

## **Minority Report: Lessons from Canada's Minority Parliaments\***

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Charles Dickens opens his classic, *A Tale of Two Cities*, by observing: '[i]t was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness'.<sup>1</sup> Read in a modern context, one could be forgiven for assuming he was talking about minority government. Since 2004, a series of minority governments were elected in Westminster systems. Canada initiated the trend electing a minority parliament for the first time in 25 years. Australia and the United Kingdom quickly followed, electing their own minority parliaments in 2010.

Minority governments are not particularly novel outside of the Westminster systems. Indeed, most legislative assemblies operate on some power-sharing agreement between coalition partners. Yet, when they occur in a Westminster system—Canada or Australia—they are news. This is due, in part, to the novelty of the occurrence, since it happens so rarely.

In the analysis that follows, I attempt to draw some lessons from the years 2004 to 2011 when Canada elected three successive minority governments. I begin with a discussion of the election campaigns and major events of the 38th, 39th and 40th Canadian Parliaments. I then turn my attention to potential lessons that can be drawn from this seven-year span paying special attention to: political parties, managing parliament, and the importance of the marginal seats. I argue that there are lessons to be learned from other Westminster parliaments when dealing with minority government.

### **Four elections in seven years**

Like Australia, the Canadian Government is based on the Westminster parliamentary system. Unlike Australia, the voting system is a single-member plurality system and there is no compulsory voting. Single members of parliament are elected from 308 federal electorates and winners do not need to achieve a majority of votes, simply a plurality of votes. The electorates are distributed based on the principle of representation by population. There are four major parties that contest elections nationwide: the Liberal Party of Canada (centre), the New Democratic Party (left), the

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<sup>1</sup> Charles Dickens, *A Tale of Two Cities*, Bantam Publishing, New York, (1859) 1984, p. 1.

Conservative Party (right), and the Greens. There is an additional party, the *Bloc Québécois*, that only contests seats in the province of Quebec.<sup>2</sup>

Since Confederation (1867), Canadians have elected 13 federal minority governments, with an average length of 18 months. Outlined in table 1, they can be divided into three distinct time periods: 1921–30, 1957–80, and 2004–11. These periods of minority governments tend to last for seven-to-ten years, before returning to the status quo of majority government for long periods of time. Canadian minority governments are particularly illustrative of Dickens’ observations. Some of the best public policy—universal health care—occurred during the minority parliament in 1965. Similarly, some of the most divisive debates—the flag debate—also occurred during a minority government.<sup>3</sup>

*Table 1: Canadian minority parliaments*

PM/Party	Dates	Duration
King/Lib	1921–25	3 Y-11M
King/Lib	1925–26	8M
Meighen/Con	1926	2.5M
King/Lib	1926–30	3Y-10M
Diefenbaker/Con	1957–58	10M
Diefenbaker/Con	1962–63	10M
Pearson/Lib	1963–65	1Y-7M
Pearson/Lib	1965–68	2Y-8M
Trudeau/Lib	1972–74	1Y-10M
Clark/Con	1979–80	9M
Martin/Lib	2004–06	1Y-7M
Harper/Con	2006–08	2Y-5M
Harper/Con	2008–11	2Y-7M

(Source: Adopted from Peter H. Russell, *Two Cheers for Minority Government*, Emond Montgomery Publications, Toronto, 2008, pp. 8–9)

<sup>2</sup> See generally: Patrick Malcolmson and Richard Myers, *The Canadian Regime: An Introduction to Parliamentary Government in Canada*, 4th edn, University of Toronto Press, Toronto, 2009, chapters 9 and 10.

<sup>3</sup> See generally: Peter H. Russell, *Two Cheers for Minority Government: The Evolution of Canadian Parliamentary Democracy*, Emond Montgomery Publications, Toronto, 2008.

For the purposes of this paper, I focus on the Martin Liberal Party minority government (2004–06) and the back-to-back Harper Conservative Party minority governments (2006–08, 2008–11). This seven-year period fits the general pattern of minority government in Canada, lasting for seven years, and then returning to the majority status quo.

#### *2004 Canadian general election and the 38th Canadian Parliament*

The election of Paul Martin's Liberals in June 2004 returned Canada to minority government status for the first time in 25 years. The Liberal Party, arguably the most successful political party in the Western world, was reduced from 172 seats to a mere 135, well short of the 155 needed to form majority government. Even with the aid of their closest ally, the New Democratic Party, the Liberals would only have 153 seats, the same number as the newly reconstructed Conservative Party of Canada<sup>4</sup> and the separatist party *Bloc Québécois*. The one independent member of parliament, Chuck Cadman, would hold the balance of power.<sup>5</sup> Figure 1 outlines the electoral distribution at the beginning of the 38th Parliament with seats held by the Liberal Party in red, the Conservative Party in dark blue, *Bloc Québécois* in light blue and the New Democratic Party in orange.

The Sponsorship Scandal hung over the Martin minority government. The program was originally designed to raise awareness of the Government of Canada in the province of Quebec in the aftermath of the 1995 Referendum.<sup>6</sup> The program ran from 1996 to 2004, when widespread corruption was discovered and the program was discontinued. Much of the Sponsorship money was directed to 'Liberal Party-friendly' advertising firms who contributed very few deliverables. It was also discovered that some of the money that was awarded was returned to the Liberal Party of Canada in the form of donations.<sup>7</sup> A judicial inquiry was called into the Sponsorship Scandal, and it became a significant factor in the lead-up to the 2006 election.

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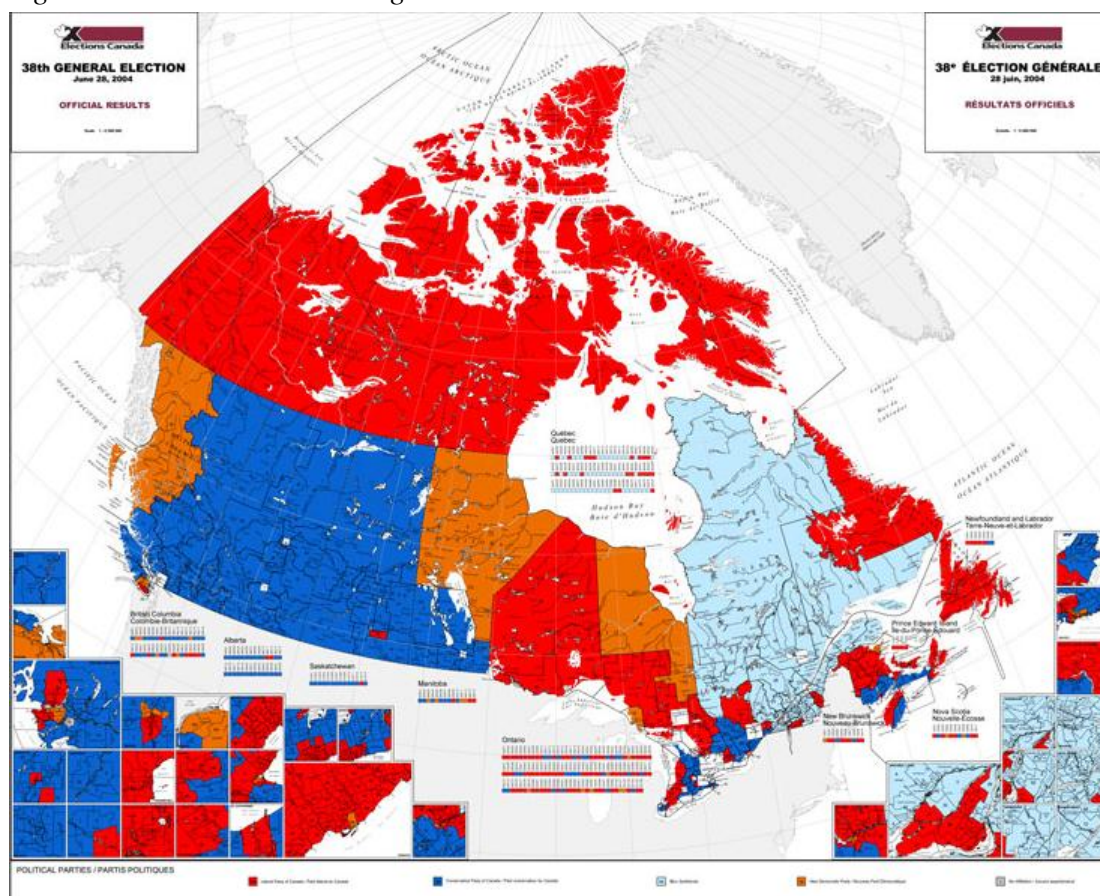
<sup>4</sup> This was the first election for the newly reconstructed Conservative Party of Canada. From 1993 to 2004, Canada featured two right-of-center parties: the Progressive Conservatives and the Reform Party of Canada/Canadian Alliance. The Progressive Conservative and Canadian Alliance merged in 2004 forming the Conservative Party of Canada under the leadership of Stephen Harper. See Thomas Flanagan, *Harper's Team: Behind the Scenes in the Conservative Rise to Power*, McGill-Queens University Press, Montreal and Kingston, 2007.

