

Opportunities for Members of the Quebec National Assembly

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For some time now there has been talk of parliamentary reform in the Quebec National Assembly. An important recent development was the distribution to all members of a working paper prepared by a member of the Parti Québécois caucus. This report, the final chapter, of which is translated and reprinted here, should be of interest to legislators across Canada. A summary of the entire report appears in the "Recent Publications" section of this issue.

Beyond his role as a member of a parliamentary majority or a member of the opposition, each MNA is a representative of the constituents of his riding. Should not his first loyalty be to the voters in his riding and to the Assembly?

The importance of political parties and local or national organizations on the one hand, and the power of the leader (especially a leader whose party obtains a majority of seats) on the other, creates a situation where the member is quickly pressed to be a party man and to support the government rather than to identify with the institution itself.

Awarding Power to the Legislator

To be meaningful, parliamentary reform will have to strike a new balance between parliament, the government and the public service. True parliamentary reform will be achieved when the two latter concede some measure of real power to parliament. Beyond certain changes affecting parliamentary committees, this process should provide more power to individual parliamentarians.

The Prime Minister heads the Government and the parliamentary majority. His true, inevitable and total authority should depend essentially on the support he gets, not only from his parliamentary majority, but from as many members as possible on both sides of the Chamber and from all parliamentarians, if possible. The National Assembly really comes to life and asserts itself when a unanimous vote is taken in times of crisis.

The assigning of greater importance to the role of members should not be taken to mean they have insufficient work or that something has to be found to occupy their time. For this reason I have avoided speaking of "revitalizing" the role of the legislator. The issue here is not to find more work for him to do, but rather to enable him to make a different contribution, one in keeping with the mandate given to him by his constituents and with the parliamentary institution to which he belongs. He has to be given power! If that is done the party establishment will better be able to ensure that the funda-

mental principles of their political party are upheld and the rights of citizens defended. In this respect, members can offer more support for the private citizen than can a minister who is more likely to be influenced by the public service.

The Quorum and Other Problems

Far from lightening the MNA's load, the present rules seem to complicate his job by demanding that he be present an inordinate amount of time. I would recommend that the number of members required for a quorum be reduced and that the rule of quorum be enforced only when a vote is called.

In most European Parliaments, the quorum rule is no longer enforced. If the rule does exist, parliamentarians rarely resort to it. In the British Parliament, for example, members return to their office or head for the committee rooms once the question period is over. It is said that the British House of Commons (like the House of Lords) can operate with just three members present; the Speaker and one member on each side of the Chamber. There are usually more than two members present, but not many more even though in the British House there are 635 MPs (and only 437 seats!).

Television screens have been installed throughout the corridors of Westminster to help MPs and their staff to follow the proceedings of the House. Furthermore, the order paper of the day is regularly announced and MPs come and go according to their interest. A great many British MPs participate in committees of which there are two kinds: those set up by the government to consider the budget or government bills and so-called select committees which examine various questions determined by the committee members themselves. Studies have shown that a large number of MPs participate. They attend because they know they can accomplish something!

When the National Assembly is in session, the MNA divides his time during the week between his riding and the Assembly. Each MNA usually sits on three committees and acts as an observer on two or three others. At his riding office, he welcomes individuals and groups of citizens. People come to see him for all sorts of reasons, and often as a last resort. This procession of visitors continues in Quebec City where the MNA devotes most of his time to resolving problems that have accumulated while he was in the riding.

Depending on how much energy and drive he has, a MNA can add to his workload by promoting projects to enable his constituents to benefit as much as possible from government programs and policies. Sometimes, he will even fight tooth and nail with his caucus or the minister and his advisers to have a government program amended in such a way as to reduce delays, combat red tape, comply with a request or satisfy a need expressed by individuals or groups in his riding or region.

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National Assembly Building

Potential initiatives for members are limitless. Some have a remarkable performance record in terms of bringing programs to completion, helping the government to avoid mistakes and battling injustices. This aspect of their work is not well known. They do, of course, have the opportunity to stress their achievements at official functions, but the bulk of the work they perform remains unknown to the public. There is very little a daring, hard-working and intelligent member cannot accomplish if he is ready to make the effort and tenacious enough to follow through.

It is unfortunate, therefore, that contrary to popular belief, the ordinary MNA has very little power, either individually or collectively. Naturally, given the nature of his job, he does have an audience to which he can appeal. This is the source of strength, especially for members of the opposition, although members of the caucus have the advantage of being able to call upon the ministers or their staff. But members have very little to offer in return. Ministers clearly have the upper hand.

