THE ROLE OF HOUSE LEADERS
IN THE CANADIAN HOUSE OF COMMONS

by

WENDY L. CARTER
B.A., University of British Columbia, 1970

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Department of Political Science

The University of British Columbia
Vancouver 8, Canada

Date August 15, 1973.
This thesis deals with the role of House leaders in the organization and conduct of business in the Canadian Parliament. The position of House leader in the parliamentary parties has emerged out of a complexity of factors and pressures placed upon the parliamentary system during the last thirty years. It may now be said that House leaders form the primary communication channel between the political parties concerning the business of the Canadian House of Commons.

The adversary system in parliament, reinforced by the traditional position of the opposition, requires that the parties cooperate in organizing the conduct of parliamentary business. The House leaders meet informally and privately to negotiate and to arrange the timing of debates and other matters. The House leaders perform other important duties within their parties. The Government House leader is responsible to the prime minister and cabinet for the overall management of the House, management of the government's legislative schedule, and assistance in the development of legislation. The contemporary Government House leader is also involved in long-range legislative planning. Opposition House leaders keep their parties informed about House activities and perform important strategy and organizational
duties. All House leaders are involved in procedural debates and parliamentary reforms.

House leaders are appointed from within the parliamentary party and any authority they possess for making interparty agreements comes from the party. That they are normally senior and respected members and have unique contacts with the other House leaders are factors which usually enhance their influence and persuasive powers over the party. The development of the position of House leaders has decreased the influence of party whips; yet the whips remain and the roles of House leaders and party whips may now be seen as complementary.

House leaders naturally must operate within the formal rules of the House, and changes in these rules affect the role of the House leaders. The inability to develop a working time allocation mechanism for Commons legislative activity leaves informal communications between the House leaders as the crucial method of scheduling and limiting these debates.

The role performed by House leaders has become more significant and it is now recognized that House leaders hold powerful positions in the Canadian House of Commons. As government business increases yet further in amount and complexity the role of House leaders may be expected to become still more significant in the Canadian parliamentary process.
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INTRODUCTION

"Parliament may be compared to a rich diamond lode, still worth mining, and many facets of parliament are relatively unstudied and unrecorded".

This statement is even more true of the Canadian Parliament than of the British Parliament to which it was applied. Studies centering on the Canadian Parliament have dealt traditionally with the formal constitutional powers and components of that institution. A.D.P. Heeney wrote in 1946:

"It is my impression that, while we are reasonably fortunate in having in Canada a considerable literature in the history and law of the constitution, we have not, as yet, achieved a comparable product on the humbler level of constitutional practice and procedure."

Since Heeney's admonition, a number of books and articles have been written dealing with parliament on a more practical and realistic level. Several exhaustive studies of the Senate have been produced. Parliamentary procedures have been scrutinized, particularly in relation to the various attempts at reforming the House of Common's rules. In addition, several fairly dry and legalistic books of parliamentary procedures and practices have been written or updated for use primarily at the Table in the Parliamentary chambers. Other contributions have been made on particular aspects of
the House of Commons such as parliamentary committees and the Speakership. One unexamined area is the operation of the House of Commons - how, in effect, business is conducted in the partisan political chamber. This thesis examines the important role of House leaders in the conduct of parliamentary business. The position of House leaders is a relatively new aspect of the House, and is one which has evolved with the increase in amount and complexity of government business and with the development of parliament into a full-time operation. This thesis analyzes the development of the role of House leaders.

Chapter one discusses the adversary nature of the House of Commons and traditional methods for handling the conduct of business. Chapter two describes the evolution of the position of House leaders. Chapter three deals with the House leaders' role and with their collective and individual responsibilities. Chapter four is concerned with the House leaders' meetings. Chapter five deals with the House leaders' source of power and authority within the party structure and also includes a brief discussion of the cross-pressures on the House leaders' role. Chapter six contains a discussion of the relationship between the House leader and the Party whip. Chapter seven discusses the influence of procedural reform on the role of the House leaders.

Because this paper encroaches on virgin territory, heavy reliance for source materials is necessarily and naturally placed on parliamentary papers and documents, on lengthy
interviews and informal discussions I conducted with present and past House leaders and other persons familiar with the House leaders' role. In conducting these interviews I followed an open and flexible approach. I prepared for my own use a list of broad questions to provide some guidance and uniformity; however, these were adjusted to fit the climate of each interview and the personal inclinations of those individuals being interviewed. As Lewis Dexter comments, "...the great advantage of the elite and specialized interview technique is that the interviewer can adapt his comments and questions to the unfolding interaction between himself and the interviewee". As House leaders' activities are generally considered highly sensitive and private, most individuals preferred to have their explicit comments "off the record". However, in this thesis I have quoted directly from these interviews without specifying precise sources.

The genesis of this thesis occurred during my year as a Parliamentary Intern. As a participant-observer in the Canadian Parliament I was able to observe and converse with the House leaders and other parliamentarians over an extended period. Observation and discussion heightened my appreciation of the significance of the House leaders' role in the organization and conduct of parliamentary business. This thesis is of course not an exhaustive study of parliamentary operation, but it may provide a beginning to a most fruitful and interesting area of parliamentary study.
FOOTNOTES: Introduction


CHAPTER 1

The Setting

Adversary activity is very much a part of the Canadian House of Commons, for provision of an opportunity to express opposition to government policies and activities is an established practice in the Canadian Parliament. Because of the desire of the government to command a constant majority in the House and because of the development of highly disciplined parliamentary parties this opposition may be discerned within the inner confines of the government party and in the activities of the opposition parties. In the contemporary House, most government proposals run the gauntlet of the government caucus before bills are introduced and debated in parliament. Having received an opportunity to express concern or disapproval over these policies and other government activities, the government member is expected to support his side of the House. Public opposition is left to the opposition parties. The government is anxious to have its policies and financial expenditures approved with minimum conflict and as rapidly as possible. The opposition is equally desirous of exposing any weak points in these matters through full debate. Any flaw may truly be bad for the country; they may also provide ammunition against the government in the next general election.

A tension therefore exists between the government, which has a reasonable right to have the country's business accomplished, and the opposition, which has an established right to oppose
measures it considers are not in the public interest. This
tension is further complicated in the Canadian Parliament
by the existence of third, fourth, and even fifth political
parties, each of which expects to take a full part in the
official activities of the House.

If political controversy between the parties were un-
controlled, the House of Commons could not function. There
are, however, a number of restraints within the parliamentary
adversary system. First, the House operates through an estab-
lished set of rules, the Standing Orders, most of which are
accepted by the members as reasonable and beneficial. These
rules provide for the organization of the House and of its
committees, and for a weekly schedule of House business.
They also provide standards of House decorum, rules of rele-
vancy, and time limitations on the members' speeches. The
Standing Orders are regulated by the Speaker and appeals against
his ruling are now prohibited. Another restraint is provided
by precedents established in previous parliaments and which
reach far back into British parliamentary history. Speaker's
rulings are an accepted part of such precedents. A third
limitation is found in certain conventions and practices of
the House - for example, that in any round of speeches in the
House, the Official Opposition will normally follow the
government and will be followed by the other parties in order
of size. One final restraint on parliamentary controversy
is supplied by the parties themselves. In the House, the
government may be anxious to get its programs through, but
it is also aware of the place in parliamentary democracy of the opposition. Attempts to accommodate the opposition parties are not only politically expedient, both in terms of avoiding the appearance of an authoritarian government and in terms of hastening the progress of business, but they also reflect a realistic assessment of the place of the opposition and the contributions it can make to improving government business. The opposition parties, for their part, are conscious of the fact that it is the government's responsibility to govern, and that they too are held responsible for the results of an incomplete legislative program. They are also anxious not to appear unduly obstructive.

Much of the parliamentary business is therefore organized through informal communication channels established between the opposing groups. At the present time, the House leaders form the most significant communication link for the conduct of House business, a link previously furnished by the leaders of each political party and by the party whips. The whip was recognized by each political party as its information link with the wider House of Commons. The whip has been referred to as an executive officer of the battleship, a keeper of the hounds, a father confessor, or more contemporarily, as a den mother or shop steward. It was his duty to keep the members informed of the current business and events, ensure that they were present for debates and votes, and arrange for pairing.
While appointed by the party leader and thus expected to keep him apprised of the members' attitudes, the whip was also the defender of the interests of private members. Most significantly, he was the channel of communication between the parties concerning topics for debates, the order of business, and the selection and order of speakers. He would meet informally and irregularly with his opposite numbers to arrange these and other procedural matters.

Depending on the seriousness of an issue, two avenues were open if the whips were unable to resolve a conflict. The most common was to shelve a bill until the end of the session when members were anxious to return to their constituencies, or else to permit the MP's to debate the matter until they and the subject matter were exhausted. The second avenue, used in rare parliamentary crises, was a private meeting at the top level between the Prime Minister and the Leader of the Opposition. Here, significant policy information would be exchanged either in an attempt to convince the opposition leader of the issue's seriousness, or to convince the Prime Minister that certain changes were necessary to remove any obstruction.

Over the last several decades the House leaders have come to provide a new communication link in the House of Commons. In conjunction with the party whips and party leaders, it is their responsibility to arrange the business of the House. In doing so, they have taken over some of the
duties previously performed by the other channels. The present separation of tasks lends fairly distinct duties to each group and the House leaders would now be placed between the party leaders but above the whips in any hierarchy of party authority. The major factors leading to the creation of this new link, most of which can be directly related to the recent explosion of government business, will be analyzed in the remaining parts of this thesis.
CHAPTER 2

Evolution of the Role of House Leaders

The present stature and role of House leaders can best be appreciated through some knowledge of how the positions of House leader evolved. The following account of their development must be considered preliminary in nature, since more thorough historical research would probably uncover additional factors which contributed to the evolution.

The parliamentary system has a way of creating positions without legislation of conscious decision. They evolve through a chaos of factors which in retrospect seem to have a certain logic or pattern but at the time of their appearance represent ad hoc decisions pertaining to the immediate political situation. Certainly such is true of the position of House leader. Factors influencing its development include parliamentary tradition, extended and momentary crises, personality factors, structural changes in the government and parliament, and the amount and complexity of House business. Originally the position of "House leader" was not present within the Canadian political system. As with the bulk of our parliamentary institutions it derived from the Mother of Parliaments in Great Britain. But as with most of these borrowings, the position of House leader has been adapted to fit our unique political situation rather than having been copied unchanged.
The term "Leader of the House" in Britain was originally applied to the chief spokesman for the Government in the House of Commons when the Prime Minister was a member of the House of Lords. When the Prime Minister was a member of the lower House he led the Government himself. Norman Wilding and Philip Laundy in their Encyclopedia of Parliament state that the title "Leader of the House" was not recognized in parliamentary terminology until the middle of the 19th Century, although the institution itself had existed for some time previously. They write:

"As late as 1840, Lord John Russell, who was the chief Minister of the Crown in the House of Commons when the Prime Minister (Lord Melbourne) was in the House of Lords, is referred to in a debate as the 'noble Lord who has to conduct, on the part of the Crown, the business of the country in this House'.'" 1

The term Leader of the House had two senses. It was meant to apply to the Prime Minister's political representative in the Commons if the party leader himself was a member of the upper House. (Prior to the 20th Century, the leader of the Government frequently was seated in the House of Lords.)

The term also refers to an individual who performs a specific function within the Commons. In Gladstone's words, the Leader of the House "suggests, and in a great degree fixes, the course of all principal matters of business, supervises and keeps in harmony the actions of his colleagues, takes the initiative in matters of ceremonial procedure, and advises the House in every difficulty as it arises". 2 This latter sense
that referring to the managing of the business of the House of Commons, has been dominant in Britain. The last Leader of the House to be so designated because the Prime Minister was in the House of Lords was Balfour who acted on behalf of Lord Salisbury from 1895 to 1902. Since that time, all Prime Ministers have been from the Commons.

In Canada, only two of our Prime Ministers have led the Government from the Senate. Sir John Abbott had as his lieutenant in the House of Commons the Minister of Justice, Sir John S.D. Thompson, who actually assumed the position of First Minister following Abbott's death in 1893. He, in turn, was followed as Prime Minister in 1895 by Senator, the Honourable Mackenzie Bowell, who had as his Commons' leader, the Minister of Finance, George Foster. Both prime ministers from the Senate had only brief terms of one year each.

From 1902 until the 1940's the British Prime Minister himself generally acted as the Leader of the House, although he frequently appointed a deputy leader to carry out some of the day-to-day duties. The only break in this pattern occurred during the First World War when Lloyd George confided the House leadership to Bonar Law, and later to Austen Chamberlain. When Bonar Law replaced Lloyd George as Prime Minister in 1922, he reverted to the former practice of handling the House duties himself. During the Second World War, the British Prime Minister again appointed one of his ministers to perform some of his House duties. Since that time, the post of British Leader of the House has existed separately from that of the Prime Minister.
It was not until after World War II that the position of Leader of the House, as distinct from the Prime Minister, became readily identifiable in Canada. Prior to that, the Prime Minister had kept full reins on events in the House of Commons for the government, although, when he was absent, another minister would perform such duties as announcing the next day's business. The war itself was one of the major contributing factors to an explicit division of the Prime Minister's roles. The newly created war cabinet met almost continuously requiring a reorientation of Prime Minister MacKenzie King's time and priorities. Increasingly the Minister of Pensions and National Health, Ian Alistar Mackenzie, assumed the duties of managing the House business.

