
A Blueprint for Parliamentary Reform in British Columbia

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Several years have passed since institutional reforms were last undertaken in British Columbia. Most recently, changes were made in 2005 to lengthen question period from 15 to 30 minutes, allow more Private Members' Statements, and create an Opposition-held position of Assistant Deputy Speaker. Before that, notable changes were made in 2001. These included the establishment of set dates for general elections and budget day, a legislative calendar, and the introduction of Private Members' Statements. This article looks at other areas for potential reform in BC and other legislatures. It focuses on legislation, estimates and parliamentary committees.



A former Speaker of our Legislative Assembly once said that an effective parliament is not a static institution, and rules can become archaic if they are not regularly reviewed.¹ I share this view. We sometimes need to take pause from our day-to-day work as parliamentarians and ask ourselves: are practices indeed delivering maximum effectiveness and are we improving productivity? Are citizens being best served by current conventions? What opportunities exist for improvement? As the longest currently-serving Member in British Columbia I have had some time to reflect on these questions, including time spent serving both in government as a member of Cabinet and in opposition where I held several critic roles.

Let me begin with a brief description of the BC House. Currently, our Legislative Assembly is made up of 85 Members. Twenty-six Members, or 30 percent, are women, including our new Premier, Christy Clark. I am proud to note that BC is now above the Commonwealth Parliamentary Association threshold for women parliamentarians having influence. We are also well above the national average of about 22 percent.

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In terms of Members, BC has the third largest House among the provinces, after Ontario and Quebec. We added an additional six new seats to our assembly in 2009, which followed the recommendations of an Electoral Boundaries Commission.

The provincial population is now at nearly 4.5 million, which means BC MLAs represent ridings averaging about 52,000 people. This is the third highest Member-to-citizen ratio compared to other provinces and territories. Ontario, for example, has the highest average ratio of one to 121,000. Nunavut has the lowest, with roughly one to 1,700.²

BC has seen considerable population growth as well as uneven population distribution. Accordingly, ensuring that our system remains representative is an ongoing challenge. For example, in order to accommodate the increase in Members in 2009, creative solutions were needed to overcome space issues in the legislative precinct. This included rearranging the Chamber to accommodate a third row of desks. We are still a far cry from Westminster which now has some 650 Members although there is work currently being undertaken there to reduce the number of United Kingdom constituencies to 600.³ With that brief snapshot of our House, let me now focus on the work we do.

Legislation

Current practice in BC is for all stages of a bill to be passed in the House, including committee stage, within Committee of the Whole. Although provision exists in the Standing Orders for bills to be referred to a select standing committee at any time, such referrals

rarely take place. Instead, bills are typically debated and passed in entirety in the House. This means that any Member has the opportunity to debate bills in the public forum of the main Chamber. However, it also means that all of this must take place during sessions with fixed opening and adjournment dates.

The general trend in BC since 2007 has been towards shorter sittings.⁴ This has partially been the result of several practical circumstances – such as the 2010 Winter Olympics and 2011 leadership races in both parties, as well as an overall decline in the amount of legislation being passed. Shortened sessions, of course, put increased pressure on the House to complete its business within the scheduled time. This year's spring session, for instance, consisted of only 24 sitting days, during which the full estimates and seven bills were completed. To do so, the government relied upon time allocation. Although the Standing Orders allow the House to use time allocation to complete its business, employing this procedure can be problematic.

The government introduced a parliamentary calendar for the first time in 2001. This was seen as a progressive step since it allows for better planning and efficiency. But in light of recent challenges it might be better to adopt a revised calendar with open-ended adjournment dates. This could allow the House to sit until its business is complete. This approach could also accommodate the fact that the amount of time spent passing legislation will vary from session to session, depending on the government's legislative agenda.

In BC, at least, there has been an overall decline in the amount of legislation passed. During the 38th Parliament of 2005-2009, for example, the House passed, on average, 29 government bills per session. Since 2009, the average has been roughly half of that. The absence of a heavy legislative agenda has been cited as one of the reasons behind the cancellation of some fall sittings. The BC House has sat only 11 times in the fall in the roughly two decades since 1991.

