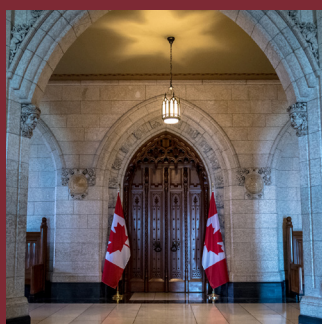


Five Ways to Fix Canadian Democracy Without Constitutional Reform



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DEMOCRACY &
GOVERNANCE



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Strengthening the *Reform Act* by Restoring Michael Chong's Original Legislation

J.W.J. Bowden

Sometimes, small reforms that Parliament alone can enact can lead to big changes. For instance, Parliament could amend the *Reform Act* and restore it to the version that Conservative MP Michael Chong had introduced at First Reading in 2014. This modification would not reduce or infringe upon the executive authority of the Crown of Canada as exercised by the King or the Governor General on the prime minister's advice. Instead, it would place a check upon them and make prime ministers think twice about running roughshod over cabinet and caucus. The change would also loosen the strictures of party discipline and give MPs the latitude to speak their minds and vote according to their consciences, and thereby better represent Canadians in the House of Commons.

In April 2014, Conservative MP Michael Chong tabled a bill to restore the power of the parliamentary party over the leader (*Reform Act*, 2014, S.C. 2015, c. 37, at section 4). But Chong had to accept a key amendment to secure the *Reform Act*'s passage in June 2015. Chong's original bill would have added five procedures to the *Parliament of Canada Act*. Those procedures would have outlined how recognized parties in the House of Commons could conduct leadership reviews, oust their leaders and appoint an interim leader, remove members from the parliamentary party, and re-admit said members to the parliamentary party under some conditions. These provisions would have applied to all parliamentary parties automatically and at all times. But as it ended up being enacted, the *Reform Act* made those procedures contingent. Specifically, every caucus has to decide when it first meets after each general election whether to subject itself to each of the procedures, separately, and only for the life of that particular parliament. Worse still, in 2019 the Speaker of the House of Commons ruled that he has no authority to enforce how caucuses vote—or refuse to vote—under the *Reform Act* (Regan, 2019: 26975–26976).

As it stands now, in its first meeting after each general election, each caucus must vote on whether to apply the *Reform Act* to itself for the duration of each parliament. These



procedures involve electing a caucus chair by secret ballot. That chair oversees any subsequent votes under the *Reform Act*. A member of the caucus can only be expelled (or later re-admitted) if at least 20 percent of the caucus asks to hold a vote and if at least 50 percent plus one of the whole caucus decides accordingly. The party leader can no longer expel MPs from caucus unilaterally. And most crucially, if at least 20 percent of MPs ask for a “leadership review,” then a simple majority in caucus can oust the party leader immediately and elect an interim leader to replace him (*Parliament of Canada Act*, R.S.C., 1985, c. P-1, at sections 49.1–49.8).¹ Under Chong’s original bill, all these procedures would have applied automatically to every parliamentary party recognized by the House of Commons in every parliament as a matter of course.

These procedures could have applied to the Parliaments elected in 2015, 2019, 2021, and 2025, but only the Conservative parliamentary party has ever decided to put any of the procedures into effect. They have invoked them twice, first to kick Derek Sloan out of caucus on January 20, 2021, and then to oust Erin O’Toole as leader on February 2, 2022 (Lévesque, 2022; Tunney, 2021). The Conservatives named Candice Bergen as interim leader until a full leadership election was held, in which 70.7 percent of party members chose Pierre Poilievre on the first ballot on September 9, 2022.

The Liberal caucus did not even hold a vote at all in 2015 on following the procedures outlined in the *Reform Act*, and rejected the measures outright in 2019 and 2021, which left Justin Trudeau with the power to expel MPs from caucus and, ultimately, to delay his own resignation by several months. He kicked both Jody Wilson-Raybould and Jane Philpott out of caucus in 2019, even though they had already resigned from cabinet before criticizing him publicly (Bryden, 2019; Campbell, 2021; Coyne, 2019; Smith, 2019). Many Liberal MPs later came to regret their decision; by the summer and fall of 2024 they were unable to force a recalcitrant Trudeau to resign after regular caucuses held in October 2024 and again in December 2024. He did not leave until March 2025.

Most recently, the Conservatives voted on May 6, 2025, to adopt the *Reform Act* once Poilievre had lost his own seat and failed to lead the party back to power after languishing for 10 years in opposition (Canadian Press, 2025). In contrast, the Liberals decided on May 25, 2025, to not take advantage of the *Reform Act* yet again, despite their difficulty ousting Trudeau only a few months before (Levitz and Haws, 2025). The current legislation failed

¹ The procedures in 49.2 and 49.3 count as one, which explains why a caucus holds only four votes.



its acid test. It will only prove its mettle if the caucus of the party in government adopts these procedures and thus puts not only their leader, but also the prime minister, on notice. Parliament should amend the legislation to apply all these procedures automatically to every parliamentary party at all times, as Michael Chong had originally intended.

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