

# Reform of Quebec's Parliamentary Institutions:

## *Evolution of Party Platform Proposals since 1960*

Réjean Landry

Nearly all legislation originates with the government and is subject to little change by the National Assembly. This fact alone, in the eyes of some, is proof of the domination of the legislative process by the Executive. Debate on reform of parliamentary institutions generally focuses on means of establishing a better balance between the government and the private members in order to enable the latter to play a larger role in the drafting of legislation and to increase their political, administrative and financial control over the cabinet.<sup>1</sup>

An examination of proposed reforms to legislative institutions brings to light an interesting paradox. Contrary to what happens in other areas, ideas for legislative reform usually originate with the parliamentary wing rather than the official platforms of the various parties. Increasing number of suggested reforms by experts and members has not been reflected in a dramatic increase in the number of reform proposals within party platforms.

The purpose of this article is to compare reform proposals contained in official party platforms with those drafted by the parliamentarian of various parties in Quebec. We shall also ex-

amine the nature of the reform proposals contained in party platforms and those contemplated by members of the National Assembly.<sup>2</sup>

During the last several elections the platforms of the Liberal Party of Quebec and the Parti Québécois have not differed very much with respect to the relative importance they give to parliamentary institutions. The importance of legislative reform was greatest in both party platforms during three elections: 1970, 1976 and 1985. In the Liberal platform proposals concerning parliamentary institutions declined in absolute numbers and in relative importance from 1970 to 1973 as well as from 1976 and 1981. In the case of the PQ, again, we find a decrease in the relative number of reform proposals from 1970 to 1973 and from 1976 to 1981. In absolute terms, this constituted a reduction in the number of proposals from 1970 to 1973, and a slight increase from 1976 to 1985. (See table below).

Overall, the relative importance of proposals by parties to reform parliamentary institutions is slightly less in the elections from 1973 to 1985 than from 1960 to 1973. This is doubly surprising because one would have expected that the intensification of de-

### **Percentage of Platform Proposals Relating to Parliamentary Institutions in Quebec since 1960.**

	<b>Liberal (%)</b>	<b>Union National (%)</b>	<b>Parti québécois (%)</b>
1960	1.6 (2/123)	0 (0/17)	—
1962	0 (0/36)	3.12 (3/96)	—
1966	1.83 (3/164)	1.10 (2/182)	—
1970	1.96 (5/255)	1.51 (3/199)	2.27 (8/352)
1973	0.78 (3/387)	—	0.87 (5/577)
1976	2.55 (11/432)	—	0.93 (6/648)
1981	0.57 (5/878)	—	0.61 (7/1146)
1985	1.36 (5/367)	—	0.80* (8/1000)

\*estimate

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bate on the political status of Quebec would have stimulated reform proposals. One would also have expected that legislative reforms advocated by Bonenfant (1964), Lamontagne (1975), Forget (1977), Michaud (1979), and Vaugeois (1982) would have been reflected in the various party platforms. What, then, have been the specific reform proposals enunciated in the various party platforms?

If the parties resemble each other with respect to the importance they give to reform proposals, they differ with respect to the aims of the reforms they advocate. First, we shall examine the proposals dealing with parliamentary control of the executive then we shall look at proposals concerning the legislative process, and finally those that bear on the structure of the institution itself.

The control exercised by MNAs over the Executive was the subject of twelve proposals by the Liberal Party and the Union nationale since 1960. Among these were proposals to give the Public Accounts Committee a wider mandate (UN, 1962), to create a committee of representatives from the opposition to oversee purchases, contracts and transactions involving expenditures of public funds (UN, 1962), to create a committee to ensure control over public finances (LPQ, 1966), to study the Auditor General's Report by MLAs (LPQ, 1976), and to study the Auditor General's Report by a parliamentary committee (LPQ, 1981).

