



**Canadian  
Study  
of Parliament  
Group**

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**Parliaments in the Eye of  
the Information Storm:  
Citizen Consultation and  
Public Service Accountability**

**OTTAWA  
3 - 4 November 1995**

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The Canadian Study of Parliament Group (CSPG) 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 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. Tel: (613) 996-0707, Fax: (613) 992-3674.

## **ACKNOWLEDGEMENTS**

On Friday, November 3 and Saturday, November 4, 1995, the Canadian Study of Parliament Group held a conference in Ottawa on the theme *Parliaments in the Eye of the Information Storm: Citizen Consultation and Public Service Accountability*, which explored how Parliament's relationship with Canadians and public-sector organizations is changing.

I would like to express my gratitude to all those who contributed so much to the success of the conference. A special thanks to the keynote speaker, chairs and panellists: Peter Aucoin, McCulloch Professor of Political Science and Professor of Public Administration, Dalhousie University; Senator Sharon Carstairs; Susan Phillips, School of Public Administration, Carleton University; Reform M.P. Herb Grubel; Denis Desautels, Auditor General of Canada; Evert Lindquist, Department of Political Science, University of Toronto; Ottawa West M.P. Marlene Catterall; and John Reid, CSPG Counsellor. Thank you also to the chairs of the four workshops: L. Andrew Cardozo, President of the Pearson-Shoyama Institute; Susan Phillips; Ruth M. Bell, former CSPG Counsellor and political scientist; and Charles Robert, CSPG Counsellor and Senate Clerk.

I would also like to thank the director of the Parliamentary Internship Program, Professor Clinton Archibald, for lending us the assistance of five parliamentary interns as rapporteurs, namely Till Heyde, Willem Maas, Nicolas Jimenez, Michelle Clippingdale and Dominique O'Rourke.

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F Leslie Seidle  
Conference Chair and  
Counsellor, Canadian Study of  
Parliament Group



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**Table of Contents**

Keynote Address <i>The New Public Management and Public Service Accountability</i>	2
Panel I <i>The Changing Role of Legislative Institutions in Public Consultation</i>	5
Panel II <i>Public Service Accountability to Parliament and Legislatures: Developments and Challenges</i>	7
Workshop no. 1	11
Workshop no. 2	14
Workshop no. 3	17
Workshop no. 4	19

## Keynote Address by Peter Aucoin

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The conference opened with an address by **Peter Aucoin**, McCulloch Professor of Political Science and Professor of Public Administration at Dalhousie University, in which he examined the new public management and public service accountability.

The new public management is a term for reforms to the public sector in Westminster systems. While including Canada, it usually focuses on developments in Britain, New Zealand and Australia since 1980. Although these countries have differed in their approaches to public management change, Professor Aucoin identified three common elements. First, the new public management focuses on results (achieving economy, efficiency and effectiveness), greater strategic direction from government and ministers, and increased public service responsiveness to ministers and citizens. Second, it emphasizes improved performance (achieving cost-effective delivery and compliance systems), involving both the devolution of authority and responsibility for the management of government operations, and more explicit contracting for specific outputs and management requirements. Finally, there is a focus on enhanced accountability (ensuring transparency in authority and responsibility relationships), necessitating stronger reporting requirements and more comprehensive, and public, audits, reviews and evaluations.

Professor Aucoin noted that there is a growing acceptance that the devolution of authority, responsibility and accountability for the management of operations is a necessary condition for improved performance. This idea has even gained currency in Australia and Canada, which had been reluctant to separate authority, responsibility and accountability for policy and operations. He added that there is increasing agreement that public sector accountability must be tied to personal performance contracts, at least for senior public sector executives, and to service performance contracts for entire departments and agencies. In the latter case, contracts should normally be public documents.

These ideas imply a measure of direct public sector accountability to Parliament that does not sit well with the traditional conventions of ministerial responsibility at the heart of our political system. Under these conventions only ministers are accountable to Parliament, and this responsibility

extends to both the administrative and policy dimensions of public management. While civil servants might provide information to parliamentary committees, they generally do so on behalf of ministers, and ultimately are servants of the Crown, not of Parliament or the general public.

Over the last two decades this understanding of ministerial responsibility as public accountability has been challenged. To some extent this process builds on moves to enhance legislative control over government and has thus occurred independently of the agenda of public management reform. This greater control is evident in measures such as committee reforms to allow scrutiny of ministers and officials, freedom of information laws, the growing role of parliamentary oversight agencies and the strengthening of judicial review. All of these measures have required greater public accounting by ministers and officials for their management of public affairs.

For public servants, the critical aspect of these changes has been the erosion of anonymity through appearances before parliamentary committees and their identification, by name or position, in public information. While this change can to some extent be accommodated within traditional understandings of ministerial responsibility and accountability, its practical political effect has been to undermine these constitutional conventions.

Professor Aucoin identified several dynamics at work in this evolution of constitutional conventions. First, under our system of responsible government based on parties, individual ministerial responsibility is effectively subordinate to collective responsibility, and ministers do not resign in cases of alleged, or proven, maladministration by officials. They therefore have incentives to blame their officials so as to escape personal responsibility.

Second, since parliamentarians have little capacity to control ministers by extracting accounts from them, increased opportunities to scrutinize the administration of public affairs have encouraged them to hold officials directly to account, in order to ensure that someone is held responsible. The fact that individual ministers, who are willing to blame and name officials, head departments thus no longer serves as a justification for restricting parliamentary committees from demanding explanations directly from public officials. With the expansion in the role of parliamentary committees, it was inevitable that direct public service accountability would come to the forefront.

Third, moves to strengthen audit and review mechanisms, by focusing on the full range of executive government, have emphasized the important role of officials in public management. Freedom of information laws and the growing role of the courts in reviewing executive and administrative decisions have, in many countries, had a similar results.

The effect of these developments has been accelerated by additional factors. These include a general decline in public confidence in government, increasingly aggressive mass media, the multiplication of interest groups unwilling to operate within the executive-bureaucratic arena and the emergence of political leaders with negative attitudes toward public service and public servants.

The result of these changes has been increased uncertainty, even confusion. In Canada, the official position is that ministerial responsibility is unchanged and that public sector accountability to parliamentary committees is limited to issues not involving the Commons' confidence in ministers. Rather than representing a distinction between "policy and administration," this viewpoint separates "politically controversial" issues from those that are not. The practical value of such nuances is not, however, immediately evident.

In Britain, the official view is also that the convention of ministerial responsibility is unaltered. Government argues that public sector accountability has been strengthened in two ways. First, public sector accountability to Parliament is more transparent. The links in the chain of accountability between ministers and the chief executives of executive agencies, which now manage most government operations, are now more evident. Parliament thus knows what has been agreed to concerning responsibilities for services, targets, standards and business plans. Second, public sector accountability to the "consumers" of its "products" has been strengthened by this transparency, as well as by the establishment of citizen's charters for the executive agencies and the provision of performance information on public services. As a result, public sector management accountability is clearer than in the past.

Finally, in New Zealand and Australia, the official position again emphasizes the continuation of ministerial responsibility. It is, however, in New Zealand that change has been the most significant. Chief executives of departments have full responsibility for managing and delivering services contracted with ministers, and these links are governed by statute. Chief executives are also

directly responsible for the performance of their departments in meeting their output contracts and for the management of the resources provided by Parliament, over which they have almost total control.

