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Restore Canada's Parliament by returning power to MPs

Centralization of power – since 1970 – has led to decline of Parliament

Conservative MP Michael Chong outlines the rationale for his Private Member's Bill proposing amendments to the Canada Elections Act and the Parliament of Canada Act to reform rules governing candidacy and caucus. The short name of Bill C-586 is *Reform Act, 2014*.

Michael Chong, M.P.

The rules governing Canada's Parliament, and those governing the election of MPs and party leaders, have changed significantly over the years. These changes, occurring over many decades under different parties and leaders, have weakened the role of MPs and centralized power in party leaders. Some of the changes came about in the evolution of the unwritten conventions that govern Parliament; others were implemented through legislation like the *Canada Elections Act*. This state of affairs should surprise no one as the books, academic papers and journals written about this problem of centralization of power in Ottawa are too numerous to mention.

With each passing decade, the problem has only gotten worse. Continual changes hand more power over to party leaders, eviscerating the role of the only elected representative Canadians have at the federal level: their Member of Parliament. Individual MPs find

it increasingly difficult to exercise their role as elected representatives within parliamentary parties due to the almost complete power of party leaders.¹ As a result, the collective ability of the elected legislature to hold the executive to account has weakened, leaving in place a PMO with almost unchecked power in between elections.

Three changes that have weakened parliament

Of all the changes that have weakened MPs and Parliament, three stand out:

- Changes to the *Canada Elections Act* in 1970 gave party leaders the power to approve party candidates and control party nominations. In fact, Canada is the only Western democracy where party leaders, by law, have a "veto" over party candidates and the power to replace a local electoral district association.
- Parliament's unwritten rules have changed over the years in a way that has advantaged party leaders and disadvantaged MPs,

weakening the power MPs used to wield within parliamentary parties. The governance and power structure of these parliamentary parties are important because it is parliamentary parties, and not individual MPs, that directly control the agenda and activities of Parliament.

- The role of the parliamentary party in reviewing the leader has been little used, and the rules opaque. This has weakened the accountability of party leaders to MPs.

The problem of the centralization of power in the party leaders in Ottawa has had a real consequence. Canadians are losing faith in their democratic institutions. Recent public opinion research reveals that only 55 percent of Canadians report being satisfied with the way democracy works in Canada,² a 20 percent drop from 2004.³ Voter turnout during federal elections has reached an all-time low, demonstrated in the last federal election when four out of ten Canadians chose not to vote.⁴ Studies have found that many Canadians are disengaged because they feel that politicians work for someone else, and are therefore indifferent to their views.⁵ Canada's democratic institutions are losing their legitimacy.

Reform Act, 2013

To address this real problem, the *Reform Act, 2013* was introduced in the House of Commons in December, 2013. It proposes three simple reforms:

- First, it would restore local control over party nominations, by replacing the “party leader” with a locally elected “nomination officer” for the purposes of approving party candidacy in an election.
- Second, it would increase the power that MPs wield within parliamentary parties by requiring the election (as opposed to the appointment) of the caucus chair and mandating that an expulsion of a caucus member only be carried out by a secret-ballot vote of caucus (currently, a member can be expelled by the leader).
- Third, it would reinforce the accountability of the party leader to the parliamentary party by specifying the rules for the caucus to review the leader.

If the bill becomes law, the Prime Minister and other party leaders would still be immensely powerful. However, these reforms will rebalance power in Ottawa, putting a check on the power of party leaders, and by extension the PMO. By giving the people's elected MPs a greater say, these reforms will restore Canada's Parliament to the way it once successfully worked for decades in Canada. A greater diversity of views will be allowed and MPs will be able to vote more freely in the House of Commons, whether on principle or on behalf of their constituents.

What about “problem” candidates?

Some have suggested that by restoring local control over party nominations, a plethora of problem candidates will result. This ignores the fact that the current system already produces “problem” candidates in every election. There is no evidence to suggest that the numbers of these candidates would be any different under *Reform Act* rules.

Furthermore, under the *Reform Act*, nothing prevents a local electoral district association, through the locally elected “nomination officer”, from reviewing and removing a local party candidate if something goes wrong.

New powers for MPs?

The *Reform Act* maintains the current power of registered political parties and their members to elect and review a leader, as they currently do. Some have suggested the bill creates a new power for MPs, the power to review the leader. This suggestion reveals a misunderstanding of how Parliament works. The bill simply recognizes the current power of the parliamentary party to review and remove the leader, and the current power of the parliamentary party to select an interim leader.⁶ These current powers are part of the unwritten conventions of Parliament. However, unlike other Westminster parliaments these conventions have never been written down.⁷ The *Reform Act* simply proposes to put these conventions down on paper to make them clear and transparent.

