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ABSTRACT:

The confidence convention is a fundamental characteristic of parliamentary government, yet its definition is vague and general. Disappointment in its utility to hold a government to account, its misuse purely for political gain, and the absence of a fair playing field for its use have led to calls for reforms. In this article, the author explores the nature of the vote of confidence, outlines some reasons warranting its reform, reviews some past proposals for reform in Canada and the United Kingdom, and finally proposes his own idea for how to address criticism of its historic and current use in the House of Commons. The author suggests parliamentarians create a standing order which carves out a specific role for the Speaker to rule on the appropriateness of considering an upcoming vote as a matter of confidence. Given that the Speaker's rulings on the vote of confidence could be challenged, they would be advisory in nature and would not interfere with other confidence conventions such as the Crown's power of dissolution. However, its use for pure political gain would be weakened; public guidelines developed by the Speaker could better textualize the meaning of the vote of confidence and contribute to civic literacy; order and decorum would be restored when confidence issues arise, and there would be no danger of possible justiciability of the courts. He concludes by suggesting this reform would go a long way in strengthening the Commons over the Executive.

SUMMARY:

Abstract	32
The Nature of the Vote of Confidence and the Need for Reform	32
Options for Reform: Parliamentary Proposals	33
Pierre Trudeau's The Constitution and the People of Canada (1969)	33

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Special Committee on the Reform of the House of Commons, 1984-5 (McGrath Committee)	34
The Cameron-Clegg Fixed-term Parliaments Act 2011 (FTPA)	35
Enhancing the Legitimacy of the Confidence Vote: A Proposal	35
Proposed Involvement of the Speaker	35
Notes	36