

**CANADIAN
STUDY
OF PARLIAMENT
GROUP**

**THE ECLIPSE OF PARLIAMENT?
THE CONCENTRATION OF POWER IN
CANADIAN POLITICS**

**OTTAWA
NOVEMBER 26 – 27, 1999**

CANADIAN STUDY OF PARLIAMENT GROUP

The Canadian Study of Parliament Group was created with the object of bringing together all those with an interest in parliamentary institutions and the legislative process, to promote understanding and to contribute to their reform and improvement.

The constitution of the Canadian Study of Parliament Group makes provision for various activities, including the organization of conferences and seminars in Ottawa and elsewhere in Canada, the preparation of articles and various publications, the establishment of workshops, the promotion and organization of public discussions on parliamentary affairs, participation in public affairs programs on radio and television, and the sponsorship of other educational activities.

Membership is open to all those interested in Canadian legislative institutions.

Applications for membership and additional information concerning the Group should be addressed to the Secretariat, Canadian Study of Parliament Group, Box 660, West Block, Ottawa, Ontario, K1A 0A6.
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ACKNOWLEDGEMENTS

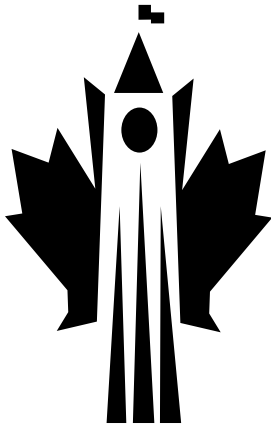
On Friday evening, November 26 and Saturday, November 27, 1999, the Canadian Study of Parliament Group held a conference in Ottawa on *The Eclipse of Parliament? The Concentration of Power in Canadian Politics*.

We would like to express our thanks to all those who contributed so much to the success of the conference. A special thanks to the two keynote speakers: Arthur Kroeger, Chancellor of Carleton University and former deputy minister, and Gordon Gibson, journalist and former member of the British Columbia legislature. Thank you also to the panellists and moderators who participated in the two plenary sessions, as well as the Chairs and participants in the four workshops: Mitchell Sharp, personal advisor to the Prime Minister; Manon Tremblay, University of Ottawa; Paul Adams, Globe and Mail; James Hurley, Privy Council Office; Gordon Robertson, former Clerk of the Privy Council; Benoît Bouchard, former Cabinet minister; Jim Mitchell, Sussex Circle; Ian Deans, former MP; and Bill Cross, Mount Allison University.

We would also like to thank the director of the Parliamentary Internship Program, Professor Leslie Pal, for lending us the assistance of the ten 1999-2000 parliamentary interns as rapporteurs, namely Nancy Beattie, David Cashaback, Ed Gillis, Marie-Josée Lafond, Julie Normand, Amy Nugent, Nancy Peckford, Yves Pelletier, Jasbir Uppal and Justin Vaive.

The important contribution made by the House of Commons through its financial, administrative and logistical support is also recognized, as well as the support and assistance from our fellow CSPG Executive Committee Members in organizing the conference.

Jeff Heynen
Jennifer Smith
Conference Co-Chairs and
Counsellors, Canadian Study of
Parliament Group



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**Keynote Address by
Arthur Kroeger
Chancellor
Carleton University**

How to Keep Parliament Relevant

Arthur Kroeger began by contrasting the immense changes in government administration and service delivery with the relative inertia of parliamentary institutions in Canada. During his nearly 30 years as a federal public servant, government departments have undergone administrative transformations that ensured they would remain relevant to Canadians. Canada's political institutions have changed little by contrast.

According to Kroeger, communications technologies and the ease of obtaining information have created the best informed public this nation has ever had. He described how he grew up on a farm in Alberta where there were no newspapers, and the radio worked only as long as there were batteries. Rural Albertans at the time certainly did not know what MPs did in Ottawa, but only that it must have been important as they all returned wearing suits. Today, modern communication technologies are not only increasing the public's understanding of political issues but are whetting their appetite for more meaningful involvement.

To elucidate this point, Kroeger quoted Sir Francis Bacon (1561-1626): "when knowledge is spread, greater power is diffused". The same argument was raised by Harlan Cleveland in an 1985 publication. In Canada, the increasing public knowledge has resulted in a growing pressure to put an end to vertically-oriented, unresponsive and inflexible public bodies.

Looking at Canada's public service, three independent agencies have recently been created, with 25% of all public servants now working in organizations at arms-length from government. In addition, the consolidation of many federal, provincial and municipal

government offices has given the public easier access to services. The emphasis of the public service, now more than ever, is on addressing the needs of citizens.

According to Kroeger, the Internet – with more than 13 million users in Canada – is forcing greater attention to the relationship between government and citizens. Only four years ago, the federal government established a primary Internet site to provide general information to Canadians. No one foresaw that the public would talk back on the site.

Health Canada's Web site, for example, was originally devised as a self-service site to obtain information. It quickly became a forum for debate and discussion. Most other departments have followed Health Canada's lead, establishing their own interactive Web sites. In addition, all 190,000 federal public servants are now connected to the public by email, a development that undermines the tradition of public service anonymity. Officials are trying to cope with the effects of these new technologies in the absence of frameworks or guidelines.

The Internet cannot be thought of as a standard tool of consultation. It does much more than simply allow citizens to write to their Members of Parliament. Rather, the Internet serves both as a newswire and a polling booth wrapped into one. Whereas radio and television grant the public opportunities to hear, the Internet gives them a chance to *be heard*.

Arthur Kroeger commented on a roundtable he recently chaired involving frontline officials adapting to these new technologies. Many questions were raised. For example, what can be done when email correspondence contains policy elements which require debate? What is to be done in a system that is hierarchically organized and where a series of clearance levels is required? How quickly must public servants respond to citizens' queries, given that polling indicates people expect email to be answered within four hours? What instruments of listening does government need to implement? There are no easy answers to these questions.

