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Chair

Mr. Joe Preston

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•(1105)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): We'll get started.

We're at the 60th meeting of the Standing Committee on Procedure and House Affairs and we have four great guests with us today. We should have a cake.

We are here on Mr. Chong's Bill C-586, an act to amend the Canada Elections Act and the Parliament of Canada Act.

Professor Turnbull, you volunteered—because I told you—to go first with your opening statement. Then we'll work our way across. Please if you would, we'll go ahead and get started. When we're finished all the opening statements, we'll ask really hard questions.

Professor Turnbull.

Dr. Lori Turnbull (Associate Professor, Carleton University, As an Individual): Good morning. Thank you very much.

The proposed changes to the Canada Elections Act and the Parliament of Canada Act seek to equalize the power of relationships between political party leaders and their caucuses. It is often argued that the current balance of power is weighted too heavily in favour of leaders. This is the problem or the set of problems that Mr. Chong's bill seeks to address, as too much power in the hands of party leaders could undermine the capacity of individual legislators to represent constituents and hold leaders to account.

As Mr. Chong's bill states in its preamble, our system of responsible government requires that the executive branch be held accountable to a legislative branch. He offers his bill as a step in the right direction in terms of honouring the spirit of responsible government. So in these remarks, I will try to identify the main aspects of the bill and what I take to be their justifications. I'm going to focus mostly on his original bill and the proposals in the bill. I acknowledge that he has recommended some changes. I'll try to go somewhat seamlessly back and forth between those things.

Political parties in Canada operate under an understanding of party discipline, which means that members of caucus are generally expected to vote in solidarity on bills and motions. One of Mr. Chong's concerns seems to be that a leader might punish a rogue member of caucus by expelling him or her for failing to support the party's position. His bill offers protection to caucus members by preventing party leaders from removing members from caucus unilaterally.

Instead, the bill states that a member's removal from caucus would happen only if a majority of all members of the caucus voted in favour of the expulsion by secret ballot. Readmission to caucus could come in one of two ways: either the member is re-elected to the House of Commons as a member of the party or a majority of caucus members present at a meeting vote in favour of the readmission. So note the higher threshold in place for expulsion.

The bill also seeks to restrict a leader's power over candidacy nominations. Currently the party leader signs off on candidate nominations, which means that a candidate needs the approval of the leader in order to run on the party's banner. This could give leaders significant power and influence over current members of caucus who need to get the leader's signature of approval on their nomination papers for the next election.

Mr. Chong's original bill proposes the following reform. Have a nomination officer sign off on nominations rather than the leader. There would be one nomination officer per province and one for the three territories chosen by secret ballot of the chief executive officers of the party's electoral district associations. Nomination officers would be chosen for four-year renewal terms but Chong has proposed an amendment so that the party would appoint one person to sign off on all nominations.

Party leaders are somewhat immune from caucus judgment because caucuses do not choose or remove their leaders. They are chosen by parties at large in delegated conventions or country-wide ballots depending on the party's preference and its internal rules.

While leadership reviews currently happen by parties at large at regular intervals depending on the party's constitution, the bill provides for a leadership review process by caucus alone, defined as the "process to endorse or replace the leader of a party". The bill states that if 20% of caucus members submit a written notice to the caucus chair to call for a leadership review, the chair is to order a secret ballot to review the leader. If the majority of all caucus members vote to remove the leader, a second vote is held to identify an interim leader until the party as a whole can decide on its new leader.

As far as I can tell, the bill doesn't specify the time periods that lapse between those things. For instance, once the petition with the 20% signatures is presented to the caucus chair, when does the caucus chair decide to have a vote after that? I'm not sure. I'm also not sure how much time would lapse between the removal of the leader and replacement with the interim. I assume that would happen immediately but I'm not sure.

A further point of interest in the bill is its definition of caucus. The bill states:

In this Division, "caucus" means a group composed solely of members of the House of Commons who are members of the same recognized party.

Senators are notably absent from the bill's definition of caucus, despite the fact that the Conservative Party of Canada includes senators as active members of its caucus and until earlier this year, the Liberal Party did as well. In this sense, the bill is at odds with what is standard practice for the government caucus.

The bill restricts the application of its definition of caucus to its division C.1. So it's not meant to be a sweeping definition of caucus to be applied universally. That said, it would be a legal definition of caucus and at this point, as far as I'm aware, there is no other legal definition of caucus.

It is important to consider the potential implications of this. Could this set a precedent whereby senators are not considered to be real members of caucus? By excluding senators from caucus, does the bill make a statement intentional or not about the role senators play in responsible government? Specifically, does it suggest senators play a diminished role as compared to members of Parliament?

On the one hand, the exclusion of senators from caucus in the bill is understandable and there are parts of the bill that obviously don't apply to senators. Senators are appointed until age 75 and are not subject to nomination contests; however, senators can and have been removed from caucus. But under this bill, they do not get the protection that MPs would get.

• (1110)

I'll conclude now because I've probably taken more than my five minutes, but I look forward to your questions.

The Chair: Thank you very much.

Speaker Milliken, it is great to have you here. It's always fun when you can attend committee and share with us, so we'll give you some time to share your thoughts with us.

Hon. Peter Milliken (Former Speaker of the House of Commons, As an Individual): Thank you very much, Mr. Chairman. It's a pleasure to be here and to see many former colleagues again.