At first the Minister's role in this area was unofficial. As Jack Pickersgill, at that time the Private Secretary to the Prime Minister, and later a Government House leader himself, commented:

"When I came to Ottawa 35 years ago, nobody had ever heard of such a thing as a house leader. The only person on the government side of the House who had any authority, parliamentary authority, apart from the Prime Minister was the Government Whip. I think the position of House Leader developed in large part because Mr. MacKenzie King got old and tired, and he didn't want to go to the House of Commons in the evening. And Ian Mackenzie ... just took over the function of announcing what the government's business was. Before that, when the Prime Minister wasn't there, whatever senior minister was in the House did it."

In 1946, the Prime Minister announced obliquely that he had
turned over some of his parliamentary duties to a House leader. His first reference to this division of roles is recorded in the Parliamentary Debates:

"...when I have been absent on recent occasions, the Minister of Finance has been Acting Prime Minister. As Mr. Ilsley will not be here during my absence on this occasion, I have asked my colleague the Minister of Justice (St. Laurent) if he would take on the duties of Acting Prime Minister...my colleague, Mr. Mackenzie, the Minister of Veterans Affairs, will be acting president of the council and will also continue to exercise, in the very efficient manner in which he has in the past, supervision over the organization of the business of the house, as house leader..."  

It should be noted that while Mackenzie now supervised the House business and was probably involved in any back room discussions between the parties, the customary communication links remained between the whips, and, if necessary, the party leaders. This has been documented in the official debates of the House.  

The separate position of Government House leader, then, arose from the need to organize and announce the House business when the prime minister was absent. The war was an extended crisis which created the need. The amount of business requiring the government's attention was another factor. A.D.P. Heeney, in his study of cabinet government used one rough indicator to illustrate the increased workload of that body during the war period. According to his study, 92,350 items of business were passed by the Governor-in-Council between 1939 and 1945, an increase of more than two-and-a-half times over the pre-war level.  

Jack Pickersgill cited another probable factor,
MacKenzie King's age. Postwar reconstruction and the beginning of the positive or welfare state also occupied the prime minister and led him to delegate some House responsibilities to another minister. As the Government House leadership was not a statutory office, nor is the Leader formally appointed by the Crown in either Great Britain or Canada, the position fell to another cabinet member, Ian Mackenzie.

When Mackenzie retired from the House leadership shortly before being summoned to the Senate in January, 1948, there was no automatic successor to his position. For several months the prime minister once again undertook these duties, although he did allot the evening announcement of business to his various ministers. The second Canadian House leader, Alphonse Fournier, slipped into the position in much the same way as had Mackenzie. Pickersgill, according to his own recollection, was asked by the Prime Minister one day how Fournier had come to be the "spokesman of the government". Shortly afterwards, King actually asked Fournier to assume these duties. This inside perspective reveals that the existence of a distinct House leader had not yet reached a point where it was considered inconceivable by the Prime Minister to be without it. It was up to one of the cabinet ministers to perceive a gap and attempt to fill it, with official recognition following afterwards.

One of the tests of the permanency of any newly established position is its ability to survive a change in senior
leadership. This test occurred for the House leadership late in 1948 when Louis St. Laurent replaced King as the Liberal party leader and later as Prime Minister. St. Laurent had obviously learned the rules, procedures, and practices of the House during his apprenticeship for the prime ministership and he could have handled the House duties with relative ease. Like his predecessor, however, his time was consumed elsewhere; and he was probably relieved to find a minister willing to undertake some of the more unwelcome chores. Fournier's continuation in the position was facilitated by the simple fact that he was already performing adequately and little would be gained from disrupting a workable arrangement. This is an obvious example of personal inclinations influencing the development of a separate Government House leader.

St. Laurent continued the delegation of House responsibilities by appointing Walter Harris, initially Minister of Citizenship and Immigration, to the post at the commencement of the new parliament in 1953. He was well qualified for the position, having assisted Fournier in these duties for several years. The duties could not have been viewed as particularly onerous for two years later he assumed as well one of the heaviest portfolios, that of Finance. One of Harris' tasks as Government House leader was to assist in the creation of a successful legislation committee in the cabinet. With legislation increasing in volume and the sessions stretching to eight months instead of the traditional three or four, the
government had perceived the need to study proposed legislation with greater care and to schedule to some extent its introduction to the House of Commons. The committee, similar to one that had been created in Britain a few years before, was composed of several senior ministers, including Harris, and met when the need required. This represented a structural change in the government which assisted in the development of the position of Government House leader.

During his tenure, Harris began to develop ad hoc channels of communication with the Official Opposition through such senior opposition members as Howard Green and E. Davie Fulton. These channels supplanted, to some degree, communications between the party leaders. The age and physical health of St. Laurent was one contributing factor to this evolution, as was his general lack of concern for this aspect of House business. Another factor was the personal hostility to St. Laurent of Opposition Leader George Drew; this deterred the prime minister from meeting with him frequently. The main channel for making arrangements, however, remained the party whips. It was during this parliament that the opposition parties began taking steps to counteract the growing powers of the government regarding House business. Opposition concern was precipitated first by the Defence Production Act which had passed through the House with only a few concessions made and with the Government House Leader moving that "the previous question be put" to end debate.
The second event was the historic pipeline debate. The pipeline debate concerned not so much the merits of the proposal as the method employed by the government to speed its passage through the House of Commons: closure. When the final votes were taken, the Government received its bill, but the opposition parties now had a group of MPs highly tuned to the procedures and practices of the House. They were to use this knowledge in negotiations with the Government in the future. Any links between the government and opposition ceased to operate during the pipeline debate. Instead, the opposition parties created their own channels, with Stanley Knowles and E. Davie Fulton taking a leading part. (Knowles was the CCF whip at the time, his participation in the discussions was qualitatively different from that of the other whips.) These quasi-House leaders met under the instructions of their party leaders and caucuses to plan coordinated strategies to counteract the government action.  

The pipeline debate left many bitter feelings between the government and opposition but the whips were soon able to resume any necessary discussions for arranging speakers, private members' days, and the like. Communication links, however, remained in a state of flux for several years with changes in the incumbents of all parliamentary party positions of authority. George Drew, the Conservative leader, retired in December, 1956, and was replaced by John Diefenbaker. It was Diefenbaker who actually initiated the concept of opposition House leader by assigning Howard Green to take charge of House business for the party, although Green was not at the time referred to as 'opposition House leader'.

Then came the general election of 1957 and the defeat of the Liberal government. St. Laurent retired shortly afterwards and Lester Pearson took charge of the official opposition. Walter Harris, the former Government House leader, had been defeated in the election, and neither St. Laurent nor Pearson appointed an opposition House leader. Diefenbaker appointed Howard Green, now Minister of Public Works, to the House leadership for the Conservative Government, becoming the third prime minister to appoint a separate Government House leader.

The 1958 general election saw the defeat of all Social Credit candidates, leaving the party without representation in parliament for the next four years. M.J. Coldwell, CCF party leader, and Stanley Knowles, long-recognized procedural expert of the CCF, were also defeated, leaving that party with eight highly individualistic MP's and no central authority figure. Although they commanded an overwhelming majority of 208 members in comparison to the Liberal's 49 and the CCF's eight, the Conservatives soon found themselves faced with a David and Goliath situation in the House. Lester Pearson, concerned with attacking the government's policies, turned the duties relating to House business over to his deskmate, Lionel Chevrier. Chevrier, assisted by Pickersgill and occasionally by Paul Martin and Pearson, undertook to challenge the government on every move it made in the House. One of the tactics employed by Chevrier which annoyed both Green and his successor in 1959, Gordon Churchill, was his habit of asking the House leader each evening what business was planned by the government.
for the next and following days. Prior to that, it had been customary for the Government House leader to announce the business without any questions or discussion from the other side. This simple tactic had the effect of publicizing many of the backroom discussions that had taken place, and brought many of these negotiations onto the floor of the House itself. In the interests of gaining a fairly smooth progression of business through the House, the Government House leader sought out someone in the Official Opposition with whom he could resolve minor wrangles and undo procedural knots. The whips during this period were inexperienced and not particularly involved in developing party strategies and tactics. Chevrier was an obvious choice and the Government House leader took to meeting him "behind the curtains", or in room 16 across the hall from the House, when the need required. Chevrier had no official title, but was known as the spokesman for the opposition on these matters. The Government House leader's contacts with the CCF-NDP were less frequent, but on those occasions it was usually necessary for him to canvass the views of each member.

A further significant factor leading to the establishment of a distinct third level communication link among the parties was the series of minority governments in the mid-1960's, particularly after the return of a Liberal government in 1963. In the past, the Government House leader had considered it wise, although not essential, to ascertain the sentiments of the opposition before arranging some aspects of the government
program. It was now necessary to know their views and plans before any steps were taken. Of particular importance were the negotiations with the two, and then three, minor parties.

Rather than leaving most interparty discussions to the whip, the new Liberal Government House leader, Jack Pickersgill, began meeting frequently with members of other parties, either singly or collectively. 20 His counterpart in the Official Opposition was Gordon Churchill, now appointed to the formal post of Conservative House leader by Diefenbaker. Alex Patterson was appointed the Social Credit House leader and, with the split in that party in October, 1963, Gilles Gregoire became the Creditiste House leader. Stanley Knowles, again the NDP whip, in effect wore two hats by attending both types of gatherings. He was appointed both House leader and party whip by the NDP caucus in 1965. The whips' role now became less that of planning strategies and tactics and more one of keeping track of the MP's. Such a function was crucial as a poor timing of votes, or a surprise vote in Committee-of-the-whole when no advance warning had to be given, could defeat the government.

One factor assisting in the development of the position of House leaders, particularly for the opposition, was the return to the House of Stanley Knowles. Knowles is unique in his deep understanding of parliamentary procedure and in his ability to manipulate the rules. During this period he used every occasion possible to force a meeting between the House leaders and to participate vigorously in these gatherings.
The Government House leader's position, too, was strengthened by Prime Minister Pearson. Pearson was content to leave the organization and conduct of House business to another minister. This era was characterized by strong adversary feelings in the House, epitomized in the constant clash between the Prime Minister and Leader of the Opposition. Top level discussions were not frequent and were usually unsuccessful; and it was left to the House leaders to maintain communications between the parties.

Another important factor influencing the development of the position and role of House leaders was the massive increase in parliamentary business. In 1964, Stanley Knowles wrote, "Today's agenda [of parliament] bears no relationship at all to the amount of business before Parliament a century ago, or even back a few decades..." To support his statement, Knowles referred to the increasing length of parliamentary sessions. In the nineteenth century, the typical session lasted two and a half months, and "even during World War I the sessions ran for only four or four and a half months". During the Second World War, the number of sitting days never exceeded six months. Since that time the typical session had been running eight months or more. In a paper prepared in 1967, Gordon Robertson used several other indices to illustrate the expanded workload of government and parliament. Comparing the five-year period 1957 to 1962 with the following five years, he found that the greatest number of days per session during the first period was 174. In contrast, between
1963 and 1967 there were sessions of 248 and 250 days. In the first period, the largest number of bills passed in any one session was 64; in 1967 Parliament passed 97 bills. He continued: "The largest printed volume of statutes in the first five-year period had 583 pages of legal text; in 1964-65 Parliament passed 751 pages of statutes, and in 1966-67, 1273 pages". To illustrate the workload of the cabinet Robertson calculated the number of documents requiring cabinet consideration: "In the years 1957 to 1959 they averaged 382 per year; from 1964 to 1966 the average was 656 - an increase of 70 per cent. By August of 1967 the Cabinet had 532 documents before it, so the prospect was for 800 for 1967". As he states, "The increased mass of business is not the whole story. It is also far more complex than it used to be".

The constant negotiating and organizing of an increasingly voluminous and complex government program played heavily on the Government House leader who, as a minister, was also responsible for his own department. It is not surprising, then, that Pearson had four House leaders in five years. Pickersgill left after a year to become Minister of Transport. His successor, Guy Favreau, was already overworked as the Minister of Justice and leader of the federal party in Quebec and within eight months asked to be removed. The third Government House leader, George McIlraith, had the longest tenure for the period—over two years. He began as the President of the Privy Council (a portfolio without a ministry and reserved for special respon-
sibilities assigned by the Prime Minister) and was transferred to the ministry of Public Works in July 1965. Allan MacEachen, Minister of National Health, was appointed to the post in the final year of Pearson's leadership. Of these four men, three were experienced parliamentarians well versed in House procedures. 23 Favreau was the only novice; and it is generally conceded that, while his relations with the opposition House leaders were more than cordial, he was ineffective in avoiding procedural jams in the House.

The opposition House leaders, carrying proportionately fewer responsibilities, remained longer in their positions. The Conservatives made one change, replacing Churchill with Michael Starr in 1965. Gerard Laprise carried the duties for the Creditistes when Gregoire retired.

With the stepped-up need for interparty discussions and the eyes of the nation focussed on the House of Commons, it was inevitable that the existence of House leaders and their discussions would become a matter of public knowledge. One additional factor which probably contributed to a public recognition of their role was the interest taken by the various media in their activities. Every time a House leader was appointed or retired, broadcasters and journalists would analyze the motives behind such a move and discuss the strengths and weaknesses of the individual concerned. 24 Open disputes between the House leaders were also emphasized. 25 The House leaders became recognized as useful information sources for the media on what was to happen in the House; and they, in
turn, occasionally sought out the media to put forward their party positions.

