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Questions of Decorum: A Summary of Two Conferences on the Work of Parliament

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A Summary of Two Conferences on the Work of Parliament
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QUESTIONS OF DECORUM: A SUMMARY OF TWO CONFERENCES ON THE WORK OF PARLIAMENT

1 INTRODUCTION

On 16 September 2010, the Canadian Association of Former Parliamentarians (CAFA) and the Public Policy Forum (PPF) partnered in offering a conference entitled “Questioning Question Period: Exploring Practical Ideas for Improving Question Period and the Work of Parliamentary Committees.” This conference consisted of two panels. The first panel addressed issues concerning the conduct of Question Period. Its participants were Michael Chong, MP and former Cabinet minister; Anne McLellan, former MP and Cabinet minister; and Jay Hill, MP and former Cabinet minister. The participants in the second panel, “Improving the Work of Committees,” were John Godfrey, former MP and Cabinet minister; C. E. S. Franks, Professor Emeritus at Queen’s University; Monte Solberg, former MP and Cabinet minister; and Francine Lalonde, MP. Ed Broadbent, former MP and leader of the New Democratic Party, presented a luncheon speech giving his views on changes needed to improve the civility and fairness of Parliament.

On 21 September 2010, the Canadian Study of Parliament Group (CSPG) organized a conference entitled “Question Period Reform.” Its first panel, consisting of Mr. Chong, Christiane Gagnon, MP, Glen Pearson, MP, and Denise Savoie, MP, were asked to discuss Question Period reform. To complement this discussion, a second panel, consisting of Sheila Copps, former MP and Cabinet minister, Professor Franks, and Don Martin, columnist for the *National Post*, traced the evolution of Question Period.

In addition, the Speaker of the House of Commons, Peter Milliken, delivered introductory remarks at both the CAFA/PPF and the CSPG conferences.

The CAFA/PPF and CSPG conferences had been organized partly in response to Mr. Chong’s motion, M-517, concerning reform of the rules and practices of the House of Commons with respect to Question Period. The motion calls upon the House of Commons Standing Committee on Procedure and House Affairs to consider a set of proposed changes set out in the motion and to report on findings and recommendations. The motion was adopted by the House of Commons on 6 October 2010. The Committee is to report to the House on or before 6 April 2011.

This paper summarizes the observations and recommendations that emerged from these conferences on their two major themes: Question Period and the conduct of parliamentary committees.

2 QUESTION PERIOD

Hon. Peter Milliken. At both conferences, Mr. Milliken provided a summary of the current rules and practices governing Question Period and offered the unique perspective of the longest-serving Speaker of the House of Commons, and the only Speaker who has served in four parliaments – of which three have been minority parliaments. Mr. Milliken noted that the House of Commons has become an unusually lively place since the election of the first of these minority parliaments in 2004. The vote of every Member counts, and as result the Speaker is faced with a full House every day.

In presiding over Question Period, the Speaker must exercise great care. Question Period provides an opportunity for Members of the House of Commons, exercising their unfettered freedom of speech, to ask questions to hold ministers individually and collectively accountable. Although very few explicit rules govern Question Period, there are some constraints. The time for both questions and answers is limited to 35 seconds. Political parties provide the Speaker with a list of questioners before every Question Period, and the Speaker is expected to follow this list scrupulously, aside from occasional departures to recognize an independent member. The Speaker has no authority over the substance of the questions and answers, and cannot decide which minister should answer a given question.

Hon. Michael Chong. The adoption of Mr. Chong's Motion M-517 mandates the House of Commons Standing Committee on Procedure and House Affairs to study and recommend changes to Question Period rules and practices in order to strengthen the dignity and authority of the House of Commons. It asks the Committee to consider, among other things, the use of discipline by the Speaker, the amount of time given to each question and answer, the random allocation of half of the questions to Members, and dedicating a specific day of the week for questions to the prime minister and other days for questions to other ministers.

At both conferences, Mr. Chong explained the rationale behind his proposal. Declining voter turnout rates in federal elections have become an issue of concern, and the lack of interest among Canadians in voting reflects an increasing gap between Parliament and the public. He described the broadcasting of Question Period as a "window on Parliament" and indicated that the public does not like what they see when they tune in. Mr. Chong contended that the major challenge facing Question Period is its current format. Unless a member gets on the "list," he or she cannot ask a question. This makes asking a question in the House a privilege, when such action should, in his view, be a right. Questions are too diligently controlled by House leaders, giving backbenchers and new MPs very little opportunity to voice the concerns of their constituents. In short, MPs have been stripped of their right to ask questions. To Mr. Chong, voter turnout rates speak to the way Canadians perceive the legitimacy of Parliament, and the most practical starting point in improving the public's opinion of parliamentarians would be to make changes to the format of Question Period. Such changes would make Question Period more civil and provide backbench MPs with greater opportunities to communicate with Cabinet and the prime minister. Mr. Chong acknowledged that the challenges facing Question Period

are part of a much larger problem on the Hill, but proposed that reforming Question Period is simply the best first step in regaining the trust and respect of Canadians.