I think this bill is a very interesting one, and certainly one of the things I've been speaking about in the course of lectures, and so on, that I've been giving since my retirement is the importance of the control that leaders are exerting over parties. It's something that has shifted during my time in Parliament. When I was first elected in 1988, I don't remember all these controls being in place or being enforced in such a vigorous way as they seem to be now. It causes me concern because we've switched to a system where party leaders are elected now by all the members of the party voting nationally. So

the leader is claiming greater authority than any of the other elected members of the House because he or she was elected by a group of voters who were all members of the party, admittedly, but were national in scope. So it's hundreds of thousands of voters instead of a smaller number that's the situation in every constituency in our country.

Because of this leadership vote, they're saying, we have authority over the party and we'll decide who's in and who's out, and we'll decide who's going to be the candidate and who isn't. I don't think this is something a leader should be doing. In my view, our system has worked as a successful parliamentary system, as does the British one, by the fact that we have members elected by their constituencies. The candidates are chosen by members of the riding associations in each constituency, which choose the candidates and then put them against one another, and we have our electoral battle on a local level in a constituency. I think that's made our system work extremely well.

I think it's really important that the party not dictate who the candidates are in these ridings; and by the party, I mean the leader or any person under his or her control who then can say that this is the only person who can run in this riding. If anybody else wins, we won't allow them to be the party candidate.

I think the bill is beneficial in that respect. Now, there may be arguments as to whether it could be improved or whether there are other solutions to it, but I think it's important that the local association have the right to choose. I don't know why the president of the local association couldn't certify to the Chief Electoral Officer that so and so is the selected candidate at the nomination meeting they held in that riding. To me, that's the way it might reasonably work, rather than have some official in the party doing this on a provincial or a national basis—or whatever geographic basis we want. The riding presidents could do it, and I believe the ridings—and I'm not an expert in the law in this regard—are registered as part of the electoral process and are allowed to work with the candidate during the election campaign and all that sort of stuff, in terms of fundraising and all that sort of thing.

I think Elections Canada should be able to tell who the president is and then accept a certificate from the president rather than the party leader as to who the candidate is.

Similarly, I believe the right of the party to have the caucus have some say in who would be the leader is also important. Now, whether it has to be embodied in statute is another matter, but there's certainly an argument for it because I think if we're going to have this national election, the caucus ought to have a veto if the person who is chosen is unacceptable to the caucus for some reason. For example, suppose someone's elected leader who isn't an MP, runs to get a seat, and doesn't make it. How's the party going to continue without that person in Parliament, if that's the situation? Stuff like that can go on, and I don't know why the caucus shouldn't have the right to say, okay, you're no longer the leader because you're not an effective person for us and we need somebody who can do the job here, and we'll appoint an interim and the party can have a convention and choose someone else. To me, that's reasonable. It's just a matter of whether it has to be in the law or not.

I'm not an expert in this. It might be something that could go into party constitutions, but it could also, I suppose, be part of the law. So those aspects of it, to my mind, are important for furthering a more democratic operation for our Parliament, because I don't think members should be dictated to by a party leader on every issue and told, if you don't vote this way, you're out of the caucus.

Yes, we need some independence of voice for members because the interests of our constituents do differ from place to place, never mind party to party, and members may sometimes feel they have to represent those interests and vote in a different way. But we can do it, in my view, without incurring the position where we're thrown out of the party and not allowed to be a candidate in the next election.

•(1115)

I think it's important that members have that kind of independence. I don't think it's offensive to our system, and never has been. I know some leaders may think that it is, but I think we should be looking at that, and if we have to embody this in law to do it, away we go.

The Chair: Thank you very much, Mr. Speaker.

Professor Franks, it's great to have you back too. It's been a while since you've been at our committee.

Dr. Ned Franks (Professor Emeritus, Department of Political Studies, Queen's University, As an Individual): Well, you've escaped me for a while, but I'm honoured to be here, sir.

As I understand it, the intention of private member's Bill C-586 is to reduce the influence of the central party organizations over the nomination of candidates in constituencies, and correspondingly to strengthen the role of the local party organization in this nomination process. I do not have facts at my fingertips, but in recent years I've perceived an increase in the apparent desire and practice of some parties and party leaders to override constituency choices of candidates and instead parachute in a candidate more preferable to the central party organization or party leader.

So far I have not seen a study of whether these acts of parachuting in candidates succeed in improving a party's chances of electoral success either in the constituency itself or more widely in the country, but my impression is that it does not generally improve a party's chances at the polls. Perhaps that's not the purpose of this sort of parachuting of candidates. Perhaps it's prime purpose might well be to keep candidates who are perceived as undesirable out rather than to ensure the good ones get in.

Regardless, from the perspective of the principles of parliamentary democracy, I find this control by the central party organizations to be an unattractive practice. The fundamental base of representation in our system of parliamentary democracy is that each constituency selects its own member. This is ensured by the electoral process in the competition among parties within constituencies. I feel that an important, if not essential, subsidiary principle to this fundamental principle is that each party within a constituency should select its own candidate, and that this selection not be subject to control by the central party. The central party organization should certify the local constituency organization but keep its hands off the choice of candidate.