<sup>5</sup> Christopher Dornan and Jon H. Pammett, *The Canadian General Election of 2004*, Dundurn Press, Toronto, 2004, p. 362.

<sup>6</sup> See generally: Elisabeth Gidengil, Andre Blais, Joanna Everitt, Patrick Fournier and Neil Nevitte, 'Back to the future? Making sense of the 2004 Canadian election outside Quebec', *Canadian Journal of Political Science*, vol. 39, no. 1, 2006, pp. 1–25.

<sup>7</sup> Barry Cooper, 'Political order and the "culture of entitlement": some theoretical reflections on the Gomery Commission' in Jurgen Gebhardt (ed.), *Political Cultures and the Culture of Politics: A Transatlantic Perspective*, Publications of the Bavarian America Academy, Heidelberg, 2010, pp. 45–68.

Figure 1: The 38th Canadian general election



(Source: Elections Canada, 'Map of official results for the 38th general election (2004)', Elections Canada, [www.elections.ca/res/cir/maps/map.asp?map=ERMap\\_38&lang=e](http://www.elections.ca/res/cir/maps/map.asp?map=ERMap_38&lang=e)).

As the details of the Sponsorship Scandal became public, the Martin Government promised to call an election 30 days after the publication of the full report. The opposition Conservative Party and *Bloc Québécois*, unsatisfied with the 30-day promise, crafted a motion calling on the Martin Government to resign. On 10 May 2005, a mere six months after the federal election, the motion was introduced and passed 153–150. The Martin Government claimed that because the motion came on a procedural point, they would not treat it as a confidence measure.<sup>8</sup> Simply put, the motion was ignored.

The early survival of the Martin Government ultimately came to rest in the hands of three independents: David Kilgour, a former Progressive Conservative and Liberal, was pressing the government to intervene in the Darfur; Carolyn Parish, who was removed from the Liberal caucus because of unkind words about US President George W. Bush; and Chuck Cadman, a former Conservative who was undergoing

<sup>8</sup> Andrew Heard, 'Just what is a vote of confidence? The curious case of May 10, 2005', *Canadian Journal of Political Science*, vol. 40, no. 2, 2007, pp. 395–416.

chemotherapy for cancer. It was Cadman's vote, along with Parish's that resulted in a 152–152 tie on the 2004 Budget.

The Speaker of the House, Peter Milliken, was forced to cast the deciding vote. Precedent dictates that the Speaker cast his or her vote in such a way as to keep the matter open for further consideration. Milliken cast the deciding vote in favour of the bill and allowed the bill to continue to third reading. It was the first time in Canadian history that a Speaker has used his or her casting vote on a confidence motion.<sup>9</sup>

After passing the budget in May, the Martin Government faced another confidence motion in November. After Justice Gomery released his findings on the Sponsorship Scandal Inquiry, the New Democratic Party introduced a motion to call an election in early January (2006) for an early February vote. It was like a confidence motion for the future. The motion was carried 167–129. The opposition parties gave the Martin Government one week to accept the motion, or they would collectively introduce a non-confidence motion to defeat the government. The government ignored the motion. On 28 November 2005, the Conservative motion of non-confidence was introduced and passed easily 171–133.<sup>10</sup>

#### *2006 Canadian general election and the 39th Canadian Parliament*

After the Christmas election of 2005 and into early 2006, the Canadian voters elected another minority government. This time, however, Canadians entrusted Stephen Harper's Conservatives with the reins of power for the first time in 18 years. The breakdown of the newly constituted 39th Parliament, outlined in figure 2, had the Conservatives with 125, Liberals 102, *Bloc* 51, and New Democrats 29.<sup>11</sup>

The political landscape over which the Harper Conservatives governed was enviable. Liberal leader, Paul Martin, stepped down on election night.<sup>12</sup> The other opposition leaders were in not in any position to challenge the Harper Government. It would be incumbent on the Liberals and their new leader, eventually Stéphane Dion, to return to the House before another election was called.

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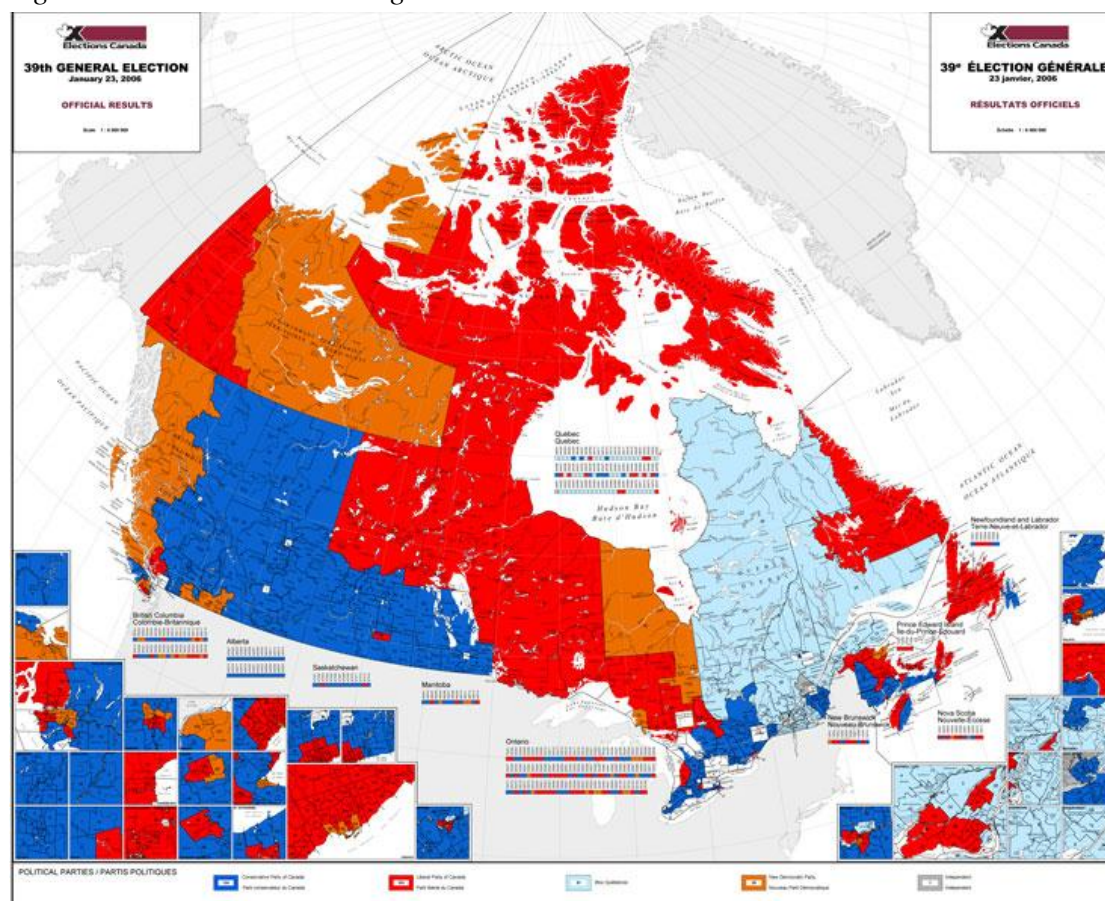
<sup>9</sup> John Ward, 'Speaker's tie-breaking vote to save minority government was a first', *Canadian Press*, 19 May 2009.

