A glimpse of the future?
What the minority governments of the 38th and 39th Parliaments can teach
about proposals for electoral reform

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Abstract

Recognizing that the adoption of proportional representation would greatly increase the frequency of minority governments in Canada, this paper uses the 38th and 39th Parliaments as test cases to see whether electoral reform would improve or harm the quality of Canadian democracy. Contrary to the literature on electoral reform, the two minority parliaments were also no less efficient than the typical majority, but also showed no definite improvement in legislative compromise or the role of private members. However, these parliaments were much better able to hold the executive accountable than a typical majority government, albeit at the price of reduced government stability.

Introduction[1]

Many analysts believe that the minority governments in the 38th and 39th Parliaments have witnessed all-time lows in the level of parliamentary discourse and inter-party cooperation. Some argue that this outcome is the inevitable result of a minority parliament, which forces parties to be in a continual state of conflict since an election could come at any time. These observers generally hope that the next election will produce a majority government that is capable of restoring more direction and decorum to the House of Commons.

In addition to this concern about parliamentary civility, recent years have also seen a growing debate about the need for electoral reform. Many citizens and politicians have become increasingly concerned about the tendency of Canada's plurality voting system to exaggerate the number of parliamentary seats received by the party with the largest share of the vote (Massicotte, 2001). This exaggeration often allows parties earning less than half of the popular vote to gain an absolute majority of parliamentary seats and hence to govern without needing to compromise with the opposition parties.

Proponents of electoral reform argue that an electoral system based on proportional representation (PR) would end artificial majority governments by ensuring a closer relationship between a party's share of the popular vote and its share of parliamentary seats. Governments formed with less than a majority of the vote would therefore need to take the views of the opposition into account if it wished to keep the confidence of the Parliament. However, critics of electoral reform argue that abandoning the plurality system could harm Canada's democracy by preventing the formation of majority governments, which would increase government instability and create legislative deadlock (Pellerin and Thomson, 2004).

Instead of debating the hypothetical merits of electoral reform, this paper examines the minority governments of the 38th and 39th Parliaments to see how Canada's political system could be affected by the adoption of a new voting system that produced minority governments more frequently. Obviously a minority government operating in a plurality electoral system will face different pressures than one in a PR system. However, the two would still need to operate within the same parliamentary rules and conventions, meaning that current minority parliaments can offer insights about how parliament might function after electoral reform.

The paper begins by using the arguments for and against electoral reform in order to develop five criteria for evaluating the democratic performance of a parliament: 1) the extent of legislative compromise and deliberation; 2) the level of legislative efficiency; 3) the role for private members; 4) the executive's accountability to the legislature; and 5) government stability. Both qualitative and quantitative are then used to apply these criteria to the 36th to 39th Parliaments. The resulting data will show that contrary to supporters of electoral reform, the minority parliaments offered little improvement in the extent of legislative deliberation or the role of private members. However, contrary to opponents of electoral reform, the 38th and 39th Parliaments were no less efficient than the majorities they followed. Overall, the executive's accountability to the legislature and government stability were the only indicators strongly affected by the minority situation, with a vastly improved capacity to hold the executive to account coming at the cost of significantly greater government instability.

Notably, it would have been preferable to employ a longer term approach that

compared the two most recent minority governments with those led by Clark, Trudeau and Pearson. However, a series of procedural changes introduced in the 1980s and early 1990s make these comparisons very difficult to conduct. In particular, the new ability of committees to meet without a reference from the House and to initiate their own studies and motions have provided the most recent minority parliaments with tools that were not available to their predecessors (Dobell, 2000; Franks, 1987). The simplification of the rules for private members' business has also resulted in more of these bills being debated and voted upon, although the success rate is still quite low.

Arguments for and against electoral reform

Critics of plurality voting argue that it is non-democratic since it disproportionately rewards the party that obtains the largest share of the popular vote, often permitting parties receiving less than half of the vote to form a parliamentary majority. Since the Canadian political system features rigid party discipline, majority governments are usually assured of enough support to win any vote and hence are not forced to compromise with opposition parties on their legislative initiatives (Docherty, 2005). This party discipline also extends to legislative committees, where the governing party is able to prevent any unfriendly amendments to its legislation (Franks, 1987). Majority governments can also prevent scrutiny of executive actions since government members can block the creation of any committee study or hearing into the actions of the government. Even the passage of departmental estimates by the standing committees becomes a forgone conclusion, with Franks noting that "the estimates would be passed regardless of what the committee did" (1987:175). Many observers find it highly inappropriate that a party could wield these powers that are available to a majority government without actually receiving a majority of the votes (Law Commission, 2004).

In addition to preventing artificial majorities, proponents of electoral reform argue that minority parliaments tend to be more democratic since the governing party must work to gain the support of at least some of the opposition parties if it wants to move its agenda forward, a reality that tends to prevent the government from acting rashly or from pursuing overtly political objectives. In the words of one observer, "Having to get support from outside its own party may not only help a government to do good and sensible things but also prevent it from doing bad and foolish things" (Forsey, 1964:4). The government's need to compromise on its legislative proposals also increases opportunities for open and substantive parliamentary debate, a reality that seldom occurs in the majority setting (Massicotte, 2001). Those seeking electoral reform further point out that the minority situation enhances executive accountability since the government must be able to answer for it actions should it wish to keep the support of other parties (McCandless, 2004). If the government does not agree to at least some opposition demands, it may rapidly fall, as was demonstrated by the Clark administration.

