A Working Minority?

What the minority government of the 38th Parliament can teach about proposals for electoral reform

Winner of the Institute On Governance’s 2006 Alf Hales Research Award

by Paul Thomas
Parliamentary Intern
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Alf Hales Research Award

In recognition of the valuable educational experience that the Parliamentary Internship Programme provides, the Institute On Governance created The Alf Hales Research Award in 1999. The award, which seeks to promote research excellence and young people's understanding of governance issues, is handed out annually to the best Intern essay on a particular aspect of the Parliamentary system. The 2006 winning paper, *A Working Minority? What the minority government of the 38th Parliament can teach about proposals for electoral reform* by Paul Thomas, reflects the originality and spirit that Alf Hales demonstrated when he created the Programme 30 years ago.

Paul Thomas was one of ten interns chosen to participate in the Parliamentary Internship Programme during the 2005-2006 academic year. Mr. Thomas graduated from Wilfrid Laurier University with a BA (Hons.) in political science and global studies in 2003, and subsequently obtained a Masters degree in Political Science from Carleton University in Ottawa. His masters research essay explored the causes of the class and gender inequalities that exist in the distribution of HIV/AIDS treatment in the Global South, and what the presence of these inequalities indicate about the possibilities for a global democracy. He hopes to continue his education by completing a doctorate in political science and conducting further research on the prospects for democratization in the Global South in the era of globalization.


Introduction

It was impossible to serve as a Parliamentary Intern in the closing months of the 38th Parliament and not be struck at the how the presence of a minority government altered the typical functioning of Parliament. Gone were the days when Parliament served as a rubber stamp for the government’s legislative program. Instead, each vote became a miniature crisis, with the house leaders attempting to secure support from other parties while the whip’s office frantically tried to ensure that sufficient members would be present to prevent (or ensure) the defeat of the matter in question. Notably this tension existed not only in the usually boisterous setting of the House of Commons, but also in the typically more sedate location of Standing Committees, which became battle grounds over the passage of legislation, budget estimates and motions for government action.

While the majority of MPs found this situation of perpetual calamity to be most disagreeable, it did mark the first time in over two decades that all parties and all MPs had a genuine ability to influence the outcome of Parliamentary proceedings. Since Canada’s democracy rests on the premise that MPs are elected to represent their constituents in the political process, it is therefore possible that the 38th Parliament was the most democratic assembly that Canada has seen since the untimely demise of the Clark administration.

Over the past few years, demands for electoral reform have become increasingly vocal in Canada. Chief among the concerns raised by both citizens and opposition politicians is that Canada’s plurality or “first past the post” system of voting tends to exaggerate the number of parliamentary seats obtained by: 1) the party receiving the largest share of the popular vote; and 2) parties that have the bulk of their support concentrated in a particular region of the country. 1 This exaggeration has often allowed parties who earn less than half of the popular vote to receive an absolute majority of parliamentary seats. These artificial parliamentary majorities in turn allow the winning parties to govern without paying attention to the opposition parties, who together have the majority of the vote.

Most proponents of electoral reform argue that the artificial majorities produced by the plurality system could be ended by adopting a new voting system based on some form of proportional representation (PR). This change would guarantee a closer relationship between a party’s share of the vote and its share legislative seats and would thereby reduce the chance a party could form a majority government without receiving a majority of votes. Governments elected under the new system would therefore need to take the views of the opposition into account, thereby enhancing the representativeness of their actions. However, critics of electoral reform argue that abandoning the plurality system could actually harm Canada’s democracy more than it improves it. In particular, these critics argue that by preventing the formation of majority governments, the use of PR would increase government instability, create legislative deadlock and obscure the lines of accountability for government actions. 2

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2 Daniel Pellerin and Patrick Thomson, “Proportional Representation is likely to create more problems than it would solve; the single transferable vote offers a better choice,” Policy Options, October 2004, pp. 55-57
Rather than conduct an abstract debate about the hypothetical merits of electoral reform, this paper uses the minority government that took place in the 38th Parliament as a test case to see how Canada’s political system might be affected if the country adopts a new electoral system that produces minority governments more frequently. Obviously a minority government operating in a plurality electoral system will govern differently than one facing a PR system at the next election. However, the two would face the same parliamentary rules and particularly the same conventions regarding government’s need to keep the confidence of Parliament. Consequently, much can be learned about how parliaments would function after electoral reform by observing minority parliaments in the current electoral system.

The paper begins by laying out the procedural context of the 38th Parliament. It then presents major arguments for electoral reform as well as the major critiques against it. From this discussion six criteria for evaluating the minority government in the 38th Parliament are obtained: 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; 5) government stability; and 6) the government’s accountability to citizens at election. The paper then explores each criteria using a qualitative and quantitative comparison of the actions of the 36th, 37th, and 38th Parliaments. This exploration will show that the 38th Parliament was no less efficient than its predecessors, featured greater legislative deliberation, offered a larger role for private members and was better able to hold the executive accountable for its actions. As a result the paper concludes that while minority governments are by no means perfect, the positive example of 38th Parliament would suggest that changing to an electoral system based on proportional representation could increase the quality of democracy in Canada.

The procedural context of the 38th Parliament

In recent years there have been a number of changes in the procedures of the House of Commons in an effort to make the legislature more efficient and democratic. As such, it is very difficult to conduct direct comparisons between the democratic performance of the minority government in the 38th Parliament and previous minority governments in Canada, such as those lead by Clark, Trudeau, and Pearson. Perhaps the largest change that has taken place is the new ability of Standing Committees to meet without a reference from the House and to determine their own agenda. Previously, a vote in the House was needed to assign a committee to conduct a particular study. This change, which was introduced in the mid-1980s, now permits committees to initiate their own studies on issues within their purview and to make recommendations on government action. The independence of Standing Committees has also been reinforced by changes to the Standing Orders that permit a secret-ballot vote for the election of committee chairs. This innovation, which was introduced in 2004 after an opposition motion calling for the change, ended the previous practice by which

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committee chairs were selected by the government. Since the majority situation at the time of the change may have undermined its impact, the minority setting of the 38th Parliament was the first time in the history of Canadian parliamentary committees that the opposition parties could elect a committee chair against the government’s wishes.

A second significant change in parliamentary procedures has been the simplification of the rules governing private members business, which has allowed more private members bills to be debated and voted upon in the House of Commons. Consequently there has been a significant increase in the number of private members bills that are successfully passed, although the success rate is still quite low.