Making Parliament Relevant

Jocelyne Bourgon, the former Clerk of the Privy Council, remarked that, despite the growing importance of the public service, politics still matters. Most troubling, however, is that political institutions have hardly changed to match these information and technological innovations. Kroeger remains puzzled by this immobility, as most of the MPs he has known are conscientious, hard-working people. However, when it comes to solving the problem of the disrepute of political institutions, everyone seems to be at a loss.

Some years ago, Kroeger attended Question Period for its entire 45-minute duration, which afforded him some time to reflect. A form of theatre, Question Period gives the spectator a sense of being in a hermetically-sealed compartment with three actors: the Government, the Opposition and the media. While political careers are made or broken in the Chamber, the proceedings hardly correspond to the public and its preoccupations. There is a definite divergence between what the public wants and what the politicians are driven to do.

When the Reform party arrived in Ottawa, its members initially tried to approach things differently by asking constructive questions in the House and minimizing partisan rancour. The media, however, commented disdainfully, and the Reform party was eventually forced into the mould perpetuated by the dynamics of the system.

According to Kroeger, the gap between public demands and political reality is becoming more acute. Kroeger does not think it can be solved by institutional reform, i.e., reverting to a system of proportional representation or creating an elected Senate. The problem lies in the failure to reconcile the public's insistent demands for direct participation with government institutions.

What hope exists for what is called 'direct democracy'? Is electronic democracy a dream, or a nightmare? Some say that technology gives the public a larger capacity to govern itself. This stands in opposition to the

traditional role of the MP as a filter of the public's views. However, there is an increasing belief that the public can play a role.

Has the adversarial nature of party politics become a bad fit with the information age? Whatever the virtues of an adversarial political system, solving problems is not an overwhelming concern within its confines. For the public, however, expectations are different. It sees Parliament as having a brokerage role in solving problems, independently of partisan squabbles.

In Kroeger's view, representative government has an important, if not exclusive, role. There is a need to hear from the public, but in the end, there is a requirement to weigh alternatives and make decisions. Kroeger believes that the public shares this view, but is simply turned off by the theatrics and simplistic formulas offered to them by their leaders. As the adage goes, politicians pretend to have answers, and voters pretend to believe them.

Kroeger believes that the relationship between the public and the government has changed in recent decades. It is not an exaggeration to say that the Internet will have an effect similar to that of the extension of the franchise in the nineteenth century. Coping with this phenomenon will require imagination and a capacity to respond. So far, the public service has been efficient in preparing for the change. Time has come for comparable change at the political level.

*Rapporteurs: David Cashaback and
Yves Pelletier*

**Speech by
Gordon Gibson
Columnist**

***Rescuing Parliament from the Executive
Branch: A Necessary Revolution***

Gordon Gibson, one time adviser to Pierre Trudeau, British Columbia MLA, frequent newspaper columnist, and now Fraser Institute pundit delivered the noon keynote address. A long-time commentator on Canadian politics, Gibson agreed with Donald Savoie's analysis in his recent book, *Governing from the Centre*, that the Prime Minister and his agencies have become all (too) powerful in Canadian government. His talk challenged participants to recognize the blatant indicators of their under-performing democracy and then to demand this situation be rectified.

According to Gibson, our system of Parliament is one devised for a small, unitary kingdom, not a geographically massive, heterogeneous, federal state. Why, then, have our parliamentary institutions not evolved to represent and meet the needs of modern Canada? Our Parliament, Gibson argues, has stagnated under a Liberal monopoly; and, as is the case with monopolies, it has become fat and lazy. Clearly, this smug state of parliamentary affairs is no longer acceptable in the eyes of Gibson.

Despite United Nations endorsements naming Canada as the best place in the world to live, Gibson cited a number of symptoms that speak to the ill health of Canada's political system. Social indicators point to a brain drain. Political indicators include a federal government with one hundred percent legislative power but only 38 percent of the popular vote, a regionalised Parliament, and a province wherein 40 percent of the population would like to leave the country. Parliament, now a mere pawn of the Prime Minister's Office, has failed to recognize these symptoms and Canadians are therefore forced to live with a system that fails us on issues of national importance.

Gibson used the examples of the Nisga'a Treaty and Quebec sovereignty to underline inadequacies in our centralized system. First, he argued that the Nisga'a Treaty is the most important piece of native policy in Canada since the 1969 White Paper. The treaty goes to the heart of Canadian debates around citizenship, equality, and individual versus collective rights. Yet it was decided unilaterally by two political executives, pushed through legislatures with closure, and subject to little scrutiny in a parliamentary committee that would not hold hearings in British Columbia. Whether this is a treaty Canadians like or dislike, Gibson would have liked more extensive and fair debate. That this did not happen is, in Gibson's eyes, an indictment of our parliamentary system.

Second, Quebec continues to express the need for renewed federalism to a seemingly deaf Ottawa. This is a frustration shared with Canadians outside Ottawa and Ontario, and Ottawa is not the solution to the alienation felt by a great many Canadians; it is the problem.

What, then, is to be done about a lazy and unresponsive government in Ottawa? The most fundamental problem raised by Gibson is the incongruity between the way we structure our vote (by individual candidates) and the way our system operates (through parties and party leaders).

Canadians do not own their vote. They do not see it put to work for them in the same way they would in a congressional system. Gibson, however, did not suggest we move dramatically to a more American model of government. Rather, he suggested that Members of Parliament need to readjust their focus away from their pursuit of Cabinet positions and government perks and towards the needs of their constituents. This would not be overly difficult, but would take some courage, particularly on the part of government backbenchers, who are best able to hold the Prime Minister and Cabinet accountable.

To help backbenchers in their new task representing Canadians, Gibson proposed a "lawmakers local" or "backbenchers bill of rights" that would: lay down restrictive rules

about what constitutes confidence, secure the tenure of committee members, provide committees with control over their operating budgets, guarantee more votes on private members' bills, and require hearings on senior appointments.

Is it reasonable to expect this change from our legislators? If so, how is such change practically feasible? Gibson is optimistic that impetus for change could come from a number of sources: a passionate and motivated future Prime Minister, the grassroots, Quebec, creative / competitive federalism. Revolutionary change *can* happen in our Parliament. For Gibson, this revolution is imperative.

