

Canadian Parliamentary Review



*Looking back on 200
years at Province House*

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Parliamentary Politics Runs In The Family: The Squires

In 1930, Sir Richard Squires was halfway through his second, non-consecutive term as Prime Minister of Newfoundland when his wife, Lady Helena Squires, was elected as the Member of the House of Assembly for the district of Lewisporte.



Not only was this the first time a woman was ever voted into the House of Assembly of Newfoundland, it was also the first instance of the spouse of any sitting Prime Minister in the British Empire being elected to the legislature and sitting beside their partner.

During Sir Richard's first term as PM (1919-1923), both he and Lady Helena, proved to be obstacles to the Woman's Suffrage League. It wasn't until Squires was ousted from office that his predecessor, Sir Frederick Alderice, introduced and passed legislation that granted women the right to vote in 1925. It is quite ironic that the first woman to be sworn in as a MHA was Squires' wife.

Lady Squires was rather quiet during her short time in the House and only a few instances of her speaking have been recorded in Hansard. Her husband's time in politics, however, proved far more contentious. A combination of the Great Depression, allegations of corruption, and a subsequent riot in April 1932 forced the Prime Minister to dissolve his government. In the ensuing 1932 General Election, both Sir and Lady Squires lost their seats. Neither returned to active politics after being defeated.

Sir Richard died in St. John's on March 26, 1940. Lady Helena passed away in Toronto on March 21, 1959.

Sean Dawe
Information Management Division
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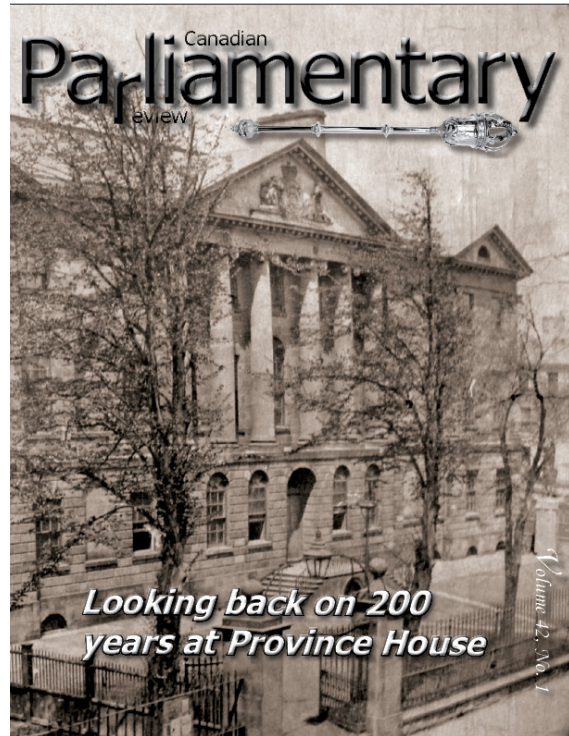
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Understanding Voter Turnout in Canada: What Data Do We Lack?

Voter turnout, particularly among youth, has been in decline over the past few decades. Federal officials have expressed concern about this trend. Although they have sought help from researchers to understand the reasons for the lack of participation in hopes of reversing it, scholars lack some of the information they need to confidently advise policymakers and their fellow citizens on how to get more ballots cast. In this article, the author outlines the main factors/variables which explain voter turnout. He then explains why researchers require supplementary information that only official government records can supply to properly consider these variables. Two sources of official information are highlighted as being particularly relevant—official turnout records and unemployment surveys with a voting supplement. The author concludes by offering three recommendations for how to make this information available to researchers while still taking steps to protect Canadians' privacy.

Christopher H. Achen

Introduction¹

Like most democracies in recent decades, Canada has experienced a decline in turnout (see figure 1). Voting among Canadian youth has fallen particularly dramatically. When turnout falls, both the representativeness of the electorate and the legitimacy of election outcomes come under scrutiny. Federal officials have expressed concern, and for a decade and a half, Elections Canada has commissioned research on the topic, including repeated special surveys on youth turnout beginning with Pammett and LeDuc in 2003 and continuing to 2015.² Thus, turnout matters both as a research puzzle and as a policy issue. Yet understanding the decline, particularly among younger voters, continues to challenge scholars.³

At present, a lack of relevant data blocks researchers from confidently advising policymakers and fellow citizens on how to get more citizens to cast a vote. We simply do not have the information we need. This article reviews the problem, with an emphasis on Canada and to a lesser degree on the United States. However, the problem is familiar in the rest of the democratic world as well.

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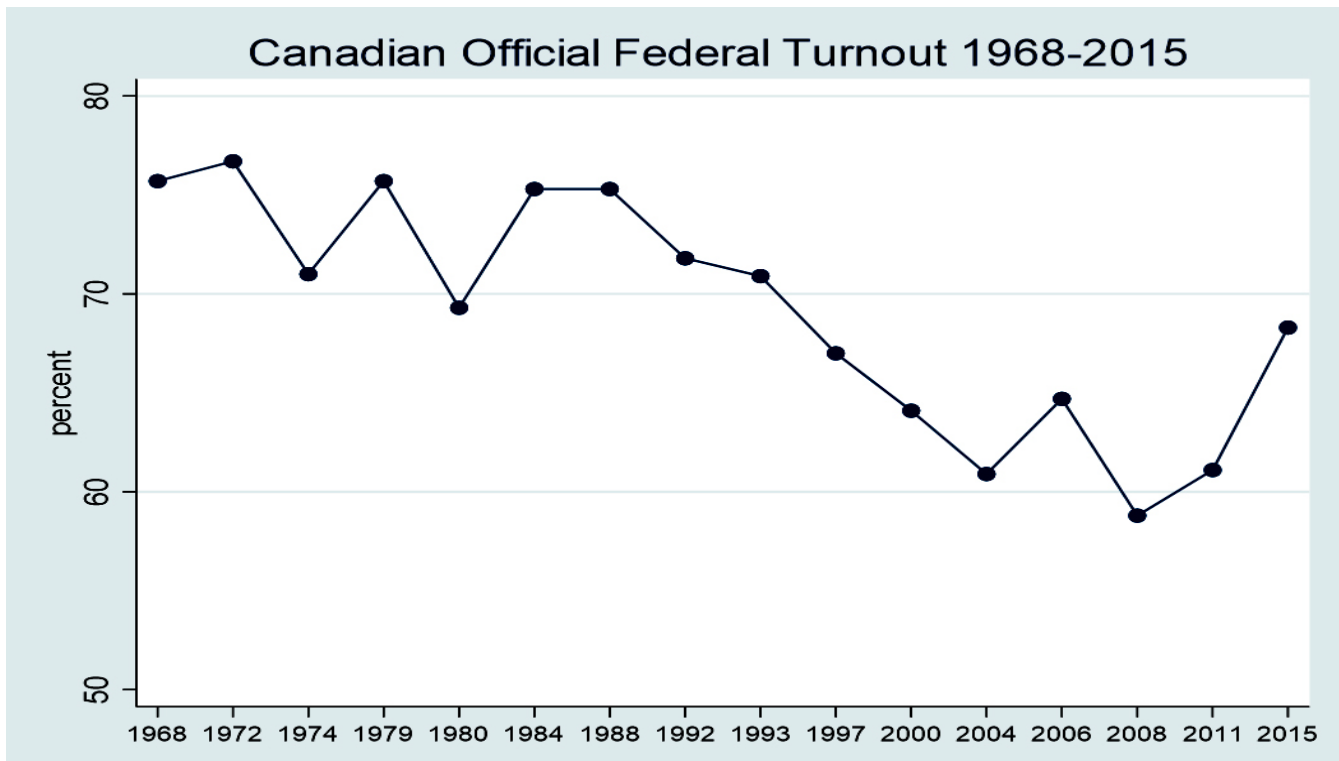
The Main Factors in Voter Turnout

The standard variables in use in turnout studies of individual voters fall into three broad categories:

1. **The turnout decision itself.** Did the citizen cast a ballot?
2. **Demographic variables.** Here we include the classics known to predict turnout, especially age and education, along with a variety of other factors such as residential location, income, gender, race and ethnicity, religious preference and church attendance, union membership, and other group affiliations.
3. **Attitudinal variables.** A citizen's sense of civic duty and the strength of preference for candidates are the most powerful factors influencing turnout, a finding that dates to Riker and Ordeshook.⁴ Policy views, candidate evaluations, partisanship and partisan strength, media consumption, information levels, and a host of other variables all matter to some degree.

Academic election surveys, notably the Canadian Election Study, include all these variables. However, these surveys on their own are insufficient. They need supplementary information that only official government records can supply, as the next sections explain. Two sources of official information are particularly relevant—official turnout records and unemployment surveys with a voting supplement. The next two sections take them up in turn.

Figure 1. Canadian Federal Turnout since 1968⁵



Why Official Turnout Records Are Needed

In the great majority of academic studies, turnout is measured by asking the citizen in a post-election interview whether she voted (“reported vote”). In many internet surveys, finding people post-election is deemed too difficult, and the citizen’s pre-election “intention to vote” is used instead. Only a handful of studies have used the official government record of whether the citizen cast a ballot (“validated vote”).⁶

Vote intentions and reported votes each have well known problems. Good intentions (to lose weight, to quit smoking, and to get to the polls) often fail.⁷ Reported votes are also unreliable in every democracy.⁸ As many as one quarter of nonvoters falsely report that they voted (“misreport”), inducing substantial error in the turnout measure. Overreport – the combination of misreport plus the greater willingness of more politically engaged citizens to be interviewed – has grown worse, making reported turnout rates in the Canadian Election Study now more than 20 points higher than the actual rate. As recently as the 1970s and 1980s, reported vote was not too misleading,⁹ but trusting it has become more

difficult in recent years.¹⁰ In consequence, Gidengil et al.¹¹ omitted a planned chapter on turnout from their book on recent Canadian elections.¹² Without knowing who in the survey had actually voted, the researchers were stymied.

Thus, validated vote is the gold standard, the only genuinely reliable source of turnout information. However, to make use of official vote records, scholars must have access to them. That is currently impossible in Canada.

Official Canadian eligible voter files are treated as confidential, almost as state secrets. In contrast to Britain and the United States, Canada does not make them available even to political parties, and certainly not to academic researchers, not even in redacted form with no identifying information. Moreover, the record of who voted is not recorded in the voter file itself, and turnout information is destroyed within one year after each election, as specified in the *Canada Elections Act*. Thus in Canada, even the voter files do not include validated turnout information. In consequence, *there has never been a comprehensive voter turnout survey in Canada with validated votes.*

Even when Elections Canada, the agency responsible for conducting federal elections and for maintaining the federal electoral rolls, has commissioned surveys to help understand low youth turnout, reported vote was used.¹³ No vote validation was done, raising some questions about the findings.

Canadian rules are very different from their American equivalents. In the U.S., voter files are a state responsibility, and each citizen's appearance at the polls (or casting of a mail ballot) is recorded at each election. The cumulative record is maintained so long as the citizen is resident at the same address. With some qualifications, the records are essentially public information.¹⁴ Thus with time and effort, American academic surveys can validate their turnout reports.

Maintaining U.S. voter turnout records is not thought to be onerous for the states. California, with a population larger than Canada's, maintains a high-quality record of turnout for each citizen. Many advanced democracies, such as Germany, Sweden, and Japan do the same, though their records are not public. Even Britain, which has turnout recordkeeping laws like Canada's, has permitted researchers to use validated turnout information for several British National Election Studies in the 80s and 90s.¹⁵ Thus, in its pursuit of voter privacy, Canada has become an outlier among advanced democracies in not maintaining key administrative records on the functioning of its democracy. Of necessity, therefore, Canadian scholarly studies of federal turnout have been forced to rely on self-reports from surveys, with all their attendant errors, if turnout is studied at all.

Elections Canada has done validated-vote studies internally after the last five federal elections, sampling from its own voting records and making use of occasional academic consultants.¹⁶ The sample sizes are very large—more than half a million voters in 2016, for example. These studies are very helpful and should be continued, as Canadian scholars have stressed.¹⁷ The surveys are not comprehensive: the turnout records include very few demographic variables (age, gender, and provincial residence, but not the powerful factor of education, for example) and no attitudinal data. Even so, it would be very helpful for researchers to have access to the data. However, those internal data files have not been released to scholars interested in extending the results, as has been done in Taiwan, for example, another democracy with strict privacy laws.¹⁸

Canadian provinces maintain their own voter rolls for provincial elections. In Québec, the voter file is updated with the voter's actual turnout at each election, and the complete longitudinal record is kept in Québec City, just as American states do. While the files remain confidential, one researcher (François Gelineau of Laval University) has been given access to the entire file. Thus, at least in one province, the files themselves are maintained and made selectively available. Hence, a follow-on survey with vote validation might be possible in Québec, though none has yet been carried out to my knowledge.

In light of Canadian privacy laws, it is important to understand that what researchers need and what identifies individuals are quite different. Scholars do not need names, exact addresses, or exact ages to study turnout. "Age 40-45, male, and lives in northern Manitoba" suffices for research purposes, and it certainly does not identify anyone uniquely nor threaten anyone's privacy. Thus, releasing either the national vote file or Elections Canada's internal samples, with validated turnout recorded but other information anonymized in this fashion, would not in any way violate the secrecy of individual turnout records.

Validating turnout in external academic surveys raises a different set of issues. In that case, survey respondents need to be linked to their official validated vote records. Doing so requires that researchers have access to the full national voter file with validated turnout recorded for each voter.¹⁹ At present, no such voter file exists in Canada. But if it did, it could be released on a restricted basis to scholars who could demonstrate a valid research need for it. And if even restricted release of the voter file is impossible under current interpretations of Canadian confidentiality laws, access could be provided in a "clean room" like those used in the U.S. for access to Census records. Statistics Canada already has a procedure of this kind, using Research Data Centres (RDCs) for some of its sensitive data.²⁰ Alternately, Statistics Canada might do the turnout validation themselves in return for a user fee. Then the full voter file itself would not need to be released. In all such cases, of course, the usual confidentiality rules would have to be observed, but that ethical norm has been virtually universally honored in academic survey research. A validated vote study would present no new obstacles.

Thus, the Québec precedent is an important one for Canadian turnout studies. Releasing a redacted

version of Elections Canada’s internal studies, and creating a national voter file with turnout recorded for each citizen that could be used to validate self-reports from surveys, together would add considerably to our knowledge of Canadian turnout, why it has been falling, and why Canadian youth have been slow to learn to vote in recent years. Under current administrative and legal interpretations, however, these data releases have not occurred – only unvalidated turnout reports are available. As mentioned earlier, unvalidated reports have caused some of Canada’s most sophisticated scholars to abandon the study of turnout, making progress difficult at best.

Labour Force Surveys

In the mid-60s, the U.S. began adding a registration and voting supplement to its Current Population Survey in November of even-numbered years, the

dates of presidential and congressional elections. The Canadian equivalent was carried out for the first time after the 2010 federal election. The work was done by Statistics Canada as part of their Labour Force Survey (LFS), paralleling the U.S. procedure. Elections Canada paid for the add-on, which is voluntary for respondents but has achieved a very good response rate. The series has been continued with each subsequent election. As in the U.S., the sample is large (currently more than 50,000 households), stratified by province. The sample size is far beyond that of any academic survey, and thus the LHS is extremely valuable for studying provinces individually. Reported vote is the turnout measure. A large number of demographic and economic variables are included, but political attitude data are not.

A few tables are released from each LHS study; for example, reported turnout by age and education, with some breakdowns by province.²¹

Table 3. U.S. and Canadian Data Resources for Studying Voter Turnout

	Publicly available?	Demographics?	Attitudes?	Validated turnout?
United States				
State voter files	yes	limited	no	yes
Current Population Survey (CPS)	yes	yes	no	no
Academic surveys	yes	yes	yes	usually no
Canada				
Federal & most provincial voter files	no	limited	no	no
Elections Canada in-house studies	reports only	limited	no	yes
Quebec provincial voter files	limited	limited	no	yes
Statistics Canada LFS surveys	limited	yes	no	no
Academic surveys	yes	yes	yes	no

The descriptions reported are valuable, but there is a great deal more that outside researchers could do with the data file. For example, the discrepancies between Election Canada turnout rates by age (based on validated vote from their internal studies) versus those in the LHS data (using reported vote) could be addressed, and research done to reweight the data for comparability. However, a redacted version of the LHS file (preserving anonymity and privacy) is not freely available as it is in the U.S.

The American data have led to numerous, detailed, widely-cited studies that have greatly advanced knowledge of the American electorate, beginning with Wolfinger and Rosenstone.²² It would be enormously helpful to do the same in Canada. Unfortunately, the individual LHS data are available only to researchers whose institutions pay a \$5,000 annual charge.²³ Only a handful of institutions have subscribed to the data, mostly Canadian federal or provincial government agencies. As of early autumn 2018, not a single Canadian university had access, and only two American universities did (including my own). It is an odd feature of current Canadian data dissemination rules that any researcher from anywhere in the world who has an affiliation with Princeton University can access the LHS data, while not a single Canadian academic researcher can do so via his or her home institution. In my view, the data should be made available to Canadian academic researchers at nominal cost.

Last, in both the Canadian and American cases, it would be enormously helpful if the turnout data from their respective labour force surveys (the LHS and the CPS) were validated. At present, they are not.

Overview

The availability of data for turnout studies in Canada and the U.S. is summarized in Table 3. What the table makes clear are two findings. First, only rarely do American researchers have what is needed – a full complement of demographics, attitudinal variables, and validated turnout. Canadians never have them. Second, Canadian governmental turnout data are much more restricted than in the U.S., due to privacy laws and electoral administrative procedures.

Summary and Conclusion

Voter turnout merits scholarly attention. Unlike much of what political scientists do, this kind of

research interests ordinary engaged citizens. They are right to worry about non-voting. Low turnout reduces government legitimacy. It may also bias government policy by underrepresenting particular groups of citizens. Last but not least, large pools of inexperienced and disengaged citizens are available for recruitment by charismatic politicians, some of whom are naïve, some a little weird, and some downright dangerous. However, understanding why people do not vote and learning what can be done about it has largely stalled due to data limitations.

Where is the scientific bottleneck in Canada? What do we really need to make serious progress on understanding voter turnout? One short-run answer seems relatively simple to implement. Elections Canada's internal surveys using their own validated turnout records could be suitably redacted and anonymized to protect privacy and then released to researchers. Though the explanatory variables included are few, the surveys are large, and they would be helpful to scholars, particularly in explorations of how age, gender, and provincial residence effect turnout across Canada.

Second, the reported votes in the big national LHS unemployment survey could be validated. If validating the full sample is too costly, then even a five per cent or 10 per cent validation would be quite valuable. In addition, if possible, just a few attitudinal questions should be added. Key variables would be duty, interest in the outcome, partisanship strength (*not* direction, for privacy reasons), and perhaps media usage to measure political engagement.²⁴ A few questions like these were successfully asked in the Irish Quarterly National Household Survey in 2002, and a shorter battery again in 2011 after the Ireland national election of that year. Thus, such questions have already been combined successfully with a national economic survey. The result for Ireland is a fully comprehensive battery of variables in a large national sample, released publicly to researchers, with full protection for anonymity and privacy. Nothing of the kind is available in either Canada or the U.S. at the moment.

Third, in the longer run the federal government could match Québec's provincial recordkeeping on voter turnout. A longitudinal record of turnout could be maintained for each voter. Doing so might require legal changes and special protections for the data file but maintaining records of this kind is standard across most modern democracies. Such a

file would allow researchers to validate their turnout reports or to have Elections Canada do so.

As elections succeeded each other, the national file would come to include turnout reports for the same citizens in multiple elections. In turn, that time series, especially if combined with academic panel surveys, would allow scholars to factor out the individual idiosyncrasies that damage inferences from one-time, purely cross-sectional studies. Because academic surveys include a far more comprehensive battery of question items than government turnout records, the addition to them of validated turnout information over time would supply researchers with powerful tools for the study of why people vote. Indeed, data sets of that kind would put Canada at the leading edge of international turnout research.

Doing all this will undoubtedly require some additional funding, as well as new inter-agency coordination and cooperation. For example, to validate votes in the LHS, Elections Canada would need identifying information from Statistics Canada so that they can match individuals in the LHS to their voter files. But the larger concern is likely to be legal. Restrictive Canadian privacy laws and rules have hobbled researchers. Privacy laws always deserve respect, but it seems clear that under their current interpretation, they hinder the understanding of key Canadian policy issues such as low youth turnout.

Are present Canadian rules and laws about managing voter rolls and federal survey results really necessary to protect citizen privacy? Statistics Canada already employs sophisticated procedures to protect citizens who are surveyed by the LHS.²⁵ Under their Data Liberation Initiative, many of their anonymized surveys have been released for scholarly use. Might not similar methods allow redacted and anonymized voter files and Elections Canada in-house studies to be released to researchers?

The U.S. Census Bureau recently empaneled a group of external scholars to suggest modifications in how the CPS voter supplement is carried out. Similarly, Elections Canada may wish to convene a small group of experienced turnout researchers, perhaps combined with administrative law experts, to advise how the Data Liberation Initiative might be extended to help researchers study turnout, including youth turnout. Initiatives of that kind may well be needed to unshackle scholars so that they can use their expertise to improve the health and strength of Canadian democracy.

