The Proposed Reform Act: Power to the People?

Introduction

On December 3, 2013 Michael Chong, Conservative Member of Parliament (MP), introduced Bill C-559, *An Act to amend the Canada Elections Act and the Parliament of Canada Act (reforms) (Reform Act, 2013)*.[1] MP Michael Chong is hopeful that the three changes introduced in the *Reform Act, 2013* will rebalance power between federal party leaders[2] and MPs who belong to the party.[3] He says that over the past several decades there has been a slow accumulation of power in the hands of federal party leaders at the expense of MPs.[4] When federal party leaders have significantly more power than MPs, the party leaders are able to exercise a large degree of control over the legislative process.[5] As a result, MPs become the voice of the party leader instead of actively representing their constituents.[6] This article explains why MP Michael Chong introduced the *Reform Act, 2013*, and it provides a summary of its proposed reforms.

Why was the Reform Act, 2013 introduced?

MP Michael Chong introduced the *Reform Act, 2013* because he says that MPs' ability to represent their constituents has declined over the past several decades.[7] This is a significant problem in a democratic society where Canadians elect MPs as their federal representatives. MP Michael Chong says that MPs are unable to represent their constituents in the House of Commons because federal party leaders exercise a great degree of control over the MPs.[8] For example, votes in the House of Commons are frequently "whipped votes," which means that MPs are not free to vote according to what their constituents want.[9] Rather, party leaders issue strict directions to MPs on how they are expected to vote. MP Brent Rathgeber, who left the Conservative caucus to sit as an Independent in June 2013, complained that MPs are treated like "trained seals" that must toe the party line.[10] In addition to "whipped votes," Jonathan Kay, a National Post journalist, notes that MPs cannot talk candidly to the media without first receiving talking points from the Prime Minister's Office.[11] Overall, one of the main criticisms with the current system is that the constituents' views take a backseat to party ideology.[12]

MP Michael Chong is hopeful that the *Reform Act, 2013* will change the existing power imbalance between the federal party leaders and MPs. To achieve this goal, the *Reform Act, 2013* proposes three reforms.

The Proposed Reforms

1. Candidates do not require the party leader's approval

First, candidates running in a federal election will no longer require the party leader's approval to run (or to put their names forward).[13] Currently, the *Canada Elections Act* stipulates that if a party leader does not approve of the candidate, then the candidate cannot run under the party's banner. The *Reform Act, 2013* seeks to amend the *Canada Elections Act* so that a potential candidate only requires the approval of a nomination officer. Members of the electoral district association would elect the nomination officers. This proposed reform, according to MP Michael Chong, gives greater power to voting Canadians because candidates are selected locally. Additionally, this reform enables local district associations to have greater input regarding the party's direction.[14]

2. Define the structure and governance of caucuses

Second, the *Reform Act, 2013* proposes to define the structure and governance of House of Commons caucuses.[15] Caucus is a term used to describe all the members of a particular political party, and it refers to the meetings of these individuals. The meetings serve as an opportunity for the Cabinet and the backbenchers (that is, anyone who is not a Cabinet minister) to discuss issues and agree on a course of action. Currently, the *Parliament of Canada Act* does not provide a description as to how the caucuses should be structured or governed.[16] The *Reform Act, 2013* would amend the *Parliament of Canada Act* to include the following: a definition of the caucus, a procedure for the expulsion and re-admission of caucus members, and a procedure for the election and removal of a caucus leader.[17] This proposed reform formalizes caucus procedures, and makes caucus leaders accountable to caucus members.

3. Allow caucus to initiate a review of the party leader

Third, the *Reform Act, 2013* will amend the *Canada Elections Act* to include a provision that enables the caucus to initiate a review of the party leader.[18] A review of the party leader will be conducted if the caucus chair receives written notice, signed by at least 15 per cent of the caucus members. At that time, the members of caucus will vote, and a simple majority will determine the result (whether or not the party leader loses his or her seat).[19] This proposed reform would make it necessary for party leaders to maintain the confidence of their caucuses. Instead of party leaders controlling caucus, the party leaders will need to be attentive to the needs of MPs or risk losing the party leader title.

Conclusion

A strong democracy requires that MPs have the ability to represent their constituents in the House of Commons. By rebalancing the power between federal party leaders and MPs, MP Michael Chong is hopeful that the *Reform Act, 2013* will enable MPs to represent their constituents in a manner that is appropriately democratic.

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[1] Bill C-559, *An Act to amend the Canada Elections Act and the Parliament of Canada Act (reforms)*, 2nd Sess, 41st Parl, 2013 (first reading 3 December 2013) .

[2] Currently, five political parties have members who sit in the House of Commons. These parties and the leaders are: (1) Bloc Québécois: leadership position vacant, (2) Conservative Party of Canada: Prime Minister Stephen Harper, (3) Green Party of Canada: Elizabeth May, (4) Liberal Party of Canada: Justin Trudeau, and (5) New Democratic Party: Thomas Mulcair.

[3] Andrew Coyne, "The forces of inertia gather to halt a concrete plan for repairing our damaged democracy" *National Post* (3 December 2013), online: National Post .

[4] *Ibid*.

[5] *Ibid*.

[6] Bill Curry & Stuart A Thompson, "Conservative MPs break ranks more often than opposition" The Globe and Mail (3 February 2013), online: *The Globe and Mail.*

[7] Coyne, *supra* note 3.

[8] *Ibid*.

[9] Curry & Thompson, *supra* note 6.

[10] "'We're not going to vote like trained seals': Rathgeber urges MPs to take a stand as resignation riles Tory ranks" *National Post* (6 June 2013), online: National Post http://news.nationalpost.com/2013/06/06/were-not-going-to-vote-like-trained-seals-rathgeber-urges-mps-to-take-a-stand-as-resignation-riles-tory-ranks/["Trained Seals"].

[11] Jonathan Kay, "In praise of Michael Chong's plan to democratize democracy" *National Post*, online: National Post.

[12] See "Trained Seals", *supra* note 10.

[13] Michael Chong, *Backgrounder for the Reform Act, 2013* at 3, online: Reform Act, 2013.

[14] *Ibid*.

[15] *Ibid* at 4-5.

[16] *Parliament of Canada Act*, RSC 1985, c P-1.

[17] Chong, *supra* note 13 at 4-5.

[18] *Ibid* at 6-7.

[19] *Ibid* at 6.