In considering the evolution of accountability, some critics have expressed concern about a "democratic deficit." They point to the fact that ministers increasingly seek to evade responsibility for operational matters. Professor Aucoin argued, however, that far from being able to return to traditional responsibility conventions, there will be pressure for even greater change in the future. He noted that efforts to reform public management with the goal of advancing performance require clear, transparent descriptions of accountability relationships to facilitate the devolution of operations from ministers and central management agencies. In such a setting ministers will not be willing to accept responsibility for officials' actions within the scope of their defined authority. Finally, public servants will be increasingly obliged to furnish accounts to other public forums, including citizens and the media, as service standards and reporting on performance become more common.

In light of these changes, Professor Aucoin argued for a number of changes in public sector management. First, there should be continued efforts to increase the transparency of policy objectives, outputs, and authority, responsibility and accountability relationships. Second, performance reporting must improve. Third, the quality of audits, reviews and evaluations must improve and be made publicly accessible. Each of the measures would promote performance and good government. Such steps would also provide a defence against both political expediency and bureaucratic rigidity.

Professor Aucoin argued that to reap the benefits of these improved practices requires both that government and Parliament be committed to good administration, and a recognition that these accountability tools have limitations. Absolute standards of clarity, performance and objectivity are not reasonably attainable, and a considerable level of subjectivity will always be present. These limits should not, however, justify a reduced commitment to pursuing good government, even in the realm of public service accountability to Parliament.

While pursuing such a commitment, measures to protect the rights and reputations of officials who are subject to more direct public service accountability are also critical. One proposal is to allow public servants appearing before parliamentary committees to have the right to representation by

counsel and to call witnesses who may be examined under oath. Another suggestion, already in effect in New Zealand, is to remove from ministers the right to dismiss senior public servants and to invest it in a neutral commission. This body would be fully knowledgeable about the performance of each deputy and could speak authoritatively in defence of the public service, and particular public servants.

While one may suspect that such measures might introduce some measure of tension between ministers and public servants, as well as between MPs and public servants, Professor Aucoin argued that this is an inevitable by-product of the shift toward direct public sector accountability. In light of the powers of ministers, the privileges of MPs and the inability of traditional conventions to accommodate the need to have bureaucrats provide accounts, a new regime to protect the rights of public servants is essential if we are to preserve and promote a professional, non-partisan public service providing both responsible and good government.

Following Professor Aucoin's presentation, several members of the audience asked questions. The first concerned the extent of devolution and privatization of government functions in Britain. Professor Aucoin noted that the parts of the public service most affected are those providing services directly to the public. Non-delivery portions of government, notably those involved in policy and corporate services, have not been as significantly affected. Indeed substantial reductions, perhaps up to 25 per cent, may soon occur in the corporate service sector. Professor Aucoin compared this to the situation in New Zealand, where the chief executives of departments have full responsibility for personnel management and only deal with the central Treasury for expenditures. The key distinction between the two countries has been the much greater devolution of power in New Zealand.

The second question concerned the reaction of both MPs and citizens in other countries to these changes. In Britain there were fears about a loss of ministerial control over government. After implementation, however, MPs felt more satisfied with the greater level of accountability from the heads of executive agencies. In New Zealand, initial concerns were largely hypothetical and have not been realized. Indeed, reform has had a beneficial effect by showing that the politicization of administrative errors is not necessarily catastrophic. If faced openly, such mistakes are one-day wonders, and it is the attempt to hide them that leads to problems. As a result, attention in the New Zealand accountability

system is more centred on broad administrative issues.

In response to a subsequent question about the need for reform in Canada, Professor Aucoin noted that this country has lagged behind the other Westminster systems. There has been a lack of clarity, consistency and coherence about the goals of change. Furthermore, while other jurisdictions have benefited from a certain level of consensus between the opposition and government, this has been lacking in Canada. Yet, in light of its high level of indebtedness, this country has a greater need for change than the other jurisdictions. Professor Aucoin also noted that both Canadian ministers and Parliament have been more abusive of their public servants. Canada is caught in the unenviable situation of having a public service trapped between Parliament and government, coupled with a generalized cynicism about the ability to effect change. This is not a situation conducive to good government.

The final question focused on the devolution of powers in Canada and the fear of concentrating too much authority in officials. Professor Aucoin noted that, while in other jurisdictions the principal concern was about a powerful but ineffective bureaucracy, in Canada there is a lack of central authority. While everyone can block progress, no-one accepts responsibility for decisions. Concerns about devolution in the Canadian context relate to worries that such moves would give away sources of power to the bureaucracy. Other countries have dealt with this concern by contracts and performance reviews. He also noted that while the more successful Westminster systems have adopted a direct approach to reform -- change structures, and changes in bureaucratic culture will follow -- Canada's approach has more indirect. This was evident in the Public Service 2000 initiative, which focused on changing bureaucratic culture as the first step to reform rather than placing initial emphasis on a clear and coherent program of structural change.

*Rapporteur, Till Heyde*

## The Changing Role of Legislative Institutions in Public Consultation

### Chair

Senator Sharon Carstairs

### Panellists

Professor Susan Phillips  
School of Public Administration  
Carleton University

Herb Grubel, M.P.  
Capilano-Howe Sound

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Senator Sharon Carstairs began the panel discussion by asking how parliamentary committees are evolving to meet the needs of more public consultations and how effective parliamentarians have been in this regard. She also asked the panellists to address the apparent betrayal of the electorate by what pretends to be consultation but does not necessarily provide meaningful input into the policy process.

### Susan Phillips: Citizens, Groups and Inclusive Consultation

For Professor Susan Phillips, the answer to the question "Why do we consult?" is fourfold. First, consultation takes place in order to benefit from expert knowledge and to learn about public opinion. Second, consultation provides an opportunity to educate people about policy alternatives. Third, it legitimizes the policies that are finally adopted. Finally, consultation serves to anticipate reactions to policy. In essence, however, Professor Phillips argued that consultation is about citizenship. The consultation processes is about who is represented, who participates in the formulation of public policy and who defines what it means to be a Canadian, a Québécois or a Calgarian.

In Professor Phillips' view, the current difficulties with public consultation are not mainly due to the means of consultation used. They instead reflect the problems inherent in the fundamental transformation of the citizenship regime currently

underway in Canada. This transformation can be characterized by two basic characteristics. First, through a process of individualization, members of society are increasingly expected to take responsibility for life's hardships as individuals, independent of the groups or organizations to which they belong. The link between citizens and politicians no longer passes through intermediary institutions or groups. Second, representation is increasingly being marketized, in such a way that values of equity and fairness are discarded in favour of self-reliance and competition. Professor Phillips argued that it will not be possible to fix the problems of consultation until these problems and contradictions inherent in the changing citizenship regime are addressed. In the transformed Canada of the future, groups will be more necessary than ever. They will be required for service delivery, civic engagement and representation. The challenge is now to find new ways to encourage inclusive consultation.

As pan-Canadian programs are ended, individuals need something to hold them together as communities and to bring them into the political process. We need civic engagement, networks that engage us in political debate and action. The current populism relies almost exclusively on our elected representatives to do this, yet even the most dedicated and talented legislator cannot provide this tie between individual and community.

### Herb Grubel: Consultation, Accountability and Interest Groups

For Herb Grubel, the question of consultation is closely related to the issue of accountability. Government is being restructured and rethought with the new public management, previously discussed by Peter Aucoin. One view of parliamentary committees is that they are supposed to provide input into the formulation of public policy not otherwise available to the minister, who draws on an expert bureaucracy. The more cynical view, by contrast, is that committees are nothing more than a way to ensure that backbenchers have something to do. The challenge is thus to ensure both that the public has realistic expectations about consultation and that consultation is effective and meaningful.