<sup>10</sup> Clifford Krauss, 'Liberal Party loses vote of confidence in Canada', *New York Times*, 29 November 2005, <http://query.nytimes.com/gst/fullpage.html?res=9E04E0DB1431F93AA15752C1A9639C8B63>.

<sup>11</sup> Christopher Dornan and Jon H. Pammett, *The Canadian General Election of 2006*, Dundurn Press, Toronto, 2006, p. 327.

<sup>12</sup> Russell, *op. cit.*, p. 46.

Figure 2: The 39th Canadian general election



(Source: Elections Canada, 'Map of official results for the 39th general election (2006)', Elections Canada, [www.elections.ca/res/cir/maps/map.asp?map=ERMap\\_39&lang=e](http://www.elections.ca/res/cir/maps/map.asp?map=ERMap_39&lang=e)).

In 2007, Speaker Peter Milliken made a remarkable ruling when he rejected the government's challenge that an opposition motion was passed in the House that required the government to implement the Kyoto Accord.<sup>13</sup> The government claimed that the motion was unconstitutional as it committed the government to new spending. As in all Westminster parliamentary systems, only ministers may introduce new spending bills. Milliken ruled that the motion was in order as it did not specifically commit the government to any new spending. The bill passed despite the government voting against it.<sup>14</sup>

When the Conservative Party came to power in 2006, they promised to run a more open and transparent government. Part of this initiative was to pass a fixed election date law: Bill C-16 An Act to Amend the Canada Election Act. It was suggested at the time that the passing of the law would take the power away from the executive branch to time an election call for their personal benefit. Parliamentary scholar Ned Franks observed that there was nothing in the new law that prohibited the Prime Minister

<sup>13</sup> Allan Woods, 'Honour Kyoto, House tells PM', *Toronto Star*, 15 February 2007, p. A1.

<sup>14</sup> *ibid.*



from advising the Governor General that Parliament should be dissolved and an election should be called.<sup>15</sup>

In the autumn of 2008, Prime Minister Harper called the opposition party leaders to one-on-one meetings at 24 Sussex Drive (the home of the Prime Minister). At the conclusion of the meetings, the Prime Minister announced that he felt he did not command the confidence of the House and was asking the Governor General to call an election in the autumn of 2008.<sup>16</sup> In doing so the Prime Minister ignored his recently passed fixed elections bill, and did so without recalling Parliament from its summer break.

Outlined in figure 3, Stephen Harper's Conservatives were returned to power in the 2008 election with a strengthened 143 seats, although still short of the 155 needed for a majority government. The Liberals, under new leader Stéphane Dion, were reduced to just 77, the *Bloc* 49, the New Democrats 37 and two independents.<sup>17</sup>

The 'govern like you have majority' mentality that dominated the first Harper minority government was in full bloom in late 2008. In an economic update, delivered by Finance Minister Jim Flaherty, the government announced they would scrap the public subsidies to political parties. In Canada, each party is given \$1.95 for each vote they receive every year between elections. As it turns out, when you cut the primary source of income to your political opponents, they do not take the matter lightly.<sup>18</sup>

The three opposition leaders devised a plan to defeat the government either on the economic update (which would be a confidence matter), or the following day during an 'opposition day' where a non-confidence motion would be introduced.<sup>19</sup> Generally, when a government is defeated on a confidence measure, Canadian convention suggests there would be an election. Yet, the opposition parties would not ask the Governor General to call an election mere months or weeks after the last. Instead they would ask that she allow the opposition parties to try and form government with a formal coalition agreement.

Formal coalitions are certainly not the norm in Canadian parliamentary tradition. Most minority governments attempt to govern like they have a majority of seats in the

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<sup>15</sup> CBC News, 'Court challenge of 2008 election dismissed', *CBC News*, 17 September 2009, [www.cbc.ca/news/canada/story/2009/09/17/democracy-watch-case.html](http://www.cbc.ca/news/canada/story/2009/09/17/democracy-watch-case.html).

<sup>16</sup> Michael Valpy, 'The "Crisis": a narrative' in Peter H. Russell and Lorne Sossin (eds), *Parliamentary Democracy in Crisis*, University of Toronto Press, Toronto, 2009, p. 4.

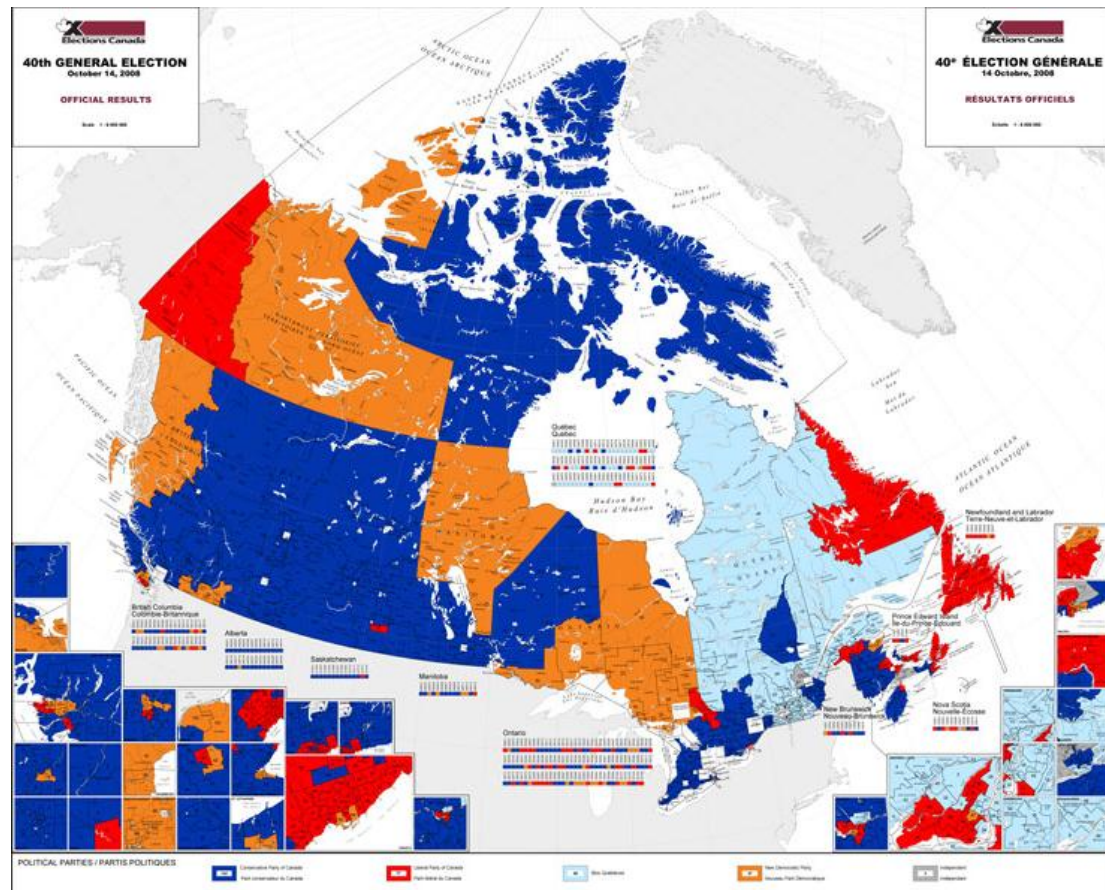
<sup>17</sup> Christopher Dornan and Jon H. Pammett, *The Canadian General Election of 2008*, Dundurn Press, Toronto, 2008, p. 314.

