



TO DEFEAT OR NOT TO DEFEAT?

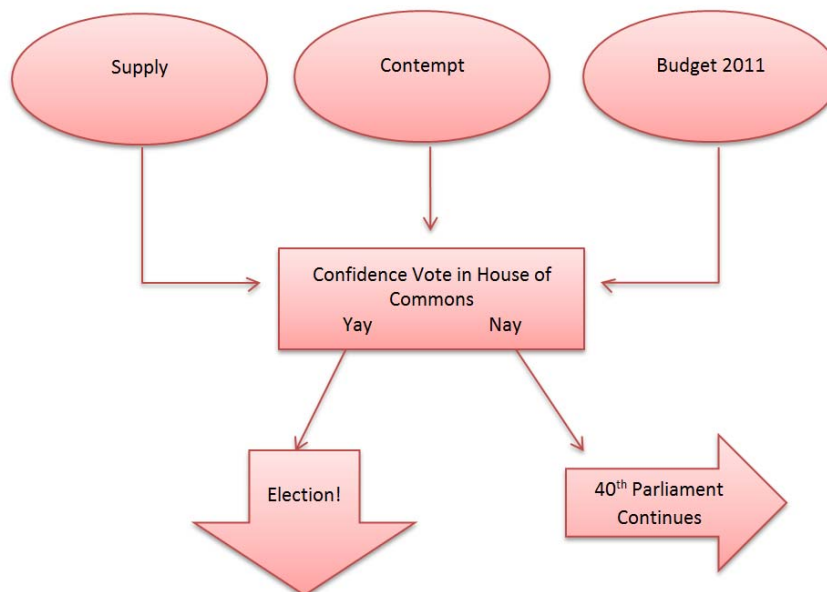
That is the question: Whether 'tis nobler in the mind of opposition party leaders to suffer the slings and arrows of outrageous fortune by keeping the Conservatives in power or to take arms against the government and by opposing end it. With apologies to William Shakespeare, this adaptation of Hamlet's soliloquy aptly describes the current political dynamic in Ottawa. Opposition leaders Ignatieff, Duceppe and Layton will have several opportunities in the days ahead to defeat the Harper government and trigger a national election campaign. In this Commentary, we examine the conflicts looming on the floor of the House of Commons, the latest steps in the long dance between Prime Minister Harper and Liberal leader Michael Ignatieff in the run-up to the main event between the two men: a federal election, be it sooner or later.

THE POLITICAL HYDRA

In something of a twist of Parliamentary irony, a number of issues that have been slow burning causes of concern for the government are all reaching a boil at the exact same moment. To wit, there are several votes during the weeks of March 21st and (if the government survives) March 28th that could trigger an election. Broadly speaking, these votes are all centered on the same question: *does the government continue to hold the confidence of the House?* Within that question the government faces three immediate tests, as depicted in the graphic on the following page. If all the roads do not exactly lead to Rome, they do at least lead to potential votes of confidence in the House of Commons.

In a nutshell, the challenges facing the government next week are:

1. Motion of Supply: a specifically worded motion of non-confidence on the Opposition's last allotted day for the supply cycle (which must be before March 25th) coupled with a vote on the Supplementary Estimates 'C'.
2. The Budget: scheduled to be tabled on Tuesday, March 22nd, the Budget is an automatic matter of confidence with at least two votes which the Government must pass to survive.
3. Contempt of Parliament Motion: two separate reports from a Standing Committee of the House of Commons on matters of contempt of Parliament referred by the Speaker of the House of Commons which could include an expression of non-confidence.

Three Roads to an Election**Motion of Supply**

Supply Days are allotted days for the Opposition parties to move a motion in the House of Commons on any subject they choose for debate (they are sometimes referred to as "Opposition Days"). It is open to the Opposition party moving such a motion to make it a matter of confidence in the government, but it need not necessarily be, and most often is not. The government of the day determines the scheduling of the allotted days. According to the rules of Parliament, there is one remaining Supply Day that must be dealt with before Saturday, March 26th, and it is the Liberals who will get to determine the wording of the motion. It is possible, therefore, that the Liberals could word the motion to state the government does not enjoy the confidence of House. If the motion is passed the government is defeated. Incidentally, this is how the Martin government was defeated in the fall of 2005, when Stephen Harper, Jack Layton and Gilles Duceppe agreed to bring it down.

As of March 15th, the government has indicated the Supply day will be Friday, March 25th – the last possible day the debate can occur before the end of the Supply period. In addition, on the same day that the Liberal Supply Motion is voted on, the House will also have to hold a vote on the Supplementary Estimates 'C'. Estimates deal with government expenditures and are, therefore, considered to necessarily be matters of confidence. Should the government lose this vote, it would be defeated and an election would ensue.

