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# Can Question Period be Reformed?

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by Frances H. Ryan

*This article looks at four examples of how MPs and political parties bring their influence to bear on the practices, conventions and procedures that govern Question Period. It also examines proposed reforms and concludes with a discussion of why MPs may be reluctant to take up the challenge of reforming Question Period.*

An effective liberal democracy requires effective accountability tools. They are necessary because their existence and use by MPs serves to uphold the legitimacy of Parliament as an institution. If accountability tools are not functioning as they should or for their intended purpose then Canadians' belief in Parliament's authority – or legitimacy – is at risk.

Question Period deserves special attention in an examination of Parliamentary accountability. It is *the* Parliamentary event where all of the issues straining the Canadian political community are discussed daily by our representatives. It is the focal point in the parliamentary schedule where all MPs across the political, regional, and ideological spectrum meet to question the government. It is also generally viewed as the most powerful tool the opposition has to ensure the executive is held accountable for its actions.

Question Period has also become important because of the intense media attention it receives. It is what citizens see most regularly through short clips on the evening news and what shapes their opinion of Parliament. As such it has come to embody Parliament for many Canadians.

## Why Public Opinion is Important

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There is evidence that Canadians have been steadily losing faith in parliament and parliamentarians.

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Although many Canadians, and scholars alike, feel that Question Period is an essential accountability tool, they feel that the lack of decorum, cooperation, and discussions of substance detracts from its effectiveness in holding the government to account for its decisions.

As long ago as 1991 the Spicer Commission noted that Canadians were becoming disenchanted with Parliament. Approximately 400,000 citizens participated in the Commission's public hearings, which were part of the Mulroney government's development of the Charlottetown Accord. The participants felt changes to the way parliament worked were necessary because they had lost faith in Canada's existing political system to make decisions which "reflect their values and aspirations for the country."

Years later it seems that citizens still feel the same. Acknowledging public discontent with Canada's democratic institutions, the Harper government commissioned a research report entitled *Public Consultations on Canada's Democratic Institutions and Practices* in 2007. The report found:

Some forum participants felt strongly that the open debate of Question Period is essential to democracy. On the other hand, quite a number of participants called for more decorum, substance, and to some extent cooperation among Members speaking in Question Period.<sup>1</sup>

Canadians are not interested in school yard antics and they tune it out; they fail to see themselves and their interests reflected or represented by these performances. For example, the Canadian Parliamentary Affairs Channel's viewership of Question Period during the Sponsorship Scandal, a time when Question Period was quite boisterous, dropped from 70,000 viewers a minute to 14,000 viewers per minute.<sup>2</sup>

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## What Motivates MPs?

A survey of existing scholarly literature reveals two schools of thought on the effectiveness of Question Period as an accountability tool. Both agree it is essential but disagree as to whether its effectiveness can only be determined by observing how the tool is used by MPs.

Some academics assume that the very existence of an accountability tool like Question Period is enough to ensure the opposition is holding the government to account. C.E.S Franks, in 1987, made the assertion that Question Period “must be of value or even the slow processes of changing Parliamentary procedure would have modified it.”<sup>3</sup>

Peter Aucoin has written, “...for all its alleged and obvious shortcomings in practice, there is an effectively designed QP<sup>4</sup>”. Tom Axworthy has stated, “Canadian federal democracy deserves our confidence<sup>5</sup>”. What these authors overlook is that how MPs use the tool in practice is equally as important as the existence of the tool.

For another group of academics the mere existence of this forum does not guarantee its effectiveness in practice. These scholars feel that confidence in the system is not inherent or naturally deserved and that it must be earned by the people running the institution. They agree that MPs’ partisan manipulation of Question Period detracts from its effectiveness as an accountability tool. Peter Dobell and John Reid feel that MPs ask questions that “over-simplify and distort issues, obscuring the complexity of policies”<sup>6</sup>. Hugh Segal argues that MPs’ questions are “pre-scripted and pre-organized”<sup>7</sup> and that this negatively affects MPs’ ability to scrutinize the actions of the government. Michael Chong, MP argues that MPs’ use of Question Period has made it “irrelevant”, “rhetorical”, and “incomprehensible.”<sup>8</sup> Franks, in 2008, argues that MPs’ actions in Question Period serve to trivialize important issues.