<sup>18</sup> Valpy, op. cit., p. 9.

<sup>19</sup> *ibid*, p. 11.

House and only reach out to their political opponents in a pro forma way in order to pass confidence matters like the budget. The agreement in principle was between the Liberals and the New Democrats, where Liberal Leader Stéphane Dion would serve as Prime Minister and Deputy Prime Minister and a high-ranking cabinet post (health or industry) would be held by New Democrats leader Jack Layton. The coalition would be supported on confidence measures by the *Bloc* in exchange for increased deliverables for Quebec and a veto on provincial matters.<sup>20</sup>

Figure 3: The 40th Canadian general election



(Source: Elections Canada, 'Map of official results for the 40th general election (2008)', Elections Canada, [www.elections.ca/res/cir/maps/map.asp?map=ERMap\\_40&lang=e](http://www.elections.ca/res/cir/maps/map.asp?map=ERMap_40&lang=e)).

When the news of the coalition broke, the Harper Government did two things: first it pushed back the date of the budget motion one week; and second, they moved the opposition day back as well. The move to push back the date of the votes illuminates two trends further discussed below: first, it shows the increased centralisation of power in the hands of the Prime Minister's Office (PMO); and second, it allowed the Conservative Party to frame the debate over the legality of the proposed coalition.<sup>21</sup>

<sup>20</sup> Gary Levy, 'A crisis not made in a day' in Peter H. Russell and Lorne Sossin (eds), *Parliamentary Democracy in Crisis*, University of Toronto Press, Toronto, 2009, p. 25; Valpy, op. cit., p. 9.

<sup>21</sup> Valpy, op. cit., p. 11.



The Prime Minister framed the debate not in political terms, but rather in constitutional terms. Indeed, he observed:

The opposition has every right to defeat the government, but Stéphane Dion does not have the right to take power without an election. Canada's government should be decided by Canadians, not back room deals. It should be your [Canadians'] choice—not theirs. They want to install a government led by a party that received its lowest vote share since Confederation. They want to install a prime minister—Prime Minister Dion—who was rejected by the voters just six weeks ago.<sup>22</sup>

In the meantime, the Leader of the Opposition, Stéphane Dion, and his coalition partners wrote a public letter to the Governor General insisting that the Parliament has lost confidence in the government and invited her to call on the newly formed coalition at her earliest convenience to form the new Government of Canada.

In response to the growing parliamentary 'crisis' the Prime Minister requested a meeting with the Governor General. It was indicated in the lead up to the meeting that the Prime Minister would ask the Governor General to prorogue Parliament until early 2009. Tradition dictates that the Governor General follows the advice of her Chief Minister. Yet, in the lead-up to that meeting it was not immediately clear that she would grant the prorogation. On Thursday 4 December, the Prime Minister met with the Governor General and requested the six-week parliamentary session be prorogued. The meeting lasted more than two hours, and by convention what was discussed remains a secret. Observers suggest, however, that there was a sense of tension in the room. After the meeting Parliament was suspended until late January 2009, and the crisis was over.<sup>23</sup>

In the aftermath of the 2008 'crisis' the next two years of the Harper minority government were relatively uneventful. There was the usual pandering of the parties, but the focus was on returning Canada's economy during the global financial crisis. There was a minor point of contention when it was announced that the Prime Minister would ask the Governor General to prorogue Parliament for the 2010 Vancouver Olympics.<sup>24</sup>

Parliament resumed on 3 March 2010. On 18 March 2010, the three opposition parties asked Speaker Peter Milliken to rule on a question of parliamentary privilege. In

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<sup>22</sup> *ibid.*, pp. 11–12.

<sup>23</sup> *ibid.* p. 16.

<sup>24</sup> The Economist, 'Harper goes prorogue', *The Economist*, 7 January 2010, [www.economist.com/node/15213212](http://www.economist.com/node/15213212).

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particular, the request was whether Parliament had the right to request uncensored documents on the transfer of Afghan detainees. On 27 April 2010, Milliken ruled that Parliament did have the right to uncensored documents. Milliken observed:

The fact remains that the House and the government have, essentially, an unbroken record of some 140 years of collaboration and accommodation in cases of this kind. It seems to me that it would be a signal failure for us to see that record shattered in the third session of the 40th Parliament because we lacked the will or the wit to find a solution to this impasse.<sup>25</sup>

Rather than call on the government to produce the documents immediately, he ruled that the House leaders come to a collective solution by 11 May 2010, in order to protect the identity and secrecy of those involved.

The end of the 40th Parliament was as surprising as its beginning. The Speaker, Peter Milliken, once again delivered a landmark ruling on the question of contempt of parliament. Contempt of parliament, like contempt of court, occurs when an individual (or government) interferes with the Parliament carrying out its functions. Such interference may include: perjury before a parliamentary committee, refusing to testify or produce documents, or attempting to influence MPs through nefarious means. Contempt of parliament rulings are rare: only five cases against individuals in 144 years of Canadian constitutional history. Charges of contempt against governments are non-existent. Harper's Conservative government had not one, but two, rulings of contempt in the lead up to the 2011 federal election.<sup>26</sup>

The first contempt ruling concerned Conservative cabinet minister Bev Oda, who was accused of misleading a parliamentary committee when giving responses to a denied funding application. It stemmed from a 2009 decision to cut funding to KAIROS, a church-backed aid group. Documents show that funding was approved, and it was alleged that Minister Oda directed her staff to insert the word 'not' to the 'recommended for funding line'. When asked about the handwritten insertion Minister Oda claimed that she couldn't remember whether she had signed the memo prior to the insertion. Opposition MPs on the House of Commons Foreign Affairs Committee requested that the Speaker rule on Oda's possible contempt of parliament. The Speaker ruled that 'on its face' the minister's statements had caused confusion, and she was ordered to answer the confusion at a special House of Commons committee hearing. A general election was called before she was able to testify.<sup>27</sup>

