

**The “Unsung Heroes” of the Ontario Legislature:  
The Role of House Leaders in a Minority Government**

By

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## INTRODUCTION

Dr. Peter H. Russell, a leading scholar in Canadian politics, explained, “House leaders will play increasingly important roles in minority governments as they make or break the government.”<sup>1</sup> A hung parliament is often perceived as an aberration and is meant to be, in many people's view, “broken”. In the Canadian House of Commons, the most recent minority government experience under Stephen Harper fell on a non-confidence motion tabled by the opposition on a *prima facie* case for contempt ruled by Speaker Milliken.<sup>2</sup> But depending on who you talk to, one can point finger at any party for bringing down the government. Finger-pointing aside, what is important to note is that minority parliaments are perceived to be unstable and their dissolution is often the political objective of all parties. However, as Russell argues in his book, “*Two Cheers for Minority Government*,” minority governments do not need to be viewed as such because they can, in fact, be the best possible outcome despite its shortcomings<sup>3</sup>. In Ontario, we have had four minority governments. The first two were Conservative minority governments under Premier Bill Davis (1975 to 1977 and 1977 to 1981). Liberal Premier David Peterson led the next minority government (1985 to 1987), bolstered by a 2-year formal support from the NDP leader Bob Rae. All three of these minorities, according to Russell, “though relatively short-lived, were effective governments.”<sup>4</sup>

The latest minority government in Ontario, which is the subject of my study, was elected in October 2011 when the Liberal Premier Dalton McGuinty saw his two-term majority status shrink to a minority, one seat shy of a majority rule. Just a short 7 days after, *the Star* found out that Premier Dalton McGuinty met privately with former Progressive Conservative Premier Bill Davis “to discuss the tricks of governing with a minority.”<sup>5</sup> What are some of these “tricks” when governing or opposing a minority government? To what extent are House leaders involved in devising and implementing these strategies? What external and internal factors can undermine or improve House leaders’ performance? While MPPs, including the Premier himself, seem to be re-learning what they can or cannot do in a minority government, the House leaders from all parties assume an expanded role as a primary negotiator *among* parties, *within* caucus, and sometimes even *with* the Leader.

By examining the interactions among House leaders, I will shed light on the individual and human dimension to a more concrete political or institutionalized level of analysis. Firstly, the paper will lay out a historical overview of the role of House leaders. By understanding its evolution, this paper will then assess the extent to which government and opposition House leaders’ bargaining power is shaped by interparty and intraparty alliances in a hung parliament. Finally, House leaders’ influence over government agenda through institutional features such as ringing bells, time allocation motion, committee, and substantive motions will be discussed. What will become evident

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<sup>1</sup> Interview with Dr. Peter Russell, Toronto, ON (9 April 2012).

<sup>2</sup> Aaron Wherry, “Toward a unified comprehension of the Speaker’s ruling,” *Maclean’s*, April 29, 2011, <http://www2.macleans.ca/2010/04/29/toward-a-unified-comprehension-of-the-speakers-ruling/>

<sup>3</sup> Russell Peter, *Two Cheers for Minority Government* (Toronto: Edmond Montgomery Publications Limited, 2008), 64.

<sup>4</sup> *Ibid.*

<sup>5</sup> Robert Benzie and Rob Ferguson, “McGuinty, Bill Davis talk minority governments,” *The Star*, October 13, 2011. <http://www.thestar.com/news/canada/politics/article/1069244--mcguinty-bill-davis-talk-minority-governments>

throughout this study is that House leaders become the nexus of all real and perceived problems in a minority government.

## HISTORY OF HOUSE LEADERS IN ONTARIO

In his book “The Government and Politics of Ontario,” Dr. Graham White, an expert on Ontario politics, succinctly describes the House leader’s duties: “The House leader is responsible for developing strategy in the House and for coordinating house tactics, and is the key figure in the extensive interparty consultation and negotiations that are necessary for the smooth running of the House.”<sup>6</sup> House leaders work hand-in-hand with the whips whose principal functions are “of enforcing party discipline, maintaining party cohesion and morale, and implementing legislative tactics.”<sup>7</sup>

Prior to WWII, however, the responsibility of House business was undertaken by the Prime Minister whereas intraparty negotiations were conducted by the whip. War efforts during WWII caused W.L. Mackenzie King to be frequently absent from the House and the House business coordination was thus delegated to the Minister of Veteran Affairs.<sup>8</sup> And in 1946, W.L. Mackenzie King officially recognized a separate position for these duties, “In my absence... Mr. Mackenzie, the Minister of Veteran Affairs... will 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.”<sup>9</sup> It was only in the 1950s that the role of the opposition House leader began to emerge.