The questions from the floor addressed some of the challenges one might confront in attempting such reform. One person asked how to facilitate change if the institution tends to coopt any reform initiatives. Gibson acknowledged the power that is inherent in the system and said the only way to overcome this is for people to direct their efforts to change the rules of Parliament itself versus smaller attempts aimed at modifying parliamentary practices.

Another person wondered how Canadians can effectively marry the parliamentary system with federalism. Gibson responded by advocating increased decentralization so that decisions are taken at the level at which they can be made most competently. He also called for greater transparency in federal-provincial relations, which he characterized as the 'hidden order of government'. Gibson suggested that a council of first ministers or house of provinces in which the decisions made within this forum were subject to larger public debate and scrutiny would go a long way to strengthen the lines of accountability.

A third member of the audience suggested that it is not possible to democratize Parliament without reforming all of its parts, including the Senate. In order to democratize the Senate, members would need to be directly elected and the powers of the Senate itself would need to be circumscribed. Gibson said there were two ways to approach it. To reform the

Senate as the speaker suggested would have a centripetal effect. To abolish it would create a centrifugal force in Canadian politics.

Another member of the audience inquired into Gibson's perspective on recent changes to the elections act, which she believed had shut out smaller parties and marginal voices. Gibson agreed that these reforms had been destructive. He also said parties must become internally democratic.

Gibson was also asked how he would propose to protect minorities in the face of many of his suggested changes. Gibson said that by bringing the state as close to the people as possible, the government will be best able to respond to the needs of the citizenry, including those of minority status.

Finally, Gibson was asked his opinion on recall. Gibson remarked that he regarded the recall mechanism as a useful one as it 'put the fear of god into MLAs'. Furthermore, he said, it frees up MLAs to be more responsive to the needs of constituents as opposed to the party whip.

Rapporteurs: Amy Nugent and Nancy Peckford

Opening Plenary Session
Is Parliament Still Relevant?

Chair

James Hurley
Special Advisor, Machinery of Government,
Privy Council Office

Panellists

The Honourable Mitchell Sharp
Personal Advisor to the Prime Minister

Manon Tremblay
Professor, University of Ottawa

Paul Adams
Ottawa Bureau, Globe and Mail

Mitchell Sharp

Mr. Sharp, personal adviser to the Prime Minister since 1993, is one of the few Canadians who has stood near the pinnacle of power in both the public service and elected office. A former Deputy Minister of Finance, Mr. Sharp served as a Cabinet minister in the Pearson and Trudeau governments respectively from 1965 to 1976 and retired from the House of Commons in 1978. In his remarks, Mr. Sharp addressed the key themes of the conference: the contested relevance of Parliament as well as the assertion that power has become increasingly concentrated in the hands of the Prime Minister.

In focussing on the role of Parliament, Mr. Sharp recounted an episode in 1975 when he visited the British House of Commons along with fellow backbench Canadian Members of Parliaments. The Canadian MPs were stunned by the assertion of their British counterparts that it is not their role to govern their country, but rather to implement the will of the executive. The Canadian MPs' reaction was and is reflective of the unrealistically high expectations that Canadian parliamentarians hold regarding their role in shaping the details of public policy.

Notwithstanding the gap between MPs' real and expected roles, Mr. Sharp mentioned that Parliament remains relevant today largely due to the salience of Question Period – the eclipse of Parliament will not occur so long as we continue with Question Period. QP is an essential element in permitting the opposition to hold the government to account for its actions.

While it is true that the media presently show little interest in parliamentary proceedings outside of Question Period, Mr. Sharp asserted that this has not always been the case. The media took far more interest in Parliament during the succession of minority governments in the 1960s. During this period, the precarious nature of the vote made Parliament far more unpredictable and interesting.

Mr. Sharp also had two suggestions for ways to raise the public's interest in Parliament, short of waiting for the next minority government. First, a certain degree of dissension could be permitted on government bills. Second, parliamentary committees should be more regularly televised. In response to a later question, Mr. Sharp also asserted that we should be vigilant about the frequent use of time allocation and closure in Parliamentary debate. In fact, the present government has used these devices more than any of its predecessors.

Mr. Sharp subsequently addressed the claim that power has recently become centralized in our system of government. Rather than being a recent development, he asserted, the centralization of power has been a feature of Canada's system of government for several decades. Prime Ministers Mackenzie King and St. Laurent had tremendous influence over their respective Cabinets. Even Prime Minister Pearson, who often led a recalcitrant Cabinet and minority governments, was able to push forward an activist legislative agenda. Both Trudeau and Chrétien streamlined the Cabinet agenda to ensure that Ministers presented few surprises at meetings. According to Mr. Sharp, the Prime Minister has and always will have a great deal of power.

Manon Tremblay

In her remarks, Professor Tremblay of the University of Ottawa addressed another measure of Parliament's relevance, namely the representation of women. Professor Tremblay began by asserting that the state of democracy in Canada is strong by world standards, though there is considerable room for improvement. The electoral system is particularly problematic, as reflected in the inaccurate translation of votes into seats as well as the relatively few controls on election spending. For Professor Tremblay, however, the greatest flaw in our democratic system is the under-representation of women in the House of Commons.

This problem of under-representation has long been recognized. In the early 1970s, the Bird Commission on the Status of Women in Canada denounced the limited numbers of women within Canada's decision-making bodies. More recently, the Lortie Commission on Electoral Reform and Party Financing reported that in 1988, women had only reached 25.9% of their demographic weight in electoral bodies across Canada.

The question, then, is whether this under-representation of women mars the effectiveness of Parliament and, by the same token, its relevancy. According to Professor Tremblay, as it is impossible to separate physical presence from ideas, a Parliament with a more diversified composition than is currently the case would certainly be more effective and more relevant to Canadian democracy.

According to Professor Tremblay's research, women and men, as parliamentarians, have different value systems and attitudes which ultimately affects public policy. In her view, without a greater number of women in politics, initiatives such as comparative gender analysis would never have seen the light of day. Professor Tremblay was equally adamant that there should be more women in Cabinet, in senior levels of the public service, and in leadership positions in non-governmental organizations.

