

Discussion Paper  
on:  
**Parliamentary Group Model**

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## Parliamentary Group Model for NWT Consensus System

### Special Committee on Transition Matters

#### Introduction to Parliamentary Groups

A parliamentary group, also called a parliamentary caucus or parliamentary party, is a group consisting of members in a legislative assembly such as a parliament or city council. A parliamentary group is sometimes called the *parliamentary wing* of a party, as distinct from its *organisational wing*.<sup>1</sup>

In Canada, parliamentary groups are called *caucuses* and generally have independence from the wider party organisations. It is often thought improper for elected MPs to take instructions solely from non-elected party officials, non-partisan legislative staff or from the small subset of the electorate represented by party members and supporters. In any case, the exigencies of government, the need to cooperate with other members of the legislature and the desire to retain the support of the electorate as a whole often preclude strict adherence to the wider party's wishes.

In Westminster systems, caucus can be quite powerful, as it can elect or dismiss the party's parliamentary leader. The caucus also determines some matters of policy, parliamentary tactics, and disciplinary measures against disobedient MPs.

A parliamentary group is typically leader by a parliamentary group leader or chairperson; though some parliamentary groups have two or more *co-leaders* (e.g. Québec Solidaire has two co-leaders<sup>2</sup>). In some parties, the leader is elected solely by the members of the parliamentary group; in others, some or all the members of the wider party participate in the election. The parliamentary leader is the public face of the party. Parties that are not in government often choose the party's political leader as the chairperson. Parliamentary groups often have one or more whips, whose role is to support the leadership by enforcing party discipline.

#### De Facto Parliamentary Groups in Consensus Government

In consensus government systems in the NWT and Nunavut there are arguably two parliamentary groups: Caucus and Cabinet. Cabinet or the Executive Council has formal standing in the House through its Ministerial appointments and functions in a manner similar to other Westminster systems in

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<sup>1</sup> Mary Durkin and Oonagh Gay, *Her Majesty's Opposition*, (8 February 2006), 2.

<sup>2</sup> Quebec Solidaire, "Député.e.s", accessed October 23, 2017. <https://quebecsolidaire.net/page/depute-e-s>

Southern Canada. Caucus also functions very similarly to its southern counterparts in that it is used to discuss matters of political importance to members and provides an opportunity for free and frank discussion. Caucus also serves an important function in scheduling sittings of the House and deciding on legislative and corporate matters that affect the institution as a whole.

These bodies, caucus and cabinet, are both functional and effective tools for parliamentary function in the NWT. They serve as organizational management systems for political representatives and allow parliamentary cohesion inside and outside of the legislative assembly.

Members are well informed on the operations and functions of caucus and cabinet, and it does not bear repeating those aspects in this paper. What is important to note is that both of these groups are given formal standing by the Legislative Assembly as an institution and therefore have resources and formal roles in consensus government.

#### **Parliamentary Groups as a Management Tool**

Establishing a parliamentary group outside of the existing caucus and cabinet would create a distinct parliamentary group of regular members that operate as their own parliamentary organization, without ties to an external political party or similar group. This group would need to be given formal standing in the legislative assembly and to access funding required to support its members. A parliamentary group established in this way would be free to determine its own organization, including leadership decisions and establishing parliamentary roles (e.g. house leader, whip, critic portfolios, etc.). There would be no burden of transparency on meetings of a parliamentary group, unlike that of a Standing Committee which by convention must have all meetings in public by default.

Using this model the Standing Committee on Priorities and Planning would be replaced by a Regular Members Caucus, a parliamentary group for Regular Members that would act as a deliberative body with explicit decision making role on political matters. Additionally, the caucus would be the primary means of formal communication between the Executive Council and Regular Members in political matters. The caucus, through its officers (see below), would have standing in the House and all caucus deliberations would be protected by parliamentary privilege. Membership would be automatic for all Regular Members but the Caucus would reserve the right to control its membership at all times, without formal motion in the House (which is the current circumstances for SCOPP). Such a caucus would require adequate financial and staffing resources to perform its functions within and outside the Legislative

Assembly ,for example strategic retreats in communities outside the capital and staff persons providing strategic advice, communication services and procedural advice/house planning support.

It should be noted that membership of such a caucus would be voluntary and would in no way limit a member's parliamentary privilege. Support for the decisions of the caucus and continued participation in its work would be ensured through access to the additional resources provided by the caucus to its members. Discipline and more direct measures of ensuring compliance within the caucus would be an exception to the rule and reserved for serious matters involving the membership of the caucus.