The need for a minority government to garner support from other parties can lead either to the creation of a coalition government or the formation of alliances on an issue-by-issue basis. The partners in a coalition government usually reach internal compromises on major issues before taking any action. In contrast, minority governments using the issue-by-issue approach retain the ability to work with different parties on different issues, allowing them greater flexibility. Moreover, the issue-by-issue approach allows the

governing party to keep exclusive control over executive power, thereby giving it more freedom to make decisions so long as it has willing partners for its legislative agenda (Dobell, 2000). Minority governments in Canada have overwhelmingly used the issue-by-issue approach rather than be limited by the trappings of a coalition (Franks, 1987).

It is also argued that minority parliaments are more democratic because they are more open to legislative initiatives introduced by private members or opposition parties (Stahl, 2004). Although during the 1990s the Liberal government introduced the convention of not adopting a government position on private members bills, those bills going against the wishes of the government generally have little chance of success (Dobell, 2000). However, in a minority setting the opposition parties can join together to ensure the passage of a private members' bill, no matter how the government feels about it. Therefore, while only a small portion of each sitting day is devoted to the consideration of private members' business, the minority setting may offer individual MPs a chance to move an issue forward.

Those who argue against electoral reform claim that minority governments have a number of negative traits that are more harmful to democracy than the disproportionality found in the plurality system. A key argument made by supporters of the plurality system is that need for compromise complicates the operation of minority governments, making them slow and inefficient (Forsey, 1967). This need for compromise is seen to be particularly problematic in times of crisis since it can block the taking of decisive action (Law Commission, 2004). Further troubling is the fact that frustration with compromise can make the government attempt to implement its program through executive order rather than legislation, thereby circumventing the parliament (Strahl, 2004).

Critics of electoral reform also point out that rather than promoting compromise, minority parliaments can encourage parties to attack each other in the hopes of improving their own standing. Parties in a minority parliament usually perceive themselves as being in a continual election (Strahl, 2004). Opposition parties that are too supportive of the government may suffer when an election is eventually called, as was the case when the federal NDP lost half its seats following its close partnership with the Liberal minority government from 1972-1974 (Kent, 2004). In contrast, parties may profit if they can present themselves as taking a principled stand against the government on a controversial issue, providing them with an incentive to withdraw their support from a minority government at strategic moments (Dobell, 2000). At the same time, the governing party's desire to have full control over parliament gives it an incentive to call an election as soon as it thinks it can win a majority. As such, minority parliaments are likely to be shorter and less stable than their majority counterparts (Franks, 1987).

Finally, opponents of electoral reform stress that the need for compromise in minority parliaments hinders citizens' capacity to hold governments accountable at election (Pellerin and Thomson, 2004). Since the agenda pursued by minorities is a mixture of the preferences of different parties, it is difficult to identify any one party that is fully responsible for the government's actions. Instead, each party is able to blame the others for the government's failures or to take credit for successes for which they were only partly responsible. Given this blurred accountability, citizens may find it difficult to decide whom to hold accountable for actions of an incumbent government (Law Commission, 2004). In contrast, majority governments are fully responsible for their actions, allowing electors a clear choice when they cast their ballots.

Evaluation criteria

Based on the arguments for and against electoral reform, a number of criteria for evaluating the democratic performance of the 38th and 39th Parliaments can be determined. Criteria relating to the democratic benefits of the minority parliaments include the extent to which these parliaments featured an *increase* in: 1) legislative compromise and deliberation; 2) the accountability of the executive to the legislature; and 3) the role for private members. On the other hand, criteria relating to the potentially harmful effects of minority parliaments include the extent to which they featured a *reduction* in: 1) legislative efficiency; 2) government stability; and 3) the ability of citizens to hold the government to account at election. Unfortunately, the ability to study the latter criterion is beyond the scope of this paper, which only examines the performance of a minority government within the parliament, not the ability of citizens to evaluate its performance. Consequently, only the first five criteria will be used in the following study.

Legislative compromise and deliberation

Two main indicators will be used to determine whether the recent minority parliaments feature greater legislative compromise and deliberation than their predecessors: 1) the number of government bills referred to committee stage before second reading; and 2) the total number of bills amended by committees. As described above, supporters of electoral reform argue that minority governments are forced to compromise with opposition parties and to accept changes to their legislative proposals. As such, one would expect that more bills would be amended by committees in a minority parliament than by those in a majority parliament. According to the rules of the House of Commons (known as the Standing Orders), all bills must be referred to a parliamentary committee for further study after either first or second reading. The committees then conduct detailed studies of the bills, often calling for testimony from witnesses and performing a clause-by-clause review of its provisions. Consequently, the committee stage is where the bulk of amendments are likely to take place.

Significantly, committees have much less freedom to amend bills that are referred to them after the second reading of the bill than those that are sent to them before (Canada, Parliament, 2006c). This rule is justified on the grounds that committees should not be able to make large amendments to a bill that the House has already agreed to in principle. Moreover, parties are usually forced to take a position on a bill prior to the vote at second reading, leaving them with less space for further compromises (Docherty, 2005). As a result, the sending of more bills to committee before second reading can be seen to improve the ability of parliaments to conduct a full debate on a piece of legislation.