Ideally, Parliament should be a microcosm of Canadian society, reflecting its diversity in equitable proportions. The reasoning behind the representation of women also applies to other minorities such as Aboriginal-Canadians and multicultural communities.

Paul Adams

Paul Adams began his remarks by discussing the role of Question Period in the House of Commons, remarking that it aptly fulfils the media's desire for short and confrontational outbursts as opposed to long discourses on public policy. With only 35 seconds now allotted for each speaker, the ability to mount a rational argument is virtually impossible. It is not surprising then that it is labelled Question Period rather than Answer Period.

From Mr. Adams's perspective, Parliament is indeed relevant, though largely in its ability to make the government remain accountable and to work harder – a kind of "lantern" casting light on the shadows of government. Again, Question Period – akin to a permanent election campaign -- focuses the media's glare, and by extension the public's attention, on the most salient weaknesses of the government. The Reform Party, for example, has been particularly keen on "riding issues" for long periods of time with the intent of forcing change in government policy or players. In some instance, they have been successful.

Parliamentary procedure outside of Question Period remains quite irrelevant, however, largely given the media's general disinterest in the legislative process. Adams believes that several reforms could be implemented to render Parliament more salient in the minds of Canadians. Agreeing with Mitchell Sharp, he pointed to the need to loosen party discipline and televise committee work. Decision-making behind closed doors, no matter how efficient or wise, lessens the legitimacy of public institutions in the eyes of Canadians.

Adams concurred with the view that power has indeed become concentrated in Canada, particularly in the hands of the Prime Minister. It is not the case, however, that Parliament has lost considerable power in relation to the executive branch (which has always been dominant in Westminster systems) but rather in relation to the media. For citizens, public discourse and debate are much more accessible today in the media (e.g. television talk-shows, roundtable panels) than they are in the House of Commons or Senate.

Rapporteur: Marie-Josée Lafond

Summary Plenary Session

Chair

Professor Bill Cross
Mount Allison University

Panelists

The Honourable Gordon Robertson
Former Clerk of the Privy Council

The Honourable Benoît Bouchard
Former Federal Cabinet Minister

Ian Deans
Former Provincial and
Federal Member of Parliament

James Mitchell
Former Senior Public Servant

The final plenary session of the weekend was an opportunity for each of the workshop speakers to convey the ideas and discussions of their respective groups to the conference, and for some concluding questions and debate.

Gordon Robertson ***The Power of the Prime Minister***

The Honourable Gordon Robertson began by recounting his group's discussion on the power of the Prime Minister. Of the four PM's with whom he has worked – King, St.-Laurent, Pearson, and Trudeau – he recognized that each was able to tailor his government to his own way and pace. Mackenzie King preferred to have everything in his hands, and each of his Liberal successors modified the structure of power towards their own personal style of leadership. What the four men had in common was the goal of collective responsibility of executive authority, shared by the Prime Minister, the Cabinet and the Governor General.

Mr. Robertson referred to the recent thesis submitted by Donald Savoie that the concentration of power has moved to the centre, at the expense of line departments and Parliament. He admitted that if there were such a centralization of power, it would pose substantial problems for the Constitution and for the type of federalism which Canadians desire.

Mr. Robertson's workshop had deliberated about the existence and degree of the said concentration of power and found no clear consensus.

Among the views raised was a sense that perhaps a more fundamental approach to decentralization (i.e. towards all Canadians, the electorate) should be a primary objective. Mr. Robertson drew attention to the logistical problems with the electoral system, in which a vote of less than 50% frequently determines winners and parliamentary majorities and often creates a deeply fragmented opposition.

It was decided by the Robertson group, then, that there were no precise answers to the problems discussed. Yet, it was agreed that the discussion must go on.

Benoît Bouchard ***Cabinet: Decision-Makers or Focus Group?***

The Honourable Benoît Bouchard, a member of the Mulroney Cabinets from 1984 to 1993, recounted the debate in his workshop on the role of Cabinet in executive decision-making. Much of the workshop had been focussed on the inner workings of Cabinet and the relations between Ministers and other actors in the parliamentary system.

To begin, Mr. Bouchard noted that the sheer size of Cabinet, consisting of between 35 to 40 members recently, rendered it difficult to make decisions as a collective body.

There were some areas of consensus among the workshop's participants. First, it was agreed that proportional representation is needed to enhance the role of backbenchers. Second, minority governments can be more democratic

than majorities, because the ensuing coalitions serve to enforce a degree of compromise. Minority governments are more unstable, yet they accomplish the goal of giving more power to the individual MP. Third, it was agreed that a certain amount of power being concentrated is desirable, for the sake of expeditious decision-making. Most agreed, however, that the present role of MPs, without sufficient resources to balance the expertise of government, amounts to being an ombudsmen for his or her constituents.

Ian Deans

The Role of Parliamentarians

Ian Deans, as an NDP Member of Parliament in Toronto and Ottawa, drew from his substantial legislative experience to discuss the role of parliamentarians. His principal message challenged the common view that the role of the MP has diminished over the years. Certainly, Mr. Deans concedes, the role of the parliamentarian is not nearly as significant as it should be. However, it is “considerably enhanced” compared to what it was when he was first elected in 1967. At that time, he shared an office and a secretary with four other MPs, had no constituency office, travelled very little, and had only one parliamentary committee to choose from: the Private Members Committee.

Of course, today’s Members of Parliament play a much greater role with many more resources at their disposal. The revolutionary shift, Deans explained, came about because of a push by backbench MPs to acquire more relevance. Their plight improved substantially as a result, and Mr. Deans appeared confident that further progress can, and should, be achieved in the coming years.

Mr. Deans’s second principal argument revolved around the role of government leaders in Parliament, and the power they have to make or break the relevance of Parliament in the policy-making process. Beginning with John Robarts in Ontario, he explained, and continuing today, government leaders have played a pathetically small role in Parliament. As a direct result, Parliament has become unimportant.

