

**TOWARDS PARLIAMENTARY REFORM**

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**NOTES FOR PRESENTATION**

**BY**

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**TO**

**THE STANDING COMMITTEE ON STANDING ORDERS AND PROCEDURES**

**HOUSE OF COMMONS**

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**Ottawa  
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The Business Council on National Issues welcomes this opportunity to appear before your Committee. The Business Council considers that an examination of the effectiveness of parliamentary government in Canada is both necessary and timely. At a time when society is questioning virtually every institution in society, those that participate in the governmental process have a special responsibility to ensure that the mechanisms by which we are governed evolve to meet the new and growing demands placed upon them; institutions that do not respond to the challenge of change will no longer have the right or the capacity to discharge any leadership role.

In May of 1979, the Business Council published the results of an extensive study of the workings of Parliament. The study entitled "Parliamentary Government in Canada: A Critical Assessment and Suggestions for Change" was written after consultation with some sixty-five active and former parliamentarians. We recognized that those best able to isolate the deficiencies of the present system and to suggest reform were those that laboured within - those that had experienced the frustration and impotence imposed by the rules of an institution that have their source in history rather than rationale or efficiency.

Based on the consultation and the related study of Parliament, we identified five critical areas under which we were able to group our recommendations for reform:

1. **Legislative Effectiveness**

Legislative effectiveness must be strengthened by improving the processes through which the government's major legislative program is

considered and adopted in Parliament. We recommend that the rules of confidence be relaxed to permit more open criticism and debate and to allow individual Members of Parliament greater flexibility in advancing their arguments. Only the Throne Speech, the Budget, the Estimates in total, and important legislative issues designated by the government would be governed by strict adherence to the rules as they are presently enforced.

Parliamentary sessions should operate on the basis of five-week cycles, each cycle to consist of three weeks of regular sittings, followed by one week of committee hearings and one week of adjournment to permit Members to carry out constituency work. Additional suggestions are put forward in our study to more effectively manage the legislative program before the House and to make the workload of a Member more predictable and orderly.

## 2. The Role of Committees

The committees are recognized as the "work horses" of House business; that being so, reform of the operations and scope of committee activity hold great promise for improved effectiveness. We propose that standing and special committees be given the independent authority and necessary budget to hire expert staff to assist in the preparation of background reports and research, such appointments to be made in an impartial manner. Further, committees should have the independent power to select and initiate subjects for investigation within their jurisdiction.

We favour a mechanism whereby 50 Members of Parliament could initiate study in committee of any particular matter - either in an existing standing committee or if necessary, in a new special committee.

If the committee system is to function properly and play an increased role in the legislative process, there must be greater interaction between the committees and the government. When reports of committees are made to the whole House, the government, through the relevant minister ought to be required to state its position vis-à-vis the committee recommendations. We also have suggestions concerning the appointment of chairmen, the size of committees and the term to be served by committee members.

### 3. Access to Information

The study by the Business Council was completed in 1979. Since that time, freedom of information legislation was introduced by the Clark Government and again by the present Trudeau Government. Bill C-43 was passed last month and we commend this action by the government.

Modern accountability requires at the very least access to accurate information and honest answers to questions. The new freedom of information legislation should be implemented in such a way as to achieve this objective. The exemptions in the legislation providing for protection of Cabinet documentation should be given a restricted interpretation in order that the policy alternatives explored by officials can be made available to all Members of Parliament. Improved access to information will not be effectively exploited unless reforms in this area are accompanied by other changes in party discipline, the rules of confidence and the powers of committees.

Our study addresses the problems of subordinate delegated legislation and the growing volumes of regulations that receive only light scrutiny by Parliament. We recommend that wherever possible, the regulations contemplated for a new bill be drafted and accompany the new bill at the time it is presented to Parliament and its committees.

4. The Particular Case of the Budget and Expenditure Process

A central mechanism by which Parliament can hold the executive to account is the power of the purse. The full study report reviews the then existing procedures used in the expenditure and estimates process and points out the deficiencies of the current parliamentary review of the Blue Book. Now managerial control is left largely to Cabinet Secretariats, Treasury Board, the Auditor General, the Comptroller General, and the Public Accounts Committee.

