
Changing the Confidence Convention in Ontario

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As the originator of non-confidence motions which led to two changes of government in the past four years, I suspect some people will find a certain irony in my addressing the subject of confidence. But I hope my experience and what we have attempted to do in Ontario will change some ideas about confidence and about our system of government.

I believe in parliamentary government. I am also a realist and recognize that what we really have today is not parliamentary government but something I call Executive Government. In our system the executive and legislative functions are combined but as anyone who has served in Cabinet will tell you, power has become more and more centralized in the office of the Prime Minister. We have what amounts to a kind of presidential government within our parliamentary system.

This poses a problem. In our legislatures and in the House of Commons we have an awful lot of talented people whose talents are going unused; who are left on the margins of the political system; who are told about political decisions long after they have been made and who are simply asked to vote whenever the government decides what has to be done. Executive Government, has combined with the increasing rigidity of the party system to produce a surprisingly inflexible and irresponsible system of government.

When one party has a majority in Parliament, the Executive uses the confidence convention to bring its own members into line. Government backbenchers are told that the Government cannot be seen to suffer a defeat or a loss of face over an issue. I have never been a member of a majority party so I cannot

describe their feelings of frustration. But I am told by those who have been through it that the government, more and more, sees every issue as a matter of confidence, even if it is not a question of government suffering a defeat.

The notion of confidence has also been used and abused, I believe, in minority situations in order to beat minority parties into submission. The idea of loss of confidence is tied to the government's exclusive right to call an election. We have given enormous power to the executive. We do not realize how much perhaps, because it is the only system that we know. In this age of polling and of modern political science the unilateral right to decide whenever an election is going to be called, constitutes a tremendous advantage for the government.

Confidence in Ontario

The confidence convention is a doctrine that has gotten right out of hand. It is, however, a practice that can be changed and we have changed it in Ontario and I want to describe the changes we have introduced or proposed. As a result of the election in May 1985 we were in a rather unique situation of negotiating with the Liberal Party the terms under which they would replace the Conservatives as the government. There were many options considered as whether power could be effectively shared and how a transition would take place in a way that would protect the interests of both parties, the Liberals and my own party.

In our situation, we felt it was crucial for us to combine two things. The first was stability. My main consideration as a leader of the third party was to convince people that a minority government could provide stability and that a minority government could work. If people always associate minority government with instability, if they always associate it with an instant election, then it is very unlikely that the people will vote for the third party because it creates instability. Therefore, we as a party, have an

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enormous stake in stability in the system.

My observation of previous similar situations is that once they have put the government in, third parties do not have an awful lot of flexibility because they are basically in the hands of the government as to when an election is going to be called. We wanted as much as possible to take that unilateral power away from the party that would be forming the government.

We also wanted, as a third party, to maintain our identity and influence knowing that we were not going to be getting the advantages of the government, that is to say cabinet seats and an ability to direct affairs from the executive branch. Therefore, it was in our interest to expand the power of the legislative branch. It was in our interest to extend the powers of Parliament.

In June 1985 the McGrath Report on parliamentary reform suggested that at the federal level it may be necessary for the executive to unilaterally give up some of its powers. My observation in politics is that people do not unilaterally give up anything. In this business, you have to take it away from them and you have to be in a position where you can, in fact, do that. The only time we would be in that position was before the formation of the government. As soon as the government was formed, our powers would be decreased and the government's powers dramatically increased. When the two parties were in opposition and were negotiating the terms under which a new government will be formed, our leverage was considerable. Therefore, it was in our interest to work out the best possible arrangement to maintain our bargaining situation.

Basically, we said to the Liberals that we wanted to try to negotiate a change that is technically within the rules and traditions but that also breaks new ground. I can tell you we did a lot of interesting historical research. We discovered that governments had been defeated many times, not only on bills at second reading which were considered to be matters of some importance by the government, but on individual bills of supply, on individual budget bills on third reading, on all sorts of measures without considering it to be a vote of confidence. We discovered that confidence is whatever the government says is confidence. That seemed to be the rule.

There are, of course, explicitly worded motions of confidence. You have a vote on the Throne Speech which is traditionally worded as a vote of confidence by the Opposition when they amend the Throne Speech. There is also a vote on budgetary policy which is invariably turned into a motion of non-confidence such as the one which I moved when the Joe Clark government was defeated in 1979. But apart from these motions, I do not think there is anything that is confidence. I really do not. I do not think defeats on other motions have to be bound up with the survival of a government in a minority situation. This involves a change of mind and attitude on the part of the government, on the part of the Opposition parties and on the part of the public because it is a question of changing people's mind about what parliamentary government is all about. Are we ready to allow a measure to come forward and allow a government to say: "This is the direction we think we should go but we are certainly prepared to accept defeat or amendment as well"? Everybody has to accept the fact that there is nothing terrible about a government proposing something that does not get passed.