## How do MPs Use the Tool, What Motivates Them?

If how MPs use Question Period is a determinant of its effectiveness then it is important to understand what motivates MPs to behave as they do. Two prominent Canadian political scientists, Dickerson and Flanagan remind us that, “the first and most important goal of the political party in a democratic system is electoral success”.<sup>9</sup> Matti Wiberg and Nizam Ahmed explore this truism in their respective studies of parliamentary questioning.<sup>10</sup>

Both Wiberg and Ahmed refer to MPs as “rational

actors” who in simple terms must decide how they will best use their limited opportunity for parliamentary questioning most effectively. Wiberg argues that fulfilling the accountability function is not what motivates MPs in Question Period; they are, he asserts, constrained by partisan politics and the authority of their respective political leadership. When faced with the option of fulfilling the accountability function or achieving political gain, MPs choose political gain. Political gain can be defined as: advancing the political agenda of the party; gaining personal notoriety; and career advancement. This renders Question Period ineffective and the by-product is a raucous Chamber lacking in decorum.

Nizam Ahmed argues that parliament holds government accountable with structural factors in addition to behavioural factors. An analysis of structure is important for it “sets the parameter for guiding the behaviour” of MPs. Knowing now that it is political gain which motivates MPs, and not serving the accountability function, it would seem inappropriate and ineffective to allow politicians to influence the structure Question Period. Doing so renders it an ineffective accountability tool.

## Some Problems with Question Period

Question Period is forty-five minutes long and takes place every sitting day. The number of questions each party gets to ask generally corresponds to the proportion of seats each party won in the general election. Political leaders have been given the authority to informally negotiate a time limit for each question and answer. The current time allotment for questions and answers is thirty-five seconds a piece. This allows for nothing more than quick partisan statements and is ideal for media reporting. However, this strict time limit constrains discussion and acts as an incentive to be rhetorical and to provide vague answers.

In a recent article Michael Chong argued that 35 seconds for question and answer is unacceptable. It is hard to ask a pertinent question and give a fulsome answer in such little time. These time lines incite MPs to resort to the far easier and politically desirable tactic of attacking their opposition or being self-congratulatory in the hopes of attracting media attention.

Chong’s proposed solution is to lengthen the time allotted to ask and answer a question to “one (or two) minutes” saying that this would ensure “meaningful questions would be asked” giving both parties more opportunity to provide a fulsome question and answer. Wiberg, in his 1995 study of parliamentary questioning in Western European parliaments, agrees that if the

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goal is to seek a genuine answer from government on a particular issue, longer time allotments would be beneficial. Shorter time allotments he contends “are not always the most informative in administrative terms”. As long as political parties are permitted to negotiate the time limit of each question it will remain ineffective and it is unlikely the limit will be changed; it is politically advantageous to have a short exchange.

### **Mandatory Attendance**

Another problem is the requirement for mandatory attendance. All MPs, including the Prime Minister and the entire Cabinet, are required to attend most Question Periods. This is a constraint on focused discussion, an incentive to skim the surface of many issues, and it incites partisan positioning. Peter Dobell and John Reid have argued the opposition takes for granted its ability to demand answers from the Prime Minister every day. As a result, the Opposition’s questions are not as focused or pertinent as they might be if they valued the opportunity to question the Prime Minister daily. They might do so if he or she were available less often.

