
A Model Parliament for Canada

Preston Manning

This article proposes creation of a new institution for the training of future legislators and as a laboratory for experimenting with parliamentary reform.

After retiring from active politics I founded the Manning Centre for Building Democracy. Its goal is to raise the knowledge and skill level of practitioners in the political arena. You may be familiar with a couple of our projects. We worked with Carleton University in Ottawa to establish Canada's first master's program in political management designed especially for political staffers. We also have a facility in Calgary that we use for training political volunteers. Their work is so important to the operation of our democracy.

We are presently developing a project aimed specifically at the training needs of future parliamentarians. We call this a Model Parliament for Canada. It is still in the conceptual stage but this facility, once completed, would serve not only to train future legislators but as a laboratory to try various proposals for parliamentary reform. Before outlining the idea in detail let me outline my personal background which may explain how I became interested in such a project.

Some Personal Thoughts

I come from a political family. My father Ernest Manning spent 33 years as an elected member of the Alberta legislature including 25 years as Premier. He had a particular interest in the representational function of elected members and in the law-making function of legislatures.

In the 1950s when polling was just beginning he would do what he called "calibrating the caucus." He would take a questionnaire developed by pollsters and ask his caucus to fill it out, not by giving their

own opinions but rather how they thought the people of Alberta would respond. He would then compare their responses to the province-wide poll results. His caucus was fairly experienced and there was a range of issues on which they were within 3% of the wider poll. However on another set of issues the caucus acted more as an interest group and in those cases their views were considerably different from the population at large. The role of the leader, he believed, was to know on what issues the caucus was really representative and on which issues it was acting as an interest group.

He also had a real interest in law-making. When I was a teenager he encouraged me read the *Revised Statutes of Alberta* which ran to about six volumes. Behind every statute, he told me, was a real story involving real people. As a legislator you have to know the story behind the statute as well as a set of criteria for evaluating a bill. So my background was very much influenced by considerations of how to make democratic representation and lawmaking more effective.

Later I was involved in starting new political parties. In 1993 the Reform Party arrived in the House of Commons with 52 members only two of whom had ever sat in an assembly before. The traditional view is that legislators learn on the job but that is getting more and more difficult to do. The Reform experience led me to reflect long and hard about the whole issue of training people for the role of legislator.

I am sure many of the new members elected to Canada's House of Commons in May 2011 had never thought about their role as law makers. The parties taught them about campaigning and political strategy but not how to make laws. In these days of instant communication if a young person makes a mistake the next day a million people will know about it. So the idea of learning on the job is no longer a good pedagogical model.

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If we ever get this model parliament up and running the inscription I am going to put over the entrance is *Intrate peratus* (Enter Prepared). That is what Cicero advised the many Romans who were anxious to get into the Roman Senate. He thought it better to first study all things that you needed to know and it took him ten years to prepare for his entry to the Senate.

It is also important to catch people early on for any kind of training. By the time you get to the chamber you have no time for intensive study. Our parliaments are like a water-hole in the jungle and there are only certain routes that can be used to get to the watering hole. Some will come via the constituency route. Others will take the political staffing route by working for an elected member and then running themselves. Prime Minister Harper took that route. Some will follow the civil service route. Lester Pearson and Mackenzie King worked in the public service before becoming involved on the political side. Whatever route they take you have to catch the political animal early. That is when they are open to political training and want to get something on their resumé that shows they are qualified to be an elected person.

I am a great believer in political parties. But the modern party has become almost exclusively a marketing tool for fighting elections. That is all they do and that is where all the money goes. They do very little training despite the fact that people are their only real assets.

Those of us who believe in political parties and believe in democracy should be investing more of our time and energy in developing the human capital in those parties for that is what we need to be successful.

Why a Model Parliament?

First and foremost we see this Model Parliament as a training institution for persons who aspire to become legislators. It will be a sixty seat house incorporating the distinctive physical, architectural, and procedural features of an actual legislature. We want to make the place as realistic as possible in order to give a sense of what it is to speak and sit in a legislative assembly. The six to eight week course will provide information about everything you might experience as an elected member of an assembly.

Secondly we see for this is as a laboratory to make our legislatures work better. It is very difficult for an

actual assembly to experiment with parliamentary reform. You cannot get all party agreement and there is usually great reluctance on the part of the government to make major changes, say in the seating arrangements or in question period procedures. The risk of doing that is too high. If it fails the media will be very critical and there are a lot of people who have a vested interest in seeing that you fail.

In this Model Parliament there will be no prohibition against experimentation. If we make changes and they do not work no one will care. But if we make some changes that seem to work – changing the way committees operate, or the rules of debate, for example – then we can go to the actual legislatures and recommend they try something similar.

