

The Opening of the 43rd Parliament

Introduction: The federal elections for Canada's 43rd Parliament were held on October 25th, 2019. Although incumbent Prime Minister Justin Trudeau's Liberals won the largest number of seats, they do not hold an absolute majority in the House and will need to rely on parliamentarians from other parties in order to hold a minority government.

Confidence: Under our constitutional conventions, the government needs to establish and maintain the confidence of the House of Commons to govern, failing which it must resign or seek a dissolution to cause another election. The governing Liberals will therefore need the support of other parliamentarians to remain in office. The smallest group of Parliamentarians holding a sufficient number of parliamentary seats to support the government in confidence votes is the NDP. They are said to hold the 'balance of power' in our parliamentary system. While the NDP remains an opposition party (and is not part of a coalition), it is widely anticipated that it will support the government in the votes on the Motion in Reply to the Speech from the Throne, the Budget, the Supply votes, and other such confidence votes. On October 23rd, Prime Minister Justin Trudeau announced that his Cabinet would be shuffled of Nov. 20th, but no date has yet been set for the recall of Parliament and the subsequent confidence votes. Nevertheless, a certain number of days are necessary to re-start Parliament, which will be discussed below.

Recalling Parliament: Again, in our conventions, the PM needs to establish confidence soon after the election by recalling Parliament. The last or 42nd parliament, was recalled on December 3rd, 2015. The House then sat for two weeks before adjourning for the holiday season. This year, first Monday of December is December 2nd which is a possible recall date. However, given the acrimonious election campaign and the minority situation, the government may want the recall to be a week earlier to allow more time for the establishment of Confidence plus the necessary procedures for a smooth return of Parliament. The House could possibly be recalled as early as November 25th. Either way, the first item to be disposed of upon Parliament's return is the election of the Speaker followed by the Speech from the Throne.

Speech from the Throne (SFT): On the second day of sitting, and after a speaker has been chosen, possibly Nov 26th or December 3rd, H.E. Julie Payette, Governor General of Canada will proceed to the Senate Chamber to read the SFT thereby formally opening a new Parliament. Later that day, MPs will return to the House to adopt a series of routine motions necessary to begin the first session of the 43rd Parliament. The House of Commons will then begin consideration of a Motion in Reply to the SFT. This consists of two speeches by rookie backbench Government MPs who move and second the motion respectively. Opposition Conservative MPs will then speak and move the routine amendment and the third party Bloc Quebecois will likely move a sub-amendment to the motion. (Both are non-confidence)

Establishing Confidence: The debate on the sub-amendment to the motion could continue for the rest of that day, or it could occur on the next sitting day (at the government's discretion). At the end of the second day of debate, the first vote will take place on the Bloc sub-amendment and confidence will be established. Once this vote is disposed of, the government has established that it 'enjoys the confidence of the House', it is free to transact other business.

Ways and Means Motion: Early during the second week of week of sitting, the Minister of Finance will likely table a motion of Ways and Means in the House of Commons concerning proposed tax changes announced during the election campaign. These changes will likely include a lowering of the tax rate for the middle class. After the first vote on the SFT, the Government could move the concurrence vote on the Ways and Means motion, allowing it to put in place the taxation change in time for the new calendar and tax year. The actual legislative changes will likely be put in a budget implementation bill to be introduced in the new year.

Budgetary Estimates and Other Considerations: Once Parliament resumes sitting, the Government will no longer be able to seek funding by way of a Governor General's Special Warrant as was done during the election campaign. In such a case, supplementary estimates would need to be tabled, and in order to obtain funding, the Speaker will likely allow one or two Opposition days of debate following which a supply bill will be adopted. This needs to be adopted no later than December 10th. The Minister of Finance for his part, will likely want to provide Canadians with a fall fiscal update. This could either be done in the House if time permits, or at another venue if not possible to do so given the short fall sitting. As for the naming of members of parliament to the various committees, this could be done before the House rises for the holiday season in December, particularly if there are three weeks of sitting this year. However, the actual convening of the various committees will likely not occur until the new year.

Conclusion: Although Parliament could be recalled only in the new year, it will more likely do so either the last week of November or the first of December. It would likely rise for the traditional end of year recess on Friday Dec. 13th. According to the Parliamentary calendar, the sitting would only resume on January 27th 2020. However, given that the House has not sat for the last several months, there may well be an appetite to return earlier. By unanimous consent of MPs, a motion could be adopted for the House of Commons to return earlier in January.

Honourable Don Boudria, P.C.,
Senior Counsellor,
Hill + Knowlton Strategies Canada