Other proposals concerned general control over the Executive. The Liberals planned to reform the Cabinet Secretariat (1970) to resort more frequently to the publication of government policy statements prior to the tabling of bills in the National Assembly (1970), to associate the MNAs with the exercise of the regulatory power over the public administration (1976), to consult with the National Assembly with respect to the adoption of new regulations (1981), to create a standing parliamentary committee on government corporations (1981), to introduce a sunset clause for certain regulations (1985) and finally to define the information that government corporations must provide to the National Assembly concerning their operations. The PQ and UN platforms contained no reforms concerning parliamentary control.

Ten of the twenty-nine reform proposals made by the LPQ concern the role of parliamentary committees in the drafting of bills, while one such proposal was devoted to the subject by the UN and none by the PQ. In 1985 the Liberal Party proposed to establish a parliamentary commission to oversee regulations after they were proclaimed. The reform of parliamentary committees is presented as a solution which would have several simultaneous results: the improvement of bills, the reassessment of the role of MNAs, and an opportunity for citizens and groups to put forward their points of view.

A second group of reform proposals dealt with very specific matters such as the publication of the *Journal des débats* (LPQ, 1960), the abolition of the Legislative Council (LPQ, 1966 and UN, 1966), the reform of the role of parliamentary assistant (LPQ, 1976), and the creation of a position of legal advisor to the National Assembly (LPQ, 1981). Very broad subjects were also touched upon such as the reform of parliamentary institutions (UN, 1962), and the granting to recognized parties the means necessary to enable them to fully exercise their role within the Assembly (LPQ, 1976).

One subject on which the party platforms clearly differ from each other is that of public participation in the legislative process. While the LPQ proposes to permit individuals and representative groups to assert their rights and points of view in parliamentary committees (1973), to permit regional sittings of parliamentary committees (1976) and to increase the number of individuals and groups that could be heard in parliamentary committees (1981), the UN and the PQ give more importance to

the referendum formula. The origin of this idea goes back to the Union nationale. In its 1962 platform it promised to consult the public through a referendum on the nationalization of electricity. All PQ platforms (1970, 1973, 1976 and 1981) essentially promised two things: the possibility of consulting the electorate through referendums and the adoption of an Act on the holding of referendums. The 1981 PQ platform contained a promise to extend the application of the *Referendum Act* to municipalities and, more crucially, it promised that in the event it was impossible to reach an agreement with Canada, that it would ask the people of Quebec for a mandate to exercise unilaterally the powers of a sovereign State. The 1985 platform, however, made no mention of referenda.

The structure of parliamentary institutions was the subject of one reform proposal by the UN and twenty by the PQ, but the topic received no mention in Liberal party platforms. The UN (1970) promised establishment of a presidential system, while the PQ (1970, 1973, 1976, 1981 et 1985) contemplated creation of a republic with a presidential form of government. Furthermore, the PQ platforms proposed to recognize the existence of parties in the constitution (1970) while offering them guarantees for equality of opportunity (1970) and freedom of action (1973, 1976 1981 et 1985), and a legislative assembly elected on a set date for four years with no possibility of being dissolved by the president (1973, 1976, 1981). The 1985 platform referred to a five year term of office.

In summary, proposals by the various parties differ mainly in only one area, that of public participation in the legislative process. In other matters it is a question of emphasis. The LPQ has placed emphasis on the role of MLAs in the drafting of bills and on parliamentary control, while the PQ has placed strong emphasis on its proposals to reform the structure of parliamentary institutions.

