



Progressive Democratic Reform and the Reform Act

Notes for an address delivered in the context of a debate on Bill C-586

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New Democrats have consistently underscored the importance of a vibrant democracy for the future of our country. As Official Opposition Critic for Democratic and Parliamentary Reform, I am privileged to be leading the NDP's efforts to improve our democratic system, while supporting initiatives that have come forward from other parties' MPs as private members bills or motions. And also while resisting regressive initiatives such as the government's recent 'Fair' Elections Act (Bill C-23).

A top priority for New Democrats when it comes to democratic reform is our commitment to fixing our broken electoral system. The NDP is the only party that is both in a position to form government and has a clear commitment to implement a system of proportional representation (PR) in Canada. We believe that Canadian voters deserve both a local MP who is directly elected by, and directly accountable to, a single constituency and an allocation of party seats in the House of Commons that reflects the degree of support that each party actually received from voters. Three vibrant democracies, Scotland, New Zealand, and Germany, use a specific version of PR that accomplishes these two goals, and the NDP is advocating the adaptation of such a system for Canada.

New Democrats have also been consistent in our position that we must abolish Canada's unelected, unaccountable and structurally-corrupted Senate. We believe that recent and ongoing scandals are a symptom of an institution that has long since lost any legitimacy to be part of our Parliament. As Critic, I have tabled two Opposition Day Motions (full days of debate in the House of Commons) on the Senate. The first called for the abolition of the Senate; and the second put forward some "interim measures" that the Senate must accept, or be pressured to accept, for so long as it continues to exist – prior to abolition taking place. Specifically, I called for basic reforms to remove Senators from partisan roles, notably fund-raising for their parties, participating in a caucus alongside their House of Commons Liberal and Conservative MPs, and traveling at public expense for purposes that are not connected to Senate business.

In the past few years, New Democrats have also championed a number of initiatives in the House of Commons to improve our democracy, including: reforming Question Period in ways that would enhance the power of the Speaker of the House of Commons and ensure answers in Question Period are subject to the rules of relevance and non-repetition; restoring an independent appointments commission for government appointments; making the Parliamentary Budget Officer an independent officer of Parliament; limiting the use of closed door (in-camera) committee meetings; introducing online petitions (e-petitions) to bring the House of Commons into the 21st century; requiring House of Commons consideration of a range of measures to enhance youth engagement; fettering the Prime Minister's power to seek prorogation for longer than seven days; requiring full access of the Chief Electoral Officer to documentation related to national parties' federal elections expenses; clarifying the democratic rules for how the federal government and Parliament may deal with proposed constitutional amendments coming from the provinces; requiring meaningful citizen and local community consultation for natural resource development projects; mandating that all government legislation and regulations be evaluated for

conformity with the United National Declaration on the Rights of Indigenous Peoples; establishing effective prevention and prosecution mechanisms to deal with fraudulent telephone communications during elections; establishing a collaborative process for designing an effective Parliamentary oversight and review of the 'parallel state' made up of a web of intelligence agencies; and creating independent oversight of MP expenses to replace the highly-politicized secretive body known as the Board of Internal Economy (BOIE).

With respect to the Reform Act (Bill C-586), I commend Mr. Chong on this initiative. He has certainly stimulated an important societal debate on what forms of internal party governance are most conducive to restoring a healthier independence for elected MPs. As soon as this legislation was first introduced, I made clear that I would be voting in support of the bill at second reading. NDP Leader Tom Mulcair also stated publicly that this would be a free vote for all NDP MPs (as is the norm in the NDP for all private members' bills).

In my speech to the House on this legislation at second reading, I indicated that I had one major concern: at the time, one part of the bill would have prevented any party from having a central rule to ensure that diversity and equality goals are built into each local nomination process. In the NDP, we have strong central policies in place to ensure women and individuals from other equity-seeking groups are represented in nomination races (especially nomination races for seats where the NDP stands a good chance of winning), and thus in the House of Commons. Mr. Chong's bill would have eliminated this part of the NDP's existing rules - a step backwards in terms of the values of democratic inclusiveness. Mr. Chong made clear that this was an inadvertent effect of his bill, and not one he wanted – and has since fixed the problem.

We are now dealing with the third version of Bill C-586. It is important to note that all mandatory rules have been removed from it – and these rules have instead been turned into model (i.e. optional) rules. Is this a case of something being better than nothing? On balance, I think so. This newest version of Chong's bill still has the distinct merit of doing what it has done from the outset – namely, it stimulates a societal debate on what forms of internal party governance are most conducive to restoring a healthier independence for elected MPs. Parties will be required to make clear, after every election, what their own approach will be on each of these issues. This will shine the spotlight of transparency on internal party governance. Thus, while the law does not mandate any particular rule (as Mr. Chong's original versions did), each party will be subject to ongoing democratic pressure to justify how it runs its own affairs.

Keep in mind that the NDP is the only party that conducts a leadership review every two years. And our leaders go through leadership reviews by the cross-Canada membership every two years. In the last three years, we have had a leadership review in 2011 (Jack Layton), a leadership race in 2012, and then another leadership review in 2013 (Tom Mulcair). One implication of our internal party democracy is worthy of further note: we are thus the only party that would subject a sitting Prime Minister to a mandatory leadership review.

With respect to another element in the bill, the NDP already elects its caucus chair. And we do so every year, not just after each election as the model rules would provide. Further, we also require there to be a deputy chair and our election rules are such that at least one of the two – chair or deputy chair – must be a woman.

Now that Mr. Chong has moved to a model-rules approach versus prescriptive rules, I am somewhat less concerned by the above described divergences between these rules and what I consider to be more democratic NDP practices. That said, there is an argument to be made that the model rules should be as democratically progressive as possible, rather than placing the burden on a party that has the more progressive rules to justify its departures from less progressive model rules. The ironic result could be that a party with serious internal democracy deficits, like the Conservative Party, could improve by adhering to new rules in the Reform Act, and look virtuous simply because it is not departing from the model rules – while a party that has more progressive practices may be subject to uninformed media attention for the simple fact of departing from the model rules in order to maintain its more progressive practices.

In closing, I look forward to participating in the event *Constructive Dissent: A relic of Canada's parliamentary past?*. For more information on my work as Official Opposition Critic for Democratic Reform, I encourage you to visit my website at www.craigscott.ndp.ca