P. Russell & L. Sossin, *Parliamentary Government in Crisis* (Toronto UTP, 2009) [ch 2, 10-11]

**Chapter 2:** G. Levy, “A Crisis not Made in a Day”

**Overview**

* Origin of the December 2008 parliamentary crisis is often attributed to a range of conspiracies – this chapter argues that the unusual prorogation of Parliament by the governor general after 13 sitting days and in the face of a non-confidence motion was really the culmination of repeated abuse of the most important principle of responsible govt: the confidence convention
* Article reflects upon whether we still have Westminster-style responsible government in any meaningful sense

**Background**

* Unwritten confidence convention provides that: if defeated in the HOC on a confidence question, the government is expected to resign. The PM may ask the GG for the dissolution of Parliament and a general election, but of course, the GG does not have to accede to every such request.
* Adrienne Clarkson placed a 180 day limit on this in deciding whether to allow for prorogation (essentially a question of whether or not to dissolve Parliament, as it was clear the government did not have the confidence of the house) – but this is by no means convention
* Ds
* Fixed election dates – Harper govt (to end the constitutional improvisation of its predecessor) enacted legislation fixing the date of the next federal election for October 2009 and every 4 years thereafter
  + This legislation was “smoke and mirrors” from the very beginning
  + March and April 2007 showed Conservatives surging ahead of Liberals, and rumors abounded the PM was about to call election. The Liberals, unprepared for that election promptly returned the fixed-date election bill from the Senate to the House with a minor amendment. The govt rejected the amendment and the law came into effect May 2007
  + Soon became clear that the new legislation did not create an equal playing field as suggested by its proponents – it basically transferred the responsibility of setting the election date from the PM to the leader of the opposition.
* PM Harper came to view that fixed election dates were a mistake, and thus decided to ignore the legislation and declared that Parliament had become unworkable – asking GG to dissolve and set election for October 2008
* Ds
* Govt’s financial statement of November 27, 2008 resulted in two separate issues of confidence and two examples of how some politicians seem to have lost sight for the way the institutions are supposed to work.
  + First confidence issue was the economic statement itself – since the election the opposition had been told that all its questions about a fiscal-stimulus package would have to wait until the financial statement – but in fact, there was no stimulus in the statement. Instead, there were proposals to limit public subsidies to parties, introduce a ban on public service strikes, change the pay-equity process, and sell government assets to raise money – none of which had been mentioned during the election campaign
  + The second confidence issue came about because the Liberals, being unwilling to abstain as they had in the last Parliament, said that they would use the supply day scheduled for December 1 to introduce a non-confidence motion. With support from NDP and limited support by way of BQ – opposition informed GG of ability to form govt
* Lessons:

1. If we are going to have more minority govts, it is incumbent on our leaders to find ways of dealing with the implications from the parliamentary combinations people elect
2. We should either repeal or change the fixed-date election law – it has done no good and much harm
3. We need better procedural ways to deal with non-confidence motions instead of piggybacking them onto supply days where they can be delayed by govt – does not serve the public interest
4. Finally, the events show that our prevailing constitutional principles and values are poorly understood by the public and easily manipulated by politicians through wild claims and rhetorical statements that generate plenty of heat but little light for citizens

**Chapter 10:** P. Russell, “Learning to Live with Minority Parliaments”

**Background:**

Five ways of governing with minority parliaments:

* One-party minority parliaments:

1. Ad-hoc legislative alliances
2. Informal but steady alliance between the governing party and an opposition party
3. A more formalized alliance between the governing party and a third party (only one of these in Cdn history – happened at the provincial level)

* Coalitions

1. Minority coalition government
2. Majority government based on a coalition

* Under Harper’s rules, elections in parliamentary democracies are popularity contests to determine who has the right to govern (Harper rules out all but the first 2)
* His rules are particularly ill-suited for a parliamentary democracy in which no political party is very popular
* The lack of political consensus on fundamental principles of our constitution poses a serious threat to the stability of our parliamentary democracy – it means that the principle players in our constitutional politics do not agree on the fundamental rules of the game

**Chapter 11:** G. White, “The Coalition that Wasn’t: A Lost Reform Opportunity”

* As an “unabashed” fan of the Westminster system of cabinet-parliamentary government, White believes it can serve effectively and democratically in a 21st century political environment –
* Too many MPs, pundits, academics, and ordinary Cdns mistakenly view responsible govt as hidebound, inflexible, and ultimately, undemocratic and unsatisfactory. While this may be the case of how things have been operating, *it does not have to be this way*
* White wishes Cdns experienced a coalition govt – as it would have demonstrated that there are very different (but legitimate) ways of doing responsible govt
* Cdns have experienced and welcome major change in their governmental institutions – Charter, creation of Nunavut, Aboriginal self-government agreements, greater powers and significant restructuring of municipalities – but Parliament has been all but impervious to significant change
* Reasons for paralysis are many, one of the most pernicious being the abysmal lack of understanding of the basic principles underlying governance in this country