Another option to consider regarding time management would be to have rules specifying global time limits for debate or for the completion of various stages of reading. In Ontario, for example, Members can only speak for 10 minutes each once there has been seven hours of debate on second or third reading of a government bill.

A more significant change to consider would be for BC to begin referring legislation to its smaller parliamentary committees. This is the practice in several other provinces, such as Ontario and Quebec, where bills are referred to policy field committees

for committee stage debate. Elsewhere, such as in Australia and Westminster, the House can be split into two sections, either of which can consider legislation. BC may want to examine adopting such a system. Another option would be to refer some legislation to an all-party committee for review prior to its being introduced in the House. Currently, there is a Legislative Review Committee in BC, but it is comprised of only government caucus members and it conducts business *in-camera*.

One of the big advantages of having one or more smaller committees consider legislation is that it would free up House time and resources for other business. Committees also have unique powers that may provide for a more meaningful process. Notably, committees can hear from expert witnesses and conduct expert or public consultations on a piece of legislation before it is passed. Committees could also consider amendments to legislation. It is rare in BC for bills to be amended in the House, particularly on the motion of the Opposition.

Estimates

As with legislation, estimates in BC are considered before the whole House in a Committee of Supply. This is similar to practices in at least three other provinces and two territories. BC's estimates process dominates House activities every spring following the Throne Speech and presentation of the budget. During that time, Members (usually the Opposition critic) have the opportunity to ask ministers about specific ministry spending and programs. The Minister is accompanied and assisted by senior staff in the House during this time.

The practice in BC since 1993 has been for the House to split into two sections for the estimates. Committee A meets in a committee room while Committee B meets in the main Chamber. Technically, both function like the main House, but Committee A tends to be used exclusively for estimates debate.

Over the years, splitting the House into two like this has allowed for more timely completion of the estimates process. It also permits the conduct of other House business while the estimates are under consideration. This year a total of nearly 125 hours were spent on the main estimates. In previous years, over 200 hours have been spent on estimates debate.

Obviously, having a lengthy estimates process places demands on House time and resources. When the estimates had to be completed within a shortened sitting schedule this year, the government proposed adding a third committee to sit concurrently. This proposal was not agreed to by the opposition, who

were concerned that they would not have sufficient support staff to sustain Chamber debate plus two concurrent proceedings. Instead, as the end of the session approached, a time allocation was used near the end of the sitting to complete a number of ministry estimates, along with seven bills.

Certainly in BC the use of time allocation or closure has been criticized in the past. During the 1970s, in response to such an incident, then opposition leader Bill Bennett coined the infamous phrase “not a dime without debate!” This view has been reiterated in BC over many years and many governments.

I had the opportunity to study this topic first-hand while serving as a member of the Public Accounts Committee in 1996. We issued a report containing proposals to enhance accountability for performance in the public sector. Several of these involved making greater use of parliamentary committees.

One proposal for BC to consider would be to refer the estimates to policy field committees for consideration. This is standard practice in other jurisdictions like Alberta, Saskatchewan, Quebec, and Newfoundland, as well as in the House of Commons. Another option would be to have a specific committee dedicated to the estimates. This is done in at least Ontario, New Brunswick, Nunavut, and the Senate. Referring estimates to one or more committees might address some of the issues I raised previously, both directly and indirectly. For example, committees could consider the estimates over a longer period spread out over the course of the year, rather than for a few intense hours in the spring. Referring estimates to committee would also free up House time and resources, and allow more time to focus on legislation and Private Members’ business. This, in turn, might help to mitigate the need to use closure to complete House business within a set parliamentary calendar.

Better practices might also develop in referring estimates to committees. For example, senior officials may speak in the more informal setting of a committee. Only the minister speaks for government in BC’s current process, which means considerable time is spent consulting with staff before responses are given. Committee members also could develop policy area expertise over time, which would enhance their skills for oversight and scrutiny.

There are other possible ways in which committees might be restructured to afford parliamentarians more involvement in public finance and policy development. One proposal I would like to draw particular attention to is what I call a “preliminary estimates” committee. The purpose of this committee would be to provide a

forum where information could be exchanged between Members and senior ministry officials before debate of the estimates takes place in Committee of Supply. The deputy minister and other senior officials would be made available to give detailed technical information on ministry operations and planning and this would be recorded by *Hansard*.

