parliamentary matter. We are looking at fixed election dates and appointing Deputy Returning Officers on merit. We are going to have a debate and a vote on NORAD, which is a parliamentary breakthrough, in the sense that we have never had any debates or votes on international treaties like this. So things do happen, but obviously there are a lot more things that need to happen.



Patrick Boyer: The House of Commons is a changing and evolving institution, and we were asked to identify three possible changes that might take place within Parliament as it exists now. We are not talking about other things beyond Parliament—the electoral system or these other issues that are currently on the agenda. Within Parliament itself, often the focus is on

question period, on what can be done to improve the tone and nature of question period. But question period is question period, and I would basically say leave it for what it is. It has its ups and its downs.

If there's any place and any time in the accountability exercise that Parliament is meant to perform, and for parliamentarians to vie with one another to get up and ask a question, it ought to be question period in Parliament. How did this ever get put under party control?

One of the problems we have to address is the extent of partyism in Parliament that operates beyond the degree

that is necessary for party cohesion and becomes an unnecessary straitjacket on the free operation of the institution and members. For example, at 8 o'clock in the morning you have to turn up and meet with the whip or the whip's designated person and justify why you want to ask a question in question period. It is all sorted out according to what is going on in opinion polls and other positioning things, factors that have nothing to do with the direct link between the citizens who elect people into the House of Commons and those members being able to hold the government to account according to their issues. So I would say that is one thing that could be done with question period. Beyond that, nothing else.

The practice has developed that those who would be recognized by the Speaker during question period are on a list established by the parties and the parties' whips. Where did that come from in a representative assembly of elected parliamentarians?

Patrick Boyer

I would invite new members to do what I did at one time when I was in the House, and that is go way up into the top public gallery and look down into what is happening. What you see there is the structure of a battle pit, with two sides ranged there, and the journalists and all the spectators looking down into this pit. Until you have actually gone up and looked at this physical phenomenon, you do not recognize how extensively the structure determines the culture.

People say, well, there should be better manners or something like that in question period. Forget it. Until you change the structure, you cannot change the culture. This is all set up as an adversarial system. Fine, that is the way ours is, but not all parliaments are like that. Many are in the circle, in the round.

The adversarial system is seen as dysfunctional in other parts of our society. In the courts Alternate Dispute Resolution (ADR) is a growth industry. It provides a way that we do not have to fight like combatants but instead get together and talk reasonably. So there are alternatives.

My second recommendation would be the introduction of electronic voting. Rapid voting, tabulating the results quickly, would be a very important step. When I was in Helsinki, I remember seeing their Parliament go through about 12 or 15 votes in about a quarter of an hour. Every member had the key to unlock and push a

button: red for against, green for yes, white for abstention. Within a few seconds, there were the results.

Contrast that with our system. Three times when I was in Parliament, on the government side, I actually voted against legislation that the government was sponsoring and that I was expected to be supporting. It is not the easiest thing in the world when names are being called out row by row, it is being televised, everybody's watching, and you're standing not with your party but with the opposition, and voting with the opposition. At that point the jeers and the catcalls come, and stories such as "Split in the party ranks." This is punishing, and it sends an inhibiting message to parliamentarians.

I think electronic voting could overcome some of the institutional weight that is suppressing a lot of MPs. They talk about free votes in Parliament. Well, the real way to make that happen is to bring in electronic voting.

The final point I want to mention is about committees. I think the real engine driving the work of Parliament is what happens in committees. Once someone is chosen to be on a committee, I believe he or she should be there for the duration of the Parliament, unless appointed into the cabinet or unless by their own volition they want to resign. It is that MP's position to be on that committee and not to be yanked or moved because all of a sudden his or her questioning is upsetting somebody in the power structure. We have seen too many examples, under different governments, of where the independence of parliamentarians on committees was cut down and undermined. They should be on for the term, building up expertise in the legislated areas of that committee's mandate.

Finally, I am also concerned about communications. The public does not know what is going on in committees. We are told you cannot see the good work we are doing in committees because nobody covers it any more. But that is not a problem that should be left alone. Parliament itself decided to create CPAC. Parliament itself can deploy resources for the use of the Internet in relation to committee work. We are in a new age of communication, and parliamentary committees can harness that, can link directly with citizens, can have all kinds of interaction using television, the Internet, and Parliament-generated communication. Tell the story and they will hear it.