Notes

- 1 I thank Amanda Bittner, my discussant, and several members of the audience at the 2018 annual meeting of the Atlantic Provinces Political Science Association, St. John's, Newfoundland, for helpful comments and suggestions. I am also grateful to André Blais and to Aram Hur for many helpful discussions. Officials at the U.S. Census Bureau and at Elections Canada gave generously of their time to help me understand their data sets and sampling procedures. Miriam Lapp and Angelo Elias at Elections Canada, along with Nishanth Chitravelu at Statistics Canada, responded promptly and professionally to email questions. A preliminary version of this paper was presented at a conference in honor of André Blais's 65th birthday, Montreal, Canada, January 20-21, 2012. Remaining errors of fact and interpretation are solely my responsibility.
- 2 Pammett, Jon H., and Lawrence LeDuc, *Explaining the Turnout Decline in Canadian Federal Elections*. Ottawa: Elections Canada, 2003; Blais, André, and Peter Loewen. *Youth Electoral Engagement in Canada*. Ottawa: Elections Canada, 2011. URL: <http://inspirerlademocratie-inspiredemocracy.ca/rsch/yth/yeec/index-eng.asp>. Accessed October 5, 2018.
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- 4 Riker, William H., and Peter C. Ordeshook. "A Theory of the Calculus of Voting." *American Political Science Review* 62, 1 (March 1968): 25-42; a recent discussion is Blais, André, and Christopher H. Achen. "Civic Duty and Voter Turnout," *Political Behavior*, Forthcoming (2018)..
- 5 Elections Canada. *Voter Turnout at Federal Elections and Referendums, 2018*. <http://elections.ca/content.aspx?section=ele&dir=turn&document=index&lang=e>. Accessed October 5, 2018.
- 6 Another source of election data is exit polls, based on interviewing voters as they leave the polling place. Combined with Census data, they can be used to estimate which categories of citizens voted. So far as I am aware, however, a national Canadian exit poll has never been conducted (see Brown, Stephen D., David Docherty, Ailsa Henderson, Barry Kay, and Kimberly Ellis-Hale. 2006. "Exit Polling in Canada: An Experiment." *Canadian Journal of Political Science* 39, 4 (Dec.): 919-933.), and as in the U.S., the growing importance of advance voting and other forms of voting away from the polling place make exit polls increasingly less representative and thus less useful.
- 7 Achen, Christopher H., and André Blais. "Intention to Vote, Reported Vote, and Validated Vote." In David Farrell, ed. *The Act of Voting: Identities, Institutions and Locale*. Abingdon: Taylor and Francis (Routledge), 2015.
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- 9 Traugott, Michael W., and John P. Katosh. "Response Validity in Surveys of Voting Behavior." *Public Opinion Quarterly* 43 (1979): 359–77; Achen and Blais.
- 10 See Ansolabehere, Stephen, and Eitan Hersh. "Validation: What Big Data Reveal About Survey Misreporting and the Real Electorate." *Political Analysis* 20 (2012): 437–59, which contains an extensive bibliography
- 11 Gidengil, Elisabeth, Neil Nevitte, André Blais, and Joanna Everitt. *Dominance and Decline: Making Sense of Recent Canadian Elections*. Toronto: University of Toronto Press, 2012.
- 12 André Blais, personal communication.
- 13 <http://www.elections.ca/content.aspx?section=res&dir=rec/eval/pes2015/surv&document=p2&lang=e#a3>. Accessed March 11, 2019.
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- 15 Karp and Brockington, p. 838.
- 16 Elections Canada. Estimation of Voter Turnout by Age Group, 2018. <http://elections.ca/content.aspx?section=res&dir=rec/part/estim&document=index&lang=e>. Accessed October 5, 2018.
- 17 Blais and Loewen, p. 17.
- 18 Wang, T.Y., and Christopher H. Achen. "Declining Voter Turnout in Taiwan: A Generational Effect?" *Electoral Studies*. Forthcoming (2019).
- 19 This is not to say that linkage is easy or inexpensive. The U.S. experience with the American National Election Study (ANES) in the Eighties is set out in: Traugott, Santa. Validating Self-Reported Vote: 1964-1988. Institute for Social Research, University of Michigan. Prepared for the Annual Meeting of the American Statistical Association, Washington, D.C., August 7-10, 1989. No national validations with human coders have been done since. To reduce costs, automated validation using the U.S. states' electronic voter lists has been tried recently, including a validation of the 2016 ANES, but with mixed results. Berent, Matthew K, Jon A. Krosnick, and Arthur Lupia. "The Quality of Government Records and 'Over-estimation' of Registration and Turnout in Surveys: Lessons from the 2008 ANES Panel Study's Registration and Turnout Validation Exercises." Working Paper no. nes012554. February 15, 2011 version. Ann Arbor, MI, and Palo Alto, CA: American National Election Studies. Available at <http://www.electionstudies.org/resources/papers/nes012554.pdf>; Ansolabehere, Stephen, and Eitan Hersh. "Validation: What Big Data Reveal About Survey Misreporting and the Real Electorate." *Political Analysis* 20 (2012): 437–59; Enamorado, Ted. Active Learning for Probabilistic Record Linkage. Princeton: Princeton University, 2018. Manuscript.; Pew Research Center. Commercial Voter Files and the Study of U.S. Politics. 2018. URL: <http://www.pewresearch.org/2018/02/15/commercial-voter-files-and-the-study-of-u-s-politics/> Accessed November 15, 2018.
- 20 See: <https://www.statcan.gc.ca/eng/rdc/index>
- 21 The most recent report is Elections Canada. Turnout and Reasons for Not Voting During the 42nd General Election: Results from the Labour Force Survey, 2016. <http://elections.ca/content.aspx?section=res&dir=rec/eval/pes2015/lfs&document=index&lang=e>. Accessed October 5, 2018.
- 22 Wolfinger, Raymond E. and Steven J. Rosenstone. *Who Votes?* New Haven: Yale University Press, 1980.
- 23 See: <https://www150.statcan.gc.ca/n1/pub/11-625-x/11-625-x2010000-eng.htm>.
- 24 Blais and Achen (2018) briefly review the many relevant citations.
- 25 <http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3701>

New Brunswick's 'Hung Legislature' of 2018: Completing the Trilogy of Legislative Oddities

During the past 30 years, New Brunswick's Assembly has witnessed a trio of legislative oddities. First, in 1987, one party won every seat in the Assembly, meaning there was no opposition presence among MLAs. Second, in 1994, changing standings among caucuses in the Assembly created a situation where two opposition parties had an equal number of seats and vied to be recognized as the Official opposition. Third, and most recently, a general election resulted in New Brunswick's first minority parliament since 1920. The incumbent government attempted to demonstrate it retained the confidence of the Assembly despite losing its majority, but was defeated when the House met to consider the Address in Reply to the Speech from the Throne. After briefly summarizing the first two oddities, the authors deal substantively with the third and explain how the precarity of a minority parliament and policy differences among the four parties in the Assembly could mean the electorate will return to the polls well in advance of the province's next fixed election date.

Stewart Hyson and Don Desserud

New Brunswick's general election, held September 24, 2018, produced an inconclusive result. The incumbent Liberal party won 21 of the 49 seats and captured 38 per cent of the popular vote. The Progressive Conservative (PC) party won 22 seats yet received 32 per cent of the popular vote. The remaining six seats were evenly split between the Green Party and the People's Alliance. For only the second time in its history – the first occurring almost a century ago – New Brunswick would have a minority government. This is a remarkable situation; but perhaps even more interesting is that this result constitutes the third and latest legislative oddity the province has experienced within the past 30 or so years.

Until now, New Brunswick has almost always been governed by a party with a majority in the Assembly.¹ Only the Liberals or the PCs have ever formed the government in New Brunswick, and except for 1991 when the upstart Confederation of Regions Party (CoR) won eight seats, only these two parties have ever formed the Official Opposition. In 1987, the Liberals won every seat in the legislative assembly. That was the first oddity. By 1994, with the PCs and CoR tied with six seats each in opposition, the Speaker had to rule as to which party was to form the Official Opposition. That was the second oddity. Now we have a third oddity: a minority government. With only the most tenuous hold on power, this minority government took control after orchestrating a defeat of the Address in Reply to the Speech from the Throne.

The first two oddities were examined in previous articles that appeared in this periodical and will be briefly recalled below in later discussion. The most recent oddity, however, poses an interesting dilemma: how will New Brunswick's elected parties navigate this precarious legislature?

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Oddity One: A One-Party Legislature

In 1987, the Liberals under the leadership of Frank McKenna won all 58 of the Assembly's seats with approximately 60 per cent of the popular vote. This situation created interesting logistic problems within the Assembly. What would Question Period look like with no opposition parties? Who would sit on the "opposition" benches? What, if any, role would the parties without seats play in the functioning of the Assembly?

McKenna's solution to the seating arrangement was to divide his cabinet into two groups: one group sat to the right of the Speaker, and the other on the left. The Premier took a seat on the left. Question Period consisted of Liberal backbenchers lobbing rather soft questions at cabinet ministers. The Legislative Library's research staff and services were expanded, in part to allow senior but non-elected PC and NDP officials to better prepare their party positions on policy issues, and both parties were offered free office space. As well, these parties were permitted one non-voting member on the Legislative Administration Committee. When the house was in session, opposition party leaders were invited to sit on the benches normally reserved for the media. Finally, the day after major announcements was set aside as a "media day," where the opposition parties could present their respective opposing positions to the gathered press corps.²

Oddity Two: Tied opposition parties

Some of the 1987 changes worked; others did not. So, the results of the 1991 election, which brought eight members of the CoR Party into the House together with three PCs and one NDP MLA came as a relief to some. At least now there was an Official Opposition. But the inexperienced CoR members were not able to maintain a united front, and two CoR MLAs eventually chose to sit as Independents. In addition, by the fall of 1994 the PCs had won three by-elections and were now tied with CoR in the House. The standings were: Lib 43, CoR 6, PC 6, Ind 2 and NDP 1.

Recognition as the Official Opposition brings a party status, privileges and financing. The PCs immediately claimed that their historical position in New Brunswick politics meant that their party was far more suited to form the Official Opposition than the disintegrating CoR Party. However, CoR disagreed, arguing that as the existing Official Opposition, it

should retain its status. In the end, Speaker Shirley Dysart decided in favour of the CoR Party. In her ruling on December 16, 1994, she explained that given the two parties were tied, incumbency and convenience (as the next election was likely just over a year away) were enough to conclude the CoR party should remain as the Official Opposition.³

Both these two controversies proved to be short-lived. This is where we see one of the more appealing attributes of the Westminster model: it is remarkably adaptable to new situations. As C. E. S. Franks observed, "[there] is room within the Westminster model of [parliamentary] government for many different configurations of power."⁴ While the defining constitutional features of the Westminster model are essential, New Brunswick's one-party legislature and Dysart's ruling reveal just how flexible the model can be. The same notion of adaptability is also valid when we consider the current oddity posed by the hung legislature and minority government.

Oddity Three: New Brunswick's Hung Legislature and Minority Government:

Constitutional Perspective

The unusual results of 2018 left many New Brunswickers puzzled on election night as to which party had "won" the election. The constitutionally-correct answer was both simple and unsatisfying: until the House met and dealt with the Address in Reply to the Speech from the Throne, determining the victors of the election was not possible.⁵

Lessons acquired from Eugene Forsey's account⁶ of the federal "King-Byng" affair of 1925-26 and other similar experiences are worth recalling. Constitutionally, the first minister (prime minister or premier) is not directly elected by the electorate but is appointed by the Queen's representative. When one party wins a majority, this appointment is a foregone conclusion. But if no party has a majority, the premier or prime minister will be the person who can command the support of most of the elected members. In pure constitutional terms, the incumbent government always has the right to meet the house to see whether it can demonstrate majority support, regardless of the election outcome. But, when majority support is unlikely, the normal practice is for the premier or prime minister to "read the writing on the wall" and resign before the house meets. Peter Hogg has wondered whether this is now a "constitutional convention."⁷

Sometimes, as in the case of British Columbia's general election of May 2017, it is not obvious which party will be able to gain support from MLAs who are Independent or members of smaller party caucuses. In such a situation, the constitutional right of the incumbent government to meet the House kicks in. Then it becomes a question of determining whether the elected members will support the government. The first chance for the Assembly to make its support known comes with the Speech from the Throne. After the election of the Speaker, followed by a Throne Speech and the presentation of the *pro forma* bill, a debate ensues, and the House is asked to vote on what is known as the "Address in Reply to the Speech from the Throne." This is basically the legislative assembly's response to the executive's presented agenda.

There are other means by which governments can be defeated and lose the confidence of the House.⁸ But the vote on the Address is the first and the most conclusive. If the government loses this vote, then the first minister is constitutionally required to resign or ask for a dissolution. The latter is unlikely to be granted when the new legislature is meeting just after a general election. Therefore, normally the government would resign, and the Queen's representative would ask the leader of the party best able to find majority support in the House to be the new premier or prime minister.

This is what happened in New Brunswick. Premier Brian Gallant insisted on his right to meet the legislature and have the Lieutenant-Governor deliver a speech from the throne. Before the Throne Speech can be delivered, the House had to choose a speaker. The MLAs of the other three parties (PC, Green, and PA) publicly announced that they would not allow their names to stand for election as Speaker. Meanwhile, Liberal MLAs also declared their unwillingness to serve as speaker for fear of further weakening their numbers. Finally, Liberal MLA Daniel Guitard did agree to allow his name to go forward, and he was duly declared Speaker.

Speakers only vote in the case of a tie, and do so respecting the conventions of the casting vote. New Brunswick has seen such a situation before: in 2004, when the government and opposition had the same number of members on the floor, Speaker Bev Harrison was called upon to break ties continually. However, the situation facing Gallant was more dire. His total votes on the floor now numbered just 20. Even with the Green Party's three votes, Gallant's government

could only muster 23 votes. The combined strength of the PCs and the People's Alliance MLAs totaled 25 votes. After an attempt to amend the Throne Speech by the Liberals, the combined PC and People's Alliance MLAs were able to defeat the Gallant Liberal government. They proposed an amendment to the government motion to accept the Throne Speech that declared their lack of confidence in the Gallant government. That amendment was passed, and the amended motion, to not accept the Throne Speech, was also passed.

Following his government's defeat on November 2, 2018, Premier Gallant reportedly walked to the Lieutenant-Governor's residence and submitted his resignation.⁹ Fortunately, Lieutenant-Governor Jocelyne Roy-Vienneau had hosted a vice-regal conference in the summer of 2018 that had focused on minority governments and parliamentary rules and procedure. She was thus familiar with the constitutional situation before her and how to deal with it. She had the recent BC example to guide her as well.¹⁰

The Lieutenant-Governor accepted Gallant's resignation and called upon Higgs to form a new government. Guitard decided to remain as Speaker (likely to the relief of Higgs), and so the PC government was not weakened by having to find one of their own to take the chair. With the support of the People's Alliance, Higgs was able to win the legislature's support on November 30, 2018 by a similar margin of 25 to 23 for his PC government's Throne Speech.¹¹

Party Politics Perspective

The constitutional question centred on the pivotal role played by the lieutenant-governor, the convoluted election of the Speaker, and the attempt by the Liberal government to find cross-party support for its continued existence. The Westminster system proved resilient: a new government was chosen with a minimum of disruption. However, there is also a more "practical" dimension in play in New Brunswick, one which involves party politics and leadership and above all, compatibility. It is the lack of the latter that may eventually trip up the Higgs government.

Although very rare in New Brunswick, minority governments are not so rare in Canada. As a result, we have a significant body of literature that has addressed the difficulties and challenges such governments face.¹² Furthermore, many minority governments

manage to function quite well, further evidence the adaptability of the Westminster model. But how have successful minority governments managed to survive? Interestingly, formal arrangements, such as coalitions or attempts at formalizing a “pact,” whereby a smaller party agrees to support a minority government for a specific period, have been quite rare in Canada.¹³ Apparently, the strong adversarial orientation found in Canada, including New Brunswick, undermines formal cooperative efforts.

Instead of these more formal mechanisms, minority government has usually worked through more incremental modes based on informal understandings. The governing party, for instance, knows that it can usually count on a smaller party’s support when introducing bills in line with the latter’s policy priorities or by avoiding more divisive policies. Another effective tactic is for the governing party to seek policy accommodation on individual issues with different opposition parties. Occasionally, the governing party may entice one or more opposition MLAs to break with their party and vote with the government on a specific bill, or to leave their party to join the governing party.

Kris Austin, leader of the People’s Alliance, was quick off the mark with his announcement on September 28, 2018 that his party would support a PC government for 18 months. However, he also reserved the right to withdraw his party’s support on a bill-by-bill basis, if his members believed a bill’s content was contrary to the PA’s key policy priorities.¹⁴ This was not a formal pact, one mutually negotiated and agreed to by the PC and PA parties; rather, it was an “explanatory statement” by Austin of the PA’s position.

The PA’s relative success in this election may have convinced it that it can only do better if an early election is called. On the other hand, according to statements by the leaders of the other parties in the legislature, the PC party is the only one that would ever agree to work with the PA to pass legislation. A new election may result in a scenario where the PA does not hold the balance of power, even if it increases its seat total. In terms of a legislative program, both the PCs and the PA favour tax cuts, have pledged to reduce government expenditures, and want to see deficit and debt reduction. The two parties should not have difficulty more or less seeing eye-to-eye on these types of issues. The PA’s stance on official bilingualism in the province, however, appears to be out of line with the PC’s policy.

Although the PCs have historically recognized the importance and value of official bilingualism in the province – this was especially the case during the premiership of Richard Hatfield (1970-87), and again under the leadership of Bernard Lord (1997-2006), official bilingualism is not high on the agenda of the current PC party.¹⁵ However, the People’s Alliance has been the most vocal party in its criticism of how bilingualism has been implemented in the province. In addition, the PA only contested 30 predominantly anglophone constituencies in 2018; it avoided 19 northern, francophone constituencies. The Liberal and Green parties are strong advocates of official bilingualism and have MLAs from both linguistic communities in their caucuses.

As leader of the Green Party, David Coon comes from the province’s environmental movement. He won his seat initially in the 2014 election and again in 2018. Coon could arguably be described as a fiscal conservative; he may find agreement with the Higgs government on certain economic policies. However, the Greens staunchly oppose one of Higgs’ most important policy platforms: the resumption of hydraulic fracturing to drill for natural gas (commonly known as “fracking”).

Finally, shortly after his minority government’s defeat, Gallant announced his intention to resign as Liberal leader. The Liberals will be led by an interim leader until a leadership convention is held in mid-June 2019. Until a new leader is chosen and firmly in place, the Liberals will probably have little desire to defeat the PC government and have a general election.

Conclusion

The 2018 general election had an inconclusive result, but the adaptability of the Westminster model allowed for the emergence of a minority government. This is understandable whether we take a constitutional or party politics perspective. But how long will the Higgs minority government endure, and will it govern effectively as it navigates a minority parliament? We cannot comment with any certainty on these questions because much depends on the compatibility of the parties in the legislature.

New Brunswick’s next general election is scheduled for September 26, 2022 under the provincial fixed election statute. However, this stipulation may not be met because of the precarious nature of minority governments. Whether the PC government tires of courting support from the other parties or the latter

tire of tidbit concessions from the PC government, a general election could be called at an earlier date. Fluctuations in public opinion polls will also affect the motivation levels of party leaders as to how hawkish they are to engage in a new election campaign. Specific policy disputes will arise unexpectedly that may lead to the government's defeat and a journey to the polls.

When the dust settles on this era in New Brunswick politics, it will be interesting to evaluate how well the province's political traditions and institutions have weathered this third legislative oddity, and whether minority parliaments where there is a precarious balance of power are no longer as exceptionally rare as they have been.

Notes

- 1 Don Desserud and Stewart Hyson, "Bringing New Brunswick's Legislative Assembly into the 21st Century," Study of Provincial and Territorial Legislatures Series (Ottawa: Canadian Study of Parliament Group, 2011).
- 2 Stewart Hyson, "Where's 'Her Majesty's Loyal Opposition' in the Loyalist Province?" *Canadian Parliamentary Review* 11, 2 (Summer 1988), pp. 22-25.
- 3 "Speaker's Ruling: Tie or Equal Number of Members in Two Opposition Parties," *Journals of the Legislative Assembly of New Brunswick*, Third Session of the Fifty-second Legislative Assembly, Dec. 16, 1994, pp. 330-335. Also see Stewart Hyson, 'Determining the Official Opposition in New Brunswick and the House of Commons,' *Canadian Parliamentary Review* 19, 3 (Autumn 1996), pp. 2-6.

- 4 C. E. S. Franks, *The Parliament of Canada* (Toronto: University of Toronto Press, 1987), p. 10.
- 5 Andrew Heard, "Constitutional Conventions and Parliament," *Canadian Parliamentary Review* 28, 2 (Summer 2005), p. 21.
- 6 Eugene Forsey, "The Problem of 'Minority' Government in Canada," *The Canadian Journal of Economics and Political Science* 30, 1 (February 1964), pp. 1-11.
- 7 Peter Hogg, *Constitutional Law of Canada: 2018 Student Edition*, Toronto: Carswell, 2018 (9.7b).
- 8 See, for example, Don Desserud, "The Confidence Convention under the Canadian Parliamentary System," *Parliamentary Perspectives No. 7* (Ottawa: Canadian Study of Parliament Group, October 2006).
- 9 *Telegraph-Journal*, Saint John, N. B., Nov. 3, 2018, p. A1.
- 10 Harry Forestell, *CBC News for New Brunswick*, (Fredericton, N. B., Jan. 2, 2019).
- 11 *Telegraph-Journal*, Saint John, N. B., Dec. 1, 2018, p. A3
- 12 See, for example, Forsey 1964, pp. 1-11; Linda Geller-Schwartz, "Minority Government Reconsidered," *Journal of Canadian Studies* 14, 2 (Summer 1979), pp. 67-79; and Peter H. Russell, *Two Cheers for Minority Government: The Evolution of Canadian Parliamentary Democracy* (Toronto: Emond Montgomery Publications Limited, 2008).
- 13 On what seems to be a particular "Canadian" distaste for coalition governments, see Ian Stewart, "Of Customs and Coalitions: The Formation of Canadian Federal Parliamentary Alliances," *Canadian Journal of Political Science* 13, 3 (September 1980), pp. 451-79.
- 14 *Telegraph-Journal*, Saint John, N. B., Sept. 29, 2018, p. A1.
- 15 Official bilingualism received little substantive coverage in the Higgs government Speech from the Throne. *Telegraph-Journal*, Saint John, N. B., Nov. 21, 2018, p. A3.

Improving gender representation in Canadian federal politics and parliament

How can we establish equitable gender representation in Canadian politics and parliament? What obstacles stand in the way of this goal? And, what can serving Canadian parliamentarians tell us about the challenges they have either experienced or witnessed among their colleagues. In this article, the authors use primary interviews with six MPs and a secondary literature review to explore theories used in support of methods designed to improve gender representation. They conclude by suggesting that methods to improve gender representation in politics need to be fulsome and diverse.

Jennifer Galandy and D. Scharie Tavcer

Discussions about gender representation occur in workplaces across Canada; so it's no surprise they have also emerged within the world of politics. Researchers have examined gender representation in parliaments and sought to determine which political parties have had the most success at accomplishing equitable representation – or at least improving gender representation. Studying methods to improve representation¹ is important. If we determine which methods work well, our research can guide governments and political parties to enact effective change. In this article, through a secondary literature review and interviews with sitting parliamentarians representing three parties, we explore some of the barriers to achieving effective gender representation² within Canada's federal political system. We conclude by suggesting that methods to improve gender representation in politics need to be fulsome and diverse.³

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Theoretical Foundation

A variety of theories have been used in support of methods aimed at improving gender representation in formal politics. Although we mention them only briefly due to space constraints, these theories inform the approaches used to address disparities in representation. Gender Politics Theory⁴ declares that societal gender norms permeate roles in the workplace. Politics of Presence Theory⁵ maintains that only through increased representation of women, and by prioritising women's ideas and issues, can a gender-balanced political environment be achieved. Dramaturgy Theory⁶ states that humans have "front and back stages" that may or may not be authentic, but that people adopt those "stages" for compliance and acceptance in the (political) workplace.

Society informs gender roles and also creates barriers for women's political involvement; these include defining "...the ways considered appropriate for women or men [to act]."⁷ Gender roles, in turn, inform relationships at a workplace. Broadly, Western cultures have assigned a higher status to men in public spaces; men are, therefore, considered more powerful in these spaces. In return, women's value is diminished. This (artificially constructed) idea of power contributes to how gender roles are expected to be expressed in the home, at work and, consequently, in politics. The "unequal distribution

of power...in most contemporary democracies”⁸ is therefore unsurprising. Canada ranked 62 of 190 countries (26.3 per cent) for representation of women in political roles in 2017; the United States ranked 104 (19.1 per cent); and the United Kingdom ranked 47 (30 per cent).⁹

Even if women gain entry to political office, various barriers continue to prevent them from moving to a “higher rung on the ladder” using the same level of effort as men. One barrier is the “glass ceiling” effect.¹⁰ Invisible constraints, including gendered expectations of managing work-life balance and financial limitations (unequal pay and lack of access to funding networks), contribute to blocking promotion and advancement to higher levels of office.

