

***“Beyond the Adversarial Charade:
Can Parliament Play a Constructive Policy Role?”***

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The launch of the first ten books of the Democratic Audit project is a vitally important event. I am honoured to be here on this day and to reflect with you on some of the democratic challenges we face in these interesting times.

What I will not do today, is embrace either electoral reform, democratic or accountability as topics of choice. They are important, and as many in this room will know, they are topics IRPP has been active on in a host of ways and in a myriad of research publications and symposia for the last half-decade or more.

What I want to reflect with you on today is the absence of ideas - and the creative forum for their elaboration and discussion within our parliamentary precincts and practices. I believe this absence costs Canada and Canadians dearly. And, as the process of parliamentary and procedural reforms rolls out, I am here to advance the proposition that we need to make more room for ideas.

By ideas and their discussion, what I mean is the open and engaged discussion between parliamentarians around ideas in social, defence, foreign or economic policy that matter to Canadians and that Canadians can themselves see and engage. This does not happen much on Parliament Hill - for reasons that are not the fault of parliamentarians per se - but the absence of this kind of discussion is corrosive to the legislative role and purpose and harmful to the relevance of this institution. There are structural reasons there is not much discussion of ideas - structural reasons that while addressable, run to the very core of how things are pre-scripted and pre-organized in our parliamentary system.

As the Lortie Commission after the 1988 general election made clear, we have a compelling lack of engagement of our political parties around the notion of serious policy development and the advancement of ideas. The amounts spent by our political parties on polling, on organization, offices, media relations, websites, leaders' tour and fundraising far outstrips what is spent on policy. While Parliamentary research offices help the parliamentary party deal with house pressures, question period and standing committees, their operations are by definition ad-hoc and their contribution not terribly deep. This is largely not their fault - they lack the capacity to have experienced economists or international relations or social policy experts on the payroll in any but the most ad-hoc or junior way.

Now that our parties are largely dependent on the public purse, the notion that they should have no formal legal obligations in this regard is actually quite stunning. In Europe public funding comes with public obligations. We would do well to reflect on what that kind of framework could and should mean here.

In our constitutional system, the parliament of Canada is largely driven by the government's agenda or lack of agenda, depending on the dynamics at any one time. Question period has become what it has unavoidably become - and whatever that is - it

is not about ideas, and has not been for many decades. Television has certainly not helped.

And while public servants search for and develop policy ideas for their Ministries and in support of various initiatives, those ideas are largely for the government of the day, and rarely seep into parliament, unless buried in some legislation or budget paper - upon which the voting process and the parliamentary side taking largely determines the nature of the debate. Research offices often generate questions for the house or committee and the bureaucracy generates answers - all no doubt honourably and in good faith - but whatever this is about it is not about the exchange of ideas.

While one might argue that the Standing Committee is a good place for ideas to be exchanged, that is very much impacted by the dynamics at the committee, whether the issue is Supply, or the passage of a bill or questions for a department as part of the Estimates process. There is a sense that for any idea to be debated in the House it has to be pre-boiled and managed; stage-managed and coordinated or else the core adversarial system upon which Parliament is based will somehow be at risk.

No one could stand before you today with less justification for even the tiniest holier than thou bias about partisanship and its excesses than your humble servant. Whether in government or Opposition, in Ottawa, or in government at Queen's Park, my role usually was tightly tied to the mix of policy and partisan advantage for the party and government I served. While there were constitutional and foreign policy issues where that mix would not have been of primary importance, in many of the other considerations, that partisan tilt was primary. I offer no apologies for that, as my activities in government resulted from my partisan activities at the outset of my career. But even my own excesses, and those of my fellow generation's practitioners are no excuse for complacency today.

In David Docherty's superb monograph on Legislatures, an integral part of the Democratic Audit works launched today, he offers us a very interesting clue relative to the lack of policy discussion when he points out..."because all members in a parliamentary system do not have equitable authority, the ability to fully participate in the chamber is asymmetrical..." "...Specifically, we can ask who governs the assembly. Is it all members or those in cabinet who have the greatest policy influence? Next we can distinguish among the ability to participate, the governing of the administration of the chamber, and the purposes (both direct and indirect) of positions of authority within the legislative arena..." (Docherty, David C; Legislatures, UBC Press, 2005, P. 49). He argues that the hope for more policy participation lies in the committees, I agree - but I do not think that the status quo of committees and their structure is enough.

The power structure essential to the operation of Parliament does tend to mitigate against any creative policy discussion. Statements from government and opposition responses are scripted sometimes quite tightly. Question period is at best about scrutiny relative to past or present problems, not about any exchange of substance around the future. The media cycle confirms this framework and may in

some respects make it worse. The competitive pressures in the media, reported on so well in William Fox's outstanding work on the media (Spinwars, Key Porter) will force its key players to cluster around the 'congenial truths' of the day, or eschew any thoughtful policy research journalism that looks ahead. While think tanks can do their best, they can only contribute to extend the range of ideas and analyses that are available - but really have no way of influencing the extent to which parliamentarians or the parliamentary process may choose to consider them.