During most of the minority government period concentrated attempts were made to reform the antiquated House procedures. The House leaders were instrumental in developing and implementing various provisional reforms; and this activity heightened their value and contributed to their further evolution.

The string of minority governments ended in 1968 with the election of Pierre Trudeau as Prime Minister. One of his first tasks was to reorganize the cabinet and its system of committees and to complete the series of parliamentary reforms which had provisionally begun in the early 1960's. To that end, he appointed Donald Macdonald to the House leadership and assigned him the cabinet post of President of the Privy Council. This was the result of an explicit policy decision made to free the House leader from cumbersome departmental responsibilities. As the first full-time Government House leader, Macdonald was able to devote his time to studying procedural reforms and planning the government's program and its parliamentary schedule. He had one assistant, Dr. John Stewart, who, before his defeat in the 1968 election, had been vice-chairman of the Special Committee on Procedure. Stewart had also assisted McIlraith in his House duties as his Parliamentary Secretary and proved an invaluable aid to Macdonald who, like Favreau, was inexperienced in this area. 26 Although the government commanded a majority in the House and was not dependent on any opposition party for numerical support, the channel of communications between the House leaders continued
to operate. The opposition House leaders would never have tolerated a decrease in their participation, nor would Mac-Donald have jeopardized procedural reform by suggesting such a move. He needed the support of Stanley Knowles, Ged Baldwin, the Conservative House leader, and Gilbert Rondeau, the Creditiste House leader, to convince their party caucuses of the value of suggested reforms.

The communication channels between the House leaders were advantageous to all concerned. The Government House leader was able to use these channels to gain an advance reaction from the opposition to government proposals and so plan their introduction in the House accordingly. The opposition parties were able to learn about most proposals and their tentative scheduling ahead of time and were able to plan more elaborate strategies. The major difference between the pre-1968 discussions and the post-1968 discussions was that now the opposition House leaders could only threaten to obstruct, and not threaten to defeat, the government.

MacDonald began the practice of weekly announcements of business for the following week to replace the routine of daily evening announcements for the following day. This led to more regular meetings with the House leaders frequently discussing the proposed schedule on Tuesday, reporting to their caucuses on Wednesday morning, and agreeing or disagreeing with the proposals before Thursday. The government held the advantage, however, as it could change the plan without notice, in contrast to the British system where a schedule, once
announced, cannot be revised unless all the parties agree. The Government leader could also choose to withhold information.

MacDonald included his assistant in the more formal discussions, a procedure never considered in the past, or, if considered, rejected with the thought that the opposition House leader would never tolerate staff in these private meetings. The assistant kept minutes for the Government House leader's use. He was also the information contact point for the opposition representatives if the Government House leader was unavailable.

The House leadership was assumed once again by Allan MacEachen in September, 1970. He, too, was able to devote full time to these responsibilities as President of the Privy Council. MacEachen brought one major innovation with him. Through an order-in-council authorized by the prime minister, he was able to create the Legislative Secretariat, a cadre of experts to assist him in the House duties. The opposition House leaders were not pleased with this development as they had neither additional staff nor the financial resources to provide them. Unlike the two major party whips who receive a yearly honorarium and several assistants in recognition of their positions in parliament, the House leaders are allotted only the same resources as a private member. The opposition House leaders viewed the Secretariat as giving the Government House leader an unfair advantage in preparing for procedural debates and in discussing procedural reforms. They disliked the confidential
nature of any reports prepared, and felt that such staff should be more properly attached to the Standing Committee on Procedure and Organization for the benefit of all members. The government saw the Secretariat as a form of department for the Government House leader whose responsibilities were to plan and organize the government's parliamentary program and to speed up its passage through the parliamentary process. With the massive increase in business, the government felt that the Leader of the House should be given staff to assist him in these duties.

One of the aspirations of the Secretariat members was to increase the Government House leader's involvement in planning the legislative program. If that occurred, some individuals saw the future evolution of his role as paralleling the British system where the Leader of the House delegates to his Chief Government Whip the responsibility for discussing and negotiating with the opposition parties. Given time, and the conditions of majority government, such a development might have taken place. But the election of another minority government in 1972 has retarded this process. Once again, the Government House leader has been placed in the position of negotiating for the life of the government. The conditions for survival rest not only on the timing of a particular legislative proposal or on making minor concessions to the opposition House leaders, as they were during the majority government period, but also on the actual proposals and their contents. The negotiations between the parties have become much more open as individual House leaders take their cases before the pub-
lic. The Opposition House leader, furthermore, has responded to the existence of the Secretariat by hiring an assistant (who is officially part of the Opposition Leader's Office).

The House leaders, then, have become the established channel of communication between the parties. The whips continue to meet to decide on the order of speakers, organize pairs, arrange the timing of votes, and so on; but they are rarely involved in the more intricate negotiations. The party leaders are utilized only as a channel for emergencies and as a last resort.
FOOTNOTES: Chapter 2


3 Abraham and Hawtrey, op. cit., p. 117.

4 Canada, Parliament, House of Commons, the Debates (hereafter cited Can. H. of C. Debates), 1892-96

5 Abraham and Hawtrey, op. cit., pp. 117-8. See also May, Sir Thomas Erskine, op. cit., p. 239.

6 This is shown in a speech MacKenzie King gave to the House of Commons in February, 1942:

"...I am trying to give all the time I possible can to the very important matters immediately concerned with the war effort of the country. That involves of necessity my absence from the house a good part of the time during the course of...debate...."


7 For example illustrating Mackenzie's involvement in House business see Can. H. of C. Debates, 1942, pp. 1360-61; 1944; p. 3565; and 1945, pp. 760-2.

8 Interview with the Honourable Jack Pickersgill, August, 1972. Hereafter I have only footnoted interviews where the name of person interviewed is not obvious from the body of the text. All interviews, as indicated in the bibliography, were conducted between February and August, 1972.


10 See, for example, Can. H. of C. Debates, 1942, p. 3102.

12 May, op. cit., p. 239.


14 Interview with Jack Pickersgill.

15 Interview with the Honourable Walter Harris.


17 Interview with Stanley Knowles.

18 The Honourable Gordon Churchill to the author, August 12, 1972.

19 The Twenty-fifth Parliament (1962-3), with the Conservatives still in power, was open for only four months and brought few visible changes. Churchill continued to function as the Government House leader and Chevrier acted for the Liberal opposition. Little attempt was made by the Conservatives to gain the cooperation of the minor parties through these communication channels.


23 Pickersgill assisted Lionel Chevrier as the "opposition spokesman" between 1958 and 1962; MacEachen had advised the party in procedural matters as Pearson's assistant during that same period; and McIlraith, first elected to parliament in 1940, had been an MP for twenty-five years.

25 See, for example, Bain, George, "PC Complaints a Fraud", The Globe and Mail, October 9, 1964.

26 Interview with the Honourable Donald MacDonald.

27 Rondeau was replaced by Andre Fortin in 1969.

28 See Chapter seven for the major point of contention in these procedural reforms.


30 Interviews with former Government House leaders.

31 Interviews with members of Legislative Secretariat.
CHAPTER 3

The Role of the House Leaders

House leaders possess no handy guidebooks outlining their responsibilities. The only reference to the position of Leader of the House in official Canadian procedural manuals is a quotation from Radlich found in Beauchesne's Rules and Forms of the House of Commons of Canada. It states, in part:

"It is his task in the name of the government and the party in office to distribute over the session the program of legislation announced in the King's speech and to advocate it in the house. He assumes the duty of proposing all such motions concerning the agenda of the house as are deemed advisable by the government and is their spokesman in the debate thereon..." 1

No mention is made of the Opposition House leaders. George Bain, in his small booklet describing the Canadian Parliament, includes this brief definition of House leader:

"The House leader - each party has one - functions more outside the House of Commons than in it. The Government House leader is responsible for scheduling the flow of government's business through the House and to ensure that it does flow, he must seek the co-operation of the House leaders of the other groups." 2

The House leader's job is basically what he, within certain limitations to be described later, chooses to make it. When carrying out their various duties, the House leaders do not consciously categorize their tasks. What follows is a composite picture of the House leaders' responsibilities, performed
to a greater or lesser extent and with varying degrees of interest by each House leader.

The major collective role of the House leaders is to assist in the organization of business in the House of Commons. It is their duty to attempt to resolve any party and procedural difficulties which may disrupt the smooth flow of that business, subject to the political strategies of their own particular group. "House business" refers not only to that major consumer of time, government legislation, but to all discussions and debates which may be conducted in the chamber. The Standing Orders contain a comprehensive weekly routine of business which establishes specific days and times for such matters as question period, written questions and orders for return, private member's motions and bills, the adjournment debate, committee reports, and government motions and orders. In addition, they provide for standard debates such as the Throne Speech and Budget debates, and twenty-five Opposition Days, which, with the referral of government estimates to the standing committees, have replaced the old supply debates. Allowance must further be made for two standing orders which permit debates on matters of urgency and importance. Also under the House leaders' purview are government estimates, bills, and special studies referred to the House committees.

With the exception of government legislation, all of these matters are subject to strict time limitations. They
do, however, require initial organization and further arrangements throughout the session, and these are effected by the House leaders. One example is the four times weekly private members' hour. At the commencement of a new session, the House leaders must meet to assist the Speaker and House officials in selecting the order in which private members' bills and motions are to be debated. At the present time, a lottery is held to produce the list for the order paper. While the order for private members' business is normally followed, occasionally the member or the government speaker is not prepared to proceed on the allotted day. Through agreement, it is decided to postpone that debate and proceed down the list. The House leaders are responsible for ensuring that their party members are aware of this change and that speakers are prepared to handle the new debate. The Government House leader must decide if the Whip is to be applied and convey this message to the Chief Government Whip who then arranges for enough speakers to talk the bill or motion out. Without such co-operation between the parties, that hour could be wasted.

Another example of arrangements between the House leaders relates to the twenty-five opposition days. These debates are allotted to three periods in the parliamentary year—five prior to December 10, six prior to March 26, and thirteen before June 30—but the actual days are not specified in the Standing Orders. It is the government's prerogative to specify the days. Customarily, the Government House leader
consults with his opposition counterparts before doing so. Timing frequently becomes a tool in the House leaders' negotiations, the Government House leader agreeing on a preferred day in return for other concessions or the opposition's offering to accept a less preferred day for other agreements by the government. The use of this tool and the temper of the discussions are dependent upon the issue planned for debate and the state of other negotiations at that time. Negotiations must also occur among the three opposition House leaders to apportion opposition participation in these debates.

By far the greatest portion of the House leaders' time is spent on government legislation. Unlike private members' business, which has an established order of precedence, the order and calling of government bills is solely at the discretion of the government. The only limitation to this freedom is that the bills must be on the order paper, placed there in routine fashion. The government is thus under no obligation to consult with the opposition about the organization of these debates. It is simply a courtesy of the House that the government announces in advance what legislation is likely to come up for debate on the following days. However, also unlike the more standard debates, there is no formal limitation of time on government legislation unless one is imposed by the government through closure or time allocation. There has always been a healthy disrespect, perhaps even fear, in the Canadian Parliament for the arbitrary imposition of time limits on government debates. As chapter seven discusses,
various attempts have been made to provide an acceptable time allocation mechanism for government orders, none of which has proved successful. The only workable method for speeding up the progress of most government business is, as George Bain points out, through consultation with the opposition House leaders. Together, they negotiate to find the best possible use of the House time. How these negotiations are conducted, and the tactics employed, is the subject of the following chapter. In addition to their collective responsibility for assisting in the organization of House business, the House leaders have several individual duties to perform for their own political parties which affect the conduct of their business. The Government House leader has the most extensive duties, and it is to his role that we turn first.

The Government House leader is now a cabinet member charged by the Prime Minister with several responsibilities related to the business of the House of Commons. In Donald MacDonald's words, he is basically responsible for "making the parliamentary machine work". As noted in the historical section, the House leadership is not a statutory office; therefore, it has always been combined with another ministerial portfolio, either the prime ministership or another cabinet position. A variety of departments have had the honour of sharing their minister with the House duties—pensions and national health, veterans affairs, public works, citizenship and immigration, finance, secretary of state, justice, and health and welfare have all had this privilege.
In 1968 the House leadership was assigned to the post of President of the Privy Council, a recognition that it had indeed become a full-time job. Like that of the British Lord President of the Council, this position was originally attached to that of the Prime Minister. The direct duties of the office relate to one specific function: chairing the formal meetings of the privy council. As such full scale meetings rarely occur, the President of the Privy Council is responsible for chairing meetings of the Special Committee of Cabinet, a group of three or four ministers who gather weekly to pass thousands of orders-in-council. In addition to the House duties and orders-in-council, the present President is responsible for such matters as election expenses and conflict of interest legislation, electoral redistribution, the study of procedural reform, and the Public Service Staff Relations Board. He is also a member of the Commission of Internal Economy dealing with members' prerequisites.