The procedural context of the 38th Parliament was also strongly influenced by the Action Plan for Democratic Reform that Prime Minister Paul Martin introduced in 2004 at the start of the 3rd session of the 37th Parliament. However, since that session lasted for only 55 sitting days, the full impact of Action Plan was not known at the start of the 38th Parliament. Of Action Plan’s reforms, the four with greatest potential to affect the functioning of the 38th Parliament were: 1) the implementation of a three-line whip voting system; 2) increasing the number of government bills going to committee stage before second reading; 3) increasing the ability of Standing Committees to review budget estimates; and 4) having Standing Committees review the qualifications of persons nominated by the government for key positions within the bureaucracy. A three-line whip voting system refers to the extent to which the government sees a bill that it puts forward as matters of confidence. Under the system, bills with a one-line whip are considered to be free votes for all members, while on two-line votes the government takes a position but backbench members of the governing party are not obliged to follow it. The three-line whip is saved for those bills that are key parts of the government’s legislative agenda and hence are matters of confidence on which the government can fall. Proponents of the three-line system argue that it allows for a greater range of compromise and debate on bills with one and two line whips while still allowing the government to demonstrate that it has the confidence of the House on important issues.

In contrast to the three-line whip, the government has had the ability to send bills to committee before second reading since the amendment of the Standing Orders in 1994. However, the provision was infrequently used, leading to complaints from analysts and opposition members. Sending a greater proportion of bills to committee prior to second reading is seen to improve the functioning of parliament since the ability of committees to amend the substance of a bill is severely limited once second reading has taken place.

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10 Ibid., p. 4.
11 Docherty, Legislatures, p. 164.
Moreover, there is less ability to compromise on the issue since parties are generally forced to take positions on the topic during the debate and vote involved in second reading. Sending bills to a committee earlier in the legislative process is therefore seen to increase Parliament’s ability to conduct a meaningful debate on the bill and hence to fulfil its deliberative role.

Regarding the approval of estimates, Standing Committees have been tasked with reviewing the budgetary estimates for their counterpart departments since the 1960s. However, committees often lack the information to engage in informed debate on the estimates they are presented, thereby preventing them from exercising executive authority. As such Prime Minister Martin’s proposal focused on providing committees with the resources they need to be able to review the estimates in a meaningful way.

Like the ability to send bills to committee stage before second reading, the executive has long had the option of asking Parliamentary committees to review its nominations for various government positions, but has done so very infrequently, preferring instead to keep the appointment process out of the public eye. This concentration of the appointment process within the executive has often led to accusations that appointments are given on the basis of a nominee’s connections to the governing party or its leaders, undermining the public’s confidence in government institutions. To improve this situation, Martin’s Democratic Reform plan would allow committees to review and verify nominees’ qualifications and report back to Parliament on their findings. However, given fears that the review would become overly politicised and bogged down in partisan infighting the Reform Plan left the final approval of appointments in the hands of the Prime Minister.

Arguments in favour of electoral reform

Critics of Canada’s current plurality voting system often argue that it is non-democratic since it disproportionately rewards the party that obtains the largest share of the popular vote as well as those parties that are regionally focused. The system’s tendency to favour the party with the greatest share of the vote can be in the fact that the Liberals won parliamentary majorities in each of the 1993, 1997, and 2000 elections despite earning just 41.3%, 38.5%, and 40.8% of the popular vote, respectively. Likewise, the regional bias inherent in the plurality system could be clearly seen in the 1993 election the when Progressive Conservatives (PCs) received 12% of the vote but earned just two seats since its support was scattered across the country. In contrast the 18% of the vote received by the Reform party was clustered primarily in western Canada, allowing the party to win 55 seats.

14 Docherty, Legislatures, p. 152.
18 Please note that the author has chosen to avoid debates about which system of proportional representation would be best for Canada, since that question cannot be answered through a study of the 38th Parliament.
19 Pellerin and Thomson, “Proportional Representation,” p. 55
While some argue that the lack of a direct correlation between a party’s vote share and its seat share makes the plurality system inherently undemocratic, most critics tend to focus primarily on the system’s strong tendency to produce majority parliaments. Majoritarian governments are seen to be non-democratic since they are not forced to compromise with opposition parties on either their executive decisions or their legislative proposals.\textsuperscript{21} When this lack of opposition participation is combined with the rigid party discipline found in the Canadian political system, the result is a government that is able to act with few or no restrictions.\textsuperscript{22} Barring a rebellion within the governing party, no bill or motion will pass the House of Commons without the government’s consent. This strict discipline also extends to legislative committees, where the governing party can prevent any unfriendly amendments to its legislation.\textsuperscript{23} Majority governments can also prevent effective 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 “the estimates would be passed regardless of what the committee did.”\textsuperscript{24} Within this environment, the views of opposition parties and the citizens who support them clearly tend to be excluded from the majority setting.

In contrast, proponents of electoral reform argue that parliaments in which the governing party has a minority of seats tend to be more democratic since the governing party must gain the support of at least some opposition members if it wants its legislative agenda to move forward. This need to attract partners prevents the government from acting rashly or from pursuing purely 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.”\textsuperscript{25} The need for the government to compromise on its legislative proposals also increases the prospect that parliament may be used for open and substantive deliberation, a reality that seldom occurs in the majority setting.\textsuperscript{26} In addition, those seeking electoral reform point out that the minority situation makes it easier for the Parliament to hold the executive to account since it the government must be able to answer for it actions should it wish to keep the support of other parties.\textsuperscript{27} If the government does not agree to at least some opposition demands, it will rapidly fall, as was demonstrated by Mr. Clark’s short-lived government from 1979-1980.

The need for a minority government to garner multiparty support can involve the creation of a formal coalition government between two or more parties, the formation of alliances on an issue-by-issue basis, or something between these two extremes. In the case of coalition

\textsuperscript{23} Franks, \textit{The Parliament of Canada}, pp. 164, 175.
\textsuperscript{24} \textit{Ibid.}, p. 175.
governments, there is more than one party contained within the government itself. As such, parties within the coalition will usually reach a compromise on major issues before the government takes any action. In contrast, minority governments using the issue-by-issue approach must also compromise with opposition parties, but they retain the ability to work with different opposition parties on different issues, allowing them greater flexibility. Moreover, minority governments working on an issue-by-issue basis do not share executive power with other parties and hence have more freedom to make executive decisions so long as they can find willing partners for their legislative agenda. An example of multiparty cooperation somewhere between a coalition and issue-by-issue compromise can be seen in the 1985 agreement between the Liberals and NDP in the Ontario Parliament, under which the NDP promised not to defeat the minority Liberal government for at least two years.

Minority governments in Canada at both the federal and the provincial level have overwhelmingly used the issue-by-issue approach to gain support for their programs rather than be limited by the trappings of a coalition. One recent exception to this rule was the creation of a coalition government between the New Democratic Party (NDP) and the Liberal Party in Saskatchewan following the province’s 1999 election. However, this decision proved to be so controversial that it split the Saskatchewan Liberal Party into rival camps and led two of the three Liberal Members of the Legislative Assembly (MLAs) to formally join the NDP.