Another barrier is the “sacrificial lamb” concept. Inexperienced women are sometimes recruited to be candidates to demonstrate a party’s commitment to gender representation, but placed in constituencies where a party has little chance of winning.¹¹ If female candidates are more likely to be found in unwinnable districts, it creates false female representation.¹² These “sacrificial lamb” campaigns, combined with the media’s tendency to focus on women’s personal life and physical appearance, feed into the (false) belief that women are unqualified.¹³ Voter expectations are also gendered from decades-old conditioning against female candidates who they may “like,” but not necessarily “respect” or “support” when they are “seeking power.”¹⁴ Scholars acknowledge that “gendered socialisation patterns”¹⁵ hinder the supply of women candidates who may be shamed for stepping out of the socially constructed role as caregiver.

In this article we contend that a means to increase women’s representations must be based on two principles:

1) supporting more women in politics (into viable constituencies and into effective positions); and

2) prioritizing female representation within “all male or mostly male assemblies.”¹⁶

Methodology

Drawing on Galandy’s previous work,¹⁷ we explored gender barriers within Canada’s federal political system through three theoretical lenses: gender politics, politics of presence, and dramaturgy, along with analysing primary data (individual interviews

with MPs) and secondary data (literature review). The interviews queried how politicians conduct themselves in parliament and how their conduct may relate to the social structures and roles of women outside and within politics. This was a snapshot case study of a single entity at a single point in time with the goal of uncovering patterns in politics that articulate barriers women face in Canadian politics.

Interviews used a semi-standardised format, and the purposive sample was generated from the three political parties that have obtained official party status in the House of Commons. One woman and one man from each of the three parties were interviewed who were between ages 20-40 years (women), and ages 40-60 years (men)¹⁸, totalling six participants (Participants X2-X7).¹⁹ MPs were from British Columbia, Alberta, Manitoba, Ontario, Quebec, and Prince Edward Island, and all interviews took place in Ottawa during June 2017.

Data from the larger study²⁰ spoke to the theoretical claims hypothesized, but only results relating to methods to improve gender representation are offered here. While recognizing the sample size was small, the qualitative value of the responses did provide worthwhile insight into women’s representation within Canadian federal politics.

Discussion

Parliamentary sessions run Monday-Friday from 10am-7pm. Participant X4 and X5 both believed that if night sessions were implemented it would make parliament more inclusive to everyone – especially for women with young children – as they would only have to be in Ottawa for a few days at a time, rather than the full week. The media often ask women, “who is looking after the kids?” (X4), and if broader conversations about masculinity take place, as well as the application of a feminist lens, this would make it easier for women to “express political ambitions” (X5) without being seen as violating norms.

Participants X5, X6, and X7 noted that women are frequently “heckled,” or asked, “what will happen when you get pregnant?” and women receive comments on their “looks and emotions instead of on ambitions” (X6). Ageism and sexism increase “self-doubt” because it signals to women that politics is on “male dominated terms, schedules, actions, and priorities” (X5). MPs are not protected on social media where threats and “vile, sexist, disgusting messages” are directed at the female MPs (X6). Progressive

women are attacked and treated “harshly” (X5), and conservative women are seen as “traitors to our gender” (X7). Yet, as one participant noted: “I work with feminist men and we believe in grassroots politics, but I also work with conservative women, who have voted against women’s rights bills” (X6). Training programs could educate everyone to be more inclusive and gender-focused.

Participant X2 concurred that women see each other as “competitors” instead of “supporters,” and that “family-friendly aspects in parliament” are lacking. He suggested the status quo likely comes from a heteronormative model where men are expected to be “making connections” while women are expected to be at home. Participants also mentioned barriers such as age, being an immigrant, as well as commuting while having a young family.

Several participants acknowledged that “motherhood does not discourage female involvement in politics,” and “society honours motherhood, but also uses it against women.” Childcare is a concern for women running (compared to men); some women feeling “guilt” and request a “shift in mind-set” from colleagues. For example, when “XX was pregnant, the party adjusted the debate schedule, so she did not have to fly as much towards the end of her pregnancy” (X6).

Participants had differing views on whether or not a glass ceiling still exists within federal politics. Participant X6 argued it does, “because people think men are naturally better leaders and women are too emotional.” X7 believed the “gender-balanced cabinet is also a glass ceiling because women can only succeed with quotas and not by merit.” With a quota system, X7 believed women are not chosen based on the merit of their work towards becoming cabinet ministers, but instead it’s based solely on the fact of whether you are male or female; whereas others believed that having only “26 per cent of women in politics is absurd and there is an even smaller percentage of young women” (X6). Although there was disagreement about the value of quota systems, participants noted examples where it has been effective. For example, Alberta’s NDP has had an equity policy since 1984, that advocates for at least 50 per cent of all female candidates to be in winnable ridings.²¹

Participants X5 and X6 both agreed that parity cabinets are a valid goal but suggested it must be more than “symbolic” and “tokenistic.” But X4 and X7 argued that a parity cabinet creates a “glass ceiling, saying women can only succeed in quotas not merit.”

Participants X2 and X3 thought the symbolism of such a cabinet was important in itself because: “it inspires more women in politics” and a gender balanced cabinet “even motivated people at the United Nations” (X3). Attitudes towards the 2015 gender parity cabinet did appear to fall along party lines in terms of participant responses.

All female participants (X3, X5, and X7) agreed that the concept of the “sacrificial lamb” still exists. Some participants suggested that if a party nominates significantly more women than it elects, the “sacrificial lamb” concept is evident. Participant X4 believed this concept is more evident in the United Kingdom.

All participants expressed that it is up to the individual parties to support and make changes to increase women’s representation, especially financial support. Funding helps with election organization, media relations, combating harassment, norm expectations, and/or family costs. Participants X2, X6, and X7 each agreed that women have less opportunities because of a lack of networks and limited financial resources. Participants X5 and X6 believed that parties could provide more support for the competitive constituencies with equivalent resources to actually help women candidates win (instead of treating them as “sacrificial lambs”).

Not one participant believed that the House of Commons accurately represents Canada today (women are 51 per cent of the population, but only represent 26 per cent in parliament). All expressed that the current representation is a failure, and that prioritising women is still needed.

Removal of structural barriers is also necessary to promote women’s participation. For example: providing equitable pay for equal work (Canada, in 2016, is ranked as having the 8th highest gender pay gap out of a list of 43 countries examined by the OECD²²); eliminating systemic violence against women; creating affordable childcare options; and finding ways to prevent women from losing ground financially during child bearing years.²³ Participant X5 believed that “parties and government need to help remove these barriers.” She argued that,

parties need to work with women on the ground, gearing up to elections, encourage councils and organisations and listen to what women want and need. We need to start improving this now and how we do this is by being more realistic as to why women do not run and challenge it.

Another structural barrier is Canada's current electoral system of first past the post (FPTP), which had varying levels of support among the participants. Some participants said they believed that proportional representation (PR) has potential to cater to minorities only. Moving away from FPTP to a form of PR could allow parties to elect a more representative group of parliamentarians from their pool of candidates using party lists.²⁴ This, in turn, may encourage more women candidates to come forward.

PR allows that "seats in a constituency are divided according to the number of votes cast for party lists" and "the rank order on the party lists determines which candidates are elected."²⁵ Participants X2, X3, X4, and X7 all mentioned that a change in the electoral system will not in itself change the percentage of women elected; instead, they suggested parties should focus on mentoring and supporting more viable female candidates. Conversely, participants X5 and X6 stated that reform is necessary in order to give women more opportunities: "PR would encourage more women to run and win; FPTP doesn't discourage women from winning, but few get elected, which is discouraging" (X5).

Whether changing the electoral system happens or not, without addressing the other barriers, no change will be meaningful or long-lasting. Making parliament more collaborative can encourage women to participate, but we suggest this proposition may be counter-productive. It implies that women generally do not like debating and competing and prefer collaborating. We contend this is a stereotype informed by societal gendered norms.

Participants had mixed views on quotas and tended to believe that "a gender lens is more important." Some participants believed that women's networking and supportive organizations can help more. Participant X4 noted that boys and men need to get involved to alter that gender lens. Participant X7 contended that quotas are not effective because they create a "fence post" or another "glass ceiling". However, others countered that quotas can work, but only if they are acceptable to voters. If parties were reimbursed for election costs based on their ability to elect women, some participants suggested it may be more effective than quotas. Participant X6 suggested that their party did not set specific quotas because candidate-selection committees knew they had to achieve at least a 50 per cent benchmark from senior party staff.

Participant X7 believed that role modelling from external organisations was a better route to increase representation. Participant X4 said changing the system would take away the "clash of ideas", which is an essential part of democracy. Instead he suggested we should work towards making politics more "collaborative to encourage women". Participants suggested that mentorship programmes would work well for women.

All participants said external funding organisations could help promote and support women through the election process. Participant X4 confirmed that networks helped his partner become involved; and X5 mentioned "unions and advocates linked to grassroots social movements" can help drive the agenda. Participant X3 believed that Equal Voice is the most prominent external organisation to offer support, and X3 mentioned it is especially helpful if you "don't have support at home." However, participants X6 and X7 stated they believed Equal Voice has "done nothing" and suggested it favoured one of the parties.

The Gender-Based Analysis Plus (GBA+) programme was mentioned by participants X2, X3, X4, and X7. They agreed that it helped raise awareness of issues such as workplace harassment (non-governmental organisation Equal Voice works to mainstream gender in all legislation²⁶ across society). But participants X4 and X7 pointed out that while it has been effective, the programme is actively against men (X4); and X7 believed GBA+²⁷ was not implemented in a way that is actually encouraging the current government to enact change.

Conclusion

Various theories have been proposed to respond to inequitable gender representation within politics. One position contends that unequal power distributions exist within society as a whole,²⁸ whereas another position offers that there is inertia among governments to change the status quo in meaningful ways.²⁹ Still others believe that establishing a "family-friendly parliament" would encourage more women to get involved;³⁰ or that parties should create recruitment initiatives that dismantle the practice of putting women in unwinnable constituencies as "sacrificial lambs" which makes the goal of equitable representation nearly impossible.³¹

We suggest the gender politics theory has little to contribute in terms of methods to eliminate these

barriers. The politics of presence theory provides some response in terms of the supply and demand of female candidates and suggests that working alongside organisations can help candidates succeed; however, these suggestions will not necessarily address the accompanying problems of giving women “softer” ministerial positions with less importance or parties choosing candidates who carry minimal risk defined by cultural norms.³² Since women are reported on differently in the media and at work, these barriers could be addressed through external organisations (such as Equal Voice); however, at a minimum, mandatory training would be needed to change the culture that informs these views.³³

There was a general consensus among participants that harassment training and gender-focused education should be mandatory, which would shift the culture towards one that is more supportive and inclusive of women politicians; nevertheless, overall, dramaturgy theory fails to articulate solutions that address under-representation and structural barriers. It hypothesises that politicians act differently in the public eye than they do at home and that the political realm defines how women must act, which is often in opposition to how they are expected to act within the social/personal realm. If the political environment was more accepting of women – as women wish to be seen – then perhaps they could be more authentic. Many participants agreed that women “protect more aspects of their personal life, to avoid sexist comments, and if upfront about being a feminist, in politics you have to be more guarded” (X5 and X6). Women “probably have to promote themselves differently in politics, especially because women leaders have to show they are tough, male leaders have to show they are compassionate.”

The politics of presence theory does have merit in terms of addressing barriers and suggesting methods to implement change. It prescribes: a gender lens throughout parliament (implemented with mandatory programmes such as GBA+); policies enacted within political parties to provide training and funding resources; and a relationship between political parties and external organisations that support candidates with networking, personal support, and funding.

The results provide an account of ideas for change from standing MPs that fall within current convention strategies and that critique those strategies. Each of the three theories supports different methods to shift the foundation towards equitable representation, although each might be challenging to implement (for

various reasons). What is conclusive though is that a shift is needed that is fulsome. A shift is needed that incorporates change from several directional sources in various ways; change will not be meaningful should it be one method applied at a time. Change is needed in the broad sense; change within the political culture that also extends beyond its boundaries (into media, constituencies, and the social realm). Change is needed that will be meaningful, all-compassing, and sustained. Policies and programmes developed at the party level, would not only be considered recruitment strategies, but also retention strategies, all of which are needed to bring gender representation to an equitable level.

Notes

- 1 Jennifer Galandy, “Critical Analysis of the Obstacles Female Politicians Face in Canada’s Federal Political System” of your thesis, [unpublished thesis Master of Arts in Public Policy], School of Sociology and Social Policy, University of Nottingham (2018).
- 2 The term ‘gender representation’ is not parity with ‘fair gender representation’. The former is synonymous with gender bias (favouring one gender over another); whereas the latter means gender diversity that is equitable. In the context of the Canadian system under study here, the authors suggest that efforts need to focus on eliminating bias in the process of selecting and supporting candidates (i.e., supporting as many women as men).
- 3 Hilary M. Lips, *Gender: The basics*, 1st edition, print, (New York: Routledge, 2014), 3. Anne Phillips, *From a Politics of Ideas to a Politics of Presence*, ebook, (Oxford: Oxford University Press, 2003 (print version published in 1998)), 25.
- 4 Lips, 3.
- 5 Anne Phillips, *From a Politics of Ideas to a Politics of Presence*, ebook, (Oxford: Oxford University Press, 2003, print version published in 1998), 25.
- 6 Erving Goffman, *The Presentation of Self in Everyday Life*, Monograph No. 2, (Edinburgh: University of Edinburgh, Social Sciences Research Centre, 1956), 13-30.
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 - 13 Clare Walsh, *Gender and Discourse: Language and Power in Politics, the Church, and Organisations*, 1st edition, (London: Pearson Education, 2001), 983-986. Linda Trimble, "Gender, Political Leadership and Media Visibility: *Globe and Mail* Coverage of Conservative Party of Canada Leadership Contests," *Canadian Journal of Political Science* 40,4 (2007): 969-993.
 - 14 Hilary M. Lips, *Gender: The basics*, 1st edition, print, (New York: Routledge, 2014), 29-30.
 - 15 Mirya R. Holman and Monica C. Schneider, "Gender, Race, and Political Ambition: How Intersectionality and Frames Influence Interest in Political Office," *Politics, Groups, and Identities* 6, no. 2 (2016): 264-280.
 - 16 Anne Phillips, *From a Politics of Ideas to a Politics of Presence*, ebook, (Oxford: Oxford University Press, 2003, print version published in 1998), 72.
 - 17 Galandy.
 - 18 The difference in age groups between the male and female participants is explained, unfortunately, that at the time of data collection, there were no women aged 40-60 years from any of the political parties.
 - 19 The six participants are labelled Participant X2-Participant X7. The reason why Participant X1 is missing in this paper, is because only a selection of participants (which were interviewed in Galandy's original thesis) are included here.
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 - 23 See Scott Pruysers and Julie Blais, "Why Won't Lola Run? An Experiment Examining Stereotype Threat and Political Ambition," *Politics & Gender*, 13, no. 2 (2016): 232-252.
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 - 25 Ibid.
 - 26 Francesca Constantini and Jonathan Malloy, "Women's Representation in Canadian Politics: Obstacles Towards Progress" (Carleton University, 2014), 14, [Womens_Representation_in_Canadian_Politics__Obstacles_Towards_Progress_.pdf](#); Thomas; Brodie, *Women and Politics in Canada*, (Toronto: McGraw-Hill Ryerson, 1985).
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 - 28 Folke and Rickne, 568.
 - 29 Matthew Godwin, "Awaiting the watershed: Women in Canada's Parliament," *Canadian Parliamentary Review* 33, no. 2 (2010): 34.
 - 30 Constantini and Malloy.
 - 31 Hilary M. Lips, *Gender: The basics*, 1st edition, print, (New York: Routledge, 2014), 29-30. Melanee Thomas, "Barriers to Women's Political Participation in Canada," *University of New Brunswick Law Journal* 64, no. 1 (2013): 218-233.
 - 32 Clare Walsh, *Gender and Discourse: Language and Power in Politics, the Church, and Organisations*, 1st edition, (London: Pearson Education, 2001), 983-986. Brenda O'Neill, "Unpacking gender's role in political representation in Canada," *Canadian Parliamentary Review* 38, no. 2 (2015): 22-30.
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Looking back on 200 years at Province House

More than 200 years ago work began on a building that would become a central part of Nova Scotia's political and administrative future. Province House was not only a functional place where parliamentary debate could take place and government business could get done, but also a work of art. In this article, the author tells the story of its construction and how the province is celebrating its bicentennial.

David McDonald

The year is 1818. Halifax is bustling with a major construction project on the site of the Governor's original residence. Two men, John Merrick and Richard Scott, watch proudly as Thomas Laidlaw lays the last stone on the building, which they have spent the last eight years trying to complete. This capstone on top of the west pediment is being laid not long after sculptor and carver David Kinnear mounted the arms of George III on the pediment of the east side of the building at the end of March 1818. Merrick and Scott know the amount of work that was put into this magnificent building and they are fully aware of all of the barriers that were overcome to get the project started and to complete it. They know that approval to erect a legislative building was first received in 1787, but Governor Prevost's demand in his 1811 throne speech to build a Province House set their work in motion. They have reason to be proud because their joint project – A Province House – for the citizens of Nova Scotia has just been completed.

John Merrick, a native Nova Scotian and a master painter and glazier, submitted a design in the Palladian style¹ to the joint legislative committee, struck in 1809, to procure plans for the erection of a Province House. His design for a building 140 feet in length, 70 feet in breadth, and 42 feet in height was chosen over Richard Scott's. Prior to working on Province House, he decorated the interior of Government House and the old Legislative Council Chamber. He also worked on the design for St. Matthew's Church and St. George's Church.

David McDonald is the legislative librarian at the Nova Scotia Legislative Library.



John Merrick

Richard Scott was born in Scotland and immigrated to Nova Scotia in 1809. A master mason who supervised the construction of the Halifax County Courthouse, he was appointed by the committee to build Province House according to Merrick's plan. Scott also owned the sandstone quarry in Remsheg (present day Wallace) which was the source for all of the sandstone used in Province House.

Photos: Nova Scotia Legislative Library



Province House in the mid 19th Century – the oldest photograph the Assembly Library has of the building.

Imagine Scott and Merricks' excitement as they watched from the crowd as Lieutenant Prevost lay the cornerstone on August 12, 1811 as a part of the masonic ceremony. What were their thoughts when the masons surrounded the excavated site and the Lieutenant deposited a box of coins from the era and a manuscript listing the officers of the day – the commissioners, including Merrick, and the architect, Scott – in a cavity of the cornerstone? What would they have felt when the stone was plumbed, levelled, and squared? When the Lieutenant poured corn, wine, and oil over the stone? And when he stated, "May the building that shall arise from this foundation perpetuate the loyalty and the liberality of the Province of Nova Scotia"?

These two men couldn't have known that in less than a year Nova Scotia would be at war; as a result, they would have difficulty securing labour for their project. They also couldn't have known that labour disputes would delay the construction of their building and costs would therefore balloon to £52,000 instead of the budgeted £20,000.

During the course of the project, the commission and Scott advertised for skilled and unskilled workmen and numerous supplies, including 30,000 feet of spruce boards. As construction continued, the number of workers skyrocketed. In 1811 the original estimate called for seven Masons, three carpenters, an undisclosed

amount of labourers, and for Scott to be on site. The estimated amount spent on labour was £31/week. In 1814, there were actually 50 masons, six carpenters, and an undisclosed amount of labourers plus Scott on site. The project was costing £139 to £160 per week in labour alone. By 1815, the original £20,000 was expended. Thankfully, each subsequent yearly budget included extra sums for finishing Province House.

What were Scott and Merrick feeling on October 4, 1817 when the roof of the building was raised and the Royal Standard was flown to celebrate the occasion? How proud they must have been when they read in the *Halifax Journal* a couple of days later,

We understand the sum voted by the Legislature, at its last Session ... is nearly expended. We should be extremely sorry if the means are not provided to enable the Commissioners to proceed in the completion of the House ...

The Building is particularly well calculated for all Public Purposes; will be a credit to the Province, and a very great ornament to the Town. – We sincerely hope no delay will take place in the finishing of it.



Above: Legislative Library. Below: The House of Assembly.



Province House's Red Chamber.

Fortunately, for Scott and Merrick, the money was granted to finish the building.

Two years later, Merrick and Scott's building was complete, but the interior was not finished. It was, however, ready for the Legislative Assembly and the Legislative Council to meet there on February 11. We don't know if Merrick and Scott were present on that opening day, but they would have read the newspaper account of Lord Dalhousie's speech:

The circumstances of meeting you for the first time in this place, leads me to congratulate you on now occupying this splendid Building – erected for the reception of the Legislature, the Courts of Justice, and all the Public Offices. It stands, and will stand, I hope, to the

latest posterity, a proud record of the Public Spirit, at this period of our History: And as

I do consider this Magnificent work equally honorable and useful to the Province, I recommend it to your continued protection.

To read these words must have provided a huge sense of pride to these gentlemen.

Unfortunately, it would take a little longer for all of the decorations in the interior to be installed. Thirty-one crates full of ornaments were shipped from Scotland in 1819 and installed by James Wilson, who was "a mason and plasterer of unusual skill ... [and] designed much of the work about" the building. Fine details in woodwork to the original House of Assembly Room were completed in 1820 by James Ives, a very well-respected carpenter. Much of the stucco work in the Legislative Council Chamber was finished by Mr. Robinson from England.³

Merrick died in 1829. Unfortunately, he wouldn't witness some of the greatest events to happen in his building. However, Scott, who died in 1867, would have known that in 1835 Joseph Howe defended a criminal libel charge in the court room which he built; he also would have been aware that the first responsible government in the British Colonies would be formed in his building in 1848; and he would have known that the Supreme Court that he built was transformed into the beautiful Legislative Library by Henry F. Busch in 1862.

Both men would be happy to know that Province House survived a fire in 1832 and narrowly escaped another one in 1841. It also survived the 1917 Halifax Explosion with only small amounts of damage to paintings, masonry, and windows. They would also be proud to know that four governors general of Canada were sworn in at Province House.



Exterior shots of Province House from 2007 (above) and 2019 (below)



If they were alive today they would see that very little has changed on the exterior of the building. Since 1819, shutters have been replaced, the chimneys on the north side of the building have been removed, and the doors on the north and south side of the building have been filled in and replaced with wooden blocks and windows, which removed interior hallways and provided more office space. But not much else has changed. And why should it? In 1832, a British travel writer declared Province House “the most splendid edifice in North America.”⁴

The interior has been modified to suit the changing needs of the times. What were their thoughts in 1824, when the Supreme Court ceiling was lowered to accommodate committee rooms? Would they be satisfied with the major renovations that took place between 1886 and 1889 to install a heating system to replace 38 fireplaces and stoves? Would they be shocked to know that during this construction, the current visitors’ gallery in the assembly chamber was built and the orientation of the assembly chamber changed from east-west to north-south? These changes meant the assembly chamber was no longer the same size as the council chamber. Perhaps Merrick might be a little upset that the building has lost its interior symmetry, which is a major characteristic of Palladian architecture, but hopefully this disappointment would be assuaged by the knowledge that these changes over time allowed the public to view the happenings of the House of Assembly and thus strengthened the democratic institution of the Nova Scotia Legislature.