Mr. Deans made it very clear that a handful of MPs cannot increase the relevance of Parliament. Only those who possess the power now may actually devolve it back down to where it belongs, the Parliament. Government leaders must, through their words and their actions, make Parliament important again. He drew reference to the paltry attendance records of Prime Ministers outside of Question Period. The increased participation of those who wield the power is the sole chance that Parliament will regain its legitimacy.

James Mitchell

Revisiting the Role of the Public Service: The Influence of Central Agencies

James Mitchell made use of his extensive experience in the senior public service in his workshop on central agencies and their relationship to Parliament. His workshop primarily addressed the common proposition that the part of government with the most influence on policy is that which has the least public visibility and the least accountability to Parliament.

The following specific issues were raised during the discussion. First, it was submitted that the research capacity of MPs be increased so that they may effectively scrutinize central agencies and government policy more broadly. Second, it was asserted that a strong central concentration of power around the Prime Minister and the central agencies has existed for a long time. Third, a contrast was drawn between the traditional brokerage role of parties in Canada and of parties in other parliamentary systems, such as the UK. Fourth, the Prime Minister’s powers of appointment were found to be very powerful and pervasive, and a need for a rebalancing of these powers was recognized. Fifth, the issue of non-confidence voting was considered, and it was noted that the UK Parliament does not take a lost vote in the House of Commons to mean a loss of confidence in the government as Canadian parliamentarians do. Finally, in search of direction for progress, it was decided that working towards a situation where all sides understand the division of roles and are better equipped to perform their

respective roles would be a far preferable solution to scrapping the whole system and beginning anew.

Discussion

The first participant asked the panel whether the British practice in which the caucus is capable of dismissing its party leader would be a desirable practice to establish in the Canadian system.

Mr. Bouchard contended that, while there were occasions during his career in Cabinet when caucus was strongly opposed to some of its leader's policies, there are a number of serious downsides to acquiring such an unpredictable practice. Principally, he argued that the ousting of the Prime Minister by caucus, which would not have been the body that chose the leader to begin with, could create a crisis deeper than it was intended to solve. To have an easy mechanism through which the head of government could be deposed could be a hazardous idea from the beginning.

Mr. Deans added that the leader of a party is not merely the leader of the caucus, but the leader of the party coast to coast, and chosen by the latter group at a convention of delegates. To choose and depose leaders through the small body of party members elected to office would be undemocratic and ineffective.

The second participant noted that the conference sought to address two issues: where the balance should lie between an executive-dominated system and a democratic system, and how to redress an imbalance, should one exist. The election of a party leader by a 7,000-member convention is certainly more democratic than by a 150-member caucus. Yet, once this decision is taken, there is a concentration of power in the leader because that decision is not easily reversed. The question was whether one could be sure that, in making the system more democratic, the concentration of power problem would necessarily be resolved.

Mr. Mitchell added that the objective must be to find more accountability. The virtues

of the system – that it is effective, speedy, and cohesive – must be celebrated, and added to those virtues must be more democratic accountability.

The next participant issued a stinging comment on the perceived deterioration of democratic accountability in today's parliamentary system. The participant argued that, in 1939, it would have been unthinkable to go to war without debate in Parliament, as happened in the decision to assist NATO forces in Kosovo. The 1992 referendum on the Charlottetown Accord was an opportunity for the people to say no to the economic and political elite, and they did; yet, since then, much of its content has been implemented through executive federalism. This year, a new electoral law is to be brought in, without the consultation of the electorate itself.

The final question asked each panel member to offer one concrete solution to improve Parliament vis à vis the Prime Minister. Mr. Deans called for a limit on the number of terms which one Prime Minister could serve. Mr. Bouchard called for more free votes in the House.

On that note, the conference convenors thanked all of the panellists, speakers, and participants and adjourned the conference.

Rapporteur: Ed Gillis

Workshop no. 1
The Power of the Prime Minister

Chair

The Honourable Gordon Robertson
Former Clerk of the Privy Council

The Centralization of Power

Mr. Robertson began his presentation by referring to Professor Donald Savoie's thesis that, over the course of the past twenty-five years, power has shifted from the line departments to the Centre and within the Centre itself away from Cabinet and toward the Prime Minister and his senior advisers. The Chair agreed with Savoie's conclusions and focussed the workshop on examining whether these changes have gone beyond what is appropriate within the terms and conventions of our constitution.

To provide some historical context, Mr. Robertson proceeded to explain how the *BNA Act* of 1867 had made provisions for a collective executive. According to the *Act*, executive power is vested in the Queen and exercised by the Governor-General with the advice of the Queen's Privy Council of Canada. The original *Act* also states that the four provinces federally united in the dominion operate with a constitution "similar in principle to that of the United Kingdom". This implied that the executive power was to be exercised by the Cabinet and responsible to the House of Commons.

Next, Mr. Robertson detailed the evolution of the operations of Cabinet. In 1867, Cabinet meetings took place without an agenda, documents, or secretary to record decisions. Mackenzie King was the first Prime Minister to appoint a secretary to Cabinet when he selected Arnold Heeney to organize and attend the War Committee of Cabinet in 1940. Heeney, however, was not permitted to attend Cabinet meetings and it was only in 1945 that King structured Cabinet meetings to include an agenda and allow for a secretary to record

minutes and decisions. The next big innovation occurred in the 1960s when, under the Pearson and Trudeau governments, the structure of Cabinet committees was formalized.

Mr. Robertson mentioned that in 1971 he presented a paper to the Institute of Public Administration of Canada examining how these changes had affected the operation of Cabinet. In his analysis, the Chair argued that the fundamentals of Cabinet remained intact as decisions were still being taken collectively. Today, however, the current power dynamics are so different that this claim is no longer valid.

Mr. Robertson further explained how he believed that we are now witnessing a *de facto* change in our constitution from the traditional Cabinet structure of collective responsibility to a presidential style structure in which Cabinet's involvement in the exercise of power is limited or frequently absent.

