Harper has an out; A clause in the fixed-election-date law allows the prime minister to call an election whenever he chooses

MacDonald, L Ian . The Gazette ; Montreal, Que. [Montreal, Que]18 Aug 2008: A.17.

ABSTRACT (ABSTRACT)

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"As you know," he said, "we established an election, by law, for October 2009. But in fairness to the Canadian people, we need a Parliament that works, that functions ... over this summer we have seen increasing signs that this Parliament is not working very well any more. It's becoming increasingly dysfunctional."

He made this pretty clear in Cupid. "Quite frankly," he said, "at some point I'm going to have to make a judgment in the next little while as to whether this Parliament can function productively."

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FULL TEXT

There's a difference between a taunt and a threat. A taunt is when Stephen Harper tells Stephane Dion it's time to "fish or cut bait" on defeating the government. A threat is when Harper says he will not allow Parliament to become dysfunctional, or its committee system to be turned into "a kangaroo court."

Harper's taunting of Dion made a better headline than his threatening tone in the same speech during the Conservative caucus in Quebec three weeks ago. But while the taunt was the better soundbite, the threat was the real news.

Because here's the thing: Even though we now have a fixed election law, it isn't completely binding on the government that adopted it.

Huh?

In Bill C-16, which establishes Oct. 19, 2009, as the date of the next election, there is an important caveat, which reads as follows:

"Nothing in this section affects the powers of the governor- general, including the power to dissolve Parliament at the governor-general's discretion."

Quote, unquote.

This means that while Bill C-16 is now the law of the land, it is only a parliamentary statute, and clearly does not effect constitutional convention.

And in the Westminster tradition, the governor-general can dissolve Parliament any time at the request of the prime minister.

In other words, if Stephen Harper wants an election, all he needs to do is walk from 24 Sussex Dr. across the a street to Rideau Hall and ask her excellency for a cup of tea and an election writ.

Would you like cream or lemon with that, prime minister?

So why bother with a fixed- election law in the first place? That's a complicated question, and at bottom it demands an answer to why the PM would give up the biggest weapon of incumbency.

The answer is, it's a hangover from Harper's Reform/Alliance days. Harper also thought, in all apparent sincerity, it was the right thing to do. After all, important provinces, such as British Columbia and Ontario, have followed the same path.

But for everyone who thought Harper was giving up a big trump card, think again.

In a place called Cupid, one of those only-in-Newfoundland datelines, Harper was asked about this the other day. His reply was quite revealing of his current state of mind.

"As you know," he said, "we established an election, by law, for October 2009. But in fairness to the Canadian people, we need a Parliament that works, that functions ... over this summer we have seen increasing signs that this Parliament is not working very well any more. It's becoming increasingly dysfunctional."

How can that be, when the House isn't even sitting over the summer, and won't come back for another month?

But House committees, particularly the House ethics committee, are sitting and asking inconvenient questions about the Conservatives in-and-out campaign financing scheme, in which cheques were sent to local ridings, which then returned them to headquarters.

The committee is what Harper had in mind when he referred to "a kangaroo court." Two-bit circus is more like it. All parties are behaving badly in this committee, and the Liberal chair, the hapless Paul Szabo, has lost complete control of it.

And if, at some point, the Foreign Affairs committee wants to hear from Julie Couillard about her pillow talk with Maxime Bernier, that would certainly be coast-to-coast news. But don't expect Harper to sit still for it.

He made this pretty clear in Cupid. "Quite frankly," he said, "at some point I'm going to have to make a judgment in the next little while as to whether this Parliament can function productively."

In other words, fixed election date or not, he retains his constitutional prerogative of determining the timing of an election.

So, Dion might yet decide to force an election on his own, depending very much on the outcome of the by-elections in September.

But if the Liberals decide to continue in the House, Harper will not allow the theatrics of a minority House to degenerate into a farce.

Eyeball to eyeball. Let's see who blinks.

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Illustration

Photo: CHRIS WATTIE, REUTERS / Stephen Harper has threatened to call an election if the opposition doesn't fall into line. ;; Caption:

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