Now, the year is 2019 and Province House is celebrating the 200th anniversary of its opening. A lot has happened in the last 200 years in Province House. I believe Merrick and Scott would be happy with our celebrations and knowing how thankful we are for their contributions to building a magnificent structure. Here’s hoping for another 200 years and more.

For more information on the history of Province House, please visit:

<https://nslegislature.ca/about/history/province-house>

Notes

- 1 Palladian style takes its name from Venetian architect, Andrea Palladio (1508-1580). The style emphasizes symmetry and is based on Greek and Roman Temple design. Some key features in Province House are the fanlight over the door, the Venetian window in the library, all of the important rooms being on one main floor (piano nobile), a hierarchy of stories, and central doorways with triangular pediments.
- 2 Piers, Harry. *Biographical review: Nova Scotia*. Boston: Biographical Review Publishing Co., 1900, p. 104.
- 3 *Morning Herald*, July 4, 1881.
- 4 McGregor, John. *British America : vol II*. Edinburgh: William Blackwood, 1832, p. 77.



Province House

Nova Scotia

200 YEARS

1819-2019

Parliament and Parliamentary Reform: The Enduring Legacy of C.E.S. Franks

In 2018 we lost one of the most significant voices participating in the study, discussion, and promotion of Canada's parliamentary democracy. C.E.S. Franks' was well known amongst scholars for his decades of work based at Queen's University; but he was also known among the Canadian public as an expert commentator frequently sought out by journalists who covered Canadian politics. In this article, the author pays tribute to Franks by highlighting his seminal work, *The Parliament of Canada* (1987), and explaining how its insights remain relevant to any debate on how and why Parliament could or should be reformed.

Michael Kaczorowski

The passing of Professor C.E.S. "Ned" Franks on September 11, 2018 truly marked the end of an era for students and practitioners concerned with the importance of understanding and appreciating the Canadian parliamentary system.

Over his 35-year career in the Department of Political Studies at Queen's University and through his many published works, Professor Franks provided a clear-eyed and critical understanding of Parliament and the legislative process. For reporters seeking comment on parliamentary proceedings, Professor Franks was always quotable, mixing expert analysis with wry observations on the very human nature of life on the Hill.

Professor Franks' seminal work, *The Parliament of Canada* (1987), remains not only the most accessible, yet thoughtful and scholarly examination of Parliament written since that time, but serves as an invaluable reminder of the enduring strengths of the Westminster model which is the foundation of the Canadian system of representative and responsible government.

Take, for example, the simple but critical fact that in our parliamentary system the executive branch of government - the Cabinet - and the legislative branch - the House of Commons - are deliberately fused together rather than separated as is the case in the United States. In this way, Ministers are held to account and must answer for their decisions in the day to day conduct of government business. Such is the essence of responsible government.

Yet it is in explaining such basic tenets of the Canadian system that Professor Franks made an even more important contribution. He reminds us that only by examining how Parliament works in the Canadian context can we properly assess prescriptions for change.

Such ideas, as often as not wrapped in the rhetoric of "freeing" MPs, are as Franks notes all too frequently based on a flawed appreciation for the difference between the "parliament-centred" ambitions of reform - such as strengthening committees and more free votes - and the "executive-centred" reality of the parliamentary process. It is not that reform is not possible, Franks hastens to add, but technical changes to the standing orders cannot in and of themselves change the nature of how power and authority is focused and used in the Canadian system.

The author is a recently retired federal public servant. He was a student and friend of Professor Franks.



C.E.S. Franks

The perceived shortcomings of how Parliament works – and in this regard we speak particularly about the House of Commons – have not changed: that it suffers from excessive partisanship, that Parliament is too dominated by the government, and that private members should have more influence in public policy-making. It is a constant refrain.

Yet in each case, as Franks correctly notes, the solution is expressed in terms which harken back to a perceived “golden age” when MPs were free to speak their minds in the interests of their constituents and the country.

The Westminster model of responsible government, however, is an “executive-centred” system and it has always been so. As Franks reminds us, there was no golden age of parliamentary independence. Members of the House of Commons are elected - with few exceptions - not as free agents but as representatives of organized political parties. The day-to-day work-life of Parliament (e.g. votes, debates, caucus, committees) operates along party lines.

As for partisanship, the physical structure of the House itself is deliberately adversarial and intended to symbolize and promote Parliament’s challenge function by forcing the executive to defend its policies in debate while providing the Opposition with the opportunity to criticize and to offer alternatives.

The oft made complaint about party discipline as “the problem” with the House of Commons is likewise misplaced. As Franks correctly notes, it is the effect, not the cause, of a host of other variables. These variables include the growth and complexity of the modern State and the many and often overwhelming demands placed on Members of Parliament. They are set against the dominant role played by other actors in the Canadian federal system, including provincial premiers and governments, the professional bureaucracy, interest groups, the press and, in our time, social media.

This is not to say that reform cannot happen. Professor Franks took great care to underline that procedures and structures can and should be examined with a view to potential change – but only provided that such changes are based on realistic expectations and a genuine understanding of both the potential and the limitations inherent in a system of parliamentary responsible government in which power is concentrated in the executive. We must accept that Parliament does not govern. The parliamentary system means government within Parliament, but not by Parliament.

Curiously, for all the discussion about public disengagement from the political process, as true in 1987 as it is today, very little attention is paid to the potential (but neglected) role political parties could play in strengthening civic engagement. In this regard, Professor Franks’ analysis is prophetic.

He urged his readers to be concerned about the decline of political parties as an organizing principle of political engagement. Despite so many competing vehicles of participation in public affairs, only political parties are relevant to the operation of the legislative process.

As Franks points out, critical issues of representation, the conduct of elections, the proceedings of Parliament, and the review and passage of legislation are all structured around and dependent on the existence and effective operation of political parties. Their decline is a warning sign for democratic society as a whole. If one accepts this reasoning, then it is difficult

to understand why so much of the language of reform is based on denigrating political parties rather than strengthening them as agents of the public good.

The Parliament of Canada, then as now, demonstrates Professor Franks' deep appreciation and respect for the many and often conflicting roles a Member of Parliament is asked to play, whether in the constituency or on the Hill. MPs must confront a multitude of demands for their time and attention, overwhelming amounts of information, conflicting allegiances, and an unforgiving public environment.

Professor Franks also showed that procedure is far more than just arcane rules and processes, but rather part and parcel of the vital and ongoing debate over how power should be legitimately exercised and held in check in a democratic society.

He championed the role of Parliament as a focus for national debate on issues and defended its adversarial nature as a means by which the government must account for its actions and inaction. He saw the virtues of a parliamentary-cabinet system

which combines authority with responsibility, and in which the governing administration must ultimately answer for its decisions before the nation.

Professor Franks concludes *The Parliament of Canada* with these words:

"The main functions of the House of Commons are to create a responsible government and to hold that government accountable. Debate and party competition are the heart and soul as well as the blood and guts of our system of representative, responsive, and responsible government. The next challenge is to improve the quality, relevance, and reportage of this vital central core of our democratic processes."¹

To answer that challenge would make for a fine tribute to Professor Franks and the brilliant work which he left us. As Honourable Members might say... Hear! Hear!

Notes

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1. C.E.S. Franks, *The Parliament of Canada*, University of Toronto Press: Toronto, p. 269.

Parliamentary Business Seminar on Parliamentary Diplomacy

On Friday, November 16, 2018, the Canadian Study of Parliament Group held a Parliamentary Business Seminar on Parliamentary Diplomacy, inviting experts to discuss various aspects of parliamentary involvement in foreign affairs. One panel explored how parliamentary diplomacy occurs in Canada while a second panel gathered current and former parliamentarians who participated in parliamentary diplomacy to offer their personal and professional reflections.

Paul EJ Thomas and Charlie Feldman

While parliamentary diplomacy consumes a growing portion of parliamentarians' time and parliamentary resources, it often receives little attention from the media or academics.

Generally speaking, parliamentary diplomacy refers to interactions with foreign governments and politicians conducted by parliamentarians rather than by government ministers or diplomats. It can also refer to the parliamentary scrutiny of treaties, legislation with international implications, or the government's conduct of international affairs.

The main channels of parliamentary diplomacy in Canada include the exchanges undertaken by interparliamentary associations and friendship groups, the work of those Senate and House committees that study foreign affairs and related issues, and official delegations led by the Senate and House speakers. Provincial legislatures also engage in parliamentary diplomacy as well, especially with counterpart state legislatures in the United States.

Paul EJ Thomas is an adjunct professor and program fellow with Carleton's Riddell Graduate Program in Political Management and a Senior Research Associate with the Samara Centre for Democracy. Charlie Feldman is a Parliamentary Counsel in the Office of the Law Clerk of the Senate of Canada. Both authors are CSPG board members.

The Dimensions of Parliamentary Diplomacy in Canada

The first set of panelists offered unique perspectives on how parliamentary diplomacy occurs in Canada.

Marcus Pistor, Senior Director of the Economics, Resources and International Affairs Division of the Parliamentary Information and Reference Service (PIRS) at the Library of Parliament began the day by detailing the extent of parliamentary diplomacy at the federal level in Canada. Pistor noted that the idea of parliamentary diplomacy can be traced to the founding of the Inter-Parliamentary Union in 1889, but it expanded greatly in the post-War era with the creation of new multilateral institutions and growing international policy challenges. Canada presently belongs to seven inter-parliamentary associations (IPAs), such as the Commonwealth Parliamentary Association, and the country is an observer at several others. Pistor described how involvement in IPAs can build Parliament's capacity to address complex policy issues through the development of international networks, exchanging best practices and policy innovations, and offering parliamentarians new leadership opportunities.

Pistor described how Canadian parliamentary committees also undertake a range of internationally-focused studies each year. In some cases, committees reviewed proposed legislation that would implement international agreements into Canadian law. In other



From left: Marcus Pistor, Charlie Feldman, Paul E.J. Thomas, and Colette Labrecque-Riel.

cases, committees proactively examined international issues, such as the House Finance Committee's study of money laundering and terrorist financing. Such committee work can compliment the work conducted by parliamentary associations and delegations to tackle complex policy issues. For instance, Pistor noted there were 15 parliamentary delegations and 11 trips by House committees to the United States in 2017-18 while Canada, the United States, and Mexico were renegotiating NAFTA.

Pistor then detailed the Library's role in supporting federal parliamentarians' international work. Research requests related to international activities undertaken by the Speakers, parliamentary committees, and interparliamentary associations have grown steadily over the past 20 years, and currently account for over 25 per cent of the PIRS total research demand. In 2017-18 PIRS prepared roughly 600 research documents for the Speakers and parliamentary associations, and 400 documents for the various House and Senate committees dealing with foreign affairs, trade, defence, and international human rights. Library analysts also travel with

parliamentary delegations and associations to provide strategic advice in bilateral or multilateral meetings.

Colette Labrecque-Riel, Clerk Assistant and Director General of the International and Interparliamentary Affairs Directorate (IIA) next provided an overview of IIA, which is a joint Senate-House of Commons directorate coordinating the Parliament of Canada's international and interparliamentary activities. IIA is governed by a body of Senators and MPs called the Joint International Council. It has four main business lines: supporting parliamentary exchanges by the Speakers of the Senate and House and other parliamentarians (including incoming and outgoing visits and meetings with dignitaries), managing the officially recognized parliamentary associations, overseeing protocol activities, and organizing inter-parliamentary conferences.

Labrecque-Riel outlined the key role that the Senate and House Speakers play in maintaining and promoting Canada's relations with other countries. They receive dignitaries visiting from



From left: Paul E.J. Thomas, Patricia A. Tornsey, Dave Levac, and Senator Leo Housakos.

other countries and work to build relationships with other legislatures. The Speakers regularly lead parliamentary exchanges to other jurisdictions and welcome visitors to Canada in order to facilitate the exchange of knowledge and experience.

Labrecque-Riel described the 13 officially recognized “parliamentary associations” that receive administrative support and travel funding from IIA. There are eight multilateral associations that either manage Canada’s participation in specific IPAs (e.g., the Canadian Branch of *Assemblée parlementaire de la Francophonie*) or relations with legislatures in a particular region (e.g. the Canada-Africa Parliamentary Association). A further five bilateral associations also conduct parliamentary diplomacy with major world powers: China, Japan, France, the US, and the UK. The associations are composed of Senators and MPs who pay the annual membership fees (typically \$10 per group) and are governed by its elected officers. Labrecque-Riel noted that IIA provides basic administrative support to the “interparliamentary groups” for Germany, Ireland, Israel, and Italy, but they receive no travel funding.

Roughly 60 other “parliamentary friendship groups” also operate to promote relations with a wide range of other countries, but Labrecque-Riel indicated that they receive no IIA support whatsoever.

Paul E.J. Thomas, a Senior Research Associate with the Samara Centre for Democracy, presented research on international activities by “all-party groups” (APGs) at the Canadian Parliament. Thomas defined APGs as voluntary, informal organizations that bring together Parliamentarians from across party lines to collaborate on an issue or relations with another country. The term therefore captures not only the parliamentary associations and friendship groups described by Labrecque-Riel, but also the various “all-party caucuses” that operate within Parliament, such as the All-Party Steel Caucus and the Global Health Caucus on HIV/AIDS, Tuberculosis and Malaria. APGs distribute information, meet with stakeholders, travel to other jurisdictions, mark symbolic events (e.g. Armenian Independence Day, World AIDS Day), and may lobby ministers or support private members’ bills in hopes of shaping policy decisions.

The number of APGs at the Canadian Parliament has grown substantially in recent years, rising from 59 to 116 between the 37th and 41st Parliaments. He attributed this growth to a number of factors, including rising policy complexity, increased pressure on MPs to demonstrate activity, and MPs' desire to feel that they are making a difference. APGs have also proven useful tools for policy influence, leading to "demonstration effects" where several groups are established on similar issues in a short period of time. For instance, separate friendship groups for seven different Balkan countries were established between 2011 and 2014.

Thomas then reviewed the experience of former Barrie MP Patrick Brown to illustrate how MPs could utilize APG involvement to build their profile. Brown became Chair of the Canada-India Friendship group in 2007. Over the next eight years he received over \$17,000 in sponsored travel to India and forged a relationship with Indian Prime Minister Narendra Modi, who then was Chief Minister of Gujarat. Brown subsequently leveraged these connections during his run for the leadership of the Progressive Conservative Party of Ontario. A group of Indian Canadians called "Gujaratis for Patrick" formed to support his bid and Modi himself appeared at one of Brown's rallies. Thomas concluded by suggesting that Canada should adopt a system for registering APGs similar to that in place at the British Parliament.

Charlie Feldman, a Parliamentary Counsel in the Office of the Law Clerk of the Senate of Canada provided an overview of parliamentary engagement with treaties, focusing on the Government of Canada's 2009 Policy on the Tabling of Treaties in Parliament and parliamentary consideration of tax treaty implementing legislation.

Feldman began with an overview of the historical evolution of government engagement with Parliament on treaties, explaining that the early practice of seeking approval resolutions for certain treaties gave way to a practice of tabling treaties (or simply lists of treaties) sometimes many years after their signature. In relation to the 2009 Policy on the Tabling of Treaties, Feldman outlined difficulties with assessing the Policy's effectiveness given the granting of exemptions to the Policy and challenges with obtaining information on the Policy's application by the Government.

Feldman noted the various ways in which parliamentarians can raise treaty-related issues

in the Senate and House of Commons – including through statements, written and oral questions, motions, bills, petitions, emergency debates, and inquiries.

In relation to tax-treaty implementing legislation in particular, he noted that there is limited parliamentary engagement, adding that from 2001-2014, Parliament adopted legislation implementing 32 international taxation agreements – collectively forming over 750 pages of binding law in Canada – without a single recorded vote occurring in the House of Commons at any point in the legislative process and with none being considered at more than two sittings at any stage of Chamber consideration in either the Senate or House. Feldman concluded with some reflections on the difficulties and limitations of parliamentary engagement with complex and historical treaties.

Participant Perspectives on Parliamentary Diplomacy

A second panel gathered politicians who participated in parliamentary diplomacy to offer their personal and professional reflections.

Senator Leo Housakos, a former Speaker of the Senate, spoke about the benefits of sending delegations to other parliaments. Despite initial skepticism, he learned the potential of parliamentary diplomacy after first-hand participation in travel abroad, and has sought to convince colleagues of its utility by inviting them on official visits.

Housakos spoke of the opportunities that parliamentary diplomacy afforded parliamentarians in being able to represent constituency interests abroad. However, he stressed that while taking part in delegations, parliamentarians rose above their individual or partisan differences to present the full range of views within Canada on a given issue. Receiving such contextual information from legislators in other jurisdictions was also enormously useful to inform parliamentarians' work and deliberations back in Canada. For instance, he cited how a meeting with Scottish parliamentarians immediately after the Brexit referendum allowed Canadian MPs and Senators to fully understand the many complexities of the issue across the different regions of the UK.

Housakos offered anecdotes of his trips abroad, and fondly recalled the experiences of his colleagues

in representing Canada overseas. He noted the problem of public perception, whereby some believe that such trips are essentially 'paid vacations' for politicians. He explained that the reality of an agenda packed with important meetings and political sensitivities can often make these trips much more intricate and demanding than other parliamentary activities. Indeed, Housakos concluded, they are anything but a 'vacation'.

Dave Levac, former Speaker of the Legislative Assembly of Ontario and Distinguished Visiting Professor at McMaster University, next recalled his extensive and fulfilling experiences with parliamentary diplomacy. He told the seminar of the unique context of parliamentary diplomacy in the days after the September 11th terrorist attacks where misinformation led the United States to consider certain measures that would be adverse to Canada, such as closing the border. Through advocacy at the Council of State Governments (of which Ontario is a Member), Levac and his parliamentary colleagues were able to lobby their American counterparts to reconsider this drastic step, emphasizing the impact such a move would have on trade. Ultimately, the Canadian efforts prevailed and Levac warmly recalled this achievement, which he considers proof of the importance of parliamentary diplomacy and establishing connections and networks with legislative counterparts. He offered further anecdotes from his parliamentary diplomacy efforts, illustrating to attendees the particular importance of parliamentary engagement at the non-federal level, noting provincial involvement and, in some cases, local actions (such as cross-border collaboration between mayors).

Closing the seminar, Patricia A. Torsney, a former Canadian MP and currently the Permanent Observer of the Inter-Parliamentary Union (IPU) to the United Nations, spoke of both her experiences as an MP and the IPU's role in international affairs. The IPU was established in 1889 and serves as a global form for parliamentary dialogue, cooperation, and action. Torsney explained that it has 178 member Parliaments, 12 Associate Members, and six Geopolitical groups. The IPU has two assemblies each year and in 2017 had 24 specialized meetings. Their key areas of action include capacity building and support to parliaments (including on matters of gender equality and human rights of parliamentarians), sustainable development, and democratic global governance. In 2017 over 500 parliamentarians from around the world asked the IPU for help after experiencing some form of repression from their own governments.

Torsney explained in detail the work of the IPU and the benefits to participating parliamentarians, who establish both professional and personal relationships with parliamentary counterparts around the world. In so doing, they advance both their own national interests and collective interests such as good governance. In particular, the body can help to facilitate dialogues between jurisdictions whose governments may not have formal relations. Torsney also stressed the IPU's educational component. Through these activities parliamentarians learn an incredible amount, not only about other world parliamentary systems but, in some cases, their own country's practices and positions in the broader context as well – education which they can then bring back and implement in their home jurisdiction.

Gearing Up for the Next Election

On January 18, 2019, the Canadian Study of Parliament Group held a seminar entitled “Gearing Up for the Next Election” to hear from experts about the preparations necessary in advance of the fall 2019 election. The well-attended gathering brought together political strategists as well as the Chief Electoral Officer and Parliamentary Budget Officer.

David Groves and Charlie Feldman

Political Strategy

The seminar opened with a panel of political strategists offering their assessment of where Canada’s federal political parties currently stand and their predictions for the 2019 federal election.

Michele Austin, Head of Government, Public Policy, and Philanthropy at Twitter Canada, spoke first. She focused on what Twitter can tell Canadians about the issues resonating with Canadians and what strengths each party will bring to the election. First, she noted that Twitter’s audience is young and interested in politics – in her assessment, the biggest organic hashtag (i.e., not a product of an advertising campaign) is #cdnpoli (which directs users to tweets about Canadian politics). Second, she noted that the biggest policy conversations among Canadian Twitter users tend to revolve around energy and immigration – and that these are, as a result, likely to be big subjects during the federal election. Lastly, she observed that Prime Minister Justin Trudeau receives, by far, the most attention and engagement on Twitter of all the federal party leaders, but that some portion of this engagement comes from abroad. As such, she questioned whether his popularity online would translate into a strong showing at the ballot box.

David Groves is an analyst of constitutional and parliamentary affairs at the Library of Parliament. Charlie Feldman is a Parliamentary Counsel in the Office of the Law Clerk of the Senate of Canada. Both authors are CSPG board members

Kevin Bosch, Vice President of Public Affairs at Hill+Knowlton Strategies, opened his remarks with a discussion on recent polling. After reviewing survey results suggesting a close race between the Liberal Party and Conservative Party of Canada with a lot of fluidity in voter intention, Mr. Bosch predicted that both parties will have strong incentives to avoid moderation and to make bold partisan or ideological appeals in their platforms and campaigns. He further predicted that policy-making and platform development in 2019, both in the lead up to and during the election, will be faster and more reactive than in the past; parties will be engaging with the electorate in real time on social media. Last, he noted recent changes in electoral administration that are likely to have an effect. These include: a heightened concern around foreign interference; the establishment of the independent debate commission; the imposition of third-party pre-election spending limits; and the expansion of voting rights for Canadians living abroad.

Karl Belanger, President of Traxion Strategies, began his presentation by stressing the increasing uncertainty of politics in the social media age. He argued that many truisms of Canadian politics, like the electoral strength of a first-term Prime Minister with a majority in Parliament, may no longer hold. After surveying the status of the federal parties and their leaders, he speculated that the uncertainty that has come to define Western electoral politics in the last few years may relate to declining party loyalty among voters. Canadians, he observed, are less likely to join parties, to donate money, or to volunteer; but they are more likely to consider multiple parties before they vote, even those that may have little in common in terms of policy platforms, and more likely to vote



From left: Charlie Feldman, Michele Austin, Kevin Bosch, and Karl Belanger.

differently from election to election. This means that elections can, and often do, bring big surprises, and that once reliable metrics – like the strength of a party’s voter outreach organization or fundraising – may not mean much anymore.

The panelists took questions from the audience, which included queries about whether the by-elections occurring at the time of this writing are in any way indicative of the federal election, the interaction between federal political leaders and their real or perceived provincial counterparts, and the rising importance of social media in politics.

Costing Promises

Parliamentary Budget Officer Yves Giroux presented on the role and mandate of the PBO in advance of the 43rd Canadian federal general election. He began by recounting the history of the relatively-new PBO in Canada and explaining that its mandate in relation to elections had been significantly expanded as a result of recent legislative amendments to the *Parliament of Canada Act*. In particular, the legislation as amended requires that the PBO “at the request of an authorized representative or a member, estimate the financial cost of any election campaign proposal that the authorized representative’s party or the member is considering making.”

In the PBO’s view, this provision can give certain election promises greater credibility with the electorate; however, it creates certain challenges in respect of its implementation. The provision creates a 120-day window in advance of an election for such requests to be made. Assuming the next election will be held in October 2019, this window opens in June 2019.