Table I compares the number of bills that were amended at committee stage in the 36th to 39th Parliaments. To permit easier comparison, the results presented in this and all subsequent tables are standardized to a session length of 150 sitting days. The original data used to compile this and all subsequent tables is available at www.pauledwinjames.com.

Although the minority government of the 38th Parliament had the highest percentage of bills amended at committee stage, the result obtained (59%) is consistent with those produced by the majority parliaments. Moreover, the percentage of bills amended in the

minority 39th Parliament is actually lower than that found in several majority sessions. However, the 38th Parliament is unique for having 10 bills referred to committee before second reading, 80 per cent of which were amended. This outcome likely reflects the impact of Paul Martin's *Action Plan for Democratic Reform,* which was introduced after he took office in 2004. One component of the *Action Plan* sought to improve the deliberative role of Parliament by having more bills sent to committee stage before second reading so that they could receive more substantial debate and amendments (Canada, Privy Council Office, 2004). The high proportion of amendments among the bills that were sent to committee before second reading in the 38th Parliament suggests that committees took the opportunity afforded by the *Action Plan* to conduct a meaningful debate on these bills. However, the Conservative government did not continue with the *Action Plan* in the 39th Parliament, causing the number of bills sent to committee before second reading to return to the levels seen in the 36th and 37th Parliaments.

TABLE I

COMPARISON OF GOVERNMENT BILLS REPORTED TO THE HOUSE OF COMMONS BY SELECTED STANDING COMMITTEES DURING THE 36TH TO 39TH PARLIAMENTS, BY SESSION, STANDARDIZED TO A SESSION OF 150 SITTING DAYS[2]

Parliament	36.1	36.2	37.1	37.2	37.3	38	39
Sent to committee after 2nd reading							
Amended by committee	24	17	20	16	8	17	16
Not amended by committee	18	14	16	18	14	17	16
Sent to committee before 2nd reading							
Amended by committee	2	1	1	4	3	10	2
Not amended by committee	1	-	-	2	8	2	-
Total percentage of bills amended	58%	56%	57%	50%	33%	59%	53%

(Source: Canada, Parliament, 2007a)

Legislative efficiency

As mentioned above, critics of electoral reform often argue that minority legislatures are less efficient than their majority counterparts. Table II tests this hypothesis by comparing the number of government bills introduced in the 36th to 39th Parliaments and the number that were actually passed.

At first glance, the 38th and 39th Parliaments appear to be substantially less efficient than the majority sessions in the table. However, if one looks at absolute numbers instead of success rates, the 38th Parliament passed a greater number of bills than all but one session of the 36th and 37th Parliaments. As such, the low success rate appears to stem more from the very large number of bills introduced than from any lack of productivity. On the other hand, at the time of writing the 39th Parliament featured both the lowest success rate and the lowest absolute number of bills passed. However, these statistics may be

misleading since most Parliaments spend their dying days frantically wrapping up bills before the legislature is dissolved, as occurred in the 38th Parliament when 11 bills received Royal Assent four days before the government fell (Canada, Parliament, 2005f). Consequently, it will be necessary to wait for the 39th Parliament to end before its productivity can be fully evaluated. Nevertheless, the productivity displayed by the 38th Parliament suggests that minority Parliaments are not inherently inefficient, but rather can use their time just as effectively as majority sessions of the Parliament. It should also be noted at that some of the bills passed by the 38th and 39th Parliaments were very controversial, such as bills C-38 (legalization of same sex marriage) and C-2 (the Federal Accountability Act), indicating that minority parliaments can successfully deal with difficult pieces of legislation.

TABLE II

SUCCESS RATE OF GOVERNMENT BILLS IN THE 36TH TO 39TH PARLIAMENTS, BY SESSION, STANDARDIZED TO A SESSION LENGTH OF 150 SITTING DAYS[3]

Parliament	36.1	36.2	37.1	37.2	37.3	38	39
Bills introduced	50	51	36	39	98	77	54
Bills receiving royal assent	41	33	33	27	57	43	22
Bills negatived	-	-	-	-	-	2	-
% success rate	82%	64%	92%	70%	58%	56%	41%

(Source: Canada, Parliament, 2007a)

The role of private members

Analysts predict that the lack of domination by a single party should allow private members to play a larger role in minority parliaments. Regrettably, it is difficult to directly measure the role of private members since it includes elements that are not easily quantified, such as the ability to make a meaningful contribution to debate in the House of Commons and parliamentary committees. However, it is relatively straightforward to examine the number of private member's bills passed during each Parliament and to see if there were any changes with the advent of minority government.

Table III presents the outcome of the private members bills that reached the order of precedence in the 36th and 39th Parliaments.[4] The table shows that the 8 per cent success rate for private members bills in the 38th Parliament was relatively constant with that found in the 36th and 37th Parliaments. When combined with the total lack of success for private members' bills in the 39th Parliament, this data calls into question the hypothesis that the minority situation increases the opportunities available to private members, at least in terms of their ability to introduce legislation.