Following suit, Premier John Robarts in Ontario assigned this particular role to specific Ministers in the mid-1960s. The role of the House leader was “rudimentary and tentative” until in 1975, when the “uncertainties of minority government demanded more structured channels of communication among parties, and the House leaders quickly developed sophisticated and effective mechanisms for consultation; these have remained essentially unchanged for over a decade.”<sup>10</sup> In the 1975 provincial election, the Progressive Conservative Premier Bill Davis observed his party’s majority status diminish to a precarious minority rule with the following results: Progressive Conservatives held 51 seats, New Democrats 38, and Liberals 36. After 30 years (1945-1975) of majority government by the Progressive Conservatives, one would expect a tumultuous and challenging environment for all parties.<sup>11</sup> It was during this time, just after the 1975 election, that Bob Welch was appointed as the government House leader. Sean Conway, a Liberal MPP rookie at the time, stressed that during this minority context fraught with danger and difficulty, “Bob Welch masterfully kept the Bill Davis government afloat. He knew how to push and when to pull back.”<sup>12</sup> When asked about his leadership style, Conway explains, “Bob Welch was very convivial, liked by everyone, and was known to have a very good relationship with Bob Nixon.”<sup>13</sup>

Another election was called shortly after in 1977, producing yet another minority government. As one source indicates, it was this second minority that sobered up the government and out of it came a better understanding about the role of each party and a

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<sup>6</sup> Graham White, *The Government and Politics of Ontario* (Toronto: University of Toronto Press, 1989), 78.

<sup>7</sup> *Ibid.*, 42.

<sup>8</sup> Paul Thomas, “The Role of House Leaders in the Canadian House of Commons”, *Canadian Journal of Political Science*, 15.1 (March 1982): 128.

<sup>9</sup> *Ibid.*, 128.

<sup>10</sup> White, 39.

<sup>11</sup> Vaughan Lyon, “Minority Government in Ontario, 1975-1981: An Assessment,” *Canadian Journal of Political Science* 17.4 (December 1984): 689.

<sup>12</sup> Interview with Sean Conway, Toronto, ON (21 May 2012).

<sup>13</sup> *Ibid.*

realization that the PC government did not hold a majority nor were the opposition parties the government. In 1979, during this second minority, Tom Wells, a former Minister of Health, Social and Family Services, and Education as well as the Minister of Intergovernmental Affairs was appointed as government House leader.

For many, including Dr. Graham White, the “golden age” of House leader co-operation is attributed to this particular era under Bill Davis minorities from 1975 to 1977 and from 1977 to 1985.<sup>14</sup> A few interviewees recalled when Tom Wells would invite the other two House leaders, Liberal MPP Jim Breithaupt and NDP MPP Ian Deans, and three chief whips to *LaScala*. Once located on the south east corner of Bay and St. Charles, this restaurant allowed members to dine together and get to know one another informally, which in the opinion of some, helped the House run more smoothly.<sup>15</sup> David Warner, who was the NDP whip during this period and attended the regular Thursday meetings with three House leaders and other two whips, elaborated on this point: “The agreement each week was on the basis of a handshake. We treated each other as honest brokers, and out of it grew an enhanced respect for each other... Our word was our bond... No one in four years had broken the rules.” He further went on to say that at the negotiating table, the Conservatives would not use the election threat when making proposals and the opposition would, on some occasions, make concessions on passing government bills. “We realized early on that everyone will get something but nobody would get everything.”<sup>16</sup>

While interpersonal skills are important, Breithaupt clarifies that he “wouldn’t necessarily call [the other House leaders] friends but [they] were certainly acquainted with each other’s strengths and weaknesses, and managed to resolve issues and problems without compromising positions that, at least, generally the leader and caucus had taken.”<sup>17</sup> Breithaupt was the opposition House leader near the end of a legendary Conservative reign, and “the framework for the government and the opposition working co-operatively have been so entrenched that even under a minority, there was an understanding that this was the government and unless the circumstances aggressively changed, this would continue to be the government.”<sup>18</sup>

This non-confrontational approach may have partly contributed to the widely-held perception of the Davis’ minorities to be effective in terms of legislative output and durability. Government respondents in Vaughan Lyon’s study of the minority government in Ontario from 1975 to 1981, for example, were “favourably impressed by its conduct during the minority government and found most opposition legislative amendments constructive.”<sup>19</sup> But this was not without a few exceptions. In particular, “... there were breakdowns in communications between house leaders which led to some ill-feeling.”<sup>20</sup> Breithaupt uses an example of his Leader Bob Nixon making announcements, unbeknownst to him, on supporting a particular government bill. In other circumstances, Breithaupt was caught off guard when finding out that Bob Nixon was negotiating with cabinet members and the Premier on issues that he was not aware of. Such communication problems, however, were seldom and Breithaupt’s relationship with his Leader is described as cordial.<sup>21</sup>

In Breithaupt’s opinion, his main challenge was not with the Leader nor with the other House leaders but with his own caucus members. Some were not helpful in

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<sup>14</sup> E-mail correspondence with Dr. Graham White (17 April 2012).

<sup>15</sup> Phone interview with David Warner (29 April 2012).

<sup>16</sup> Ibid.

<sup>17</sup> Phone interview with Jim Breithaupt (28 April 2012).

<sup>18</sup> Ibid.

<sup>19</sup> Vaughan Lyon, “Minority Government in Ontario, 1975-1981: An Assessment,” *Canadian Journal of Political Science* 17.4 (December 1984): 700.

<sup>20</sup> Ibid.