In respect of requests, the PBO will only work on proposals that are reasonably and practically feasible, within federal jurisdiction, specific and sufficiently detailed, have a proven track record, and intended for the requester’s platform only. In other words, the PBO needs to know enough about what is being proposed specifically in order for the costing analysis to be informed; however, the PBO will not evaluate the wisdom of a particular policy approach nor propose any alternatives. Further, the PBO will aim to be equitable – in terms of time and budget resources – among those who make requests. Given that the independent legislatively-mandated costing of election promises is new at the federal level in Canada, it is difficult to predict who will ask what and when; however, the PBO needs to be able to respond.

Institutionally, this new mandate has meant building capacity for modelling and analytics – the PBO has gone from 15 to approximately 40 employees



Moderator Geneviève Tellier with Yves Giroux.

and its budget has increased from \$2.6 to \$7 million. As well, the legislation permits the PBO to enter into agreements with departments in relation to costing; an agreement is already in place in this regard with the Department of Finance. In preparing to discharge this new mandate, the PBO consulted with other jurisdictions that engage similar practices – such as Australia and the Netherlands – to learn from their experiences.

In relation to Canadian implementation, the PBO published a proposed framework in 2018. However, noted the PBO, this is a “north of the Queensway” issue that didn’t necessarily resonate with the broader Canadian public. That is, the public may not be avidly following the PBO’s proposals in this regard at present. However, implementation consultations continue with various political entities and the PBO released some example models in 2018 as well as costed the Fall Economic Statement as a rehearsal to be prepared for the election.

In answering questions from the audience, the PBO explained that he will not cost full platforms and ‘bless’ their fiscal soundness but would only cost individual items requested. If politicians sought to twist the PBO’s words or analysis, he

would be prepared to intervene in the public discourse to explain what was asked and what was done. In respect of cooperation from departments (necessary for the costing) the PBO explained that he would be undeterred from ‘naming and shaming’ uncooperative actors in order to ensure the full and forthright support of agencies and departments necessary to inform the PBO’s analysis as required by law.

Administering the Election

Chief Electoral Officer Stéphane Perrault presented on preparations for the upcoming 43rd Canadian federal general election particularly in light of the *Elections Modernization Act*, which received Royal Assent in December 2018. Perrault began by explaining that although some may think of an election as a one-day event, it takes months and even years to plan elections. On polling day alone, Elections Canada has over 300,000 people working in more than 15,000 locations across Canada in order to make an election happen.

The CEO explained that each election is studied in order to improve future elections, which are also informed by post-election surveys and ongoing

consultations with stakeholders including parties and candidates. The CEO explained, for example, that while advance poll turnout had increased by 10 per cent in each election steadily for a few elections, the turnout in 2015 increased 75 per cent at advance polls and 100 per cent for special ballot voting. Given the increasing trend of early participation internationally, Elections Canada is preparing to increase advance polling capacity even further. While new legislation requires longer advance poll hours (9am to 9pm), Elections Canada will also be increasing the number of advance polling locations from 5,000 to 6,000 across the country – particularly increasing locations in rural areas where travel times had been a barrier to participation.

Similarly, the CEO hopes to improve election delivery in relation to special ballots. As Perrault explained, there was a 19-minute average wait to cast ballots on campuses in the last election. He hopes that this wait will be cut in half for the 2019 election. To assist, Elections Canada is increasing the number of on-campus polling locations from 40 in 2015 to more than 100 for the 2019 election. Further, the CEO hopes to improve election delivery in Indigenous communities, with a pilot project occurring in some 77 communities where barriers to registration and voting were found to be higher than elsewhere in the country during the last election.

Technological advancements have also brought about changes in the work of Elections Canada. For example, certain voters can register entirely online by uploading documents, and a new online portal for parties and will allow candidates to file nomination papers online instead of having to present them in person at a returning office. As well, certain financial returns can also be filed online. Moreover, the portal will allow for certain riding-level information to be readily accessible such as maps and lists.

The CEO observed that the electoral landscape was evolving in relation to ‘trust’ in elections. As he explained, a trusted election in its most basic sense is one where the count is transparent and established procedures are followed. In Canada that may mean other important aspects of an election are taken for granted, such as safe access to the polls and a free press. However, continued the CEO, the new threat to electoral trust stems from cyber security

and outside interference. In that regard, new training and collaborations are in place to safeguard Canada’s election infrastructure. As well, the CEO noted, Elections Canada will actively monitor social media to combat disinformation and misinformation with respect to the electoral process.

In relation to the *Elections Modernization Act*, the CEO characterized it as “by far the largest reform we’ve ever had of the *Canada Elections Act*” and explained that much work remains to be done to implement its various provisions before the election, such as changes to 20-some IT systems that are now being tested. As well, many election-related manuals and training materials will need to be revisited. In this regard, a simulation will be run from March to April in 10 electoral districts around the country to stress-test the election system. When portions of the amended legislation are ready for implementation prior to their official coming-into-force date, the CEO signals this in the *Canada Gazette*, which brings the provisions into force. While many changes are in the works (or have been completed) not all of these will be immediately apparent online at the time of this writing because by-elections are occurring at present under the provisions of the *Canada Elections Act* as they read before the *Elections Modernization Act* -- the CEO indicated his desire to minimize any possible confusion by not publishing information on processes that will be employed for the October general election at a time when by-elections are occurring under existing rules and practices.



Moderator Nicole Sloan with Stéphane Perrault.

The Canadian Scene

Passing of Nunavut Speaker Joe Enook

The Honourable **Joe Enook**, Speaker of the Legislative Assembly of Nunavut, passed away on March 29, 2019, following a short illness.

In announcing the passing, Deputy Speaker Simeon Mikkungwak stated that:

“My colleagues and I take comfort in knowing that his beloved wife, Mary, was with him at the end. Speaker Enook served his constituents with passion, and represented our institution with dignity. Our thoughts are with Joe’s family and the entire community of Pond Inlet.”

Nunavut Premier Joe Savikataaq publicly stated that:

“On behalf of the Government of Nunavut, I extend our sincere condolences to Joe’s family and constituents. I had the honour of serving with Joe for a number of years and can attest to his commitment and dedication to the well-being of our territory.”

Flags were half-masted at the Legislative Assembly Precinct in honour of the passing of Speaker Enook, and a book of condolences was hosted in the main foyer.

The Legislative Assembly and its Members appreciate the many expressions of sympathy that have been received from across the nation.

Joe Enook was re-elected in the general election held on October 30, 2017, to represent the constituency of Tununig in the 5th Legislative Assembly of Nunavut.

Mr. Enook was acclaimed as Speaker during the November 17, 2017, proceedings of the Nunavut Leadership Forum. Mr. Enook formally took the Chair on November 21, 2017, at the commencement of the first sitting of the 5th Legislative Assembly of Nunavut.



Hon. Joe Enook

Mr. Enook previously served in the 3rd and 4th Legislative Assemblies. Mr. Enook served as the Deputy Speaker and Chairperson of the Committee of the Whole during the 4th Legislative Assembly.

Prior to his election to the Legislative Assembly, Mr. Enook served as the Nunasi Corporation’s Vice-President of Nunavut Operations from 2000-2011. Mr. Enook previously worked as the Executive Assistant to the President of Nunavut Tunngavik Incorporated from 1994-2000. He has also held positions in the travel and tourism sector of the economy. Mr. Enook was a former Chairperson of the Baffin Divisional Board of Education and a member of the Pond Inlet Education Council.

New Clerks in Three Assemblies

Three jurisdictions in the Canadian Region have (or shortly will have) new Clerks.

On November 28, 2018, **Joey Jeffrey**'s appointment as the new Clerk of Prince Edward Island's Legislative Assembly was announced in the House. Mr. Jeffrey replaced **Charles MacKay** upon his retirement on March 31.

Mr. Jeffrey, who has spent the last six years as director of corporate services for the Legislative Assembly, called the Clerk's position his dream job. "I have nothing but the utmost respect for this place, and to be able to take this position on at the legislature in Prince Edward Island is a huge privilege," he told reporters.

On February 14, Alberta Speaker **Robert E. Wanner**, announced **Merwan Saher** had been appointed to serve as the 8th Clerk of the Legislative Assembly of Alberta. Mr. Saher replaces **Robert H. Reynolds**.

Noting his four decades of public service, including an eight-year term as the Auditor General of Alberta, Speaker Wanner stated that Mr. Saher has a history and record of constructive leadership and a commitment to the public service. Mr. Saher received a Lifetime Achievement Award from the Chartered Professional Accountants of Alberta in May 2018.

On March 4, Yukon Speaker **Nils Clarke** announced that the Members' Services Board of the Yukon Legislative Assembly had selected **Dan Cable** to become Clerk of the Yukon Legislative Assembly effective May 4, 2019. Mr. Cable will replace **Floyd McCormick** upon his retirement.

Mr. Cable worked at Yukon's Department of Justice for the past 17 years, including 13 years as Director of Policy and Communications. During his time in Justice, Mr. Cable led legislative and communications initiatives for the Correctional Redevelopment and the Land Titles Modernization projects.

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Nils Clarke, Speaker

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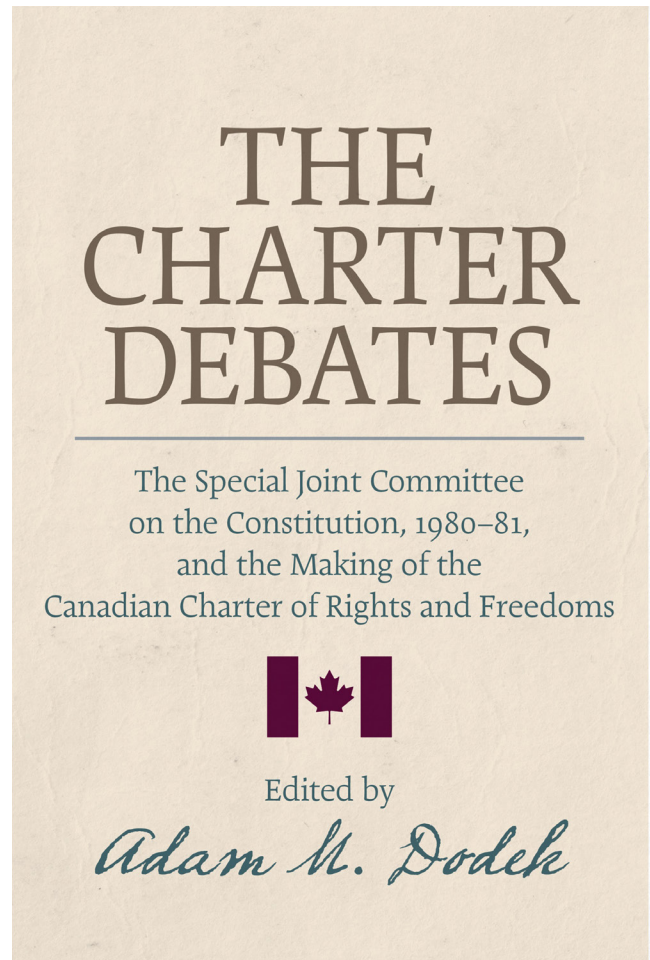
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Parliamentary Bookshelf: Reviews

Adam M. Dodek, *The Charter Debates: The Special Joint Committee on the Constitution, 1980-81, and the Making of the Canadian Charter of Rights and Freedoms.*

In *The Charter Debates*, Adam M. Dodek has resurrected the forgotten history of the debates over the Canadian *Charter of Rights and Freedoms*. This book examines the activities of the Special Joint Committee of the Senate and House of Commons on the Constitution, 1980-81 (Joint Committee), which studied the proposed *Charter* for three months from November 1980 to February 1981. The Joint Committee held 106 meetings over 56 sitting days and spent 276.5 hours hearing from experts and witnesses representing various groups. According to Dodek, this was “the first time that ordinary Canadians became participants in constitutional change rather than mere observers or silent subjects of it.” (4) This in turn legitimized the process and set a precedent for future constitutional questions. Dodek’s main argument is that the deliberations of the Joint Committee matter. They matter not only to constitutional history, but they should also be considered by courts as legitimate sources of Charter interpretation.

Dodek argues that in the years following the adoption of the Charter, decisions by the Supreme Court of Canada dismissed this important part of Charter history. In the case of the *BC Motor Vehicle Reference* (1985), the Supreme Court severely limited the use of the minutes from the Joint Committee. In this case, the court decided that accepting the statements made in committee deliberations would in effect “freeze” the rights contained in Charter at the moment they were adopted. This “originalism” contrasted with the “living tree doctrine of constitutional interpretation,” which allows for the rights in the Charter to grow and adapt over time. Dodek views this as a “false dichotomy” (11). The author is not suggesting an originalist view of the Charter. Rather, he argues the debates of the Joint Committee should inform the court in a similar manner as do philosophers, social scientists, or foreign case law.



The Charter Debates is organized in two parts. In part one, Dodek contextualizes the broader history of the Charter deliberations. Chapter one explores the history leading to the creation of the Joint Committee, including the 1968 policy paper, *A Canadian Charter of Human Rights*, the extensive consultative work of the Molgat-MacGuigan Committee, and the ill-fated but prescient *Victoria Charter*. The 1978 white paper, *A Time for Action*, was later turned into a failed government bill. Among the proposals was to turn the Senate into a new House of the Federation.

Although he had given up in 1979, Pierre Trudeau renewed his efforts at constitutional reform upon his return to government and the failure of sovereignty-association in the 1980 Quebec referendum.

Chapter two examines the cast of characters found at the Joint Committee. This includes the “contrasting mavericks” in the two co-chairs, Senator Harry Hays and then MP (now Senator) Serge Joyal. The Joint Committee had 25 members altogether. This included government Liberals who were likely picked in consultation with the Prime Minister’s Office, and the opposition Progressive Conservatives who opposed unilateral patriation while supporting measures aimed to strengthen some of the *Charter* provisions. Represented in part by rookie MP Svend Robinson, the NDP sought to expand the scope of the *Charter*’s protections. The Joint Committee heard from various government witnesses, including Minister of Justice Jean Chrétien and other senior members from the Department of Justice. They also heard from a variety of groups representing different parts of Canadian society, including women’s organizations, civil liberties groups, and Indigenous communities. Chapters 3 and 4 outline the narrative of the Joint Committee’s work, both during their deliberations and afterward.

In part 2, Dodek’s analysis gives way to a careful selection of transcripts taken directly from the minutes of the Joint Committee. Chapters 5 through 15 are divided into the particular sections of the Charter that aroused the greatest discussion, including legal rights, equality rights, and language rights, among others. Each chapter includes a brief

contextual introduction and the precise text of the *Charter*, both before and after the Joint Committee’s deliberations. In highlighting the discussions between parliamentarians and the witnesses who appeared before the Joint Committee, Dodek provides insight into the role of experts and groups influencing the language of the *Charter*. At the same time, he notes that many groups were excluded from the process. There were also clear instances where the influence of witness testimony was limited. For example, gay activists Peter Maloney and George Hislop appeared before the Joint Committee to argue for the inclusion of sexual orientation in the equality rights section. Maloney argued that the protection with respect to “sex” was not sufficient to protect lesbians and gay men. Robinson later raised this question to Chrétien, who replied “that will be for the court to decide.” (268).

This book is an excellent resource for anyone interested in the history of the *Charter*. I also recommend *Charter Debates* for anyone wishing to gain insight in the deliberative process of parliament. Academics, legal researchers, teachers, and students will find this book insightful. Dodek’s argument is clear and written in language accessible to broad audiences. The legal concepts he explores will provoke insightful discussions among students in various programs in the social sciences and humanities. The use of primary source material makes this a treasure for historians wishing to explore the *Charter* in their classrooms.

Tom Hooper

PhD (History), Contract Faculty at York University

New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (December 2018-March 2019)

Bell, Lauren C. "Obstruction in parliaments: a cross-national perspective." *The Journal of Legislative Studies* 24 (4), December 2018: 499-525.

- In legislative institutions, disruptions to the agenda and delays in processing legislation can have a significant impact on the ability of legislative majorities to realise success. Few previous studies have systematically examined parliamentary obstruction in non-U.S. settings. In this article, the author investigates the extent to which obstruction occurs in parliaments around the world.

Bochel, Catherine. "Explaining the e-petitions process to the public." PSA Parliaments Group January 16, 2019: 2p.

- How can we judge success or failure in relation to e-petitions to Parliament? The author discusses a framework for assessing e-petitions, drawn from research in the National Assembly for Wales and Scottish Parliament.

Burns, Ian. "Federal Appeal Court 'misunderstood the purpose' of parliamentary privilege in expenses case: lawyer." *The Lawyer's Daily*, March 1, 2019: 3p.

- The Federal Court of Appeal has ruled the proceedings of an internal body of the House of Commons is protected by parliamentary privilege in a case involving the expenses of a number of members of Parliament, a decision the MPs' lawyer is pledging to bring to the Supreme Court to get a final answer on what he calls a fundamental issue of constitutional law.

Collier, Cheryl N., Raney, Tracey. "Canada's Member-to-Member code of conduct on sexual harassment in the House of Commons: Progress or regress?" *Canadian Journal of Political Science / Revue canadienne de science politique* 51 (4), December/décembre 2018: 795-815.

- In 2015, the Canadian House of Commons passed a new code of conduct governing non-

criminal sexual harassment between members of Parliament becoming the first of its kind in any Westminster system in the world. Using a feminist institutional and violence-against-women-in-politics approach, the authors assess how the code challenges, legitimizes and upholds traditionally gendered norms and institutionalized sexism within Canada's parliamentary system including parliamentary privilege, party cohesion and party discipline. Despite its novelty, the authors argue this code fails to enact positive gender-friendly institutional change and may do more harm than good in its efforts to curb sexual harassment.

Defy, Andrew. "How did the government end up in contempt of Parliament?" Political Studies Association Specialist Group of Parliaments blog December 10, 2018: 4p.

- On December 4, 2018, the UK Government was found to be in contempt of Parliament. The author explains how this unprecedented situation occurred.

Elliott, Mark, Tierney, Stephen. "House of Lords Constitution Committee reports on delegated powers." The UK Constitution Unit November 27, 2018: 5p.

- The Constitution Committee recently published its report on the increasing use of delegated powers by the government. The authors highlight the key concerns raised and proposals made by the Committee in two principal areas: the ways in and extent to which legislative powers are delegated, and scrutiny of such powers' exercise.

Feldman, Charlie. "Beyond Charter statements: Constitutional communications in the parliamentary context." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique Special Issue – Canada's Constitutional & Governance Challenges After 150 Years / numéro hors-série – Les Défis Constitutionnels et de Gouvernance du Canada Après 150 ans*, 2018: 37-66.

- The parliamentary record is replete with historical and contemporary expressions of concern by federal legislators regarding the constitutionality of proposed enactments. Yet, little research appears to explore how parliamentarians' constitutional knowledge is developed - both generally and in relation to specific enactments - within the parliamentary context.

Greenberg, Daniel. "Editorial – The myth of line by line scrutiny." *Statute Law Review* 39 (3), 2018: pp. v-vii.

- The author has been waiting for a very long time to tell UK Parliamentarians formally that the myth of 'line-by-line' scrutiny at Committee in either House is exactly that.

Kennedy, Gerard. "Public inquiries' terms of reference: Lessons from the past - and for the future." *Manitoba Law Journal* 41 (1), 2018: 317-41.

- Terms of reference define public inquiries' power, yet there has been little analysis of them. In this article, the author analyzes the terms of reference of six different public inquiries - three widely considered successful (the Walkerton Inquiry, Goudge Inquiry, and Kaufman Commission), three widely considered unsuccessful (the Somalia Inquiry, Cornwall Inquiry, and Missing and Murdered Indigenous Women Inquiry) - to investigate how terms of reference contribute to the success of public inquiries.

Kennon, Andrew. "The Digital, Culture, Media and Sport Committee, Facebook and parliamentary powers and privilege." Hansard Society November 27, 2018: 4p.

- For its 'fake news' inquiry the House of Commons DCMS Committee has reportedly acquired papers related to a US court case involving Facebook. A former Commons Clerk of Committees says the incident shows how the House's powers to obtain evidence do work, but that it might also weaken the case for Parliament's necessary powers in the long term.

Baroness Taylor of Bolton (Chair). "The Legislative process: the delegation of powers." House of Lords Select Committee on the Constitution - 16th Report of Session 2017-19, HL Paper 225: 42p.

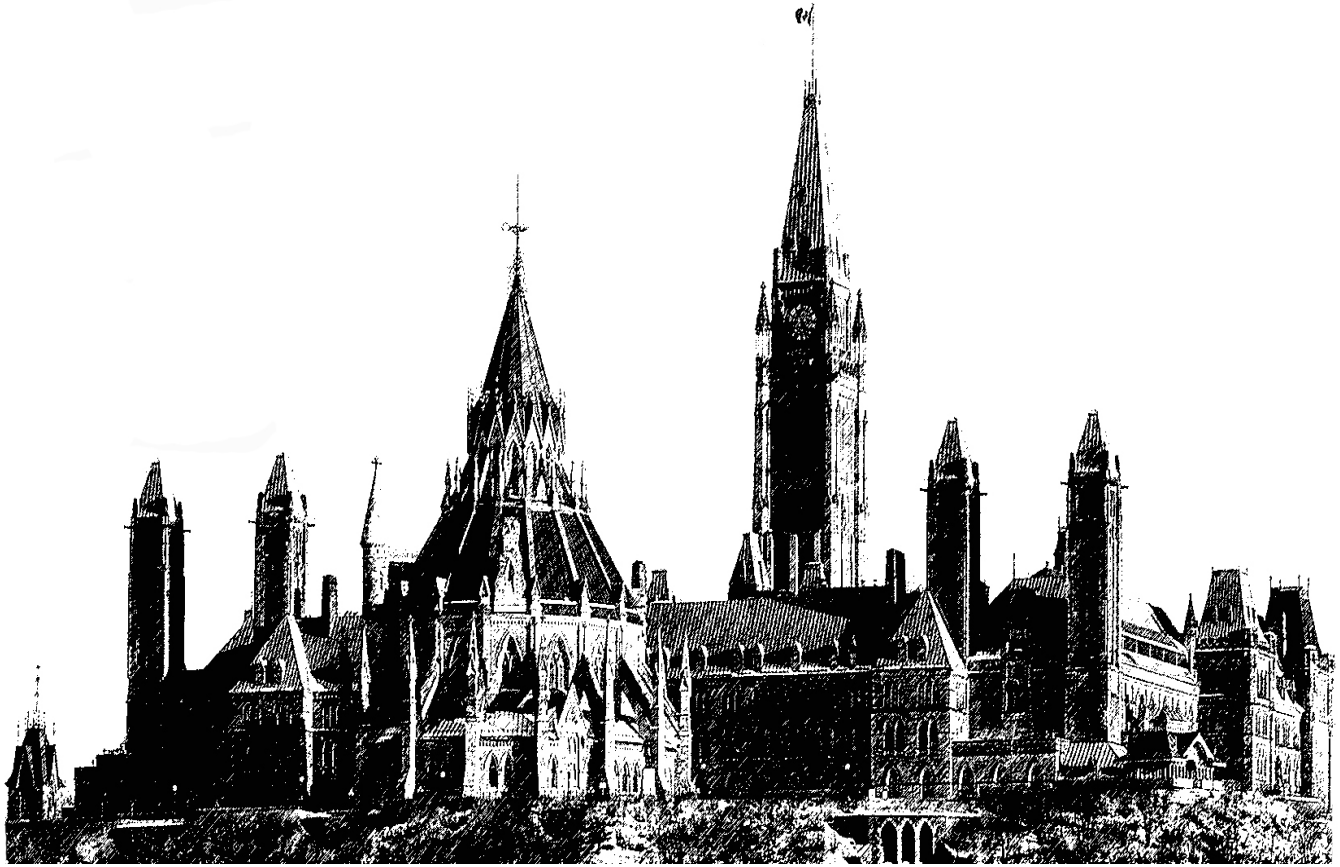
- Delegated powers are a necessary part of the legislative process. When used appropriately, they allow Parliament to focus on the important policy frameworks and decisions in primary legislation, and to leave the detail of implementation to secondary legislation. They provide the Government with the flexibility to deliver its policy, and adjust its operation as circumstances change, through a less onerous scrutiny process. However, decisions as to what powers to delegate, and the level of parliamentary scrutiny to which they should be subject, have proved increasingly contentious.