This led Mr. Robertson to pose two questions: 1) Does the erosion of executive power in the Cabinet conflict with specific provisions of the Constitution? and 2) Is this shift of power away from Cabinet to the Prime Minister potentially dangerous for the central government of a federation as diverse as Canada? He responded affirmatively to both of these questions. The erosion of Cabinet's power does conflict with the provisions of the federal constitution because the *BNA Act* provides for collective decision-making. Second, this is potentially dangerous in respect to the country's diversity, since the Cabinet is where regional and other differences are represented with the assurance that such factors are taken into account during decision-making.

Mr. Robertson then raised the possibility that perhaps collective responsibility and consensus-based decision-making are unworkable in today's political environment which places a premium on rapid policy-making. If such is the case, it may be undesirable to moderate the Prime Minister's power. The Chair nonetheless quickly dismissed this idea, stating that the demands on the government were equally great during the Second World War, but policy measures always awaited the approval of

the War Committee of the Cabinet because collective responsibility was a highly valued principle. Therefore, he concluded that the current shift of power toward the Prime Minister has occurred not out of necessity, but rather personal preference.

The workshop then focused on how the power of the Prime Minister could be moderated. Mr. Robertson outlined two possibilities. Either, the Prime Minister himself could give more power to the Cabinet which is highly unlikely, or the opposition could speak out against the government's unconstitutional use of power. Given his belief that Parliament should be an open forum where debate and criticism take place, Mr. Robertson felt that the second scenario was most appropriate. He cited the pipeline debate of the 1950s as a case where the opposition was effective.

The moderator began the discussion by asking Mr. Robertson how he thought the concentration of power in the hands of the Prime Minister affected the role of the 'regional minister'. Mr. Robertson replied that, for the most part, the regional minister no longer exists. He explained that while such a minister was considered essential years ago when there was little access to or exchange of information across regions, this was no longer the case. He also commented on how the PCO has come to intervene more often in the affairs of Cabinet, which has resulted in the loss of influence by Cabinet members in the decision-making process. In response, a participant asked if he thought that the type of person capable of functioning as an effective Cabinet minister had changed over the past forty years. He replied that he did not notice any such change in ministers' personal suitability to Cabinet.

Referring to the case of Margaret Thatcher, another participant asked Mr. Robertson to comment on the role of the Prime Minister's party as a mechanism for moderating her power. He replied that since Thatcher was chosen by her party caucus, she had less power than did a Prime Minister such as Mackenzie King who was chosen by party members.

Another participant asked for Mr. Robertson's view on party leader selection, particularly whether the shift by national parties to a one-member one-vote system weakened the ability of caucus to hold the Prime Minister accountable. He explained that the one-member one-vote system strengthens the role of the Prime Minister because it provides him with support at the grassroots, which distinguishes him from his caucus colleagues. He also added that this increasing democratization ironically comes at the cost of the power of rank and file members.

Making Parliament Relevant

The discussion then addressed the question of how to increase the relevance of Parliament in light of this recent concentration of power with the Prime Minister. A participant asked how the opposition could really be effective given that it is so fragmented. Mr. Robertson shared this concern and asserted the need for the opposition to be united in order to be successful.

Another participant asked Mr. Robertson how helpful he thought increasing the resources available to MPs for hiring staff would be in improving the situation for the opposition. He responded that, while it would increase the individual MPs capacity to keep informed, this initiative would do little to help the opposition to present itself as an alternative government.

Given that the governing Liberals only received 38% of the popular vote in 1997, a participant asked Mr. Robertson to comment on the likelihood of Canada adopting proportional representation. He thought it to be very unlikely. The only possible change he envisioned was the adoption of the run-off ballot which would require winning candidates to receive a majority of the votes cast. All other reforms, he stated, would be ill-suited for Canada.

Mr. Robertson was also asked to comment on the possibility of Senate reform as a means of making Parliament more effective. He dismissed this possibility for a variety of

reasons. First, the Prime Minister regards it as an important place for patronage appointments. Second, while many MPs object to such patronage, many would not want a rival house of elected parliamentarians. Furthermore, provincial premiers would likely view elected Senators as threats to their authority as chief elected representatives from their regions.

At the end of the workshop, one participant expressed that, by focussing on moderating the power of the Prime Minister, the discussion was ignoring the real problem: people no longer believe that power resides with them. She spoke of how citizens are upset with the power structure of political parties and therefore embrace the need for direct democracy. Another participant replied by asserting that the existing system remains open for people who feel disenchanted enough to launch their own political parties. He cited the Bloc Quebecois and Reform Party as examples.

Conclusion

Mr. Robertson's observations of the Cabinet process substantiated Donald Savoie's claim that power has not only shifted away from line departments toward the Centre, but within the Centre itself from the Cabinet to the Prime Minister. This shift is troubling since it departs from the law and custom of our constitution and renders Parliament less relevant. While there is a consensus that the power of the Prime Minister should be moderated, how this should be achieved is less certain.

Rapporteur: Jasbir Uppal

Workshop no. 2

Cabinet: Decision-makers or focus group?

Chair

The Honourable Benoît Bouchard Chairman, Transportation Safety Board of Canada

Cabinet, that entity to whom so few people have access, has always generated many questions. Is Cabinet a group of decision-makers or simply a consultation group without any real decision-making power? To help answer this question, the workshop drew upon the views of Mr. Benoît Bouchard who, from 1984 to 1993, occupied the positions of Minister of Transport, Minister of Employment and Immigration, Minister of Industry, Minister of Science and Technology and finally, Minister of Health and Welfare.

Mr. Bouchard opened the workshop by posing the following question: Is Cabinet a decision-making centre or a focus group? After having dealt with two Parliaments, six Deputy Ministers, many political collaborators, over 40 other ministerial colleagues, a caucus, and militants, Mr. Bouchard stated that during the time when he was Minister, Cabinet was sometimes one, sometimes the other.

Cabinet: A decision-making center

Mr. Bouchard believed, perhaps naively he added, that certain policies were the result of the choices he made in co-operation with the staff of various departments. On some issues, he was able to convince other Ministers, Members of Parliament, central agencies, the Prime Minister and, he hoped, the population, on the need for change. This included the recall of the House in 1987 to settle the crisis of refugees arriving on the Atlantic Coast, the anti-smoking campaign launched by the Department of Health, and the dismantling of half of Via Rail. Moreover, he took part in constitutional reform by leading the Quebec caucus following Mr. Lucien Bouchard's departure and then by

acting as co-chair of the constitutional committee during discussion of the Charlottetown Accord. On many of these issues, he stated that the Prime Minister's position had evolved, and sometimes changed.