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. Although the Liberal governments of the 1990s introduced the convention of not adopting a government position on private members bills, those bills that go against the wishes of the government generally have very little chance of success. However, in a minority setting the opposition parties can join together to ensure the passage of a private members’ bill, no matter what the government feels about it. Therefore, while the Standing Orders devote only a small portion of each sitting day to the consideration of private members’ business, it does offer private members in a minority setting a real chance to move their issue forward.

Arguments against electoral reform

Those analysts who argue against electoral reform claim that minority governments have a number of negative characteristics that are actually more harmful to democracy than the disproportionality found in the plurality system. A key argument made by supporters of the plurality system is that the imperative for compromise complicates the operation of minority

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34 Please note that arguments against proportional representation on the grounds that it leads to the emergence of many new politics parties were deliberately avoided since the issue could not be addressed in the 38th Parliament.
governments, making them inefficient at best and gridlocked at worst.\textsuperscript{35} This need for compromise is seen to be particularly problematic in times of crisis since it can prevent the government from taking decisive action.\textsuperscript{36} Further troubling is the fact that frustration with legislative delay can make the government attempt to implement its program through executive order rather than legislation, thereby circumventing the legislature.\textsuperscript{37}

Related to the complaint above is the fact that, rather than promoting compromise, minority parliaments can encourage parties to pursue adversarial relationships in the hopes of improving their own standing. Parties in a minority parliament usually perceive themselves as being in a continual election.\textsuperscript{38} Opposition parties that are too supportive of the government may suffer for it when an election is eventually called, as was the case when the federal NDP lost half its seats following its close partnership with Trudeau’s Liberal minority government from 1972-1974.\textsuperscript{39} In contrast, opposition parties may gain support if they can present themselves as taking a principled stand against the government on a controversial issue. This latter reality provides opposition parties with an incentive to withdraw their support from a minority government at strategic moments.\textsuperscript{40} 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 was the case with the PCs in 1958 and the Liberals in 1974.\textsuperscript{41} As such, minority parliaments are likely to be shorter and less stable than their majority counterparts.\textsuperscript{42}

A third argument against minority governments is based on the premise that the process of coalition forming reduces Canadians’ ability to express their preferences on the make-up of the government and the agenda it pursues. The plurality system’s tendency to reward the largest party has forced parties that wish to become the national government to adopt a brokerage style of politics that features compromise between different interests within each party prior to an election.\textsuperscript{43} This pre-election coalition building allows voters to cast their ballots knowing which alliances have been formed and what platforms that they have agreed to. In contrast, the formation of coalition governments in post-election negotiations between parties can be seen to deprive the electorate of the chance to express their views on the composition of the executive and the establishment of its priorities.\textsuperscript{44} Even issue-by-issue compromise can be seen to undermine democracy since it modifies the electoral platforms presented by the parties and thereby prevents citizens from having any input into which legislative proposals move forward in the parliament. Moreover, inter-party negotiations can force the government to focus on issues that may be important to smaller parties, but not the majority of citizens, a phenomenon that some refer to as the “tyranny of the minority.”\textsuperscript{45}

\textsuperscript{35} Forsey, “The Problem of “Minority”, pp. 3-4.
\textsuperscript{38} \textit{Ibid}.
\textsuperscript{40} Dobell, “What could Canadians,” p. 9.
\textsuperscript{41} \textit{Ibid}., pp. 7-9.
\textsuperscript{42} Franks, \textit{The Parliament of Canada}, p. 49.
\textsuperscript{43} Pellerin and Thomson, “Proportional Representation is likely,” p. 57.
\textsuperscript{44} \textit{Ibid}.
Finally, those opposed to electoral reform stress that the need for compromise in minority parliaments not only undermines the democratic will expressed by citizens in elections, but also hinders citizens’ capacity to hold a government to account in the next election. Since the program of action pursued by a minority government is inherently a mixture between the preferences of different parties, it is very difficult to hold one party responsible for what has taken place. Rather, all parties have the option of passing responsibility for government failures on to their competitors or to take credit for positive government actions for which they were only partly responsible. In this environment of blurred accountability citizens may face a difficult time deciding whether they approved of an incumbent government’s performance. In contrast, majority governments are uniquely responsible for their actions, allowing electors to clearly express their views on the previous government’s track record when they cast their ballots.

Criteria for evaluating the 38th Parliament

Based on the discussion in the two preceding sections, a number of criteria for evaluating the democratic performance of the 38th Parliament can be determined. Criteria relating to the democratic benefits of the minority parliaments include the extent to which the 38th Parliament featured increased: 1) legislative compromise and deliberation; 2) the executive’s accountability 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 the 38th Parliament featured reduced: 1) legislative efficiency; 2) government stability; and 3) accountability to citizens at election. In order to conduct the analysis as efficiently as possible the tables presented in the body of the paper are summaries of more detailed information, which is available in the appendices.

Legislative compromise and deliberation in the 38th Parliament

There are two main indicators that will be used to determine the extent to which the 38th Parliament featured greater compromise and deliberation around legislation than its predecessors: the number of government bills referred to committee stage before second reading and the total number of bills dealt with by committees. As described above, proponents of electoral reform argue that minority governments are forced to compromise with opposition parties and to accept changes to their legislative proposals. Moreover, the opposition can defeat the government on any vote in either committee or the House of Commons. Consequently, one would expect that more bills would be passed with amendments in a minority situation than would be the case in a majority parliament. Moreover, it would also seem likely that the amendments passed in a minority parliament would have greater substance, since the opposition parties can join together to pass more controversial amendments. However, attempts to quantify the substance of an amendment are inherently subjective, with amendments that seem trivial to the average observer often being of great importance to a particular segment of the population. Therefore, to avoid debates as

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46 Pellerin and Thomson, “Proportional Representation is likely,” p. 57.
48 Ibid.
to what constitutes a subjective amendment, this report will focus only on whether the number of bills amended changed during the minority situation.

According to the Standing Orders, all bills must be referred to a committee after either first or second reading. The committees then conduct detailed studies of the bills, often calling witnesses to testify on the legislation and then performing a thorough clause-by-clause review of its provisions. As a result, the committee stage is where the bulk of amendments are likely to take place. Table 1 compares the number of bills that were amended at committee stage in the 36th, 37th and the 38th Parliaments. In an effort to control for outside influences and isolate the impact of the change from a majority to a minority parliament, the Table only includes data from the sixteen thematic standing committees that existed in all three legislatures. For ease of comparison, the data for each session has been standardized to a session length of 150 sitting days. The specific number of bills reported by each of the sixteen committees in each Parliament can be found in Appendices 1-6. An unstandardized version of Table 1 can be found in Appendix 7.