Thirdly we see this Model Parliament's having an educational function not only for those participating and sitting on the floor but also for those in the galleries where students could watch what is going on. We have a number of student model parliaments in this country and we see our facility supporting them. We could also hold some specialized short sessions of three or four days for new Canadians, many of whom have no sense of what it is to work in a freely elected democratic chamber since the countries they come from have no such tradition. We might experiment with an elder's parliament. A lot of legislatures have programs for youth but some, Quebec, the Northwest Territories and Yukon, have model parliaments for older citizens and we would like to support these as well. The Model Parliament of Canada, as a permanent institution with an extensive curriculum and access to substantial parliamentary expertise, hopes to become a major source of support for others in all these areas. Perhaps we could eventually do training through the internet.

We could also set up sessions for foreign visitors particularly from the many developing democracies in the world that are experimenting and trying to develop their own democratic institutions. We would set aside one or two months a year to work with them to give them a taste of what it is like to sit in an elected assembly. As one of the world's oldest functioning democracies, Canada has the opportunity and obligation to export its democratic experience and technologies to emerging democracies around the world. The Model Parliament of Canada could make a significant contribution in this regard.

What we need from Present Members

We need three things from present members of legislative assemblies and the senior staff who support

our legislatures. First, we are looking for advice. We are still in the concept stage. The model parliamentary is still just an idea. We have not gone out and designed a building and we do not have all the funding lined up yet. We need to get the concept as sound as we can so we are very open to any suggestions at this time. As we get farther down the road it becomes harder to change the basic concept.

Think about these questions. If your chamber burned down and you were rebuilding it, is there anything you would do different insofar as the physical structure is concerned? What design changes would you include into a modern functional parliament? If you could change procedures where would you start? Are there training materials that you would recommend? There is no shortage of information but if you could only give an elected member three things to read what would they be?

Down the road, if we get this project off the ground, I would also like to ask for the personal involvement of legislatures and former legislators. We are going to need lecturers who can talk about any aspect of parliamentary government. We will need people who have had experience either as an elected member of an assembly or as a house officer. We will need a lot of input from people who know what they are talking about.

We also welcome suggestions for possible sources of funding. Most of the funding of this project will come from the private sector, from foundations and high wealth individuals who may be thinking in terms of a legacy. It is quite difficult to obtain public funding but there are many individuals who have a passion for democracy, and who want to leave a legacy. One possibility is to take the total annual operating cost and divide it by 60, the number of seats in the model house. We could then offer corporations, or unions, or foundations and others who profess to believe in democracy an opportunity to fund one seat. The cost would be in the hundreds of thousands of dollars per year but the people who will end up in the seat will probably become legislators one day.

Suggestions Received So Far

During the last year I have travelled across Canada talking to Speakers and Clerks about creation of the Model Parliament and a number of interesting points were brought to my attention. For example many of Canada's legislative chambers have public galleries which overhang the floor of the House so that those sitting in the galleries cannot see the whole floor. If the Model Parliament is intended for teaching purposes, with students and observers in the galleries, we should

not have overhanging galleries. The Chamber of the Ontario Legislative Assembly is perhaps the best chamber/gallery model from this perspective.

Committee procedures vary across the country but there is general agreement that committees are less adversarial than the assemblies. Some way to give them a higher public profile would be helpful as they often present a more flattering picture of "democracy at work" than do the assemblies (especially question period.)

Procedures for the questioning of ministers, civil servants, and expert witnesses by Committees leave much to be desired. In our House of Commons committees reflect the proportion of seats in the Chamber and the standard procedure for questioning an expert witness is to go around the table and allow each member a few minutes. But this approach does not permit effective cross examination. Expert witnesses and senior civil servants know how it works and realize if they can just get through one member's question the next one will likely be on a completely different subject. If you have been to a meeting of a regulatory agency like the Nation Energy Board you will have seen what real cross examination is about. Can we change the questioning procedure in committee so it is effective?

I was frequently told about the importance of having a common space or something that brings elected members together on a non partisan basis. The old parliamentary restaurant in Ottawa used to perform that function but we began serving meals in the lobbies for each party and there was less cross pollination among the members. In other words let us not divide everyone up at every function along partisan lines.

The intense partisan nature of many of our chambers is one of the things the public finds most objectionable. Anything that can be done physically to overcome this partisanship should be encouraged.

Members of the British House of Commons sit on benches, members of most Canadian legislatures sit at desks, and some Australian state houses have a hybrid of benches and desks. However, if the Model Parliament is primarily training people to sit in Canadian legislatures the consensus was that it should be furnished with desks (preferably moveable, and all on the same level – not tiered).