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## Reform As Seen By Legislators

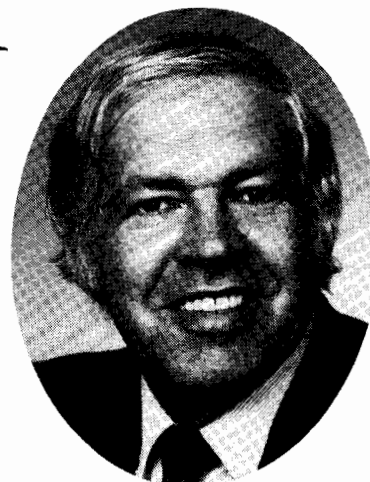
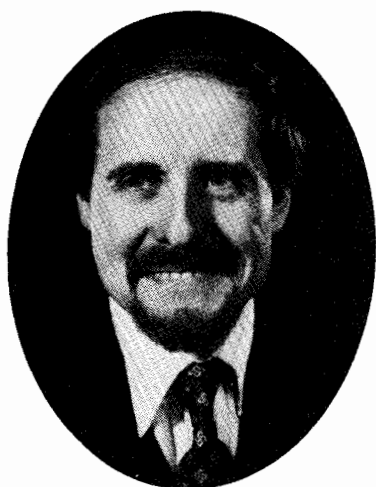
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To what extent do the considerably more detailed reforms suggested by several members of the National Assembly develop proposals envisaged in the platforms of the parties?

The earliest of these by Jean-Charles Bonenfant, who was a special advisor rather than a member of the Assembly, marked the beginning of modern reform. The report called for opportunities to allow more initiative to legislators and to streamline procedures in both the House and in committees to save parliamentary time.<sup>3</sup> Ten years later a Liberal member, Robert Lamontagne, presented a report whose principal object was to improve the position of the government backbencher vis à vis the cabinet.<sup>4</sup> A report by Claude Forget who had been both a Minister in the Liberal Government and an opposition member dealt with ministerial responsibility, delegated legislation and parliamentary control of public administration. A Committee on Parliamentary Reform chaired by Gilles Michaud<sup>6</sup> and composed of Roland Dussault, Francois Gendron, Richard Guay and Adrien Ouellette looked at many of the same areas and was frequently cited in the report by Denis Vaugeois.<sup>7</sup>

A complete discussion of the complexities and details of the proposals enunciated in these various reports lies outside the scope of this article. However, the most ambitious of these documents, the Vaugeois report, integrates, develops and refines all the main orientations contemplated by its predecessors. It can be used as a reference point with which to compare the substance of the reform proposals contained in official platforms with the proposals contemplated in the reports drafted by the representatives in the parliamentary wing of the various parties.

The first objective of the Vaugeois report is to release par-



*Among the members to have studied parliamentary reform since 1960 are: Claude Forget, Robert Lamontagne, Denis Vaugeois, and Gilles Michaud. (Direction des Communications Québec)*

liament from the clutches of the government. Vaugeois then proceeds to draw two recommendations from this objective: the replacement of the Internal Economy Committee of the National Assembly by an office responsible for overseeing the administration of the various services of the assembly; and second, the organization of parliamentary work in concert with the conference of parliamentary committee chairmen instead of leaving this in the hands of the Leader of the Government. The official platforms of the various parties make no mention of this type of reform.

The second and third objectives of the Vaugeois proposal are aimed at conferring upon the National Assembly the responsibility for control over the administration and public enterprises.

Recommendations derived from these objectives are the following: entrust the Committee of the Assembly with the responsibility of studying the reports of bodies directly dependent on the Assembly, such as those of the Auditor General, the Ombudsman, and the Committee on the Rights of the Individual; create sub-committees whose purpose would be to question the administration and draw reform proposals; entrust the study of reports of public enterprises to the Committee of the Assembly and to establish one or more sub-committees to question executive officers. Interestingly enough, these recommendations take up the essential aspects of the two reforms contained in the LPQ 1981 official platform.

The fourth objective concerns the oversight of regulations. The Vaugois report recommends creation of a Committee on Delegated Legislation responsible for overseeing the proper implementation of regulations pursuant to Acts as well as to examine existing regulations. This question is not broached in the PQ's official platforms, but was reflected in the Liberal platforms of 1976, 1981 and particularly 1985.