The same is true for questioning of ministers. Questions might be more focused if ministers were available less frequently but for longer periods of time. With the entire Cabinet present at Question Period most days it means that MPs, not wanting to miss any opportunity to question the government, are often under pressure to devise questions in a few short hours. As such MPs can come to rely heavily on politically oriented questions which are easy to produce. As Weiburg observes, the mass media and lobby groups are often the fast and reliable source of material on which MPs base their questions, instead of sound, factual research which can take longer to produce. In short, mandatory attendance exacerbates the problem of the thirty-five second question and answer; under these pressures it is easier and more politically advantageous for an MP to make a political statement or to ask a rhetorical question.

Dobell and Reid refer to Question Period as a “daily gladiatorial contest” and argue the focus on this contest could be diminished by moving to a UK style system. In the British House of Commons Prime Minister’s Questions (where the Prime Minister is available for questioning once weekly for thirty minutes) and a roster attendance system for ministers is in place. This, they say, would shift the focus to more meaningful policy debates. A roster system would assign one Minister to be present at each sitting. This method, where questions would be focused on one particular topic (the department of the Minister present that

day) could: give all sides time to prepare meaningful questions and answers; free up Minister’s time to attend to the business of their departments; allow the opposition time to research and prepare thoughtful questions; and generate more focused and in-depth media reporting.

A roster system was advocated in 1993 by the Standing Committee on House Management in its Eight-First Report. The Committee noted that the Trudeau government had unsuccessfully introduced the roster system in the 1970s but that the idea should be revisited. Based on his own experience as a Minister, Chong advocated moving to the roster system. This model has been successful in other jurisdictions and could work in the Canadian context. Wiberg has observed that in Western Europe, where many Parliaments have adopted the roster system practice and other opportunities for more focused policy debates, question period does not draw nearly as much national media attention compared to the focused debates.

A third problem relates to the use of lists and of supplementary questions. There is conflicting evidence as to when the Speaker began accepting lists from the party whips detailing who would be asking questions on behalf of each party. Regardless of when this convention took hold, the previous practice in Canada had been that the Speaker would acknowledge the leaders of opposition parties and after this round members would rise and try to ‘catch the Speaker’s eye’ in order to be recognized and ask their question. When lists are followed, even supplemental questions, which ideally should only be allotted at the discretion of the Speaker when he believes the primary question was not adequately answered, are assigned to a particular questioner. This practice is a constraint on continuous, meaningful dialogue and is an incentive for the government to provide vague answers.

The parties wield considerable power through these lists, and are able to force the Speaker’s hand in only calling questioners on the list. Robert Marleau has cited an example where the Speaker had informed a party that she would be reprimanding one of their members who had behaved inappropriately by not recognizing him in the chamber and the party retaliated. The party forced the Speaker to recognize the member by assigning him to every question on that day’s list for Question Period.<sup>11</sup>

The Eighty- First Report of the Standing Committee on House Management also recommended restricted use of lists, and that supplementary questions “be permitted only at the discretion of the speaker”<sup>12</sup>



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The committee noted that lists have in fact become “longer than the time available” leaving no room for spontaneity or questions that have not been pre-scripted and vetted by the party leadership. They recommended that parties only provide the names of the first two or three questioners to curb this problem. The committee also felt that supplementary questions should no longer be interpreted as a “right” but be left to the discretion of the Speaker because far too often questions are becoming pre-scripted speeches. As long as the parties are permitted to maintain their lists, where all questioners and questions (primary and supplementary) are predetermined, it will continue to render Question Period.

A fourth problem is that Government backbench MPs are excluded from meaningful questioning of the government. There is currently no assigned time or designated forum for backbench MPs within Question Period; this constrains unobstructed discussion, and acts as an incentive for government backbench members and ministers to be rhetorical. Some have argued that the problem is that parliamentarians no longer fulfill their intended role. The role of Parliament is not to govern but to hold to account those who do – its main function is to be a check. Half of the government members, those on the backbenches, do not serve the scrutiny role because the party has given them the role of cheerleader.