Using the example of the hearings of the Standing Committee on Finance, Mr. Grubel argued that ministers often set the parameters of the question



to be studied in too general a way. He drew a distinction between interest groups or organized pressure groups, and "ordinary Canadians." Interest groups can be divided into the categories of privately- and publicly-funded groups. In Mr. Grubel's experience, privately-funded groups tend to have greater expertise in technical fields and greater self-confidence. Publicly-funded interest groups, by contrast, are very ideological. They pass on filtered information and usually start their presentations by saying "We know there are problems, but they are your problems. We need and want more." These interest groups are thus very confrontational and present a left-wing agenda, according to Mr. Grubel.

He added that communication of what occurs in committees depends on the media. The media, however, generally attend only the most high profile committee meetings. Thus, what is seen and heard is usually a simple reprint of the press releases of left-wing interest groups. The parliamentary channel is useful, but its audience is quite small. Finally, in terms of the key issue of how much impact public consultations have on the policy process, it is safe to say that Ministers suffer from information overload. While information and views presented in committee hearings become part of the policy mix, very little gets into the final report.

## Discussion

Subsequent discussion focused on the distinction between interest groups and the general public, and on the question of whether this distinction should be applied as a measure of the legitimacy of public participation by individuals and groups. For Mr. Grubel, this debate is characterized by a clash of ideologies about whether we need the state to determine what constitutes a legitimate group. For him, the battle lines are drawn between those ordinary Canadians who wish to criticize improper government rules, and those members of interest groups who sit down, contemplate only their own situation and say that they are disadvantaged. In contrast, Professor Phillips argued that, although groups are increasingly discredited as legitimate instruments of public consultation, their function in this role has yet to be replaced. Senator Carstairs closed the discussion by noting that many Canadians are frightened by the prospect of testifying before parliamentary committees. Some way of reducing these fears and facilitating access for these people must therefore be found to ensure that they are heard in consultations.

*Rapporteur, Willem Maas*

## Public Service Accountability to Parliament and Legislatures: Developments and Challenges

### Chair

John Reid  
Counsellor, Canadian Study of Parliament Group

### Panellists

Denis Desautels  
Auditor General of Canada

Marlene Catterall, M.P.  
Ottawa West  
Deputy Government Whip

Evert Lindquist  
Department of Political Science  
University of Toronto

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### Denis Desautels: Getting Accountability from Theory to Practice

We must move beyond the rhetoric of accountability and focus on its practice. This was the message tendered by Canada's Auditor General, **Denis Desautels**. He began his presentation by noting that a gap exists between the theory and practice of accountability. To bring these two constructs closer together, he suggested we orient our thinking toward performance contracts. A performance contract can range from written agreements between two parties (which occurs between Ministers and their deputies or other senior officials in jurisdictions such as New Zealand and the United Kingdom) to a statement by one party, agreed to by another, which indicates what will be accomplished (an example being the relationship between the government and Parliament as laid out in the *Estimates*).

Desautels' vision of an effective accountability relationship, then, centres on the notion that we need not only clear evidence of expected results, but more importantly a process that highlights the extent to which results have been accomplished. He added that greater openness and transparency will facilitate an improved

accountability relationship in light of manifest public disdain toward government.

In addition to public antipathy, this subject is increasingly relevant in light of the trend of public sector bodies to move away from excessive pre-controls on dollars spent to regimes that place greater emphasis on outcomes. While process is important, if we lack results at the end of the day our rules and regulations are meaningless. So while we have had success in streamlining government, there is much less evidence of progress on the other half of the equation -- the corresponding increase in accountability for results.

Desautels maintains that the key to practising effective accountability is measuring performance and reporting the results obtained against actual commitments. Canada's public sector managers must make a concerted effort to explain what measures have been taken to achieve results, what has been accomplished and, most importantly, what has been learned along the way. The opportunity to "learn" and "understand" supports the notion of a "learning organization," where personal and organizational growth, in both success and failure, are encouraged and considered complementary activities.

But how does this kind of accountability relate to Parliament? Accountability must exist not only within government but between Parliament and government. Desautels reminded the audience that his 1992 Annual Report found that Parliament received poor information from ministers and departments. The government is currently acting on this problem, evidenced by the recent introduction of the Expenditure Management System. While certainly a move in the right direction, Desautels is waiting for results before passing judgement.

One part of this reform is the introduction of "Departmental Outlook" documents, which provide committees with a three-year fiscal plan on which they can probe and make recommendations to Parliament. Despite good intentions, Desautels expressed concern with the quality and timeliness of these documents. To ensure effective scrutiny by Parliament, adequate time and opportunity would have to be available for committees to examine these reports. An annual exercise is probably too onerous; instead, committees could conduct in-depth reviews every three to five years. This would go a long way, according to Desautels, toward strengthening the accountability of ministers and public servants, as well as enhancing Parliament's role in holding the government to account.

**Marlene Catterall: Parliamentary Efforts to Improve Accountability**

Marlene Catterall steered the discussion toward practical considerations by describing some of the specific activities being undertaken by the current Parliament to address accountability. She began by asserting that accountability represents the essence of the role of Parliament, parliamentarians and government. Indeed, in authorizing the Crown to raise and spend money, Parliament is in fact the nation's accountability mechanism, linking government to citizens.

Catterall reminded the audience that the present government came to power in 1993 promising to restore integrity and public confidence in government. Thus far, the government has taken a number of steps in this regard. One important measure was the pre-budget public consultation exercise. This undertaking was designed to engage a cross-section of Canadians in a dialogue on major economic issues, in addition to generating greater public understanding of the budget process. A second measure involved an amendment to the Standing Orders that allowed committees to consider future spending priorities. Committees now have the authority to advise the government on its next budget.

Catterall discussed two other initiatives that, in a complementary fashion, are intended to strengthen the role of parliamentarians in enforcing government accountability and influencing the direction of future budgets. The first initiative relates to the work of the Sub-Committee on the Business of Supply of the Standing Committee on Procedure and House Affairs. It is currently looking at a range of issues, including how Supply Days are organized, ways to stimulate the interest of Members in the business of Supply and mechanisms to improve Parliament's ability to hold government departments accountable (i.e., for the management of public funds and the execution of policies and programs established by Parliament). A key question is whether the current procedures, the current forms of information and the way in which Parliament makes use of information are sufficient to inspire public confidence. According to Catterall, Parliament needs to assess whether there is sufficient public oversight to ensure Canadians that it is carrying out that responsibility on their behalf.

A number of interesting issues were emerging within the sub-committee's work. For example, the effectiveness of Supply days in the House has to be examined. In deviating from their original intent (holding the government accountable for its use and management of public funds), Catterall wonders whether the public interest would be better served if the supply day procedures were reformed to return the focus exclusively to matters of expenditure.

The second undertaking, really a subset of the above, involves an all-party working group, chaired by Ron Duhamel, whose purpose is to review and comment on a Treasury Board initiative reforming the information presented to Parliament (particularly in the *Estimates*). This initiative is looking at ways to provide MPs with information that enhances their ability to assess the achievements of government departments. Additionally, it will give Members access to information in more manageable ways, helping them to see more clearly the broader priorities of departments without sacrificing the quality of, and access to, details.