Table 1: Comparison of government bills reported to the House of Commons by selected standing committees during the 36th, 37th and 38th Parliaments, standardized to a session of 150 sitting days

<table>
<thead>
<tr>
<th>Bills referred after 2nd reading</th>
<th>36.1</th>
<th>36.2</th>
<th>37.1</th>
<th>37.2</th>
<th>37.3</th>
<th>38</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported with amendment(s)</td>
<td>21</td>
<td>15</td>
<td>18</td>
<td>15</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Not amended</td>
<td>14</td>
<td>10</td>
<td>13</td>
<td>8</td>
<td>3</td>
<td>15</td>
</tr>
<tr>
<td>Bills referred before 2nd reading</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reported with amendment(s)</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>Not amended</td>
<td>1</td>
<td>-</td>
<td>0</td>
<td>2</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Total bills reported</td>
<td>37</td>
<td>25</td>
<td>32</td>
<td>26</td>
<td>19</td>
<td>39</td>
</tr>
<tr>
<td>Total % reported with amendment(s)</td>
<td>59%</td>
<td>60%</td>
<td>59%</td>
<td>61%</td>
<td>45%</td>
<td>56%</td>
</tr>
</tbody>
</table>

Table 1 produces some rather interesting results regarding the theory that minority parliaments will be more likely to amend legislation at the committee stage. If one looks only at Bills referred to committees after second reading, the 38th Parliament was the only period in which more bills were reported without amendments than were reported with amendment(s). However, once bills referred to committee before second reading are included, the situation becomes much different. A full 80% of this latter group were reported with amendment(s), raising the overall percentage of bills reported with amendment(s) in the 38th Parliament to 56%. This outcome suggests that the majority of the bills sent to committee after second

50 The 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.
reading were relatively uncontroversial and did not need amendments while most of the bills sent to committee before second reading required adjustment before they could receive committee support. Since bills sent to committee before second reading are those on which the government has yet to take a definite position, the high rate of amendments would suggest that the committee actually took the opportunity to conduct a meaningful debate on these bills. Thus, while there was no change in the proportion of bills amended by Standing Committees in the 38th Parliament, the committees did focus on amending those bills on which they could have the greatest influence.

While it can be significant in and of itself, the amending of a bill by a committee has little meaning if the altered bill is not subsequently passed by Parliament. This is particularly true of bills amended before second reading since the amendments made are likely to be of a more substantial nature. In order to explore whether committees have an impact on the final content of bills, Table 2 examines the fates of the bills that were sent to committee stage before second reading that were included in Table 1. To facilitate comparison the results presented have been standardized to a session length of 150 sitting days. An unstandardized version of the table is available in Appendix 8.
Table 2: Outcome of bills sent to committee stage before 2nd reading that were reported back to the House of Commons by selected standing committees in the 36th, 37th and 38th Parliaments, standardized to a session of 150 sitting days

<table>
<thead>
<tr>
<th>Outcome</th>
<th>36.1</th>
<th>36.2</th>
<th>37.1</th>
<th>37.2</th>
<th>37.3</th>
<th>38</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amended by committee</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Royal assent</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>Not passed</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Not amended by committee</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Royal Assent</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Not passed</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

The table demonstrates that very few bills were sent to these committees before second reading prior to the introduction of Paul Martin’s action plan for democratic reform in the third session of the 37th Parliament. Notably, all bills that were sent to committees before second reading tended to very successful, with only a handful failing to receive Royal Assent. However, it is also clear that the 38th Parliament saw a large increase in the absolute number of bills amended by committee prior to second reading that went on to receive Royal Assent. Therefore it appears that the 38th Parliament was more likely to amend bills referred to committee before second reading and to pass them as well.

Legislative efficiency in the 38th Parliament

As mentioned above, critics of electoral reform often argue that minority legislatures are less efficient at passing legislation than their majority counterparts. Table 3 attempts to test this hypothesis by comparing the number of government bills introduced and the number of government bills passed in the 36th, 37th and 38th Parliaments. For easier comparison, the results in the table are standardized to a session of 150 sitting days. An unstandardized version of the table can be found in Appendix 9.

Table 3: Legislative efficiency of the 36th, 37th and 38th Parliaments, standardized to a session of 150 sitting days

<table>
<thead>
<tr>
<th></th>
<th>36.1</th>
<th>36.2</th>
<th>37.1</th>
<th>37.2</th>
<th>37.3</th>
<th>38</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government bills introduced</td>
<td>52</td>
<td>56</td>
<td>53</td>
<td>59</td>
<td>98</td>
<td>86</td>
</tr>
<tr>
<td>Government bills passed</td>
<td>43</td>
<td>34</td>
<td>42</td>
<td>28</td>
<td>57</td>
<td>50</td>
</tr>
<tr>
<td>Government bills negatived</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>% success rate of bills introduced</td>
<td>82%</td>
<td>60%</td>
<td>79%</td>
<td>47%</td>
<td>58%</td>
<td>58%</td>
</tr>
</tbody>
</table>

As can be seen in the table, the 38th Parliament passed proportionately more bills than both sessions of the 36th Parliament and the first two sessions of the 37th. This productivity means that the 38th Parliament was able to use its time more effectively than most other recent

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54 Ibid.
sessions of the Parliament, which would seem to invalidate claims that minority parliaments are inherently inefficient. Furthermore, while the success rate for government bills in the 38th Parliament was lower than that during the 36th Parliament, it was still equal to or greater than the success rate for government bills found in the last two sessions of the 37th Parliament. Therefore, it would appear that while the 38th Parliament was not the most efficient in recent history, it was no less efficient than the majority government that it followed.

**Role of private members in the 38th Parliament**

As discussed above, analysts predict that recent procedural changes should allow private members to play a larger role in minority parliaments, thereby increasing their capacity to represent the interests of their citizens. Regrettably, it is difficult to directly measure the role of private members in the House since it includes criteria that are not easily quantified, such as a member’s ability to take part in meaningful 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 5 presents the outcome of the private members bills that reached second reading debate in the 37th and 38th Parliaments. The information is standardized to reflect a session length of 150 sitting days. An unstandardized version can be found in Appendix 10.

**Table 4: Outcome of private members bills that reached second reading debate in the 37th and 38th Parliaments, standardized to a session of 150 sitting days**

<table>
<thead>
<tr>
<th></th>
<th>37.1</th>
<th>37.2</th>
<th>37.3</th>
<th>38</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private members bills to reach second reading</td>
<td>46</td>
<td>44</td>
<td>87</td>
<td>44</td>
</tr>
<tr>
<td>Private members bills passed</td>
<td>0</td>
<td>4</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Success rate of bills reaching second reading</td>
<td>0%</td>
<td>9%</td>
<td>9%</td>
<td>9%</td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Senate bills introduced</td>
<td>29</td>
<td>21</td>
<td>17</td>
<td>36</td>
</tr>
<tr>
<td>Other Senate bills passed</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Success rate</td>
<td>20%</td>
<td>10%</td>
<td>6%</td>
<td>8%</td>
</tr>
</tbody>
</table>