Don Boudria: I agree with the Chair when he notes it is not true to say that Parliament has never changed and has never reformed. Not every single rule we have passed has made the place better. Some of them clearly have been the other

way around, and we have gone too far in some directions.

As a matter of fact, remember the debates some years ago about restoring report stage to what it used to be. It was after we stayed here nights and nights voting on amendments that were not really amendments, on the Nisga'a, and a number of things like that. Report stage had been allowed to go out of its original definition such that you could produce anything that sounded like an amendment and the Speaker would allow it to remain on the order paper. After the 2000 election, I was House leader, and we went to Westminster and simply passed a motion upon our return that from here on in, the Speaker shall deal with report stage in the way in which the Speaker had dealt with report stage historically. This meant that we got rid of those so-called improvements for report stage and brought it back to what it used to be. Now legislation can move again after it had effectively ceased to do so. So not everything is an improvement.

From 1985 on, the McGrath report played a very important role. I do not think that we can speak of parliamentary reform without mentioning this report. It brought about many changes. I was here before and after it was published. All the changes that the report brought about were not immediately visible. When we changed the way of electing the speaker, it was a theoretical change. We certainly did not get a new speaker on the very same day.

We only got a new speaker two years later. That was when John A. Fraser was elected. We felt that this new procedure worked fairly well. It was a new set of rules. In my opinion, the results were extraordinary. Basically, from that time on, the speaker was no longer the prime minister's speaker or the government's speaker: he was our speaker. And that is still the case today.

If there had been nothing else in McGrath but that recommendation, that would have been a worthwhile report. It changed a whole pile of other things too. It is true that after McGrath, for a number of years, there wasn't much in the way of changes. After 1993, Herb Gray, without much fanfare, introduced two changes with the support of the opposition. One of them had to do with the plans and priorities, estimates to do with future years as opposed to current years. I do not think that one was particularly meaningful. Or is it that parliamentarians never really used it to the extent they could have? It is an interesting debate.

The second thing was the budgetary consultation process, which is now an institution. Could you think that a committee would not go and hear witnesses about preparing the budget, now that we have done it for a decade? I do not think it would be possible any more. Any

Prime Minister who'd want to go back would be seen as being hopelessly retrograde.

Then there were the three modernization committee reports. I sat on all three. We changed a whole number of rules. All private members' hours became votable. I think that was modernization phase three. Modernization one dealt with a number of other features of the rules of the House of Commons, including the way in which we deal with the annual estimates—for example, target one minister and bring him in the House for one evening in June.

With regard to appointments officers of the House of Commons and officers of Parliament are now appointed by a committee and then the House as a whole. That was all in the modernization committee reports that I as House leader had helped put together, of course with the support of all political parties at the time. So I believe a number of important changes were made there.

Insofar as committees are concerned—and here I differ in opinion with Mr. Boyer—I do not think appointments are defective in terms of the whip having the authority to do so on behalf of the parties. Committees are a microcosm of the House, we all recognize that, and that reflects itself in the way in which people are appointed. I think that part is okay. Where it is hopelessly defective is that every September you have to pretend that there was an election during the summer, restart all of the committees, and waste weeks and weeks of House time getting the committees kick-started again.

That is absolutely wrong. It wastes the time of everybody around here. Lots of valuable work can't start because one party can't produce its list on time, negotiating with one of their backbenchers who does not want to really sit on this committee. The whole thing is stalled and grinds to a halt every September as a result of things like that. There is no logical reason for that. Make that list permanent for the Parliament.

Here I do meet Mr. Boyer's view, except that I do not think you should revoke the power of the whip to replace a member. So it is a little bit what Mr. Boyer said, but not quite, if I can make that differentiation.

On the work of committees generally, I have been to the United Kingdom to France, to Australia, to New Zealand, and a number of other places on some of these modernization reports. None of them have committees as good as ours. We may be lacking in many places, but generally every single piece of legislation in Canada goes to committee. Just about every piece of legislation has witnesses, including the minister, including the citizenry, or civil society, and others who testify to tell us how good or bad is every clause of the bill.