Dress codes for members and house officers (something which would have to be decided for the Model Parliament) can have a bearing on the ambience of the chamber – depending on whether the Dress Code tends toward formality or informality.

All legislatures have orientation days and material for new members which would be useful material for the Model Parliament training programs. Ontario goes the farthest in public education by having a small room set out like a legislature for explaining the legislative process to students.

Legislative assemblies like Manitoba have a deliberate policy of endeavouring to make themselves “family friendly” – i.e. specifically supportive of the families of their members in recognition of the strains that politics and being a member of a democratic assembly can put on family relations. This includes “family friendly” sitting hours and assembly schedules and provision of “family rooms” in the Legislature Building.

Several officials commented on the need to find better ways to present, analyze, and confirm the financial state of governments in a timely fashion, and to hold them more accountable for financial performance. This suggests that the present method of presenting and voting on budgets, estimates, and supply bills is inadequate. As one outside observer put it: “If a \$265 billion public company handled its budgeting, financial reporting, and internal auditing the way our federal government does, its external auditors would never sign off on its statements and the market would punish its stock.”

The Atlantic provincial assemblies and the territorial assemblies are generally more informal and “visitor friendly” than other chambers. Guests are permitted to sit on the floor of the house, often next to the Speaker, and Nunavut allows elders to sit on the floor behind the members. The Model Parliament should strive to achieve this visitor/guest friendly atmosphere.

Opening prayers are a feature of most elected assemblies in Canada, the form and content of the prayers being very much influenced by tradition. Whether opening prayers should be a part of the procedures of the Model Parliament of Canada, and if so, what form those prayers should take, are issues which should be addressed by the Model Parliament members to give them a taste of debating the sensitive issue of the role of faith in politics and government.

Another question is to what extent we should use advanced technology such as personal communications devices in the chambers. One Speaker told me an opposition spokesman asks questions coming from

the backrooms via his blackberry and the minister answers from his blackberry. While he is answering the backrooms are feeding the supplementary and so on. As the Speaker told me in frustration “why don’t we just get the guys in the backrooms together and forget the minister and the opposition member”. That is an extreme case but what do we do to reconcile this new technology with the functions of an elected assembly? Most legislatures are strict on banning use of such devices during Question Period but more lenient toward the use of such devices at other times. All are opposed to electronic voting (although Nunavut permits proxy voting when selecting the Premier and Cabinet). None allow audio-visual presentations in the Chamber, and most are leery about giving the television cameras more liberties in the chamber.

How an elected assembly manages the time of its members and the rhythms of its sittings is a very important issue to which the Model Parliament training sessions should give more attention. Different approaches include the development and debate of a calendar and schedule for the session, debate of specific time allocation motions, the frequent or infrequent use of closure, and the Yukon’s unique Guillotine clause which establishes a drop-dead date for the session and requires measures introduced but not debated to be voted on the last day without debate.

Leadership by Example

The Model Parliament of Canada might also be used to provide leadership by example, for instance, with respect to establishing new standards for parliamentary and legislative debate. Why is this necessary? Consider the following: The “take-note debate” on the Kyoto Accord which took place in the Canadian House of Commons in 1997 fell far short of what a parliamentary debate on a vitally important subject should be. Despite the importance of the subject, neither the science nor the economics of the Accord were adequately presented or analyzed, nor was any vote taken. Surely we can do better.

Or compare the debate in the British House of Commons in March 2003 over whether Britain should involve itself militarily in Iraq, with the take-note debate in the Canadian House of Commons by the 37th Parliament over whether Canada should involve itself militarily in Afghanistan. In the British Commons the debate was a real one and a sterling example of democratic decision-making – with every major British parliamentary figure being obliged to state where they stood on the issue and a definitive, binding vote held at the end with freedom for crossover voting. In the Canadian House of Commons, the take-note debate on Afghanistan was too short,

superficial, and partisan to be taken seriously by the public. And again, no binding vote was taken at the end. Surely we can do better on issues of such monumental importance to our country.

Or to take a provincial example, there has never been a top notch, expertly informed, all sides considered and well articulated debate in the Alberta legislature on an appropriate savings rate for the province's resource revenues or on the appropriate pace for oil sands development – despite the enormous importance of both these issues to the province, the country, and the continent. No wonder the public has little or no interest in the proceedings of our legislatures and Parliament.

What could the Model Parliament of Canada do to address this problem of the deteriorating quality of debate in our legislative chambers? How about leading by example?

Suppose as a special project we were to take a subject – let's say continued Canadian military involvement in Afghanistan or how best to combat the current economic recession – and staged the best, most informative, and most comprehensive "parliamentary" debate ever seen in this country on that issue.