The Government House leaders' major duties for the cabinet and government party fall into three areas: overall supervision and management of the House of Commons, management of the government's legislative schedule, and assistance in the development of government legislation. The present Government House leader is also involved in long-range planning and government legislative priorities, an increasingly complex area of government activity. Managing the Commons involves an overall responsibility for many routine matters such as organizing private members' hour and the adjournment debate,
and requesting replies from departments to written questions and requests for government documents asked for in the House. The present House leader has for several years delegated these duties to his Parliamentary secretary. It also requires organizing the mechanics of calling for the opening of a session and preparing for its adjournment. The Government House leader must make decisions as to the date and timing of votes when possible, and he holds some responsibility with the whip for ensuring that government members are aware of these dates and are present to cast their votes. While the Chief Government Whip is still nominally responsible to the Prime Minister for such tasks, in reality he reports to the Government House leader and carries out arrangements in consultation with him.

House committees fall under the purview of the Government House leader. At the beginning of a new parliament, he and the whip work with the opposition to establish the party composition for these committees. The existence of a minority makes these arrangements more complex. The Government House leader then selects the committee chairmen and the two decide which government backbenchers will be assigned to each committee. Maintaining the membership and quorums is a duty of the whip; however the Government House leader must co-ordinate the reference of bills, estimates, and special studies to the committees and supervise their progress. He also arranges the scheduling of these committees.
Managing the House includes making arrangements for Throne Speech, Budget and Opposition Day debates. It also includes organizing government debates. Based on his legislative schedule, particular instructions from the cabinet, and consultations and agreements made with the opposition House leaders, the Government House leader selects the bills to be debated both on a weekly and a day-to-day basis. He must advise the cabinet and ministers concerned that certain legislation is going forward, estimate how long it will take, arrange time for ministers; speeches, advise the caucus of any tactical plans, and work with the whip if any votes are planned. He is also responsible for arranging the continuity of business so that if debate on one bill finishes ahead of schedule, there will be another minister available to bring on the next piece of legislation.

Making the parliamentary machine work involves dealing with the government caucus as well. At each Wednesday caucus meeting the Government House leader outlines the business to be debated the following week and describes any arrangements made with the opposition. As the members have likely voiced any objections to certain legislation previously, they normally accept his schedule without comments. The Government House leader may use this opportunity to advise the caucus about members perquisites or House decorum. One House leader, for example, abhorred the reading of newspapers in the House and he used his position as Government House leader to request a halt to this practice.
If a member has a problem or a complaint, he normally takes it to the whip. If serious, it is passed on to the Government House leader for discussion with the Prime Minister or it is raised in the cabinet. On occasion, the whip may be unreceptive or there may be a personality clash, and the member will turn to the House leader instead. The Government House leader is also involved in selecting members for special trips and delegations, a useful persuasive power to gain their support.

Another duty of the Government House leader is arguing procedural matters when they are raised in the House. Because of his involvement in arranging the business, his knowledge of the rules and precedents must be extensive. Thus on points of order, questions of privilege, motions to debate a matter of urgency or any other procedural question, it is the Government House leader who speaks for the government. One final duty of the Government House leader in House management is the study of procedural reforms. How quickly the business progresses through the House depends in the first instance on the formal rules for debate. Searching for new and acceptable rules that will further organize and hasten the passage of legislation is a constant preoccupation of the Government House leader. In this, he is assisted by research studies prepared by the Legislative Secretariat.

The organizing of government debates discussed earlier is also part of the Government House leader's second function of managing the government's legislative schedule. Prior to each new session, the cabinet must decide what legislation
it would like debated and passed that session. Arguments can be long and hot as ministers vie for a place in the legislative program. After the decision has been taken, the Government House leader draws up a tentative schedule and submits it to cabinet for approval. He also has a hand in preparing the Throne Speech, which outlines the government's planned program.

Once the session opens and bills are on the order paper, the Government House leader assumes total responsibility for calling government business in the House. He needs a certain amount of flexibility so that he may negotiate with the opposition House leaders and schedule the business in a manner in which it is most likely to be accomplished. Scheduling of government business is an intricate operation. The Government House leader must take into account the priority which the government places on a bill, statutory expiry dates for renewing some legislation, new priorities, opposition objectives and tactics, general sentiment as it is expressed in the country, and other activities of the ministers and parties. Trying to get a bill out of the drafting process and printed in both languages in time for introduction to the House is another problem he continually faces. As the bills pass through the House, he must keep track of the stages they have reached. For this purpose, his staff prepares a monthly progress table. The Government House leader must push the standing committees to complete their stage of a bill; and must remind the whip when legislation is to be debated in committee-of-the-whole as votes can be called without warning at any time. He must
also keep the government caucus informed as to when bills are to be debated. Once bills have passed through the House, the Government House leader must then supervise their progress through the Senate, pressing the Government Leader of the Senate to hasten their passage. He must also supervise bills originating in the Senate and arrange for their introduction in the House if necessary. After the bills have passed both Houses, he must arrange for their Royal Assent.

The third major duty of the Government House leader is assisting in the development of government legislation. To this end, he is the chairman of the Cabinet Committee on Legislation and House Planning. When a new proposal arises out of the electoral program, or from a minister, a department, or another source, it is normally presented to the cabinet. If that body feels that the proposal has some merit, they request that a "head" be prepared by the relevant department or inter-departmental committee outlining the proposal and any alternative proposals. This then goes to the appropriate cabinet committee for discussion and approval. If necessary, it returns to cabinet for further discussion. A bill must then be drafted, and for this purpose it is sent to the drafting section of the Justice Department.

The role of the Cabinet Committee on Legislation and House Planning is to study draft legislation according to general structure, legal wording, fairness, acceptability as a working measure, and to ensure that it reflects government policy. If a bill passes this examination and there is a
likelihood of its being incorporated into the legislative schedule at some point, it is then sent for printing. These bills are often presented to the government caucus and caucus committees for discussion. The Government House leader's task is to arrange with the minister to have the draft bill inspected by the backbenchers.

It is through this cabinet committee and the impressions of the government caucus that the Government House leader gains an intimate knowledge of the legislation and any areas of sensitivity and potential difficulty. This knowledge, plus his experience in legislative scheduling and understanding of the goals and strategies of the opposition parties, makes the Government House leader very influential in middle-range government legislative planning.

Unlike the British Cabinet, the Canadian Cabinet has no future legislation committee to sort out government legislative priorities and perform a "slaughter of the innocents", keeping excess bills back in the departments instead of putting them on the order paper. The Priorities and Planning Committee of cabinet, chaired by the Prime Minister, with the Government House leader as a member, does look at long-range government priorities but not in the sense of legislative proposals. Two results occur from this lack. First, there are always far more bills introduced into the House than the government can hope or expect to pass; and, second, legislative planning is a haphazard process. At the present time, a great deal of planning is co-ordinated by the Privy Council
Office (PCO). Eighteen months before a new session the Secretary to the Cabinet writes to all departments requesting proposals for government legislation, to be submitted within three or four months. These items are reviewed by the PCO and sent to cabinet through the Prime Minister with recommendations attached. While making some changes, the cabinet generally approves the prepared list. The departments with items to be considered send policy memorandums within seven or eight months. At another cabinet meeting, the proposals are approved or rejected, and those approved are sent for further study and drafting.

In addition to this list, the cabinet may have further proposals, since individual ministers may advocate new policies and there are numerous shelved bills from the previous sessions. The cabinet has many immediate problems to face, particularly near the end of the existing session, and is ill-equipped to handle the lengthy in-fights between the ministers over legislative priorities. The Prime Minister, too, given his other responsibilities, may not have studied the situation in depth. It is the cabinet's decision, however, and although the Government House leader may be very influential at this point in outlining potential hazards and pitfalls, he has no control over this pre-legislative process.

In 1972 an ad-hoc committee of cabinet was formed, its membership identical to that of the Cabinet Committee of Legislation and House Planning, to consider these legislative priorities in greater detail. A staff committee, comprising two members each from the Privy Council Office, Department
of Justice, and Legislative Secretariat, was also established by cabinet order to study the question of placing the legislative unit of the PCO and the legislative drafting section of the Department of Justice under the authority of the President of Privy Council. While the first committee is not yet permanent and the second has reached no conclusion, the planning of the legislative process may yet undergo substantial changes.

The Government House leader thus has extensive duties to perform for the government and party in office which affect the organization and conduct of House business. It is his ability to maintain a smooth flow of business and hasten its progress through the House which is the government's major parliamentary concern; and for this he requires a communication link with the opposition parties.

Opposition House leaders possess none of the legislative responsibilities of the Government House leader. They react to government proposals rather than act; and their individual party duties mainly involve organizing their parliamentary caucuses and advising them on how and when to react. The Opposition House leader is considered the general manager or the captain of the party insofar as House business is concerned. Through his contacts and arrangements with the other House leaders and House officials, and by keeping a close eye on the Order Paper, the Opposition House leader should be aware at all times of what is being debated and what is planned for debate in the House and in committees. His first duty, then, is to provide an information source to his leader and party members on the House activities. A second major
responsibility is organizing the party to take part in these debates. When a party member has a private bill scheduled for debate, for example, the opposition House leader must ensure, either through himself or the party whip, that the member is aware of this fact and has other members to assist him in the debate. Similarly, if a member is scheduled to speak in the adjournment debate, this message must be conveyed to him. Members must be informed if a subject of particular interest to the party is being discussed in committee.

The party's opposition days also require a great deal of planning and organization. The House leader takes part in selecting a topic, assists in drafting the motion, and sends it to be placed on the order paper twenty-four hours in advance. As the number of speakers allotted to each party is normally less than those who wish to speak, the House leader and whip, frequently in consultation with the leader, must select the speakers. They must also ensure that the members are present to give the speeches.

For government legislation, the members are informed at the Wednesday caucus of which bills will likely be brought forward and of any suggested arrangements between the House leaders. Each Thursday, the Government House leader announces the topics to be debated the following week. The whip arranges lists of speakers for these debates and reminds the members, but the House leader must supervise the progress of business so that he can develop further party strategies or perhaps arrange with the other House leaders to complete the debate.
If any new arrangements have been made, he must convey these to the members present in the House and request their support.

Like the Government House leader, the opposition House leader keeps track of all government legislation and the various stages it has reached. In this manner, he can forecast the government's likely intentions and prepare the caucus for future debate. The opposition House leader supervises the distribution of bills to caucus committees and to the research staff for scrutiny, and hastens their study if the legislation appears ready for debate. He may also suggest further research projects on potential policy matters. If amendments are to be proposed, he is frequently called upon for drafting to ensure that they are technically perfect and procedurally acceptable to the House. Another activity of the opposition House leader is to take part in the discussion and development of questions for the daily question period. He may advise members on the preparation of motions of urgency and written questions and requests for government documents.

The opposition House leader is one of the major party strategists for House business. Through his contacts with the other House leaders, he is not only aware of what is likely to be discussed in the House but also of many of the strategies and tactics planned by the government and the other opposition parties. He is therefore in an ideal position to advise the caucus about the strategies they should adopt towards the various government proposals: which bills should
take priority, how long the attack should be, and which areas are of prime sensitivity to the government, to the other parties, and to their own party as well. The opposition House leader may have to cajole some of his own members to drop one attack in favour of another. Or he may suggest increasing the attack if it appears politically astute or the government is weakening and preparing to compromise. When there is a minority government, the party must also decide, often based on the information conveyed by the other opposition parties through the House leaders, whether it will support the government on certain policies regardless of any perceived weaknesses or whether it will join the other opposition groups to defeat a measure and perhaps even the government itself. The opposition House leader is deeply involved in such strategy discussions, both to provide advice and to receive information he can use in future House leaders' negotiations.

Taking part in procedural debates in the House is another duty of the opposition House leader. It is his responsibility to ensure that the party does not lose position or momentum through an inability to use the rules. Occasionally these debates are simply open attempts by the House leaders to reach agreements on the conduct of business. The House leader is normally the procedural expert of the party. He provides the members with advice on the proper procedures for debate, on preparing amendments, on presenting questions of privilege or points of order, on rules of relevancy, on matters of
decorum and so on. He is usually the party member most involved in the study of procedural reform.

The opposition House leader is the focal point of the party for matters relating to the conduct of House business. His most significant function from the party's perspective, however, is his link with the other parties. How the communication channel between the House leaders operates is the topic of the following chapter.


4 This information came from a seminar held by the Parliamentary Interns with Gordon Robertson, Secretary to the Cabinet, Spring, 1972.

5 Interviews with members of the Legislative Secretariat.
Collectively it is the House leaders' role to discuss, negotiate and arrange the business of the House so that it will flow continuously and as smoothly as is feasible in the partisan chamber. The title "House leaders' Meetings" may be a misnomer for there is no formality to or set schedule for communications between the House leaders. Such flexibility is preferred for several reasons. First, the House leaders need meet only when the need arises, this may be only once a week or it may be continuously on the floor of the House, depending upon the time of year, the subject of debate, and many other factors. Further as various House leaders have observed, if the Government House leader chooses not to call a meeting for several weeks or if an opposition House leader or party representative fails to regularly attend these gatherings, undue concern is not expressed by the other House leaders, the parties, or the press over some seemingly unusual situation. A third reason for such flexibility is that if communications do break down between the House leaders, as they did during the pipeline and flag debates, discussions may resume at the end of hostilities without formality or political speculation.

The communication channel between the House leaders can be said to be operating whenever two or more House leaders are discussing the business of the House. Telephone conversations are one form of communication. The House leaders are
frequently in contact with one another by phone to clarify an agreement or to accept or reject a suggested arrangement. There are frequent discussions "behind the Speaker's Chair", behind the curtains, or on the floor of the House. Attempts to formulate agreements are often made in the debate itself.

