

Where's "Her Majesty's Loyal Opposition" In The Loyalist Province?

Stewart Hyson

One is tempted to jump on the bandwagon and voice the simple answer: "there ain't any!" But such a flippant attitude would miss the critical point, that "political opposition" is not restricted to the inner sanctum of a legislative chamber but assumes many diverse manifestations in a democracy.

The New Brunswick general election of October 13, 1987, resulted in one of the oddest legislatures in Canadian history.¹ All 58 Members of the Legislature (MLA's) are members of the same party. It is somewhat ironic that New Brunswick, which prides itself as the "Loyalist province" because of its United Empire Loyalist ancestral origins and its strong British ties, should have no "loyal opposition" in its Westminster-styled legislature.

The 51st Legislative Assembly deserves close observation during the next few years. Its uniqueness alone is reason enough to justify such focused attention. But more importantly, the New Brunswick case has served to alert us to the broader dimensions of political opposition in a democracy.

When it comes to the study of opposition in a political system with a

legislature based on the Westminster model, the natural inclination is to focus on "the clash of government and opposition forces" inside the legislative chamber.² There are three relationships based on this clash: 1) the Government vs. the Opposition, as witnessed during major policy and financial debates in the legislature, or during the daily Question Period; 2) the Government vs. formal and informal groups of legislators, as seen in the party caucus and legislative committee meetings; and 3) the Government vs. the private legislator, as is evident when the latter brings a constituency matter to the government's attention or introduces a private member's bill.³ This perspective, while insightful, falls short by not encapsulating all relevant forms of political opposition.⁴ Such overemphasis of the government and opposition clash in the legislative chamber is especially deficient in the case of a legislature that only sits a few days each year. As was reported in an earlier issue of this journal, during the last session of the 50th Legislative Assembly (April 8, 1987 - June 27, 1987), 76 Public Bills and 11 Private Bills were passed in 44 sitting days⁵ - figures like these raise questions about



1 Prince Edward Island, in 1935, elected the only other legislature in Canada in which all members were of the same party.

2 Michael M. Atkinson, "Parliamentary Government in Canada", in Michael S. Whittington and Glen Williams, eds. *Canadian Politics in the 1980's*, 2nd edition. Toronto: Methuen Publications, 1984, p. 340.

3 *Ibid.*, pp.340-347.

4 For a general discussion of "political opposition", see Robert A. Dahl, ed. *Political Oppositions in Western Democracies*. New Haven, Conn.: Yale University Press, 1966.

5 *Canadian Parliamentary Review*, Vol. 10 no.3 (Autumn, 1987), p. 36. (In addition to the enacted bills, another 16 bills were introduced but not passed.)

the relevancy of legislatures even when there is an official opposition. (But then what should the figures be?)

It is necessary to wait and see what pattern of political opposition unfolds in New Brunswick during the life of the 51st Legislative Assembly. How will those who oppose the Liberal Government marshal their resources and exercise their opposition? Will they be effective? What about the Progressive Conservative Party and the New Democratic Party (NDP), and their efforts to remain viable opposition parties? What role, if any, will be played by the mass media in mounting opposition through their reports on government activities (and inactivities)? Will interest groups be more vigilant and active in their lobbying efforts? Will individual citizens speak out more forcefully than before? These and related questions have already been raised and will be at the forefront of concern during the next few years.

But while we must await the passage of time to observe the patterns of opposition that emerge in New Brunswick, we can note some initial developments arising from the province's peculiar situation.

Background to the 51st Legislative Assembly

The 1987 general election resulted in the defeat of Richard Hatfield's 17-year Government. In fact, it was a devastating defeat as all 58 Conservative candidates, including the Premier, lost their seats. Likewise, all 58 NDP candidates as well as several independent candidates were defeated.

The Liberal party, under the leadership of Frank McKenna, won each of the 58 single-member constituencies. Province-wide, the Liberals won approximately 60% of the popular vote; the PC's about 28% and the NDP 10%.⁶

Accepting personal responsibility for the defeat of his Government, Premier Hatfield announced the day after the election his resignation as PC party leader. Malcolm MacLeod, a former minister in Mr. Hatfield's cabinet and a defeated candidate in the 1987 election, was called upon in late November to be the party's interim leader. The party will hold a leadership selection convention on a yet unspecified date, possibly in 1989, to choose a new full-time party leader.