As the table shows, there was no significant change in the number of private members bills passed by the House during the 38th Parliament. Rather the success rate was constant with that found in the last two sessions of the 37th Parliament, with 9% of bills reaching second reading going on to receive royal assent. A relatively similar success rate was seen among private bills introduced in the Senate, although the success rate for private members bills in both the House and the Senate was significantly different during the first session of the 37th Parliament (higher in the former, lower in the latter). However, despite this anomaly, the presence of a minority parliament still did not appear to have any significant impact on the success of private members bills.
Executive accountability in the 38th Parliament

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.55

The tools of executive accountability at Parliament’s disposal generally fall into two broad groups: those that are exercised by standing committees and those exercised by the House of Commons as a whole. As described above, standing committees are required to review the annual estimates for the government departments and agencies falling under their mandate. Committees may also initiate studies into the functioning of government departments and have the authority to review “the relevant statute law; departmental or agency objectives; immediate, medium-and long-term expenditure plans; evaluations of activity against stated objectives; and any other matter relating to departmental or agency mandates or operations.”56 While these studies are non-binding, they give MPs an opportunity to voice their views on the executive and offer citizens the chance to express their concerns by testifying at committee hearings.57 Moreover, committees have the power to demand that the government respond to a study within 150 days of its being reported to the House, thereby forcing the executive to address the studies’ findings and recommendations.58 Consequently, committee studies can be effective tools for drawing public attention to the failures of the executive, particularly where there is all party agreement on the findings of the study.59

In addition to studies, standing committees may also pass motions calling for the government to adopt certain policies or to investigate a particular issue. These motions may come after the committee has deliberated on an issue or can be voted on immediately without prior discussion. Ministers may also ask standing committees to review nominees for Order-in-Council appointments. While the committee cannot reject the nomination, it can investigate the nominee and report its opinion as to whether the person is qualified for the position.60

Finally, committees may be asked to review regulations that the government is introducing under a piece of enabling legislation.

Table 4 summarizes the actions of the sixteen thematic standing committees that existed continuously from the 36th to the 38th Parliaments. As with previous tables the results are standardized to a session of 150 sitting days to allow for easier comparison. A full account of the actions conducted by each committee during each session can be found in Appendices 1 to

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6 while an unstandardized version of Table 5 can be found in Appendix 11.

Table 5: Comparison of executive oversight exercised by selected standing committees in the 36th, 37th and 38th Parliaments, standardized to a session of 150 sitting days

<table>
<thead>
<tr>
<th></th>
<th>36.1</th>
<th>36.2</th>
<th>37.1</th>
<th>37.2</th>
<th>37.3</th>
<th>38</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motions for government action</td>
<td>3</td>
<td>9</td>
<td>5</td>
<td>10</td>
<td>8</td>
<td>30</td>
</tr>
<tr>
<td>Studies</td>
<td>45</td>
<td>41</td>
<td>44</td>
<td>60</td>
<td>25</td>
<td>46</td>
</tr>
<tr>
<td>Estimates altered</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>Appointments reviewed and accepted</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Appointments reviewed and rejected</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Non-confidence in Officer of Parliament</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>Regulations reviewed without amending</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Regulations reviewed with amendment</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>

The data shows that while the number of studies and regulations reviewed by committees was relatively constant in all of the sessions observed, the 38th Parliament experienced a large increase in: 1) the number of appointments reviewed; 2) the number of estimates altered; and 3) the number of motions for government action. Specific examples of these three types of activities will now be presented in order to offer a more holistic view of how these tools were employed during the 38th Parliament.

In terms of the review of appointments, the majority of nominees studied ultimately received the committee’s endorsement for the position. This high success rate suggests that the government carefully selected its nominees so as to avoid potential embarrassments during the review process. However, the government’s respect for the review process (and for Parliament as a whole) was cast into doubt over the appointment of former Winnipeg Mayor Glen Murray to the position of Chair of the National Roundtable on the Environment and the Economy. The Standing Committee on the Environment and Sustainable Development was tasked with reviewing the nomination and ultimately recommended that Mr. Murray should not be appointed due to his close ties to the Liberal party. However, the Prime Minister chose to disregard the committee’s finding and made the appointment anyway, leading the Committee’s opposition members to take revenge during the estimates process, as is described below. Nevertheless, the failure to endorse Mr. Murray’s appointment demonstrated that the standing committees were willing to reject candidates were they unqualified.

Turning to the review of estimates, Table 4 shows there were only two occasions when the estimates were altered by standing committees in the 36th and 37th Parliaments, both of which occurred in second session of the latter. One such incident occurred when the Standing Committee Government Operations reduced the budget of Privacy Commissioner George Radwanski by $1,000 in order to express their concerns about the inflated size of his budget.

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and their disapproval over his failure to appear to justify his expenses. The second incident involved a 2.9% reduction in the budget for VIA Rail, the exact reasons for which are unknown as the committee was meeting in camera during the vote.

In the 38th Parliament, opposition parties used the estimate review process as a tool for holding the government to account for actions that were considered to be inappropriate. In November 2005, opposition members on the Government Operations and Estimates committee decided that the Privy Council Office (PCO) should not have conducted polls to determine how to defuse the public impact of the Auditor General’s 2005 report. In order to express this displeasure, they voted to reduce the PCO’s budget by $127,233, which was the reported cost of the poll. At the same meeting, the opposition members also decided to cut the budget for the Office of the Governor General by 10% or $417,000 on the grounds that it had not been moving quickly enough to reduce costs. In March 2005, opposition members on the Standing Committee on Foreign Affairs also reduced the supplementary estimates for the Department of Foreign Affairs by $1. The move was a symbolic action to express dissatisfaction with the government’s underfunding of the Department.

The estimates process was also used to teach the government that it would pay a price for failing to give Standing Committees the respect they deserve. Opposition MPs on the Standing Committee on the Environment took their revenge on the Prime Minister over Glenn Murray’s appointment by cutting the budget for the National Roundtable on the Environment and the Economy by $40,000, which they considered to be the salary Mr. Murray would receive in his capacity as Chair. Likewise, when the Minister for Public Works twice failed to appear before the Committee on Government Operations and Estimates, opposition members decided to punish him by cutting his salary and travel expenses out of the Department’s budget. The opposition MPs on the Committee for Citizenship and Immigration also voted down all supplementary estimates for Citizenship and Immigration Canada on the grounds that the Minister had not adequately explained the need for the

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66 Ibid.
funds. However, the Immigration Committee agreed to give the Minister a second chance to explain and were eventually convinced to approve the estimates. Opposition parties in the 38th Parliament were clearly quite effective at using the estimates review process to hold the government accountable for its actions.

With regard to motions for government action, the 38th Parliament marked a massive increase in the number of motions passed and the diversity of their content. Prior to the 38th Parliament, almost half of all committee motions were passed by the Standing Committee on Foreign Affairs and International Trade, which usually sought to urge the government to respond to a breaking international issue. The remaining motions passed by the other committees were generally raised on technical matters related to the committee’s area of focus, such as when the Health Committee called on the government to create a conflict of interest policy for the Canadian Institutes of Health Research or when the Standing Committee on National Defence and Veteran’s Affairs called on the government to extend the expansion of benefits for surviving spouses to include the surviving spouses of veterans who had already passed away. By and large these motions were not confrontational and did not draw attention to the failure of the government.