### **Proposed Features of a Caucus Structure**

#### **1. Improved Parliamentary Cohesion of Regular Members**

The current form of consensus government provides for few incentives to encourage good behaviour on the part of Regular Members as it relates to working effectively in Standing Committees, ensuring good attendance and in working collaboratively with other Regular Members. On occasion Regular Members have failed to act in accordance with previously agreed to political accords on votes in the House or support for committee business that requires political action. Under the current system of organization through the standing committee on priorities and planning there are no consequences for this behaviour, nor for poor attendance or a lack of contributions to the work of the committee. These examples of poor performance can be especially frustrating for Regular Members who are contributing to the collective work of the committee, particularly in discussions of house strategy and voting matters, with many members not feeling able to discuss these matters freely with some of their peers in fear that Cabinet will be inform of what was discussed.

In forming a parliamentary group or caucus, Regular Members will be able to control membership in that group and enforce some form of discipline by controlling access to parliamentary resources and caucus funding. This will ensure cohesion between the Regular Members and create new incentives to work with group in an effective an efficient manner. This will in turn result in better performance outcomes and allow for better discussion free of real and perceived outside political influence.

#### **2. Improved House Strategy**

Procedure in consensus government is often understood as a means to an end, rather than the other way around. That means that procedural tactics are rarely used to delay legislation or challenge the government's agenda. A caucus of regular members could make better use of parliamentary procedure

to delay controversial legislation, to block spending measures, and to debate important issues of public policy. It bears mentioning that all of these tactics are currently available to MLAs through the rules of the legislative assembly but are rarely used due to the organization required to use them effectively. Mandatory attendance in the house, clear leadership roles and some form of party discipline are required to use them effectively. A caucus could make effective use of parliamentary procedure to achieve better outcomes for the collective goals of Regular Members.

An organized caucus could also serve to better support coordinate of house business planning between the government and Speaker's Office, resulting in better outcomes to ensure the smooth functioning of the legislature and that procedural matters are dealt with efficiently and effectively.

### **3. Teamwork and Morale**

Another advantage of establishing a Regular Member caucus is that will create a stronger sense of teamwork and *Esprit de corps* between the Regular Members who form part of the group. The divisions that already exist in the House will become clarified and formalized, with each member clearly understanding what side that they are on and what tools are available to them to pursue the aspirations and objectives of their constituencies. This does not mean that there won't be occasional disagreement between members of the caucus, nor does it mean that Regular Members and Cabinet won't work together on issues of public policy. However, having a clearer sense of identity within the Legislative Assembly and being part of a team with a strong work ethic encourages better morale and better outcomes for Regular Members who work together to achieve common goals.

### **4. Leadership**

The Chair of the Caucus would play a key role in maintaining the proper functioning of the caucus and ensuring its members continue to support its goals and objectives. This role would be an expanded form of what is currently the Chair of Priorities and Planning and should be considered to receive formal standing in the House through changes to the Rules of the Legislative Assembly. Additional powers of appointment should be considered as well, for example House Officers to represent the interests of Caucus and manage its parliamentary business, and representatives to the board of management. This power of appointment could be extended to committee assignments as well should there be interest from the caucus to do so. Having a clear political leader for Regular Members will benefit the collective leadership roles and responsibilities in the Legislative Assembly and creates a clear parallel between the Premier and the new equivalent on the Regular Member side.

**An Official Opposition is Not Party Politics**

Caucuses, or parliamentary groups, are longstanding features of Westminster democracies and although prominent features of the legislative branches of political parties, caucuses is a separate parliamentary concept that is not incompatible with consensus government. Political parties are anchored to an ideology and typically supported by an organizational wing external to the parliament or Legislative Assembly. Establishing a parliamentary group in consensus government is a distinct proposition from establishing a political party and does not change the non-partisan nature of politicians in the Consensus System.

**Summary of Features**

- Relieves the burden of transparency from the political deliberations of Regular Members
- Relieves non-political support staff from conflict or the appearance of conflict in providing political advice to Regular Members.
- Creates clear delineation of roles and responsibilities between Government/Executive Council Members and Regular Members.
- More effective disciplinary procedures to ensure good behaviour and effective collaboration between members.

# Parliamentary Group Model in Consensus Government

On reflecting on the term of the 18<sup>th</sup> Legislative Assembly many regular members have commented that there is a need for stronger cohesion between regular members, tools to support their work in holding government to account and the ability to act effectively within the formal proceedings of the House.

The Standing Committee on Priorities and Planning is the current organizational tool for the political affairs of regular members. This tool has proven inadequate to address many of the concerns raised by its members over the past three years.