In addition to these rather spontaneous forms of communication, the House leaders hold more formal and lengthy meetings to discuss the general order of business or to work out some problem related to a particular piece of legislation. Notwithstanding the remarks made above, since the introduction of the regular weekly announcement of business the House leaders have generally held at least one of these more lengthy meetings each week. Meetings tend to increase in frequency as the House nears an adjournment. The more formal meetings are called by the Government House leader and are conducted in his House of Commons office. They are normally attended by the House leaders of the three larger parties, the Government House leader's Parliamentary Secretary, and a member of the Government House leader's staff. The Creditistes have traditionally expressed little interest in the conduct of House business and one can expect to find any member of that party, including the leader, attending on behalf of the Creditiste House leader. For the last several years, the Creditiste member has normally been accompanied by a Parliamentary Intern who serves to translate the discussion and to prepare a memo on the transactions for the party. Other individuals attend from time
to time, including, recently, an assistant to the Conservative House leader. During these gatherings, minutes are taken by the Government House leader's staff member. These notes are for the Government House leader's use only, and cannot be referred to by the other House leaders.

The meetings invariably bear the imprint of the Government House leader for he is in control of the legislative program. Donald MacDonald, for example, was very organized and methodical. He would outline on a blackboard a proposed schedule for the month—when opposition days should be held, where various bills should be debated, when the budget debate would begin, and so on—based on government priorities and the various comments made by the Opposition House leaders. He would then attempt to have the House leaders agree to that schedule. The present Government House leader, Allan MacEachen, uses a soft-sell approach. Leading gradually into the purpose at hand, he asks the opposition House leaders what thoughts they may have on the conduct of business. He then produces a list of legislation or, if the discussion relates to one particular bill, a proposed order of clauses, that the government wishes debated. The conversation centers on which order would likely be the least offensive to the parties and how long each House leader feels that his party plans to devote to the various subjects. The opposition House leaders discuss the schedule with their parties and then report back on the preferred arrangement. With some accommodations made, the schedule is tentatively set.
Many of the former Government House leaders express a dislike for the recently implemented weekly announcement of business and for the increased regularity of more formal House leaders' meetings. They feel that these procedures decrease the unilateral authority of the government to order the business as it chooses. One House leader mentioned that his favourite tactic was to slip in relatively uncontroversial bills near the end of a sitting for quick passage. This is no longer possible with the convention of announcing the schedule in advance. Several of them said that these meetings give the opposition parties too much advance warning and they were therefore able to prepare a more strenuous attack.

To some extent, these comments are valid. However, the present House leaders feel that more progress can be gained by allowing the opposition parties some influence on the schedule. Realizing that a more significant bill will be called for debate, they may decrease the length of time spent on that legislation immediately before the House. Advance warning on the bills may allow the opposition time to clarify its attack and concentrate on the points at issue rather than a general attack on the bill. The government, too, can learn a great deal in these meetings about potential areas of contention and the strategies planned by the opposition groups, and it can then prepare a more cogent defence or alternatively a graceful compromise.

It is difficult to generalize about the communications between the House leaders. Every occasion on which they
meet is somewhat unique and brings into play a variety of conditions which affect their discussions. The immediate issue, preceding business, the business to follow, the time of day or the time of year, predispositions of other party members, perceived feelings in the country, the general mood of the House, even the mood of the House leaders and their personal characteristics all affect the way in which the discussions are conducted. What may seem a matter for general organization on one occasion can require detailed negotiation on another.

Many of the House leaders' talks relate to necessary matters of organization. The following example of a problem arising near the end of the last session in the Twenty-Eighth Parliament, although perhaps more complex than the norm, is typical of the need to make some arrangements. The House leaders had arranged to carry the Family Insurance Security Plan (FISP) Bill through its report and third reading stages on the same day. As the Opposition had several amendments to put forward, they assumed that the debate on this bill would continue until the end of the day. However, when the Speaker asked for the unanimous consent of the House, required if more than one stage is to be dealt with on the same day, they found that they had not considered the views of the independent Members of Parliament. One of these members refused to give the needed consent; and debate ground to a halt. The government therefore brought forward the Farm Credit Bill; but debate had only begun when a member rose to remind the House that the Agriculture Committee was meeting simultaneously with the
Wheat Board; and the most knowledgeable and most concerned members on the Farm Credit Bill were attending that committee. The House leaders then agreed to stop that debate and bring forward the Labour Code Bill. This required contacting members who had been preparing first for the FISP debate and then for the farm credit debate. It also required contacting those members concerned with the labour code and reorganizing the order of speakers. If there had been no agreement among the parties, the opposition could have spent the afternoon arguing that they were not prepared and that the government had been unfair in bringing on new bills without warning. This example illustrates not only an immediate problem which the House leaders faced, but it highlights both the role of the House leaders and the need for continuing flexibility in arranging the House agenda.

Many of the House leaders discussions relate to the business immediately before the House. The House leaders may agree to limit the members' speeches further than that provided in the standing orders; they may agree to end a debate and hold the vote at a certain hour. They may decide to have only a certain number of speakers from each party for a stage of a bill. They may even try to have all stages of a bill passed in the same day. Some discussions are held to see if a House leader can persuade a particularly obstreperous member to leave the House; or to see if the House can rush through several clauses while the only individuals concerned with those clauses are out of the House. The talks may simply consist of warning
the Government House leader to keep a cabinet minister quiet if his legislation is under particularly severe criticism. As one former opposition House leader pointed out:

"I think a minister should have enough good sense to realize that he is there for the purpose of getting his legislation through. He has got to be insensitive to the criticism. If he fights back, he arouses four more members who never intended to speak at all. The government gets its legislation, but the opposition has to have the last word of criticism. That is what we are here for".

Underlying all of the House leaders' discussions and agreements is a sense of negotiation. One whip interviewed described the House leaders' talks as based on a "carrot and stick process". The government knows that it may have legislation which is attractive to the opposition, for example, an old age pension bill which is of interest to all parties or a piece of farm legislation which is of interest to the prairie blocks in both the Conservative party and the NDP. Therefore, foremost in the Government House leader's thoughts when he talks about setting up the agenda of the House is what he can trade. In the whip's words: "If you let me make progress with this distasteful bill, I will give you this little bill which you want so that you can boast back home that you forced this measure on the Government".

The opposition parties, too, have notions of trade with the government. They perceive bills which are particularly attractive to the government and others which may be of lesser
importance to the government but significant for their own party's policies. They therefore negotiate with the government to hasten the progress of one bill if another that they want goes forward as well. A more likely notion of trade for the opposition is to offer to speed up the passage of one bill important to the government if certain concessions and amendments are made to another piece of legislation. The discussions move back and forth in this way, the government giving a little here, the opposition parties giving something there. And it is the House leaders who present the various alternatives and co-ordinate the arrangements.

Arranging the business of the House is not a science, and when the House leaders are discussing the business, they can never be certain how a debate will really go. It is often necessary to let the debate run for a period of time and then reassess the feelings of the members. The mood of the House may change or new factors may come to light which can reorient both the debate and the focal point of discussions. This, too, is another reason for the informality with which the House leaders carry out their communications.

House leaders' discussions are characterized by frankness. As one House leader put it, "We all get to know each other pretty well and you know how far you can go and you know how far the other side is bluffing. And I suppose they know that about you". Another said that the frankness is usually there because when it is not forthcoming, the other House leaders receive a message equally clear about what is going to happen.
Such frankness exists because there is a silent understanding among the House leaders that their talks are private and off the record. It is part of the parliamentary honour code that comments made in these meetings are non-attributable and are kept within the meetings themselves and within the party caucus. Privacy is required because all sides recognize that in order to make the parliamentary machine work, concessions have to be made. Publicly, the government must defend its policies; equally, the opposition parties must attack those policies which they consider weak and detrimental. If one side or the other is known to make a concession or is seen to back down, it may be accused of weakness. Further, the publication of one concession made would tend to distort the whole picture. If, for example, it were known that the government had made certain amendments to a bill or had agreed to review a policy as a result of a House leaders' meeting, the government would appear to have weakened. It may also appear to be catering to one opposition group over the others. In reality, however, the government may have gained more by making that concession as they may have received certain agreements from the opposition on several other matters. The making of a concession cannot be considered in isolation from what was received in return. The rapport between the House leaders will tolerate only a small degree of publicity before the disadvantages of holding such meetings begin to outweigh the advantages. In the mid 1960's, for example, one of the opposition House leaders accused another of revealing some information arising
from these private talks, and he refused to attend any further meetings. The Government House leader was forced into the position of meeting separately with each House leader, necessitating a great deal of additional time and energy on his part. This hardening of attitudes decreased the smooth flow of business through the House and precipitated the retirement of an already overworked Government House leader. If the contents of these meetings became public on a regular basis, the type of negotiations would change drastically. A new channel of secret communications would undoubtedly be created.

The House leaders as a group have no collective power to enforce any agreements they may make. Chapter seven discusses the problems inherent in Standing Order 75 which prevents its use for time allocation. On occasion, the House leaders suggest that a certain arrangement be made an order of the House, a process requiring unanimous consent. Whether the House accepts such an agreement depends on the mood of every member. The majority of agreements, however, hinge on whether the individual House leader has assessed correctly the mood of his party, whether he has followed party instructions, and, finally, whether the party is willing to back up the commitments he has made.
The communication channel between the House leaders is simply a convention of the House. As stated in Chapter one, House leaders are supplied by the parties to assist in making the parliamentary adversary system a workable one. The authority they possess to negotiate about the House business and make arrangements comes solely from their parties and not in any formal way from the House itself.

The Government House leader is appointed directly by the prime minister. His position in the ministry is unique, for he is carrying out duties which are still very much of direct concern to the prime minister. Most Government House leaders, when interviewed, were quick to point out this uniqueness. According to Walter Harris, "He is a servant of the prime minister, and what he says and does carry with it the prime minister's tacit consent. And only in that way can he have any authority." Gordon Churchill viewed his position as "similar to that of an Adjutant who, on occasion, passes on to the officers and men of the regiment the instructions of the Commanding Officer". In theory, any prime minister may choose not to fill the position of Government House leader, although the practical likelihood of this occurring, given the expanded role of the prime minister, is now relatively slight. Even so, the prime minister retains the
ultimate responsibility for leading the House because this is his traditional role and because he must take final responsibility for everything a minister does. Relations between prime minister and Government House leader must therefore be very close. Walter Harris states that although he had few formal meetings with the prime minister he saw him almost hourly throughout the day. George McIlraith, on the other hand, established the routine of meeting with the prime minister at 8:50 every morning to discuss the day's business. The two have always had seats close together in the House of Commons and may consult there. Cabinet meetings provide another opportunity. The present Government House leader is a member of the Cabinet Committee on Priorities and Planning chaired by the Prime Minister, which is another forum for the exchange of ideas.

How much authority the Government House leader actually possesses is frequently dependent on how much authority he is willing to take. Donald MacDonald, for example, said that he never sat down with the prime minister to discuss a division of their responsibilities. He was appointed to the position and went ahead to carve out the role as he perceived it. George McIlraith said, "I was given the authority, and I exercised it." Allan McEachen, too, appears to have assumed a great deal of authority over the House business. An important factor is the amount of interest taken by the prime minister in the activities of the House and how much authority
he himself wishes to have over the conduct of business. Louis St. Laurent left a great deal of responsibility to his House leader and on numerous occasions he was even chastized by the opposition in the House for abdicating the traditional role of leader of the House. Lester Pearson also gave his House leaders a great deal of authority. In his interview, he said,

"When I became Leader of the House as Prime Minister, I left the conduct of business and the negotiations with the other parties to my House leader...I used to let the House leader run the whole show. As long as he was doing his job, it wasn't necessary for me to intervene. But he would tell me, of course, what was going on; and he would operate under general instructions... Unless there was something important, I'd leave it to him to contact me when he wanted to, which he did nearly every day; and I kept in very close touch with him."

John Diefenbaker, on the other hand, took a much greater interest in everything that occurred in the House. Gordon Churchill was quoted as saying, "The House leadership is a job with a lot of responsibility but not much power." His perception of the role as being that of an Adjutant gives support to the amount of authority retained by his prime minister. Pierre Trudeau appears content to leave most of the authority for House business to his House leader.