<sup>21</sup> Breithaupt, 2012.

supporting Breithaupt's strategy and others would simply not show up for votes.<sup>22</sup> Lyon also cites an example of an opposition member who "would scribble an amendment to a complicated piece of legislation of an envelope on the spur of a moment in a committee session and have it adopted."<sup>23</sup> Labeled by some interviewees as "rogue member behaviour," the importance of keeping such members in line with the overall party strategy is seen as a crucial but difficult challenge that a House leader must deal with. This is where the party whip's role in ensuring party cohesion becomes ever more salient. According to Breithaupt, his job as a House leader "was to achieve what [he] could in dealing with the government and its legislations and procedures... and try to make some useful comments that would be helpful whether [his] caucus members liked it or not."<sup>24</sup> Others such as David Warner, former NDP whip who worked closely with NDP House leader Eli Martel, speaks of the benefits of caucus elections on House leaders and whips to reduce such problems. Although the Leader tended to get his choice, the election allowed Warner "to remind the more uncooperative caucus members that it was they who elected [him]... In this way, the whip and the House leader become beholden to the group and gain more legitimacy from the caucus."<sup>25</sup> This, however, changed when the NDP was elected to govern in 1990s; the NDP House leaders have since been appointed rather than elected by caucus.

Janet Ecker, former Minister of Finance, Education and Social Services under Premier's Mike Harris and Ernie Eves, further sheds light on issues that may emerge for House leaders who can sometimes be at odds with caucus members' interests. During a majority government under former Premier Mike Harris, Janet Ecker was assigned the role of a government House leader from 2001 to 2002 and worked alongside opposition House leaders Dwight Duncan and Peter Kormos. Peter Kormos was "very smart and very committed," explains Ecker, "but he would never support the government even if the NDP caucus was in support of a particular motion or a bill."<sup>24</sup> She believed that as a partisan player himself, the NDP leader Howard Hampton, permitted Peter Kormos to "throw sands in the wheels" of the government and it didn't matter "how or why."<sup>26</sup> She recalls, while laughing, "We all conspired one time, including the NDP, to pass this particular bill when [Kormos] was the washroom... It took two to three days but it worked!"<sup>26</sup> While such occurrences are rare, it brings into question the commitment of the House leader to his or her Leader and to the caucus.

At the end of the day, interviewees respond that while House leaders maintain multiple loyalties, the principal commitment is to the Leader. Sean Conway, who was the government House leader under David Peterson from 1987 to 1989, echoes this point in that, "A successful government House leader must maintain the trust and confidence of his or her Premier."<sup>27</sup> Similar viewpoints resonate with some opposition House leaders who view that their relationship with their Leaders and their caucus must be based on trust, which give them the independence to make commitments on behalf of their parties. Conway further explains that caucus relations are also important but some members in the caucus and in the Premier's office neither understand nor have much patience "for the niceties and the nuances" of the parliamentary process.<sup>28</sup> As such, a House leader's role is to educate Leader and caucus on legislative business.

Conway became the government House leader just after the election of 1987

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<sup>22</sup> Ibid.

<sup>23</sup> Lyon, 700.

<sup>24</sup> Breithaupt, 2012.

<sup>25</sup> Interview with Janet Ecker, Toronto, ON (27 April 2012).

<sup>26</sup> Ibid.

<sup>27</sup> Conway, 2012.

<sup>28</sup> Ibid.

which resulted in a lop-sided House made up of 96 Liberals, 19 New Democrats, and 16 Progressive Conservatives; this imbalance was compounded by the fact that the previously dynastic PCs not only lost again but were in third place. Additionally, the period under which Conway was a House leader (1987-1989), was marked by Ontario heading into a sharp economic decline, a “divisive” free trade federal election in 1988, and Ottawa and elsewhere in Canada observed “parliamentarians [...] cast aside traditional parliamentary good will and a reasonable measure of bi-partisanship for a more fractious and televised combativeness and willingness to obstruct in ways not previously imagined.”<sup>29</sup> All of these factors, among others, combined to create an unpleasant environment during which Conway was assigned as a government House leader and often, he felt like “the Vice Principal in a big high school with a lot of discipline problems.”<sup>30</sup>

The context during which a House leader operates is important to better understand the complexities of working with his or her House leader counterparts. Yet it is under these challenging and sometimes very partisan circumstances that House leaders sometimes need to negotiate with the Premier or Leader on giving concessions to the other parties. By understanding each parties’ needs and priorities through the repeated interaction with their House leaders, Janet Ecker explains that sometimes as a government House leader, “you need to be a little bit of an advocate of the other parties to your government”<sup>31</sup> in order to get things done. But she admits that “[this is] tough to do especially when feelings are high and the Premier’s office can get very partisan where it’s victory or death.”<sup>32</sup> As Ecker poignantly explains, the House leader becomes the nexus of the Leader, the caucus, and the other parties, and naturally, the role takes on a much more Human Relations component during a minority government.<sup>33</sup>

Taking these variables into consideration, this paper will further discuss the complex relations maintained by the House leader and the “push and pull” between one another and with their parties, which can jump-start or stall the Legislature. The case analysis of the McGuinty minority will illustrate the large extent to which controllable and uncontrollable variables that impact interparty cohesion and intraparty alliances as well as parliamentary tools can be leveraged by House leaders during negotiations.