That is unprecedented anywhere else. Compare that to what they do in France or the United Kingdom or elsewhere. It is not even possible to compare. It is not the same at all. It is very good here. I think those who have put together some of these structures need to be encouraged, and the structures need to be made to work better.

Committees have access now to two television rooms all the time, plus a third on an ad hoc basis. My criticism here is that they don't always use it. Many times the TV room is used in its untelevised mode because MPs do not want to use it for that. So it is not always a shortage of resources, it is also a shortage of wanting to use the resources on occasion. If MPs could perhaps get their heads around using it more, it would be a good thing.

On partyism I think it is up and down depending on how you look at it. Yes, it is true that question period is now more party-structured. It resembles the United Kingdom model more today than it did at one time. Today it is reasonably similar, except that the whole government is targeted in Canada, whereas on any given day only four ministers are targeted in the United Kingdom, except Wednesday, when three are targeted.

So it may be up there, but it is also down in terms of committees. Election of a committee chair is done by secret ballot, and so on. Partyism is down in committee, and it is up in certain areas. It is not as clear, I think, as we would want to portray it.

What are three things we should change? The first one and I'm glad Patrick referred to it—is electronic voting. I had it on the tip of my fingers and I let it go. In 1997 we had all-party agreement. Then there was a little bit of resistance in my own party—and it wasn't much, it was just a little bit of resistance—and the powers that be said, "Do you want to back off a little while?" I did, and I shouldn't have. I should have insisted. We would have gotten it. That is a major shortcoming.

No one can explain to me why the Parliaments of India, Tunisia, Saudi Arabia and so many others have electronic voting and we cannot have it here in one of the most liberal democracies on the face of the earth.

Don Boudria

It is fine to say that our clerks are wonderful people to be able to recognize every single person by their name. That is a skill, but is it efficient when we vote like that?

Appointments to committees was my first point. Electronic voting was the second. Third, I do believe that with

private members' bills, although it is overall quite good, there is one major defect. Those are the bills requiring royal recommendations. When a bill requires a royal recommendation, right now it is debated at third reading, even though we know that the government will not provide the royal recommendation. This wastes everyone's time. A member's bill that could be passing is not moving ahead because we are wasting the time on something that we know will stall at the end of the stage.

That is a little complicated as a concept, but it is a major flaw in our system. I think it results from an incorrect interpretation by a chair occupant some years ago. It has been repeated many times since and not been made better. It has just been institutionalized in an unworkable manner.



Madeleine Dalphond-Guiral: I was a parliamentarian for 11 years and I saw a number of changes such as the election of deputy chairs and the fact that all private members' business is now votable. I was a long-time member of the sub-committee responsible for determining what was votable and what was not. Now, everything is votable.

However, there are still a number of problems. I do not have the experience of the other members of the panel but I note various problems inherent to committees. Overall, I quite agree that committees work diligently as long as they are not called upon to vote on anything.

Some committees are non-partisan. I have had the opportunity to sit on such committees. However, there is obvious partisanship within other committees. It is extremely frustrating to see that, whenever there is a vote, the members who worked on a file and took part in all the discussions are replaced. This goes against all logic.

People say they want to improve Parliament's reputation. However, such conduct has the opposite effect. We need to consider how to ensure that we continue to do things logically.

I completely agree on the issue of electronic voting. This has been in the works for a long time. It is now 2006; the time has come to act. It is ridiculous to spend such long hours voting that we sometimes lose sight of what we are voting on. This is not helping to make Parliament more appealing.

Now, I want to talk about the infamous oral question period. Voters and individuals who are interested in politics do not necessarily understand the purpose of oral question period. Essentially, it is a show in preparation for meetings with journalists.

Ministers do not have to answer the questions. Since they do not have to answer, they do not and with reason. I can understand that. The minister identified has no obligation to stand up and answer the question being put. He or she can have anyone else respond.

We may decide to keep the theatrical aspect of question period. We may decide that the individual who gives the best show gets the most air time. Some people excel in this area; Bill was one. However, is that really our objective? I do not think so. In any case, this will not help to increase Parliament's credibility.

