

DEMOCRATIC REFORM: A WORK IN PROGRESS¹

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INTRODUCTION: THE DEMOCRATIC REFORM ENVIRONMENT

With democratic reform a hot topic today, it will be worthwhile to begin by simply noting how far we have come. The fact that the “democratic deficit” is now something of a cliché should not cause us to lose sight of how much the democratic landscape in Canada has changed over a very short period of time. The fact that there is even a Cabinet portfolio for democratic reform – in several provinces and more recently, at the federal level – is testament to the resonance that democratic reform has with Canadians and their governments. This would have been difficult to imagine, even five years ago – that issues such as proportional representation and declining voter turnout would be out of the ivory towers and onto the public agenda.

FEDERALISM: DIFFERENT APPROACHES

There are unique challenges and opportunities associated with democratic reform in Canada because of our federal system. In the area of democratic reform as in so many others, different jurisdictions have opted for different approaches.

This paper attempts to provide a sense of where we have been at the federal level, some of the lessons we have learned, and where we are

¹ This paper is adapted from a speech Kathy O'Hara gave at the Queen's University Institute for Intergovernmental Relations conference on 'Democratic Reform Initiatives and Reforming the Institutions of the Federation' on May 14-15, 2004. This paper reflects the state of affairs in mid-May 2004 and does not address changes in the democratic reform landscape since then.

hoping to go. The Government of Canada has taken as its first principle that meaningful democratic reform at the federal level must begin with Parliament itself. So, from the day it took office, the new Government committed itself to major changes to the way Parliament operates. Other jurisdictions have chosen a different starting point – for example, by examining broader changes to the electoral system first, as in British Columbia, or by considering the entire spectrum of parliamentary, electoral and democratic issues at one time and through a single process, as in New Brunswick.

Clearly, there is no “right” approach. Each jurisdiction makes its own choices, based on its vision, priorities and institutional and social dynamics. It will be interesting to watch how their respective experiments unfold over the coming months.

PARLIAMENTARY REFORM

At the federal level, the main political parties all identify parliamentary reform as a priority. All advocate empowering parliamentarians and parliamentary committees. For the current Government, parliamentary reform has been central to its agenda from the day it was sworn in.

The December 12, 2003 press release announcing the new Ministry promised more responsive government through changes to the way Parliament operates. This commitment was reflected in the composition of the Cabinet itself – which not only created the first federal Minister responsible for Democratic Reform, but brought the Chief Government Whip into the Cabinet. Additional materials released on December 12 underscored democratic reform as a key priority and outlined specific initiatives for achieving it.

Parliamentary reform featured prominently in the February 2, 2004 Speech from the Throne, and two days later, Minister Saada, as the Minister responsible for Democratic Reform, tabled the Government's Action Plan for Democratic Reform as the first order of House

business. The Plan sets out a detailed program of changes to the parliamentary process, to enable MPs to better achieve their representative and oversight functions.

It may be useful to point out the key principles of “*Ethics, Responsibility and Accountability*” that form the title of the Plan and that inspired its specific measures. This underscores the fact that parliamentary reform is less about changing rules and procedures, and more about changing Parliament’s culture.

Turning to some of these changes and how they have fared to date, while it is clearly too early for any final verdict, this much can be said: while the changes have admittedly led to some uncertainty, unanticipated consequences, and even outright surprises, they have also achieved some important progress in the way Parliament works.

PARLIAMENTARY REFORM: A PROGRESS REPORT

One of the central reforms has been to the voting system for Government MPs. The three-line voting system has been implemented such that over 70% of votes in the House of Commons have been two-line free votes – that is, votes where only Ministers are bound to support the Government position. Apart from traditional confidence matters such as the Speech from the Throne, the Budget and Budget implementation bill, appropriations bills and motions of confidence, all other votes have been two-line free votes.

A second key reform was strengthening the role and responsibilities of parliamentary secretaries – to recognize them as a critical interface between the Cabinet and individual MPs and committees. This has largely worked, and the parliamentary secretaries have ensured that communication with Cabinet is a two-way street.

Another major reform has been a more meaningful role for parliamentary committees. This can even extend to the drafting of legislation. Thus, for example, in considering changes to the *Canada Elections Act*, Minister

Saada asked the Standing Committee on Procedure and House Affairs to review all aspects of federal electoral legislation that it believes require attention, and to report back with recommendations in the form of draft legislation within one year.

More generally, referral of bills to committee before Second reading has now become the norm rather than the exception. This allows for more meaningful committee input, before the principles of proposed legislation are “locked in”.

On the other hand, this has had consequences for the House calendar. Because the bulk of discussion now takes place in committee, Second reading debate in the House lasts only three hours, instead of two to three days or more, for some bills. This frees up a lot of House time, which some have pointed to as evidence of a light legislative agenda. To a certain extent, however, it is simply the downstream effect of major reforms to the legislative process. Further “upstream”, in parliamentary committees, their agendas are full. In fact, the number of bills introduced and passed by the new Government in its first four months in Parliament is very similar to the number for the 1984 Mulroney government in the same period. But the difference is in House time versus committee study. Whereas Second reading debate times in the House have been reduced, committee time has increased as bills now spend more time in parliamentary committees, which have greater scope for legislative scrutiny.