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Interim leader rules need clarification

The lack of clarity regarding the rules for changes in party leaders between party leadership races is of concern. Few things are more important in a democracy than how transitions in power take place. For example, if a Prime Minister were to immediately resign or suddenly die while in office, the rules for determining the interim party leader — and hence the Prime Minister — are not clear to many MPs. This is troubling since, by unwritten convention, it is up to Members of Parliament to select the new leader, and more usually, members of the majority caucus in the House of Commons. In turn, the Governor General would appoint that person as Prime Minister. The *Reform Act* would put these unwritten conventions down in writing to ensure clarity and transparency, especially important during a crisis.

Greater stability

Westminster parliaments that operate under the rules proposed in the *Reform Act* (United Kingdom, Australia and New Zealand) are just as stable as the current Canadian Parliament. The length of time between leadership changes is no different under either system.⁸ In fact, the *Reform Act* would create more stability, because parties would less likely be decimated by leadership crises. Because the current rules regarding the review of the leader by caucus are unclear and unwritten, a leadership crisis in caucus tends to be a long, drawn out affair that damages the party.⁹ Under *Reform Act* rules, when a leadership crisis occurs, a decisive decision is made: the caucus comes together and makes a quick decision, either voting to sustain or remove the leader.

Conclusion

Democracies around the world have produced the greatest prosperity and most stable societies. This is no accident. Economic prosperity and stability have flowed from the strength of these democratic institutions. In Canada, it will be the health and strength of our Parliament that will determine whether or not we maintain and sustain our economic prosperity and stability in the 21st century. In the long run, restoring democratic checks and balances on power are vital to our future peace, order and good government. ✨

Michael Chong has served as the MP for the riding of Wellington—Haltoun Hills since 2004. He served as Minister of Intergovernmental Affairs and Minister of Sport, as well as the President of the Queen's Privy Council for Canada from February 6 to November 27, 2006.

Endnotes

1. The Samara Institute has done some excellent work documenting these difficulties, in the form of exit interviews with departing Members of Parliament.
2. Anderson, Kendall, et al., "Lost in Translation or Just Lost?: Canadians' Priorities and the House of Commons", Samara Democracy Report #5, Samara Institute, February, 2013. p.2
3. Anderson, Kendall, et al., "Who's the Boss?: Canadians' Views on Their Democracy", Samara Democracy Report #4, Samara Institute, 2012. p.1.
4. Bastedo, Heather, et al., "The Real Outsiders: Politically Disengaged Views on Politics and Democracy", Samara Democracy Reports, Samara Institute, December, 2011. p.2.
5. Bastedo, Heather, et al., "The Real Outsiders: Politically Disengaged Views on Politics and Democracy", Samara Democracy Reports, Samara Institute, December, 2011.
6. For example, Stéphane Dion was replaced by Michael Ignatieff on December 10, 2008. In

yet another example, Alberta Premier Alison Redford was replaced by Dave Hancock on March 23, 2014. In all these cases, this transition in power was not decided by the party membership or at a party convention, but by the party caucus.

7. For example, the United Kingdom Conservative Party has codified this power in the Fresh Futures document. Although this document is not a part of the Conservative Party's constitution, it is a precedent setting document (The Fresh Futures document has been confirmed by a staff member of the 1922 Executive Committee as a precedent setting document. The Fresh Futures document is also referred to in the UK Library of Parliament document, Leadership Elections: Conservative Party. United Kingdom, House of Commons Library, Leadership Elections: Conservative Party, Standard Note, SN/PC/1366, 7 December 2005, pp. 7-9). In the United Kingdom Labour Party, the caucus power to review the leader is codified in the Labour Party's constitution (Labour Party Rule Book, Chp. 4.2.B.ii). The New Zealand National Party (Constitution and Rules of the New Zealand National Party, S.82b) and the New Zealand Labour Party (Constitution and Rules, 2013, Rule 308 B) have also codified this important leadership review mechanism in their respective party constitutions.

8. During the ten year period of 2003-2013, the Liberal parliamentary party had seven leaders: Chrétien, Martin, Graham, Dion, Ignatieff, Rae, Trudeau. During the five year period of 1998-2003, the Conservative Party of Canada and its predecessor parties had five leaders: Manning, Day, Harper and Clark, Mackay.

9. The 2001-1002 leadership crisis in the Canadian Alliance took the party from 25 percent to low single digits in the polls in Ontario. By the time that crisis was resolved, the party was no longer a national force in Canadian politics, one reason it was forced into a merger with the Progressive Conservatives. The 2003-2008 leadership crisis in the Liberal Party took the party from majority government to third party status in the House of Commons. It is also interesting to note that while the Progressive Conservatives lost government and won only 2 seats in the 1993 Canadian election, the UK Conservatives won a fourth majority government with 336 seats in the 1992 UK election. About 17 months before the 1992 UK election, the caucus reviewed and removed Prime Minister Margaret Thatcher. She was replaced by John Major.



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