Suppose for this special occasion we were to recruit 60 of the best informed and most representative Canadians we could find to participate as model MP's in our sixty seat chamber. Suppose we required them to make extensive preparations in advance of the debate – on all sides of the issue - fully supporting their efforts to do so. Suppose we established rules of debate that encourage and reward respect and substance, and prohibit personal attacks. And suppose we brought in a top notch Speaker (perhaps a retired Supreme Court judge) to administer those rules with an iron hand.

Suppose further that we devoted special attention to the communications dimensions of the debate – insisting on short, to the point speeches and interrogatories, full freedom for the television cameras to cover all angles, and arranged several "dry runs" supervised by our Speaker and communications director before the real debate was held.

Then when the real debate was held – perhaps lasting five or six hours – suppose we videoed the whole thing, edited it down to one hour of the very best and most informative exchanges, and showed this on national television or via the internet with opportunity for viewers across the country to vote electronically on the resolution debated.

By such an exercise it should be possible to demonstrate that parliamentary and legislative debate

on issues of vital importance to Canadians can be raised to new levels – levels capable of commanding vastly increased public attention and support. This would be leadership by example – conducting such special Model Parliament debates often enough and well enough that members of our real legislative chambers will be encouraged and incentivized to emulate them.

A Curriculum for a Model Parliament

I have received many suggestions as to what should be taught in a training program organized by our Model Parliament. The following list is not exhaustive but it will give an idea of the vast amount of information that must be covered.

1. History of Democratic Institutions: Members need to know that they are part of an historical continuum going back to antiquity so there should be a brief overview of the historic institutions which provided the foundations of today's democratic assemblies – the Greek city state assemblies, the Roman Forum, the early and medieval church synods, the British parliament, the institutional products of the American and French revolutions, the colonial councils in Canada, the first democratically responsible governments in Canada, the Parliament of Canada, and the early provincial and local government assemblies and councils.

2. The Rule of Law: There should be a review of the Constitution of Canada and the constitutions and governing statutes of parliament, the legislatures, and municipal councils.

3. Law-making and Legislative Analysis: If you look at 2nd reading debate in our legislatures you see members using the hunt and peck method whereby they look at bills and pick out little bits that are of interest to their constituents. Often they do not ask if the bill is within the jurisdiction of this chamber. What are the administrative consequences? It is one thing to sit and discuss criminal code amendments in the abstract. It is another to think about a poor police officer somewhere in the country who has to enforce these laws. Have we thought through economic and environmental consequences? We need a systematic analysis for law making. This is not taught in any of our law schools or universities.

4. De-legislating: There ought to be a course on de-legislating by which I meant the elimination of laws and regulations that are no longer necessary or appropriate. I used to argue, only partly in jest, that we set aside one year in four where you would not be allowed to introduce a new bill just laws to strike existing ones from the books.

5. Budgets, Estimates, Supply Motions, and Money Bills: Most House officers will say that this is the area where members are most weak. The principles and procedural aspects of budget making, the review of estimates, the voting of supply, the analysis and passage of money bills, and the auditing of governmental financial performance are not well understood by the average member. What qualification do they have to read the financial statements if I have never seen them before?

6. Political Ethics: When we look at the scandals that affect legislatures all over the world we certainly have to think about how we are teaching political ethics. We would look at case histories of unethical political behaviour and consider ethical dilemmas requiring students to determine the ethical course of action.

7. Policy Development and Analysis: Description of the complex process whereby public policy in specified jurisdictions is developed and the role of elected officials in initiating, influencing, implementing, and monitoring. Presentation of criteria for distinguishing between “good policy” and “bad policy.”

8. Parliamentary Protocol and Procedures: What is acceptable and unacceptable speech, behaviour, and decorum in a democratic assembly governed by specified Rules of Order – including the Standing Orders of various assemblies.

9. Committee Work and Procedures: The role and responsibilities of parliamentary and legislative committees, including those dealing with such specialized subjects/functions as Public Accounts, Review of Regulations, House and Procedural Affairs, etc. Guidelines for the cross-examination of witnesses appearing before committees, and for the analysis of expert testimony (especially scientific testimony).

10. Caucus Work and Procedures: The role of a parliamentary or legislative caucus. Participation in caucus meetings. Regional and subject specific caucuses. Coalition building and caucus management.

11. Parliamentary Critics: The role and responsibilities of a parliamentary critic. Preparation for ministerial responsibilities.

