
The Roots of our Democratic Malaise

by Matthias Rioux, Member of the National Assembly

This article suggests that several dysfunctional elements have crept into our democratic parliamentary institutions. Among other things it looks at the relationship between the executive and legislative branches, the question of party discipline and the link between citizens and their elected representatives.



A former parliamentary colleague, reliable and experienced, said to me once, only half joking: It is not the system that is sick, it is we parliamentarians who are sick. I began by disagreeing with him but now I find his comments rather sensible. A major part of the public's disenchantment with the political community is caused by the impoverished role of the parliamentarian, and by the contempt in which elected officials themselves hold democratic institutions, and by their widespread abdication of their responsibilities.

The Devaluation of Parliament

A former Quebec Speaker, Louis-Joseph Papineau, rose in the House to debate the major issues of his day, and his remarks had great resonance and enormous scope. Even though the legislative assembly had very few powers back then, Papineau is credited with introducing, not

without difficulty, the idea of responsible government – that elected officials should give their consent for government expenditures. A whole revolution started at that point.

Until the early 1940s, parliament as an institution managed to develop its autonomy and independence in relation to the executive power. This was true at the time. Has anyone forgotten the story of Vautrin's pants? Although this incident is usually linked to Opposition Leader Maurice Duplessis's personality and used to illustrate corruption in the government of the time, it was an act of parliamentary control. The public accounts committee, which examined the expenditures of the state and the government, learned that Mr. Vautrin had bought trousers for a family member. What a scandal. The amount was absurd. The principle was significant. This embarrassment contributed to resignation of the government.

The public accounts committee was powerful enough, and attracted enough interest, that Mr. Duplessis axed it as soon as he came to power. He could foresee the risk to his own regime of retaining the institution that had brought down the previous government.

Before that time, parliamentary debate followed British customs, which allowed members a great deal of freedom of speech. It was not until the 1940s that codes and guidelines were written to steer and direct parliamentarians' right to speak. Considered too heavy and bulky, the code of parliamentary procedure was put on a diet in the 1970s. That is when a few new measures were brought in

Matthias Rioux was elected as a Member of the National Assembly for Matane in 1994. Re-elected in 1998, he chairs the labour and economy committee. Since 2001, he has been the Vice Chair of the National Assembly delegation for inter-parliamentary co-operation with the European Community. He was a speaker at the "International Symposium on the Parliamentary System in the 21st Century" held at the Parliament Building in Quebec City from October 9 to 12, 2002. This is an abbreviated version of his presentation.

to make Parliament more efficient. But more efficient for whom?

Time limits were imposed on parliamentarians' right to speak. A permanent structure for parliamentary committees was set up, where, in the name of efficiency, members of the government were given a special position to allow them to hold a dialogue with the people and their representatives.

All too often, those with executive power forget that the legitimacy of their powers lies in each member of Parliament elected by the people.

For the record, I would like to point out that in the early 1980s, a very significant moment in our parliamentary democracy, a major reform was begun, to reaffirm sovereignty and the institutional independence of the National Assembly. The government gave a mandate to Denis Vaugeois to draft a reform package, passed into law by the National Assembly in 1982, with regulations that followed in 1984. The opportunity was used to do a complete overhaul of the parliamentary committees system, giving them extensive autonomy in performing their new duties, as well as new statutory and regulatory powers. I will not discuss the results of the reform here, because I have had ample opportunity to document its failures, identify their principal causes and develop potential solutions as a sponsor and as a member of the MNA committee which met in 2002 and published a report entitled *On the Need for Parliamentary Control*.

The observations and possible solutions contained in this report were the subject of extensive consultations with parliamentarians, and aroused their unanimous support. Can all the MNAs be wrong at the same time?

Some of the proposals aimed at reducing the current dysfunction in parliamentary committees have of course been implemented, primarily by increasing the ridiculously tiny budget that committees were given to carry out their work. They subsequently received additional resources and researchers, to ensure that the work was carried out. But basically, the primary reason underlying the parliamentary malaise in Quebec was not resolved. While the number of research officers available to parliamentary committees may be higher, still only three committees can sit at the same time as the National Assembly. Most of the time, these committees must carry out orders from the National Assembly, which significantly reduces the possibility of conducting studies initiated by parliamentarians and MNAs.

When a committee carries out a mandate at the request of the National Assembly, it is up to the committee to or-

ganize its business, which includes selecting the organizations to be heard. Only the date and the location of the public hearings are the responsibility of the Leader of the Government. Do you believe this is really what happens? The committee's steering committee should be the forum where discussions are held and decisions made about witness selection, the order of witnesses and the duration of the hearings. Following this practice does not involve any changes to our Standing Orders. These powers are already set out in Standing Orders 166 to 173. The basic problem – and this is what I find most serious – is that we are unable to say clearly what service an ordinary MNA should perform and what role he should be entrusted with in the 21st century parliament.