The government is allotted a certain number of questions that backbench members can ask Ministers but strict party discipline prevents MPs from asking tough questions and this constrains meaningful discussion. These questions from the government backbench to Ministers are dubbed ‘lob’ or ‘planted’ questions; they are easy to answer and, to use a sporting analogy, give a Minister a chance to hit one out of the park. Government backbenchers also ask these ‘planted’ questions because they would face repercussions from their party leadership if they were to ask pointed questions.

In 2002, the British Parliament sought to solve this problem by instituting the “Written Ministerial Statement”. The written statement gives the government the opportunity to make announcements on the official record without the government whip having to influence government backbench members to ask specific questions.<sup>13</sup>

From a Canadian perspective, Dobell and Reid have suggested that this problem could be rectified by limiting the amount of time controlled by opposition parties. If the parties were given only the first fifteen or twenty minutes, it would free up time at the end

of Question Period for questions from the backbench. Dobell and Reid recommend that “to reduce the possibility of questions being orchestrated by party whips, those wishing to ask questions could submit their name in writing to the Speaker, who would conduct a draw just before going into the House each day” Unless Question Period can be restructured in a way that the influence political parties exert over their backbench MPs is curbed it will be an ineffective means for the government backbench to hold the government to account.

### **Why Has Question Period Not Been Reformed?**

As far back as October 1963 Speaker Alan Macnaughton tried to reduce the length of Question Period but both the government and the opposition protested. The government valued the time available to use for their own political purposes and the opposition parties showed a determined resistance to any restrictions on its rights to information. By 1967 Question Period was ceasing to be an effective device for eliciting important information of an urgent nature but as noted by the present Speaker in an article written many years ago those who propose reforms to Question Period should proceed with caution.<sup>14</sup> No one should expect reforms to be instituted without buy-in from members themselves, and that reforms are only likely to be successful if initiated by parliamentarians. If these assertions are accurate it means that it will take nothing short of Prime Ministerial will, or in a minority government the combined will of the opposition parties, to effect any kind of change of the informal practices, conventions and procedures that govern Question Period.

Peter Dobell and John Reid have argued that Question Period reform is unlikely to happen:

Unless and until there are significant changes in the way the House of Commons functions, which would restore some balance to the system, to ask the opposition leaders to give up some of the control they currently exercise over QP, would be unfair. It would also be rejected.<sup>15</sup>

It can be deduced that what Dobell and Reid mean by restoring balance to the system is providing MPs with more authority to make decisions that are binding on the government. Hugh Segal argues that the decision taken in the late 1960s to remove the ability of parliamentary committees to have final authority over the passage of the government’s Main Estimates has been detrimental to the opposition parties. Segal contends that with this loss of control over expenditures the opposition parties lost a way to directly influence the government. Since this time they

have been motivated to find other opportunities by which to get noticed, and would be remiss to forfeit any more authority to hold the government to account.<sup>16</sup>

Prime Minister Stephen Harper has recently said, "All Members of Parliament should resolve to put aside clearly partisan considerations and try, wherever possible, to work co-operatively for the benefit of Canada".<sup>17</sup> The Prime Minister's words set an appropriate tone; however, as this paper has demonstrated, without practices, conventions and procedures that are free from the influence of partisan political interests to guide the behaviour of MPs, Question Period will not function effectively. If this issue is not addressed Question Period will fail to be the creative forum for engaged discussion it was intended to be, and as a consequence it will serve to erode the legitimacy of parliament. It is unlikely that parliamentarians will be motivated to take up the cause of reforming Question Period and instituting the proposals for change discussed in this paper for it would mean an end to their authority to shape and manipulate the outcomes of Question Period in their favour.

Furthermore, the validity of Question Period reforms will only be successful if they are initiated by parliamentarians and it will take nothing short of Prime Ministerial will (or a coalition of opposition parties) to effect any such change. The question of who or what should have the authority over the practices, conventions and procedures of Question Period, should MPs and political parties surrender it, is a subject for further study. At present it is imperative that there be a renewed interest in the academic study of Question Period, and that parliamentarians be lobbied to reform Question Period – its very legitimacy depends on it.

## Notes

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