We recommended that within the tax budget process there be opportunities for better and more open pre-tax budget consultation. The Minister of Finance has recently published a Green Paper (April 1982) that addresses budget secrecy and calls for broader consultation. There is a growing indication that the Minister and the government wish to open up the budgetary process and yet, the Green Paper rejects major reform to parliamentary procedures in favour of more thorough and focussed discussion at each stage - from the budget debate through to the passage of budget legislation. Several useful suggestions are made to improve the process (including tabling of comprehensive Notices of Ways and Means Motions) but we do not believe that Parliament can reassert its control over the matter of supply and the budget without significant reform.

The Business Council favours the creation of a Joint House of Commons - Senate Committee on Economic Policy, co-chaired by a government and opposition member. Pre-budget hearings would be held to receive testimony from interested parties, including the Minister of Finance. Further, we recommend review of major ongoing changes in tax policy by a sub-committee of The House of Commons Committee on Finance, Trade and Economic Affairs. Other committees could also be involved in the review process if the provisions of a tax bill were separated to permit structural and technical provisions to be examined by the most knowledgeable standing committee.

With respect to the expenditure process, we suggest a new Standing Committee on the Expenditure Budget be established to receive and scrutinize a White Paper to be published annually by the Minister of Finance and the President of the Treasury Board. Also, we suggested departments should be required to publish a Green Book that would outline and evaluate all departmental programs and be presented to Parliament at the same time as the Estimates Blue Book is tabled. We are pleased to note our recommendation was acted upon in the Supply Expenditure Plan now published as Part III of the Estimates.

5. **Public Service Accountability**

The Business Council recommends that Parliament regain effective control of the public service and we suggest that such a move will be seen as a positive step by the civil service itself.

Canadian parliamentary government is based upon a system of accountability in which the Cabinet and the public service must render

an accounting to Parliament through the executive. The accountability of the Cabinet is direct while that of the public service is indirect.

To more clearly define the duties owed by officials, we have recommended that a new doctrine of deputy-ministerial accountability for administration be enunciated. The doctrine should set out guidelines for the duties of senior public servants, and it is essential that these include the obligation to testify before parliamentary committees on matters of administration.

In addition, we propose that Order-In-Council appointments be increased to extend greater control down into the public service, such as to assistant deputy minister level. We support increased appointments of qualified outsiders to such positions and augmented use of senior ministerial policy advisors who would hold their positions at the pleasure of the minister.

6. **The Individual Member of Parliament**

The individual Member of Parliament is the cornerstone of the Canadian parliamentary system. Many of the recommendations that have been put forward in our study have as their objective, a more involved and effective individual Member of Parliament. In addition to these reforms, we believe that additional financial resources should be given to members in order to permit members, in their discretion, to hire one additional assistant to aid them in carrying out their legislative responsibilities.

Also, we recommend that the opportunities for private members' resolutions and bills be increased by allowing a fixed number of such resolutions and/or bills to come to a vote in the House.

### Conclusion

As the Special Committee sets out to define its priorities and work program, we suggest that the Committee consider the advisability of publishing a Discussion Paper or an Interim Report. This was the route followed by the Parliamentary Task Force on Regulatory Reform (the Peterson Task Force) and the input that was received was of good quality and targetted directly on the issues that had been isolated in the Discussion Paper.

For our part, we would be pleased to respond with either a second appearance before you or alternatively, to submit written comments on your areas of concern. In addition, we are prepared to meet with individual members of the committee or subcommittees to discuss specific matters.

We are encouraged that the House of Commons is placing some emphasis on parliamentary reform and we encourage your committee to be flexible in interpreting your terms of reference. We hope that your studies will involve something more than a rewrite of the Standing Orders of the House. We believe you should examine the electoral process in total, including electoral reform (proportional representation) and perhaps even the role of the Senate in the legislative process. We wish you well in your studies and we will lend any assistance we can. In the end, the Prime Minister, the government and members on both sides of the House must exhibit the non-partisan goodwill and the political courage to implement change.