The principle, a constituency should select their own candidates, is being contravened frequently in recent times in Canada by party leaders who reject candidates nominated by the local constituency association and parachute in a candidate more appealing to the central party organization. I've not seen any study that shows how much this practice improves or harms a party's chances of getting its candidate elected, and certainly such a study would be useful. In some cases the rejection of a constituency organization's choice might be justified because the constituency organization is at odds with the party and opposes the direction the central party has taken. In my view, the local party should, as long as it's recognized as the legitimate constituency organization, have the right to affirm its own views.

The reforms proposed in private member's Bill C-586 are an attempt to reduce the influence of the central party organization over constituency choices of candidates in general elections. Insofar as it would accomplish this goal, I think it's a good step forward.

The Chair: Thank you, Professor.

Mr. Carroll, it's great to have you back here too. Please, you have five minutes or less with your statement.

Mr. Matthew Carroll (Campaigns Director, Leadnow.ca): Good morning everyone, and thank you for inviting me.

I'll say a few words about Leadnow in just a moment, but I'm going to begin with a couple of quotes.

The first is from Bruce Woollatt, a Leadnow member from London, Ontario. He says, "I'm tired of the MP for my riding being the representative of his party in his constituency, rather than my representative in Ottawa."

The next quote is from Lori James in Yorkton, Saskatchewan, who says, "I've had enough of MPs waving ta/king points rather than debating issues and working together to resolve them. I want my representatives to work together for the good of the country not the good of their party."

Leadnow is an independent advocacy organization. We work to bring Canadians together from coast to coast and across party lines to take action on the issues that matter. Since our launch just before the last federal election, our online campaigning community has grown to include over 360,000 Canadians.

Together, through online consultations and face-to-face gatherings, our community has decided to focus on three areas: building a fair economy, action to protect our environment and address climate change, and democratic reform.

What we keep hearing over and over again from our community is a grave concern about the state of our democracy, as well as a deep desire for positive change. Democracy isn't an end in itself. It's a means by which we can come together to make progress on the major challenges we face as a society, and that's why when Mr. Chong introduced the reform act, we felt compelled to act. There are issues that we believe Canadians want to make progress on, but the reality is that action to improve the functioning of our democracy and to empower MPs to better represent their constituents truly cuts across all issues and cuts across all party lines.

Over 26,000 Canadians have now signed on to Leadnow's campaign in support of the reform reform act. Yesterday, I sent out a survey asking all of them for their opinions on the issues that this bill encompasses, as well as their thoughts on democratic reform more broadly. In just a few hours, over 3,000 had responded. That's where the quotes I opened with come from, the voices of regular Canadians across the country who care about these issues.

These are Canadians who self-identified as being supportive of the reform act, as opposed to a random public poll, but I do believe it will be useful for the committee to get a sense of the reasons why Canadians support this bill.

First, when we asked about the freedom MPs have to represent their constituents over the interests of their parties, 91% told us it's very important for MPs to be able to disagree with, speak out, or vote against the official positions of their parties.

One of the issues we've seen debated within the context of this bill is the ability of parties to ensure a diversity of candidates. That's a goal that is in tension with the aims of increasing MPs' freedoms to represent their constituents. Despite this tension, it is something that is important to the Canadians we surveyed—75% said it is very important for parties to be able to ensure a broad diversity of candidates.

My understanding is that Mr. Chong's latest proposed amendments would give each party the power to decide what mechanisms it puts in place for the approval of candidates. We asked people who they thought should have the final say in whether a candidate gets to run for a party. This was more varied, but 53% said it should be the sole control of the local riding association and 37% were in support of regional nomination officers chosen by the local riding associations. Only 6% thought it should be nationally appointed nominations officers, and less than 2% believed the status quo of the party leader signing nomination papers is a good idea.

The last point I want to make is that while we believe the reform act is a useful first step towards democratic reform, and one we very much hope to see passed into law, it is just that, a first step. We have a very long way to go if we're going to meaningfully restore Canadians' confidence and trust in our democracy. At the end of the survey we asked what other reforms, which are outside of the scope of this bill, they would support. It's notable that over 96% believe our first past the post voting system is broken, and that we need electoral reform.

Catriona Sinclair, a Leadnow member from Millbrook, Ontario, summed this up. She says, "I believe the Reform Act is extremely

important. I also very much want to see Proportional Representation brought into our voting system."

On behalf of everyone who signed on to our campaign, thank you again for inviting me this morning, and I look forward to the discussion.

• (1120)

The Chair: Thank you.

Thank you all for your statements.

We'll go to Mr. Lukiwski for a seven-minute round.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you very much.

Thank you all for being here, lady and gentlemen.

I'm going to play devil's advocate for a moment, not to say that I'm opposed to the initiatives contained within Mr. Chong's bill, but there are always two sides to every argument and I know you all can appreciate that.

There are two main elements here. I think you primarily touched on both of them. One is whether the party caucuses should have the right under certain circumstances for the removal of their party leader. The second one is whether the parties or the individual riding associations should have final say on who their local candidates would be.

Let me deal with the first one, that of whether the caucus should be allowed or should have the ability to remove a party leader. One could make the argument, as I believe Mr. Milliken did, that since in this day and age most party leaders are elected through a full "one member, one vote" process, it is the party membership that elects a leader. Only they should have the ability to remove a leader as opposed to a smaller group of caucus members who, while duly elected and nominated, were nominated by a far smaller group of people.