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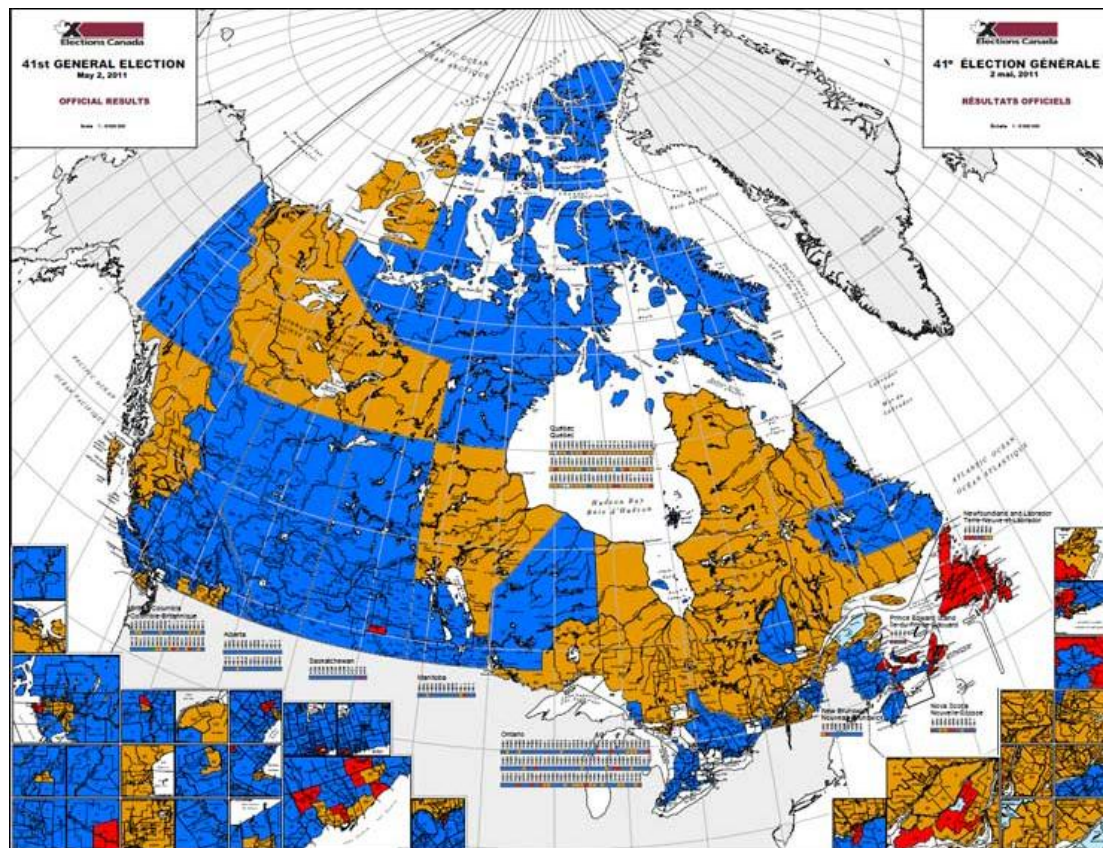
<sup>25</sup> Susan Delacourt, 'Parliament wins showdown with Stephen Harper government', *Toronto Star*, 27 April 2010, p. A1.

<sup>26</sup> Andrew Banfield, 'MPs should never let familiarity breed contempt', *Canberra Times*, 31 March 2011, p. 21.

<sup>27</sup> *ibid.*

The second charge of contempt was truly precedent-setting. Milliken ruled that the Conservative government was in contempt of parliament for not being forthright about the costs of sweeping anti-crime legislation and the full costs of the F-35 fighter jet. The Speaker concluded, ‘there’s no doubt the order to produce documents is not being fully complied with, and this is a serious matter that goes to the heart of the House’s undoubted role in holding the government to account’.<sup>28</sup> After the ruling, the House voted to send his report to the Procedure and House Affairs Committee for a contempt investigation. The committee reported back to Parliament and ruled that the government was in contempt of the House.

Figure 4: 41st Canadian general election



(Source: Elections Canada, ‘Map of official results for the 41st general election (2011)’, Elections Canada, [www.elections.ca/res/cir/maps/map.asp?map=ERMap\\_41&lang=e](http://www.elections.ca/res/cir/maps/map.asp?map=ERMap_41&lang=e)).

On 25 March the longest running minority government was brought to a close with a motion that read:

That the House agrees with the finding of the standing committee on procedure and House affairs that the government is in contempt of

<sup>28</sup> *ibid.*

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Parliament, which is unprecedented in Canadian parliamentary history, and consequently, the House has lost confidence in the government.<sup>29</sup>

The motion passed 156–145 making the Harper Conservatives only the sixth government in Canadian history to be defeated on a motion of non-confidence. Canada was once again in the throes of a federal election: its fourth general election in seven years. This fourth election also brought an end to the hung parliaments in Canada, with Stephen Harper's Conservative Party returned to office with a comfortable majority government (see figure 4).

### **Lessons learned**

With the election of a majority government in 2011, it is time to take stock and attempt to draw some lessons from a remarkably contentious period in Canadian political history. I suggest there are three broad lessons that can be learned about minority governments: a political party lesson, a 'managing parliament' lesson and an electoral lesson.

#### *Political parties*

There are two lessons that emerge for political parties during the minority governments of 2004–11. The first is one of setting the agenda. There is a rich literature about the importance of agenda setting in political science, but during a minority government it takes on new importance. Since the election of Paul Martin in 2004, all parties were in a constant state of election readiness. Tom Flanagan, a Canadian political scientist, and former Conservative Party campaign manager, calls the 2004–11 period the 'permanent campaign'. Canadian parties could no longer think about election once every four years; instead, they were forced to be always ready. This has a number of practical impacts on a party, including expenses such as keeping planes, busses and war rooms continuously available.<sup>30</sup> This also includes framing the debate against your opponents during the inter-election period.

The Conservative Party excelled at framing their political opponents before they had a chance to react. For example, when Stéphane Dion was elected Liberal leader, a series of attack ads rolled out framing him as an indecisive and weak leader. One memorable ad showed Dion during a leadership debate asking 'do you think it's easy to set priorities?' To which leadership contender Michael Ignatieff responded, 'you didn't get it done'. When Michael Ignatieff took the mantle of the Liberal leadership, it was

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<sup>29</sup> *ibid.*

<sup>30</sup> Thomas Flanagan and Harold J. Jansen, 'Election campaign under Canada's party finance laws' in Christopher Dornan and Jon H. Pammett (eds), *The Canadian General Election of 2008*, Dundurn Press, Toronto, 2008, pp. 194–216.

reported that the Conservative Party spent \$60 000 on an advertising campaign that suggested ‘He’s just visiting’.<sup>31</sup> The Conservatives suggested that the only reason Michael Ignatieff returned from his Harvard University teaching role was to become Prime Minister. They framed the debate in a sense of entitlement, a framing which Ignatieff neither fully recovered, nor refuted.

A logical extension of this is the hyper-partisan nature of parliament. The Canadian experience shows the strictly political side of policy: short-term thinking, and a ‘what have you done for me lately’ mentality. Indeed, the policy focus, rather than two to four years, is more likely to be two to four months, and a constant state of ‘how this plays’ as an election issue. Everything is seen through a lens of uncertain election timing. The ability to frame the debate and fight the election on your terms takes on an increased priority.

A second lesson for political parties is one of intra-party cohesion. The minority government situations in Canada highlighted a trend not often seen in Canadian politics: floor crossing. In both the Martin (2004) and Harper (2006) governments, we saw prominent members of the opposition benches cross the floor to take up cabinet positions. In the Martin example, Belinda Stronach (a runner up in the Conservative leadership race), was encouraged to cross the floor before a budget vote with the allure of a cabinet position. When she crossed the floor, it enabled, in part, the Martin Government to survive the budget vote outlined above.<sup>32</sup>

The other, perhaps more shocking cross, involved David Emerson, a Minister of Industry in the Paul Martin Government. During the 2006 election, Emerson was re-elected in his Vancouver riding as a Liberal. When Stephen Harper’s Conservatives won the 2006 election, Emerson was persuaded to cross the floor and take a cabinet post in the new Conservative cabinet before the official swearing-in by the Governor General. When queried about crossing the floor Emerson responded: ‘I’m pursuing the very agenda I got involved to pursue when I was in the Liberal Party’.<sup>33</sup>

Thus for political parties the two lessons are clear. First, is the lesson of the ‘permanent campaign’ and agenda setting. The ability to set the debate on terms that a party is prepared to fight an election over becomes paramount during a minority government. Indeed, the ability to frame your opponent in terms of your choosing is one of the key lessons that emerge from Canada. A second, equally important lesson

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<sup>31</sup> Bob Hepburn, ‘Overcoming the “just visiting” image’, *Toronto Star*, 10 September 2009, [www.thestar.com/opinion/article/693276](http://www.thestar.com/opinion/article/693276).

<sup>32</sup> CBC News, ‘Conservative Stronach joins Liberals’, *CBC News*, 18 May 2005, [www.cbc.ca/news/canada/story/2005/05/17/stronach-liberals050517.html](http://www.cbc.ca/news/canada/story/2005/05/17/stronach-liberals050517.html).