## THEORY

Marc Gervais’ 2012 Master’s thesis (M.A.), “*Minority Governments in Canada: A Study of Legislative Politics*” studies the effectiveness of Canadian minority governments, determined by the durability of government tenure and its legislative output. Through his scan of Western European and Canadian literature on minority parliaments, he concludes that while these studies vary in their focus, the general approach is through understanding legislative majority building in a minority government from the rational, neo-institutional, and party system approach.<sup>34</sup>

The rational theory stream understands political parties and their actors’ behaviour as determined by office-seeking, policy-seeking and vote-seeking motivations. Neo-institutionalism, on the other hand, highlights institutional norms rather than rational calculations in shaping preferences and intraparty co-operation strategies. Party system

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ecker, 2012.

<sup>32</sup> Ibid.

<sup>33</sup> Ecker, 2012.

<sup>34</sup> Marc Gervais, “Minority Governments in Canada: A Study of Legislative Politics,” *Ph.D. Thesis submitted to the University of Ottawa* (2011): 31-32.

perspective stresses the role of intraparty competition in impacting interparty collaboration. The purpose of Gervais' study is to use a combination of these approaches to determine the viability and effectiveness of non-majority governments. More specifically, Gervais' analysis examines the interparty dynamics and intra-party cohesions of the political parties which, in turn, impact the bargaining power of the governing party and its leader. Additionally, he examines the government's overall agenda control by analyzing the role of confidence tests and House business. Finally, the paper illustrates circumstances that led to the end of the government tenure.

Under a similar framework, my paper focuses specifically on a parliamentary actor, a House leader, whose interaction with other House leaders provide an interesting lens through which to answer the following questions: 1. What impacts their bargaining power, which can increase or decrease in relation to other House leaders' bargaining clout?; 2. What tools or strategies can House leaders use to control the House business and its proceedings?

While Gervais' paper determines the effectiveness and viability of minority parliaments, this is not the objective of my study. Instead, I will explore the large extent to which House leaders' primary responsibility as a negotiator is shaped by and shapes the minority landscape. Additionally, Gervais' study takes a government approach to understanding minority parliaments but I will examine *both* the government and opposition House leaders' role in "making or breaking" a minority parliament.

## **CASE ANALYSIS: MINORITY PARLIAMENT UNDER MCGUINITY**

The first session of the 40<sup>th</sup> Parliament resumed on February 21, 2012. Originally, the House was scheduled to rise on Thursday, June 7<sup>th</sup> for the summer adjournment, equaling a total of 51 sitting days for this period. At the time of writing, the government introduced one Throne Speech, one budget, and a total of 11 bills in the House; only 4 sitting days left from the House rising, the government has yet to pass one piece of legislation. The point of this paper, however, is not to assess whether the 40<sup>th</sup> Parliament was effective in churning out laws. Rather, I will examine the different pressures that develop within a minority setting and reveal the ways in which House leaders can influence House proceedings.

### **I. Bargaining**

On October 6, 2012, electors voted for a minority government under Premier Dalton McGuinty, with 53 seats held by the Liberals, 37 by the Progressive Conservatives, and 17 by the New Democrats. With the election of Liberal MPP Dave Levac, the Liberals were left with 52 votes in the 107-seat legislature. Within this largely whipped and taut atmosphere, the government has to win at least two votes from the opposition parties in order to pass any legislation. But within such an air-tight minority, party discipline is intensified and members are pressured even more to tow the party line on major legislations, undermining government's efforts to capture two extra votes from the opposition. Playing off the government's wishes to pass bills, the opposition House leaders are employing methods to advance their own party agenda. While election call is an imminent threat during negotiations, this scenario can also create ripe conditions for parties to converge on policies: while safeguarding party ideology, the government and opposition House leaders can look for common grounds on which to reconcile policy interests.

### A. Intraparty Alliances

Another way of looking at this is through Kaare Strom's analysis of "shifting majorities" which describes governments that "build their legislative majorities from issue to issue with whatever party [would] demand the fewest concessions."<sup>35</sup> Such ad-hoc coalitions are frequently observed in today's minority parliament. The first sign of this is in the March budget itself whereby the Liberal government argues that it has "incorporated key opposition demands [...]: the threat of a legislated public sector wage freeze to appease the Progressive Conservatives and a freeze on corporate tax rates for the NDP."<sup>36</sup>

Secondly, the constant on- and off-camera negotiations over the budget after its tabling also highlight the government's political strategy to build majorities based on issues. When the government tabled the budget motion, the Tories announced that they would vote against it on the basis that it fails to address job creation or government over spending.<sup>37</sup> The PC opposition Leader, Tim Hudak, had argued that he had sat down with the Premier and exchanged his ideas on job creation and deficit reduction. Since the budget ignored such proposals, he could not in good conscience support the budget. "It's like we're heading over Niagara Falls in a barrel and they're talking about how to build a better barrel. I'm talking about reversing course,"<sup>38</sup> said Hudak. With the elimination of Tories' support, the Liberals had only one way to avoid a non-confidence motion and, therefore, an election: strike a deal with the New Democrats on this particular motion. The Leader of the third party, Andrea Horwath, on the other hand, took a conciliatory approach explaining that she was not drawing a line in the sand. She also told the press that, at the onset of the negotiations, the discussions with the government have been productive and reasonable, even though the deal was yet to be made.<sup>39</sup>