How do you answer that? There seems to be a disconnect there if 300,000 to 400,000 people who are members of a particular party voted in favour of electing a particular party leader, but then they should not have a similar say in removing that leader. Do you not think there's a bit of a disconnect there?

I'll start with Professor Turnbull and move right on down the line.

• (1125)

Dr. Lori Turnbull: Thank you very much.

I'm going to go with you in playing devil's advocate for a moment.

The trigger point for a leadership review is 20%. That's a relatively small number. If you have a 200-person caucus then it's 40 people. You can do all the math for all the different sizes of caucuses, but it's a relatively small number.

You can imagine someone—again, I'm playing devil's advocate—who decided that they're not happy with this particular leader. They can get 20% of the people in the caucus to sign a petition that says, "Let's talk about this". They can say, "Look, you don't have to go and vote against the guy. We don't have to necessarily make any changes here. What we're asking for is a review". Well, okay. You now have 20% of the people who want to have a review and you have a leader who's in crisis because even if he passes the review, he has a problem.

There's that side of it on the one hand. I would think about the 20% threshold and whether that's appropriate.

I can take the flip side and answer your question in a different way. One way that it could be reconciled is that although the caucus would be able to remove a leader who was democratically elected by the whole party, it would only be able to replace the leader with an interim. The party at large would have to choose a new leader, but the caucus would be forcing the party at large's hand in that way. They've tossed out the old leader and you have to come up with a new one.

Mr. Tom Lukiwski: Thank you.

Mr. Milliken.

Hon. Peter Milliken: On the same point, before the 1920s when Mackenzie King brought in the change to have a party convention to choose the leader, the leader was always chosen by the caucus. In a parliamentary system that was considered standard and normal with nothing particularly wrong with it. He went to this system of a party conference. I attended several of them in my younger days and enjoyed having the chance to choose the leader. That was fun.

I stress that each constituency chose a group of delegates to go to that conference. They heard all the candidates and voted on it. It was a very democratic process in my view. They recently decided that everybody gets the vote and forgot about the conference.

We've shifted away even more from a system where it was a smaller group that made the choice. The group would clearly be influenced if you had a big caucus. If you happened to be the governing party, and had the majority in the House, you'd have a fairly large caucus and the ridings of the members of the caucus would be influenced by the views of their MP. They would say, "I'm supporting John Doe for the leadership. I hope you guys will too. Talk to your friends at the conference and see if we can generate enthusiasm and interest". There was a process there that is gone with the current system of having a national vote. It's reduced because with the national vote you have trouble getting in touch with all these people.

It has changed things and I don't find it offensive that a caucus could say, "No, this person who's been chosen is unacceptable to us. We have to work together in Parliament and this person has to work with us in Parliament and do stuff in Parliament, and we don't think he or she is the best person for the job. We think there are better people. We want someone else".

That's the reason I'm pushing this. We've moved away from a system that in my view was very parliamentary. This one is less so.

Mr. Tom Lukiwski: Thank you.

Dr. Ned Franks: I have been concerned with the so-called decline of Parliament over the years. I think in part the decline involves the parties gaining more power over the parliamentarians. As we go on, I would like to see more focus on Parliament as representatives of members of constituencies, and my thinking has worked in that direction.

The other problem, which I believe has more or less been solved, is that members stay in Parliament a lot longer now than they did 20 years ago. I think we have a much more experienced cadre of politicians in Parliament, which I consider to be a very good thing.

I just leave it at general comments there. I was concerned with the bill itself because it needs to be looked at in a lot of detail and I was not able to do it; it's a very complex topic in a very complex environment.

• (1130)

Mr. Matthew Carroll: The point I would make is that over past decades we've seen an increasing centralization of power within the offices of party leaders. At the same time, we haven't seen an increase in the checks and balances on that power. For me, the ability of caucus members to remove a party leader, or at least initiate a process to do so, would provide an extra check and balance.

One of the questions we asked our community about, which I didn't fit in because there was a shortage of time, was who they thought should have the ability to remove a party leader. The response was mixed. Many of them thought it should be the members, many thought it should be MPs, and a fair number thought it should be both, that there should be two mechanisms potentially for a leader to be removed.

But I think it would provide a useful check and balance against the control and the power that the party leaders currently have.

The Chair: Thank you very much.

We will go to Mr. Scott, first, apparently sharing time with Madame Latendresse.

You have seven minutes, please.

Mr. Craig Scott (Toronto—Danforth, NDP): Thank you, Mr. Chair.

I will take a brief moment to make a comment so that we're actually all clear on what this bill would do. Apart from the fact that it's no longer prescriptive, it's creating model rules.

Concerning the relationship between the parties and the party leaders, this bill would allow for the caucus to remove a leader and elect an interim leader. They are not electing an interim leader of the extra-parliamentary party. The leader remains the leader of the extra-parliamentary party if the leader has been elected by the extra-parliamentary party; that's absolutely right. That's what Michael Chong testified to, and that's how it works. There are two different parties in the political system.

What it does is produce a tension as a result of the fact that if caucus is going to do that to their sitting leader in the parliamentary party, they have to contend with the fact that they have the popularly elected leader still formally the leader. Michael Chong's bill leaves open to each party how they're going to deal with that tension.