In contrast, the motions passed during the 38th Parliament covered a broader range of topics and were often much more confrontational. Many committees passed motions seeking to address shortcomings in existing government policies, such as the Health Committee’s motion to compensate all victims of Hepatitis C, the Immigration Committee’s motion for the creation of a new system for temporary resident visas, the Heritage Committee’s motion to increase the funding available to the CBC, and the Justice Committee’s repeated motions to stop the closure of RCMP detachments in Quebec. Other motions called for the government to: defend Canada’s 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 living in the Philippines; establish a commission to review the mandate of the CBC; and improve the system for increased transparency in the appointment of judges. While there were a number of non-confrontational motions as well (e.g. the Citizenship and Immigration motion for Canada Post to issue a series of stamps in honour of the 50th anniversary of the first significant refugee movement to Canada), standing committees in the 38th Parliament were much better able to use motions as a tool for holding the executive to account than were their predecessors in the two previous Parliaments.

Turning to the executive oversight exercised by the House of Commons, the House’s...
The strongest tool for holding the executive accountable is its ability to withdraw confidence in the government and thereby trigger an election. However, this is a very strong power and must be used with care as the public can be very unkind to parties that are seen to force an election without cause. As a result, the threat of nonconfidence is usually done carefully, with the government accepting most demands from the opposition so long as opposition keeps its demands reasonable. The House of Commons can also hold the government to account during the passage of the Throne Speech and the budget implementation act, both of which lay out the government’s priorities and how it plans to achieve them. In addition, the House can block legislation that the government needs to implement its agenda and can disrupt the functioning of parliament until the government agrees to make needed changes.

The 38th Parliament started with a fairly cooperative atmosphere in the House of Commons, with all parties agreeing to amend the government’s 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. While the Conservatives and Bloc threatened to vote against the speech if the amendment failed, all parties were able to come to a unanimous agreement.

The spirit of cooperation proved to be relatively shortlived, however, and by early 2005 there was open conflict between the government and the opposition parties. The first major incident in which the House of Commons forced the government to alter its 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 two separate entities. The opposition parties intended the outcome to express their disapproval with the split, which had already begun despite the lack of formal legislative approval.

Conflict then surfaced again during the debate on the 2005 federal budget. The Conservative party initially supported the budget because of its tax cuts for business and increased military spending. In contrast, the NDP criticized it for lacking support for education and environmental programs while the Bloc opposed it for failing to expand eligibility for employment insurance and increase transfer payments to Quebec. However, the situation changed after testimony given at the Gomery Inquiry into the Sponsorship Scandal caused the Conservatives to decide that the Liberal government was corrupt and needed to be ended, while the NDP saw an opportunity to force changes that it desired in the budget. Ultimately, the Liberal government decided to amend the budget to secure NDP support, agreeing to delay corporate tax cuts in order to provide $4.6 billion in new spending on post-secondary

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education, affordable housing, foreign aid, and public transit. However, the government then began to postpone the budget vote at second reading, fearing that it would not pass even with the support of the NDP. In response, the Bloc and the Conservatives joined together 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 relented and agreed to hold the budget vote, which passed with the tie breaking support of the Speaker. The Liberals also managed to ensure the budget passed at third reading by making a deal with the Bloc under which that party would support a motion for the closure of debate on the budget in return for the passage of same sex marriage legislation before the summer recess. The Conservatives were unprepared for the snap vote caused by closure and were unable to muster the numbers needed to defeat the budget.

Eventually, however, the fallout from the sponsorship scandal did catch up with the Liberals. Following the release of the first instalment of the Gomery Report the Bloc and Conservatives again stated that the Liberal government had lost the moral authority to govern and should face an election immediately. The NDP then entered into negotiations with the Liberals, seeking further concessions in return for continued support. After the Liberals failed to provide a satisfactory response, the NDP joined with the other opposition parties to pass a non-binding motion that called on the government to dissolve Parliament in January for a vote on February 13, 2006. However, the Liberals stated that they would ignore the opposition motion, leading the opposition parties to pass a motion of non-confidence against the government on November 29, 2005.

The House of Commons in the 38th Parliament clearly had significant power to hold the government to account for its actions. MPs were able to amend the throne speech and the budget, negative implementing legislation and force votes on controversial bills, none of which occurred during the preceding majority governments. The opposition parties were also able to withdraw their confidence when the government refused to call an election that the opposition parties felt was needed to allow voters to pass their judgement on the findings of the inquiry into the sponsorship scandal.

However, there were still many ways in which the government was able to advance its agenda without having to answer to the legislature. Examples of government action that took place without Parliamentary consultation or consent include the deployment of the military to

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Afghanistan; the launch of the “New Deal for Cities and Communities”; the signing of child care agreements with each province and territory; the creation of labour market agreements with Ontario and Manitoba; the development of the “Kelowna Accord” with Canada’s First Nations peoples; and the negotiation of accords for the sharing of offshore oil revenues with the Maritime provinces. While these initiatives would require budgetary appropriations to implement, their launch by the government raised expectations among partners and committed the government to a particular policy direction that would be hard to alter. In addition, the government also maintained its traditional executive prerogatives including appointment of a new Governor General and new Senators. Therefore, while the 38th Parliament was able to hold the government to greater account than many of its predecessors, the government still had considerable freedom to act thanks to its ability to enter into agreements and make appointments to certain positions without Parliament’s consent.

As a final note, there were also some signs that the opposition parties used the threat of holding the government to account in order to pursue their own agendas. The use of accountability provisions to obtain partisan gains appears to have been conducted by the NDP, who threatened to withdraw their support if the government did not amend the 2005 budget, and the Bloc, who helped the government to pass the budget at third reading on the condition that the government bring same sex marriage legislation to a vote before the 2005 summer recess. While these agreements were legitimately conducted, they did delay an election for several months even though both the Bloc and the NDP repeatedly claimed that the sponsorship scandal had deprived the Liberals of the moral authority to govern.

**Government stability**

Critics of minority government claim that they are much less stable than their majority cousins, which causes them to last for a shorter period of time. To test this hypothesis, Table 6 compares the length of the 36th, 37th and 38th Parliaments in both terms of both the number of sitting days and time between elections.

<table>
<thead>
<tr>
<th>Months between elections</th>
<th>36th Parliament</th>
<th>37th Parliament</th>
<th>38th Parliament</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sitting days</td>
<td>381</td>
<td>422</td>
<td>160</td>
</tr>
</tbody>
</table>

The Table 5 demonstrates that the 38th Parliament was less than half as long as its two immediate predecessors, both in terms of the number of months between elections and the number of sitting days. The discussion of executive accountability above makes it clear that 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 at which the government nearly fell on a confidence vote whose outcome was uncertain, with the second reading vote on the budget in May 2005 being perhaps the most dramatic example. As a result, it could be easily stated that the 38th

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Parliament was less stable than the majority governments that it followed.