Wollaston, Sarah. "Effective and influential: where next for departmental select committees?" The Constitution Unit, February 15, 2019: 3p.

- Forty years after the creation of departmental select committees, it is beyond doubt that they have contributed significantly to the scrutiny of government. But could they be doing more? The House of Commons Liaison Committee has established an inquiry to answer this question. The author explains that this is a necessary task to ensure that committees continue to innovate and perform their crucial functions with the involvement of MPs, experts and the general public.

Pelletier, Benoît. « La validité de la Loi de 2013 sur la Succession au Trône. » *Revue de droit d'Ottawa / Ottawa Law Review* 49 (2), 2018 : 331-72.

- On October 28, 2011, the heads of government of the 16 Commonwealth countries, headed by Elizabeth II, met in Perth, Australia. Collectively, they expressed their desire to abolish the rule of male primogeniture in regard to succession to the throne, and the rule stating that a person married to a Catholic cannot ascend to the throne of the British Crown...the constitutionality of *the Succession to the Throne Act, 2013* has been contested in the Canadian courts, yet to no avail. In this article, the author examines its constitutionality. He concludes that *the Succession to the Throne Act, 2013* is not only constitutional, but is sufficient in every respect to mark Canada's adherence to the United Kingdom's change to the rules of succession to the throne.



House of Commons

The First Session of the Forty-Second Parliament continued through the fall with the House adjourning for the winter on December 13, 2018. The information below covers the period of October 2, 2018 to December 31, 2018.

Legislation

After being time allocated, Bill C-76, *An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments* was read a second time and referred to the Standing Committee on Procedure and House Affairs on May 23, 2018. The Bill proposes changes to Canada's elections laws including new limits on spending and foreign participation. After receiving testimony from more than 60 witnesses, including the Minister of Democratic Institutions, **Karina Gould** (Burlington), the negotiation of a schedule for holding clause-by-clause was stalled until such time that the Committee agreed to increase partisan advertising expenses for a pre-election period

on October 4, 2018. The Committee immediately proceeded to the consideration of some 300 proposed amendments during clause-by-clause on October 15, 2018. Following a four-day marathon, that extended meetings outside normal sitting hours, the Bill was reported back to the House with amendments on October 22, 2018. Aspects of the Bill remained vigorously opposed by the opposition parties during report stage; a total of 179 amendments were put on notice. On October 25, 2018, a second time allocation for the consideration and disposal of the report stage and third reading of the Bill was adopted. The Bill was concurred in at report stage with a single amendment on October 29, 2018 and passed at third reading the following day, notwithstanding the proposal of an amendment by **Stephanie Kusie** (Calgary Midnapore) to recommit the Bill to Committee with instructions to reconsider clause 378 to prevent the government from "cherry picking" which by-elections to call when there are multiple pending vacancies in the House. Following a third time allocation for the consideration of Senate amendments, Bill C-76 received Royal Assent on December 13, 2018.

On November 22, 2018, the Minister of Employment, Workforce Development and Labour, **Patty Hajdu** (Thunder Bay—Superior North) introduced and read for the first time Bill C-89, *An Act to provide for the resumption and continuation of postal services*, in response to rotating Canada Post strikes. Pursuant to an order respecting proceedings, Government Business No. 25, made on November 23, 2018, the Bill was debated at second reading, read the second time and referred to a Committee of the Whole, considered in Committee of the Whole, reported without amendment, concurred in at report stage and read the third time and passed in a single sitting that extended over two calendar days until 1:00 a.m. on November 23, 2018.

Financial Procedures

On November 21, 2018, the Minister of Finance, **Bill Morneau** (Toronto Centre), presented the government's Fall Economic Statement. In advance of his statement, the Minister laid upon the Table a notice of a Ways and Means motion to amend the *Income Tax Act* and requested that an Order of the Day be designed for consideration of this motion. Mr. Morneau also laid upon the Table a document entitled "Investing in the Middle Class: Fall Economic Statement 2018". Pursuant to the order made November 8, 2018, **Pierre Poilievre** (Carleton), **Peter Julian** (New Westminster—Burnaby), **Gabriel Ste-Marie** (Joliette) and **Elizabeth May** (Saanich—Gulf Islands) made statements in reply.

Although December 4, 2018, was the last allotted day in the supply period ending December 10, pursuant to the order made unanimously by the House on November 29, 2018, the vote on the opposition motion and all other questions related to the Supplementary Estimates (A) 2018-19, were deferred until December 5, 2018. The concurrence of estimates outside of the supply period is rare. Immediately thereafter, the House resolved itself into a Committee of the Whole, under the chairmanship of the Deputy Speaker and Chair of Committees of the Whole, **Bruce Stanton** (Simcoe North), to consider Bill C-90, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2019*. The Committee reported the Bill to the House without amendment and was adopted at all stages by the House. The Bill received Royal Assent on December 13, 2018.

Procedure and Privilege

Questions of Privilege

On October 31, 2018, **Michelle Rempel** (Calgary Nose Hill) rose on a question of privilege immediately

following the tabling of the "2018 Annual Report to Parliament on Immigration" by the Minister of Immigration, Refugees and Citizenship, **Ahmed Hussen** (York South—Weston). Ms. Rempel stated that her office received media requests related to the federal immigration levels plan prior to the confidential report being tabled in the House. **John Nater** (Perth—Wellington) and **Mark Strahl** (Chilliwack—Hope) also intervened on the matter to argue that Members' privileges were breached by the advance distribution of information to the media. The Assistant Deputy Speaker, **Anthony Rota** (Nipissing—Timiskaming), reminded Ms. Rempel of the one-hour notice requirements before raising a question of privilege in the House. In reply, Ms. Rempel rose to reserve her right to present her question of privilege in real time pursuant to Standing Order 48(2); however, agreed to submit a written notice regarding the context of the question. Later that day, Ms. Rempel provided further details on the exchange between her office and the journalist, highlighting that she did not have the information needed to accurately respond to media queries. In rising to address the House and the question of privilege on November 2, 2018, Mr. Hussen explained that events in the Chamber on October 31, 2018, delayed his tabling of the report during Routine Proceedings. He acknowledged the severity of the matter and offered his unreserved apology that an item contained in the report was provided to the media before the report was tabled. Mr. Hussen assured the House that the appropriate steps have been taken to prevent such an occurrence in the future. In her ruling of November 2, 2018, the Assistant Deputy Speaker, **Carol Hughes** (Algoma—Manitoulin—Kapusksing) accepted the apology and reminded the Minister and all other members of the government to be more cautious in how information is released. The Speaker considered the matter closed.

On October 30, 2018, **Lisa Raitt** (Milton) rose on a question of privilege regarding the government's response to written Question No. 1316, tabled in the House on January 29, 2018. Ms. Raitt explained that a response to her question asking the Minister of Environment and Climate Change to supply the names and titles of those individuals involved in approving a tweet from November 7, 2017, provided less information than what was provided to a CBC journalist on the same subject through an access to information request. Ms. Raitt contended that the government deliberately withheld information from her and the House, and this constituted a contempt of the House. On November 5, 2018, the Parliamentary Secretary to the Leader of the Government in the

House of Commons, **Kevin Lamoureux** (Winnipeg North), intervened on the question of privilege to note that it is not the role of the Speaker to judge the quality of government responses to written questions. Instead, Mr. Lamoureux argued that it is incumbent upon the Member to ensure that a question is carefully formulated to elicit the information sought. In his view, different questions yielded different answers. On November 27, 2018, the Speaker delivered his ruling. He stressed that it is expected that Members obtain timely and accurate information from the government, through whatever means, to fulfill their obligations as parliamentarians; however, the Speaker's authority is limited with respect to the review of government responses. Consequently, the Speaker concluded that there was no prima facie question of privilege.

Points of Order

On October 23, 2018, Mr. Nater rose on a point of order regarding an amendment adopted by the Standing Committee on Procedure and House Affairs in relation to Bill C-76, *An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments*. Mr. Nater urged the Speaker to rule new clause 344.1 out of order and to strike the amendment from the Bill arguing that it offended the "parent Act" rule by amending a section of the Act not amended by the Bill before the Committee. The Speaker delivered his ruling the following day reminding Members that while it is improper for an amendment to modify an act or a section of the parent Act not referenced in a bill, the occasion may arise whereby an amendment, that is relevant to the scope of the bill, can only be realized by modifying a section of the parent Act not originally modified by the bill. In this case, the amendment was in order as it arose as a direct consequence of other admissible amendments taken by the Committee. The Speaker concluded that the parent Act rule was never intended to be applied blindly as a substitute for proper judgement as to the relevance of any amendment.

Committees

On November 1, 2018, **Ruth Ellen Brosseau** (Berthier—Maskinongé) directed a question to the Vice-Chair of the Standing Committee on Agriculture and Agri-Food, **Alister MacGregor** (Cowichan—Malahat—Langford) regarding the Committee's agenda with respect to dairy supply management during Question Period. The Speaker interrupted Mr. MacGregor during his reply and reminded him that any remarks from a Chair or a Vice-Chair should be limited to the agenda of the Committee. Following Question Period, Ms. Brosseau rose on a question of

privilege seeking clarification on the role of the Speaker during oral questions given that Mr. MacGregor was not permitted to finish his reply. Ms. Brosseau argued that the Speaker does not have the authority to judge the quality or the content of replies to questions. After hearing from other Members, the Speaker declared that it was his initial impression that Mr. MacGregor strayed from matters related to the schedule and agenda of the Committee but would review Hansard in the event that the Chair was mistaken. In his ruling of November 8, 2018, the Speaker reiterated that questions put to committee Chairs, and in their absence to Vice-Chairs, are restricted to the schedule and agenda of committees. He also noted the constant challenge for the Speaker to refrain from judging the quality of answers while upholding the limits placed on questions asked about committees. Given the rapid pace of Question Period, the Speaker would work with Members to ensure that practices are followed in the exchange of information about committees.

Other Matters

Selected Decisions of Speaker Andrew Scheer

On October 17, 2018, the "Selected Decisions of Speaker Andrew Scheer" was tabled in the House of Commons. This tome of selected decisions is the ninth in a collection of rulings of former Speakers of the House of Commons. This was the first time that a former Speaker has been a sitting Member when their selected decisions were tabled.

Statements

On November 1, 2018, in honour of Remembrance Day, the Minister of Veterans Affairs and Associate Minister of National Defence, **Seamus O'Regan** (St. John's South—Mount Pearl) made a statement in the House. **Phil McColeman** (Brantford—Brant) and **Gord Johns** (Courtenay—Alberni) also made statements. By unanimous consent, **Monique Pauzé** (Repentigny) and Ms. May also made statements. A moment of silence was then observed to commemorate Veterans' week.

On November 7, 2018, the Prime Minister, **Justin Trudeau** (Papineau), made a formal apology for a 1939 decision of the Government of Canada to reject an asylum request from Jewish refugees aboard the MS St. Louis ocean liner. The Leader of the Opposition, **Andrew Scheer** (Regina—Qu'Appelle) and **Guy Caron** (Rimouski-Neigette—Témiscouata—Les Basques) also made statements. By unanimous consent, **Mario Beaulieu** (La Pointe-de-l'Île) and Ms. May also made statements.

On December 12, 2018, the Prime Minister made a statement regarding the temporary closure of Centre Block. The Leader of the Opposition and Mr. Caron also made statements. By unanimous consent, **Louis Plamondon** (Bécancour—Nicolet—Saurel) also made a statement. The Speaker noted that the newly renovated West Block will serve as an interim chamber during the renovations of Centre Block.

Members

Effective November 7, 2018, **Tony Clement** (Parry Sound—Muskoka) began sitting as an independent Member.

Effective December 1, 2018, **Raj Grewal** (Brampton East) began sitting as an independent Member.

Emergency Debates

On November 26, 2018, **Erin O'Toole** (Durham), **Scott Duvall** (Hamilton Mountain), and **Bryan May** (Cambridge) submitted requests for an emergency debate with respect to the planned closure of the General Motors operating facilities and assembly plant in Oshawa. The Speaker accepted the requests and the debate took place later the same day.

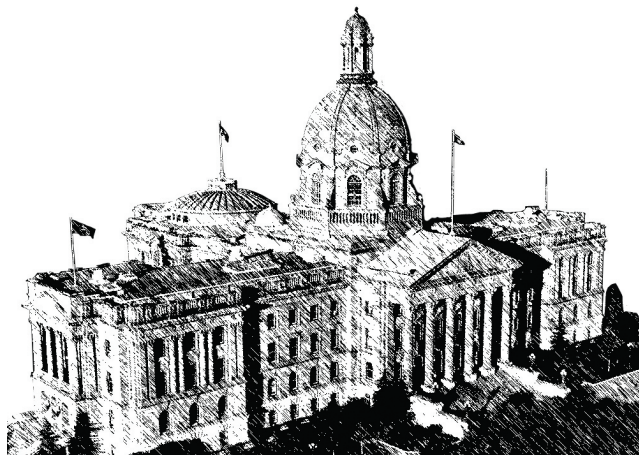
On November 28, 2018, the House held an emergency debate to discuss the Canadian energy crisis in the oil and gas sector, as requested by **Shannon Stubbs** (Lakeland). Ms. Stubbs made similar requests with respect to the Trans Mountain expansion project on April 16 and September 18, 2018, in which the latter of the two was denied as the Speaker determined that the request did not meet the exigencies of Standing Order 52.

Resolutions

On November 26, 2018, the House adopted by unanimous consent a resolution that the House call on the Prime Minister and the Minister of Official Languages to develop a plan for the government to work in partnership with the Government of Ontario on projects that support the vitality of French-language services in Ontario. On November 30, 2018, the Minister of Tourism, Official Languages and La Francophonie, **Mélanie Joly** (Ahuntsic-Cartierville), laid upon the Table a document entitled "Investing in Our Future: 2018-2023 Action Plan for Official Languages, together with the government response".

Danielle Widmer

Table Research Branch



Alberta

Fourth Session of the 29th Legislature

The Fourth Session of the 29th Legislature resumed on October 29, 2018, and adjourned, as scheduled, on December 6, 2018. The Fall Sitting was dominated by the Trans Mountain Expansion Pipeline issue. Multiple questions were being posed almost every day during Question Period, through debate on proposed legislation and in emergency debates.

Emergency Debates

Standing Order 30 was successfully invoked twice during the fall sitting to adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance. On October 29, 2018, the Assembly held an emergency debate regarding the Trans Mountain Expansion Project. On November 21, 2018, there was an emergency debate regarding the impact of the oil price differential in Alberta.

Bill 21 – Recommitted to Committee of the Whole

On October 30, 2018, the government introduced Bill 21, *An Act to Protect Patients* to amend the *Health Professions Act*. The legislation would limit the ability of health professionals found guilty of unprofessional conduct based on sexual abuse or sexual misconduct from regaining their professional licences in Alberta. Bill 21 then took a unique journey through the stages of debate in the Assembly.

On November 8, 2018, **Jason Nixon**, MLA (Rimbey-Rocky Mountain House-Sundre), Official Opposition House Leader, moved an amendment to the motion for Third Reading to recommit Bill 21 to the Committee of

the Whole for the purpose of reconsidering sections 7 and 26. The amendment was passed and the Bill was recommitted.

Bill 21 originally provided for a five-year minimum waiting period before healthcare professionals could be eligible to reapply for their licences in cases of unprofessional conduct pertaining to either sexual abuse or sexual misconduct. During Committee consideration, Minister of Health **Sarah Hoffman**, MLA (Edmonton-Glenora), introduced an amendment to prevent healthcare professionals whose licenses were revoked due to sexual abuse from ever reapplying to practice in Alberta. A subamendment, introduced by **Laila Goodridge**, MLA (Fort McMurray-Conklin), added a list of criminal offences of a sexual nature under the *Criminal Code (Canada)* which would also lead to a permanent ban on reapplying for a licence to practice. The subamendment, and the amendment as amended, were agreed to, and the recommitted sections of the Bill were reported with amendments.

Later that same day, **Karen McPherson**, MLA (Calgary-Mackay-Nose Hill) moved an amendment to the motion for Third Reading to have section 4 of Bill 21 recommitted to the Committee of the Whole. The amendment was passed and Bill 21 was again recommitted to the Committee of the Whole. Member McPherson then proposed an amendment to require all members of a tribunal responsible for hearing cases of sexual abuse or sexual misconduct by a regulated health professional to complete training on trauma-informed practice and sexual violence before participating in a hearing. The Minister of Health spoke in favour of the proposed amendment, and it then passed. Section 4 of the Bill was reported with amendments and the Bill received Third Reading.

Composition of the Assembly

On November 5, 2018, **Robyn Luff**, MLA (Calgary-East), was removed from the New Democratic Party (NDP) caucus. Her ouster followed a week-long absence from the Assembly and the public release of a letter in which she indicated she would remain absent from the Assembly until her complaints regarding bullying and intimidation within the NDP caucus were addressed. Ms. Luff returned to the Assembly to take her seat as an Independent MLA on November 21, 2018.

On January 2, 2019, Premier **Rachel Notley** announced that former cabinet minister **Stephanie McLean**, MLA (Calgary-Varsity) had resigned to pursue other professional opportunities. Ms. McLean had been on leave for the entire fall session and had

previously indicated she would not be seeking re-election in the upcoming general election.

The composition of the Legislative Assembly is currently 52 seats for the NDP, 26 seats for the UCP, three seats for the Alberta Party, and one seat each for the Alberta Liberal Party, the Progressive Conservative Party, and the Freedom Conservative Party. There are two Independent Members and one vacant seat.

Previous Question

On November 26, 2018, Government Motion 35 was brought forward to amend the membership of several legislative committees. Before there could be debate on the motion the Official Opposition House Leader moved the previous question, pursuant to Standing Order 49(2), "that this question be now put". This was the first time during the 29th Legislature that the previous question had been moved. Although Members from the Alberta Party, the Freedom Conservative Party, and an Independent Member spoke against it, the motion carried on division. The question on Government Motion 35 was also put and carried, on division.

The following day **Derek Fildebrandt**, MLA (Strathmore-Brooks), and Leader of the Freedom Conservative Party, successfully and unexpectedly used the previous question to end the debate at Second Reading on Bill 28, *Family Statutes Amendment Act, 2018*.

Committee Activities

The Standing Committee on the Alberta Heritage Savings Trust Fund held its annual public meeting on October 25, 2018. The meeting has been streamed online and broadcast on cable television for several years. However, this year was the first time the meeting was broadcast on Assembly TV and it was also live streamed in its entirety on YouTube.

The Standing Committee on Alberta's Economic Future completed its review of Bill 201, *Employment Standards (Firefighter Leave) Amendment Act, 2018*, and recommended that the Bill not proceed. The Committee has now initiated a review regarding the impact of the Canada-United States-Mexico Agreement on supply management in the province's agriculture industry.

On November 28, 2018, the Legislative Assembly of Alberta referred Bill 211, *Alberta Underground Infrastructure Notification System Consultation Act* to the Standing Committee on Resource Stewardship for review and directed that the Committee report its recommendations to the Legislative Assembly no later than the week of March 4, 2019. Bill 211 is

a Private Members' Public Bill which prescribes a process for a legislative committee to conduct public meetings and prepare a report on the underground infrastructure notification system in Alberta, including any recommendations to improve safety for excavators and to protect underground infrastructure.

On December 4, 2018, the Legislative Assembly of Alberta referred the review of the *Public Sector Compensation Transparency Act* to the Standing Committee on Families and Communities, pursuant to section 14 of the *Act*. Under the legislation the Committee must begin a comprehensive review of the *Act* by January 1, 2019, and submit a final report to the Assembly within six months of commencing the review. The Committee met on December 20, 2018, and agreed to request a technical briefing on the legislation from related government ministries and to request the preparation of a stakeholder list and preparation of a cross-jurisdictional comparison of similar legislation in Canada by Research Services.

Swearing in of First Election Commissioner

Lorne Gibson was formally sworn in as Alberta's first Election Commissioner on October 26, 2018. Mr. Gibson has worked as an election administrator and consultant in jurisdictions across Canada and around the world. He also served as Alberta's Chief Electoral Officer from 2006 to 2009.

Jody Rempel
Committee Clerk



British Columbia

The Third Session of the 41st Parliament resumed on October 1, 2018. The fall sitting continued the spring's active legislative agenda, with 22 government bills receiving Royal Assent. In order to accommodate the

volume of debate on legislation, sittings were extended from 6:30 p.m. to 9:30 p.m. on the last six Mondays of the sitting and a second chamber was used to consider bills at committee stage. The House adjourned on November 27, 2018 and is scheduled to return on February 12, 2019.

Legislation

The fall sitting focused on a robust legislative agenda with several substantive bills representing key government initiatives or implementing financial measures:

The *Budget Measures Implementation (Employer Health Tax) Act, 2018* and the *Budget Measures Implementation (Speculation and Vacancy Tax) Act, 2018* implement new taxes that were announced as part of the February 2018 provincial budget.

The *Poverty Reduction Strategy Act* provides a framework to reduce and prevent poverty in the province and sets targets and timelines for poverty reduction initiatives.

The *Agricultural Land Commission Amendment Act, 2018* strengthens protection for the province's Agricultural Land Reserve by addressing real estate speculation and prohibiting the dumping of construction debris.

The *Environmental Assessment Act* enhances the environmental assessment of projects with the creation of an early engagement process, increased opportunities for public participation, and prescriptive measures to meet the government's commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples*.

The *Recall and Initiative Amendment Act, 2018* received Royal Assent shortly before the first date on which citizens could be eligible to apply for a recall petition following the most recent provincial general election. The *Act* prohibits corporate, organizational and union donations to finance recall campaigns. British Columbia is the only jurisdiction in Canada in which a registered voter can petition to recall a Member for the electoral district in which they are registered to vote.

The *Human Rights Code Amendment Act, 2018* re-establishes a British Columbia Human Rights Commission. The Commission was first established in 1973, replaced by the British Columbia Human Rights Council in 1984, re-established in 1997 and later replaced by a British Columbia Human Rights Tribunal in 2002. Prior to the adoption of this legislation, British Columbia had been the only province without a Human Rights Commission. The *Act* also provides for

the appointment of a Human Rights Commissioner as an independent officer of the legislature.