While the Leaders of all parties were in the spotlight explaining or justifying their stance on the budget, it was the House leaders who were fine-tuning the details of the budget content behind closed doors. The key players involved in the budget discussions included the government House leader John Milloy, NDP House leader Gilles Bisson, Premier's Chief of Staff, Chris Morley, and Andrea Horwath's Chief of Staff, Giselle Yanez.<sup>40</sup> As Paul Thomas notes in his study on "The Role of House leaders in the Canadian House of Commons," these meetings are "private and off-the-record, except for the agreements which are announced in the House. Privacy encourages frankness and negotiation. Publicity would make it impossible for the necessary accommodations to be made because one side might appear to be backing down."<sup>41</sup>

Another reoccurring theme in the conducted interviews was the respectful relationships required among the House leaders for such negotiations to be successful. Dave Cooke, with the unique background as an opposition House leader for the NDP in 1987 at the end of the NDP-Liberal Accord and then becoming the government House leader in 1991 during Bob Rae's majority, elaborates on this point further. When the other party is listing their proposals and justifying their opposition on particular issues, House leaders must be able to distinguish what's real and what's not.<sup>42</sup> To do this,

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<sup>35</sup> Kaare Strom, *Minority Government and Majority Rule* (Cambridge: Cambridge University Press, 1990), 70.

<sup>36</sup> Maria Babbage, "NDP back off key budget demand to remove HST from home heating bills," *Global News* (April 19 2012), <http://www.globalnews.ca/ndp+back+off+key+budget+demand+to+remove+hst+from+home+heating+bills/6442624194/story.html>

<sup>37</sup> Antonella Artuso, "Ontario budget vote set for April 24<sup>th</sup>" *Toronto Sun* (April 16 2012), <http://www.torontosun.com/2012/04/16/ontario-budget-vote-set-for-april-24>

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> Babbage, 2012

<sup>41</sup> Paul Thomas, "The Role of House Leaders in the Canadian House of Commons", *Canadian Journal of Political Science*, 15.1 (March 1982): 142.

<sup>42</sup> Phone interview with Dave Cooke (6 May 2012).



political intelligence and relationships between the House leader and the Chief of Staff, and their relationships with their counterparts help the House leaders make the right judgment calls.<sup>43</sup>

Such relationships can naturally develop over the repeated meetings House leaders have with one another. There are two formal meetings among the House leaders, one on Thursdays with the chief whips, deputy House leaders and deputy whips. The second meeting takes place on Tuesdays through a Parliamentary Liaison Working Group (PLWG) set up by the McGuinty government aiming to facilitate more discussion on bills and motions. The Parliamentary Liaison Working Group consists of three members of each party, political staffers, and other relevant members. While some argue that more conversation can lead to more understanding and agreement, others state that the PLWG may be a hindrance as consensus-building is harder to achieve with more participants in the negotiating process. As explained by one member, “It’s like cooking a cake in the kitchen and you have 15 cooks.” But it must be noted that most negotiations take place informally--- on the phone, in the hallways, and sometimes in obscure places where House leaders can step aside for frank discussions. And throughout these discussions, the House leaders of all parties see themselves as having cordial and respectful relationships with one another; one member even joking that they see other more than their wives.

These personal relationships among House leaders are deemed crucial in both a majority and a minority government. But in a minority, the fact that virtually everything is negotiated makes the House leaders’ role much more complex. For instance, the House leaders are also tasked with implementing the party’s political agenda. As aforementioned, the issue-by-issue majority-building strategy of the government is one which the government House leader would be intimately involved in. On May 8, 2012, Premier McGuinty publically asked the Tories to support wage freeze stating, “I’m hopeful it doesn’t come to legislated measure in order for us to deal with wage freezes... But if it does come to that, I’m hoping we can count on Hudak and his party because I believe we have some common ground there.”<sup>44</sup> With the increased tension over the Liberal government’s negotiations with doctors and teachers in Ontario, it becomes evident that the Liberal party and the government House leader will adopt a majority-building approach with both NDPs and the PCs depending on the issue. How to respond or leverage this alliance-seeking strategy is up to the opposition House leaders to deliver.

As for the New Democrats, the party announced a list of demands during its discussions with the government, including a surtax on the rich, raising welfare rates, saving daycare spaces, and supporting community and home care. Moreover, the party proposed a \$250-million job creation tax credit while keeping Ontario Northland in public hands and helping industries affected by the budget, including horse racing and tourism.<sup>45</sup> But the Liberals found such demands “far too expensive for a province that must slay its deficit by 2017.”<sup>46</sup> Reinforcing this sentiment, Milloy announced that the government would not introduce new spending initiatives during a press conference on Monday, April 16<sup>th</sup>.<sup>47</sup>

But it’s in a private setting where public theatrics can be set aside for some real

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<sup>43</sup> Ibid.