The NDP leader (George Little) announced his resignation at a news conference on March 1, 1988. Robert Hall, who had won the NDP's first-ever legislative seat in the 1982 general election and had been defeated in his 1987 re-election bid, was appointed interim party leader on March 16, 1988.

The NDP will hold its leadership selection convention in June 1988, in Fredericton, presumably after the completion of the first session of the 51st Legislative Assembly.

As if the problems with being unrepresented in the Legislative Assembly and changing leaders were not enough, both opposition parties also faced immediate funding problems. The *Political Process Financing Act* provides for the public funding of parties with representation in the Legislative Assembly; when the statute was enacted, a situation of no "official opposition" party, or parties, was apparently unforeseen.⁷ Both parties requested funding to be placed at their discretion, to finance office space and equipment, researchers, and secretarial-organizational staff, but Premier McKenna rejected these requests in favour of his counter offer.⁸

Structural Innovations and Other Changes

Not surprisingly, the 1987 election results have brought about a number of changes in New Brunswick politics. Some of these changes are insignificant, such as the decision to start each day's legislative sitting at 8:30 a.m., instead of the usual practice of starting in the afternoon. This time change is supposed to symbolize the new Government's commitment to hard work and frugality; but it is probably more a reflection of Premier McKenna's penchant for early rising. Other changes, however, will very likely have a greater impact on the political process.

First, as mentioned above, both the Progressive Conservatives and the NDP had to take prompt action to choose interim party leaders prior to the opening of the first session on March 22, 1988. Admittedly, neither Malcolm MacLeod nor Robert Hall is a "fresh face", but each is highly experienced in the province's politics and can be expected to be a conscientious critic of the government. Still, there is concern as to how much an interim opposition party leader can do when alone and without a seat in the legislature.

Second, the Conservatives appointed 18 opposition committees – each with about 5 members – to monitor major fields of government activity (eg., education, social policy, and job creation and labour). These specialized committees are intended to allow more policy input by party members, and to assist Malcolm MacLeod in his opposition role. The chairpersons of these committees are mainly former Hatfield cabinet ministers, former MLA's, and/or defeated 1987

6 The percentages have been rounded-off.

7 In previous sessions, the NDP had received public funding even though it did not meet the Act's requirements as an officially recognized party (i.e. the requirements to have received at least 20% of the vote in the previous election and to have at least 5 MLA's).

8 See the fifth point in the next section.

election candidates. Also, the committee members are drawn disproportionately from southern, Anglophone areas of the province, presumably because of their proximity to the provincial capital. The idea of creating these specialized committees was an astute idea, but may be undermined by their composition: essentially old-guard politicians from the party's traditional bases of support. The advice that emanates from these committees may be well informed, but not necessarily innovative in content and direction nor representative of the public's priorities.

“Third, any stickler for parliamentary seating arrangements, such as Winston Churchill, would be aghast at those of the 51st Legislative Assembly. All seats obviously are occupied by Liberal MLA’s, both to the right and to the left of the Speaker. What is really unusual is the fact that the Cabinet is also divided, with half sitting on one side and half on the other. The Premier is seated to the Speaker’s left.”

Fourth, there is the matter of Question Period and major debates on Government policy (eg., Throne Speech Debate, Budget Debate, and debates on Government bills). There is still a daily Question Period, but all questions will be posed by Liberal backbench MLA's. Presumably, the questions will be much the same as those raised and discussed in the party's caucus. Furthermore, many observers are of the opinion that the questioning will lack an adversarial fervour, as there is little incentive for backbenchers to ask potentially embarrassing questions. One interesting innovation concerning policy debates is the so-called "opposition media-day", whereby the day after a major Government announcement such as the Speech from the Throne is set aside, with no legislative sitting, for the opposition parties to deliver their comments at a news conference. At first glance this procedure has the appearance of "fairness", but further reflection reveals numerous flaws. The procedure may be fair, given the situation, but the element of spontaneous thrust and counter thrust found in the legislature will be missing.