There is another possibility—and it has been raised several times—that has potential. I am talking about something called an inquiry, which is a meeting on a specific subject between an elected representative and a minister accompanied by their staff who may assist them in answering questions. Such meetings are not short, not just three minutes, but rather a half hour.

In my opinion, such well-prepared and serious meetings, where parliamentarians and ministers respect one another, could help increase Parliament's credibility. A number of important files affect everyone to some extent.

Softwood lumber was mentioned. I started to hear about it in 1993, and discussions have continued from there. In such cases, workers in this industry, who have serious concerns, might have liked the possibility of an inquiry.

It is true that parliamentarians are there to talk, but they should also be there to understand. When we take the time to listen to every speaker and numerous repetitions, we are wasting energy

Madeleine Dalphond-Guiral

There are a number of other similar files. Furthermore, inquiries would have the advantage of freeing up one day. We are often in Ottawa because we sit five days a week. Parliamentarians do essential work on the Hill, but they also do essential work in their ridings. They have to talk to their constituents. When we are in Ottawa, we cannot talk to our constituents. So, holding inquiries on Mondays or Fridays would allow us to fulfil specific parliamentary duties and free up a vast majority of MPs so they could be in their ridings and do the work they need to do. I think that this solution has potential.

One of the problems is the time allowed for debates on bills. We do not need 30 hours of debate. We need to pre-

pare our speeches, be more rigorous and be better informed.

There is one thing about committees that I have long found shocking. Witnesses often travel long distances, yet when they come into the committee room, the members are not there. I remember chairing a committee and adjourning the meeting, out of respect for the witnesses. When only two members of the committee are present, it is extremely unfortunate. If members of the public knew this, they would not be proud of their parliamentarians.



Lorne Nystrom: I have a couple of comments before I make three recommendations. We were talking about the time wasted by debates. I go back to 1968. I remember the long debates in those days. I remember the Crow debate, which I think was in 1983. I remember speaking 16 times on that one in the House, and we had a guy, Les Benjamin, who spoke probably about

40 times. This thing would go on and on and on. So there have been improvements in terms of how Parliament has evolved over the years.

As for question period. I remember the days when you did not have the whips give the Speaker a list in question period. It was more of a free-for-all and you would just jump up like a jack-in-the-box constantly and you would interrupt people. You would have points of order in the middle of question period. So there have been evolutionary changes that I think have been very positive for the whole system over the years.

But I think the main reason there has to be continuing parliamentary reform is that the ordinary member of Parliament has to hold the executive or the cabinet to account as much as possible. In our parliamentary system, I believe the premiers and the Prime Minister have more power than most presidents or premiers or prime ministers in many parts of the world.

Look at our Prime Minister and the appointment process. He or she basically appoints the Deputy Ministers, the Justices of the Supreme Court, Senators, Heads of Crown Corporations and the list goes on and on. That is an awful lot of power, particularly in a majority parliamentary situation, regardless of the party and regardless of whether it is federal or provincial. So I think the reason we need to continue parliamentary reform is that we have to have more checks and balances on the executive.

I was told to make three recommendations in about five minutes. Number one, I think there should be more free votes. We have made progress in that area but I think we have, in our country, one of the most handcuffed sys-

tems in the world in terms of the lack of free votes for the ordinary member of Parliament. If you look at Britain, in the heyday of Margaret Thatcher and in the peak of popularity of Tony Blair, both those governments lost many votes in the House of Commons and the government did not fall. So there develops, then, a culture in which you're more able to express your own point of view, you express the point of view of your constituents or whatever, without all these consequences.

Somebody mentioned standing up and voting against the government. I did that in one major case myself when we patriated the Constitution back in 1981. There were four of us who voted against the supportive line of the NDP caucus. We knew there was really hell to pay. Bill was in that caucus. There were a lot of consequences, and a lot of people were angry with me for many years for breaking the party line and for disloyalty, and so on. Somehow we have to get away from that, and I think that fewer confidence votes and more free votes is the way we should be going.

Number two, I think we should have stronger parliamentary committees. I think that's very important in terms of giving the MP more power and more independence and more scrutiny of the actual executive.