<sup>44</sup> “Liberal, NDP ‘marriage’ didn’t last long,” *iPolitics* (May 8 2012), <http://www.ipolitics.ca/2012/05/08/liberal-ndp-marriage-didnt-last-long/>

<sup>45</sup> Babbage, 2012.

<sup>46</sup> Ibid.

<sup>47</sup> Lee Greenberg, “Ontario budget vote set for April 24” *The Ottawa Citizen* (April 16 2012), [http://www.ottawacitizen.com/story\\_print.html?id=6466222&sponsor=](http://www.ottawacitizen.com/story_print.html?id=6466222&sponsor=)

talk. Milloy says that he said some tough things about the NDP position during scrums or press conferences but the actual details of what was going on behind closed doors were never discussed.<sup>48</sup> Using a level of discretion is one of the ways that the party does “not lose face” in public while keeping the communication channel open for negotiation.<sup>49</sup> Other examples of the use of public announcements included the government which tried to woo the NDP by announcing a merger of two large electricity agencies, even though it wasn't on Horwath's list of demands. The next day, Horwath also announced that she would drop one of her key demands, namely the removal of the HST on hydro bills, as it was bogging down the negotiations.<sup>50</sup>

These public announcements are an interesting place to understand House leader tactics. The NDP used an unprecedented strategy in consulting with the public on how the party should respond to the budget. Telephone hotline, e-mail correspondence, and open websites called for feedback. The media was quite critical of this approach in the beginning. But out of all the NDP demands, Forum Research released a poll which found that 78% of voters supported the surtax on income-earners of over \$500,000.<sup>51</sup> “It is solid populist red meat that Finance Minister Dwight Duncan and the Liberals will have difficulty ignoring” says Eric Grenier from the *Huffington Post* in his poll analysis.<sup>52</sup> On the flip side, Grenier predicts that the reluctance of the NDP to trigger the election would play on the Liberals' side as the New Democrats would be penalized by the 60% of voters who are against another election in less than 7 months.<sup>53</sup> Whether such pollings had an impact on political strategy deliberations is debatable, but as Milloy explains, “Public opinion matters... Especially if the other side is holding up a popular bill.”<sup>54</sup> The surtax proposal was also well received within the Liberal caucus and at cabinet table according to sources used by Robert Benzie and Rob Ferguson from *the Star*.<sup>55</sup>

One cannot underestimate the role of public opinion and of caucus interests in shaping House leaders' ability to propose or oppose. While such factors are taken into consideration during deliberations, it must be noted that these negotiations take place at a glacial pace. For negotiating terms that require the approval stamps of the Premier and the caucus, the back-and-forth between the government House leader and his party can slow down the overall negotiating process with other House leaders.<sup>56</sup> Added pressures externally may accelerate the process, such as Horwath on Metro Morning on Friday, April 20<sup>th</sup> stating that, “If [the Liberals were] not prepared to work with us, then we'll be into an election.”<sup>57</sup> Whether this had an impact on the government and Milloy's concession to adopt the surtax is unclear, but what is telling is that the House leaders' ability to navigate through the bluffs and address the true sticking points requires interpersonal and political acumen outside of basic negotiation skills.

Finally, on April 23, 2012, the day before the budget vote, McGuinty publically announced that he would agree to NDP surtax. Up to the very last day before the budget

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<sup>48</sup> Interview with John Milloy, Toronto: ON (April 30 2012).

<sup>49</sup> Ibid.

<sup>50</sup> “Ontario NDP leader says Liberal ‘arrogance’ could topple government” *CBC News* (April 20 2012), <http://www.cbc.ca/news/canada/toronto/story/2012/04/20/toronto-horwath-ndp.html>

<sup>51</sup> Eric Grenier, “Ontario Budget: Polls May Embolden NDP's Andrea Horwath To Trigger Election” *The Huffington Post Canada* (April 20 2012), [http://www.huffingtonpost.ca/2012/04/20/ontario-budget-polls-ndp-andrea-horwath\\_n\\_1440111.html?view=print&comm\\_ref=false](http://www.huffingtonpost.ca/2012/04/20/ontario-budget-polls-ndp-andrea-horwath_n_1440111.html?view=print&comm_ref=false)

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Milloy, 2012.

<sup>55</sup> Robert Benzie and Rob Ferguson, “Ontario budget: Andrea Horwath makes key concession to Liberals in effort to reach budget deal” (April 19 2012), <http://www.thestar.com/news/canada/politics/article/1164240--ontario-budget-andrea-horwath-makes-key-concession-to-liberals-in-effort-to-reach-budget-deal>

<sup>56</sup> Milloy, 2012.

<sup>57</sup> “Ontario NDP leader says Liberal ‘arrogance’ could topple government” *CBC News* (April 20 2012), <http://www.cbc.ca/news/canada/toronto/story/2012/04/20/toronto-horwath-ndp.html>

vote, however, election speculations inside and outside of Queen's Park were strengthened or squashed depending on the hour of the day. By the scheduled budget vote day, it was out in the open that the budget would pass the first of two tests of confidence. The NDP abstained in the Ontario legislature and thereby allowed the confidence motion on the budget to pass 52 to 37. The second confidence vote on the budget legislation has yet to come.