Following presentation of the budget, the estimates would be referred to this “preliminary estimates” committee. A series of scheduled meetings would then take place giving both government and opposition members the opportunity to ask questions of each ministry. I envision such a committee as complementing and improving upon BC’s current estimates process. Such a forum could allow for preliminary discussion of ministry budgets and policies prior to any voting actually taking place on budgetary amounts. Members could be briefed in depth on how dollars are allocated and for what purpose. Furthermore, a preliminary estimates process might help to shift attention towards more outcome-based results, such as multi-year strategic planning and performance. Currently, almost exclusive focus is given to inputs – such as dollar amounts and personnel numbers – rather than the actual results of budgetary decisions. The establishment of a preliminary estimates committee might foster more comprehensive discussions about policy intentions and results that extend beyond the immediate fiscal year.

Parliamentary Committees

A third area for reform is parliamentary committees. Obviously, referring either legislation or estimates to committees would warrant change to the existing committee system. However, other options exist to reform current committee practices to improve functioning and efficiency. Before I turn to these, however, I will provide a brief overview of committees in BC.

We currently have nine permanent select standing committees. These are largely organized around policy fields, such as health, education, and children and youth. We also have special committees, which are appointed on an as-needed basis. Together, these committees perform a number of functions, such as reviewing reports by independent officers, carrying out public pre-budget consultations, conducting statutory or policy reviews, and appointing new independent officers.

One criticism heard in BC is that we do not make full use of our committees. It is true that, over the past few years, only some select standing committees have met and reported on a consistent basis. We need to explore ways to reverse this trend.

One proposal to improve the effectiveness of committees would involve giving committees greater autonomy and the power to initiate their own inquiries. In BC at least, committees receive their mandates in terms of reference issued by the House. These can be quite narrow, and stipulate specifics such as the scope of inquiry, reporting deadlines, and provisions for holding public or expert consultations. Granting committees more independence may facilitate greater public engagement and innovation, such as the use of e-consultation methods or social media.

In addition, it seems that even relatively minor changes to the rules may offer opportunities for improvement. Committees in BC are appointed on a sessional basis rather than for the entire four-year parliament. Earlier this year, a notice of motion was put forward by an independent Member to have committees appointed for the duration of a parliament. Such a change would give committees greater ability to continue meeting between sessions, as well as to retain consistent membership. This arrangement could provide administrative continuity as well as allow Members to develop subject expertise.

It may also be worth considering modifying other rules, such as what happens after a committee issues a report. Currently in BC, the government is not required to formally respond to committee reports. This is different from practices in several other Canadian jurisdictions, including Prince Edward Island, where the government can be required to respond to a committee report within a specific time frame. BC may wish to consider moving toward such a system.

Other Reforms

With the current push towards open government and use of e-technologies, new opportunities exist to

increase public engagement with parliament. BC has been using video and teleconferencing technologies for committee meetings and public consultation purposes for several years. Our Finance Committee has been making innovative use of online surveys and videoconferencing to connect with citizens across the province.

Expanded use of social media – such as Twitter and Facebook– offers additional opportunities to bring the work of parliamentarians to the general public. While the BC House currently has not made extensive use of social media technologies, I believe we have to turn our attention to how these media can be incorporated into our parliamentary systems.

Let me conclude these reflections by noting that there is no one-size-fits-all when it comes to parliamentary reform. Each jurisdiction needs to adopt practices that are ultimately best tailored for local factors and needs.

Notes

1. Bill Hartley, "Parliamentary Reform: Proposals and Developments," *Canadian Parliamentary Review* Vol. 23 No. 3 (2000), p. 3.
2. For a table showing statistics for all Canadian jurisdictions see: Jill Anne Joseph, "Benchmarking Our Legislatures," *Canadian Parliamentary Review* Vol. 33 No. 3 (2010), p. 61.
3. See House of Commons Library, "Constituency Boundaries: The Sixth Periodical Review," April 1, 2009.
4. See Parliament of Canada, "Sitting Days of the Provincial and Territorial Legislatures by Calendar Year." <www.parl.gc.ca/ParlInfo/Compilations/ProvinceTerritory/SittingDays.aspx?Language=E>