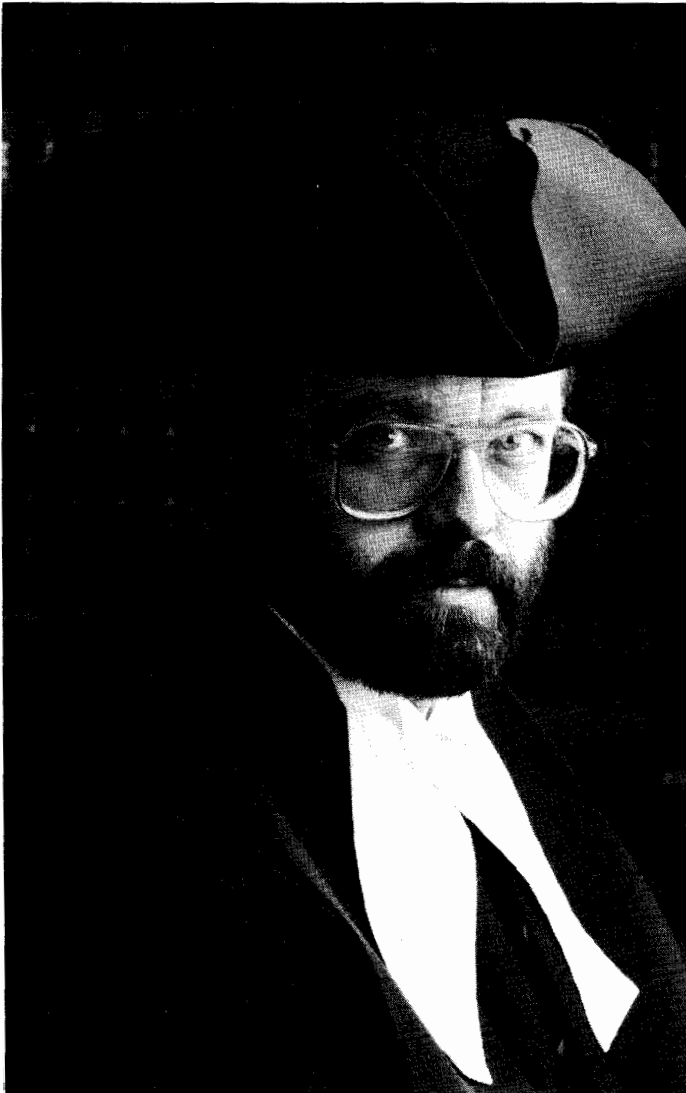


A Speaker Looks at Parliamentary Reform

Hon. John Bosley



Hon. John Bosley, MP *(Francois Proulx)*

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Let me first attempt to set the business of procedural reform in some context, then offer a number of specific points for consideration.

The movement for parliamentary reform constitutes the willingness of members to question and modify the procedures under which they operate in response to changing needs. The impetus for major procedural reform has sometimes arisen from special situations such as the Naval Bill debate in 1913, or from the "bells episode" in 1982. More often, significant procedural reform is the result of less dramatic issues: members' impatience with procedures that wasted time; a demand for closer scrutiny of the estimates; and, of course, the general public's perception of the workings of parliament.

Whatever the impetus, however, it strikes me that the motivation for reform has changed. Traditionally at the centre of the movement for reform has been the attempt to resolve the classic problem posed by any parliamentary assembly: the right of the majority to enact legislation effectively, and the right of the minority to subject such legislative measures to as complete a public scrutiny as possible. The resolution of this problem has turned on the question of the control of time in the house. Almost all significant procedural reform in Canada, regardless of whatever else it has accomplished, has had to address the problem of an efficient management of the time at the disposal of members in the chamber.

In this regard, three not entirely unforeseen results have emerged. The first is that over the years the control of time has come to be vested more and more in the government of the day; that is, the executive controls the legislative timetable. At the same time, reform has tended to limit rather than to expand the time the house can reasonably expend on debate and passage of legislation. Such limitations take the form, for example, of the adoption of a list of non-debatable motions; of fixed time-limits for speeches; fixed dates for supply; time allocation and closure; and a "parliamentary calendar".