TABLE III

SUCCESS RATE OF PRIVATE MEMBERS BILLS THAT REACHED THE ORDER OF PRECEDENCE, 36TH TO 39TH PARLIAMENTS, BY SESSION, STANDARDIZED TO A SESSION LENGTH OF 150 SITTING DAYS

Parliament	36.1	36.2	37.1	37.2	37.3	38	39
Bills placed on the precedence list	39	53	43	40	93	48	45
Bills receiving Royal Assent	4	3	-	4	8	4	-
Success rate (%)	9%	6%	0%	10%	9%	8%	0%

(Source: Canada, Parliament, 2007a)

Executive accountability

The accountability of the executive to parliament is one of the cornerstones of the Westminster parliamentary system. As McMenemy writes, accountability is:

> The requirement that an individual or group explain and accept responsibility before another individual or group for actions taken by them and by those under their supervision. In the Canadian parliamentary system, the principle of responsible government requires the political executive… to respond to criticism in the legislature and to retain the "confidence" of the House of Commons or provincial legislature, in order to remain in office (1999:1).

The tools of executive accountability at the House of Commons' disposal fall into two broad groups: those exercised by standing committees and those exercised by the House as a whole. Standing committees are required to review the annual budget estimates for the government departments falling under their mandate. They may also initiate studies into any aspect of the functioning of these departments and agencies as well as the statutes that govern them (Marleau and Montpetit, 2000: Chapter 20). While non-binding, these studies give MPs an opportunity to review and critique the actions of the executive and also allow citizens to express their concerns by testifying at committee hearings (Docherty, 2005). Moreover, committees can request that the government respond to any study within 150 days of its being reported to the House, giving them the power to force the executive to address the study's findings. Consequently, committee studies can be effective tools for drawing attention to the failures of the executive (Franks, 1987).

In addition to studies, standing committees can pass motions calling for the government to adopt certain policies or to investigate particular issues. These motions may come after debate on an issue, but can also be voted on without prior discussion. The Government may also ask Committees to review nominees for government appointments. While nominations cannot be rejected, committees can investigate the nominees and evaluate their qualifications for the position (Marleau and Montpetit, 2000).

Table IV summarizes the executive accountability actions that were taken by standing committees in the 36th to 39th Parliaments. In order to ensure that changes

observed from one parliament to the next are only due to the presence or absence of a minority government, the table only includes data from the sixteen thematic standing committees that existed in all four Parliaments.[5]

TABLE IV

COMPARISON OF EXECUTIVE OVERSIGHT EXERCISED BY SELECTED STANDING COMMITTEES, 36TH TO 39TH PARLIAMENTS, BY SESSION, STANDARDIZED TO A SESSION OF 150 SITTING DAYS

Parliament	36.1	36.2	37.1	37.2	37.3	38	39
Motions for government action	3	9	5	10	8	36	62
Studies	45	41	44	60	25	46	32
Estimates altered	-	-	-	2	-	4	-
Appointments reviewed and accepted	1	-	-	2	3	8	2
Appointments reviewed and rejected	-	-	-	-	-	1	2
Non confidence in officer of parliament	-	-	-	1	-	-	-

(Source: Canada, Parliament, 2007b)

The data shows that while the number of studies produced by committees was relatively constant in all of the sessions observed, the 38th and 39th Parliaments displayed a massive increase in the number of motions for government actions. Before the 38th Parliament, motions by the Foreign Affairs Committee in response to breaking international situations accounted for almost half of all committee motions passed. The rest generally related to technical matters within a committee's area of focus, such as the Defence Committee's 2003 motion calling on the government to ensure that a program expanding benefits for the surviving spouses of veterans included the widows of veterans who had already passed away (Canada, Parliament, 2003c). These motions were generally non-confrontational and did not draw attention to the government's failures, but rather made suggestions for further action.

In contrast, the motions passed during the 38th Parliament covered a broader range of topics, were often highly confrontational, and tended to call attention to shortcomings in government policies. For example, notable motions in the 38th Parliament included those calling on the government to: compensate all victims of Hepatitis C; create a new system for temporary resident visas; increase the funding for the CBC; stop the closure of RCMP detachments in Quebec; defend agricultural supply management at the WTO; create a national breast-implant registry; ban internet pharmacy sales to the US; allow the immigration of 2,000 Vietnamese families from the Philippines; and improve the system for the appointment of judges.

The popularity of motions for government action has grown among the standing committees of the 39th Parliament, which at the time of writing had already passed 62 motions, almost double the number passed by the 38th Parliament. However, in addition to increasing their numbers, the motions passed by committees in the 39th Parliament also have been even more confrontational, such as those calling on the government to: issue an

apology to Mahr Arar; increase the funding for small craft harbours; create an independent environment commissioner; vote in favour of the United Nations Draft Declaration on the Rights of Aboriginal Peoples; aid farmers affected by golden nematode infestations; commit stable funding for the National Homelessness Initiative; publish three policy research reports produced by Status of Women Canada; place an immediate moratorium on the deportation of undocumented workers; and apologize to Secretary General of the Francophonie Abdou Diouf for treatment he received from customs officials. There were also motions to reinstate funding to the Court Challenges program, the Law Commission of Canada, the Adult Literacy and Learning Programs, the Workplace Partners Panel, the Summer Career Placement programs, Telefilm Canada, the Wind Power Production Incentive Program, and Status of Women Canada. In addition, the Agriculture Committee passed motions asking the Minister to rescind the questions he had released for the referendum on barley marketing and replace them with a set developed by the Committee. Clearly, standing committees in the 38th and 39th Parliaments were better able to use motions as a tool for holding the executive to account than were their counterparts in the 36th and 37th Parliaments.