Professor C. E. S. Franks. Given that Mr. Chong's proposal builds on some of the practices used in the United Kingdom's House of Commons oral question period, Professor Franks was invited to the CSPG conference to review some of the major differences between the two parliaments in this regard. Professor Franks noted that, in the United Kingdom, Oral Questions provides only one opportunity to seek responses from ministers and the government; other means available include written questions. Oral Questions is designed for backbenchers. Each sitting day, 24 questions are randomly selected through a lottery system. To be acceptable, a question must, among other criteria, use concise language, not seek or offer opinions, and relate to the minister's portfolio. Questions may be ruled out of order by the Table Officers or, on appeal, by the Speaker. Although questions are asked orally during Question Period, they are provided in advance in writing to the Table Officers and the appropriate ministers.

Hon. Jay Hill. Former government house leader Jay Hill agreed that Question Period has become the most visible aspect of Parliament, especially since the use of cameras has been allowed in the House. Unfortunately, with so much focus on Question Period, other work done by MPs is overlooked. A combination of successive minority governments and the media buzz surrounding Question Period has allowed this 45-minute session, which is intended to allow the opposition to hold the government accountable, to deteriorate into "simple theatre." Mr. Hill made three proposals. First, the Speaker must be willing to play a tough disciplinarian role and assert the authority necessary to maintain decorum. Second, any reform must be supported by all House leaders, party whips and party leaders. Finally, the media must take heed of the significant role it plays in shaping public understanding of Parliament. By constantly focusing on poor behaviour, the media are allowing Canadians to be under-informed about the work of Parliament.

Hon. Anne McLellan. Ms. McLellan agreed that a remedy for the lack of decorum during Question Period was to entrust the Speaker with a more proactive role in maintaining order and making sure that MPs ask relevant questions rather than making political speeches. In her view, a more authoritative Speaker could set the tone for a more civil and less confrontational House. She also deplored the fact that Question Period has a disproportionate impact on public opinion. As a result of the intense media coverage surrounding Question Period, the public gets only a small glimpse of the work parliamentarians do. One of the most troubling consequences of this disproportionate impact is that some women who might be interested in pursuing a political career are ultimately discouraged by the increasingly confrontational behaviour of members in the House of Commons, including the antics and aggressive behaviour seen during Question Period.

Ms. Denise Savoie. Echoing Ms. McLellan's concerns about the chilling effect of a lack of parliamentary decorum, Ms. Savoie expressed the view that Question Period is increasingly problematic because it deters women from considering politics as a career. Furthermore, women's approaches to national issues are sidelined as a result of the aggressive nature of Question Period. Ms. Savoie made concrete

proposals for the reform of Question Period. Long ovations and applause should be banned, she argued. More cameras in the House of Commons would deter instigators. She also recommended that MPs receive more training, along with more opportunities to discuss relevant issues with ministers. She also contended that the Speaker should have more options in disciplining MPs for poor behaviour, such as the prerogative to eject them from the House, to impose financial penalties, and to eliminate automatic supplementary questions when a question has already been answered. On the other hand, she noted, it would be unwise to grant the Speaker too much authority, as a lack of cooperation in the House cannot be resolved by the Speaker alone. It is the responsibility of individual MPs to make major changes.

Hon. Sheila Copps. For Ms. Copps, Question Period is an important component of the work of Parliament, as it provides a small window of time when the opposition can hold the government to account and probe the government on important issues. However, from her perspective, the effectiveness of Question Period is declining, and MPs are neither asking the important questions nor being provided with adequate answers. Ms. Copps noted that the presence of cameras in the House has drastically changed the behaviour of MPs, making the media an important actor in Question Period reform. As a solution, she proposed that Mr. Chong's motion be expanded to give committees the authority to initiate legislation. From her point of view, such a change would help "rebalance" Parliament, allowing MPs to present legislation in an environment that is inherently less partisan and less aggressive.

Mr. Glen Pearson. As a relatively new MP, Mr. Pearson offered a unique perspective. A supporter of Mr. Chong's proposal to improve decorum during Question Period, he was very critical of Question Period as it is currently conducted. In his view, Question Period fails to reflect the seriousness of the issues that affect Canadians. He argued that party discipline and intense partisanship in the House are barriers to meaningful reflection and action on the concerns of Canadians. However, technical changes to Question Period are not sufficient: "You can't put rules on behaviour." The onus is on parliamentarians themselves to conduct themselves in a more respectful manner.

Ms. Christiane Gagnon. Ms. Gagnon offered her interpretation as to why decorum during Question Period is currently at its lowest point. In her view, the behaviour of Members reflects their frustrations with the current government, which does not respect the role of the opposition or understand its *raison d'être* in the Canadian parliamentary system. She noted that this attitude of the government with respect to the opposition parties is not limited to, but is at its peak during, Question Period, which channels the combined frustrations that MPs experience. In her view, Mr. Chong's proposal would not achieve its purpose, as it does not address the roots of the problem. Ms. Gagnon noted that decorum in the House of Commons ultimately depends not on rules but on the personalities of its members. She advised against the implementation of rigid rules governing Question Period and underlined the importance of the role of caucus in disciplining its members, and the role of each party's leadership (House leader and whip) in improving decorum. She also applauded the creation of an informal multi-party committee on dialogue as a promising means of improving decorum in the House.