According to Mr. Bouchard, other colleagues went through the same experience as well. He believed that the current government has kept the same dynamics. He was convinced that the Ministers who took part in the debate on such hot issues as compensation for the victims of hepatitis B did so with the realities of their particular geographic areas in mind, as well as the interest of their own department and their personal affinities. Although the Prime Minister had to come to a decision at some point, Mr. Bouchard believed he took into account the consensus arrived at by the Ministers.

Cabinet: A Focus Group

Conversely, Cabinet is sometimes nothing but a simple consultation group without real decision-making power. On questions of major importance for the Prime Minister such as free trade, the GST, tax reform and the constitutional debate, such topics were certainly the object of long discussions with the Ministers and the opinions expressed often changed the parameters of the debate. Nevertheless, it is undeniable that the final direction is given by the Prime Minister and Cabinet; caucus and Parliament must move within the parameters they set.

Participating in a 39-member cabinet, Mr. Bouchard understood quickly that it was in the smaller committees (such as the Priorities Committee) that Ministers had real influence. It was at the Operations Committee especially that he felt he had decision-making power since this committee only consisted of a handful of Ministers. In that committee, supported by central agencies, the government's agenda was well-defined and nothing went to other bodies without its members' agreement. The Prime Minister, through the presence of his chief of staff or the Clerk of the Privy Council, proposed

directions, but the role of Ministers was the determining factor.

Finally, Mr. Bouchard stated that as Minister, it is sometimes difficult to have a public persona, since all Cabinet members are supposed to adhere to an agreed-upon position and dissent is by definition almost impossible. Having expressed his impatience on a few occasions, he explained that a few phone calls were made to bring him back into line.

During his years in government, Mr. Bouchard had to get to know the exact nature of the Westminster parliamentary system, to understand its rigidity, its unidirectional lines of authority, the importance of the various actors who move around and are subordinate to the centre. Moreover, he understood that the airtight quality of the regime gave the Prime Minister, especially on major issues, an almost absolute power. He stated that on major issues, the population is interested in what the Prime Minister has to say and a statement by him rapidly becomes policy. Seeing government leaders on the television screen every night confirmed his impression that countries see themselves in the image of their leaders. According to him, time will tell whether this is the new definition of democracy. For the moment, Canadians seem quite accepting of centralized power.

Mr. Bouchard concluded that the role of parliamentarians and of Parliament must be redefined. However, any reform should take into account the context of regional affiliations, because, he reminded us, Canada is a fragile country. He reiterated that Cabinet is both a group of decision-makers and a focus group. However, we should not forget that decisions are taken by small Cabinet committees and the ones that will have a definitive impact on the government directly or the future of the country involve the Prime Minister.

Discussion

To launch the discussion, the moderator proposed two questions: 1) Do you feel that the concentration of power is too great in the

Canadian political system? 2) What can be done to make Parliament more effective or more relevant?

In addressing the power of Cabinet, Mr. Bouchard replied that often the Prime Minister makes decisions concerning the broad orientations of policy and the Minister decides on the details. He gave as an example the benefits given to Atlantic fishermen. In that case, the Prime Minister determined the overall amount and the Minister made decisions about how the funds would be allocated. Further, Mr. Bouchard stated that on hot issues such as national unity, the Prime Minister has the last word, like a quasi-supreme authority. The same applies to international issues. Since the Prime Minister is the one who often attends international conferences, he is obviously also the one who sets forth the direction to be taken by the department.

According to Mr. Bouchard, government must allow a greater level of dissidence. He agrees with Mitchell Sharp who explained that the best governments in Canada were minority governments. Moreover, in several countries such as France, Italy or Belgium, coalitions are frequently formed, which is rarely the case in Canada.

A discussion ensued on party discipline. One of the participants stated that she felt this to be necessary if the government is to implement its agenda. However, she approved free votes on social issues such as abortion, homosexuals rights, etc. Other participants came to the conclusion that party discipline is a problem and that dissent should be accepted. As long as we are not prepared to change the party system and accept diverging opinions, no major change will occur.

Another participant commented that power is concentrated in the hands of the Prime Minister, Cabinet, and central agencies, but that it seemed to be moving increasingly toward the Prime Minister's Office. Mr. Bouchard insisted that power is no more concentrated now than it was 75 years ago. The challenge continues to be delegating certain powers to backbenchers, because for the moment, their only role is to

contribute to the adoption of the government's agenda.

In conclusion, there was consensus on only one point. The group concluded that one of the solutions to the concentration of power would be proportional representation which would give Members of Parliament a more important role. Nevertheless, stated one participant, the concentration of power is sometimes necessary to move issues forward. For the moment, however, the role of backbench members continues to be that of the ombudsmen and, taken together, that of a focus group for the government.

Rapporteur: Julie Normand

Workshop no. 3
The Role of Parliamentarians

Chair

Ian Deans
Former Member of Parliament and
Member of Provincial Parliament in Ontario

With more than twenty years of experience as an elected politician, Ian Deans offered workshop participants an insider's perspective on the role of parliamentarians.

Parliament to the bureaucracy is the actor to the director. Mr. Deans noted that the bureaucracy thinks, and rightly so, that it runs government and the affiliated institutions. The bureaucracy takes the ideas of the government and creates policies for the politicians who then communicate them to the public.

According to Mr. Deans, there is no single definition of what makes a good politician. He suggested that it is possible to categorise politicians into two main types. In the first instance, there are the politicians who primarily advocate a cause. They possess a given area of concern and come to Parliament to advance a single issue. One can only hope that such politicians will broaden their vision of their role while in office. The second type of politician is in Parliament because of a belief in the system itself. Don Blenkarn was cited as this type of politician -- someone who is very focused on Parliament and especially the role of committees.