Right now, we are all in a mind set where it is the job of the government to propose and the job of the Opposition to oppose. Parliament does not govern. There is a complete clash that takes place in which question period is the classic example. Nobody asks a question in order to get an answer. That is not what question period is all about. The governing aspect of Parliament is almost non-existent because Parliament does not see itself in



that way. So, my basic interest, now, is in seeing that in our case, in Ontario, that we do, in fact, have a role in governing; that we are, in fact, going to be consulted; that there is, in fact, nothing wrong with the Government being defeated following consultation before or after the introduction of legislation. Committees should work, not because they are given a lot of makeshift work but because there are going to be amendments to legislation. The government has to say "You guys want to get involved and help us to solve this problem. That is good for everybody." I am not interested in going through life with my elbow on the horn. I do not think that it is a very useful function for an opposition politician to play. There is an awful lot more for us to do without necessarily being members of government. We have to try to create ways for that to happen. I think the public expects it, the public wants it and I think it is something we have to respond to.

In Ontario we now have this arrangement whereby the New Democratic Party has agreed with the Liberals and said: "We are giving you confidence for two years. We are not going to use non-confidence as a method of playing Russian Roulette and you cannot use it either. You have to voluntarily suspend your power to seek dissolution until this two year period is up". That is part of the agreement we have reached. The other part is that the Government will not consider a defeat on any matter, including an individual budget bill, to be a matter of confidence. They will not use that as an excuse to go to the Lieutenant Governor and ask for dissolution. To make this work will demand a different pattern of behaviour in the legislature and some different expectations from

the public. The more I study this problem the more I think we have to learn how to make our legislatures more genuinely representative and how to make them work effective so that everybody in the legislature will count. Shortly after the change of government I had an exchange in question period with the new Premier who said: we did not have any responsibility, so it did not matter what we thought. That attitude may work in a majority Parliament but it does not work in a minority Parliament because I know that I am on the hook and he is on the hook too. In a sense, we are all on the hook if we are going to make it work. This is really where we have admitted, as an Opposition party, that we do have some responsibility for what happens in that Parliament. We cannot pretend that it is not our baby as well.

I think that public opinion is far ahead of party opinion. It was Burke who referred to parties as these little platoons. There is that sense of regimental loyalty. All members of a party caucus know the resentment we instinctively feel at those people who decide to wander off and exercise their personal conscience. Nothing disturbs you more than having somebody who is elected on the basis of a party platform going off to do whatever he thinks is right because he has had some communion with his conscience. As party leader, my gut instinct is to believe that caucus members should stick to the principles of solidarity and majority rule. Now I am beginning to really reflect on whether that is always right. Perhaps one of the reasons why political parties themselves have less credibility. I remember, for example, some cases when it was tough for me to convince good local politicians to get into the provincial scene. Not because they did not think they could win, but because they did not feel it would be personally as rewarding as the work that they were doing. As one of them said to me: "Look, I have worked 20 years to play a role on City Council. I can have an influence. I can go by a park and I had

something to do with building that park. I can go to a housing site and say this housing site would not be there were it not for me." If she became a member of our party and a member of the Legislature and served in Opposition, what could she point to? "What could I say? I asked the right questions for 20 years. Is that going to be carved on my tomb stone?"

I do not want to see the party system disappear. I think the Americans have some problems because of the decline of their parties. But I do think that our party system has become too rigid. It is not conducive to the best government of which we are capable.

Conclusion

Our party learned some important lessons during its period holding the balance of power federally from 1972-1974 and in Ontario from 1975 to 1977. We decided not to play games; not to run around threatening to defeat parliament every day if they do not do everything we demand.

The public really is not interested in Bob Rae coming out of the House of Commons or the Legislature every day and saying; "If the government does not do this, it is going to be the end of the government," That kind of crying wolf which is what you get into in those minority situations ends up just annoying the public who say: "Enough of this instability. Let us have the stability of the majority government" and we always lose in that situation.

We lost in 1974 and we lost in 1981 in Ontario. So, what we are trying to do is make minority government flexible and stable. If we can convince people that it is flexible and stable, my hope is that people will choose it as an option in the next election. We have a stake in convincing people that minority government can work for them. ■