Mr. Don Martin. Mr. Martin provided a journalist's perspective on Question Period: "It's why we watch. Everything else is scripted." He explained that journalists typically view Question Period as the most exciting political story of the day, making it one of the most recognized events on the Hill. To Mr. Martin, Mr. Chong's proposal is misguided, as Question Period is not a problem of the collective, but rather of those individual MPs who want to be featured on the evening news. Pessimistic that structural reform will happen any time soon, Mr. Martin was nonetheless hopeful that the media will become more responsible in selecting what parliamentary business to cover, given that they play a critical role in creating and presenting an image of Parliament to the public.

3 THE WORK OF COMMITTEES

Ms. Francine Lalonde. In her remarks to the panel, Ms. Lalonde included a reminder of the structure and importance of the various actors around the committee table. House of Commons committees are composed of Members of the House who elect one of their number as their chair. She noted that the chair is key to the proper functioning of a committee: a good chair secures the participation of all members and ensures that decorum is maintained throughout committee proceedings and that members demonstrate respect for one another. Ms. Lalonde suggested that specific training be provided to MPs who are called upon to fulfil this duty.

Committee members, it goes without saying, are other key players around the table. They try to persuade one another with respect to policies and tend to be more willing to work across party lines. Yet decorum can suffer as a result of the heated debates that arise from irreconcilable ideologies: hence the importance of a good chair.

Ms. Lalonde also underlined the importance of committee staff, namely the committee clerk and Library of Parliament analysts. Committee clerks are parliamentary procedure experts and perform an important function in advising the chairs in this regard. When the procedural rules are understood and followed by all members, and roles are well defined, the work of a committee can be conducted in a coherent fashion. Respecting the rules also ensures predictability and consistency. Committee work is further supported by analysts from the Library of Parliament who, as subject-matter experts, assist committees in their studies in an impartial and non-partisan manner. Furthermore, analysts assist committees in establishing a research plan for reports. Ms. Lalonde also commented on the challenges that the House of Commons and Library of Parliament face with the current renewal of the workforce.

Finally, Ms. Lalonde highlighted the opportunity that committees provide to Canadian citizens to participate in the policy process, which reaffirms the importance of committees as a forum where citizens can express themselves on political issues. The primary ways in which the public can engage with committees is by submitting briefs and appearing as witnesses.

Hon. Monte Solberg. Mr. Solberg asserted the importance of committees in making Parliament more relevant. He stated that a committee is an important forum where complicated questions of public policy can be discussed, but also asked whether this work had any impact on governmental policies. Among Mr. Solberg's proposals was

the suggestion that members of committees take their role more seriously and that parliamentary secretaries no longer be members of committees.

Hon. John Godfrey. Mr. Godfrey also affirmed that parliamentary committees can enhance the relevance of Parliament, provided that they work effectively. In his view, less partisanship and longer terms for committee members would tend to increase effectiveness. Mr. Godfrey explained that the problem with committees is that the government sets the tone for the government caucus members of the committee.

Professor C. E. S. Franks. As a long-time student of Parliament and parliamentary committees, Professor Franks noted that he has witnessed improvement in the work of House of Commons committees in recent decades. Although he agreed that the resources available to committees are sufficient and the committee structure is adequate, Professor Franks identified areas where improvements could be achieved. Echoing the criticism previously made with respect to the membership of parliamentary secretaries on committees, Professor Franks deplored the fact that political parties have taken over committees, diminishing the independence of members and making committees more partisan. Another problem he identified is the duration of the tenure of Members of Parliament as members of committees. He noted that the mandates of Members of the Canadian House of Commons were shorter than, for instance, the tenure of the Members of the UK House of Commons. Also, membership on committees tends to change frequently. Members therefore have insufficient time to become knowledgeable about the policy issues for which their committees are responsible. In a similar vein, he suggested that chairs of committees be appointed to that position for the duration of a parliament.

4 FURTHER OBSERVATIONS

Mr. Ed Broadbent. The observations made by Mr. Broadbent in his presentation, “Changing Procedures Isn’t Enough: Structural Change is Needed to Make Parliament Relevant,” echoed many of the recommendations made earlier by the panellists with respect to Question Period and committees. However, he stated that Canada’s parliament has a fundamental structural problem, in that many voters are not represented in the House of Commons and Cabinet because of the first-past-the-post electoral system. He referred to examples where a province or region was represented by one political party despite the fact that a majority of voters had voted for another. In his opinion, changing the electoral system to adopt a proportional representation system while retaining some sort of regional representation will ensure that democratic institutions reflect the values of all citizens. Such reform would also lead to an improvement of decorum, he argued: given that a proportional representation system would make majority governments unlikely, elected members would have to work in a spirit of cooperation and mutual respect.