One check on the power of the Government House leader is the cabinet. The cabinet ministers are interested in his activities because he is involved in developing the order in which bills will be called and occasionally in making concessions to the opposition in the form of amendments to these bills. Although most government priorities are settled in the
cabinet, the House leader still has some leeway in the calling of bills. Most amendments are made in the cabinet or by the individual minister concerned, although the Government House leader may take the initiative to concede a minor point if it means that the business will proceed more rapidly. If the ministers do not have confidence in his judgment he may have great difficulty in persuading them to present their legislation according to his timetable. He may also spend a great deal of time explaining his decisions and soothing the feelings of those ministers who are anxious to have their legislation completed. Most Government House leaders said that once the priorities for the session were established, they attempted to keep cabinet discussions on the conduct of business to a minimum. If they foresaw major difficulties in passing a bill, they would let the cabinet decide whether to stick to its position or make some accommodation. On such occasions the Government House leader would receive explicit instructions from the cabinet. The Cabinet Committee on Legislation and House Planning may also have some influence over the Government House leader. Having been involved in the study of draft legislation ministers on the committee may have many useful ideas about the legislative schedule. Their influence comes mainly in the form of advice and suggestions, however, and not as direct control. If they were not satisfied with the House leader's performance, their complaints would be directed to the prime minister.
Another control on the Government House leader is provided by the caucus. At the weekly meeting the Government House leader's statement is normally the first on the agenda. He outlines the business to be conducted the following week. If the members' discontent over some of the legislation has not been alleviated, they may voice an objection. The prime minister must then decide if the business will go ahead as planned or if the minister involved should make another review. Normally most difficulties will have then been cleared in advance, both through the caucus committees and general discussions in caucus, and through information received beforehand from the whip who, as the listening post on the backbenchers' views, will have reported to the Government House leader. The Government House leader will have developed his schedule in consideration of their views; and would likely have discussed any problems with the prime minister and cabinet so that the legislation either would not appear on the schedule or the decision to go ahead would have been made and supported by the cabinet. Once in the House, the Government House leader attempts to keep the number of government speakers to the minimum required; although he cannot prevent a government member from speaking if the member is determined to take the opportunity. Yet another group which may influence the Government House leader's activities is the House committee chairmen. If they are unable to force their committees to complete the committee stage of a bill within the time desired
by the House leader, he may have to revise his schedule significantly. Their influence is indirect as they possess no controls over the eventual timing of the report stage in the House.

The Government House leader's authority, then, derives from the prime minister who appoints him. The prime minister exerts great control over the Government House leader through the interest the prime minister takes in supervising and perhaps directing the conduct of House business. The cabinet, too, controls the Government House leader by establishing the legislative priorities for the session and further limit his power on important legislation by providing guidelines for its passage through the House. To be effective, however, the Government House leader must have enough flexibility within certain given strategies to develop the tactics necessary to get the business through the House. His influence comes from his contacts with the other House leaders. As long as the prime minister and cabinet recognize this fact and trust his judgment, the Government House leader may exercise his power. The caucus exerts relatively little control over the Government House leader. The members' concern is with the legislation itself and this is the responsibility of the relevant cabinet ministers. Once the cabinet decides to move ahead on the legislation, party discipline takes over and the Government House leader need only prepare for those members who absolutely must speak on the bill. Very rarely does a government back-
benchers attempt to filibuster a government bill as did Ralph Cowan with the support of the Creditistes on the 1969 criminal code amendments.

The source of the opposition House leader's authority is more difficult to locate for his powers are extremely fluid. According to NDP leader David Lewis, an opposition House leader is really an "interlocutory": "He is a negotiator with the power to negotiate but not necessarily the power to decide".

All opposition House leaders are selected by their party leaders, but because of the increasing democracy in the caucuses, these appointments are normally approved by the members. In the NDP, the leader's recommendation is confirmed by vote; in the Conservative and Creditiste caucuses, a "consensus opinion" is taken. Through this approval, the entire caucus assumes some control over the opposition House leader's power and authority although the leader, as head of the party, must accept the ultimate responsibility for the House leader's actions. This type of approval is simply a realistic recognition of the position which the House leader occupies, for discipline in the opposition parties is less stringent and less effective than in the government party. Like the Government House leader, the opposition House leader has no formal controls over the party members. But unlike the government party MPs the individual opposition MPs are more likely to assert their freedom by not agreeing to planned arrangements.

His only influence over the caucus comes from his knowledge of the negotiations, his position as a senior and respected party member and his ties with the party leader.
The opposition House leader and party leader work very closely together; they are in constant contact throughout the day, and their desks are adjacent in the House to allow easy consultation. The NDP caucus executive gathers at 9:30 every morning, and the House leader and party leader meet for a few minutes beforehand in case anything has arisen on which they should co-ordinate their positions. The morning Conservative meeting on the question period provides those leaders with an opportunity to discuss the House business. Another opportunity for consultation between the House leader and party leader occurs before the Wednesday caucus meetings.

How much real authority the opposition House leader receives from his party leader often depends, as in the case of the government party, on how much authority he is willing to take. Stanley Knowles stated that he made numerous decisions without consultations with the leader or caucus, but that "I have to know when I have enough authority to settle things or when I have to go back". It was his view that "the party leader has to leave to the House leader that person's function, but the House leader has to realize he is not the party leader". Ged Baldwin felt that there was a rather constant crossflow of information between himself and the leader and "we know how we each think, what our views are". If a decision had to be taken in between the caucus meetings, he would normally check with the party leader, the whip, and the chairman of the caucus committee concerned with the issue. But if none of these was available, he would make the decision on his own.
More important is the degree to which the party leader is willing to delegate authority to his House leader. The present Conservative leader appears to leave a great deal of responsibility to his House leader. Ged Baldwin stated that, "He respects my judgment and has confidence in me." The Creditiste leader, Real Caouette, leaves many of the minor details to his House leader but assumes authority over those issues in which he and the caucus are particularly interested. On many occasions, he said, "I act as the House leader myself". NDP leader David Lewis divides the authority into two classes of situation. The first, which makes up the majority, consists of the non-controversial situations in which the House leader knows that if he makes an agreement there will be no problem. For these, "he just goes ahead and uses his best judgment". The second class of situation is where the House leader knows that more is involved: "whether the party supports the legislation and whether the party supports it but wants a long debate; whether the party opposes it to the point of wanting to block it, or whether the party opposes it merely to make it tough for the government". For these areas, where the issue is not merely agenda, but policy and tactic and party strategy, the House leader will report to the leader and then to the caucus to receive instructions. Generally, if the House leader and party leader disagree, the House leader is likely to follow the advice of the party leader.

The caucus executive or shadow cabinet provides another check over the opposition House leader. The shadow cabinet
normally consists of senior members—for the Conservatives, many of these are former cabinet ministers—most of whom are allocated policy areas which parallel the government cabinet and who frequently chair caucus committees dealing with the policy areas. As well as conducting their individual duties, the shadow cabinet members are responsible for articulating many of the party policies and strategies. From their meetings, the opposition House leader is able to gauge the party sentiments on certain policy issues and can adjust his tactics accordingly. On occasion the executive may overrule the House leader's plans and suggest alternatives. The House leader will also consult with the caucus committee chairman responsible for a policy area scheduled for debate to gain the views of the committee members and their suggestions for party strategies. The shadow cabinet is particularly important for the Conservative and NDP House leaders. The Creditiste executive is much smaller and has a less sophisticated structure because of the small size of the party and because the Creditiste members tend to devote the majority of their time to the advocacy of Social Credit monetary policies and to constituency business. House strategies are normally dealt with by the entire caucus.

Overriding these other checks on the opposition House leader is the caucus itself. At the regular Wednesday caucus the House leader's statement is normally the first on the agenda. It is his duty to put forward any arrangements suggested by the Government House leader and to explain the views expressed
by the other opposition groups towards these suggestions. He may then suggest tactics which the party could follow or he may simply request comments from the members. In the NDP caucus a motion is normally passed to confirm the decision on tactics. In the Conservative and Creditiste caucuses, a consensus view is summed up by the House leader, caucus chairman, or the party leader. If no consensus can be reached this fact is reported to the Government House leader.

As mentioned previously, the House leader has little formal power over the caucus. His comments are usually accorded a great deal of attention because of his contacts with the other parties and his experience in dealing with the House business. Conservative party whip Tom Bell says that the House leader is not that active in the caucus. He listens to try and gain the consensus of the party. But "a good House leader should not try and mold public opinion". Ged Baldwin says that he occasionally has to ask the caucus to do things which they feel should not be done. The secret, according to him, is not to do it often and to make certain that he has a good supporting case to back him up. The leader may also express himself forcefully to gain a caucus agreement. In the NDP, if a vote is taken, any dissident members will likely follow the majority. If, however, they intend to take independent action, the normal procedure is to warn the House leader in advance. Even if an agreement has been reached in the caucus, the opposition House leader may have difficulty
in enforcing that decision. Particularly in a large caucus, some of the members may not have attended the meeting and often consider that they are not party to the agreements made. The decisions made in the Conservative caucus are never firm decisions, and members may change their minds at a later point in the debate. Strong individualists in the party, regardless of the caucus consensus, may move into the House and make an issue out of something the party would prefer to see passed quietly and quickly. When making arrangements through the communication channels, the opposition House leaders usually remind the Government House leader that any agreements are always subject to the individual member refusing to accept the agreement.

The opposition House leader's authority is received from the party leader who selects him and the caucus which approves the appointment. His immediate powers are dependent upon the degree of confidence, independence, and support accorded him by the party leader. His powers may be further limited by the amount of involvement displayed by the shadow cabinet in the party's strategies and tactics. More significantly, his powers are limited by the views of the caucus, the degree of party cohesion, and the House leader's inclination to use persuasion and his ability to be effectively persuasive in holding his party members to an agreement. Most opposition House leaders do not consider it their right to interfere with the privileges of the Member of Parliament and their power to arrange House business through the communication channels,
particularly in relation to the timing of debates, is limited by the individualistic opposition MP.

What the House leader, both Government and opposition, can accomplish is frequently limited by individuals and groups within his own party. However, the House leader normally possesses certain qualities which enhance his position. He is usually a senior and experienced party member with an extensive knowledge of how parliament operates and how the rules are applied and a knowledge of current and controversial legislation. They usually enjoy the confidence of the party leader and most members. The better House leaders normally have a good supply of political intuition, some skill in negotiation and compromise and are orderly and organized. They possess honesty, sincerity, good judgment, and tact—all the qualities of a diplomat. Two of the most important attributes of a successful House leader are an ability to get along with people and an ability to respect and accommodate the views of others while being a good strategist. House leaders possessing these qualities normally have a great deal of influence in their party but at the same time experience a significant tension or cross pressure as they perform their role.

The House leader is first and foremost a party member; he is expected to do all that he possibly can to advance the interests of his party. However he is also considered a quasi-official of the House; like the party leaders and whips, he
must submerge many of his partisan sentiments in the interests of making the adversary system a workable one. This means that when the House leader perceives that the party has done all it can to support or attack some legislation or if he feels that partisan vindictiveness is threatening to destroy the operation of the House, he may have to persuade his own party members to go against their view of what is best for their party. It may also mean that he will choose to withhold information gained from the other House leaders if the absence of that information will keep party sentiments at a lower key. Equally, in the House leaders' meetings, he must be able to judge how forcefully he can present his party's case and when concessions should be made in the interests of the House. This assessment includes the decision as to how much information on party strategies and plans he should divulge to the other House leaders. These cross pressures on the House leader are an inevitable part of the system in which he operates. Rarely is it possible to satisfy both pressures simultaneously; and when the House leader appears more partisan in one situation it may indicate that he has been less partisan in another. If he is unable to submerge his party loyalty to some extent, the communication channel cannot function. But if he gives in too easily, the party may soon replace him.
FOOTNOTES: Chapter 5

1 Marc Lalonde, then Principal Secretary to the Prime Minister, explored the extensive duties of the contemporary prime minister in "The Changing Role of the Prime Minister's Office", Canadian Public Administration, V. 14, winter, 1971.


3 Quoted in Stewart, Walter, "Guy Favreau, Our Next Prime Minister?", Canadian Weekly, June 20, 1964, p. 2.
A study of the role of House leaders in the Canadian Parliament would be incomplete without some reference to the relationship between the House leader and that other parliamentary functionary, the Whip. Both the House leader and the whip are involved in the operation of parliament and in organizing the parliamentary party to handle the business of the House of Commons. The whips have traditionally formed the inter-party communication link in the Canadian Parliament. The evolution of the House leaders and the creation of a new communication channel has tended to decrease the power and influence of the whips. Although the House leaders' positions have increased in stature and have become an indisputable part of the House organization, they have not yet been officially recognized. The Government House leader has always been a cabinet minister, and he receives a full cabinet salary and a minister's complement of staff. The present incumbent has additional staff hired on contract to form the Legislative Secretariat. Opposition House leaders receive no particular privileges. The whips, on the other hand, have long been considered quasi-officials of the House; and the Chief Government Whip and Chief Opposition Whip receive an additional $4,000 per annum and extra staff in recognition of their positions. Several
former Government House leaders view the apparent discrimination against opposition House leaders as justified. They feel that too much emphasis is being placed on the opposition House leader who is, in their terms, simply a "glorified whip".

Reference to the British inter-party communication channels would tend to support this view. In Great Britain it is the whips who meet with the assistance of a non-partisan official to discuss and arrange the House business. There are no opposition House leaders. The Leader of the House performs what could be called a legislative role while his Chief Government Whip performs the floor manager's role. The British parties have elaborate systems of whips to carry out the more routine tasks and the Chief Government Whip attends all cabinet meetings related to the organization of House business. Thus the British whips could equally be called misnamed House leaders, the major difference being that the Canadian Government House leader combines a less sophisticated legislative role with some of the duties of a floor manager.

Most House leaders and whips interviewed saw their roles as complementary; leaving aside the particular legislative responsibilities of the Government House leader, the duties of the House leader and whip intertwine to such an extent that a clear dividing line between their responsibilities is difficult to locate. In the New Democratic Party, the duties are at present completely meshed in one individual.
When questioned about this phenomenon within the NDP, most people interviewed attributed it to two factors: the size of the party and the nature of the individual himself. Both David Lewis and Knowles himself felt that if the parliamentary party were to increase significantly in size (e.g. to over 50 members) the duties would likely be divided. The size of the caucus is a definite factor in the amount of work required of the House leader and whip. However, the Social Credit Party with only fifteen members, half the size of the NDP, has at least nominally, both a House leader and a whip. The point remains that the NDP House leader and whip is one of the most senior and experienced parliamentarians in the present House. He is, as Geoffrey Stevens once called him, the "Commons Master Craftsman", and if Stanley Knowles were to retire from parliamentary life, the NDP, given the present emphasis on the role of the House leader, would likely appoint two members to replace him.