The notion of confidence is another issue that finds its way into this discussion, given its important relationship to the accountability of Parliament. If committees and parliamentarians are to have a greater role in the scrutiny of public funds, restrictions associated with confidence must be reconsidered.

A third point is the timing of parliamentary scrutiny, which Catterall suggests should be reviewed. If parliamentarians are to have a role in charting the future, they must be involved at the beginning of the budget cycle (before the priorities and direction of the government are established).

This issue of timing is closely related to the idea of linking parliamentarians' accountability function to their role in policy development. Integrating the notions of accountability and policy making could make the *Estimates* process a potentially more dynamic and valuable exercise. In fact, the *Estimates* could eventually become a policy document, wherein government spending proposals would be evaluated against their congruence with MPs' own sense of what are the country's needs and priorities. Catterall speculated that such a process might engender more strategic policy development and policy evaluation. It might also bring greater relevance to the concept of accountability by focusing the budgeting process on results.

**Evert Lindquist: Improving Information to Parliament and Citizens — Will Accountability Tools be Sufficient for Constructive Engagement?**

Evert Lindquist sounded a cautionary note by suggesting that the cannons of the new public management (NPM) (articulated in Peter Aucoin's keynote address) and its focus on strengthening accountability might be more difficult to apply in practice than advocates suggest. A full and critical examination must be engaged before they can be enthusiastically embraced.

Lindquist began by restating the chief tenets of Aucoin's characterization of the NPM. In mentioning the themes of policy and program delivery clarification, performance measurement and accountability review, he made it clear that he would focus on the latter two points.

Lindquist described the means by which performance measurement and accountability can be implemented as "accountability tools." They include such items as performance indicators, benchmarking, service standards, citizen's charters and business plans/outlooks. The aim of these "tools" is to provide better information to citizens and others. However, in doing so, there is no guarantee that such information will improve accountability, lead to increased public confidence or strengthen sagging morale among public servants. According to Lindquist, it is not so much the quantity or type of information as its relative simplicity that will establish a foundation for evaluating the effectiveness of NPM accountability tools.

Lindquist reminded the audience that accountability tools do not stand on their own. They are produced and used by actors in what he calls the "accountability network," which includes program managers, citizens/clients, departmental management teams, measurement "gurus," the Treasury Board Secretariat, ministers, Members of Parliament and other relevant stakeholders. Because each group has its own objectives and concerns, there is no guarantee that these accountability tools will, on their own, refocus the interests of all network actors toward a plane where productive and efficient management reins paramount.

Lindquist pointed to three potential problems:

- How valuable will accountability tools be in the context of government retrenchment and restructuring?

- What will be measured? Can we be assured that these tools provide insight into the workings of the departments?
- Will the tools provide a misleading picture of an otherwise well-performing organization?

Optimists assuage the sceptics by suggesting that implementing accountability tools will be premised on a trail-and-error basis; their effectiveness, they argue, will mature as they evolve in practice. Nevertheless, Lindquist wonders whether the introduction of these tools will perpetuate the difficulties associated with traditional approaches to accountability, namely a dogged focus on particular administrative policies and on specific administrative failures.

Despite painting a somewhat "dark picture," Lindquist supported the NPM's chief themes, particularly the interest in transparency and accountability. The question becomes, then, how can we encourage more balanced and intelligent discussion of departmental management and performance during a time of significant change? The answer, he believes, lies in finding better ways to describe the work of departments, agencies, programs and organizations.

After working in the Treasury Board Secretariat, Lindquist was dismayed by the poor quality of information provided in documents such as Part III of the *Estimates*. He is also sceptical of documents such as business plans and other accountability tools because they presuppose a basic familiarity with the department's structure, competencies and clients. He suggests that an accountability regime can only be augmented by having good information that describes clearly the organization's profile - namely, its key tasks and authorities, its location, its competencies and expertise, and its clients and outputs.

Is this difficult to do? Lindquist argues that his students at the University of Toronto do just this every term. Each student is responsible for profiling a department in a few pages so that the reader can get a "good feel" for what the organization really does. With information designed along these lines, the NPM accountability tools can be interpreted, debated and meaningfully used. Outsiders will begin to see departments and programs not as complex and abstract creatures, but as fathomable entities.

In order to accomplish such a task, Lindquist suggests that we take advantage of both information technology and software capabilities.

This can only be accomplished by those in the accountability network acting in concert, adhering to protocol when necessary and employing creative means wherever possible. Although the development of accessible information will not eradicate tension and confrontation in the accountability network it should help educate groups, citizens, journalists, MPs and others about the organizations with which they are interacting. The challenge, though significant, presents opportunities that make the exercise well worth the effort.

### Discussion

One individual asked whether we need the kind of blunt accountability that MPs face at election time in other areas of our system.

Catterall replied that accountability is not about laying blame. Taking responsibility is about estimating risks; sometimes successfully, other times not. Making mistakes is, however, very much part of the job. Therefore, what we need is a system of accountability that is constructive and open, not blame-oriented in nature.

Desautels agreed that accountability is not about blame. True, it has a definite role in assessing performance, but it should be more than that. Historically we have cultivated a risk-adverse environment in our public service because we have suggested that making mistakes is unacceptable. This has to change.

A question was next asked about who should be responsible for applying the "accountability tools." It was asserted that the source of application will make a difference. For example, it might be more difficult to hold a CEO or deputy minister to account than a less senior officer in a corporation or government department.

Catterall suggested that the ultimate accountability is self-accountability. This is difficult to maintain in a system where people are constantly second-guessed. Public oversight is also a good tool. The government must be held to account, in order to identify its failures. Anything less is a failure in and of itself.

Lindquist responded by suggesting that nothing can happen without cooperation. Certainly we need a champion at the ministerial level, but we must also work at getting all parties interested at the same time.

Reform Member of Parliament, Herb Grubel, asked why Canada does not have performance incentives at the service delivery level throughout government.

Lindquist concurred with Mr. Grubel's concern, saying that the federal government needs to take a greater interest in this question. In Britain, for example, Prime Minister Thatcher had definite success in encouraging a greater emphasis on performance. The problem is that governments in Canada do not feel that they can get elected on the issue of good management. This must obviously change.

Catterall noted that concerted efforts are under way in many departments to implement a greater number of service delivery standards. She cautioned, however, that there is some peril in becoming too focused on numbers and standards.

Desautels said that this is a time for action, not rhetoric. He feels that there is considerable support for the idea of performance incentives throughout government. He added that we must devise a balanced set of indicators and supplement them with periodic evaluations of certain programs to ensure that standards are working to everyone's benefit.

*Rapporteur, Nicolas Jimenez*

## Workshop no. 1

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The Chair began the discussion by asking the participants to refer to the workshop's three questions.<sup>1</sup> He noted that in talking about "public consultations," a distinction should be made between (1) hearings before parliamentary committees; and (2) all types of consultations that occur outside parliamentary committees, whether before, after or simultaneously. With reference to the first type of consultation, he also recommended that a distinction be made between interest groups and individuals.

One participant addressed the interest group models presented by Susan Phillips and Herb Grubel during the preceding panel discussion. He argued that a symbiotic relationship exists between bureaucratic and "private sector" experts and that this reality needs to be made more explicit. This person noted that much of the groundwork of public policy was often laid by this ongoing relationship and expressed some concerns that regulatory boards were becoming captive to the industries they regulated. In this context, he questioned the relevance of both parliamentary committee hearings and the interest groups that participated in them.