Despite all this, the MNA manages to get things done. He argues and pleads; sometimes winning and sometimes losing. He should never give up the fight but rather accumulates his grievances for sooner or later, he will have his turn at bat!

Ironically, the MNA often has too much or too little information at his disposal. He is constantly inundated with communiqués and press releases from ministers and departments. Even in the National Assembly, he is swamped with reports. The problem is in not having the information when he really needs it the most. For example, in order to criticize decisions which have been taken, it is useful and often essential for him to have basic background information on the matter. Of course, a member must become somewhat of an expert on the concerns of his riding and this also requires some information network. This is no easy task! As far as many people are concerned, the member is there only to enable the National Assembly to rubber-stamp decisions made by government officials through the departments.¹

In addition to the hours spent in the National Assembly, the MNA spends even more time in committees. He must keep up with

his party's activities, sustain the energy of his supporters, particularly during fund-raising drives, at conferences and at national and regional council meetings. He must participate in all kinds of meetings, speak out on behalf of his party and so forth. He truly puts in a full week's work!

One way to give Parliament a real legislative role, an opportunity to act and control mechanisms is to provide members with sufficient specialized personnel. Another way is to enhance the status and financial means of the member. Consequently, amendments to the proposed National Assembly Bill should be used as a means of improving the working conditions of MNAs.

As a French *député*, André Chandernagor has noted, faced with a powerful, durable government supported by a necessary, albeit encroaching, bureaucracy, who can guarantee citizens the right to exercise their freedoms? Who will protect them from abuses that are likely to increase as the size of the state grows? Who, if not Parliament? In November 1965, Dr. Horace King, then Speaker of the British House of Commons, made the following statement at a symposium in Geneva, "Who will protect the people from the technocrats? I would hope that the answer would be the parliamentarians. But first they have to acquire the means to do so, or we have to give them to them".²

To achieve this objective, we obviously do not have to double the size of the public service. However, we could consider assigning to special parliamentary committees financial or legal experts who could act as resource people. Furthermore, the staff allowance awarded to each MNA could be revised to enable him to hire at least one assistant to help with his parliamentary activities. Aside from a secretary provided by the National Assembly, the MNA does not have sufficient funds to hire anyone except staff for his riding office. In France, the member has one or two typists-stenographers and two assistants. Closer to home, the federal MP receives more than \$60,000 to hire staff for his office.

Given the current state of the economy, the question of the indemnity paid to members is a particularly thorny issue. Despite the circumstances, MNAs are honest and courageous enough to raise the question of their indemnity. It is, however, a good idea to inform the people properly about this situation. In 1966, Jean-Charles Bonenfant stated that "the MNA is now no longer a man of leisure who spends the winter in Quebec City to relax. He is viewed increasingly as a person occupying a full-time position who differs from true civil servants only by the recruitment system to which he is submitted and by his lack of specialization".³ Fifteen years later, we could add that what distinguishes the MNA from a civil servant is that the latter has some job security and earns a better salary! In fact, today MNA's have often left a higher paying and sometimes permanent job. His current salary was frozen in 1978 and indexed at 6 per cent in 1980 and 1981.

In 1974, parliamentarians received an annual indemnity of \$21,000. Bill 87, which was voted in December of that year, contained a provision whereby the indemnity would be indexed annually on the basis of the average weekly salaries and wages earned for overall economic activities in Canada. However, in 1976, parliamentarians decided to limit the increase in their indemnity to 7.9 per cent in consideration of inflation fighting measures. The following year, their indemnity increased by 13.4 per cent to \$27,800. In 1978, it was decided that their indemnity would be frozen at this level. It was agreed, under the terms of Bill 120 passed in December that henceforth, the maximum annual increase would be 6 per cent.

Thus, as of January 1, 1982, the indemnity of an MNA was \$35,096, instead of \$45,000, as it would have been under the provisions of Bill 87. The decisions made in 1976, 1977, and 1978 by the MNAs did not have the desired effect. The media made very little mention of them, preferring to dwell on the retirement pension plan which is of lesser importance now that the amount of the basic indemnity is declining.

Some people like to bring to mind the fact that the MNA receives both an indemnity and a tax-free expense allowance of \$7,500, thereby suggesting that the MNA's salary for 1982 is \$42,596.