The fact is that this is the way it already works. Whenever somebody is forced out or resigns or whatever, they don't always resign as leader of the extra-parliamentary party. I just want to make sure that's clear. However messy it is, that's the way it works.

The second thing is that Nik Nanos just did a poll showing that not all rules are viewed by Canadians with the same favour. The rule of removing the leader by the parliamentary caucus was disfavoured by about 65% to 70%. This reflects Tom's observation that we have layered a populist, presidentializing party process on top of the old parliamentary approach to choosing a leader.

I just wanted to bring that up and then leave it to my colleague to ask her questions.

The Chair: Madame Latendresse, you have five minutes left.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Thank you, Mr. Chair.

I already asked Mr. Chong this question when he appeared before the committee. This is indeed what he said, that this process applied to the leader of the parliamentary caucus.

I have a question concerning the rules that apply to the parties, in particular the one that requires a 20% threshold to conduct a leadership review.

This rule applies fairly well to very large caucuses, but less so to a very small party caucus. The House recognizes a party as soon as it has 12 members. With those parties, that means that three people could decide the fate of their leader.

Should something be changed to ensure that these rules are better adapted to smaller caucuses?

• (1135)

[*English*]

Dr. Lori Turnbull: Yes, I am concerned with the low threshold; 20% seems low. If you are talking about a party with 12 people in it, you have three people who are able to cause a problem for the leader. You might have three people who do it for entirely the right reasons, but you might also have, in any mathematical situation, something that's inspired more by politics than by anything else.

It seems that it would be up to the full caucus. It would really depend on what would happen in the full caucus vote then. If you had, say, a politically inspired or opportunistic request for a leadership review and then the full caucus swatted it down, that would be the end of it.

One of my concerns is that we don't know how much time would go by between the leadership review petition and then the vote. If someone were campaigning for leadership, do we give them a month to campaign? Do we give them a week to campaign? It seems to me that would make a huge difference in the evolution of what happened in the party.

Mr. Matthew Carroll: I think you've studied this bill more than I have, so maybe correct me if I'm wrong, but my understanding is that the rules would be put in place, and then at its first meeting each parliamentary caucus would have to decide whether or not to use those suggested rules or alternatives. There is actually, potentially a

mechanism for a small party to say that given we only have 12 people, we want to meet a threshold of 50%, or six people, to trigger a review. Correct me if I'm mistaken about that.

[*Translation*]

Ms. Alexandrine Latendresse: I think that's absolutely right. It's good because it leads me to another question that I'd like to ask.

Currently, there aren't any mechanisms to easily inform the population of what normative rules each party has chosen. Currently, these are suggestions. Do you think there should be a mechanism so that people can know exactly what each party has decided to do in order to govern itself?

[*English*]

Mr. Matthew Carroll: Personally I think there should be a mechanism. I'm not sure in terms of the process.... It says it has to be recorded. I'm not sure exactly what that encompasses, but I'm a big believer in transparency, as are the folks in the Leadnow community. I think it should be clear to folks outside of the parliamentary caucuses what the decision is that's been made and how the leader could be removed.

Dr. Ned Franks: I really wonder about the extent to which Parliament itself should tell caucuses and parties how their internal politics should be governed. I really do. Historically there's been a big difference between parties both within Parliament, outside Parliament, and the relationship between the two.

In some of the parties there's been an enormous grassroots power. I think back to the CCF-NDP government that I worked for in Saskatchewan in the 1960s. There was a tremendously strong constituency organization as well as a government.

By and large the major parties in Canada are organized around their parliamentary representation. I think in that sense the parliamentary representation should have a pretty strong voice in deciding a party leader and other related matters.

The Chair: Thank you.

We'll go to Mr. Simms. It's great to have you back again. Seven minutes for you, sir...

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): It's good to be back, and I mean that sincerely.

Just on some of the notes you mentioned, first of all I want to start with Mr. Carroll. I totally agree with your quote from the person from Yorkton, Saskatchewan, who said that they're tired of representatives with their talking notes. Obviously, I do feel that if you're being paid a minimum wage of \$160,000 a year and you can't talk from your own, then you're grossly overpaid—and I mean grossly overpaid. There you go. I vented my spleen, for the most part.

Let me go to what was said by Mr. Franks. You said that the central party organizations should certify the local constituency organization. If I might understand this, then, you're saying that the local constituency association should reign supreme when it comes to the selection of the candidate.

Mr. Milliken, I'd like to hear your thoughts on this too.

There was an example that's been used a lot. It happened back in the 1970s. It may have been used here before in testimony. I won't even name the parties or names, but the leader of a party was faced with a candidate who did not believe in official bilingualism and therefore was expelled from the party. That person's nomination was thrown out despite the fact that the local constituency voted that person in. What do you do in a situation like that?

• (1140)

Dr. Ned Franks: My preference would be for the local constituency to have the last say.

Mr. Scott Simms: So that person should have stayed as a candidate, despite—

Dr. Ned Franks: Well, you can decertify the local constituency organization if you want, as a central party, but our representation ideally is built from the bottom up, from constituencies. I find the strength of the central parties over the constituency organizations and over the selection of members and everything else stronger than I'm comfortable with within Canada.

Mr. Scott Simms: Mr. Milliken.

[Translation]

Hon. Peter Milliken: I agree.