Another speaker argued that committees would never be effective vehicles of consultation so long as Parliament's primary structures remained unreformed. She identified the current electoral system as one of these structures and indicated a preference for a system of proportional representation. This individual also reacted to the Chair's earlier comments, noting that she saw a false distinction between groups and "ordinary Canadians," as groups, in her estimation, comprise ordinary Canadians.

A participant expressed the opinion that the first question contained two important assumptions: (1) that consultations *exist* with both individuals and groups and (2) that they *do* provide some legitimization. He said he did not disagree with these assumptions, but stated that the growing influence of industry on regulatory boards was becoming a

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<sup>1</sup> The Workshops began with three questions as a basis for discussion. These were: (1) "Can public consultations really make a difference in the development of public policy, or are they simply ways of legitimating decisions that have already been taken by ministers and public servants?" (2) "Are Canadians being over-consulted?" (3) "What changes, if any, need to be made in the way parliamentary committees carry out consultations so that they will have a greater influence on the development of public policy?"

problem. He added that this problem was part of the reason Canadians were feeling disempowered. This person concluded that consultations were potentially relevant, but that their relevance really depended on whether decisions were being made before or after consultations and whether parliamentary committees were aware of this or not.

The Chair then asked the second speaker if she would like to elaborate on her suggestions for institutional reform. In response, she argued that under Canada's "first past the post" electoral system, many Canadians felt unheard and unrepresented in the House of Commons. In her estimation, any type of public consultation would seem like "window dressing" if MPs continued to be unrepresentative of Canada's increasingly diverse population.

Another speaker challenged the assumption that parliamentary committees could be equated with public consultation. He identified four distinct roles of parliamentary committee activity: (1) "truly" consultative role; (2) "sounding board" consultations; (3) documentation role; and (4) information dissemination role. This person recommended that these four roles be kept in mind when measuring the effectiveness of public consultations.

Another participant agreed that this variety of roles existed, but he pointed out that people do not appear before a committee with the intention of receiving information, but rather to give their own opinions. He argued that, to the degree this does not happen, the public is unhappy. This individual proposed that witnesses be given more explicit information about why they are being "consulted" and that they be made more aware of the limits of a committee's role in the public policy process.

The Chair then asked the group what they thought of round tables. One participant responded with the opinion that round tables were a useful exercise, but not in the context of committees. He argued that it was not helpful for a committee to listen to groups that only represented two extremes.

Another participant disagreed with this evaluation of round tables. She argued that their effectiveness depended on the views represented and on the relative weight given to these views. Another person agreed that groups of witnesses were sometimes more valuable than individual witnesses, but he pointed out that most individuals disliked sharing the floor with people of opposing views.

Another intervener countered by highlighting the successful instances of round tables during recent testimony before the sub-committee on grain

transportation. She argued that MPs found this debate among experts a much more useful exercise than listening to and being swayed by alternative viewpoints on alternate days.

The Chair agreed with this portrayal of round tables and noted that the review of the Bank Act would benefit greatly from this type of process.

A participant asked whether parliamentary committees should have a professional staff to provide them with more extensive information, akin to those employed by some royal commissions.

It was pointed out that committees already benefit from the services of the caucus research branches, the Library of Parliament and its researchers. An intervener expressed some doubts as to the need for a professional, permanent staff.

Another speaker brought the discussions back to an evaluation of the consultation process in general. He argued that this process *did* have an impact on how policy was developed, mainly because bureaucrats were concerned about political opinion and were eager to uncover opposition to their policies before making firm decisions. He noted, however, that governments must always deal with trade-offs and that the executive must ultimately make the decision, knowing that it will always satisfy some and dissatisfy others. In general, this person believed consultations were useful but that some improvements had to be made.

Another participant argued that consultations were more about influencing decision-makers than about legitimizing bureaucrats. He judged the consultation process to be generally effective and noted that the proof of this was the growing number of interest groups seeking to participate in this process.

A further speaker argued that the apparent influence of interest groups was not necessarily a good thing as these groups only come to advance one opinion. This person also expressed reservations about the relative weight given to consultation within departments and political parties, as opposed to consultation with the general public. He wondered whether the common good was being overlooked in these consultations.

The Chair responded by asking whether the solution was to ignore interest groups entirely and have only individuals appear before parliamentary committees. However, he concluded that some valuable expertise would be lost and that the best solution might be a better balance between interest groups with expertise and individuals.

One participant asked whether parliamentary committees should conduct polling to better assess public opinion. The Chair responded that polls were

generally problematic, with the results varying greatly depending on the groups doing the polling, the questions being posed and the pollster's methodology.

A participant focused the discussion on the role of the ordinary citizen. He questioned the usefulness of ordinary citizens having input on more technical matters and argued that interest groups should maintain their dominance of the process, given that ordinary citizens were already represented by the MPs on these parliamentary committees.

Another participant agreed that opinion not balanced by knowledge was not very useful and suggested the public should be given more information prior to committee hearings.

An intervener expressed concerns about the impact on government of making consultations both more broad and more lengthy. He wondered whether there was already too much public consultation.

Another intervener brought the discussions back to the subject of finding new ways to consult public opinion. He noted that parliamentary committees were based on an oral tradition and argued that new avenues of communication should be explored, such as the Internet.

A participant took up a point made by Susan Phillips in the preceding panel and noted that the more government consulted people, the less it had to give. In other words, governments are now faced with more public input, but less government money.

Another participant agreed that governments had to make more difficult choices, but he pointed out that they still had to make decisions and that public consultations therefore remained important. He added that the public needs to know more about what governments were dealing with (e.g. budgetary constraints).

The Chair noted that this discussion was very timely, given the federal government's program review, much of which had occurred without consultation. He asked whether it was as important to consult the public when "unmaking" government as when making it.

A participant argued that the government was trying to implement a political agenda through administrative reform, therefore giving the appearance of not needing public consultations. She wondered whether this lack of consultation reflected an ideology or a political agenda.

Another participant agreed that consultations were no longer being conducted within the context of a growing pie, but rather a shrinking pie. He noted that trade-offs between different groups were now a reality and that the new challenge was to find ways to engage

the public in this debate between important issues.

An intervener agreed that the redistribution of wealth was now the redistribution of "what we have," but she saw problems in trying to get the public involved in this debate. She noted that the public was deeply suspicious of government and that people felt the government was "editing" policy before it reached them. This individual recommended that the public be presented with justifications for the government's rejection of previous policy options.

An intervener asked whether government was essentially about power and whether consultation had to be accommodated to this reality. A participant responded that government was not just about power but about how governments are holding on to their power. He argued that governments use public consultations to hold on to this power.

The Chair noted that different views of consultations were held by the four main types of players (i.e. MPs, interest groups, individuals and government departments) and that any meaningful reforms would have to be preceded by discussions among these players.

A participant noted that MPs are often faced with contradictory opinions from their constituents, groups, individuals and departments. He concluded that MPs are finding decisions increasingly difficult and that the public interest is being overlooked. The Chair noted that issues such as gun control and abortion were examples of the tough decisions facing MPs. A participant agreed that these issues were difficult and argued that they reflected a typical urban-rural split.

The Chair asked the participants how they thought MPs were affected by interest groups in their ridings. A participant responded that MPs were significantly affected by these groups. He noted that interest groups opposed to gun control would ensure that the Liberals lost many of their seats in rural ridings in the next general election. Although this individual saw lots of consultation taking place, he noted that it was not the type of consultation that encouraged compromise.

