



Improving Canadian Democracy

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

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The Honourable Stéphane Dion, P.C., M. P.
Privy Council of Canada and Member of Parliament for St-Laurent – Cartierville
House of Commons, Ottawa
Email : stephane.dion@parl.gc.ca

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On December 3, 2013, Michael Chong, Conservative M.P. for Wellington-Halton Hills, introduced Private Member Bill C-586, *"An Act to amend the Canada Elections Act and the Parliament of Canada Act (candidate and caucus reforms)"*. The Bill was well received by those who saw in it a good way to reinforce the influence of Members of Parliament with respect to their party leaders. In a nutshell, the Bill sought, first, to deprive party leaders of the power to give official approval to candidates running for their party in a federal election, and, second, to impose statutory rules according to which MPs may remove the leader through a simple vote.

On September 11, 2014, Michael Chong proposed some modifications to his Bill, making his proposed rules optional. If the Bill is enacted as amended, each party will have to decide if somebody else than the leader will be the one to provide Elections Canada with the party's official approval of its candidates to federal elections. Furthermore, House of Commons caucuses will not be compelled to observe the Bill's regulations; they will only be obliged to decide through a vote, as their first business item after every general election, whether or not they wish to adopt the following rules:

- For a Member of Parliament to be expelled (or reinstated) from caucus, a written notice will have to be signed by at least 20% of the caucus requesting that the member's membership be reviewed, after which a majority of all caucus members will have to approve the member's expulsion (or reinstatement) by secret ballot;
- The same rules will apply to the removal of a caucus Chair;
- Finally, the rules will also apply to the removal of party leaders: 20 percent of the members of a party caucus will have to ask for it in writing, followed by a majority vote by secret ballot.

Whether or not one likes these rules, it is hard to deny that there is no valid reason to impose such a straightjacket on all parties and caucuses. I do not see why Canada should become, for all intents and purposes, the only democracy to impose by law, on all its national political parties and recognized parliamentary caucuses, a cookie-cutter regime of internal democratic rules. Michael Chong was right in proposing to make these rules optional.

I will make three specific points against a Bill that would make C-586 rules compulsory; next, I will list some reforms that have the potential to improve our democracy - reforms proposed by the Liberal Party of Canada.

The views I will express here are my own. They are not necessarily shared by all of my Liberal caucus colleagues. It should be noted that Justin Trudeau decided not to whip the vote on C-586; Liberal MPs will be free to vote according to their own judgment.

1. The law must not prevent political parties from innovating and learning from one another.

More often than not, experimental freedom is better than uniformity. As it stands, all parties and caucuses may adopt whatever rules suit their individual needs. They can experiment with various solutions, learn from one another and through healthy competition, develop and adopt better practices.

I am of the opinion that imposing, by law, a cookie-cutter set of identical internal democratic rules on all federal political parties would be detrimental to Canadian democracy. Trying to fit all the parties into the same mould is anything but desirable. For example, it is much better to let each party decide on its own whether or not expelling a member from caucus by secret ballot rather than a show of hands would be an odious thing to do.

Similarly, it is better that each party be free to establish its own internal rules regarding the parameters of the leader's ability to approve election candidate nominations. Some parties may want to provide their leader with some leeway in attracting prominent individuals to the team of candidates, noting that this practice has served Canada well in the past (would Saint-Laurent, Pearson or Pierre Elliott Trudeau have entered politics without it?); others may prefer to abandon this practice in order to empower their grassroots and to select candidates with strong community support.

Some political parties – and many Canadians – may fear that with thresholds as low as 20 percent for calling a Prime Minister into question and 50 percent plus one for his/her removal, a Prime Minister could be blocked from taking necessary decisions if they are unpopular with part of the caucus. Some caucuses may be of the view that using tacit convention rather than a formal rule is the better way when making such a momentous decision as expelling a leader.

Mr. Chong says he found his inspiration in other Commonwealth countries – the United Kingdom, New Zealand, Australia. But none of these countries has any

legislation imposing a set of identical internal democratic rules to all parties. The latter are free to choose their own rules – and to change them as they see fit. Recently, the Australian Labor Party was able to raise the threshold required to expel the Leader because there was no law preventing it to do so. The decision was entirely theirs to make. A Bill that would impose the same internal rules to all parties is no more desirable in Canada than it was deemed to be in Australia.

2. Party members must not be dispossessed.

C-586 proposes, as a rule, that a leader chosen by tens of thousands of party members can be expelled at the whim of only half the caucus. My view is that in a sound democracy, MPs must secure approval of their respective party memberships before they give themselves such a power. Otherwise, the net effect of C-586 would be to dispossess members of every party of their own Constitution.

In those Commonwealth countries cited by Mr. Chong, political parties have their leaders elected by the caucus or an electoral college in which the caucus wields considerable clout. Since the leader is chosen by the caucus, it is normal and legitimate for the latter to have the power to remove the leader through a simple majority vote. But in Canadian democracy, it is a longstanding tradition that the leader is chosen by the party membership. Why should Canada become the only democracy to impose, by law, this incongruous rule according to which a leader elected by the party membership could be expelled by only one half of the caucus?

3. Canada's regional diversity must be respected.

In both the Liberal and Conservative Parties, leaders are elected according to the principle of riding equality rather than voter equality. This means that when choosing a Liberal Leader, a rural Alberta riding numbering a few dozen members and supporters counts as much as a Toronto riding with more than a thousand. This rule reflects a clear objective: to ensure that all the regions of Canada can participate equitably in selecting the next leader. But with C-586, a leader chosen by an electoral college that assigns the same weight to each riding could be expelled by a caucus that has very few representatives – or even none – from a given region. Looking at current Liberal caucus numbers, there are only four elected MPs from the four Western provinces and none from the three Northern territories. The Conservative caucus has only five MPs from Quebec. So would it make sense to hand over the power to remove a leader chosen according to the riding equality principle, to only half the members of such regionally unbalanced caucuses? I don't think so.

4. There are better ways to improve Canadian democracy

Canadian parliamentary democracy is in bad shape, having been particularly undermined by the current prime minister. But there are much more effective and democratic means to address this problem than the ones proposed by C-586. The Liberal Party membership listed several in a priority resolution adopted at the latest national Liberal Convention, held in Montreal in February 2014:

- open nominations for Liberal Party candidates;
- more free votes in the House of Commons for Liberal MPs;
- tighter parliamentary control of public finances;
- increased powers and budgets for the Parliamentary Budget Officer;
- better compliance with the right of access to information;
- stricter regulation of government advertising;
- regulations to restrict secret Parliamentary Committee meetings, omnibus Bills and House prorogations;
- increased powers and resources for Elections Canada;
- stricter and more transparent control of Parliamentarians' expenditures;
- a more independent, less partisan Senate;
- the search for a better voting system for Canadian democracy.

Some of these measures are reflected in Justin Trudeau's *Transparency Act*, the Liberal Leader's Private Member's Bill introduced in the House on June 11, 2014.

Conclusion

Michael Chong's Bill C-586 stems from a good intention: to give our Parliamentarians a more important role within the political process, in the context of Stephen Harper's particularly authoritarian and uncompromising governance style.

But we should not impose, by law, a uniform, one-size-fits-all set of internal democracy rules on each and every party. Instead, we should continue to allow all parties to experiment with diverse solutions and learn from one another through healthy competition.

There are other reforms that can and should be implemented to revive and enhance our democratic system, such as those listed in the priority resolution adopted by the Liberal Party of Canada's membership at their 2014 Convention.