One must remember the limitations on the perquisites to which MNAs and ministers are entitled. Many people believe that they have access to so-called expense accounts. Aside from the set allowance of \$7,500, the MNA is entitled to 52 return trips a year to his riding from Quebec City, at the rate of 18 cents a kilometre. In addition, since September 1980, he is entitled to a maximum reimbursement of \$1,000 a year upon presentation of receipts for travel expenses incurred for political activities outside his administrative region.⁴ Finally, those MNAs outside Quebec City are entitled to a maximum of \$5,400 a year to cover accomodation costs in Quebec City.

MNAs travel less than ministers, but when they do, they have to pay their own transportation costs in addition to their hotel and restaurant bills. They have to attend all kinds of meetings, party conventions and special caucus sessions which are held in various regions. Furthermore, they must accept countless invitations.

MNAs and ministers living in Montreal come out ahead. They have a *pied-à-terre* in Quebec City and their residence in the Montreal area. They only have to pay their own expenses when they travel outside these two major centres. Contrary to what some people believe, those who live in Quebec City are at a disadvantage, since they must cover all of their travel expenses and they often travel to Montreal.

Some ridings are so large that an MNA sometimes has to spend the night at a hotel when visiting his own riding. He does so at his own expense. Special reimbursements are only given when an MNA travels outside Quebec on authorized government business. As the Speaker of the National Assembly has said people think that we are millionaires. When there is a raffle, they automatically expect us to buy three books of tickets. The same holds true for all sorts of charities.⁵

It may be argued that the whole question of indemnities and other allowances will influence the recruitment of political officials and that the number of such recruits is likely to decrease as conditions become less attractive. Who can blame a well established professional, a career public servant, a renown journalist, a prosperous businessman or an influential public figure for refusing to "jump into the fray"?

According to editors like Gilles Lesage of *le Soleil* it is unwise for MNAs to vote themselves a substantial salary increase at a time when citizens are faced with runaway inflation, record high interest rates, an energy crisis and disastrous unemployment.⁶ They wonder to what extent the representatives of the people, who are not specialists, but rather generalists responsible for defending the interests of the voters, can detach themselves from their constituents? Parliamentarians may be justified in seeking a higher salary and improved benefits but they should guard against being too generous to them-

selves and turning their backs on the majority of the people whom they represent.

Regardless of how things stand, a solution will have to be found sooner or later. In this respect, the formula proposed by the Jean-Charles Bonenfant Committee in November 1974 takes the political edge off of the salary issue. It directly ties the indemnities of parliamentarians to the salary earned by public servants in a specific category. The committee calculated the average salary earned by class IV administrators in the Quebec public service.⁷ Moreover, it appears that this system has been successfully adopted in several countries, including Austria, Finland and France.⁸ Another way of resolving this salary issue in a politically acceptable fashion would be to conclude an agreement with the parliaments in Ottawa and Toronto.

Retirement Pension

While the allowance granted over and above the basic indemnity is sometimes questioned, we have good reason to stress the advantages of the retirement pension plan enjoyed by Quebec MNAs. The pension plan, which came into effect on January 1, 1958 by virtue of an *Act respecting Members of the Legislative Assembly*, provides for a pension corresponding to 75 per cent of the total contributions made, after a minimum of ten years' participation. Following the abolition of the Legislative Council in 1968, the plan was revised to ensure for the MNA a retirement pension after only five years contributions and at least two elections. Furthermore, an indexation formula similar to the one in effect under the Quebec Pension Plan was introduced in 1969 so that pensions are now indexed to the cost of living. The abolition of the Legislative Council was an important event in the revision process of the MNAs' pension plan. A more generous pension plan was likely to make a politician more independent, while enabling at the same time the authorities to stop bailing others out. Politicians today have increasingly shorter careers and the "hazards of the job" have led most parliaments to establish pension plans which guarantee to parliamentarians some measure of security when they are defeated or resign. There is no question that some pension plans are more generous than others.⁹ Many agree that changes should be made to the Quebec parliamentarians' plan, especially since the Government has expressed its intention of revising the pension plan of provincial public servants.

It should be noted in passing that while it provides generous benefits, the benefits of the current pension plan have been greatly exaggerated by some reporters. A member elected in 1976 who left the Assembly now would be entitled to an annual pension of approximately \$7,000. A minister would be entitled to about double this amount. It is true that with the indexation provision, the amount of the pension, depending on the members age, could over the years, reach \$50,000.

These are all delicate issues which should be examined in the context of a proposed new National Assembly Bill. There is a definite relationship between parliamentary reform and the working conditions of MNAs, at least as far as the current government is concerned.