*Rapporteur, Michelle Clippingdale*



## Workshop no. 2

Initial discussion in the workshop focused on the strengths and weaknesses of different types of parliamentary committees. This was seen as a critical issue in any examination of public consultation since the committee system lies at the very heart of the consultation process in the Canadian legislative system. The differences between committees in the Senate and the House of Commons received particular emphasis.

A number of problems with the committee system in the Commons were raised. It was suggested that committee hearings can easily develop into *pro forma* exercises, reducing their value as a means for public involvement. Due to the party restrictions under which they operate, Members sometimes act exclusively as advocates of their parties' positions. Furthermore, when a Member wishes to seek out a particular piece of information or follow a particular point to its conclusion, procedural limitations can make it difficult to do so. The few minutes a Member has to seek answers from a witness can easily be filled without exploring the relevant facts. The next Member can then begin another, entirely different, set of questions, without necessarily building on previous points.

Some participants felt that, in contrast to their Commons counterparts, Senate committees may provide a more constructive example of the consultation process in Parliament. Senate committees do not suffer from the same rigid limitations as those of the House of Commons, since they are generally less partisan and face fewer time limits. This allows for a forum in which Senators can follow a single line of questioning and track down desired information. An additional difference between committees of the two Houses is that Senate committees have a tendency to pursue previous measures and examine how issues have developed and recommendations were implemented. In the case of legislation on the financing of the Export Development Corporations, for example, the Senate Banking Committee accepted the bill as proposed, but recognized concerns expressed by witnesses in committee and established that it would hold hearings subsequent to the issuing of regulations under the legislation. With these differences between parliamentary committees, it was suggested that, although House committees receive greater public attention and are a focus of public frustration, it is actually Senate committees that provide better

examples of how the consultative process can work effectively.

In considering parliamentary committees and their relative strengths and weaknesses it is, however, important to avoid drawing any absolute conclusions or idealizing one type of committee. The Senate is by no means devoid of partisanship. If either the government or the opposition has a firmly fixed position on an issue, partisan considerations can play a dominant role, both in determining committees' findings and the weight the government will give them. This was most clearly seen in the highly partisan nature of the process surrounding the passage of the Goods and Services Tax legislation. In this case, the different committees that examined the same bill and heard the same witnesses reached different conclusions, and the government ignored the report that did not match its own views.

If, on the other hand, a committee deals with an issue on which the different parties have not yet fixed their positions, its chances of providing real public input into the decision-making process and influencing final outcomes will be significantly increased. It is in this investigative role -- termed by one participant "mini royal commissions" -- that the Senate may have a particularly strong contribution to make. Quite simply, there are so many urgent demands on MPs' time that it is often difficult for them to deal with complex questions to the extent they might wish.

It was noted that, along with the issue area and the government's position, an important human dynamic can determine the effectiveness of committees. The Chair will play a central role in developing and maintaining consensus and coherence in a committee's work. If, however, participants (either on the committee or in affected government departments) rush its work or panic, the committee's effectiveness can be severely impaired. Finally, the need to educate the public on the results that can reasonably be expected from involvement before committees, in order to avoid exaggerated hopes and subsequent disappointments, was also emphasized.

A second broad issue explored in the workshop related to the question of openness and the possible limits on public consultation in the policy-making process. In this regard, participants emphasized two partly contradictory points. On the one hand, there was a recognition of the need to reduce secrecy in government by encouraging greater public openness. At the same time, however, doubts were expressed as to the real limits faced by any such attempt to open the policy process.

At a number of points during the discussion references were made to the need to open up the legislative process. While there have been different attempts to do so in the past -- most recently with changes to the Standing Orders of the Commons to allow bills to be referred to committees after first reading, and to allow committees to draft bills -- these changes were not seen as uniformly successful. In some cases, as with the drafting of the most recent changes to the Canada Election Act, general public input has occurred only after the legislation has been developed. There were also particular concerns expressed about the temptation for parliamentarians to act with little public involvement when writing their own rules. Any level of secrecy, particularly when legislators are defining their own privileges, was seen as a danger to the legitimacy of the legislative process. *In camera* sessions should, therefore, be avoided unless absolutely inescapable.

Despite the recognition of the need for greater openness in the consultation process, some participants were deeply sceptical about the actual level of change that can be realized. One academic emphasized the critical fact that the capital, to a large extent, functions as a different world. Even individuals who are well informed about national events can feel that Ottawa is foreign, and they do not entirely understand the references "insiders" use. It is important not to overestimate the extent to which information is getting out of Ottawa. In addition to this risk of regional biases, the same participant emphasized the importance of recognizing the severe limits on certain individuals' opportunities for participation. Some would-be participants will not be able to take part in the consultation process, either because they lack the means to do so or because they do not feel comfortable. The process thus practically excludes individuals from many areas of the country and different backgrounds.

With these limits on the possibilities of extremely broad consultation, another participant argued that traditional means of representation should not be cast aside. Even if the level of participation were to jump several times over current levels, only a tiny part of the population -- perhaps no more than a few hundred individuals -- would be involved in most public consultation exercises. This participant therefore suggested that the role of direct public participation, as opposed to participation through the intermediary of elected representatives, has perhaps been overemphasized.

In light of the evident tension between demands for more consultation, the real limits on the process in terms of what is practicable and the

availability of resources, it may be necessary to distinguish between different classes of issues being addressed. Not every piece of legislation can be subjected to extensive public consultation. To do so would be to bring government to a halt. Instead, it would be more efficient to focus efforts on bringing in the widest possible range of views in those areas where government policy is not yet fixed and, most particularly, during periods when fundamental shifts in direction are occurring. Rather than consulting on every issue, it is on agenda-setting questions that the widest involvement should be sought. On subsequent, more technical, measures to implement this agenda, consultation can then be more limited. However, even in these more technical fields, there should be efforts to achieve greater public involvement, within the real limitations of resources and time.

The juxtaposition of issues of public access and input with recent intense interest in emerging information technologies led to a consideration of the possible effects of these developments on the consultation process and Parliament. The current transition toward an environment allowing for freer exchange of information through electronic, rather than physical, means was felt to offer considerable opportunities. At the same time, there was also a recognition of potential difficulties and that careful planning in the use of these new resources is essential.

Participants who were optimistic about the possible influences of emerging information dissemination tools such as the Internet focused on the much greater level of public access and the potential savings that are foreseen. Most simply, making government information available electronically will, by removing the obligation to print physical copies of many documents, allow significant economies, while simultaneously facilitating broad public access to these materials. Furthermore, as relatively low-cost communication technologies become more generalized, the barriers to public access in consultation will be significantly reduced. While it may never entirely solve the problem, this at least has the potential to reduce the regional biases haunting the consultation process in Canada. This effect of facilitating low-cost access to varied views has, to some extent, already come into play. It was noted that the Senate committee on euthanasia was able, via teleconferencing, to hear a variety of witnesses on Dutch experience in this area, at only a fraction of the cost that would have been incurred had the committee travelled. Much of the committee's material was also available to the public

on the Internet.

It was suggested that even though greater public access and savings represent benefits from the spread of new information technologies, it should be recognized that this evolution does raise concerns that must be taken into account in the shift toward greater automation in service provision. Most critically, greater reliance on technology in providing services and consultation should focus attention on issues of ease of use and accessibility. The participant contended that it is critical that, when members of the public contact government offices and are presented with a "cascade" of recorded choices, they find the system easy to use and immediately understandable. At some point they should have a clear option to turn to human assistance.