The pattern of responsibilities shared between the House leader and whip can be clarified by a brief study of the whip's major activities. The first duty of the whip at the commencement of a new parliament is to allocate offices and seats in the House of Commons to members of Parliament. The whips meet to make the initial division of offices and seats, and then the individual whip distributes these among his own members. A second task is to assist in the organization of the House committees. The whip represents his party on
the Striking Committee which divides the committee membership according to the parties' numerical representation in the House. How the membership is allotted is of some interest to the House leaders and they supervise this task as well as assisting in the initial selection of party representatives for the committees. The Government House leader, with the approval of the ministry, normally selects the committee chairmen. The Chief Government Whip is responsible for assigning rooms to the House committees and for reporting any membership changes, the opposition whips sending requests for their party's changes to him as well. He should maintain quorums for each committee and ensure that government members make up the majority when any decisions have to be taken. Keeping a close watch over the committees' activities and reporting any potential difficulties to the Government House leader is another of his duties. To assist him in his committee responsibilities, the Chief Government Whip has a deputy whip, one of the government backbenchers. The whip's staff also handles a large portion of the duties. The opposition whips, too, follow the activities of the House committees. Each morning, for example, the Chief Opposition Whip and his staff remind the members about their meetings and encourage at least a minimum coverage of all committees sitting, particularly those dealing with controversial subjects. As mentioned, opposition membership changes go first to the party whip and then to the Chief Government Whip.
Another responsibility of the Chief Government Whip is to maintain a quorum in the House to prevent the opposition from calling for an adjournment. For this purpose, he prepares a House duty roster for the government members and keeps a daily attendance record. It is the government whip's duty to keep track of the members at all times in the event of a surprise vote being called in the House. With his knowledge of the location of the members, the government whip provides advice to the Government House leader as to when votes on government legislation can safely be taken. Opposition whips have less control over the attendance of their members. However, they do keep track of their whereabouts in case of emergency. In a minority government situation, knowing the location of the members can be critical. When a vote is called, the whips are responsible for taking a count of their members. If they're satisfied with the number, they may stop the bell ahead of time and proceed with the vote. To signal the Speaker, the Chief Government Whip and the Chief Opposition Whip walk together down the center aisle of the Commons to their seats. Before a vote, the whips may also assist some of the members in finding "pairs" if they plan to be absent from the House.

Concerning the day-to-day activities of the House, the whips receive information from their House leaders about the
business to be debated. The whips assist in alerting the members about that business and in reminding them about the party's general policies and planned strategies. Each whip is responsible for keeping lists of members who wish to speak. If time on a debate is limited, the opposition whips normally consult with their House leaders and, if necessary, the leaders, to decide which members will be given priority. The government whip checks with the Government House leader and frequently with the ministers concerned. The instructions from the House leaders may have included a specific number of speakers to be allotted to each party. If this is not the case, the whips meet and negotiate a ratio. They then prepare a speakers' list which is given to the Speaker of the House. The Speaker is under no obligation to follow the list and, on occasion he may recognize a persistent member, thus throwing the arrangement awry. In general, however, the members are aware of the list and accept it; and the Speaker can then follow the order suggested.

One of the whip's interests is to see that the debate flows smoothly, and for this purpose he is in constant contact with the other whips on the floor of the House. On debates not subject to any time limitations, they make assessments as to how many speakers each party has remaining, how much longer the debate could continue, if the House would give unanimous consent to extend the debate into private members' hour or past adjournment, when the vote could be called, and
so on. Occasionally the whips will agree to ask the Speaker to limit the time allowed for each member's speech. Such a request must receive the unanimous consent of the House. In areas such as these, the role of the whip and that of the House leader tend to overlap.

The whip has a role to play in the caucus as well. After the House leader has outlined the business planned for the following week and discussed any suggested arrangements and party strategies, the whip indicates to the members when they must be available for votes, when other votes could possibly be held, and what is expected in the way of House attendance. He may also remind the members to contact him if they wish to speak in any particular debate. The whip is the chief party disciplinarian. He is also frequently the confidant of the members about their personal problems. He should be alert to recurring absences on the part of a member or his lack of participation in those activities to which he has been assigned. He will contact the member and attempt to have the problem resolved so that the MP may attend to his parliamentary duties. The whip has some patronage to enforce discipline. With the House leader, he assists in the selection of representatives for the many delegations, trips, and conferences which the MPs are expected to attend, and in choosing speakers for the various debates.

The position of Chief Government Whip is one which is filled by personal appointment of the prime minister, and one
of his traditional roles has been to provide a liaison between the prime minister and his backbench. He keeps the leader informed of the members' attitudes and of their loyalty to him; and he defends private members' interests against those of the Cabinet. With the strengthening position of the Government House leader, this duty has been divided. On the one hand, the whip is a liaison officer between the prime minister and the members concerning their loyalty and adherence to the prime minister; and on the other hand, he is a liaison officer between the members and the Government House leader concerning their support of the legislation on the floor of the House. Former government whip Grant Deachman said that he met with Prime Minister Trudeau on an ad hoc basis when the need required. Because Deachman saw the prime minister as a man with so many responsibilities, he tried to reduce these meetings to a minimum. However, he was in daily contact with the prime minister's staff. James Walker, a Chief Government Whip under Prime Minister Pearson, felt that he had much greater contact with the prime minister than do the present whips. The contemporary government whip meets frequently with the Government House leader on House business; and increasingly the views of the backbench reach the cabinet through this channel.

The opposition party whips are appointed by the party leaders; and their appointments are normally approved by
the caucuses. Their liaison responsibilities for the party members are now divided between dealing with the party leaders and the House leader. As a general rule, any personal complaints are taken directly to the leader, but problems relating to the House business go to the House leader. Relations between the three functionaries are much more close in the opposition than in the government and information is passed freely among them. Before these duties were assumed by the House leader, the whip was much more involved in the development of party strategies and tactics than he is now. It was through the whips, too, that the opposition parties could gain some ideas about the government's plans and the government could gain some assessment of the opposition's strategies. Attempts to reach accommodation were made through the whips and, if necessary, the leaders. The communication channels were much less sophisticated at that time. The development of the House leaders' position has removed these functions from the whips' role and left the whips with basically administrative duties. This is the major distinction between the House leaders' role and the whips' role.

The contemporary House leader is the major party strategist and the chief negotiator in the conduct of House business; the whip is involved in the more mechanical aspects of organization. Tom Bell, the Conservative whip, explained their relationship this way: "The whips deal more or less with the physical part whereas the House leaders seem to be the ones who are the brains". Donald MacDonald saw their relationship
as that of a commissioned officer and a sergeant: "You are the captain of the platoon but the sergeant goes around and actually talks to them." Stanley Knowles viewed the whip's duties as "a little less leadership and a little more housekeeping arrangements". His perception of the two roles was that "the House leader makes the kind of policy decisions—what we are going to do—and negotiates and so on; he then passes to the whip such duties as the lining up of actual speakers". The House leader depends on the whip to carry out many of the arrangements that have been made and for this reason the whip frequently reports to the House leader. In the government, the House leader is a senior cabinet minister, and his relationship with the whip tends to be viewed as superior to a subordinate. In the opposition parties, the two are appointed in a similar manner, and are of more equal status. The opposition whip appears to have more influence in the affairs of the party than his government counterpart.

The division of House and party responsibilities is ultimately a matter of accommodation between the House leader and the whip. Grant Deachman surmised, "I think you will find some House leaders who tend to play all their cards close to their vest, and other ones who do it in a much freer and easier style; and in the latter case, the whip's role tends to expand". He felt that a great deal also depended on the whip's attitude. If the whip perceived his role as a very narrow one, the House leader would tend to absorb some work which would otherwise be done by the whip.
1 A recent advisory committee on parliamentary salaries recommended that the Official Opposition House leader be given an honorarium similar to that of the whips. The report states:

"The salary of the Member who is designated to act as House leader of the official opposition be established at $6000 per annum. Although no compensation is now provided for this position, in our opinion, the responsibility of the role warrants specific remuneration."


No action was taken on this recommendation, ostensibly because the issue would have complicated the debate on Members' salary increases.

Chapter one described the Standing Orders of the House as one of the major restraints within the adversary system in parliament. It is on the basis of these Orders that the House leaders arrange and negotiate the conduct of House business. Reforms of the rules and procedures are bound to affect the House leaders' activities. Concern over procedure has always existed in the Canadian Parliament, but it was the development of the positive state and the massive increase in the amount of complexity of government work which led to significant reforms. Almost all rule changes have revolved around finding the best utilization of time in the House. The first change was to increase the length of the sessions from the traditional three or four months to a full-time operation. It is not unusual now for the House to sit well into the summer months and perhaps through the fall and winter without a recess. When the House could not keep pace with the amount of business coming before it further reforms were undertaken. Today all spheres but one of parliamentary activity are subject to explicit time limitations. The debate on the Speech from the Throne is limited to eight days and the Budget debate to six days. Within each of these time periods amendments and sub-amendments proposed by the opposition parties also have an allotted time period.
Private members business, which used to command a significant portion of the parliamentary week, is now discussed for only four hours a week; and agreements are not infrequently made to extend debates on government bills into this time. The question period, which used to extend until members had run out of questions, is now limited to forty minutes. Speeches for all types of debates are also limited.

A revolutionary reform implemented in 1968 was the calendarizing of the parliamentary year and the removal of the scrutiny of the main estimates from the House to its standing committees. Supply was previously granted only after lengthy debate in the House, but now the government turns its estimates over to the committee at the beginning of March and they are returned at the end of May to be voted upon by the House of Commons. In the place of supply days are twenty-five opposition days, six of which may be used for non-confidence votes, as well as an additional three days for dealing with any estimates from a previous session. These provisions and procedures provide other effective controls over time. The reform of House committees and the referral to these committees of most government legislation, replacing an extensive use of the Committee-of-the-Whole, was also intended to decrease the load on the House. The addition of a report stage for government legislation, however (despite the restrictions placed upon amendments
during this stage), has decreased the impact of this reform on House time. Other time-saving reforms for the legislative process were the elimination of the resolution stage preceding money bills, the abolition of the committee on ways and means, and removal of the debate on budget resolutions. The latter resolutions are put to a vote after the conclusion of the budget debate or at another appropriate time. With some reservations, the House leaders of all political groups had been advocating such reforms for many years. Special committees had been established and provisional reforms tested throughout the 1960's; the main problem was that of convincing rank-and-file party members that the advantages of these changes would outweigh the disadvantages of time allocation. In December of 1968 the provisional rules which remained were made permanent by a unanimous vote of the House. These changes effectively withdrew from the House leaders' consultations many of the tools of negotiation that had been used by the opposition House leaders to gain concessions from the government.

The area of greatest controversy that remained unresolved, however, was, and remains, time allocation for government legislation. Until 1965, the only formal ways the government could shorten a debate were by moving the previous question or by imposing closure. The first method meant limiting debate to the main question of a bill. If the even-
tual vote on that motion was affirmative, the other clauses were voted on without further debate. The advantage of moving the previous question was that it limited discussion to the main question of the bill; however this did not prevent extensive debate on the subject and the Speaker became involved in many wrangles as to whether members were limiting their speeches to the subject-at-hand. The other method, closure, ended discussion after a day's debate on each stage of a bill to which it was applied. Termination of debate in this manner has always been considered distasteful even to government members, and it has rarely been used for fear of creating the public image of an authoritarian government. The defeat of the Liberal government in 1957 has frequently been attributed to its use of closure in the pipeline debate.

In the spring of 1964, a sub-committee of the Special Committee on Procedure and Organization proposed a new Standing Order 32-A to provide for a sessional Business Committee to allocate in advance of debate the time to be allocated to government bills. Composition of this committee was the matter of some dispute, suggestions ranging from one representative for each party (there were five parties in the House at that time) to two representatives for the official opposition, one for each of the other opposition parties, and representatives for the government equal in number of the number of opposition representatives. The Speaker would appoint members to this committee on the
nomination of the party leaders; and the Deputy Speaker would chair the committee but have no vote. If, prior to the calling of an order for certain stages of debate, a minister requested that the matter of time be referred to the Business Committee, that committee would endeavour to reach agreement on the maximum number of sitting days to be allotted for debate on any stage or stages referred. If the committee was able to report agreement, the House would vote on that recommendation without debate, and the agreement would become an order of the House. Allowance was made to sit beyond the adjournment hour on the last day of the ordered debate if the committee's recommendation was not unanimous. If, however, the Business Committee was unable to make a report to the House, the debate would then proceed as if no reference had been made. The virtue of the proposal, as Stanley Knowles emphasized later, was that time would be allocated to a measure one stage at a time. "Thus if during the first or second stage of debate something far-reaching developed, or if the government produced unacceptable proposals or amendments, the House could refuse to accept a time limit on the third or fourth stage of debate". ²

The Business Committee proposal was tacitly agreed to by the main committee and was then referred to the party leaders for their comments. At that time, however, parliament was embroiled in the flag debate and the mood of the House was not conducive to discussing procedural reform, particularly a measure which threatened to limit the "free
speech" of the members. The Conservative leader, then creating the strongest opposition to a new flag, refused to accept the proposal. In August, 1964, Knowles again tried to reach an all-party agreement on the Business Committee. In an open letter to the leaders he implored them to reconsider the proposal. The reply came from Conservative House leader Gordon Churchill: "Allocation of time is a form of closure and it is the straitjacket of the order of the House to which I object". He reminded Knowles of the numerous occasions on which there had been agreement in the past to limit the time on certain measures, an obvious reference to the House leaders' consultations: "Limitation of debate by informal agreement, as is now being done on occasion, is an acceptable and time-honoured practice of the House. No formal orders of the House are required". He objected to the expectation that a representative of a party could bind his group to a limitation of debate before that debate had even commenced. Churchill's reference to binding the opposition members was in part a reference to what the sub-committee members had been proposing. They were looking for some procedural machinery which would give the House leaders' agreements some clout if any members tried to break an agreement at a later point.