Fifth, in regard to the public funding of the opposition, the Conservative and NDP requests for funds to be used at their discretion were turned down. Premier McKenna instead offered the two parties a compromise that included: free office space; use of the Legislative Library; permission to take notes of legislative proceedings from the public gallery; representation (one member without voting rights) on the Legislative Administration Committee which oversees the administration of the legislative building, MLA office space, and legislative services; permission to submit written questions to the Public Accounts Committee; and commitment by the Government to submit its bills and estimates to legislative committees where the opposition

parties will be able to appear and express their opinions. In addition, the Government granted the Legislative Library an extra \$200,000 to hire research staff and improve its facilities. These innovations are reasonable – some would say, "over-generous" – for parties without representation in the



legislature. Whether or not the opposition parties will make effective use of these structural innovations is impossible to predict; but certainly the situation bears watching by all who are interested in legislative reform. Sixth, several interest groups (e.g., the New Brunswick Society of Acadians) have publicly announced intentions to monitor more closely those government programmes affecting their members. There is a general belief that, because of the absence of official opposition parties in the legislature, interest groups will have to be more vigilant in guarding, and more active in promoting, their interests. Again, it remains to be seen if these intentions amount to anything, or can be sustained over the long run.

Finally, there has been considerable speculation as to the mass media's role during the life of the 51st Legislative Assembly. There is certainly a large, potential role for the mass media to fill, through investigative and general news reporting. Unfortunately, New Brunswick's media have traditionally had a less than admirable track record in

investigative journalism and there have been no signs of change in this tradition. The major changes so far have been in general news reporting. Television coverage of legislative debates will be permitted for the first time,⁹ and members of the McKenna Government unlike previous ministers have proven to be much more accessible to the media, including the holding of regular news conferences. Thus, the mass media should be able to prepare better-researched and more authoritative stories on current issues in their news reporting.

Concluding Thoughts

The absence of an official opposition in New Brunswick's current legislature has been blown out of proportion by many commentators. It is worrying, but certainly not a catastrophe.

Indeed, there has been an assumption in much of the commentary that New Brunswick had an effective official opposition in previous legislatures. This is debatable. In a small province like New Brunswick, the Legislative Assembly is in session for a very short time; the legislative examination of bills and public finances is usually perfunctory; and the MLA's – especially the backbenchers – frequently retain their regular jobs and only devote part of their time to their legislative responsibilities. So will the province suffer by the absence of an official opposition? Probably not, and certainly not to any great extent.

Nevertheless, a nagging suspicion lingers in the minds of many observers. The McKenna Government may be conscientious, earnest, and accessible now because it is so new to office and still reform-minded, but what about later

down the road once the Government has been in office for a while? Will we witness a case of absolute power corrupting absolutely? Admittedly, the provincial legislature, even with an official opposition, may not meet the ideal of an effective legislature, but it is the central forum where political issues are raised and discussed in New Brunswick. People have certain expectations of their institutions – they grow accustomed to doing things in a set way. Thus, when there is change and habit is altered, it is only natural for people to fret: how will the legislature operate without an official opposition?

The province is not of singular thought on each and every issue, as the absence of an official opposition would suggest. Even at the time of the 1987 general election, a large proportion of New Brunswickers (nearly 40%) were opposed to the McKenna Liberals. If it were not for the vagaries of the single-member, plurality electoral system, there would probably have been a sizable opposition in the legislature. New Brunswick is a heterogeneous province in terms of societal composition, economic structure and geography, among other factors. From this complexity, opposition forces exist and/or will arise, as in any democracy, even if there is no official opposition. The pattern of opposition that emerges in New Brunswick remains to be seen.

To reiterate an earlier point, the New Brunswick legislature deserves close observation by those interested in the legislative process, not just because of its uniqueness, but more importantly because of what it can reveal about the structure and dynamics of opposition in a democratic political system. □

9 At the time of writing, early during the first session, a tiff between representatives of the electronic media and legislative officials about the means and control of providing television coverage has prevented such coverage.