While parliamentary committees, and senate committees in particular can reach out to bring ideas and proposals before parliament for consideration, this is usually about bringing experts to committees, or stakeholders or advocates with considered positions for committee members to understand and assess. It is not as much about open and free policy debate and creative engagement by parliamentarians themselves. To be fair, much of the work in the preparation of committee reports, the writing and negotiation of which is usually removed from the public eye, does reflect serious policy discussion and debate. It is understandable that it is removed from the public eye. In that narrow sense, the policy debates that go on in Caucus, which are often creative and very intense are also removed from the public eye - unavoidable but nonetheless contributing to the rather policy aseptic appearance of the open parliamentary process itself. The ultimate irony is that while Parliament is about the scrutiny of government spending and activities, which, when combined form the essence of policy direction and implementation, open opportunities for the actual discussion of ideas and policy do not abound.

I accept that the adversarial and partisan nature of parliament's structure makes it a difficult forum within which ideas might be allowed to float freely and be discussed openly. But I still believe that we can do better, and more importantly, if we believe in the importance of parliament, we share a common duty to try.

We need only reflect, as we celebrate the twentieth anniversary of the Macdonald Royal Commission on Canada's Economic Prospects, chaired by a former Minister of National Defence and IRPP Board Chair, the Honourable Donald S. Macdonald, why the broad research and policy development work done by that commission was so broadly embraced by leading scholars and academics, and why the heft and intellectual depth of the work done for it remains so compelling. Clearly, Prime Minister Trudeau concluded that whatever the pressing strategic issues facing Canada going forward, a Royal Commission was a far better place for their consideration and elaboration than a Parliamentary committee or parliament itself. The sense imparted was and remains clear. If one wants serious policy discussion, the serious consideration of ideas, parliament is the last place, and parliamentarians the last people to trust with that assignment. That the judgement would strike us all, as self evident, should also give us pause. I also think it unfair to parliamentarians in the extreme.

There is, of course, no easy fix for what is, after all a series of systemic constraints inherited over decades. Parliament is after all an adversarial body reflecting those who voted for the government and all those who did not. The competitive nature

of between election debate and engagement is how parliamentary democracy is expressed and made real after Canadians vote. There should be no effort to artificially diminish the core nature of that engagement.

The question we should embrace is whether or not there are modifications or additions to some of the present practices, conventions and procedures which could enhance the role of parliament in policy discussions and the consideration of ideas that in fact enhances the scrutiny role already structurally in place?

I believe there are.

More Green and White papers openly considered by Parliament would go a long way in this respect. The coming reviews on both defence and foreign policy are rich opportunities. The Committees that consider these documents have the opportunity to be very creative in enlisting parliamentary engagement and discussion-and inviting parliamentarians from all sides and both houses to not only reflect on the ideas put in front of them by the government, but to offer their own ideas as well. Encouragement of constituency meetings and town halls on these important documents would and should extend parliament's reach in these vital policy areas.

In work done for the IRPP on the conflict between Parliament's legislative decisions and subsequent Charter of Rights based court decisions in areas as diverse as tobacco advertising, rape shield legislation and gay rights, Professor Janet Hiebert of Queen's suggested that parliamentarians could address some of these potential conflicts by having Charter Committees of the House that would consider the Charter implications of any proposed legislation before third reading. Setting aside the hard reality that parliamentarians might well prefer to avoid this kind of explicit responsibility for political reasons, the principle here is one worth reflecting upon in the broad policy debate context. If Standing committees are constrained by their partisan makeup, or by their schedules relative to estimates and other requirements, establishing legislative committees with a precise focus on "Ideas for the Future" or "New Policies for Changing Times" might actually be a way to both liven up, refresh and encourage policy debate and discussion. Most cabinets have a policy and priorities committee, why would we not want Parliament to have a future policy and priority standing committee – one that could reflect broadly, debate openly and genuinely look ahead. Surely, we want a system open to the notion that the quality of an idea, the effectiveness of a policy, the need for a new approach might be debated on their own merits, as opposed to whether the idea came from this party, that government, or those interest groups.

We need to be frank with each other about the reality of a parliamentary process devoid of that kind of consideration in most of its precincts most of the time. We need to be brutally honest about a process that sees that kind of discussion only within the ranks of government bureaucracies or think tanks. We need to be equally and mutually frank about a media context devoid of any incentives beyond the 'what accident happened where and who was to blame' school of political journalism.

We can all think of parliamentarians and journalists from all persuasions and media who are exceptions to the structuralist adversarial framework that constrains parliament and its coverage somewhat. Which is precisely the point. Thoughtful policy reflection, creative policy development should not be the exception. We need to find ways to make it more of the norm. Parliamentary reforms proposed by the Martin administration go some way in this regard by loosening some measure of the partisan and adversarial strictures. But strengthening Canadian democracy would also benefit from creating parliamentary forums and regular engagement opportunities that invited creativity, fresh thinking and honest policy focused debate and discussion which would see the vitality of Canada's intellectual and community discussions more aptly reflected in Parliament itself.

As we meet, Prime Ministers and Finance Ministers in legislatures and Parliament across Canada regularly canvass their caucus for throne speech and budget ideas. And, thanks to Mr. Martin, the standing committee on finance has open discussions about budget options and challenges.

If we were to meet in a year's time, would it not be wonderful to know that a new Standing Committee of Parliament – and a parallel committee in the Senate – dealing with future policies and priorities had been established and that open, engaged and thoughtful policy discussion was very much a foot.

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