[English]

I think the local associations should have the power to choose the candidate. Yes, it may be somebody who has peculiar views on some issues—

Mr. Scott Simms: Sorry, I don't mean to interrupt, but this may not be that peculiar. This person was against official bilingualism.

Hon. Peter Milliken: Yes.

Mr. Scott Simms: I believe that person came out of Moncton, if I'm not mistaken. So what do you do there?

Hon. Peter Milliken: I find it peculiar, and I say that deliberately. I think it's peculiar, but the fact that it happens from time to time and you get somebody whose views are different from the vast majority of Canadians on some issue doesn't mean that person can't be a candidate. Yes, he may not be the best candidate they could have, but that's a matter of dispute. Obviously, the members of the constituency voted.

Now, sure, that guy may have outsold the others in terms of memberships and all that stuff. That does go on. I went through one of those battles myself in 1988. But the fact is that it does happen that way. Those people are the ones who make the choice, and they're the ones who are working in the election campaign to help the person get in. To have the leader say, "This person's off; it's going to be someone else," makes the leader, in effect, a dictator because technically the leader could fire a whole bunch of MPs at election time and say, "You're not going to be the candidate. It's going to be somebody else, and here's the certificate to prove it."

Mr. Scott Simms: Yes, that's right. I once witnessed you in a debate and you said that the key to fundamental democratic reform was eliminating that rule that was established in 1970 about requiring the leader's signature in order to stand as a candidate. I think at the time the issue was to bring in the fact that you could have a candidate affiliated with a certain party. You did say that, correct?

Hon. Peter Milliken: I've certainly said that.

Mr. Scott Simms: And this bill does that.

Hon. Peter Milliken: I didn't know it was that long ago. I thought it was in the nineties. You see, I was under a misapprehension because I didn't think I had the name of the party on the ballot in 1988 or 1993. I thought it was after that the name came on. Maybe you needed a certificate to be a candidate, but I thought the party name only went on after. I may be wrong in that respect.

But I'm not fussy about that aspect of it. As I argued in my opening statement, the presidency of the riding association can say you're the candidate because you were chosen at the meeting, and should be able to certify that.

Mr. Scott Simms: Do I have more time? How much time do I have?

The Chair: Two and a half minutes.

Mr. Scott Simms: Oh, my goodness. I'll be here all afternoon.

I guess I'll ask my other two witnesses if they want to weigh in on that as well.

Ms. Turnbull.

Dr. Lori Turnbull: Hopefully, a political party is always going to have principles that it stands behind. The party is about something, probably a collection of things. So, yes, it doesn't make much sense if you have a political party, say, to go with your example, committed to official bilingualism, and then the party nominates somebody in a riding who's against official bilingualism. What does the party do with that person? Why does the person even want to run with this party?

So you have that tension. There's always going to be this tension with the leadership, who I think very understandably, to be honest, wants to have some say in who the representatives of the party are in each riding. To me that makes sense from a leadership perspective, but we also need at the same time to have something going on at the grassroots level or else people lose interest in what's going on in parties at all. I think part of the problem here is that if people in the constituencies can't select their candidate, what else do they do? There's a little bit of a disconnect in terms of how regular people, ordinary people in their ridings, attach to parties.

Mr. Scott Simms: Mr. Carroll, quickly.

Mr. Matthew Carroll: I think this gets to one of the really interesting tensions in the bill. On the one hand, you could have just the local riding associations making the decision; on the other hand, the status quo at the moment, with the sign-off from party leaders. With the original bill I believe it was entirely one end of the spectrum, with it just going to the local riding associations. I think with moving towards a more enabling and prescriptive approach to the bill, it would be interesting to enable parties to make their own decisions.

I think there's potentially some interesting middle ground, for example, by having the local riding associations choose somebody regionally who can balance these interests, but also without it being entirely beholden to the party leaders. In that kind of situation they could say, "Actually, we don't think you're an appropriate candidate." But also it would still leave room for local candidates, who perhaps have views that are different from the party essentially on some important substantive issues that are very relevant locally, to still be the candidate.

I personally would be interested in seeing a more prescriptive approach than just saying the party assigns one person.

• (1145)

Mr. Scott Simms: The recent changes to the legislation, meaning it's, dare I say it, more aspirational than prescriptive.... Right now the parties or caucuses have the option of choosing which system they wish to go under. You'd rather it go back to being far more prescriptive and saying to the party this would apply to the legislation or apply to caucuses from here on in.

The Chair: A very quick answer because Mr. Simms jumped in without looking at me, but go ahead.

Mr. Matthew Carroll: I'd rather see a more prescriptive approach, yes.

Mr. Scott Simms: It's no reflection on you, Mr. Chair.

The Chair: No. Of course not. I seem to be invisible most of the time.

We'll go to Mr. Reid, please, for four minutes.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you.

I'm going to be direct in my question to our former Speaker, Mr. Milliken.

Mr. Milliken, I wore a bow tie in your honour today and I'm alarmed to see that you have appeared to have gone over to the dark side. You're wearing a long tie today.

Hon. Peter Milliken: Well, it's a House of Commons tie.

Mr. Scott Reid: A House of Commons tie...all right.

I wanted to just go back actually to what Mr. Simms was raising.