<sup>33</sup> Matt O’Grady, ‘About face: David Emerson crosses the floor’, *Vancouver Magazine*, 1 April 2006, [www.vanmag.com/News\\_and\\_Features/About\\_Face?page=0%2C2](http://www.vanmag.com/News_and_Features/About_Face?page=0%2C2).



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is the one of intra-party cohesion. Since the margins of majority versus minority government are thin, parties need to watch for the rational self-interested party member. In the Canadian case, this is seen through enticements to cabinet positions in one case before Parliament had resumed. Beware the floor crosser.

### *Managing parliament*

A second set of lessons emerges in the management of parliament. Again, two separate lessons emerge. The first is closely related to the intra-party cohesion lesson above. In this case, successful minority governments tend to permit less access to ministers and tend to promote less open government.

In his book, *Governing from the Centre* (1999), Donald Savoie<sup>34</sup> argues that the days of ‘cabinet government’ are long gone in Canadian politics, replaced with the prime minister and a close cadre of advisers setting the course of the government. Savoie claims that this slippery slope toward ‘court government’ started under Pierre Trudeau in the 1970s and has become increasingly prevalent in the decades since. Minority government has not added to the inclusiveness of government decision-making. In fact, the centralisation of power has intensified during the two Harper minority governments.

Stephen Harper and the Conservative Party of Canada ran a very tight ship: message discipline was the mantra of the government. Conservative staffers were not permitted to talk to the media, and even MPs were not allowed to deviate from the talking points. Even ministers, with rare exception, were carefully scripted through the PMO, and were expected to stay on point.

The second lesson that emerges is to have short manageable targets when dealing with public policy. If the Canadian experience teaches us anything it is that in the early days of a mandate, parliament tends to work well. However, when the party has executed their mandate, or at least the major pillars of it, minority government tends to fail. It is said the ‘art’ of minority government in Canada is to be ‘engineering defeat on the most favorable terms’.<sup>35</sup> The government, particularly in minority government, has to find a balancing act between holding the reins of power and trying to orchestrate their defeat to return to majority government. Indeed, there are a number of occasions where the government attempted to bait the opposition parties

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<sup>34</sup> Donald Savoie, *Governing from the Centre: The Concentration of Power in Canadian Politics*, University of Toronto Press, Toronto, 1999.

<sup>35</sup> James Travers, ‘Quebec tax breaks could blow up in Harper’s face’, *Toronto Star*, 22 March 2007, [www.thestar.com/columnists/article/194626](http://www.thestar.com/columnists/article/194626).

into defeating them.<sup>36</sup> When opposition parties are in disarray, as they were for much of the Harper minorities, it was the perfect time for the government to introduce legislation which would receive a difficult ride in the House. We see this in Canada, when on a number of budget bills and other confidence measures, the official opposition ensured bills would pass by having members come down with ‘budget flu’.

### *Elections*

Finally, a set of lessons emerges for the contesting of elections. The first lesson is the importance of the marginal seat. When the reformed Conservative Party of Canada set out to contest the first election in 2004, one of its first tasks was to expand beyond its Western Canadian base.<sup>37</sup> Part of the reason the Liberal Party was so successful during the 1993–2003 period was the electoral strength in the province of Ontario. Ontario is Canada’s most populous province and hosts 103 MPs. The Conservative Party starts from a weak position in Ontario, but there is room for growth outside of the Greater Toronto Area, a traditional Liberal fortress.

This increased focus on Ontario by the Conservative Party is compounded by two factors for the Liberal Party of Canada. First, is the relatively weak potential for growth anywhere in the rest of Canada. Traditionally weak in Western Canada, the potential for growth east of Quebec is small. The second problem facing the Liberal Party is the electoral system used in Canada. Recall that Canada uses a single-member plurality or ‘first past the post’ system meaning that you do not need a majority of votes cast to secure a seat.

Figure 5 illustrates the change in party vote from 2004 to 2011.<sup>38</sup> The three parties that increase their vote share are the Conservative Party, the New Democrat Party, and the Greens. The Conservatives have the greatest increase of support at 8 per cent of the national vote, while the New Democrats increase only 2.5 per cent. The party most affected by the changing vote totals is the Liberal Party of Canada which sees a decline of 10.5 per cent of national vote share.

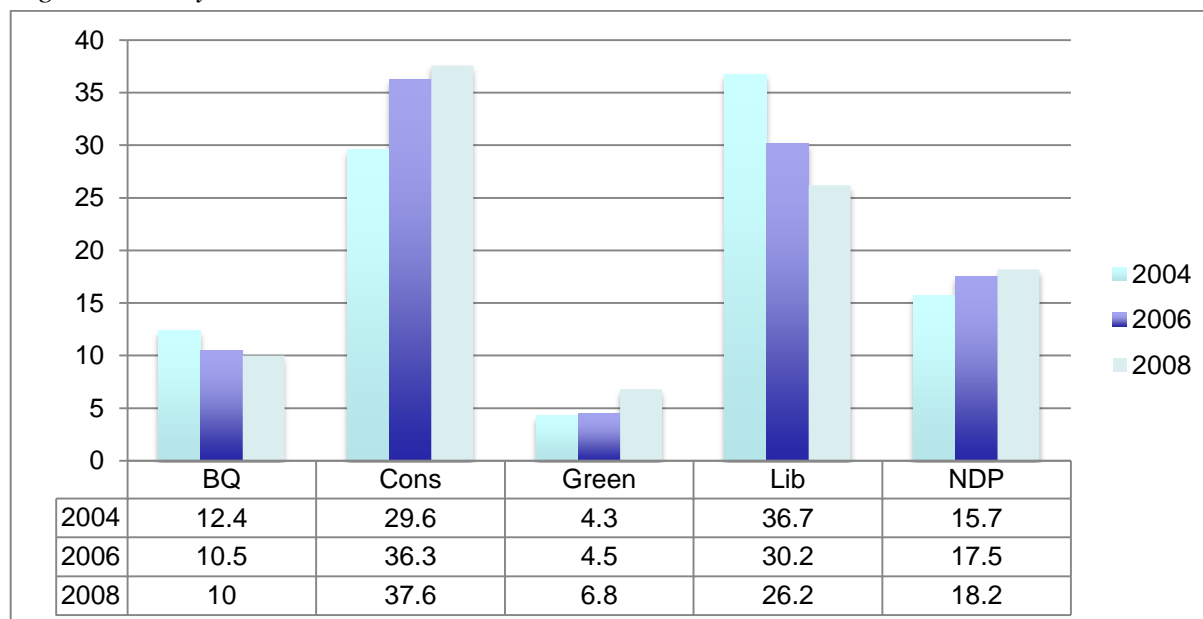
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<sup>36</sup> Renata D’Aliesio and Jason Fekete, ‘PM dares rivals to force election’, *Calgary Herald*, 5 July 2009, [www2.canada.com/calgaryherald/news/story.html?id=294f5585-d2ec-4f9a-98e7-d52fc7637e5c&p=1](http://www2.canada.com/calgaryherald/news/story.html?id=294f5585-d2ec-4f9a-98e7-d52fc7637e5c&p=1).

<sup>37</sup> Thomas Flanagan, *Harper’s Team: Behind the Scenes in the Conservative Rise to Power*, McGill-Queen’s University Press, Montreal, 2007.

<sup>38</sup> The vote total for the BQ is slightly misleading as they only run candidates in the province of Quebec.