One thing that I think should be done is more independent staffing on parliamentary committees. I remember a constitutional committee back in the 1980s, when we had a couple of special committees on the Constitution and on patriation and Meech Lake, when the Parliament decided to actually staff the committees, so that an opposition party could hire a special staffer for a committee, and the Conservative government, the governing party, could hire a couple of staff, the opposition Liberals had staff, and so on. That worked very well. I think more staffing is something Parliament should look at, and therefore you'd have better preparation by the members.

I believe the committees should be able to have more independence, should be able to initiate legislation, to bring it to the House and be able to timetable that legislation. I believe there should be permanent membership in committees as well.

Lorne Nystrom

I think there has to be the free selection of chairs. I noticed there was a bit of a controversy on that this year again. I do not want to even guess who was right or wrong on that, but it is important that you have freedom

from the Prime Minister's Office and the leaders' offices in terms of who the chairs and vice-chairs should be.

Finally, parliamentary timetabling is the third point. I have believed for a long time, and I have spoken many times, about the necessity of having a better timetable for parliamentary affairs. I like the announcement by the Prime Minister of the fixed election date. That has been done in British Columbia, I think it has been done in Ontario as well by the Premier of Ontario, and it is something I have long advocated. It takes some power away from the Prime Minister and the premiers to manipulate that date for their own partisan reasons. Of course, if a government falls, then there has to be an election, but outside of that there should be a fixed date every four years.

I would extend that to have a fixed budget date. I see the frustration out there. Provinces do not know how to plan, because they are not sure what the federal budget will have. Municipalities, school boards, and hospital boards do not know what to do because they are not sure what they are getting from the province. If you had a fixed budget date every year, you could then have planning by all kinds of associations and organizations, including provinces, municipalities, school boards and the private sector. So I think that is something that should be looked at very seriously.

I would also have a fixed date for a throne speech. You just timetable these things. Right now, these are timed for, in part, partisan reasons. I think those are some of the changes that should be made.

The final point is that this is parliamentary reform, and I could go on forever on electoral reform. At some time in the future we should be talking about that as well.

Bill Blaikie: I want to respond to a few of the things that were said. The one thing on which there was almost a consensus, except for Don, was the whole issue of what to do about what I have always called the goon squads in committee. As soon as members who are using their brains and their critical faculties arrive at a position different from their party's, the next day they disappear from the committee. I have seen it happen over the years with both Liberal and Conservative governments. You were referring to a situation where all of a sudden all of the people on the committee who studied the bill are gone and a whole bunch of people who do not even know the name of the bill, but know how to vote, are in there the next day.

Ironically, this was dealt with by the McGrath committee. There was a recommendation that the membership

on committees be permanent for the duration of a session, so that people could not be removed from committee by their whips; they could be replaced only with their own signature. And that is something that was never implemented.

There are other things—and this all has to do with committees—that try to increase the independence of committees, like removing the parliamentary secretary. This is very apropos now, because we have a committee coming up in which there are going to be four parliamentary secretaries, never mind one. Having one parliamentary secretary was very difficult. In the last Parliament I moved a motion to have the parliamentary secretary thrown off the committee I was on, and it was passed but then overruled.

In the McGrath report we thought the government people did not need to have a coach. The Mulroney government actually implemented that recommendation for about two or three years—or even longer, for four or five years. Then the need was felt to put the parliamentary secretaries, the government coaches, back on the committee.

With respect to electronic voting, again, the McGrath committee recommended electronic voting. However, I have to say that even though I signed onto to the McGrath committee, I've spent the rest of my parliamentary life fighting against electronic voting. I always felt that the expectation for electronic voting was inflated. The only reason I was for it in the first place was that I thought it would actually make free voting easier. The McGrath committee did recommend that on special occasions you retain the right to have a standing vote on a big vote, on a constitutional vote or whatever. But there is an unintended consequence of electronic voting if people just come in and shove the card into their desks and walk out again.

I have found that a lot of parliamentary business is done in the melee before a vote. That is when all the members of Parliament actually get to see one another. We do not see each other in the parliamentary restaurant any more. We do not even see many of our caucus any more. People have become much more atomized and individualized. But before a vote, you have all 308 people milling around on the floor. That is when I go to see the Minister of Immigration about some case. That is when I go to talk to the Minister of Transport about a labour dispute I have. That is when I do a lot of parliamentary business. We could lose this as one of the unintended consequences of having electronic voting.