Secondly, although reform has placed limits on the time in the chamber itself, it has expanded the importance of house committees as a forum to which the house, coincidental with its own proceedings, may refer various items of business for consideration in a much less "time-limited" way. One would think these two results — greater government control of time in the chamber but expanded powers of standing committees outside the chamber — would constitute two parallel and complementary tracks, along which the

business of parliament would flow. But very soon after these two measures were introduced, conflicts between them seemed to appear. As evidence of this, allow me to quote briefly from the Third Report of the previous Special Committee on Reform, "Caution was expressed ... that any additional powers given to committees should not detract from the fact that the government must maintain the confidence of the House." (#7:9,1982) And then in the next paragraph "The plight of the private member received considerable attention. It was argued that a private member could be more effective and be seen to be exerting some influence if political party discipline were relaxed and more free votes were held."

I suggest these two ideas are very much related. Historically, the machinery for procedural reform was driven by a pressing need to resolve the question of efficient management of time in the house, and consequent reforms placed increased control in the hands of the government of the day. However, commensurate with this result was a growth in the concept of party discipline and a hardening of party lines. This in itself is perhaps natural enough when one considers the number and length of minority governments in Canada in the last quarter century. Three elections during that time came about as a result of the loss of confidence in the government in the house itself.

If, as a result, members on both sides of the house must become increasingly sensitive to the fact that every vote, every motion, every amendment, constitutes a potential threat to the government's continued existence (or conversely, that every vote — even in committee — supplies the opposition with the potential to embarrass or defeat the government), then naturally each side of the house will be increasingly anxious to vote *en bloc* to protect itself or to press its advantage. An inevitable corollary to this is that should a private member, for any reason, wish to dissent from his or her party's position, such a move may be perceived as weakening that party's position, and is taken by others as a sign of internal dissension. We all recognize that party politics is an indispensable element in the activities of parliament; but we also all know the frustration felt by many private members at one time or another as a result of the control which the leadership of every party feels it must exert, given what is on the line when a vote is taken in committee or in the house. One inevitable consequence has been a reduction of the potential contribution individual private members may make to the legislative process.

Thus, in one important sense, the impetus for reform seems to have shifted away from a concern with control of the legislative timetable and is now focused on a number of consequences which reform has brought about incidentally. In general terms these issues centre on party control and the private member. In another important sense, the Committee on Reform of the House is still faced with having to address a particular problem where the management of house time is concerned. It is a problem left over, or unforeseen in previous reforms. Obviously I am speaking of the bells here, and I now wish to turn my attention to this and several other concerns.

The Bells

In my view the Committee on Reform of the House cannot avoid seriously dealing with the potential for unlimited ringing of the division bells. I must say on a personal note that my appreciation

has deepened greatly for the serious dilemma which faced former Speakers Sauvé and Francis. In the past, Canada's House of Commons has faced several serious confrontations of one kind or another but never, until 1982, did the House witness such a procedural crisis where the bells are concerned. In other words, the extended ringing of division bells as a means of protest is a recent issue. Since then, of course, both sides of the house have resorted to this extreme measure.

The point is that our recent practices where voting is concerned suggest the possibility of abuse. I maintain that the bells is not the problem. They are a symptom and evidence of the need for investigation into a wider issue: the effective management of House business. A simple time-limit on the bells would cause an important loss of flexibility; simply giving the Speaker control of the bells would put some future Speaker in an impossible situation. All the aspects of our voting procedure, including what constitutes a vote of confidence, deserve deep study. Despite the efforts of previous Speakers to cope with this problem in an interim fashion, the responsibility for a more permanent and more general solution rests with the House.

Procedural Matters

The next point I wish to raise concerns Members' Statements. As you know, members have ninety seconds each to complete their statements before Question Period begins. However, the statistics we have to date indicate that such statements rarely take the full 90 seconds. It may be desirable to consider shortening the time allowed for each statement from ninety seconds to sixty, in order to allow more members the opportunity to make a statement each day.