In terms of the review of appointments, the 38th Parliament saw a sharp spike in the number of nominees reviewed. Once again, this increase was likely caused by Paul Martin's *Action Plan for Democratic Reform,* which called for more government appointments to be sent to committees for review (Canada, Privy Council Office, 2004). The high number of nominations endorsed by committees in the 38th Parliament suggests that the government selected its nominees carefully. However, the Martin government's respect for the review process was cast into doubt over the nomination of Glen Murray as Chair of the National Roundtable on the Environment and the Economy. The Environment Committee reviewed Mr. Murray's background and ultimately recommended against his appointment due to his close ties to the Liberal party (Canada, Parliament, 2005c). Although the Prime Minister appointed Mr. Murray in spite of the committee's recommendation, its opposition to his candidacy demonstrated that standing committees were willing to reject candidates they felt were unqualified.

This willingness to reject nominees put forward by the government was also shown in the 39th Parliament when the Committee on Government Operations decided to oppose the nomination of Gwyn Morgan to the position of Chairperson of the Public Appointments Commission on the grounds that he had made racist comments in past (Canada, Parliament, 2006a). In response, Prime Minister Harper withdrew the nomination and refused to select another candidate for the job. The Agriculture Committee also opposed the nomination of Bruce Johnson to the Board of Directors of the Canadian Wheat Board because he failed to convince the committee that he could act in the Board's best interests (Canada, Parliament, 2006b). However, Mr. Johnson was appointed despite the committee's report. While the impact of the reviews is mixed, committees in minority parliaments do appear to have a much greater ability to openly scrutinize the government's nominees for appointments than their majority equivalents.

Turning to the review of budget estimates, there were only two occasions during the 36th and 37th Parliaments when estimates were altered by standing committees. One incident occurred when the Government Operations Committee cut $1,000 from the budget of Privacy Commissioner George Radwanski to express its concern with his expenses and his failure to appear at the committee to justify them (Canada, Parliament, 2003a). The second case involved a 2.9% reduction in the budget for VIA Rail, the reasons for which

are unknown since the committee was meeting in camera at the time (Canada, Parliament, 2003b).

Opposition parties in the 38th Parliament used the review of budget estimates to hold the government accountable for actions that they considered to be inappropriate. In November 2005, opposition members on the Government Operations and Estimates Committee cut $127,233 from the budget of the Privy Council Office (PCO) to stress that the department should not have conducted polls to determine how to defuse the public impact of the Auditor General's 2005 report (the amount cut was the reported cost of the poll) (Canada, Parliament, 2005b). At the same meeting, the opposition members also cut the budget for the Governor General by 10% on the grounds that she had not moved quickly enough to reduce costs. Opposition members on the Foreign Affairs Committee also reduced the 2006 supplementary estimates for the Department of Foreign Affairs by $1 to express their dissatisfaction with the government's underfunding of the Department (Canada, Parliament, 2005d).

The estimates process was also used to punish the government for failing to respect the role of standing committees. Opposition MPs on the Environment Committee took their revenge for the Prime Minister's appointment of Glenn Murray by cutting $40,000 from the budget for the National Roundtable on the Environment and the Economy, an amount they considered to be equivalent to Mr. Murray's salary (Canada, Parliament, 2005e). Likewise, when the Minister for Public Works failed to appear at the Committee on Government Operations and Estimates, opposition members decided to cut his salary and travel expenses from the Department's budget (Canada, Parliament, 2005a).

Curiously, at the time of writing the standing committees in the 39th Parliament had yet to alter any budget estimates. This change in tactic from the previous parliament likely reflects the fact that the opposition parties in the current session want the government to increase their funding for certain programs, while the estimates process can only be used to lower estimates, not raise them. Given this limitation, it appears that the opposition parties have chosen to express their views on the government's budgetary policies through the passage of motions calling for funding increases instead of amending the estimates. However, no matter how it is exercised, it is evident that the standing committees in the 38th and 39th Parliaments were better able to hold the executive to account than their equivalents in the previous majority parliaments.

Turning to the House of Commons as a whole, the House's strongest tool for holding the executive accountable is its ability to withdraw confidence in the government and trigger an election. However, this is a very strong power and must be used carefully since the public would likely be unkind to any party that forced an election without sufficient cause (Strahl, 2004). As a result, the threat of nonconfidence is usually handled carefully, with the government accepting most opposition demands so long as they are reasonable. The House can also hold the government to account by amending or blocking the government's legislative agenda, including the throne speech and the budget as well as individual bills. Furthermore, the opposition MPs can disrupt the functioning of the House until the government agrees to make needed changes.

The 38th Parliament began cooperatively, with all parties agreeing to amend the Throne Speech to include plans for a vote on Canadian participation in the US missile defence program and tax cuts for low and middle income families ("All parties agree," 2004). However, by early 2005 open conflict had developed between the opposition and the government. The opposition's first major success in changing the government's plans

came in February 2005 when the opposition parties joined together to negative two bills that would have divided the Department of Foreign Affairs and International Trade into separate entities (McGregor, 2005). The opposition intended the outcome to express their disapproval with the split, which had already begun despite the lack legislative approval.