Various recommendations contained in this report would, in addition to providing some measure of equilibrium to a democratic system, have the advantage of providing MNAs with various interesting tasks. For many government backbenchers, the Assembly Chamber is really the anti-chamber of the Executive Council. In every respect, there is too great a difference between the status of

an MNA and that of a minister. In our opinion, sound reform measures should be introduced to reduce the gap which exists between the working conditions and the salaries, as is the case particularly with France.¹⁰

The possibility of chairing a standing committee, being committee rapporteur, chairing a parliamentary task force or even just serving on a committee provide interesting options for members who are used to merely making up the quorum. We might adopt the British formula of junior ministers or the French formula of State secretaries or heads of mission. Similarly, there would be some advantage to defining more clearly the role of parliamentary assistants.

Role of Parliamentary Assistants

The position of parliamentary assistant was created by legislation introduced in 1954 by Premier Maurice Duplessis. He wanted to lighten the parliamentary and administrative workload of members of his cabinet whose workload had increased to such an extent that it had become practically impossible for them to attend sittings of the Assembly and to perform their day-to-day tasks.¹¹ The legislation set the number of parliamentary assistants at eight but this has subsequently been increased to twelve.

A survey was recently conducted to find out how parliamentary assistants perceive their role, to what they attribute their appointment and what problems they encounter.¹² It revealed the following points: the responsibilities of parliamentary assistants are vague; sometimes legislative in nature, but more often administra-

tive. They vary a great deal, depending on the ministers. The reasons for being appointed are varied: reward for services rendered, replacing a former assistant, regional impact, interest displayed for a particular issue, request of a minister who has too much work, etc. The problems encountered stem both from the imprecise nature of the duties and from the favoritism on which a number of appointments are based.

With respect to parliamentary reform it is certainly possible to foresee some important responsibilities for parliamentary assistants. While some will continue to free ministers from various administrative or parliamentary responsibilities, it would be a good idea to assign most of them a clear mandate. I would suggest that parliamentary assistants be primarily concerned with the study of bills and particularly with the formulation of subordinate legislation and its consideration by the National Assembly. They could also be given one or more other specific tasks which should be made public at the time of their appointment.

Conclusion

If parliamentary institutions are working properly the laws passed will express the wishes of both individuals who make up the state and the state itself. There will be a vigorous and honest surveillance of the government and the bureaucracy based on information necessary for the conduct of public affairs. Parliament has to take its rightful place beside the government and the public service. The means of so doing are within the grasp of parliamentarians. It is up to them to seek and to find the solutions.

(Translated from French)

Notes

- 1 I cannot resist the temptation to recall an experience I had in my own riding. Some citizens were the victims of legislation adopted in two phases: 1971 and 1979. They had lost their case in court and the only recourse available seemed to be a private bill. I appealed, with the help of a third party, to the legal service of the department in question. The official confirmed that only a private bill could resolve the problem. However, I was told that before acting I should go back to the department with my bill and they would determine whether there was any need to inform the deputy minister of the problem. Upon being told that the MNA is a legislator they replied, in effect, that we could not be allowed to threaten their policies!
- 2 André Chandernagor, *Un parlement pour quoi faire?*, Paris, 1967, P. 80-81.
- 3 J.-C. Bonenfant, "L'évolution du statut de l'homme politique canadien français", in *Recherches sociographiques*, Vol. 7, No. 1 (January-August 1966), p. 118.
- 4 Some MNAs from large, isolated ridings are entitled to a number of other reimbursements.
- 5 See *La Presse*, July 1, 1981.
- 6 *Le Soleil*, July 14, 1981
- 7 *Rapport du comité consultatif sur les indemnités et allocations des parlementaires du Québec*. 1974
- 8 *Ibid*, p. 36
- 9 Randall Chan, "Pension Plans for Canadian Legislators: A Comparative Study", in *Canadian Parliamentary Review*, Vol. 4, No. 4, (winter 1981-82), p. 29
- 10 In France, the indemnities of members and ministers are similar, namely 240,000 F and 300,000 F respectively. Moreover, the French parliament offers interesting opportunities. The positions of questor (somewhat the same as a member of the Council) and committee chairman or rapporteur are highly coveted.
- 11 See *Le Devoir*, December 9, 1954.
- 12 D. Sévigny, "The Role of Parliamentary Assistants in the National Assembly", in *Bulletin*, Vol. 10, No. 2, Quebec National Assembly, 1980, p. 45.