This leads me to my third point: Question Period. Members no doubt appreciate the various difficulties facing the Speaker in the conduct of Question Period, partly because the Standing Orders are generally silent where guidelines are concerned. Question Period arouses great public interest and constant interruptions or warnings from the Chair and should be, an unnecessary feature of this period of House business. I have been attempting to restrict the length of preambles and statements on both sides of the house in order to allow as many members as possible to be recognized. I am presently presiding over Question Period with little specific direction. I believe it would be unwise to prescribe strict rules and enshrine them in the Standing Orders. However, as Speaker, I would appreciate suggestions as to what guidelines the house would be prepared to follow in the conduct of Question Period.

In this regard, during my short term as Speaker, I have been impressed by the number of complex and interrelated issues which must be considered in relation to the conduct of Question Period.

Another area where the Committee on Reform may wish to aid the Speaker in his or her discretionary powers has to do with Emergency Debates. The problem is that once the Speaker has determined that such-and-such an issue is proper to be discussed, the debate could continue, in theory at least, indefinitely. As it is now, an application to adjourn for an Emergency Debate carries with it potential procedural consequences which can be factors in determining whether or not to accept the application. For example,

the debate may go on all night, and into the next day, and the next. This is perfectly reasonable in cases of a genuine emergency, but the possibility exists that an Emergency Debate could become a dilatory tactic to destroy the next sitting day. In practice, of course, this is unlikely, but here again, if the Speaker had a clearer indication of the possible duration of Emergency Debates, he or she might be more inclined than at present to allow such debate. The present Standing Order does provide the Chair with certain discretionary powers, nonetheless, I would recommend suggestions or recommendations on the matter.

Administrative Matters

I wish now to turn my attention away from strictly procedural concerns and raise certain matters relating to administration. I completely support the concept raised previously by both Speaker Sauvé and Francis having to do with the formal recognition of the Office of the Administrator in the structure of the House of Commons. This may be done by either an amendment to the Standing Orders or an amendment to the *Senate and House of Commons Act* or by various other means. We now have more than five years' experience with the administrative structure recommended by the Auditor General and this structure has proven to be extremely effective. I cannot imagine the House of Commons being administered in this day and age without a professional, qualified administrator, and his or her position must be formalized to give it the permanence it deserves.

The second administrative matter relates to the Commissioners of Internal Economy. The *House of Commons Act*, Section 16, says: "The Governor in Council shall appoint four Members of the Queen's Privy Council for Canada who are also Members of the House of Commons, who, with the Speaker ..., shall be Commissioners ..." I realize the Committee on Reform has considered this question and made recommendations. These notwithstanding, however, I wonder if it might not also be a good idea to consider a

somewhat more immediate, interim solution. In light of Section 16, this would be simply to allow a Privy Councillor from the Opposition to be appointed as a Commissioner. In my opinion this would be a worthwhile reform, fairly easily made, which would greatly enhance both the perception and functioning of the Commissioners of Internal Economy.

The Committee may also wish to comment on the Management and Members' Services Committee. It has proven to be a useful sounding-board for previous Speakers and I commend the utility of a group of members. This Management and Members' Services Committee is an effective point of contact between members and, through the Speaker, the Commissioners. Equally important, it fulfills a valuable role in consulting with and advising the Speaker. For these reasons, my initial reaction is to support its continued existence, whether or not the make-up of the Commissioners is altered.

Finally, I look forward to some consideration of the possibility of broadcasting the proceedings of standing committees. In fact, I would go further here, and respectfully suggest that once the issue of broadcasting standing committees is opened, it leads, or should lead to a full review of the broadcasting of house proceedings. The house has had several years' experience in televising its own proceedings, and I believe it is now time for such a review.

Insofar as committees are concerned, the two previous occupants of the Chair have both made statements in relation to televised committee proceedings. I myself have written to the chairmen of each standing committee outlining the present situation in this regard. The previous Special Committee went some way in addressing the question. All the evidence points to the need for an ultimate resolution by the house of this question. In this regard I should perhaps inject one note of caution. The advantages of broadcasting committee proceedings are well-known and hardly need elaboration here. However, the implications — financial, technical and organizational — are also very real, and deserve close scrutiny.