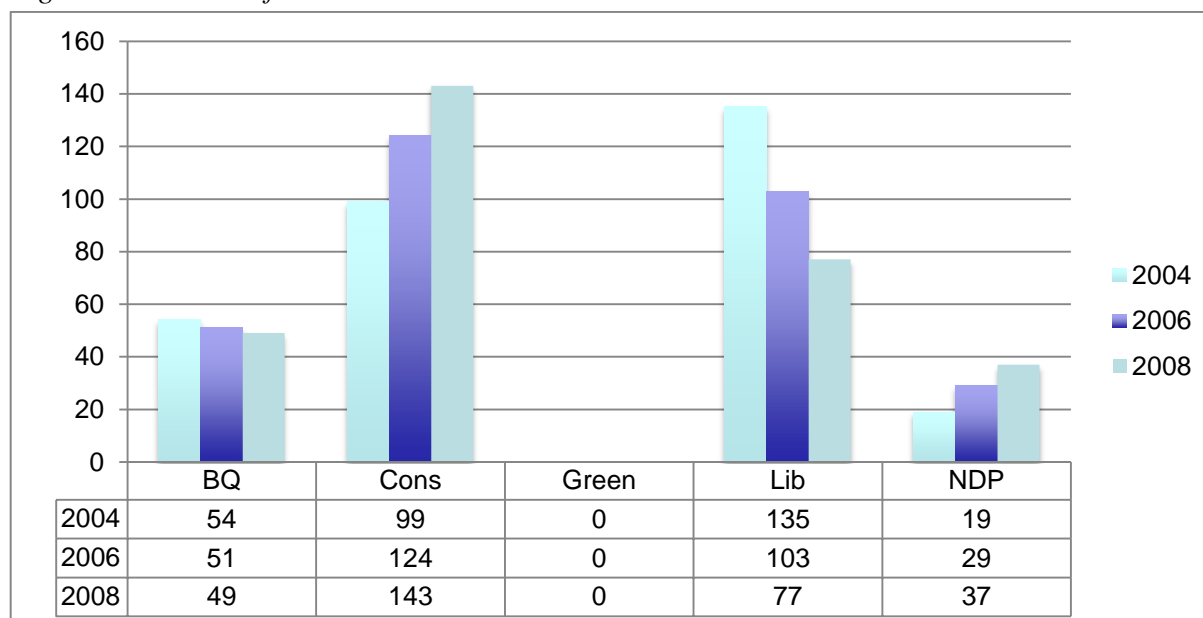
Figure 5: Party vote since 2004



(Source: Adapted from Anthony M. Sayers, 'Obstacles to Coalition Formation in the Canadian House of Commons', presentation to Mt. Royal University, Calgary, Alberta, 2011).

Figure 6 shows the resultant seat share from relatively small national vote share gains. Indeed, the Conservative Party of Canada gained 44 seats over a four-year period with only an 8 per cent increase in national vote. The New Democrats too see a dramatic increase in seats gaining 18 seats with only a 2.5 per cent vote share increase in the same four-year period.

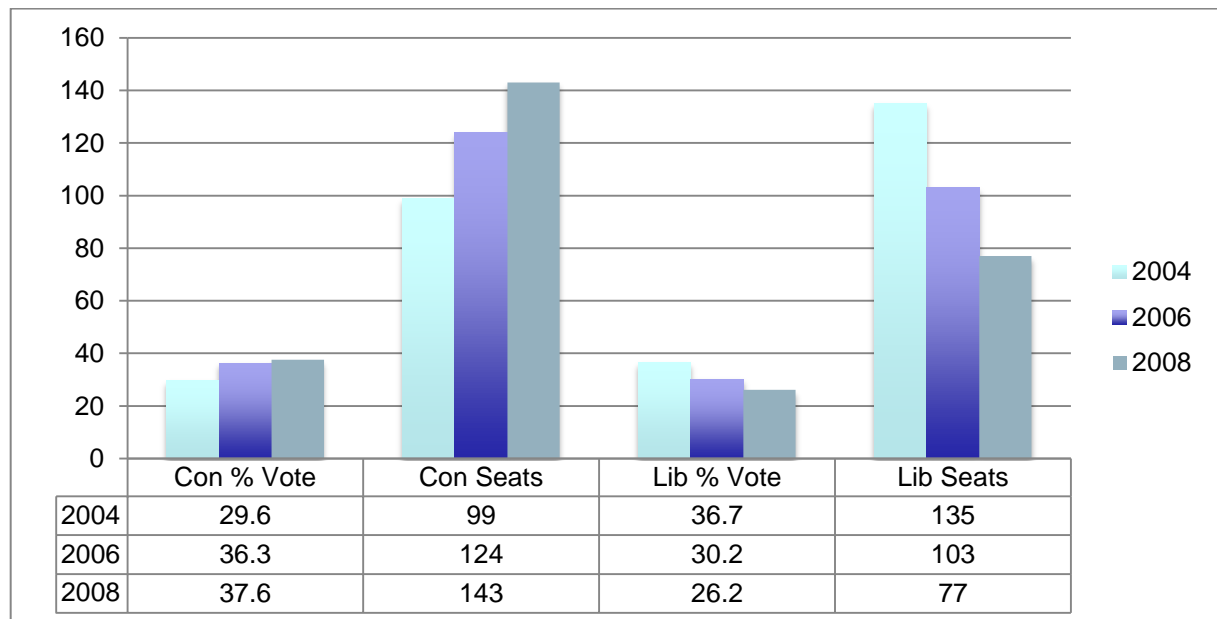
Figure 6: Number of seats won since 2004



(Source: Adapted from Anthony M. Sayers, 'Obstacles to Coalition Formation in the Canadian House of Commons', presentation to Mt. Royal University, Calgary, Alberta, 2011).

So if we put the two previous figures together in Figure 7, and focus on the two major Canadian political parties, the Conservatives and the Liberals, the lesson of marginal seats becomes clear. An increased focus on areas of potential growth for the Conservatives, compounded by the rules of the electoral system result in major seat gains for the Conservatives and New Democrats at the expense of the Liberal Party of Canada. What this means in practice is that the Liberal Party is losing support to both the left and the right with no room for growth beyond traditional safe seats. Indeed, in the election of 2011, the Liberal Party was overtaken by the New Democratic Party and reduced to third party status.

Figure 7: Percentage of votes and numbers of seats: Conservative and Liberal



(Source: Adapted from Anthony M. Sayers, 'Obstacles to Coalition Formation in the Canadian House of Commons', presentation to Mt. Royal University, Calgary, Alberta, 2011).

In sum, the lesson of the marginal seats is clear for parties wanting to return to majority government. By focusing resources on areas of potential growth, the Conservative Party of Canada and the New Democratic Party of Canada were able to increase their seat totals at the expense of the Liberal Party of Canada. Indeed, this attention to the marginal seat has set the stage for the gradual decline of the party that held power through much of the 20th century in Canada.

### Conclusion

From the analysis above, the overarching lesson lies in the different way that parliaments are managed. The electoral cycles are shorter, the centralisation of power is magnified, and the focus on the winning coalition is placed at a premium. Parliamentarians are forced to engage with a system with which they are not familiar and often this results in hyper-partisanship and indeed, brinkmanship.

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Yet, the Canadian lessons outlined above for parties, management, and elections, demonstrate the usefulness of Westminster comparisons. Indeed, it is easy to see in the Australian context similar compressed time frames, the reliance on polls, and the attention paid to the marginal seats. Moreover, if minority governments are the ‘way of the [Westminster] future’ as some suggest, then the experiences of the Commonwealth cousins cannot be ignored. Indeed, the Australian Senate serves as a useful example of how a parliamentary chamber can be managed when there is not a majority party.

If comparative analysis is undertaken on the form and function of minority governments in Westminster parliaments, then perhaps the next time a minority government is elected we can revel in ‘the spring of hope’ and avoid the ‘winter of despair’.



**Question** — You presented a theme of the rise over the last ten years of the Conservatives and the decline of the Liberals. Has this phenomena been reflected in the elections of the provincial assemblies?

