

# Reprint **Island Tides**

Visit [www.islandtides.com](http://www.islandtides.com) to read the current edition and more find more interesting articles on other BC, national & international topics in our extensive archive of newspapers and articles.

Reprint from Volume 22 Number 2

Feb 4, 2010

Commentary by Patrick Brown

## **Shenanigans on the hill: the ins and outs of prorogation, confidence votes, elections, and senate appointments**

### **Prorogation**

There's no doubt that Prime Minister Harper's lengthy prorogation of Parliament in the middle of a Christmas recess has met with widespread public disgust and opposition. While prorogation is the entirely normal way to end one session of Parliament before starting another one, the government does not normally employ it to unilaterally shut down debate.

On January 9, British newspaper *The Economist* commented: 'The argument that previous Prime Ministers frequently prorogued Parliament is no more convincing. In almost every case they did so only once the government had got through the bulk of its legislative business. The Parliament that Mr Harper prorogued still had 36 government bills before it, including measures that form part of the prime minister's much-vaunted crackdown on crime. When it reconvenes, those bills will have to start again from scratch. Past prorogations were typically brief. This time sessions will be separated by a gap of 63 days.'

*The Economist* continues, 'So why shut down Parliament? Breaking six days of silence, Mr Harper said last week that it was a 'routine' move to allow the government to adjust its budget, due on March 4. His spokesman claimed that the 63-day gap between sessions was less than the average prorogation of 151 days since 1867. However, the average in the last three decades has been just 22 days.'

Since the beginning of January, opposition parties and others have suggested amendments to the prorogation prerogative that would require the Prime Minister to consult Parliament before proroguing it in future.

These should be the first order of business at the beginning of the next session—even before the debate on the Speech from the Throne, and before the presentation of the Budget.

### **Confidence Votes, Elections and Alternative Governments**

Many Canadians now expect that the government will lose a confidence vote sometime in 2010; should this occur, the Prime Minister would probably go to the Governor General to request

that a general election be held. The alternative would be for the Governor General to ask the opposition or a coalition of parties if they were ready to form a government.

In order to split the opposition, the PM wishes to maintain the impression that a General Election is the only alternative to letting the government have its way. His calculation is that, at any given time, at least one of the three opposition parties will feel unprepared for an election and to avoid it would support the government during a confidence vote.

However the truth is that the Governor General, legitimately and with ample precedent, has the option to ask an opposition party whether it could form a government. Given current government structure, a viable government would probably be a coalition, although the coalition does not have to have been formed ahead of time.

### **In December 2008**

The Prime Minister's first prorogation of Parliament in December 2008 was a stalling tactic to avoid just this, as the opposition was clearly ready to form a coalition to govern and to vote no confidence.

On CBC recently, spokesman Conservative MP Pierre Poilievre stated that the Prime Minister needed to retain the power to prorogue Parliament (a 'tool') in order to block any effort by the opposition to 'reverse the result of an election.'

However, the 2008 election had, of course, resulted in a second Conservative minority government, so asking the majority opposition to form a government would be entirely consistent with the results of that election. In fact, Mr Poilievre's use of this argument to justify the 2009 prorogation carries with it the implication that the government was recently expecting a repeat of the 2008 situation.

But the PM cannot avoid all confidence votes, particularly in a new post-prorogation session, when a Speech from the Throne and a Budget must be presented. And it would be very difficult for the PM to request prorogation in the middle of the Debate on the Speech or on the Budget. So an alternative government or an election are inevitable.

© Island Tides Publishing Ltd. This article may be reproduced with this attribution, in its entirety, with notification to Island Tides Publishing Ltd.

This article was published (Feb 4, 2010) in 'Island Tides'. 'Island Tides' is an independent, regional newspaper distributing 17,500 print copies throughout the Gulf Islands and the Canadian Strait of Georgia from Victoria to Campbell River to Howe Sound.

Island Tides, Box 55, Pender Island, BC, Canada.  
Email: [islandtides@islandtides.com](mailto:islandtides@islandtides.com).

Phone: 250-629-3660. Fax: 250-629-3838.  
Website: <http://www.islandtides.com>

## Stable Coalition Majority Government

At the time of the 2008 prorogation, the PM was successful in demonizing the opposition parties' efforts to form a credible coalition. But in fact, given the number of apparently safe seats held by the Bloc, it is mathematically difficult for any of the other three parties to form a majority government.

Whether or not an election takes place, the alternatives remain either a Conservative or Liberal minority government, or a Liberal/ NDP coalition (any other combinations seem extremely unlikely).

In fact, a coalition may be the only way to create a stable government. Many countries have them, and they may be an antidote to the sort of partisan deadlock that characterizes two-party states, in countries which do not have proportional representation.

## The Senate Finagle

Having prorogued Parliament till March, the Prime Minister is in a position to fill five vacant positions in the Senate. He has indicated his intention to appoint five individuals who will not only support the government's legislation in Senate votes, but will also favour his point of view on Senate reform.

Clearly, he sees the Senate as just another chamber of partisan opinion. Just as Conservative MP's in the House of Commons are constrained to express no opinions other than

the party line, so Prime Minister Harper expects that his newly appointed senators will do as they are told.

He also plans to revise the membership of Senate committees to reflect that new Conservative plurality in the upper house. This would enable Conservatives to hamstring Senate committees much as they do Commons committees—a tactic that went so far as the publication of instructions to Conservative MPs on how to obstruct the work of the committees.

Both these moves distort the function of the Senate—the chamber of 'sober second thought'—and insult its members, who are, or should be, appointed for their wisdom, eminence, and experience.

Prime Minister Harper favours an elected Senate, probably because he expects that the partisan split in an elected Senate would mirror that in the House of Commons.

However, if the election of Senators were carried out by some system of proportional representation, this might not only break the partisan deadlock, but would give voters an opportunity to judge the aforementioned wisdom, eminence, experience, and capability of independent thought of individual candidates.

Any such changes would clearly require a constitutional amendment, requiring the not only the assent of both Houses of Parliament, but also at least seven provinces representing at least 50% of the population. ☞