Mr. Deans then addressed the qualities required of a parliamentarian. To be a parliamentarian, people in the community must look to you. He or she must be a shaper of opinions, a leader in the community, and a strong communicator. A politician or parliamentarian must be capable of analyzing an issue in the context of the community's needs.

When elected to Parliament, an individual usually comes to office as part of a party which has a platform that he or she is

expected to follow. A parliamentarian elected under a party banner, however, may not always agree with subsequent policies of the party. If, as a politician, you disagree with your party you must let the party know and *explain* the grounds for your disagreement.

Discussion

In response to a question regarding the role and dynamics of caucus, Mr. Deans compared it to free-for-all wrestling. There are many shades of opinion and everyone feels that their opinion is the best. For caucus to function properly, it must be a place where ideas are shared freely. If members are not willing to support a decision made by the majority of caucus, they must ask themselves if the issue is important enough to publicly oppose the party or at least be absent from the vote in Parliament. If a parliamentarian's conscience does not let him or her miss the vote, then God Bless!

The discussion then turned to the personal life of political candidates and whether it should be made vulnerable to public examination. Mr. Deans noted that politics has an allure beyond explanation and that it is not necessarily about power, pointing out that he was never in power yet managed to accomplish a great deal. He suggested that politics attracts individuals who desire to be part of the solution.

One participant stated that parliamentarians have lost their traditional role as legislators and compensate by trying to act as public administrators. Riding offices, for example, are increasingly becoming information centres on government services. For example, during the Saguenay floods a few years ago, many organizations were working to help the residents of the area. Local politicians tried to insert themselves into the system, which only complicated and confused the situation. The speaker suggested that there is a long-standing tension between elected officials and public servants and that neither can be judged to play a more important role than the other. Bureaucrats provide services while politicians function as representatives, ensuring that the needs of citizens are articulated. The MP functions to a

degree as an ombudsman – the individuals who play this role well are those who are continually re-elected.

The other aspect of a parliamentarian's role that was discussed addressed the capacity to hold government accountable and to propose, alter or reject legislation. Questions were raised as to how and whether backbenchers were really involved and how much influence they have in the legislative process. In response, Mr. Deans pointed out that throughout most of Canada's history, parliamentarians were rarely in their ridings. For citizens, Parliament was always removed, aloof, and distant. An MP would get on a train and stay in Ottawa until the session was over. In the past, questions were debated and approved by all elected members and there were no committees other than the committee of the whole. Today's Parliament is much more open, with communications technologies diminishing the distance between MPs and citizens.

The discussion then turned to the general lack of interest among parliamentarians in the institution itself. This is reflected by Ministers announcing policies to the media and the government's constant use of closure. The comment was made that the Prime Minister determines the role that Parliament plays in governing. If the Prime Minister is committed to Parliament as an institution then it will play a more significant role. One participant suggested that the current Prime Minister does not care a great deal about Parliament; its role as a consequence is less meaningful than that of earlier Parliaments.

Mr. Deans concluded the session by referring to the media. It is his view that today's opinion-laden journalism is increasing citizens' cynicism towards their political institutions. Citizens are beginning to realize, however, that the media are unduly interpreting rather than objectively reporting the parliamentary process. This may actually stir citizens to observe the process more directly and draw conclusions for themselves.

Rapporteur: Nancy Beattie

Workshop no. 4
Revisiting the Role of the Public Service:
The Influence of Central Agencies

Chair

James Mitchell
Partner, Sussex Circle Inc. and
Former Assistant Secretary,
Machinery of Government
Privy Council Office

Mr. Mitchell began the workshop by setting-out a thesis around which discussion would centre. He proposed that it was paradoxical that the part of government that retains the greatest influence, namely the central agencies, is least open to parliamentary and public scrutiny. He and members of the workshop discussed ways to provide a meaningful and effective role for Parliament to better supervise the activities of central agencies. Ultimately the workshop wanted to find devices that would reinforce the link between elected officials and appointed public servants - an essential characteristic of accountable and responsible government.

Mr. Mitchell referred to Donald Savoie's recent book, *Governing from the Centre*, to illustrate that recent Prime Ministers (namely Trudeau, Mulroney and Chretien) have tended to concentrate power within their offices. Echoing Savoie, he stated they have used central agencies to promote their respective agendas. This concentration of power has made the Prime Minister the final and absolute authority in policy development. Only the role of the Minister of Finance comes close to matching a Prime Minister's power and authority.

Speaking from an intergovernmental perspective, Mr. Mitchell pointed out that successive federal prime ministers have taken the view that a concentration of powers at the centre makes the federation easier to manage. This applies both to the Prime Minister's Office as well as the federal government as well. Developments such as the information revolution, the advent of electronic media and

'instant news', and the internationalization of issues demand instant replies from the Prime Minister or coordination from his office. Drawn-out cabinet consultations are increasingly less practical given the necessity of rapid response.

This type of environment becomes conducive to the need for central agencies to coordinate the broad policy directions of the line departments that have historically tended to operate in isolation. Modern policy constraints demand a greater departmental interoperability. Central agencies attempt to fulfil this role.

While the growth of central agencies marks an innovative way to address the need for greater interoperability, Parliament, a basic function of which is to oversee the government, has not evolved to permit effective oversight of central agencies. Therefore, a crucial link in the concept of responsible government is lacking if elected Members of Parliament cannot hold central agencies and their officials to account.

Apart from certain institutional factors, such as party discipline on standing committees and in debate in the House, Mr. Mitchell suggested that limited research and policy support for MPs act as major constraints on Parliament's oversight role. Parliamentarians can only play a meaningful role if they have access to a critical mass of knowledge, which permits them to grasp the inner-workings of central agencies. According to a number of participants, this expertise might take the form of partisan research staff attached to committees, akin to the United States Congress.

In Mr. Mitchell's opinion, enhanced research and policy analysis capabilities could result in more full, accurate and clear disclosures to Parliament. Central agencies, as a result, would take the work of Parliament more seriously. Ideally, Members of Parliament, being close to their constituents, should serve as a sounding board for government policy. This might diminish the sense of alienation that many Canadians often feel towards their government elite.

Rapporteur: Justin Vaive