More conflict then surfaced during the debate on the 2005 budget. The Conservatives initially supported the budget because of its tax cuts for business and increased military spending ("Harper says Conservatives," 2005). In contrast, the NDP criticized its lack of support for education and the environment while the BQ opposed its failure to expand eligibility for employment insurance or to increase transfer payments to Quebec. However, the situation changed after damning testimony at the Gomery Inquiry into the sponsorship scandal caused the Conservatives to believe that the Liberal government was corrupt and needed to be defeated ("Opposition unmoved," 2005). In response, the Liberals amended the budget to gain NDP support, agreeing to delay corporate tax cuts in order to provide $4.6 billion in new spending on post-secondary education, affordable housing, foreign aid, and public transit ("PM shells out $4.6B," 2005). However, the government began to delay the second reading of the budget, fearing that it would not pass even with the help of the NDP ("Harper agrees to NDP's," 2005). In response, the Bloc and Conservatives started to disrupt the functioning of Parliament in order to highlight the government's lack of control and the need for an early election. Eventually the Liberals agreed to hold the second reading of the budget, which passed by one vote. The Liberals also managed to ensure the budget passed at third reading by making a deal with the BQ under which that party would support the closure of debate on the budget in return for the passage of same sex marriage legislation before the summer recess ("Liberals survive," 2005).

However, the fallout from the sponsorship scandal eventually caught up with the Liberals. Following the release of the first instalment of the Gomery Report, the BQ and Conservatives again stated that the Liberal government should face an immediate election. The NDP then entered into talks with the Liberals, seeking further concessions in return for continued support ("Layton won't back," 2005). When the Liberal response failed to be satisfactory, the NDP joined with the other opposition parties to pass a motion of non-confidence in the government on November 29, 2005 ("Liberals lose confidence," 2005).

In comparison with the 38th Parliament, the executive accountability exercised by the opposition parties in the 39th Parliament has so far been quite tame. The 2006 budget was mistakenly passed by unanimous consent when no one stood to debate it at third reading, while Budget 2007 has moved along quickly with support from the BQ, who support it because its funding for Quebec ("Federal Budget Passes," 2006; "Bloc to support," 2007). Nevertheless, there have still been a number of occasions when the House of Commons has held the government to account, such as when the threat of non-confidence from the NDP led the government to send the Clean Air Act to committee before second reading and when the opposition parties joined together to block the renewal of provisions of the Anti-Terrorism Act ("Harper agrees to send," 2006; "MPs vote against," 2007).

Overall, the review above demonstrates that the House of Commons in the 38th and 39th Parliaments had significant power to hold the government to account for its actions. MPs were able to amend the throne speech and the budget, negative bills and win votes on controversial measures, none of which would have occurred during a majority government. They were also able to withdraw their confidence and force an election when they felt that

voters should be allowed to pass their judgement on the findings of the inquiry into the sponsorship scandal.

However, it should be noted that despite this enhanced accountability, there were still many ways in which the government was able to advance its agenda without having to answer to the legislature. For example, during the 38th Parliament the government negotiated a large number of external agreements without Parliamentary oversight, such as the "New Deal for Cities and Communities"; the child care agreements with each province and territory; the "Kelowna Accord" with First Nations; and the Atlantic Accord for the sharing of offshore oil revenues with Newfoundland and Labrador and Nova Scotia. Similar government initiatives from the 39th Parliament include the amnesty for persons who do not register their long guns and the series of new equipment purchases for the Department of National Defence. While some of these initiatives required budgetary appropriations to implement, their negotiation by the government raised expectations among partners and committed the government to a particular policy. Furthermore, governments in both parliaments also maintained traditional executive prerogatives such as the appointment of Senators and the deployment of the military. Therefore, while the 38th and 39th Parliaments were able to hold the government to greater account than many of their predecessors, the government still had considerable freedom to act outside of parliamentary oversight.

Government stability

Critics of minority government claim that they are much less stable and shorter lived than their majority cousins. This hypothesis is confirmed by the 38th Parliament, which lasted for just 160 sitting days as compared to 381 days for the 36th Parliament and 422 for the 37th. As described above, this shorter duration was due to increased competition between the parties, as critics of minority parliaments would predict. In fact, while the 38th Parliament ultimately lasted until November 2005, there were several times when the government nearly fell on a confidence vote whose outcome was uncertain. As a result, it could be easily stated that the 38th Parliament was less stable than the majority governments that it followed. However, the 39th Parliament so far appears to be more durable, having lasted for almost as many sitting days as the 38th Parliament without any major threat of the government loosing a confidence vote.

Conclusion

This paper has attempted to reduce the uncertainties around electoral reform by using the 38th and 39th Parliaments as test cases to determine whether the adoption on an electoral reform that increases the frequency of minority governments would improve or harm the quality of democracy in Canada. The study revealed that the presence of a minority government had less impact on the functioning of parliament than was predicted by the literature on electoral reform. In contrast with arguments in support of proportional representation, the 38th and 39th Parliaments experienced little change in the extent of legislative compromise between parties, with the proportion of bills being amended at committee stage remaining constant. The role of private members was also unaffected,

with the number of private members bills receiving royal assent in the 38th and 39th Parliaments staying consistent with the figures from previous parliaments. A major argument against electoral reform was also shown to be unfounded, with the number of bills passed by the 38th Parliament being equal to or greater than the number passed by most sessions of the 36th and 37th Parliaments.