**Citizens’ ability to hold the government and parliament to account in elections**

As of yet there is no detailed evidence available to indicate if the various compromises that took place between the government and the opposition parties during the 38th Parliament caused confusion among voters when they attempted to decide whom to hold accountable for the government’s strengths and failures. However, a brief examination of the parties’ election platforms indicates that there was the possibility for confusion since both the Liberals and the NDP took credit for the same provisions in the 2005 Budget.

As discussed above, the NDP supported the Liberals in exchange for concessions on the budget in the form of higher spending on social, environmental, and international development programs. When it was introduced into the House of Commons, the NDP referred to the amendment as the “NDP Budget” and continued to use this term throughout the 2005-2006 election campaign. The NDP also took credit for the fact that the budget was balanced, paid down the debt, contained tax relief for small businesses, and did not contain any new tax provisions. However, the Liberal platform also took credit for the amendment’s spending as well as the budget’s fiscal balance, debt repayments, and tax provisions.

In reality, neither party can completely take credit for all elements of the budget. The NDP is right to point out that the Liberal party would not have increased social spending were it not forced to as the Liberals would have done so in the original budget had it been their true intention. However, since the budget amendment dealt only with the reallocation of $4.6 billion in planned tax cuts towards new spending, the overall balance of the budget, its provisions for debt repayments and its tax breaks for small business can most directly be attributed to the original budget document tabled by the Liberals. Therefore, both parties are taking responsibility for elements of the budget that they are not directly responsible for, which could potentially mislead the electorate. Furthermore, neither the Liberals nor the NDP can take complete credit for the budget since it was the Bloc Quebecois who supported the motion for closure that allowed the budget to pass third reading while the Conservatives were unprepared. In addition, the budget would not have passed second reading without the support of a number of independent members, including Carolyn Parish and Chuck Cadman, as well former Conservative MP Belinda Stronach, who joined the Liberal party in exchange for a cabinet post. Clearly voters likely had a difficult time deciding whom to hold accountable for the 2005 budget.

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Conclusion

It has been argued that Canada’s plurality electoral system is undemocratic since it often allows parties receiving less than half of the popular vote to receive a majority of Parliamentary seats. These artificial majority governments are then able govern without listening to the opposition parties and can use their majority to stifle legislative compromise, executive accountability, and legislative initiatives by private members. Several analysts have suggested that this problem should be corrected by changing the electoral system to increase the proportionality between a party’s share of the vote and its share of legislative seats. However, while this type of reform would reduce that likelihood that a party could form a government with less than a majority of the vote, it would also greatly increase the frequency of minority governments. Opponents of electoral reform argue that the need for compromise within minority parliaments tends to make them less efficient, less stable and less accountable to voters since it is unclear which party is responsible for which action.

This paper has attempted to reduce the uncertainties around electoral reform by using the 38th Parliament as a test case for exploring whether electoral changes that increase the frequency of minority governments would improve or harm the quality of democracy in Canada. While some argue that the impact of electoral reform on Canada’s political system would be so great as to make meaningless any comparisons with existing Parliaments, these arguments ignore the fact that Parliamentarians elected by a new electoral system would still face the same rules, procedures and conventions as those elected under the current system. As such, evaluating the functioning of current minority governments should shed some light as to how government would change should minority Parliaments become more frequent.

The study found that the several of the arguments in favour of electoral reform were validated by the events of the 38th Parliament. In comparison with its two immediate predecessors, the 38th Parliament featured greater legislative compromise between parties, with far more government bills going to committee stage prior to second reading. The Parliament’s ability to hold the executive accountable was also greatly improved, with standing committees able to amend budgetary estimates, review candidates for appointment and pass many motions calling for government action. Likewise, the House of Commons was able to exercise accountability by negativing legislation, amending the budget and the throne speech and by withdrawing its confidence from the government. Curiously, predictions about private members having a greater role in minority parliaments did not stand up to testing, with no change being observed in the number of private members bills that were passed.

In addition to verifying several presumed benefits of minority parliaments, the relatively high legislative output of the 38th Parliament suggests that minority governments are not inherently inefficient, countering one of the main arguments against electoral reform. However, claims that minority governments are more instable and shorter lived were supported by the events of the 38th Parliament. Furthermore, there were also some signs that the inter-party compromises that took place in the 38th Parliament may have hurt the public’s ability to hold the government to account in the following election since several parties took credit for the same government programs. Moreover, the NDP’s ability to force amendments to the 2005 budget suggests that minority parties in the 38th Parliament had more influence on government policy than their share of the vote would predict, possibly validating concerns about the “tyranny of
the minority” expressed by those opposed to electoral reform.

While more study is required to measure the impact of the minority parliament on citizens’ ability to hold the government to account at election, the overall results of this study would suggest that the potential democratic benefits of minority parliaments may outweigh the costs. The 38th Parliament certainly featured greater legislative compromise and executive accountability than has been seen in House of Commons in many years and the problems that it experienced do not appear to be insurmountable. For example, while the Parliament was certainly less stable and shorter lived, it was still able to deal with several difficult issues (e.g. same sex marriage). Likewise, although the issue of voter confusion is certainly of concern, the media will hopefully be able to debunk parties’ attempts to claim more than their share of the credit for the government’s successes or avoid their share of the blame for its failures. The possibility of the “tyranny of the minority” can also be kept in check if the governing party is willing to stick to its principles and suffer the loss of confidence rather than given in to demands it considers to be unreasonable.

While the events of the 38th Parliament would suggest that Canada’s democracy could be improved through the adoption of an electoral system that increased the frequency of minority governments, more research needs to be done before it can be said conclusively that Canada should conduct electoral reform. The context of the 38th was quite unique, as there has seldom been a time in Canadian history when the past conduct of the governing party was under such close scrutiny and criticism. In addition, the Martin government was committed to empowering Parliamentarians to take a more active role in scrutinizing the actions of the government. Consequently, the 39th Parliament should be studied to see if these findings about the 38th Parliament are replicated when another party is in government. In addition, there also should be study into: 1) whether the instability of minority governments can prevent the government and parliament from addressing longer term problems or from taking needed but unpopular action on controversial issues; 2) whether voters’ ability to cast an informed ballot is significantly hindered by the compromise in minority parliaments; 3) whether more frequent elections would increase voter fatigue; and 4) whether parties can raise sufficient funds to participate meaningfully in election campaigns. Hopefully answers to these questions will help Canadians make an informed decision about the pros and cons of reforming their electoral system.
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Appendix 1: Summary of Committee Activities in the 36th Parliament, 1st Session

<table>
<thead>
<tr>
<th></th>
<th>AAND</th>
<th>AGRI</th>
<th>CIMM</th>
<th>CHPC</th>
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<th>FINA</th>
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<th>NRGO</th>
<th>HESA</th>
<th>HUMA</th>
<th>INDU</th>
<th>JUST</th>
<th>NDDN</th>
<th>PACP</th>
<th>TRAN</th>
<th>Total</th>
<th>STD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bills reported with amendment</td>
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<td>1</td>
<td>1</td>
<td>4</td>
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Note: There were 248 sitting days in the 1st session of the 36th Parliament.