The procedure committee, in its August report, was forced to admit that "While it has not yet been possible to reach all-party accommodation...there seems to be wide-spread
agreement that greater attention needs to be paid to ensuring the best possible use of parliamentary time". The committee also warned:

"...this is not an area for legislation or unilateral action on the part of the Government. Any change in the rules to provide machinery for the allocation of time should, in our view, be worked out through consultation among all parties since the successful implementation of any scheme will require good faith on all sides. A solution by party agreement presupposes a will to make it work".

The Government, anxious to resolve this allocation of time problem, did exactly as the procedure committee had feared; and on May 11, 1968 legislation appeared on the order paper proposing, among other provisional reforms, the creation of standing order 15A to create a business committee for allocating time. The committee would be composed of one member from each party appointed by the Speaker on recommendations from the party leaders. During debate a minister could propose that any item of business or stage thereof be referred to the committee for consideration and report within three days as to the time for debate. If it produced an unanimous recommendation, that notion would be decided without debate and become an order of the House. If, however, no agreement was reached or the committee failed to report within the time specified, a minister could introduce with notice a timetabling motion and after a day's debate it would be put to a vote. In the latter event, the allocation of time could not be shorter than two days for each of
second reading and the committee stage and one day for third reading. Standing Order 15A also provided for the Speaker to extend debate for not more than two days if in his opinion a proposed amendment raised any new issues which had not been discussed. The Conservatives once again led the attack on the proposed rule; however on June 8 they agreed to refer the issue to a special procedure committee with instructions to report back on June 11. The only significant change made by the committee was to provide for a four-hour extension of debate on the final day of the allocation order if all members who wished to do so had not had an opportunity to speak. The committee report was adopted on division, the Conservatives and one NDP member remaining opposed. Fears of this guillotine clause proved unfounded as, in the following three years, only two matters were referred to the business committee. The Armed Forces Unification Bill was one such measure. When deliberations in the business committee broke down (June 1965), Government House leader McIllaith proposed his own time allocation motion and the debate ended after three days. The broadcasting legislation was also referred to the business committee but concessions agreed to through the informal House leaders' channels removed the need for a report or government motion.

The major advantage of the business committee for the House leaders was that it would provide the Speaker with the power to enforce time allocation agreements reached by them.
Informal agreements had the habit of being broken, frequently through an inadvertent error or a private member, and a House Order would remove such obstruction. But Standing Order 15A also contained provision for the government to propose its own motion if the business committee failed to report. That one motion could cover only one stage or all remaining stages of the bill. The committee could also be used after a debate had begun, unlike the proposed Standing Order 32A, an indication that it would likely only be used if the debate became bogged down. This in fact is what occurred on the two bills for which its use was attempted. Thomas Hockin, in his study of the 1965 rules reforms, touched upon the immediate flaw of the business committee which rendered it useless:

"If the Government indicates that it is fearful of mere 'gentlemen agreements' and asks for the approval of the business committee, it may find its request ludicrously counter-productive. The Opposition might find the request suspicious and in order to alleviate this newly-fanned apprehension the Government may find itself granting far more time for debate by its use of the business committee than the Opposition might originally have thought of asking for before the Government fanned an air of intrigue by asking for a strict time allocation. Oppositions can be perverse when Governments give intimations that perhaps there is reason to be. Informal gentlemen agreements are often far more useful to busy Governments because they give less cause for Opposition suspicion."

Standing Order 15A was a provisional rule which like many other reforms disappeared following the election in 1968. A
further attempt at time allocation for government legislation was made by the new Special Committee on Procedure and Organization which presented an extensive report on December 6 of that year. Rule 16A was the only reform not to receive the unanimous approval of the House. Rule 16A called for a continuing committee of party representatives—in effect, the House leaders—to make arrangements for the calling, consideration and disposing of House business. If the committee could not reach agreement on the time allotment for a particular measure, a minister could then introduce a time allocation motion; and after two hours of debate, if at least ten members demanded it, the motion would come to a vote. The irony of the rule, as pointed out during the fierce debate which followed, was that no provision had been made for a quorum of House leaders on the committee. The Government House leader would be virtually free to establish the timetable himself. All three opposition parties were strongly opposed to Rule 16A; and for a time it appeared as if agreement would be lost for the other reform proposals as well. With a House majority, the Liberals could have waited out the storm and eventually passed the procedure committee motion. However, recognizing the sensitive nature of procedural reforms, the government offered to make the proposal more palatable by agreeing to allocate time for only two of the four stages of a bill at one time. When this was not accepted by the opposition, the government decided to withdraw the
measure. Allan MacEachen, a former Government House leader, soon to be placed in that post again, handled the retreat. The government would withdraw the time allocation rule and refer it back to committee if the rest of the reforms could be passed before the Christmas recess. It was through the House leaders' communication channel that an agreement was reached.

The most recent attempt at developing an allocation of time rule began with the House procedure committee and ended with Standing Order 75A, B and C, \(1\) passed under closure in July, 1969. Rule 75A provided that if there was agreement among "the representatives of all parties" to allot a specified time to the proceedings at one or more stages of a public bill, a minister could propose such a motion without notice and it would be decided without debate. The second rule stated that if a majority of the party representatives came to a time allocation agreement for any stage of a public bill, a minister could, again without notice, propose such a motion. Debate on the motion could extend to a maximum of two hours before the question was put, any member speaking only once and not for more than ten minutes. The third rule allowed for time allocation proposed by the government if agreement could not be reached under 75A or B. A minister, having given notice on the previous sitting day, could then propose a time allotment for the stage then under consideration, that allotment to be not less than one sitting day. The same rules as applied under rule 75B for a two-hour debate on the motion would then apply. Before the government moved closure
to achieve the time allocation rule, debate had been strong and acrimonious. According to the *Canadian Annual Review*, the House leaders met numerous times in an attempt to resolve the issue. Concessions were offered by all sides, and on July 22, "opposition House leaders expressed optimism that a solution was at hand". Just five hours later, the Government House leader announced that closure would be applied, in effect, lowering the boom on any immediate use of the time allocation measure.

Rules 75A and B have never been used, but rule 75C has been applied once—to the income tax bill. Although the opposition expressed its dislike for the rule, shouts of dismay did not reach the fever pitch of the pipeline or flag debates. Debate was certainly less intense than the debate which provided the rule. Bruce Hutchison, in a perceptive article entitled "A Yawn Beside the Guillotine" interpreted the public's reaction as:

"The people, I believe, are not indifferent but in the case of a vastly complicated piece of legislation are confused, tired, and bored by a dull, incomprehensible argument. They could easily grasp the simple business of the pipeline closure and reject its authors at the first chance. They could not hope to grasp more than 700 pages of legal phraseology and amendments innumerable which baffled the best lawyers and therefore they left it to the government in a blind act of faith or, more accurately, of desperation."  

This argument could equally be applied to the parliamentarians who had been debating the bill for months. The House leaders had attempted to facilitate the debate by dividing the
legislation into sections and voluntarily agreeing to limit the amount of debate for each section. By December, they were only one-third of the way through the bill in committee-of-the-whole, and although the opposition House leaders protested that the voluntary arrangements were operating smoothly and should not be destroyed, they may have been secretly relieved to see the debate ended through government action and therefore government political responsibility. The use of 75C may not come as easily on a less complex bill.

This time allocation measure, like the many other proposals attempted, has a number of inherent problems which prohibit its effective use by the House leaders. One of the difficulties in the present rule is a drafting error in Standing Order 75B. Since the Government House leader is not stated to be a necessary member of the "majority" of party representatives, the three opposition House leaders may unite against the government and propose a very extensive allocation of time for some legislation. However the rule also states that a minister must propose the time allocation motion, and the question becomes: how would the opposition House leaders get their motion before the House?

Rule 75B was obviously intended for use in filibusters conducted by only one opposition party such as the 1964 flag debate or the Créditistes' blockade of criminal code amendments in the spring of 1969. The Conservatives are particularly fearful of this time allocation measure as it would be relatively easy for the two smaller opposition parties to unite with the government against them. One
must question whether the House leaders would use this rule as it could mean a lengthy breakdown of their communication channel.

Rule 75A is similar to past proposals in that it would provide force to any House leaders agreements made under it. Unlike attempts to create House orders through unanimous consent, the individual MP would be helpless to break an arrangement. Used against any independent Members of Parliament, the rule would be most effective. However, it also presupposes that the House leader has canvassed his caucus for support; and if there are several members who strongly disagree, the individual House leader may hesitate to commit the party for fear of creating internal dissent and alienating some of the members. His ability to work within the caucus would be jeopardized. The rule does give the House leader some power, but it also heightens the ambiguity of the source of his authority. If there were general agreement among the parties, the points raised by Thomas Hockin would still apply. Would the suspicions of the opposition not be raised by the government going beyond an informal House leaders agreement? Further, maximums tend to become minimums, and a debate which could conceivably have ended earlier through informal agreement may expand to fill the time allotted to it. In reality, the strongest reason that could be advanced for the failure of rules 75A and B is that they are attached to rule 75C which gives the government unilateral authority to impose time allocation. The opposition have built up great resistance to this concept over many years of argument; and they are not likely to give up the major tool which they possess for con-
trolling the government. Rule 75 is looked upon as a dis­tasteful package. At the present time, informal communica­tion between the House leaders is the only workable method for limiting debate on government legislation.
FOOTNOTES: Chapter 7

1 Unpublished memoranda to the House of Commons Special Committee on Procedure and Organization, Spring, 1964.


5 Canada, Parliament, House of Commons, Special Committee on Procedure and Organization, Tenth Report, August 19, 1964, p. 4. This document is located in the Library of Parliament.

6 Ibid., p. 4.

7 Material for this and the following two paragraphs is located in Canada, Parliament, House of Commons, the Journals, June 11, 1965, pp. 219-223.


CONCLUSION

This thesis has described and analyzed the evolution of the role and position of House leaders in the operation of the Canadian House of Commons. The need for the role arose out of the adversary nature of parliament. The provision of opportunities to express opposition to the government has always been an established part of the Canadian political tradition. With the development of disciplined political parties, open opposition moved into a conflict between the government, supported by its loyal members, and the opposition parties. Tension between these groups was heightened by the phenomenal increase in the amount and complexity of government business, which has made time the major scarce commodity of the House. The political parties recognize that their controversy must be organized to make full use of this time and that the political battle has to be kept within manageable proportions so that parliament can function. The House leaders are responsible for accomplishing these goals.

The communication channel provided by the House leaders is an essential part of the functioning of parliament. Through it the opposition parties can learn in advance the major topics for debate and they are thus able to organize their parties and prepare a more cogent attack. The government, too, can use the channel to discover the potential areas of contention and the degree of opposition likely to be expressed. It can then prepare a stronger defence and, if necessary, a graceful compromise. The channel can also be used to negotiate the
order in which the business will be debated. If an acceptable mix of controversial and non-controversial bills can be achieved, the business will flow more rapidly and more smoothly.

One advantage of the House leaders' meetings is that they are private. Both the government and opposition can make concessions while maintaining an outside appearance of strength. Another advantage is that they are informal. The House leaders meet when the need arises and are thus able constantly to reassess the situation as it develops. House leaders are dealing with a very fluid situation. A consensus arrived at one morning could dissipate that afternoon if new factors arise to change the focus of debate. One of these factors is the traditional right of the Member of Parliament to speak when he feels it is necessary and crucial to do so. The House leaders have no formal powers to commit their parties to an agreement. Their only tool is their persuasive power as a senior and respected member of their party.

Chapter seven described several attempts to develop rules for the allocation of time on government legislation. Until now, none of these efforts has proved successful. The opposition consider that their right to stall the passage of government bills is their only significant tool for influencing the government. The only method of time allocation which the opposition parties support is agreement among the House leaders.

It is unlikely that government business will decrease in volume and complexity. Nor is it likely in the forseeable
future that formal time allocation will become the method of conducting business in the Canadian House. Thus the only workable method of organizing the conduct of business and ensuring its smooth and rapid flow is through informal consultations between the House leaders. The role they perform is unlikely to become more formal in terms of regular meeting hours, publication of discussions or provision of explicit powers, but it will become more established and more identifiable. The importance of the House leaders' role in parliamentary activities will increasingly be recognized.
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III. Great Britain.

The Canadian parliamentary system and parliamentary procedures are grounded in British traditions. Academics and practitioners alike refer to British works for background and guidance. The following studies provide useful reference material.

A. General Works.


3. Procedural Reform.