Furthermore, as the electronic format becomes more the norm in providing government material, important questions of equity enter into play. Access to information will become increasingly dependent upon being able to use computer resources, and individuals with such resources will therefore enjoy an important advantage. Even if the access issue is partly resolved as computers spread to public sites, such as libraries and schools, people with fewer computer skills will still be at a real disadvantage. The opportunities provided by new technologies should therefore not be viewed as a universal panacea and an easy opportunity for cost-cutting. Information cannot just be placed on the Internet, or services made available through recordings. To gain the full advantages that such developments might offer will instead require extremely careful planning. There must also be a recognition that certain groups and individuals are at a significant disadvantage with regards to their access to the tools and skills on which access to information will become increasingly dependant.

As highlighted throughout this conference, Canadian society is undergoing fundamental changes with regards to the role and size of the state. A fundamental conflict between the wish for services and the need to deal with the issue of public finance has become a central theme of Canadian life. In facing the painful decisions this conflict imposes, public consultation has become more critical than ever before to legitimize outcomes that cannot please everyone. Prior to the conclusion of this workshop several participants questioned whether the country has yet seen an open airing and discussion of the deep changes that are needed. Rather than moving toward more effective consultations by changing committee formats, profiting from emerging

opportunities for public input and truly examining the country's limitations, measures have emphasized minor changes at the fringes. The fundamental restructuring that is necessary has still to be faced.

*Rapporteur, Till Heyde*

### Workshop no. 3

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The group began its discussion by considering consultation as the engineering of consent, necessary because it is difficult for government to function without at least the appearance of consultation. It was suggested that public consultation within the current constitutional framework is different than the ground-up populist notion of consultation. Rather, it is seen as a top-down process, to which no one is likely to pay much attention.

There was interest in the role of committees versus that of government. In the past, government has tended to use committees as arms of its own agenda. However, a distinction can be made between a committee setting out to do something as an arm of the House of Commons or as an arm of the government. In this sense, it is useful to examine the real and imagined powers of parliamentary committees -- what they do and do not do.

The view was expressed that committees serve at least in part to keep backbenchers busy. They are also a microcosm of the debate in the House. Parliament is instant theatre, part of the process by which we interpret and learn about what is going on.

The group was impressed with the recent moves toward pre-study, a mechanism whereby committees can effectuate change because the procedure presents a greater opportunity for impact by the public.

It was remarked that legislative committees were differentiated from standing committees a few years ago, but that we have now reverted to the previous system. Was that a mistake? One participant suggested that perhaps instead of getting rid of legislative committees, we should have gotten rid of standing committees. The rationale behind this is that small committees (such as the former legislative committees) with an experienced chair tend to achieve good results.

The group tended to agree that special committees are more effective because they are not tied to a government program, because they are often small and/or have an effective chair. Perhaps the government should recognize that committee chairs are important in their own right. In addition, the whips have to know that committees will not work unless they have a core of dedicated people.

The group was interested in whether consultation is really worth the effort and answered

in the affirmative, noting that consultation is useful for accountability since it allows people to convey impressions and preferences. Consultation also has an educative function, since consultation makes MPs aware of aspects of legislation that they might not otherwise have noticed.

It was suggested that MPs can get grassroots feedback, but that education works both ways. When government goes out to outlying regions, it becomes an event. There is local coverage and a focus of debate. Affirming that consultation is at the root of democracy, the group considered the question of how to make public consultation as effective as possible. There is a problem in the basic institutional formulation of having a committee hear witnesses. We need to develop new mechanisms of discussion and move away from bilateralism toward a comfortable, open forum. Cost is also a factor.

It was questioned whether there is a problem with the fact that committees gauge their effectiveness in terms of the numbers of people heard. The problem is at least partially how to choose people and how to balance the intensity of a few people in an informal setting versus the level of discussion that a larger number of people could bring. It was suggested that, while there are many handbooks on how to do consultation, we need to generate new, creative ideas. The question we should ask ourselves is how to bring out the most enlightened and informed opinions.

One way to do this is through what one participant called intermediary groups, which possess the capacity of being less formal with their members and can also make meaningful presentations to committees. The problem is that it is often the executive of such a group that charts out the presentation the group makes to the committee, which may lead committee members to question whether the executive has consulted its membership.

It was affirmed that the process of consultation is becoming too confrontational and is holding back these intermediary groups. Perhaps anti-elitism is bursting out all over and intermediary groups are suffering the same questioning of their legitimacy as are governments.

It was suggested that perhaps intermediary groups should be solicited for what they know, not simply for what they feel or think. However, that takes resources, and it will be necessary to reinstate strong membership, based in communities, so that these groups will be able to respond adequately to the question of whether they consult with their membership. Groups currently do representation

well, but can they do participation? We should move the focus of consultation away from legislators and toward the political process and interest groups who can act as intermediaries between individuals and legislators.

It was suggested that departments are always suspicious of committees. There is thus the problem of whether departments are interested in listening to committees. The imbalance between the vast experience of departmental bureaucrats and the amateurism of most MPs is something that can only be corrected at the political level.

It was suggested that committees need better staff support. Canadians also need to be made aware of the opportunities that exist to intervene and become involved. Perhaps committees flourish in the dark because they have no means of getting into the light. It was noted, however, that committees today are far more active than 25 years ago, which suggests that we are moving in the right direction.

*Rapporteur, Willem Mass*

## Workshop no. 4

The discussion began with an observation that the morning's panellists actually agreed and that their difference in opinion was simply a question of perspective. Essentially, what one speaker found to be tedious public hearings in pre-budget consultation, the other found to be essential in involving people and public groups in the "nuts and bolts of the process of designing governance structures and thinking about implementation problems and making trade-offs."

That groups will be participating in more consultative processes is clear. What should be discussed is which groups are favored by this process and whether national parliamentary committees dealing with broad issues are the right forum in which the dialogue can begin.

Certain difficulties rapidly became apparent -- for instance, the multiplicity of consultative methods and the uses of each. Different purposes of public consultation also need to be defined at the outset of the process -- for example, whether the exercise is educative or consultative. In certain instances there will be issues on which the government has already spoken; then, debate may not be on policy but on implementation. Unless these elements are defined the process is inadequate.

Even the "raison-d'être" of consultation was disputed, as one participant maintained that "the essential function of advocacy presentations to parliamentary committees lies in bringing problems to the attention of the government." She pointed to the fact that volunteer groups have managed to bring together a group of Cabinet ministers once a year as "proof that traditional approaches work and are educational for all parties involved". Others felt that appearances before committees serve only to legitimate decisions already taken by the government. Participants outlined cases where those in attendance before committees are not satisfied with the process, propose alternatives or question decisions already taken by government. When one individual suggested that all participants in consultative processes are there for self-promotion of interests, the group was cautioned against that oversimplification. Evidently, perceptions differ markedly with respect to the role of presenters.

Even the usefulness of consultation was debated. Reiterating the point Susan Phillips made during the panel, one intervener stated that "the reason we conduct the exercise of consultation is that

we've been led to believe that this is a good thing, therefore we finance it, but we have no proof that this leads to better government. We like to talk as if it does, but it's unclear whether the result is positive". Some felt that not only has the process perhaps been ineffective, but it has raised expectations about the role of citizens and may even be part of the cause of the crisis of democracy of governance to which Susan Phillips referred. Also, the determination of which groups are considered to have a legitimate contribution slants the efficacy of the process, creating a narrow vision of self-interest and interest groups.