He raised the example of a candidate who had been opposed to official bilingualism and while he was doing his comments, I looked up the actual history on Wikipedia and the candidate was Leonard Jones, who was in 1974 nominated to the Progressive Conservative party. He was disallowed by Robert Stanfield. It says, "After Jones won the nomination, party leader Robert Stanfield refused to sign Jones' nomination papers, citing his opposition to the party's policy of bilingualism. Jones ran instead as an independent candidate, and won with 46 percent of the vote. He decided not to run for a second term." That's the history there.

It raises a question that I'd intended to ask anyway. I was thinking of a different set of examples. I thought of the boll weevil Democrats in the United States who in the middle of the 20th century were opposed to their party's position on civil liberties. I thought of David Duke, who won his party's primary for, I can't remember now if it was for senator or governor for Louisiana. Ultimately he lost the

election, but he did not reflect the Republican Party's views on civil rights, either. For those who don't remember, he was the former grand dragon of the Ku Klux Klan.

What I'm getting at here is, if you remove all limitations of who can run for party then I think you have to accept that you're adopting a version of the American primary system. You're going to get people who are fundamentally opposed to the views that a party holds and ultimately they may actually be people who are electable by the standards of their local constituents. I'm not sure whether that's good or bad, although none of the examples I said are terribly positive. But I throw it in your lap to see whether you think that's something our system is able to handle.

Hon. Peter Milliken: Yes, I think it did handle it for a very long time. I don't know why the shift has occurred. Fortunately, the control that leaders exert has not been very dramatic until recently. There is this one in the 1970s, but you don't hear many others from the 1970s or 1980s.

It's only in the last decade that we've had much more control exerted in this area and that's what concerns me. That's why I think the proposed changes are helpful. I'm not sure it's going to solve the problem in the current drafting, but still I think it's very important that the parties be able to attract candidates and you don't have to sign up to every single item that the party has on its platform and say I agree with everything and will vote for everything or else. I don't think it should be that rigorous.

I think that we should be encouraging people to get in and have debates about what things are good and what are not. Some of the things in the platform can be enacted exactly as worded and others you might make some shifts and modify them somewhat to get them to appeal to a greater percentage of the population that's reflected in the caucus. Some of the members there are going to have different points of view.

We have this on a regional basis in our country and have had it since Confederation. Members from the prairie provinces sometimes have different views on certain issues from members in Ontario and Quebec. There's nothing new in that, not at all. I think it's a natural thing given the different demographics and geographics in which we live.

That's bound to reflect itself in the way the parties agree on proceeding on issues. There may be a difference between the parties, but there may be differences within the party too that result in shifts in the way the party goes and the way legislation gets drafted on a cooperative basis, even in the House.

For that reason, I think it's important that the member be chosen locally as the representative for that area, because his or her views are ones that appeal to people that sign up for the party and make the choices as to who the candidate will be in each one of the small demographic sections of our country—although some of them are quite large—on the constituency basis.

•(1150)

The Chair: Very good. We'll move on to Mr. Christopherson for four minutes.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you, Mr. Chair.

Thank you all for being here.

I'd just like to follow up a little on Mr. Reid's thought. I guess the question becomes: should there be some kind of safety net, if you will, something that would catch the extremes?

I would ask you this. We are in a climate right now, if you think about some of the recent campaigns—I can think of certain party examples—such that things have happened during the course of a campaign or things have become known in the course of a campaign, and the first thing the national media does in the middle of that national campaign is swing over and ask the leader, “How about this?”

If they have no say at all, is what we would expect them to say to the country, “I don't like their position on things either, but I didn't pick them.” That's a bit of a tough one.

Just to take it to its extreme to make the point, I would ask you how you see us handling that part of it, because we would shift some aspects of what the leader can do, but we haven't changed the national view of what it is that leaders are supposed to do. That is, when a riding picks a candidate who is against a lot of the policies of the party and something comes up and they swing to the leader to ask “What do you think?”, where are we at that point? Where does that leave us?

Hon. Peter Milliken: I think the leader can say that we welcome diversity of opinion within the party, that we'll have a debate about it and the member can raise the issue if he or she wins the election, but that our party position was adopted at a party conference and this is the position that was agreed on, so it will take some persuading to shift our position on this issue.

That's all you need to say.

Mr. David Christopherson: Do you think so?

Some hon. members: Oh, oh!

Mr. Craig Scott: And tell the media at the same time.

Mr. David Christopherson: Think of the example that happened with the NDP, when the thing exploded and they pivoted over to the leader and asked, “What are you going to do about this?” Where does that leave you?

Professor Franks, do you have any thoughts?

Dr. Ned Franks: Oh, up the creek....

Some hon. members: Oh, oh!

Mr. David Christopherson: Fair enough. I wish I had teachers like you when I was in school.

Dr. Ned Franks: I'm a canoeist, you see.

Some hon. members: Oh, oh!

Dr. Ned Franks: It's a good place to be.

Mr. David Christopherson: Mr. Carroll, what are your thoughts?

Mr. Matthew Carroll: I think democracy can be messy sometimes, and I don't think it's necessarily such a bad thing if those issues have to come out. It's clear that there needs to be debate about important issues within our parties, rather than constantly having to provide a united front with the same talking points all the time. I don't think that would be entirely unhealthy. I think it would be hard. I think it would be a shift for Canadians to get used to, but I think ultimately it would better serve the functioning of our democracy.