The fifth objective is aimed at strengthening the role of the National Assembly with respect to the study of the budget and control over public expenditures. According to Vaugois, this objective could be realized through the establishment of a committee entrusted with studying the Government's proposals, and another committee entrusted with examining the financial commitments of each department. It should be remembered that the first official platform to promise the creation of a committee to ensure control over public finances dates back to the 1966 Liberal platform.

To realize the sixth objective, i.e. the encouragement of public debate on legislation and the improvement of the Assembly's legislative work, the Vaugois Report recommends that three or four parliamentary committees specialize in the study of bills. Although this recommendation may resemble many other proposals contained in official platforms concerning the improvement of the role and functioning of parliamentary committees, it differs significantly from them with respect to the importance to be given to individuals and groups. In fact, while the official platforms contemplate giving individuals and groups the possibility of asserting their rights and points of view within parliamentary committees (LPQ, 1973, 1976) or to consult the public through referendums (PQ, 1970, 1973, 1976 and 1981), the recommendation contained in the Vaugois Report is aimed at improving the quality of the information made available to the public, rather than at increasing the participation of individuals and groups in collective decisions.

A seventh objective is to enable National Assembly committees to initiate, study and investigate at their own behest. These would then act as counterbalances to committees set up by the government. According to Vaugois, another objective of the reform should consist of a clearer definition of the status of MNAs, and of parliamentary assistants. He recommended higher salaries for MNAs, a better pension plan, improved working conditions, and a clarification of their functions and duties. Parliamentary assistants would be mainly entrusted with studying bills as well as drafting and evaluating the legislation delegated to them. The official platforms of the various parties do not contain any proposals aimed at raising the salaries of MNAs or at improving their pension plan. As far as the MNAs' working conditions are concerned, these too receive no mention in any of the official platforms from 1981 to 1985. In 1976 the Liberal Party stated

its intention to adopt a new Act governing the legislature, reform the role of parliamentary assistants, increase possibilities to enable MNAs to visit their regions and improve the quality of the information available to them in order to facilitate their participation in governmental proceedings.

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## Conclusion

The recent evolution of debate on parliamentary reform in Quebec can be summarized as follows: first, the most innovative and precise reform proposals have been made by the parliamentarians rather than in the official platforms of the various parties; second, the draft reforms drawn up by the parliamentarians aim much more than do those drawn up by the parties at strengthening the control of parliamentarians over the Executive; and third, contrary to what one might have expected, the debate on the political status of Quebec has not generated any daring draft proposals concerning parliamentary institutions.

How can we account for the fact that the essence of the problem which, according to parliamentarians and academics, is to re-establish a certain equilibrium between MNAs and the Executive, does not constitute a central concern in the reform proposals contained in the official platforms of the various parties? Three explanations seem plausible: either the party platforms are drawn up by persons who have a very unclear understanding of the functioning of parliamentary institutions; or else the process of developing official platforms is itself controlled by executives who do not wish to see a strengthening of parliamentary control over the government; or again, the official platforms of the various parties are addressed to the voters while the draft reforms drawn up by the parliamentarians are aimed solely at members and attempt to resolve problems of little interest to the general public. ■

(translation)

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## Notes

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<sup>2</sup>The information used in this was obtained by analyzing the contents of the platforms of the Liberal Party of Quebec, the Union National in the 1960s and the Parti Québécois from 1970 to 1985.

<sup>3</sup>*La réforme du travail parlementaire*, January 9 1964, 36p.

<sup>4</sup>*Rapport du comité sur le rôle du député ministériel*, June 26, 1975, 11p.

<sup>5</sup>*Démocratiser le Parlement. Propositions en vue de la réforme du parlementarisme à l'Assemblée nationale du Québec*, October 1977, 83p.

<sup>6</sup>*Rapport d'étape du Comité sur la réforme parlementaire*, présenté au ministre État à la réforme électorale et parlementaire, June 20, 1979, 17p.

<sup>7</sup>*L'Assemblée nationale en devenir. Pour un meilleur équilibre nos institutions*, January 28 1982, 202p.