An interest group review found that the problem with public interest groups is that they appear to be making claims and are often not offering solutions that would include themselves making changes to the way that they operate. That has changed now, as there are more solutions being presented and a significant change in discourse.

Based on his research, an academic concluded that citizen consultations are taking place because of decision-making gridlock. In the absence of visionary leadership, the value of consultation lies in the government's ability to sense citizens' support for certain changes: ordinary citizens are often more willing to make trade-offs than experts or interest groups. In this instance, the Minister can get information from these forums that is not available through polling.

However, privately and publicly funded interest groups have been treated differently in the past, with more legitimacy being granted to business groups than to advocacy or special interest groups. The prevailing opinion has been that privately organized and funded lobbying are more focused and have more to contribute. The participants felt that all groups should warrant the same respect and that all voices should be heard and financed to be heard in order to protect society from elitism. This pitfall is particularly difficult to avoid, however, since those appearing before parliamentary committees require a certain knowledge of the system and a high degree of empowerment. Advocacy groups cannot actually speak for those affected by the legislation, and most ordinary Canadians are not even aware of the process much less willing to take part in it. The system is inherently elitist. If the goal is to hear "ordinary Canadians," then it is not being met.

The discussion then shifted to whether executive members of government should be part of committees. "It worries me that with the increasing push towards referenda and the rise of public

cynicism, the role of representative democracy is being eroded. We seem to be moving to a system of Ancient Greece complete with mob rule. We are eroding representative democracy without seeking a replacement for it," one participant contended.

According to another participant, essentially the problem is that "many groups don't think through their actions or proposals; unless a presentation is properly elaborated it makes no real contribution. Presentations must be made with a clear goal in mind." There was some discussion as to which groups have the "luxury" of presenting to committee, notably whether these groups have the resources necessary to enunciate a structure or an alternative plan.

Other fears included over-consultation and the cost of consultation versus the benefits for the development of public policy. Cost-benefit becomes an important consideration for proponents of mass consultation with "ordinary Canadians" due to the immensity of the country and the size of the population. One participant suggested "we need to rethink all public consultation if we are to know what the public is really feeling." "Is this a waste of financial resources?", other participants mused. One intervener advocated that a system be designed where there is access but reduced cost.

Methods of consultation were explored. It was suggested that the types of consultations should not be confused. Polls, parliamentary committees, public consultations and informal discussions with experts are all part of a continuum of tools at the disposal of the government, but each has clear advantages and disadvantages. For example, polling provides a large sample but cannot be used to gauge the trade-offs that people are prepared to make. In contrast, when people are face to face, they are more conciliatory.

It was unclear what was the positive result of massive public consultation exercises such as the Spicer Commission, where "people were indeed able to vent but could not then perceive whether it had changed the direction of policy." Opinions in such a forum were so vast that a clear direction did not emerge. It was suggested that the problem seems to be that no middle ground exists between massive consultation and referendums.

But is consultation not the role of MPs and MLAs who are, after all, elected to represent their constituencies? Consultative means at their disposal include petitions, correspondence, newsletters, surveys, consultations in constituency offices and the ultimate consultation, election day. We are, as Susan Phillips explained in the panel discussion, redefining

democracy, but in the process we need to guard that we are not de-legitimizing government and the electoral process.

Whether the act of faith made by voters on election day is sufficient to give MPs and MLAs power to govern for five years was disputed by participants who defended the right of groups to be heard between elections when parties take unforeseen turns. "Carte blanche should not be given for all government policies. True representation through consultation does not erode the power of the legislature," commented one participant.

Theoretically, this is the function of parliamentary committees. However, according to one intervener, "to believe that the government should consult on every issue is dangerous and needs to be re-examined." The danger is that minimizing the effect that committees have on the system and on policy breeds increased cynicism. While people need to see how their presentations translate into policy, they must also allow elected officials to do their work.

It was noted that MPs and MPPs have very little power due to constraints engendered by party structures and party discipline. Others argued that federal experience has shown caucus to be an effective forum for representation within the party structure, one where MPs can effect change.

Some pointed to changes in the operation of Parliament to empower MPs. Referring bills to committee after first reading gives Members more power, it was suggested. While this practice is limited to bills that are not questions of confidence, input from the Members can be very important. Unfortunately, more intricate bills are subject to the maze of party politics and discipline.

As for bureaucratic influence, it was noted that a letter from a Member's office receives attention in policy and program development, takes a considerable amount of public servant time and is tracked as a reflection of public sensitivity. This effect could be considered as either front-end influence, where policy is shaped, or as influence in trade-offs where implementation may be modified.

In Ontario, extensive caucus consultation has not occurred under the present government. In this respect, the leader's approach and the type of government is crucial. Another provincial staffer then reiterated that a mandate on election night should not serve as a carte blanche for sweeping changes. "There should be room for consultation as things change." However, this seems not to be the case at Queen's Park in the current climate of the Common Sense Revolution." It is more difficult for

people in Ontario to have their views heard, a participant observed.

The Alberta "revolution" was then contrasted to the one in Ontario with respect to consultation. For instance, Premier Klein initiated an enormous amount of public consultation, used his caucus to explore issues and held budget round tables and public conferences. He then called another election on the mini-budget as a mandate for the changes within the limits of the established budgets. Following this election, more consultations were held on a sectoral basis, caucus was used more than the legislature to explore issues, and task forces were created. The same goals have been achieved in Ontario but in a totally different way. One participant commented that "what has transpired in Ontario is the message of reduced spending but not the method of its implementation." It was pointed out however, that Albertans seemed more committed to the direction of the government and to the changes than Ontarians, who seem surprised with the direction that the government is taking. In this respect consultation is embraced in Alberta since the government knows that the people are likely to agree. Others concurred but stated that there is no excuse for a principled government to hide. It is a recipe for disaster not to engage in dialogue when you hold power.

It was agreed that in discussing consultation on bills in the legislative process, we may have confused where the influence is over policy development. It may be within the Cabinet, caucus, the legislature or the bureaucracy.

As a final point, a participant from academe indicated that consultations do matter. In his opinion, there is no doubt that Ministers and experienced public servants learn a lot, especially about public tolerance and the freight that they are willing to bear.

On the question of what changes need to be implemented, it was first noted that the notion of consultation covers different things, and that people are not sure why consultations occur and where they fit in. "Everything from Spicer to meeting the minister is included in the term," the intervener added.

Since many felt that excessive consultation represented an abdication of an MP's responsibility to make decisions, it was posited that ill-defined rampant consultation may be a cause of public cynicism. More precisely, people feel that there are too many parliamentarians. This feeling that politicians are part of the problem is pervasive, yet reducing the number of politicians will not fix the problem, it was suggested.

The powers of MPs and MPPs in Canada, in terms of the power of backbenchers, and those at Westminster, should also be examined. The culture of empowerment that has emerged in the British Parliament may eventually take hold in Canada. There is a willingness for dissent in the U.K., although it was noted that British Members have longer tenure, their numbers are greater, and since Britain is not a federation, the type of question posed is often equivalent to those addressed at the municipal level in Canada.

Essentially the discussion ended much the way that it had begun. Participants generally agreed that a need for consultation exists when the arguments are thoroughly elaborated and constructive, and where there is a spirit of trade-offs.

*Rapporteur, Dominique O'Rourke*

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Richard Paré

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