Mr. David Christopherson: Yes, it's almost as though we can't have one without the other.

You can't give the independence to the local constituency and then still have the override. But that means the politics will have to change too, that leaders are cut some slack in terms of who the candidates are and whether they fit nicely into every slot that the party has on a given position.

Are any of you aware of other examples in the Westminster model in which we have this dynamic?

•(1155)

Dr. Ned Franks: My impression is that we in Canada are more centred around the authority of the central party organization than most Westminster democracies, more centred on party structure.

In my view, it is not a criticism of party leaders for being hogs for power over the years, but a reality that our parties, with rare exceptions, are focused around the parliamentary leadership and relatively few people outside, and don't have a broad membership that influences the party leadership. A lot of what we see going on in representation reflects the almost amorphous nature of the support for parties and candidates in constituencies—and across the country, of course.

The Chair: Thank you, David.

We'll go to Mr. Richards for four minutes, please.

Mr. Blake Richards (Wild Rose, CPC): Thank you.

I want to revisit an area that has been visited a couple of times by a couple of my colleagues. My question will be for you, Professor Turnbull. One of my concerns about the bill, as it was originally drafted, was the idea...and Professor Franks actually said it very well when he talked about his concerns about Parliament prescribing to political parties or to caucuses how they govern themselves.

I had that same concern. Some of the amendments that we've heard publicly seem to certainly address this by enabling caucuses to choose whether they opt into the provisions, and these kinds of things. It at least gives that caucus the ability to make some decisions. I think, therefore, in some ways, it gives the party members some decisions through those members in some ways, so I think the amendments that are being suggested certainly would strengthen the bill.

I wanted specifically to come to the part about the leaders because I think that's one part where, as I said, it has been addressed a little bit before. But the leader of the party is the leader of the political party and also the leader of the caucus. The changes being suggested here obviously would change the balance in terms of who has the right to make a decision about who that leader is, because obviously you have the party members on one hand choosing the leader, and on the other hand you have the caucus having the ability to remove the leader.

I know in response to a previous question you mentioned they would only be able to remove, but that the membership would still be able to choose who the new leader would be. However, when there are competing interests there, I'm concerned as to whether you see any concerns about that reducing the say of party members because they can choose someone, but then the caucus can remove them.

Do you have concerns that this might remove some of that ability from party members to be able to really have a say in who their leader is?

Dr. Lori Turnbull: Yes, because as Mr. Milliken previously talked about, there has been a transformation of how parties choose their leaders. We used to have a more delegated convention model that was seen as the norm, and now we've graduated toward this more inclusive model where everybody in the party gets a say on some level. Some parties do it a bit differently, where the voters and the party members might choose delegates to go to a conference and it's like a hybrid model, but everybody gets some sort of input.

I think that's generally seen as a positive thing, that parties are democratizing. They're becoming more inclusive. They're giving members something to do. I think that a lot of party members probably really value their role in helping to select a party leader who they think is right.

So, yes, I think that party members at large would probably feel as though there's a bit of a power struggle now between them and the 40-some people or 140-some people who have to be caucus members. They might say, "Well, why do the caucus members get to remove our choice? Why do they get a veto over who our choice for leader is and then we have to choose someone else?"

Mr. Scott has pointed out that if a caucus strikes down one leader, there would be two leaders at one time. That is inadvisable. That's just bad. I don't know how that would be resolved or how any party would deal with that, but yes, this is definitely a serious issue.

Then you would have to think too about how leadership campaigns would be affected by this idea in the back of your mind

that some day the caucus might remove me if I'm no longer of appeal to them, but the larger party has chosen me.

• (1200)

The Chair: Okay. Be quick.

Mr. Blake Richards: Mr. Carroll, you had expressed that you felt it would good to enable political parties to be able to make their own decisions in relation to how the candidate is signed off. Obviously, in the original bill it was very prescriptive. In the amendments that Mr. Chong has publicly suggested, they would essentially allow those political parties to make those decisions for themselves as to who they would determine to be the person who would sign off.

Would I take it from that, then, that you'd be supportive of that particular amendment?

Mr. Matthew Carroll: Yes. The original bill, I believe, was quite prescriptive in terms of saying it's just the local riding associations. My understanding of the amendment is that it now moves to just being one person who's chosen by the party through a mechanism of their choosing, which presumably would be open to their internal party democratic processes—at convention, for example.

I think potentially there could be some middle ground. I wouldn't like it to be so prescriptive as to say that it can only just be one person from the party who gets to choose. I think if we're trying to create an enabling framework, then it would be beneficial for the party itself to be able to decide. They might say, "Actually, for our party for our democratic values, we think it should just be the local riding associations", or "For our party in order to balance the interests of the party and the local ridings, we're going to have regional offices and multiple of them."

So I think it might be interesting to explore that more in terms of creating a more enabling approach.

The Chair: Thank you very much.

I seldom get to enjoy the part of listening, but this is very intriguing and I'm really happy that we had this today. I really wish we could go on for a couple more hours. We cannot, before anybody starts nodding anywhere.

Thank you very much for your input today. I'm not sure we've cleared anything up, but we've asked ourselves some more questions. We thank you for helping us get those questions into our heads.

We will suspend for a couple of minutes while we go in camera for a couple of other pieces of business. We thank you all for being here today.

[Proceedings continue in camera]

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