The Budget

Once Budget 2011 is presented in the House of Commons by Finance Minister Jim Flaherty on March 22nd, the government will simultaneously table a motion "that the House approves the budgetary policy of the Government". Rules of procedure require four days of debate on the Budget in the House, although they need not be consecutive days. On the first day of debate, two additional motions are moved: first the Official Opposition (in this case, the Liberal Party) moves a substantive amendment to the Budget (often deleting or negating most of the text of the original motion). Following that, a sub-amendment is introduced by the third party in the House, the Bloc Quebecois. At the end of the second day of debate, the Bloc sub-amendment will be voted on. Because it only amends the Liberal amendment, this is not a confidence matter.

However, on the third day of budget debate, the House will vote on the Liberal amendment to the Budget which is almost always a matter of confidence as it generally would seek to undo the government's budgetary plan. Finally, on the fourth and final day of debate a vote takes place on the main Budget motion, which must be a matter of confidence. Therefore, the government could potentially be defeated during either the third or fourth day of Budget debate.

Contempt of Parliament Motion

The House of Commons Procedure and House Affairs Committee (PROC) is holding meetings from Wednesday, March 16th to Friday, March 18th. They are focusing their energies on two matters raising potential findings of contempt of Parliament recently referred to them by the Speaker, namely charges that the government failed to provide sufficient information to the House relating to the costing of its law and order package (PROC 1 Report); and secondly, allegations that the International Development Minister lied to Parliament during a Committee hearing into funding of an organization by the Minister's department (PROC 2 Report).

The House instructed PROC to report back to the House of Commons on these matters, by the latest, March 21st and 25th respectively. Given that the Opposition parties have a majority of the voting members on PROC, it is reasonable to expect they will rule that the government acted in contempt on both counts. While we know that the report relating to the government's alleged failure to disclose the costing of its law and order package is due on March 21st, and while we suspect it will contain a motion of contempt, we do not know when the report will be voted on by the House of Commons.

The motion for a vote on a Committee report requires 48 hours notice following their tabling in the House. It could then be called by any member of the House during the daily "Routine Proceedings". As a result, Wednesday, March 23rd is likely the first time such a motion could be considered. For tactical and procedural reasons, however, the Liberals may prefer to have this motion brought to a vote on Thursday, March 24th – there may not be sufficient House time the previous day to complete the debate on the motion and if the debate is not finished before the expiry of the day's clock, the motion becomes government business and the vote can be delayed by another ten days.

HOW WE READ THE TEA LEAVES

While this is undoubtedly one of the most complicated periods in recent Parliamentary history, some of the events described above are set in stone and others are more fluid. Below is a calendar highlighting which of the events outlined above are likely to take place on each of the days of the next two weeks, starting Monday, March 21st. Items with a question mark are subject to change, either by way of a decision of the Government or the length of debates taking place in the House.

Monday	Tuesday	Wednesday	Thursday	Friday
21	22	23	24	25
<ul style="list-style-type: none"> • Tabling of PROC Report 1 (law and order costing) 	<ul style="list-style-type: none"> • Budget delivered @4pm 	<ul style="list-style-type: none"> • PROC Report 1 eligible for Debate • First day of Budget Debate? 	<ul style="list-style-type: none"> • Vote on Bloc Budget sub-amendment? 	<ul style="list-style-type: none"> • Supply Day (Liberals) • Vote on Supps 'C' • Tabling of PROC Report 2 (CIDA Minister)
28	29	30	31	1
<ul style="list-style-type: none"> • Vote on Liberal Budget Amendment? 	<ul style="list-style-type: none"> • Vote on Main Budget Amendment? • PROC Report 2 eligible for Debate. 			

Looking at the calendar above, it is easy to see why so many commentators are convinced an election is now inevitable. Much like the scenarios described in *The Guns of August*, with so many opportunities in front of the Opposition it is hard to see how they could resist the temptation to take to the trenches. Having said that, with a tactically clever Prime Minister, it is also possible he could walk across Sussex Drive to Rideau Hall and ask the Governor General to issue a writ of election as a pre-emptive move before confidence votes are taken.

From the perspective of the Liberal Party – arguably the Party with both the most to gain and the most to lose from an election this spring – the chance to level the playing field with the government in terms of media attention, spending capacity and public mind-share during an election campaign may be too tempting to avoid. But convincing the other two Opposition leaders that their opportunity is equally attractive has proven no mean feat in the past.

The challenge for the Liberal leader is to bring together the coalition he has spent two years refuting for at least long enough to force an election on terms favourable to all three Opposition parties (presumably framed around the Government's behaviour). At the same time, the Prime Minister will be fighting aggressively to punch holes in the unsteady alliance he has been successfully attacking since the fall of 2008 – and certainly the NDP and/or Bloc may be willing to accept an olive branch from the PM. The Budget, which will be tabled before the Opposition has its first opportunity to trigger a non-confidence vote, is one vehicle for bringing one of the other leaders onside, if the Government wishes to do so.

Whichever man succeeds – Stephen Harper or Michael Ignatieff – will win the fight to initially set the framework for the next election, whether it is this spring or sometime down the road. But in our view, just as Barbara Tuchman observed so brilliantly in her seminal book on World War I, *The Guns of August*, the major powers may now be on an inexorable march to the polls.

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