12. Question Period Preparation and Participation: The role of question period in holding government accountable, in informing public debate, and in advancing partisan interests. Current criticisms of Question Period, including criticisms of Question Period conduct and decorum. The form and content of questions, replies, and supplementaries. Time limits and language protocols

13. Speechmaking and Parliamentary Debate: Principles of and rules governing parliamentary speechmaking and debate. Specific debates – Throne Speech, Budget, Take Note Debates, etc. Examination of samples of great parliamentary speeches.

14. House Duty: The meaning of “House Duty” and the responsibilities to be discharged by members assigned to house duty. Rules of Order with which those assigned to house duty must be familiar.

15. Voting: Forms and principles of voting in democratic assemblies. “Whipped” votes, “free votes,” and cross-party voting. The “confidence convention” and votes of non-confidence.

16. Private Member’s Business: Rights and responsibilities of private members. Private members bills—their development and procedures for advancing.

17. Democratic Representation: I used to take aspiring members to the House of Common at night and stand behind a desk and ask them if you were voting from this desk exactly who would you be representing? Are you representing yourself, which is the old trusteeship view of Edmund Burke and others. Are you representing your party? Are you representing your constituents as their delegate. What do you do when those three things conflict? What you try to do is balance all three but my point is that people should think these issues through before they ever get to the House of Commons and are faced with that situation.

18. Constituency Relations and Service: Developing a constituency profile and data base. Services expected by constituents of an elected representative. Constituency meetings and communications. Differences between rural and urban constituencies.

19. Dealing with Lobbyists and Interest Groups. Legislation and regulations pertaining to lobbying. “Calibrating” the nature and direction of an “interest” and “weighting” its magnitude in relation to an issue or policy. The importance of transparency and honesty in dealing with lobbyists and interest groups. A significant portion of a modern legislator’s time is spent dealing with the concerns and problems of constituents and responding to pressure from interest groups and lobbyists of all kinds. To add to the realism of the experience of participants in the Model Parliament of Canada, several well organized Lobby Days would be a valuable addition to the curriculum.

20. Party Obligations and the Limits to Partisanship: The relation of the candidate/elected representative to the political party and its leader – before, during, and after elections. The obligations of

the elected representative to his/her party. The limits to partisanship and the importance of observing them.

21. Small-Office Management: Elected representatives to the federal parliament and provincial/territorial legislatures usually maintain two offices – one in the capital and at least one in their electoral district. These offices have staff and budgets for which the elected member is responsible, and are key to supporting the member's parliamentary functions and service to constituents. This course would review the principal functions of such offices, their staff requirements, their budgets, and principles relevant to their efficient management.

22. Relating to the Civil Service: What is the right relationship of an elected representative to civil servants, and how is that relationship to be exercised and maintained in practice?

23. Relating to the Judiciary: What is the right relationship of an elected representative to members of the judiciary and how is that relationship to be exercised and maintained in practice? Understanding the processes whereby judges are appointed and the judicial interpretation of statutes.

24. Political Communications: Modern politics is 90% communications, so being able to communicate effectively with the public via the media is absolutely essential to the success of an elected representative. This course could review relevant communications models, receiver-oriented versus source-oriented communications, the importance of media relations, and principles of effective political communications, including the use of social media.

25. Balancing Personal, Family, and Political Life: Perhaps the most important topic is how to balance family and political life. The time demands, media demands, public demands, and overall stress levels associated with holding elected office can do

irreparable damage to the elected members health, financial situation, and family relations unless explicitly recognized and steps taken to maintain crucial balances. This course would examine ways and means of maintaining those balances, with testimonials and guidance of those who have successfully done so or regrettably have not.

Conclusion

Every law school in the country has what is called a Moot Court – a “model court” where would be lawyers learn and practice courtroom protocols, procedures, and tactics before being allowed to set foot in a real court of law. Yet there is no permanent, well-financed, continuously operated “model parliament” in Canada where would-be lawmakers – federal, provincial, or municipal – can be exposed in advance to “what it's really like” to sit as an elected member of a democratic assembly. The Manning Centre for Building Democracy wants to create and operate such a Model Parliament.

It may well be that some of our would-be legislators would discover their distaste or lack of appetite for some major aspect of elected life – such as the time and effort demanded by dealings with constituents and interest groups – and that they will then decide against pursuing a political career. So be it. Better to have discovered that “this kind of work is not for me” before seeking or attaining elected office than afterwards. A side benefit of the Model Parliament of Canada may well be its role in discouraging certain individuals with unrealistic expectations, conflicts of interest, or personalities un-conducive to public life from seeking elected office.

For the most part, however, we think this idea will make a positive contribution to public life in this country and we hope it finds support among present and former legislators and house officers as well as with citizens in general.