The *Electoral Reform Referendum 2018 Amendment Act, 2018* amends legislation passed during the 2017 fall sitting. The *Act* would have required a subsequent referendum to be held if the fall 2018 referendum had resulted in a change to the electoral system. The subsequent referendum would have occurred after two general elections were held using a proportional system to determine whether British Columbia would continue with a proportional system or return to first past the post.

Electoral Reform Referendum

A province-wide referendum on electoral reform was held between October 22, 2018 and December 7, 2018. British Columbians voted by mail-in ballot to indicate support for the current first past the post voting system or a proportional representation voting system. A second question to determine a preference for three specific proportional representation voting systems was also included. Referendum results were released on December 20, 2018 with 61.3 percent voting in favour of first past the post and 38.7 percent in favour of a proportional system.

Standing Order 35 Application

The Leader of the Third Party, **Andrew Weaver**, MLA, sought leave on October 16, 2018, for the House to adjourn to discuss whether Members were acting with sufficient urgency and demonstrating the leadership necessary to mitigate the effects of climate change in light of the Intergovernmental Panel on Climate Change report released on October 8, 2018. The Government House Leader spoke in favour of the debate and suggested a discussion with the Leader of the Third Party and the Official Opposition House Leader to determine an appropriate time for debate. The House Leaders agreed, noting that the federal government held an emergency debate on the same topic the day before, and the Legislative Assembly held a one-hour debate on the evening of October 16, 2018. As all three parties were in agreement, the Speaker did not rule on the matter.

Parliamentary Committees

As reported in the previous issue, the Select Standing Committee on Finance and Government Services conducted its annual budget consultation from September 17, 2018 to October 15, 2018. Following renewed outreach efforts, the Committee heard 267 presentations, the most in a budget consultation since 2001. The Committee released its unanimous report on

November 15, 2018, containing 100 recommendations centered around four key themes: climate change; reconciliation with Indigenous peoples; inequality; and building an economy that works for all British Columbians. The Committee also completed its review of the budgets of BC's statutory offices, including a start-up budget for the new Office of the Human Rights Commissioner, which was released on December 19, 2018.

On November 27, 2018, the *Passenger Transportation Amendment Act, 2018*, which provides a framework for ride-hailing in BC, received Royal Assent and the Select Standing Committee on Crown Corporations received a Terms of Reference to make recommendations on regulations regarding transportation network services in British Columbia. The Committee must release its report no later than March 31, 2019.

The Legislative Assembly Management Committee met three times during the fall and concluded its consideration of the Legislative Assembly's Vote 1 budget on December 19, 2018, approving a budget of \$83 million for the 2019/20 fiscal year. The budget includes a \$6.1 million capital budget, an increase of 39 percent above 2018/19, as part of a long-term plan to address the restoration of the Parliament Buildings, including seismic and security initiatives.

Statutory Officer

The Special Committee to Appoint a Police Complaint Commissioner released its report on December 12, 2018, unanimously recommending that **Clayton Pecknold** be appointed as the next Police Complaint Commissioner. **Stan Lowe**, the current Police Complaint Commissioner, served two terms as Commissioner and was not eligible for reappointment. The Police Complaint Commissioner is responsible for the impartial civilian oversight of complaints about the conduct of municipal police officers in British Columbia. Mr. Pecknold has worked as a senior government official in the provincial Policing and Security branch and has served as a police officer. The Committee's recommendation is expected to be presented to the Legislative Assembly when it returns in February 2019.

Permanent Officers of the House

On November 20, 2018, the Legislative Assembly adopted a motion to place **Craig James**, Clerk of the Legislative Assembly, and **Gary Lenz**, Sergeant-at-Arms, on administrative leave with pay and benefits, effective immediately. In order to ensure operational continuity, the Legislative Assembly adopted a motion on November 22, 2018, appointing **Kate Ryan-Lloyd**,

Deputy Clerk and Clerk of Committees, as Acting Clerk of the Legislative Assembly, and **Randy Ennis**, Deputy Sergeant-at-Arms, as Acting Sergeant-at-Arms.

Nicki Simpson
Committee Researcher



Manitoba

Conclusion of the Third Session

The House sat until November 8, 2018 to complete the business of the Third Session of the 41st Legislature; on the last day, the five Designated Bills mentioned in the last submission received Royal Assent. During the Fall Sittings the House also completed the remaining steps of the budgetary process, including adoption of the *Budget Implementation and Tax Statute Amendment Act*.

In addition to the Designated Bills, the House passed three additional Government Bills and three Private Members Bills, including:

Bill 29 - The Wildlife Amendment Act (Safe Hunting and Shared Management), establishing a general prohibition on night hunting, with certain exceptions for aboriginal people;

Bill 36 - The Highway Traffic Amendment Act (Impaired Driving Offences), reflecting changes to the driving-related provisions of the *Criminal Code* as a consequence of the legalization of cannabis.

Fourth Session of the 41st Legislature

The Fourth Session of the 41st Legislature began on November 20, 2018 with the Speech from the Throne delivered by **Janice C. Filmon**, Lieutenant Governor of Manitoba. The Address highlighted a range of commitments and proposals in different areas, including:

- Introducing a new *Referendum Act* to provide a framework for calling and conducting a referendum;
- implementing two new pilot programs and introducing legislation to create a new family resolution service;
- introducing legislative changes to *The Child and Family Services Act* and *The Child and Family Services Authorities Act*;
- introducing an Immediate Roadside Prohibition Program to allow police to address lower-level alcohol-related cases using administrative penalties;
- preparing for Manitoba's upcoming sesquicentennial and launching one of the first Manitoba 150 projects in partnership with the Hudson's Bay Company History Foundation;
- enhancing resiliency of the province's natural infrastructure to climate-change challenges such as flooding, storms and wildfires.

During his contribution to the Throne Speech debate on November 22, the Leader of the Official Opposition and NDP leader **Wab Kinew** moved a motion expressing non-confidence in the Government, highlighting several areas he believed the Government failed to address in the Speech from the Throne.

On the same day, the Leader of the Second Opposition Party and Liberal Leader **Dougald Lamont** moved a sub-amendment, stating several reasons why his party did not support the Throne Speech.

On November 29, the sub-amendment was defeated on a recorded vote of yeas 16, nays 37. Subsequently, Mr. Kinew's amendment was defeated on a recorded vote of yeas 16, nays 37, while the main motion for an Address in Reply carried on a recorded vote of yeas 37, nays 16

Standing Committees

The end of 2018 was a busy period for the Committees Branch. A very unusual situation arose on October 11 when the House unexpectedly sat past 5 p.m. and until midnight. The Standing Committees on Legislative Affairs and on Social and Economic Development were scheduled to meet at 6 p.m. in order to hear public presentations on several Bills. In accordance with our rules, Standing Committees cannot sit concurrently with the House without unanimous consent, which was denied in this case. As a consequence, the two Committees could not start meeting prior to their scheduled adjournment time of midnight, leading to a rescheduling of the meetings. Dozens of public presenters who were scheduled to present had to be told that the Committee would not meet that night and that the Clerk's Office was going to contact them as soon as the Government House Leader had called new meetings.

Two weeks later, both Committees met again to hear public presentations and complete consideration of the five Designated Bills. The Standing Committee on Social and Economic Development met for two evenings to hear 38 presentations on *Bill 16 – The Climate and Green Plan Implementation Act*. Finally, on October 31, the Social and Economic Development Committee and the Private Bills Committee met to hear public presentations on several Government and Private Members' Bills, completing clause-by-clause consideration on all but one Private Members' Bill, which was not reported back to the House.

Before the winter break, the Standing Committee on Legislative Affairs met again to consider several reports from Elections Manitoba and, in accordance to *The Elections Act*, began consideration of a proposal to modify the voting process submitted by the Chief Electoral Officer. The Committee did not complete deliberations on the latter and will meet again in 2019 for further discussions on this matter.

The Standing Committee on Public Accounts met in December to consider the Public Accounts for the fiscal year ending March 31, 2018, together with several other Auditor General's reports regarding the Audits of Financial Statements. In addition, the Committee concluded consideration of several items related to the Department of Justice.

Finally, the Social and Economic Development Committee met intersessionally the week before Christmas to consider the *Annual Report* of the Manitoba Poverty Reduction and Social Inclusion Strategy, whilst the Standing Committee on Legislative Affairs is scheduled to meet on January 16 to discuss the *Annual Reports* from the Manitoba Advocate for Children and Youth and on January 17 to consider the *Report and the Recommendations of the Judicial Compensation Committee*.

Reappointment of the Conflict of Interest Commissioner

On October 30, 2018 the Standing Committee on Legislative Affairs recommended to the President of the Executive Council that **Jeffrey Schnoor** be reappointed as the Conflict of Interest Commissioner and the Information and Privacy Adjudicator for a new term of three years.

Amendments to the Rules, Orders and Forms of Proceedings

As mentioned in our last submission, on October 3 the Standing Committee on the Rules of the House met to consider amendments to Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba.

The changes came into effect on November 20, 2018. New copies of the Rule Book were distributed to all Members and the new version is also available on the Legislative Assembly website.

The new Rule Book can be found at the following link:

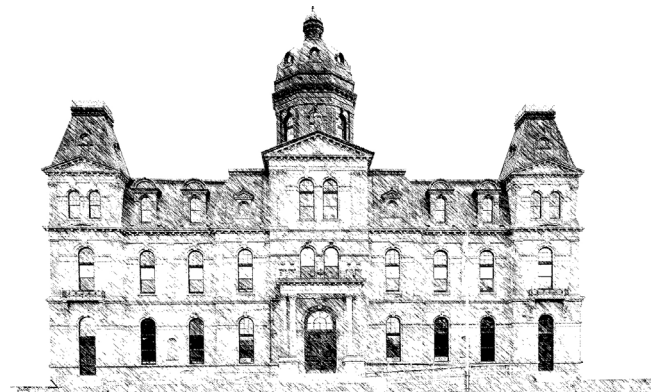
<https://www.gov.mb.ca/legislature/business/rulebook.pdf>

Current Party Standings

The current party standings in the Manitoba Legislature are: Progressive Conservatives 38, New Democratic Party 12, Liberals four, with three Independent Members.

Andrea Signorelli

Clerk Assistant/Clerk of Committees



New Brunswick

General Election

The 39th general election that took place on September 24 produced a Liberal minority government, the first minority government in New Brunswick since 1920. The results were as follows: 21 Liberals, 22 Progressive Conservatives, 3 Greens and 3 People's Alliance. At dissolution, the standings in the House were 24 Liberals, 21 Progressive Conservatives, 1 Green, 1 Independent, and 2 vacancies.

The results in three ridings were confirmed by judicial recounts. The closest victory was for **Gerry Lowe** by 10 votes in the riding of Saint John Harbour, followed by an 11-vote win for **Megan Mitton** in Memramcook-Tantramar. In Oromocto-Lincoln-Fredericton, **Mary Wilson** maintained her 93-vote victory.

Lieutenant-Governor **Jocelyne Roy Vienneau** presided over the swearing-in ceremony for the Members of the 59th Legislative Assembly on October 19. Members took their Oath of Allegiance and signed the Members' Roll in the chamber of the Legislative Assembly.

Election of Speaker

The first session of the 59th Legislative Assembly convened in the morning of October 23 to elect a new Speaker. As only one Member allowed their name to stand for election, the Clerk declared Liberal MLA **Daniel Guitard** elected as Speaker. Speaker Guitard was first elected to the Legislative Assembly in 2014 to represent the riding of Restigouche-Chaleur.

During his time at the Legislature, Speaker Guitard has served as Government Caucus Chair, Deputy Government Whip, and Vice-Chair of the Standing Committee on Private Bills. He has also served as a member of the Legislative Administration Committee; the Standing Committees on Crown Corporations; Economic Policy; Law Amendments; Procedure, Privileges and Legislative Officers; and Public Accounts.

First Session of the 59th Legislature

The Lieutenant-Governor opened the first session of the 59th Legislature in the afternoon of October 23, delivering the first Speech from the Throne of Premier **Brian Gallant's** Liberal minority government.

The major theme of the speech was moving New Brunswick forward in collaboration with the other three parties through various initiatives related to job creation and economic growth; investing in education, health care and senior care; protecting the environment; and a fairer society and good governance. The speech proposed that all parties must work together to find common ground to advance the interests of New Brunswickers.

On October 24, a motion was adopted by the House to suspend the definition of "recognized party" in the Standing Rules for the duration of the 59th Legislature. Subsequently, the Green and People's Alliance caucuses (having three Members each), were granted certain rights under the Standing Rules despite not having elected the requisite five Members.

On October 25, Official Opposition Leader **Blaine Higgs** delivered his reply to the Speech from the Throne. He urged Members to reject the Throne Speech and outlined how the Progressive Conservatives, under his leadership, would collaborate with all

Members to change the way the Legislature and government operates. He stressed the importance of fiscal responsibility, restarting the private economy, and treating taxpayers as customers. At the end of his speech, he moved an amendment to the motion for an Address in Reply to the Speech from the Throne, which stated that the present government did not have the confidence of the House.

The next sitting day, the House appointed Liberal Members **Chuck Chiasson** and **Monique LeBlanc** as Deputy Speakers.

During the Throne Speech debate on October 30, Health Minister **Benoît Bourque** moved a sub-amendment to demonstrate his government's willingness to collaborate. The sub-amendment presented suggestions and platform commitments from other parties to be incorporated into the Throne Speech.

Premier Gallant closed debate on November 2. The Speaker then put every question necessary to dispose of the main motion. A division was called on the sub-amendment and the motion was defeated 23-25. A division was also called on the non-confidence amendment, which was carried 25-23, with the People's Alliance caucus, led by **Kris Austin**, voting in favour and the Green caucus, led by **David Coon**, voting against. A final division was called on the motion as amended and the results were the same, carried 25-23, effectively declaring non-confidence in the Liberal minority government.

Premier Gallant immediately advised the House that he would be informing the Lieutenant-Governor of his resignation as Premier and requesting that she ask the Leader of the Progressive Conservative Party to form a government. Later that day, the Lieutenant-Governor announced that she had accepted the Premier's resignation and had asked Mr. Higgs to form the next government.

On November 9, the Lieutenant-Governor presided over the swearing-in of the new Executive Council in a ceremony held in the Legislative Assembly chamber. Mr. Higgs was sworn-in as the 34th Premier of New Brunswick, along with a Cabinet consisting of:

Robert Gauvin, Deputy Premier, Minister of Tourism, Heritage and Culture; **Trevor Holder**, Minister of Post-Secondary Education, Training and Labour; **Carl Urquhart**, Minister of Public Safety and Solicitor General; **Dorothy Shephard**, Minister of Social Development; **Jake Stewart**, Minister of Aboriginal Affairs; **Ross Wetmore**, Minister of

Agriculture, Aquaculture and Fisheries; **Sherry Wilson**, Minister of Service New Brunswick; **Hugh J.A. Flemming**, Minister of Health; **Jeff Carr**, Minister of Environment and Local Government; **Bill Oliver**, Minister of Transportation and Infrastructure; **Ernie Steeves**, Minister of Finance and President of Treasury Board; **Andrea Anderson-Mason**, Minister of Justice and Attorney General; **Dominic Cardy**, Minister of Education and Early Childhood Development; **Mike Holland**, Minister of Energy and Resource Development; **Gregory Thompson**, Minister of Intergovernmental Affairs; and **Mary Wilson**, Minister of Economic Development and Small Business.

Other government appointments were as follows: **Glen Savoie** as Government House Leader; **Bruce Northrup** as Government Whip; and **Stewart Fairgrieve** as Government Caucus Chair. Official Opposition appointments included **Guy Arseneault** as Official Opposition House Leader; **Stephen Horsman** as Official Opposition Whip; and **Jean-Claude D'Amours** as Official Opposition Caucus Chair.

Second Session of the 59th Legislature

On November 20, after nine sitting days, the first session prorogued and the second session began with the Speech from the Throne of Premier Higgs' Progressive Conservative minority government.

The speech outlined five challenges to solve: balanced financial sustainability, energizing the private sector, making public health care accessible and dependable, building a world-class education system, and giving every New Brunswicker a pathway to the middle class. The speech emphasized sharing with the other parties both the ability to make decisions and the responsibility for finding solutions through evidence-driven debates and policy discussions that offer alternatives and compromise.

On November 22, the Official Opposition Leader delivered his reply to the Speech from the Throne. Mr. Gallant stated his party would support the government in their commitment to a balanced budget, unclogging the medical system by adding community health clinics, and in its review of home care workers' wages and working conditions. He also encouraged the government to continue certain Liberal initiatives, such as the free and subsidized child care programs, and the free tuition and tuition relief for the middle-class programs.

Mr. Gallant noted that certain topics had not been discussed in the Speech from the Throne, including a lack of commitment to raise the minimum wage, banning the use of certain herbicides such as glyphosate, and the absence of any statement on the government's intentions regarding the hydraulic fracturing moratorium. He also conveyed the Official Opposition's position that linguistic rights in the province must be protected when addressing the ambulance and paramedic shortage challenges.

At the end of his speech, Mr. Gallant moved an amendment to the motion for an Address in Reply to the Speech from the Throne. The amendment urged the government to continue the moratorium on hydraulic fracturing in all parts of the province.

During the Throne Speech debate on November 27, **Sherry Wilson** moved a sub-amendment that would allow certain communities, who have demonstrated their support, to proceed with shale gas development.

On November 30, Premier Higgs closed debate. The Speaker then put every question necessary to dispose of the main motion. A division was called on the sub-amendment and the motion was carried 26-22, with Liberal MLA **Gerry Lowe** joining the Progressive Conservative and People's Alliance caucuses to vote in favour of allowing certain communities to proceed with shale gas development. A division was also called on the amended amendment and the motion was carried 26-22. Finally, the Progressive Conservative government won the confidence of the House in the final division on the amended motion 25-23. The government was again supported by the three People's Alliance members, who had been seated on the government side of the Legislative Assembly chamber since the commencement of the second session.

Capital Estimates

On December 11, Finance Minister Ernie Steeves presented the Capital Estimates for 2019-20. Of the \$600.6 million capital budget, \$60.2 million was allocated to education infrastructure and \$123.8 million to health care infrastructure. Of the health initiatives, \$91.8 million was earmarked for the continuation of renovations, additions and other improvements around the province and the remaining \$32 million for capital improvements and equipment. Other highlights included \$321.1 million in transportation infrastructure and \$12.9 million for tourism-related infrastructure.

Legislation

Ten Bills were introduced during the second session. Legislation introduced included:

Bill 2, *An Act Respecting Addressing Recommendations in the Report of the Task Force on WorkSafeNB*, introduced by Minister Holder, addresses a task force's recommendations to mitigate the risk of significant increases to the assessment rates and still protect the sustainability of the accident fund, which includes protection of benefits. The Bill received Royal Assent on December 12.

Bill 4, *An Act to Amend the Pay Equity Act, 2009*, introduced by **Monique LeBlanc**, extends the application of public service pay equity legislation to the private sector.

Bill 10, *An Act to Amend the Residential Tenancies Act*, introduced by **David Coon**, ensures that the *Act* applies to tenants in public housing and limits rent increases to once per 12-month period. The Bill also allows for early termination of leases in certain safety and health-related circumstances, including cases of domestic violence.

Adjournment and Resignation

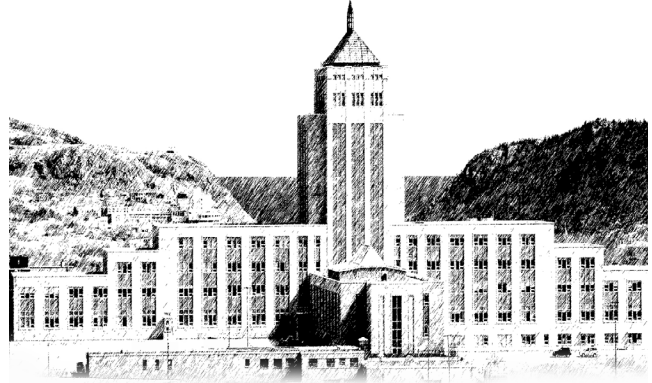
The House adjourned on December 14 and is scheduled to resume sitting on March 19, 2019, when it is expected that Minister Steeves will present the government's first budget. On December 28, Mr. Gallant announced his intention to resign as Leader of the Liberal Party before the House resumes in March.

Integrity Commissioner

New Brunswick's first Integrity Commissioner, **Alexandre Deschênes**, retired from his position on December 31. This closes out a remarkable career of public service and dedication to the Province of New Brunswick. He was appointed judge of the Court of Queen's Bench in 1982 and was appointed to the Court of Appeal of New Brunswick in 2000. On the recommendation of the Legislative Assembly, he became New Brunswick's first Integrity Commissioner in 2016.

On January 3, the Ombud of New Brunswick, **Charles Murray**, was appointed Interim Integrity Commissioner, effective January 1.

Alicia R. Del Frate
Parliamentary Support Officer



Newfoundland and Labrador

Code of Conduct - complaint investigations

The House re-convened on October 23, two weeks earlier than the date prescribed by the parliamentary calendar in order to deal with five reports of the Commissioner for Legislative Standards on his investigations into complaints of harassment by Members of the House of Assembly.

The Commissioner, whose reports were tabled by the Speaker on October 23, found that a breach of the Code of Conduct had occurred in two of the five instances examined and recommended that the Members found to have violated the Code be reprimanded.

On November 5 the House questioned the Commissioner about the process followed in carrying out his investigation into the allegations of violations of the Code of Conduct. The discussion took place in a Committee of the Whole. The last time the House had questioned non-Members in the House was in 1970 during the administration of Premier **J.R. Smallwood**.

The House debated and concurred in the Reports on November 6. The House resolved that the two Members found in violation of the Code of Conduct be required to undergo individualized respectful workplace training and that they apologize to the House. The Members apologized and will undergo the training in due course.

On October 23, the Leader of the Opposition, **Ches Crosbie**, who was elected and sworn-in during the summer adjournment, took his seat in the House.

Points of privilege

On October 23, the Leader of the Opposition raised a point of privilege regarding the public disclosure by the complainant of matters dealt with in one of the reports of the Commissioner for Legislative Standards before the report had been tabled in the House. The Speaker ruled that there was a *prima facie* question of privilege. The matter was referred to the Privileges and Elections Committee.

On October 25, the Member for Mount Scio raised a point of privilege again regarding the public disclosure of the contents of a report of the Commissioner of Legislative Standards before the tabling of the report in the House. The Speaker ruled that a *prima facie* question of privilege had been established and the matter was referred to the Privileges and Elections Committee.

The Privileges and Elections Committee will report on the matters referred to them when the House re-convenes in March.

By-election

On November 2 the Member for Topsail-Paradise and former Leader of the Official Opposition, **Paul Davis**, resigned his seat. The by-election for the District was called on December 19 for January 24.

Deputy Chair of Committees

The Member for Harbour Grace – Port de Grave, **Pam Parsons**, was appointed Deputy Chair of Committees by Resolution of the House on November 15 succeeding **Scott Reid**, MHA for St. George’s -Humber who had been appointed Parliamentary Secretary to the Minister of Forestry and Land Resources.