Perhaps the most significant finding of the study was the verification of the pro-electoral reform argument that the minority situation greatly improves the ability of the Parliament to hold the executive to account for its actions. This enhanced accountability was exercised both by standing committees, which amended budgetary estimates, reviewed candidates for appointments, and passed many motions calling for government action, as well as by the House of Commons, which was able to negative legislation, amend the budget and the throne speech, and withdraw its confidence from the government. Nevertheless, the study also validated the claim that minority Parliaments are much less stable than their majority counterparts, although it should be noted that the 37th and 38th Parliaments were still able to successfully deal with several difficult issues such as same sex marriage and accountability reforms.

Further investigation is required to measure the full impact of minority parliaments on Canadian democracy. In particular, it is essential to determine if the lack of a dominant party hinders the ability of citizens to hold governments accountable in elections. However, no matter what other positive or negative impacts are found, this study suggests that one of the primary questions in the debate over electoral reform should be whether citizens are willing to endure the cost of having governments that are less stable, including more frequent elections, in order to enjoy the benefit of having a government that is more accountable to the legislature and hence subject to greater ongoing scrutiny.

Significantly, the findings of the paper also suggest that a number of the benefits normally associated with electoral reform could be achieved by altering the Standing Orders of the House of Commons. Altering the structure of standing committees so that the opposition parties always have a majority of seats would dramatically increase their ability to exercise executive accountability, and may also allow them to have a great impact on draft legislation. Formally adopting a number of the elements from Paul Martin's *Action Plan for Democratic Reform*, such as requiring more bills to be sent to committee before second reading and requiring all nominees for government appointments to be reviewed by standing committees could also increase oversight of government actions. Together these procedural changes could noticeably improve the democratic performance of the Parliament without the radical changes required by electoral reform.

Endnotes

1. A previous version of this paper appeared as P.E.J. Thomas, "Measuring the Effectiveness of a Minority Parliament," *Canadian Parliamentary Review,* vol. 30, no.1, 2007, pp. 22-31.

2. Bills that spanned two sessions are accounted for in the session in which the committee report for the bill was actually made. Number of sitting days in each session was: 36th Parliament, 1st session – 248; 36th Parliament, 2nd session – 133; 37th Parliament, 1st session - 214; 37th Parliament, 2nd session - 153; 37th Parliament, 3rd session – 55; 38th Parliament – 160; 39th Parliament - 150 sitting days. Information for the 39th Parliament in this and all subsequent tables is current as of May 9, 2007.

3. To avoid duplication in Table II, bills introduced in the House of Commons in one session of the 36th or 37th Parliament and then reintroduced in a latter session of the same Parliament are wholly counted in the latter.

4. Since far more bills are placed on the order paper than can be debated, only those bills that reached the Order of Precedence for the Consideration of Private Members Business are included in the table. To avoid duplication, bills that were placed in the Order of Precedence in one session of a Parliament and subsequently reintroduced in one or more later sessions of the same Parliament are counted only in the last session in which they were introduced.

5. These sixteen committees are: Aboriginal Affairs and Northern Development; Agriculture and Agri-Food; Citizenship and Immigration; Canadian Heritage; Environment and Sustainable Development; Finance; Fisheries and Oceans; Foreign Affairs and International Trade; Government Operations and Estimates; Health; Human Resources, Skills Development, Social Development; Industry, Natural Resources, Science and Technology; Justice; National Defence and Veterans Affairs; Public Accounts; Transport.

Bibliography

"All parties agree to throne speech amendment." 2004. *CTV.ca*, October 18, http://www.ctv.ca/
        servlet/ArticleNews/print/CTVNews/1098103002374_23/?hub=Canada&subhub=PrintSt
        ory (September 1, 2006).

"Bloc to support budget; Liberals, NDP say no." 2007. *CBC News,* March 19,
        http://www.cbc.ca/canada/story/2007/03/19/budget-opposition.html (May 16, 2007).

"Federal budget passes unopposed on mix-up." 2006. *CBC News,* June 6,
        http://www.cbc.ca/money/story/2006/06/06/budget.html (May 16, 2007).

"Harper agrees to NDP 'pairing' offer." 2005. *CBC News,* May 13, http://www.cbc.ca/story/
        canada/national/2005/05/13/harper-house050513.html (September 1, 2006).

"Harper agrees to send Clean Air Act to committee." 2006. *CBC News*, November 1,
        http://www.cbc.ca/canada/story/2006/11/01/layton-green.html (May 16, 2007).

"Harper says Conservatives will support budget." 2005. *CTV.ca,* February 24,
        http://www.ctv.ca/servlet/ArticleNews/mini/CTVNews/20050224/budget_opposition_05
        0223/20050224?s_name=budget2005&no_ads= (September 1, 2006).

"Layton won't back Liberals." 2005. *CBC News,* November 7, http://www.cbc.ca/story/canada/
        national/2005/11/07/ layton_government051107.html (September 1, 2006).

"Liberals lose confidence of the House." 2005. *CBC News,* November 29, http://www.cbc.ca/
        story/canada/national/2005/11/28/noconfidencevote051128.html (September 1, 2006).

"Liberals survive confidence votes." 2005. *CBC News,* June 15, http://www.cbc.ca/story/canada/
        national/2005/06/14/ confidence050614.html (September 1, 2006).

"MPs pass motion calling for February election." 2005. *CBC News,* November 21,
        http://www.cbc.ca/story/canada/national/2005/11/21/ottawa-politics051121.html
        (September 1, 2006).

"MPs vote against extending anti-terrorism measures." 2007. *CBC News,* February 27,
        http://www.cbc.ca/canada/story/2007/02/27/terror-vote.html (May 16, 2007).