Reasons for this include:

- Inability to effectively coordinate political cohesion during formal proceedings of the House
- Inability to direct membership on the committee or effectively take disciplinary action
- Lack of resources to support the political activities, goals and support for alternate policy development
- Lack of dedicated political staff, instead relying on nonpartisan institutional staff (i.e. clerks and research advisors) who are often placed into the role of providing political advice to members, conflicting with their role as non-political legislative staff.

It is recommended that a more flexible caucus or parliamentary group model be adopted for incoming legislature assemblies to enhance the organizational capacity of regular members and limit the role of non-political staff in political deliberations between regular members.

# Caucuses or Parliamentary Groups

A parliamentary group or caucus is a group consisting of members of the same political alignment in a legislative assembly such as a parliament or city council. Caucuses do not have formal standing in a legislature but serve as an important organizational tool for members to ensure the issues important to the group are acted on, both inside and outside of the institution. Many caucuses receive funding through the legislature to support their operations, hire staff and conduct research and analysis on behalf of the group.

In many legislatures, caucuses are composed of members of the same political party and form the parliamentary wings of those parties, which are distinct from the organizational wings of the party that operate outside of legislative and government institutions.

Caucuses are also formed to represent special interests and regional concerns. These caucuses frequently extend their membership outside of one political association to encompass the broader membership of the legislature. These caucuses are often focused on a particular issues of concern to its members and work to address those concerns collaboratively through legislative proceedings and engagement with civil society.

Examples of special interests caucuses:

- Indigenous Caucus (Parliament of Canada)
- (Various) All-party Parliamentary Groups (Parliament of the United Kingdom)
- Congressional Black Caucus for African Americans (United States Congress)

# Role of Caucus

Caucuses serve as an effective way to bring parliamentarians together to support common interests and goals. Access to financial resources and the political support of other caucus members serve as incentives to work cooperatively in pursuit of the shared interests of the caucus. Caucuses facilitate improved political cohesion in a legislature and allow for better coordination of house business through clear points of institutional management that can come together on a daily basis to discuss house planning and procedural issues that require a coordinated approach to resolve.

Caucuses also allow parliamentarians to better engage with interested parties outside of government and are effective means to allow for civil society and interest groups to become involved in political discussions and decision making.

Caucuses can also raise the profile of issues that the group is formed to represent, for example women or Indigenous Peoples. These areas of special focus can become key points of public policy development and have an impact on the business of the legislature through the actions of a caucus.

# Other Features of Caucuses

- Relieves the burden of transparency from the political deliberations of Regular Members
- Relieves non-political support staff from conflict or the appearance of conflict in providing political advice to Regular Members.
- Creates clear delineation of roles and responsibilities between Government/Executive Council Members and Regular Members.
- Allows for more effective disciplinary procedures to ensure good behaviour and effective collaboration between members.
- Clearly delineates the role of cabinet ministers and regular members to the general public and makes clear the separation of the executive and legislative branches of government.

# Resources

To ensure effective caucuses in the Legislature, additional financial resources are required to support the work of the caucus and allow its members incentives to participate in the group discussions and share in its decisions.

Most legislatures allocate funding based on the number of seats or members represented by the membership of the respective caucus. This system is a reasonable and standard practice that ensures a balanced approach to caucus funding. Many legislatures set a minimum threshold for official caucus funding, which encourages more collaboration between smaller interests to access the requirements for funding support.

# Leadership

Caucuses should be free to establish their own leadership rules and procedures. Typically chairs of caucuses are voted on by the members of the caucus and can serve as important leaders inside and outside the legislature.

In cases of caucuses representing political parties, the leader of the caucus is often also the Leader of the party. This is especially true in the case of smaller parties in a given legislature.

In consensus government the Chair of the Standing Committee on Priorities and Planning can be thought to serve as the *de facto* political leader for Regular Members and is often asked to engage directly with the Premier to resolve issues of common concern to all regular members.

This precedent could be reflected in the standing of a new caucus for regular members and be strengthened by affording the caucus chair additional powers of appointment and some form of formal standing in the proceedings of the House.

# Recommendation #1

That the Standing Committee on Priorities and Planning be dissolved and a new caucus established with mandatory membership for all regular members.

## Recommendation #2

That the policies and/or legislation governing the Legislative Assembly be amended to provide for fair and effective funding for caucuses and establish minimum thresholds for caucuses funding.

## Recommendation #3

That the rules of the Legislative Assembly be amended, where appropriate, to give formal standing to the Chair of the Regular Member Caucus, allow for certain discretionary appointments over legislative assignments and increase remuneration of the role commensurate to these new responsibilities.