Government Encroachment

For a number of years now, MNAs have bowed all too easily before the executive power. In some cases, they have even kneeled down.

In spite of the structural reforms, and in spite of the new responsibilities conferred on parliamentarians the encroachment of executive powers over the legislative authority, and the meagre resources allocated to parliamentarians, mean that MNAs are treated like children in performing their duties.

Since their role is an empty one, what form does the executive encroachment take? First there is this new habit of handing over to forums, summits and estates general, all the major debates so that almost all discussion conducted outside of Parliament, which is the best place in the land to hold these kinds of debates. It is probably more effective for ministers not to be burdened down by opposition members or government side members in developing a policy or a piece of legislation. I know. I have been there. The government also uses this approach to give the impression that it is closer to the people.

Here is another example of encroachment. Apart from some short briefing sessions at a caucus meeting where the agenda is normally hastily jotted down just before the start of a committee meeting, the majority MNAs are completely divorced from the development of bills. Their role consists in supporting the minister when he is making his presentation and not straying from the game plan that he worked out beforehand, and then listening meekly to the minister as he answers questions from the opposition during the committee's clause-by-clause consideration. The parliamentary assistant, who can speak for and on behalf of the minister, is completely excluded from the legislative process. Here is a function which, in my view, must either be enhanced and more highly valued, or eliminated entirely.

When I was Minister of Labour, I remember being reprimanded because during the legislative process I systematically circulated all the documentation that might be of assistance to colleagues. I was told politely that things did not work that way. But is not this the role of a committee member – to study the contents of a bill with the greatest possible enlightenment? The point is to respect the member's intelligence.

A final example of encroachment. As chairs and members of parliamentary committees, we have important roles to perform. For example, it is our duty to examine the management of at least one public agency every year. This obligation is set out in S.O. 294 and it will soon be even more important with the passage of the Law on Public Administration, Bill 82. However, we still have to fight and negotiate continually with government representatives for the least amount of time to carry out our mandates, and then, when by chance we are lucky enough to have time to do our job, the government sends in emissaries to check whether we are straying from the line or whether we are taking the orthodox approach.

The roots of the democratic malaise are the denigration of democratic values in general and parliamentary values in particular. The executive should be the first place where these values are respected and promoted.

It is difficult, and wrong, for us as parliamentarians to live in permanent contradiction with our own rules. Will changing the parliamentary calendar or modifying the voting procedure or holding elections on a fixed date make any difference? I doubt it. It is the mentality we have to change. Those with executive power have to stop regarding parliamentarians as a threat. I sincerely believe that, as long as the executive is incapable of living respectfully with the legislature, it will be unable to allow all the legislators to exercise their prerogatives fully. It is a matter of respect.

Party Discipline

I do not want to speak at length about party discipline. I learned recently that one of my colleagues on the government side voted in favour of a bill whose principle went squarely against his most profound convictions.

Although I am not in favour of free votes on everything I am profoundly troubled by the present system which actually forces a member to vote against his conscience

The penalties are severe if you stray from the party line. If you vote against a bill in the National Assembly, you are excluded. Have you thought about what it means to leave your parliamentary group, your family, to sit as an independent, without resources and almost powerless to serve the constituents in your riding?

The cost of freedom is so high in the current parliamentary system that you will choose resignation over emancipation. And yet, freedom of expression and opinion is at the very heart of the Quebec and Canadian charters!

Citizens

Where are the citizens in all of this? For their part, citizens have difficulty identifying with the member of Parliament. Certainly, they elected him and they put their faith in him, but when it is time for him to perform his real duties, he becomes unrecognizable, in comparison with what he said when he got himself elected. He was going to Quebec City to represent the people and pass legislation on their behalf.

I would just like to say that significant numbers of people think they no longer have any other choice. They are fully convinced that politicians do not listen to them. Exasperated citizens soon find themselves disillusioned and cynical about politicians. They are all the same, they say, politicians are liars, and they have no moral values. It is not right that an elected official cannot even claim a minimum of credibility among the people who elected him. It is clear that the post-war economic boom, the advent of television, mass media, and new technologies have made citizens more demanding of politicians. But when you look at the means we have to respond to the expectations of the electorate and the people of Quebec, you find that our hands are almost empty.

Nonetheless, it is in fields as important as programs and policies where the MNA must take action, since we were as elected to make representations, to question the relevance of old and new measures, to evaluate impacts, to express citizens' concerns and to try to influence government priorities. The major reforms proposed to us some 20 years ago aimed precisely at enhancing the role of the members and endorse their autonomy. We missed our chance. Is it too late?

I have been told I am a dreamer and an idealist. But I dream only of one thing: that the members will regain their desire to practise their noble trade for their own good, for the good of those who come after them, and ultimately for the good of their electors.