There have been other adjustments in conferring more responsibility and autonomy on parliamentary committees. Review of appointments is a case in point. The Government asked committees for advice as to which appointments within their mandate they ought to review, and what the review process should look like. While some committees embraced this opportunity, others sought further direction. So again – as with increased scrutiny of legislation – a greater role for parliamentary committees in the appointment process will require new approaches.

A more meaningful role for parliamentary committees and MPs also has resource implications. In both cases, they need greater support if they are to discharge their new responsibilities effectively. And here, quite frankly, progress has been slower. While the Government has been working closely through the House Board of Internal Economy to secure greater resources, this remains a key challenge and an area where more work is required.

Private members' business is another area where the significance of the reforms introduced is only now becoming evident. Private members' business has generated some of the most notable debates in the House this session. And the Government's pledge to let its Members vote freely has been honoured. It should be noted, however, that free votes on private members' business has been the government's policy since the 1993 election. The change in the past year or so reflects the fact that virtually all private members' items are now votable, compared with only about one-third previously. That means that backbench MPs now have more scope to initiate measures that have a real chance of becoming law.

The increased importance of private members' business highlights another lesson that has emerged quite clearly – the fact that parliamentary reform requires adjustments from all players in the process. This includes, for example, both Government *and* Opposition Members; and on the part of the media and academic commentators.

Finally, let me mention ethics and accountability. One of the Government's priority bills in the new parliamentary session was Bill C-4, the Parliamentary Ethics Bill. This bill creates independent ethics officers for the House of Commons and the Senate. The bill received Royal Assent on March 31, 2004 and the House recently approved the appointment of an Ethics Commissioner and the Code of Conduct that he will administer. The Senate is undertaking a similar process. This will ensure greater accountability of parliamentarians to Canadian citizens.

This underscores the fact that parliamentary reform is not an end in itself, but is about providing Canadians with more responsive government. The federal approach reflects a belief that we cannot meaningfully reinvigorate our democratic life without first re-connecting citizens with Parliament itself.

DEMOCRATIC REFORM: NEXT STEPS

Federal democratic reform agenda does not end at Parliament's door. In early May 2004, Minister Saada announced the creation of a new Democratic Reform Secretariat. The Secretariat is located within the Privy Council Office and consists of a small team of officials dedicated to supporting the Minister in his mandate, and supporting research and consultations on democratic reform and civic engagement.

It will play a critical policy, support and coordinating role – providing the infrastructure for democratic reform. Similar secretariats already exist in several provinces. The point is not to copy other jurisdictions, but to enable the federal government to work effectively on democratic reform with Canadians, and with its provincial and territorial counterparts. The Secretariat will be an important step towards that end.

Likewise, Minister Saada also announced the launch of the Government of Canada's new democratic reform website. It will give Canadians the opportunity to exchange ideas and offer suggestions for ways to improve democratic institutions and strengthen citizen participation at the federal level.

The website will also serve as a clearing house for information about democratic reform. Through links to provincial and other sites, visitors will be able to tap into the work going on around the country into all facets of democratic renewal. In this regard, Minister Saada has placed great emphasis on federal-provincial collaboration, and on supporting and partnering with existing institutions and bodies to discuss and promote democratic reform.

CONCLUSION

Ultimately, democratic reform transcends individual governments and jurisdictional lines. It is about delivering the kind of dynamic, participatory government that Canadians expect and deserve. This does not mean there will be a consensus on the need for change, or on its nature. Democratic reform means different things to different people. Different governments will have different visions, and will choose different approaches.

To summarize our experience at the federal level: we have learned that parliamentary reform is a *necessary* part of democratic renewal, but that it is not sufficient. The promise of democratic reform is larger than the institution of Parliament itself. The challenge, of course, is determining what else it includes, and the answer to this will depend on the audience. It is possible, however, to identify four areas as food for future thought:

1. *citizen engagement*: examining new ways to bring citizens into the policy development process, and to build civic literacy and democratic capacity;
2. *electoral reform*: which could include changes to election laws – for example, to update rules for party registration and electoral redistribution – to consideration of more fundamental changes such as fixed voting dates and changes to the electoral system itself;
3. *institutional reform*: for example, the Senate; but also examining other possible improvements to the workings of the federation, including new vehicles for intergovernmental collaboration and public input;
4. *political party reform*: as political parties increasingly come to be seen as quasi-“public” entities, there are mounting calls for them to be more accountable, transparent and democratic. Some have argued that addressing the democratic deficit should begin with the parties themselves.

While all of these issues are on the federal radar screen – and others, no doubt, will appear – they are not all being pursued actively at this time. They do, however, provide a sense of some possible directions that the democratic reform file could lead us in the coming months – depending, of course, on the Government and its priorities – and, more importantly, on the wishes of Canadians.

All of which is to say that democratic reform is and will remain a work in progress, particularly in a federation like ours. But it is safe to say that Canadians understand that, and that they welcome the debate.