While the PC House leader was not involved with the budget negotiations, he and his counterparts were constantly meeting to strike deals on almost every other bills and motions. As will be further discussed later on, some of these include discussions over committee membership, as well as motions on the Aggregate Resource Act, gridlock, auto insurance, and the statuses of Bill 13 and 14.

In conclusion, the government House leader represents the Liberal government's political strategy in shifting party alliances depending on the issue. For example, the vote on the budget motion depended on the NDP support whereas the issue on wage freeze requires the backing of the PC party. For such intraparty partnerships to emerge, the House leaders of all sides are in charge of picking up the mood of the House in order to better negotiate one's terms.

### *B. Interparty Cohesion*

Internal party dynamic is another variable that largely influences the House leaders' ability to effectively negotiate by making appropriate concessions and advancing one's political and legislative plan. The media was quick to lambast the official opposition party under PC Tim Hudak for getting sidelined in the budget talks. Whether this political strategy worked or not is up for debate, but it must be noted that according to Environics' survey, support for the Liberals dropped to 27% while the PCs was at 37% and the New Democrats at 30% during this phase; in other words, Tim Hudak gained two points more than he took in the last election.<sup>58</sup>

However, what may have dampened party morale was the sudden resignation of a long-standing Red Tory MPP Elizabeth Witmer. Her resignation leaves the riding of Kitchener-Waterloo open for a battle royale among all three parties, putting the seat numbers at 52 for the Liberals, 36 PCs, and 17 NDPs. Further increasing the stakes in the Legislature, Scott Stinson in *The National Post* notes, "Her resignation will fuel speculation that members of the PC caucus are troubled by the leader's decision to sit on the sidelines while Mr. McGuinty and Ms. Horwath hammered out a budget deal..."<sup>59</sup> While speculations are just speculations, they do hold some informational value that shape House leaders' bargaining or political and legislative strategies. Rumours or examples of party dissension, in turn, can increase the bargaining power of the House leader counterparts.

Additionally, there are speculations that the Liberal government is poaching a member from the NDP party, opening more doors for a potential majority government. In the meanwhile, the Liberal government has publically announced that the deadline of July 1<sup>st</sup>, when the corporate tax cuts from the previous year kicks in, is fast-approaching. Such an announcement was deliberately used to encourage the NDP to negotiate in better terms with the government over the budget. It can be assumed that these government tactics may reduce the government House leader's overall reliance on PC support during House business negotiations.

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<sup>58</sup> Grenier, 2012.

<sup>59</sup> Scott Stinson, "Witmer resignation throws wrench in Tim Huda's 'sideline' strategy," *National Post* (April 27 2012), <http://fullcomment.nationalpost.com/2012/04/27/scott-stinson-witmer-resignation-throws-wrench-in-tim-hudaks-sideline-strategy/>

Furthermore, as an opposition House leader who decides on political strategy and House business, he or she must decide how to allocate questions that are reserved for the opposition. For the PCs, the party is assigned with four questions after the lead questions by the Leader. During the scope of study, the political strategy of the PCs have been to dedicate first two sets of questions to ORNGE Air Ambulance and Related Services, the most contentious topic of the session thusfar, with Frank Klees as spokesperson. With two questions already delegated, only two are left for all other MPP concerns. Wilson concedes, “It’s tough because everybody wants questions.”<sup>60</sup> Managing such relations and ensuring buy-in from caucus members on overall party strategy become ever more significant in a hung parliament where interparty cohesion helps increase the House leader’s political clout during negotiations.

## II. Agenda Control

### *A. Committee, Substantive Motions, and Board of Internal Economy*

Committee is also an intriguing medium through which the opposition and government House leaders can block or move political and legislative agenda. According to the Standing Orders, party representation on committees must be roughly proportional to party standings in the House. While the membership of designated committee must be appointed within the first 10 sessional days<sup>61</sup>, it took over 5 months for the new minority parliament to agree upon committee memberships. House leaders alone negotiated the party make-up and finally decided upon 4 Liberals, 3 PCs, and 2 NDPs in each Standing Committee. Much like in the House over votes on motions and bills, the government members in a committee must win support from one or both opposition parties to amend bills in committees. Filibustering or delaying tactics are readily used by both government and opposition members, but as one member pointed out, “committees allow the opposition to control the agenda” and is considered a very powerful tool.

As written in the Statues, however, it is the government House leader who decides when a bill gets sent back to the House after committee hearings for its third reading. Additionally, the government House leader has the authority to choose when and for how long the committee will meet through substantive motions. For example, one of the key priorities of the PC House leader has been to call upon the government House leader to strike up a select committee on the ORNGE Air Ambulance and Related Services. As a political strategy, the PCs with the NDP support called on the government to strike up a select committee on the principle that it would give flexibility to committee members to determine hearing rules that would better protect and more efficiently extrapolate information from witnesses. Yet without the blessing of the government House leader through a substantive motion, the oppositions’ demand for a select committee has not been thus far fulfilled.