**Andrew Banfield** — No, it warms my heart no end to know that federalism actually works. When the Liberal Party is in charge, Conservative parties dominate provincial legislatures. With the Conservative Party coming to power, Liberal parties have begun to dominate provincial legislatures. Proof that not only federalism works—and there is a check off between central and state or central and provincial—but also that Canadians, I think, and again I am speaking on behalf of all Canadians, are smart enough to go ‘Hmm, maybe we don’t want everybody in charge’. We saw a similar phenomenon during the Howard reign when state Labor parties came to power.

**Question** — I was intrigued when Mr Emerson decided to cross the floor to become a cabinet minister. What was the public reaction to that?

**Andrew Banfield** — If I recall, the general public reaction was moral outrage. Whether that was genuine or faux I am not entirely sure and it lasted for a couple of weeks until we sent Mr Emerson overseas and he was out of sight and out of mind. I think parliamentary watchers and political scientists like me paid much more attention to the Emerson floor cross than the average Canadian.



**Question** — I was very interested to hear your remarks about the role played by the Speaker especially during that decade after 2000. Could you describe his background and any other interesting facets of his character and behaviour?

**Andrew Banfield** — That is slightly loaded isn't it? Peter Milliken was a Liberal Party Member for Kingston and the Islands. Kingston is a small city. Milliken is a long-term party member and I believe his father was MP for Kingston and the Islands as well and he is the only person who I have ever read about, heard about or met that grew up dreaming and wanting to be the Speaker. He is the most well-versed individual on parliamentary practice that I have certainly come across. He lived, breathed and embodied the role of Speaker down to the house in the Gatineau Hills and he actually lived in the little apartment given to the Speaker at Parliament.

On parliamentary tradition and parliamentary procedure he was spot on with an encyclopedic memory. It was remarkable. In the House—and this is clearly my view not anyone else's view—he left a little bit to be desired in terms of Speaker. He let the rabble get a little too loud for my liking and occasionally I would have liked him to go 'Shoo' but he never did that. So if I have one complaint about Peter Milliken it is his laid-back nature.

**Question** — How was Peter Milliken able to secure the Speakership across both governments?

**Andrew Banfield** — For the Liberal Government it was really easy. He was one of the few who actually ran for it. For the Conservative Government it was pure strategy: take him out of the voting benches and put him in the Speaker's chair. Plus you need a steadying hand as we saw he played a very important role across all three of the minority parliaments. It is nice to have a steady hand on the tiller but do not downplay the strategy move to take him off the cross-bench.

**Question** — You talked a bit about the importance of being able to set clear and manageable targets that you can then go ahead as a government to achieve. Do you have any thoughts about how you actually go about setting that agenda and setting those targets in the context of a minority government where the government is dealing with a number of different agendas?

**Andrew Banfield** — I think it is really important to have a clear set of policy goals at the beginning whether those policy goals appear from the policy conference or from the election platform. It does not really matter but they have to be written down somewhere so you can fall behind them as a shield. I think the other part is that you have to be a little bit flexible on what your goals are. So if your goal is X and your

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opponent's goal is B then maybe the least offensive position is Q and you can bring in one of the minor parties. So there has to be some flexibility built into it but you need to speak with one voice, saying this is what we want to do and we might not be able to do it in this parliament but if we can get half way there then we are more than half way home when we get to be in charge. I think that is the advice I have.

**Question** — It is not compulsory voting in Canada. Can you indicate the change in party support in Canada with a change in the number of people or percentage of people who cast a vote?

**Andrew Banfield** — 'No' is the short answer. When voter turnout federally was 75 per cent or 80 per cent the Liberal Party won. When voter turnout was 60 per cent the Liberal Party still won. I suspect if the voter turnout turns down to be 50 per cent the Liberal Party will win again. I think it is tenuous to draw a bright white line between voter turnout and party change. There is some interesting work being done at my Alma Mater at the University of Calgary that says even non-voters—and it turns out that non-voters are also non-survey-filler-outerers—are generally happy, at least in the Alberta context with the governing party. Voter turnout in Alberta is appalling with somewhere around 50 per cent but the governing party is closest to the median voter on all issues except government intervention, I think. 'I don't have a good answer' is the short answer.

**Question** — In the context of minority government, comparing Australia and Canada, would you comment on the role of the upper house in both countries?

**Andrew Banfield** — The upper house in Australia actually plays a role as opposed to the upper house in Canada. They are elected, they have democratic legitimacy in Australia and they provide a very good checking component. The upper house of Canada, much to my chagrin, is the last bastion of appointed party hacks. Even when Stephen Harper came to power in 2006, faced with a Liberal-dominated upper house, things might have been slowed down a little bit but certainly nothing was ever knocked back to them. So the Senate actually plays a role in managing minority parliament in Australia whereas in Canada the upper house is just the rubber stamp.

**Question** — We have seen at the last federal election in Canada that the Conservative Party has been able to win a majority but without Quebec seats. Do you think that we have entered a new era in Canadian politics so you can win a majority government without winning any province seats?

**Andrew Banfield** — Maybe. This is probably not the answer you wanted to hear. I do not know. One election is an anomaly, two elections are a trend, and three elections

are a proven fact. So I am going to fall behind my shield of ‘we need more research and talk to me in 2020’. I think the real answer is ‘perhaps’, particularly with the left splitting the vote between the Liberals and the NDP and with an increased power base movement towards the west. There is something like 35 additional seats being added in as a result of the next census and none of them for the first time will be in Quebec. Very few will be in Ontario. All kinds will go to Alberta and British Columbia. The real answer may be ‘maybe’, but there will never be a day where you can form legitimate government without Quebec involved, one or two members at least.

**Question** — One of the features of minority government here has been the role of independents who because the government has needed their support to form government have been able to exercise significant influence on policies in which they have particular interests. From your presentation I gather that there have not been independents in the Canadian Parliament. Can you comment on what difference that makes and why there have not been independents in the Canadian Parliament?

**Andrew Banfield** — In the 2004 election there were three independents, two former Conservatives and a former Liberal, all of which were booted out of caucus and had to sit as independents and they played an invaluable role in securing the budget for the Martin Government. I think part of the answer for the lack of independents in Canadian parliaments is the control of the party leader and people vote by party label. So it is ‘I’m a Liberal, my grandfather was a Liberal, his grandfather’s grandfather was a Liberal and I’m going to vote Liberal. I sort of know this guy but he is not going to do anything for me’. You have more power to your local MP inside a party than outside a party so I think that is certainly part of the story. I do not have more of an explanation than that but I think that is a good chunk of the explanation.

**Question** — With the change in the numbers across the country from the east to west, is there a fixed number of parliamentarians? Is there an increase in the numbers in the west as there is a decrease in the east?

**Andrew Banfield** — No, the seat distribution is based on the census, so there is a constitutional reason, particularly in Quebec you cannot fall below a certain number because of the founding fathers. So there is just increased addition to seats as opposed to subtraction of seats.

**Question** — What will the number be at the next election?

**Andrew Banfield** — 156, something like that. That is a big increase because there has been a big population growth.

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**Question** — Do you think the NDP will replace the Liberal Party?

**Andrew Banfield** — I do not know, which is probably a remarkably unsatisfying answer. It will depend on any number of things, not least of which who the NDP select as their new leader. The real question that I think the NDP has to face going forward is: was the surge in party support a vote for Jack Layton or was it a vote for the New Democratic Party because of the surge in Quebec and the progressive left that dominates Quebec? I think you can make an argument that it was a vote for probably both but at least it is a plausible argument to be made that it was a vote for the New Democratic Party. You cannot downplay the importance of Jack Layton in Quebec. The Liberal Party are still in disarray, they still cannot raise money. The NDP is much better at raising money than the Liberals at this time. They do not have a particularly effective leader either; they have an effective interim leader but they do not have a permanent leader. ‘Maybe’ is the long short answer to your question.