

HIGHLIGHTS OF MINORITY GOVERNMENT IN CANADA

Canada has had 12 minority governments, including nine of the last 19. On average they have lasted a little more than one year and three months. Although a significant portion of Canadians is said to prefer minority government, Canada generally retains a majoritarian institutional culture, like the United Kingdom. The only two parties to have governed Canada (the Conservatives and Liberals) and much of the press seem to regard majority government as the only “normal” outcome of an election.

FIRST MINORITY

Canada’s experience of minority government dates from 1921, the first year an election returned a “third” party with any significant share of seats; it was the Progressive Party, which finished second. The Liberal government lasted until 1925, but fluctuated between minority and majority, depending on whether it won or lost by-elections.

KING-BYNG AFFAIR

Following the 1925 election, the Liberal government of Prime Minister Mackenzie King remained in office despite having finished second with 99 seats to Arthur Meighen’s Conservatives, with 116 seats. There was reason to expect the government might be supported by the 24 Progressives and/or some of the other Members. In 1926, facing the possibility of losing a motion of censure (the House being adjourned), King asked the Governor General, Lord Byng, to dissolve Parliament and call an election. When Byng declined this advice, King resigned his government. Byng asked Meighen to form a government, which lasted just 88 days. In the election that followed, King made an issue of Byng’s refusing his request for dissolution, portraying this action by the Governor General (as the representative of the Sovereign, King George V) as “imperial interference.” The Liberals won a majority. The weight of historical opinion seems to be that Byng acted appropriately under the circumstances.

2008 CONSTITUTIONAL DISPUTES: DISSOLUTION REQUEST

In September 2008, Prime Minister Stephen Harper asked Governor General Michaëlle Jean to dissolve

Parliament and call an election on the basis that his minority government had lost the confidence of Parliament. Two aspects of this request were irregular.

First, Mr. Harper's government had introduced and Parliament had passed legislation providing for fixed-date elections, the first of which was scheduled for October 2009. The Prime Minister was on record stating that "Fixed election dates stop leaders from trying to manipulate the calendar simply for partisan political advantage." An early election is possible under the Act because it contains a provision stating that "nothing in this . . . affects the powers of the Governor General . . . to dissolve Parliament at the Governor General's discretion" (*Canada Elections Act*, s. 56.1(1)), a provision that exists for two reasons. First: without it the legislation would have been unconstitutional (any change to the office of the Queen or the Governor General requires a constitutional amendment with unanimous consent of the Parliament of Canada and all ten provincial legislatures). Second: an early election might be necessary if a government were to lose the confidence of Parliament.

The second respect in which the dissolution request was suspect is that Parliament was in recess when Mr. Harper made his request. When the House had adjourned for the summer, the government still had its confidence. Although the Governor General granted Mr. Harper's request, some observers believe she *could* have insisted that Parliament return as scheduled in the fall to demonstrate its (lack of) confidence in the government.

2008 CONSTITUTIONAL DISPUTES: PROROGATION REQUEST

After the 2008 election, the Harper minority government presented a fiscal update containing measures that the opposition parties rejected (including removal of their public funding). Facing not only a possible vote of non-confidence, but an agreement reached by the Liberal and New Democratic parties to govern in a coalition with the support of the Bloc Québécois, Mr. Harper asked the Governor General to prorogue Parliament. As noted in the text, **prorogation** is a perfectly legitimate step for a government to take under normal circumstances. The December 2008 request was not made under normal

circumstances. Parliament had only met for eight days following the election, the work of the Session had barely started, and prorogation was being sought to kill a motion scheduled for a vote in the House of Commons. Many of the country's constitutional experts believed there were grounds for refusing the Prime Minister's request. The Governor General's decision to grant prorogation (after securing a promise from Mr. Harper to introduce a budget when the House resumed sitting) became the most controversial decision by a Governor General since the King-Byng Affair. After prorogation, the government criticized the Liberals and New Democrats for having been willing to work with the Bloc, and returned to this issue at the start of the 2011 election campaign.