Another unique feature of the parliamentary system where the House leaders have a great involvement in is the Board of Internal Economy. The members of the Board of Internal Economy (BIE) meet regularly to discuss allocation of money to the three caucuses and to the Office of the Assembly. As Dr. Graham White notes, the Board of Internal Economy “emphasizes the House leaders’ pre-eminent role in the running of all facets of the legislature, and thus contributes to the pervasive ‘leave it to the House

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<sup>60</sup> Ibid.

<sup>61</sup> Standing Orders 108 (a) to (f).

leaders' attitude."<sup>62</sup> Whether it is determining mileage rate to bathroom renovations to salaries, financial management items that relate to the Legislature or to the Office of the Assembly are negotiated amongst its members.

Under this minority government, House leaders also negotiated the terms to reform the make-up of the BIE. Reflecting the member composition in the Legislature, the motion passed on May 31, 2012 calls for an amendment of section 87 of the Legislative Assembly Act respecting the Board of Internal Economy towards an equity membership model with a non-voting chair and an equal number of opposition to government members: one member from each opposition and two government members. Such reforms illustrate the different ways in which House leaders' negotiations can shape parliamentary institutions.

### *B. Bell-Ringing, Time Allocation Motion, and Private Members' Public Bills*

While interparty and intraparty relations are at the crux of bargaining power, parliamentary rules and tactics can also advance the House leaders' cause in controlling the political and legislative agenda. By May 23, 2012, the Liberals claim that the House has had only 15 hours of debate and 4 hours of bell-ringing by opposition members.<sup>63</sup> Ringing bells is seen as a powerful bargaining tool by opposition members. Thirty-minute bells for the adjournment of debate can occur 4 or 5 times a day sometimes, causing one member to joke that she hears them in her dreams. Ringing bells has been used as a bargaining tool by the PCs to call upon the government to first, strike a Select Committee to investigate ORNGE Air Ambulance and Related Services, and then to receive more days of hearing through the Standing Committee on Public Accounts when the first demand was not met.

Minister of Finance, Dwight Duncan, told reporters at a news conference that "[The budget has] been blocked in the legislature for over a month and the opposition parties are using every stall tactic in the book to slow its progress."<sup>64</sup> Liberal House leader John Milloy then mentioned that he would introduce a time-allocation motion, which if defeated, would see the government take steps to increase the number of sitting days. The traditional use of time-allocation to curb debate still continues to be at the government House leader's disposal. Yet a major distinction in a hung parliament is that such a motion must also pass before it can go into effect.

Instead, the government House leader struck deals with the opposition parties: in exchange for stopping the bell-ringing and securing extra sitting days to debate and pass the budget motion, many of the oppositions' demands were also heard. For instance, every committee received an extra four travel days, the NDP's demand for extra public hearings on the budget bill was met, and the Standing Committee on ORNGE received 5 extra hearing days.<sup>65</sup> The House leaders played a pivotal role in balancing the interests of most relevant members and negotiating terms and wording of the programming motion, which on Thursday, May 31<sup>st</sup>, 2012 received unanimous consent without notice in the House.

What's quite unique also are the nine private members' public bills, three per party, which would be selected by the House leaders to be eventually granted Royal Assent. Private members' bills (PMBs) are sponsored by private Members, rather than

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<sup>62</sup> Standing Orders 47 (a) stipulates that "the Government House Leader may move a motion with notice providing for the allocation of time to any proceeding on a government bill or substantive government motion."

<sup>63</sup> "Liberals and NDP fighting over stalled budget bill" *CBC News* (May 23 2012),

<http://www.cbc.ca/news/canada/toronto/story/2012/05/23/toronto-ontario-liberals-new-democrats-budget-bill.html>

<sup>64</sup> *Ibid.*

<sup>65</sup> Ontario, *Hansard*, May 31, 2012.

by the Government, who are not Ministers of the Crown or Parliamentary Secretaries. In a majority, some members argue that PMBs are futile as they rarely pass third reading. However, in a minority, opposition parties can drive their agenda by collaborating to pass PMBs through to committee against the will of the government.<sup>66</sup> But it must be noted that even under a minority parliament, the likelihood of PMBs being enacted as law is slim since the government House leader is the one to call the bill for third reading and for its final vote. The recent terms of agreement among House leaders on the programming motion are thus a unique move that will not only empower the role of PMBs but the opposition members or backbench government members who introduce them. This comprehensive agreement is, perhaps, a classic case of the “give and take” among House leaders that respondents refer to, which is based on the principle that everyone gets something and no one gets everything.

## CONCLUSION

In a minority government, unique challenges of an increased role of opposition, heightened sense of party discipline, and empowered rogue members add to the already-high pressures bubbling under the very fickle balance of power in the House. House leaders' duty, in such a volatile environment, is knowing when and how to push or pull back. It is understanding such moods of the House, which can be determined through intraparty relations and maintained by interparty cohesion, that allow House leaders to effectively bargain on behalf of his or her Leader and caucus. But it is also by recognizing and thoroughly understanding parliamentary and institutional tools that become critical under a minority parliament which will allow House leaders to gain control over or influence the government agenda.

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<sup>66</sup> Marc Gervais, “Minority Governments in Canada: A Study of Legislative Politics,” *Ph.D. Thesis submitted to the University of Ottawa* (2011): 72.

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