AAND = Aboriginal Affairs and Northern Development
AGRI = Agriculture and Agri-Food
CIMM = Citizenship and Immigration
CHPC = Canadian Heritage
ENVI = Environment and Sustainable Development
FINA = Finance
FOPO = Fisheries and Oceans
FAAE = Foreign Affairs and International Trade
NRGO = Natural Resources and Government Operations
HESA = Health
HUMA = Human Resources Development and the Status of Persons with Disabilities
INDU = Industry
JUST = Justice and Human Rights
NDDN = National Defence and Veterans Affairs
PACP = Public Accounts
TRAN = Transport

STD = Standardized to a session length of 150 days
### Appendix 2: Summary of Committee Activities in the 36th Parliament, 2nd Session

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**Note:** There were 133 sitting days in the 2nd Session of the 36th Parliament.

AAND = Aboriginal Affairs and Northern Development  
AGRI = Agriculture and Agri-Food  
CIMM = Citizenship and Immigration  
CHPC = Canadian Heritage  
ENVI = Environment and Sustainable Development  
FINA = Finance  
FOPO = Fisheries and Oceans  
FAAE = Foreign Affairs and International Trade  
NRGO = Natural Resources and Government Operations  
HESA = Health  
HUMA = Human Resources Development and the Status of Persons with Disabilities  
INDU = Industry  
JUST = Justice and Human Rights  
NDDN = National Defence and Veterans Affairs  
PACP = Public Accounts  
TRAN = Transport  

STD = Standardized to a session length of 150 days
## Appendix 3: Summary of Committee Activities in the 37th Parliament, 1st Session

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*Note*: There were 214 sitting days in the 1st Session of the 37th Parliament.

AANR = Aboriginal Affairs, Northern Development, and Natural Resources

AGRI = Agriculture and Agri-Food

CIMM = Citizenship and Immigration

CHPC = Canadian Heritage

ENVI = Environment and Sustainable Development

FINA = Finance

FOPO = Fisheries and Oceans

FAAE = Foreign Affairs and International Trade

OGGO = Government Operations and Estimates

HESA = Health

HUMA = Human Resources Development and the Status of Persons with Disabilities

INDU = Industry, Science and Technology

JUST = Justice and Human Rights

NDDN = National Defence and Veterans Affairs

PACP = Public Accounts

TRAN = Transport

STD = Standardized to a session length of 150 days
### Appendix 4: Summary of Committee Activities in the 37th Parliament, 2nd Session

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**Note:** There were 153 sitting days in the 2nd Session of the 37th Parliament.

AANR = Aboriginal Affairs, Northern Development, and Natural Resources  
AGRI = Agriculture and Agri-Food  
CIMM = Citizenship and Immigration  
CHPC = Canadian Heritage  
ENVI = Environment and Sustainable Development  
FINA = Finance  
FOPO = Fisheries and Oceans  
FAAE = Foreign Affairs and International Trade  
OGGO = Government Operations and Estimates  
HESA = Health  
HUMA = Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities  
INDU = Industry, Science and Technology  
JUST = Justice and Human Rights  
NDDN = National Defence and Veterans Affairs  
PACP = Public Accounts  
TRAN = Transport  
STD = Standardized to a session length of 150 days
## Appendix 5: Summary of Committee Activities in the 37th Parliament, 3rd Session

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<th>HESA</th>
<th>HUMA</th>
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*Note:* There were 55 sitting days in the 3rd Session of the 37th Parliament.

AANR = Aboriginal Affairs, Northern Development, and Natural Resources  
AGRI = Agriculture and Agri-Food  
CIMM = Citizenship and Immigration  
CHPC = Canadian Heritage  
ENVI = Environment and Sustainable Development  
FINA = Finance  
FOPO = Fisheries and Oceans  
FAAE = Foreign Affairs and International Trade  
OGGO = Government Operations and Estimates  
HESA = Health  
HUMA = Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities  
INDU = Industry, Science and Technology  
JUST = Justice, Human Rights, Public Safety and Emergency Preparedness  
NDDN = National Defence and Veterans Affairs  
PACP = Public Accounts  
TRAN = Transport  

STD = Standardized to a session length of 150 days
### Appendix 6: Summary of Committee Activities in the 38th Parliament, 1st Session

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<th>FINA</th>
<th>FOPO</th>
<th>FAAE</th>
<th>OGGO</th>
<th>HESA</th>
<th>HUMA</th>
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**Note:** There were 160 sitting days in the 1st Session of the 38th Parliament.

AANO = Aboriginal Affairs and Northern Development  
AGRI = Agriculture and Agri-Food  
CIMM = Citizenship and Immigration  
CHPC = Canadian Heritage  
ENVI = Environment and Sustainable Development  
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OGGO = Government Operations and Estimates  
HESA = Health  
HUMA = Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities  
INDU = Industry, Natural Resources, Science and Technology  
JUST = Justice  
NDDN = National Defence and Veterans Affairs  
PACP = Public Accounts  
TRAN = Transport
Appendix 7: Fate of Government bills sent to committee stage for selected Standing Committees of the House of Commons during the 36th, 37th and 38th Parliaments

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<td>45</td>
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Appendix 8: Comparison of Government Bills reported to the House of Commons by select Standing Committees of the House of Commons during the 36th, 37th and 38th Parliaments

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Appendix 9: Legislative efficiency of the 37th and 38th Parliaments

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<th>37.1</th>
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<td>100%</td>
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Appendix 10: Private members bills in the 37th and 38th Parliaments

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**Senate**

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<td>Success rate</td>
<td>21%</td>
<td>9%</td>
<td>6%</td>
<td>8%</td>
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Appendix 11: Comparison of executive accountability exercised by selected Standing Committees in the 36th, 37th and 38th Parliaments – unstandardized number of activities

<table>
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<tr>
<th></th>
<th>36.1</th>
<th>36.2</th>
<th>37.1</th>
<th>37.2</th>
<th>37.3</th>
<th>38</th>
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<tr>
<td>Motions for government action</td>
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<td>2</td>
<td>1</td>
<td>9</td>
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<tr>
<td>Appointments reviewed and rejected</td>
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<td>Non-confidence in Officer of Parliament</td>
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<tr>
<td>Regulations reviewed without amending</td>
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<td>1</td>
<td></td>
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<td>1</td>
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<tr>
<td>Regulations reviewed with amendment</td>
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