"Opposition unmoved, election threat remains." 2005. *CBC News*, April 22, http://www.cbc.ca/
        story/canada/national/2005/04/21/ pmreaxn050421.html (September 1, 2006).

"PM shells out $4.6B for NDP's support." 2005. *CBC News,* April 27,
        http://www.cbc.ca/story/canada/national/2005/04/26/martin-layton050426.html
        (September 1, 2006).

Aucoin, Peter and Lori Turnbull. 2003. "The democratic deficit: Paul Martin and parliamentary

reform." *Canadian Public Administration* 26:427-449.

Canada. Parliament. 2003a. *Evidence of meeting 46 of the Standing Committee on Government Operations and Estimates*. http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?SourceId=35177 (June 4, 2006).

Canada. Parliament. 2003b. *Minutes of proceedings of meeting 30 of the Standing Committee on Transport*. http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?SourceId=48952 (June 4, 2006).

Canada. Parliament. 2003c. *Sixth Report of the Standing Committee on National Defence and Veterans' Affairs*. http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?COM=3281&Lang=1&SourceId=61895 (June 4, 2006).

Canada. Parliament. 2005a. *Eighth Report of the Standing Committee on Government Operations and Estimates*. http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?COM=8980&Lang=1&SourceId=118879 (June 4, 2006).

Canada. Parliament. 2005b. *Evidence of meeting 10 of the Standing Committee on Government Operations and Estimates*. http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?SourceId=94934 (June 4, 2006).

Canada. Parliament. 2005c. *Evidence of meeting 23 of the Standing Committee on Environment and Sustainable Development*. http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?SourceId=104952 (June 4, 2006).

Canada. Parliament. 2005d. *Evidence of meeting 27 Standing Committee on Foreign Affairs and International Trade*. http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?SourceId=125808 (June 4, 2006).

Canada. Parliament. 2005e. *Evidence of meeting 33 of the Standing Committee on Environment and Sustainable Development*. http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?SourceId=125960 (June 4, 2006).

Canada Parliament, 2005f. *Status of House Business*. November 29, 2005. http://www2.parl.gc.ca/HousePublications/Publication.aspx?Pub=status&Language=E&Mode=1&Parl=38&Ses=1&File=2 (May 16, 2007).

Canada. Parliament. 2006. *Evidence of meeting 75 of the Standing Committee on Citizenship and Immigration*. May 16, 2006. http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?SourceId=174831&Lang=1&PARLSES=391&JNT=0&COM=10468 (May 16, 2007).

Canada. Parliament. 2006b. *Ninth report of the Standing Committee on Agriculture and Agri-Food.* http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?COM=10464&Lang=1&SourceId=187440 (May 16, 2007).

Canada. Parliament. 2006c. *Rules of Admissibility for Amendments to Bills at Committee and Report Stages.* http://www.parl.gc.ca/compendium/web-content/ c_d_rulesadmissibilityamendmentsbillscommitteereportstages-e.htm (August 30, 2006).

Canada. Parliament. 2007a. *Chamber Business: House of Commons*. http://www2.parl.gc.ca/housechamberbusiness (May 10, 2007).

Canada. Parliament. 2007b. *House of Commons Committees*. http://cmte.parl.gc.ca/cmte (May, 13 2007).

Canada. Privy Council Office. 2004. *Ethics, Responsibility, Accountability: An Action Plan for Democratic Reform*. Ottawa: Privy Council Office.

Dobell, Peter. 2000. "What Could Canadians Expect from a Minority Government?" *Policy Matters*. Discussion paper series 1-6. Institute for Research on Public Policy.

Docherty, David. 2005. *Legislatures*. Vancouver: UBC Press.

Forsey, Eugene. 1964. "The Problem of "Minority" Government in Canada." *The Canadian Journal of Economics and Political Science* 30:1-11.

Franks, C.E.S. 1987. *The Parliament of Canada*. Toronto: University of Toronto Press.

Kent, Tom. 2004. "Making minority government work: the politics of purpose." *Policy Options*, September, 14-19.

Law Commission of Canada. 2004. *Voting Counts: Electoral Reform for Canada*. Public Works and Government Services Canada: Ottawa.

Marleau, Robert and Camille Montpetit, eds. 2000. *House of Commons Procedure and Practice*. Ottawa: House of Commons; Montreal: Chenelière/McGraw-Hill.

Massicotte, Louis. 2001. "Changing the Canadian Electoral System." *Choices: Strengthening Canadian Democracy* 7:3-28.

McCandless, Henry E. 2004. "Public Accountability in a Minority Parliament." *Canadian Parliamentary Review* 27,3:31-39.

McGregor, Sarah. 2005. "Legislative defeat ignites more public debate about the future of Canada's foreign affairs bureaucracy." *Embassy Magazine*, February 23, 1.

McMenemy, John. 1999. *The Language of Canadian Politics: A Guide to Important Terms and Concepts - Revised Edition*. Waterloo: Wilfrid Laurier University Press.

Pellerin, Daniel and Patrick Thomson. 2004. "Proportional Representation is likely to create more problems than it would solve; the single transferable vote offers a better choice." *Policy Options,* October: 54-59.

Strahl, Chuck. 2004. "Politics and Procedure in a Minority Parliament." *Canadian Parliamentary Review* 27,4:7-9.