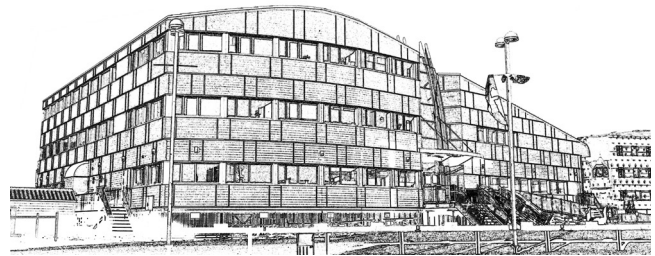
Interim report tabled

On November 21, the Privileges and Elections Committee tabled an interim report on the work done during the summer and fall toward the development of a legislature-specific harassment policy. In the report the Committee recommended that the House develop and deliver respectful workplace training to all Members. The House concurred in the report. This training, which is mandatory, will be provided by the Gardiner Centre of Memorial University before the House reconvenes in early March.

On November 20, the House adopted a resolution regarding the establishment of an all-party committee on democratic reform.

The House adjourned on December 5 to March 4, 2019.

Elizabeth Murphy
Clerk Assistant



Nunavut

House Proceedings

The fall 2018 sitting of the 2nd Session of the 5th Legislative Assembly convened on October 23, 2018 and concluded on November 8, 2018.

The proceedings of the Committee of the Whole during the fall 2018 sitting were dominated by the consideration of the government’s proposed 2019-2020 capital estimates.

Six bills received Assent during the fall 2018 sitting:

Bill 2, *Chartered Professional Accountants Act*;

Bill 9, *Appropriation (Capital) Act, 2019-2020*;

Bill 10, *Supplementary Appropriation (Capital) Act, No. 2, 2018-2019*;

Bill 11, *Supplementary Appropriation (Operations and Maintenance) Act, No. 4, 2017-2018*;

Bill 12, *An Act to Amend the Qulliq Energy Corporation Act*; and

Bill 14, *An Act to Amend Certain Acts Respecting the Terms of Office of Independent Officers of the Legislative Assembly*.

The winter 2019 sitting of the 2nd Session of the 5th Legislative Assembly is scheduled to convene on February 19, 2019.

Filling of Cabinet Vacancy

On October 25, 2018, Iqaluit-Niaqunnguut MLA **Pat Angnakak** announced her resignation from the Executive Council. Aivilik MLA **Patterk Netser** was subsequently acclaimed by the Nunavut Leadership Forum to fill the vacancy on the Executive Council. Mr. Netser, who had previously served as both a Regular MLA and a Minister during the 1st and 2nd Legislative Assemblies, was later appointed Minister responsible for the Nunavut Housing Corporation and Minister responsible for the Nunavut Arctic College by Premier **Joe Savikataaq**.

Committee Activities

From September 27, 2018, to October 2, 2018, the Legislative Assembly's Standing Committee on Oversight of Government Operations and Public Accounts held televised hearings on the most recent annual reports of the Qulliq Energy Corporation and the Legal Services Board. Committee Chairperson and Arviat North-Whale Cove MLA **John Main** subsequently presented a report on the televised hearings during the fall 2018 sitting of the House.

Canadian Radio-Television and Tele-communications Commission Renewal of Mandatory Distribution Order for the Broadcast Services of the Legislative Assembly of Nunavut and the Legislative Assembly of the Northwest Territories

On August 22, 2018, Nunavut Speaker **Joe Enook** and Northwest Territories Speaker **Jackson Lafferty** jointly issued an announcement welcoming the decision of the Canadian Radio-Television and Telecommunications Commission (CRTC) to renew the mandatory distribution order for the broadcast services of the Nunavut and Northwest Territories legislatures. The renewal has been granted without an expiry date.

Establishment of Independent Commission to Review Members' Indemnities, Allowances, Expenses and Benefits

On September 24, 2018, Speaker Enook announced appointments to the Independent Commission to Review Members' Indemnities, Allowances, Expenses and Benefits. Section 37 of the *Legislative Assembly and Executive Council Act* provides for the establishment of the Commission. The Commission is chaired by Justice **Earl Johnson**, who sat on the Nunavut Court of Justice from 2002 to 2016. The other members are **Nancy Karetak-Lindell**, former Member of Parliament for Nunavut; **Keith Peterson**, former Member of the Legislative Assembly of Nunavut and Minister of Finance; and **Ronnie Campbell**, former Assistant Auditor General of Canada.

Appointment of Integrity Commissioner

On October 23, 2018, the Legislative Assembly unanimously approved a motion recommending that **Katherine Peterson** be appointed Integrity Commissioner of Nunavut for a five-year term of office. Ms. Peterson's appointment followed the retirement of her predecessor, the **J.E. (Ted) Richard**. Ms. Peterson has had a distinguished legal career in the North that spans four decades, including service as Law Clerk and Parliamentary Counsel to the Legislative Assembly of the Northwest Territories.

Order of Nunavut

On November 8, 2018, Speaker Enook announced the opening of the annual nomination period for the Order. Speaker Enook also took the opportunity to welcome the recent approval by Her Excellency the Governor General of a federal Order in Council which amended the *Canadian Orders, Decorations and Medals Directive, 1998*, to formally recognize the medal awarded to members of the Order of Nunavut within the Order of Precedence in the Canadian Honours System.

Speaker's 7th Biennial Youth Parliament

From November 19-23, 2018, 22 high school students from across Nunavut gathered in Iqaluit to participate in the Speaker's 7th Biennial Youth Parliament. The proceedings of the November 22, 2018, sitting of the Youth Parliament were televised live across the territory. Commissioner of Nunavut **Nellie Kusugak** delivered the Opening Address to the Youth Parliament. Minister of Education and South Baffin MLA **David Joanasi** appeared before the Youth Parliament to respond to students' questions concerning his Ministerial portfolios and responsibilities.

Alex Baldwin

Office of the Legislative Assembly of Nunavut



Ontario

Back-to-work Legislation

On December 6, 2018, the Legislative Assembly of Ontario adjourned for the winter recess, scheduled to return on February 19, 2019. However, on December 15, 2018, an Order in Council was issued requesting that the Speaker reconvene the 1st Session of the 42nd Parliament at 1:00 p.m. on December 17.

The government announced that the purpose of the recall of the House was to put forward legislation that would prevent a possible upcoming strike over the Christmas holidays by the Power Workers' Union. The last collective agreement between Ontario Power Generation Inc. and the Power Workers' Union expired on March 31, 2018. The parties had been engaged in the collective bargaining process for many months, including conciliation with the assistance of the Ministry of Labour, but were unable to resolve their dispute. On December 13, 2018, the Power Workers' Union's membership did not ratify Ontario Power Generation Inc.'s final offer. On December 14, 2018, the Power Workers' Union gave notice of a strike.

On Monday, December 17, the Government introduced Bill 67, *An Act to amend the Labour Relations Act, 1995*. The House met through the week to debate Bill 67, which received Royal Assent on December 20, 2018. This same day, the House adjourned a second time for the winter recess and is scheduled to resume sitting on Tuesday, February 19, 2019.

Membership Changes

During the fall sitting period, there was a change in the distribution of seats in the House after **Jim Wilson** (MPP for Simcoe-Grey) and **Amanda Simard** (MPP for Glengarry-Prescott-Russell) ceased to be members of the Progressive Conservative Caucus. They now sit as Independent Members.

Condolences

During this period, the House expressed its condolence on the death of **Reid Scott**, Member for the Electoral District of Beaches from June 7, 1948 to October 6, 1951.

Statutory Parliamentary Officers

On November 15, 2018, Minister of Finance **Victor Fedeli** introduced Bill 57, *Restoring Trust, Transparency and Accountability Act, 2018*. This bill, which received Royal Assent on December 6, 2018, made changes to the roles and responsibilities of various Officers of the Legislature, among other things.

The *French Language Services Act* and the *Provincial Advocate for Children and Youth Act, 2007*, were amended so that duties previously associated with the positions of French Language Services Commissioner and the Provincial Advocate for Children and Youth were transferred to the Ombudsman.

The *Environmental Bill of Rights, 1993*, was also amended so that the responsibilities of the Environmental Commissioner were transferred to the Environment Minister and the Auditor General.

Standing Order Changes

The Standing Orders were amended on December 3, 2018, changing the definition of "Recognized Party" from a party caucus with eight or more members of the Legislative Assembly, to a party that has a recognized membership of at least 10 per cent of the total number of members of the Assembly. Under this Standing Order, if the party's percentage of the total number of seats is not a whole number, it shall be rounded to,

- i. the next lowest whole number, in the case of a percentage that ends in less than .5; or
- ii. the next highest whole number, in the case of a percentage that ends in .5 or more.

As it stands, there are currently 124 members of the Legislative Assembly. Therefore, to achieve recognized party status, a caucus must have 12 members.

A number of provisional changes were also made to the Standing Orders during this period, to remain in effect for the duration of the 42nd Parliament.

Committee Activities

Select Committee on Financial Transparency

On October 2, 2018, the Legislative Assembly of Ontario passed a motion to appoint a Select Committee on Financial Transparency. The Committee is authorized to consider and report to the House its observations and recommendations with respect to the report submitted by the Independent Financial Commission of Inquiry, and to investigate and report on the accounting practices, decision making and policy objectives of the previous government or any other aspect of the report that the Committee deems relevant.

From November to December, the Committee heard from a number of witnesses, including former Premier **Kathleen Wynne**, who currently sits as an Independent Member. On November 1, 2018, the Committee tabled its Interim Report and will table a Final Report on a date determined by the Committee.

Standing Committee on Finance and Economic Affairs

During the fall sitting period, the Standing Committee on Finance and Economic Affairs considered Bill 47, *An Act to amend the Employment Standards Act, 2000, the Labour Relations Act, 1995 and the Ontario College of Trades and Apprenticeship Act, 2009 and make complementary amendments to other Acts*. Among other things, Bill 47 repealed an increase to the provincial minimum wage that would have come into effect on January 1, 2019. Following one day of public hearings and one day of

clause-by-clause consideration, Bill 47 was reported back to the House as amended on November 20, 2018 and received Royal Assent on November 21, 2018.

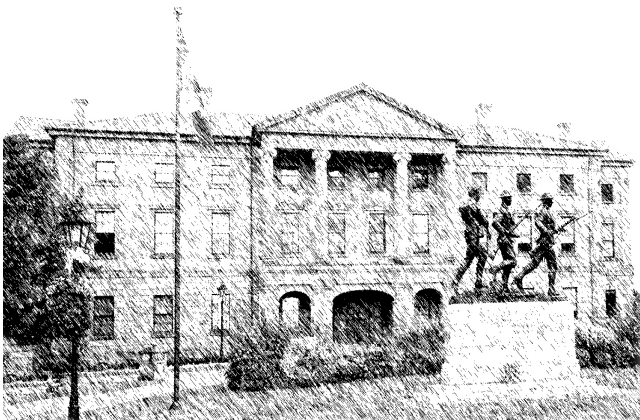
Standing Committee on the Legislative Assembly

The Standing Committee on the Legislative Assembly met pursuant to its permanent mandate, to consider the Assembly's television broadcast system and guidelines. **Todd Decker**, Clerk of the Legislative Assembly of Ontario and **Michael Donofrio**, Director, Broadcast and Recording Service appeared before the Committee to answer questions on the televising of legislative proceedings and on the guidelines established by the House with respect to the television broadcast system. The Committee also discussed renewing its predecessor's review of e-petitions.

The Standing Committee on Social Policy

The Standing Committee on Social Policy met to consider Bill 34, *An Act to repeal the Green Energy Act, 2009 and to amend the Electricity Act, 1998, the Environmental Protection Act, the Planning Act and various other statutes*. Following two days of public hearings and one day of clause-by-clause consideration, the Committee reported the bill back to the House without amendments. Once reported back, the bill was immediately ordered for Third Reading pursuant to an Order of the House. After five days of debate at Third Reading, the bill carried on recorded division and received Royal Assent on December 6, 2018.

Jocelyn McCauley
Committee Clerk



Prince Edward Island

Third Session, Sixty-fifth General Assembly

The Third Session of the Sixty-fifth General Assembly resumed on November 13, 2018, and

adjourned to the call of the Speaker on December 5, for a fall sitting totaling 14 days. The Third Session began in November, 2017, and now totals 75 sitting days.

Capital Budget

A \$156 million Capital Budget was tabled in the Assembly on November 16, 2018. The largest areas of spending are directed toward highways, healthcare facilities, and school construction/renovation in the Departments of Transportation, Infrastructure and Energy; Health PEI; and Education, Early Learning and Culture, respectively. The 2019-2020 capital budget forms the highest single year of spending in the 2019-2024 five-year capital plan, which totals \$610 million.

Bills Reviewed

Twenty-eight bills were passed during the fall sitting. Of these, 24 were Government bills, the majority of which amended existing legislation. Bill 41, *Post-Secondary Institutions Sexual Violence Policies Act* requires the University of Prince Edward Island, Holland College, Collège de l'Île and any other post-secondary institution named in the regulations to establish a sexual violence policy addressing matters such as awareness, consent, prevention, reporting, student input and cultural sensitivity. Bill 50, *Justice of the Peace Act*, establishes a framework for the appointment, remuneration, jurisdiction, and function of justices of the peace, as well as a complaints process in regard to their conduct. Bill 57, *An Act to Amend the Income Tax Act (No. 2)*, raised the basic personal income tax amount. Bill 62, *Climate Leadership Act*, implemented carbon pricing as part of the province's Climate Action Plan.

Several Private Members' bills were also introduced during the fall sitting by members of the Official Opposition, the Third Party, and the Independent member. Of these, three passed through all stages and received Royal Assent. Bill 110, *Mandatory Sexual Assault Law Education Act*, requires judges appointed to the Provincial Court to engage in continuing education in sexual assault law, including evidentiary prohibitions, principles of consent, the conduct of sexual assault proceedings, and myths and stereotypes associated with sexual assault complainants. Bill 123, *An Act to Amend the Innovation PEI Act*, adds creative and cultural industries, and clean technology, to the list of strategic economic sectors identified in the Act to ensure they receive appropriate support and development. Bill 127, *Autism Secretariat Act* (amended to be titled *Autism Coordination Act*), aims to promote better coordination in the delivery of services for Islanders living with autism spectrum disorder.

Speaker's Rulings

On November 20, 2018, **Speaker Francis (Buck) Watts** issued rulings on points of order and privilege. On prior sitting days, **Hannah Bell**, the Member for Charlottetown – Parkdale, and Minister of Education, Early Learning and Culture **Jordan Brown**, had separately raised points of order in objection to the term “misleading” being used in reference to another member. Speaker Watts reminded members that language used in debate ought to be temperate and worthy of the place in which it is spoken, and insisted that members refrain from using language likely to cause disorder. Speaker Watts also responded to a point of privilege raised by Mr. Brown in objection to a statement given by Ms. Bell, which Minister Brown asserted to be “mean-spirited” and “unfair”. Quoting *Beauchesne's Parliamentary Rules and Forms*, the Speaker reminded the House that “something can be inflammatory, can be disagreeable, can even be offensive, but it may not be a question of privilege unless the comment actually impinges upon the ability of [members] to do their job properly”. Thus he did not find the complaint to be a privilege matter.

On November 22, 2018, Speaker Watts issued a ruling on point of privilege raised by Minister of Transportation, Infrastructure and Energy **Paula Biggar** in objection to the words “broke the law” and “illegally” used by **Steven Myers**, the Member for Georgetown – St. Peters, in reference to actions of the Minister. While the Speaker did not find the words constituted a breach of privilege, he did find them to be contrary to the Assembly's rule that “No member shall use language or words offensive toward the House or any member”. He asked Mr. Myers to withdraw the words, and Mr. Myers did so.

On December 5, 2018, Speaker Watts provided clarification on the procedure for recorded divisions. On the previous sitting day Mr. Brown had asked whether a member who returned to the Chamber after a recorded division had commenced could properly vote in the division, as **Jamie Fox**, the member for Borden – Kinkora, had arrived late for a recorded division (though he abstained from voting). The Speaker reviewed for the House the rule addressing the recorded division procedure and the established order in which the Clerk is to consider members rising to vote. He clarified that for a member to register a vote, he or she must be at his or her seat when the Clerk arrives upon it for consideration. A member may take his or her place after the division has begun and still vote provided that the Clerk has not already passed by in the order of consideration. Speaker Watts also

reminded members that points of order or privilege ought not to be raised during a division, but rather wait until it is complete.

Parliamentary Visit from Turks and Caicos Islands House of Assembly

From December 3-7, 2018, the Legislative Assembly of PEI hosted Speaker of the House of Assembly of Turks and Caicos Islands **Dwayne S. Taylor**, and Opposition Appointed Member **Royal S. Robinson**. This was the first official visit of Turks and Caicos Islands representatives to PEI since the legislatures of the two jurisdictions signed a Parliamentary Partnership Agreement in 2016. The agreement aims to promote a sharing of best practices and expertise between the parliaments in areas of common interest. During their visit, Speaker Taylor and Mr. Robinson met with Lieutenant Governor **Antoinette Perry**; Speaker Watts, Clerk **Charles MacKay**, and other legislative officers and staff; Premier **H. Wade MacLauchlan**, Opposition Leader **James Aylward**, Leader of the Third Party **Peter Bevan-Baker**; and Ministers **Robert Henderson** and **Robert Mitchell**. They took in legislative proceedings on multiple days, and had many discussions with members and personnel of the PEI legislature on legislative procedures, operations, services, and the overall system of government. PEI representatives had visited the Turks and Caicos House of Assembly in early 2018, and further opportunities to share experiences and expertise between the two parliaments are anticipated.

Referendum Commissioner Appointed

On November 28, 2018, the Legislative Assembly, acting on the recommendation of the Standing Committee on Legislative Management, appointed **Gerard Mitchell** as Referendum Commissioner under the *Electoral System Referendum Act*. Under the Act, PEI is set to have a referendum on the provincial voting system, which will be held in conjunction with the next general election. The referendum question shall be “Should Prince Edward Island change its voting system to a mixed member proportional voting system?” The Referendum Commissioner is tasked with public education and information programs related to the referendum, registration of referendum advertisers, announcing the referendum results, and delivering a report on the referendum to the Speaker. Mr. Mitchell is a retired Chief Justice and former Police Commissioner.

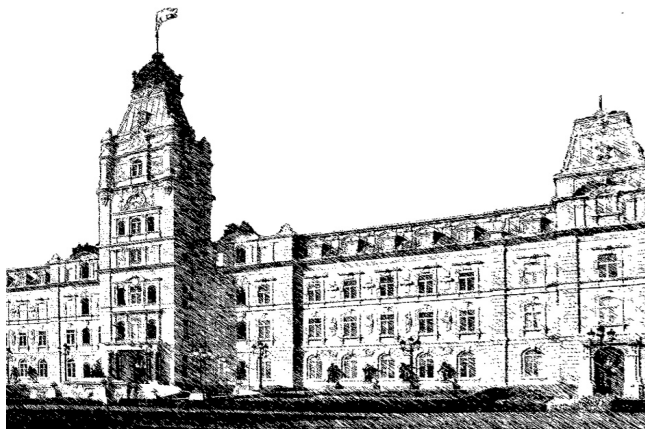
New Clerk of the Legislative Assembly

On November, 28, 2018, the Legislative Assembly, acting on the recommendation of the Standing

Committee on Legislative Management, appointed **Joey Jeffrey** as Clerk of the Legislative Assembly effective March 30, 2019. Mr. Jeffrey shall assume the role upon the retirement of **Charles MacKay**, who has been Clerk for 18 years and an employee of the Assembly for 33 years. Mr. Jeffrey has served as the Legislative Assembly's Director of Corporate Services since 2012, and is the Executive Director of the Canadian Association of Parliamentary Administration (CAPA). During the fall sitting many members rose to thank Mr. MacKay for his dedication and guidance over the years, and to congratulate Mr. Jeffrey.

Ryan Reddin

Clerk Assistant – Research and Committees



Québec

Proceedings of the National Assembly

General election and recognition of parliamentary groups forming the Second and Third Opposition

Following the general election of October 1, 2018, the new composition of the Assembly was as follows: Coalition Avenir Québec, 74 Members; Québec Liberal Party, 31 Members; Parti Québécois, 10 Members; and Québec Solidaire, 10 Members. The Coalition Avenir Québec thus forms the Government for the first time since its founding. Among the 125 elected representatives, there were, at that date, 71 new Members, including 66 for whom it was the first term of office.

Given the election results, discussions were held between the political parties represented in the Assembly to reach an agreement notably on the

concept of parliamentary group. In accordance with the criteria set out in the Standing Orders of the National Assembly, that is, to have had twelve or more Members returned to the Assembly or to have received 20 per cent or more of the popular vote in the most recent general election, only Coalition Avenir Québec and the Québec Liberal Party had parliamentary group status.

Thus, at the conclusion of discussions, the parties agreed, among other things, that for the duration of the 42nd Legislature, the Parti Québécois and Québec Solidaire would be recognized as the Second Opposition Group and the Third Opposition Group respectively. The Parti Québécois and Québec Solidaire each had 10 Members elected and received 17.06 per cent and 16.10 per cent of the popular vote respectively. Since both have the same number of Members, the difference in the percentage of votes received was considered to establish which of the two parties would be recognized as the Second and Third Opposition Group. Temporary amendments to the Standing Orders and the Rules for the Conduct of Proceedings of the National Assembly were approved on November 29, 2018, by a motion carried in the House. The National Assembly now has, for the duration of the 42nd Legislature, three opposition groups, namely: the group forming the Official Opposition (Québec Liberal Party), the Second Opposition Group (Parti Québécois) and the Third Opposition Group (Québec Solidaire).

Change in the composition of the Assembly and parliamentary and ministerial offices

On October 18, 2018, the new Premier of Québec, **François Legault** (L'Assomption), unveiled his gender-balanced 26-member Cabinet. The offices of House Leader and Chief Government Whip were assigned respectively to **Simon Jolin-Barrette** (Borduas) and **Éric Lefebvre** (Arthabaska).

Following the general election, outgoing Premier **Philippe Couillard** (Roberval) announced his retirement from politics; his resignation as MNA took effect on October 9, 2018. On October 18, 2018, the Québec Liberal Party caucus appointed **Pierre Arcand** (Mont-Royal–Outremont) as Leader of the Official Opposition. He in turn appointed **Sébastien Proulx** (Jean-Talon) and **Nicole Ménard** (Laporte) as Official Opposition House Leader and Chief Official Opposition Whip respectively.

Following the agreement on the recognition of parliamentary groups, **Pascal Bérubé** (Matane-Matapédia) and **Martin Ouellet** (René-Lévesque) were appointed as Leader and House Leader of the Second

Opposition Group respectively, while **Manon Massé** (Sainte-Marie–Saint-Jacques) and **Gabriel Nadeau-Dubois (Gouin)** were, for their part, named Leader and House Leader of the Third Opposition Group.

Moreover, **Guy Ouellette** (Chomedey) ceased to be a member of the caucus of the parliamentary group forming the Official Opposition on October 5, 2018. He now sits as an independent Member.

Also, the by-election held on December 10, 2018, in the electoral division of Roberval was won by Government party candidate **Nancy Guillemette**. The National Assembly is now composed of 75 Coalition Avenir Québec Members, 29 Québec Liberal Party Members, 10 Parti Québécois Members, 10 Québec Solidaire Members, and one independent Member.

New President of the National Assembly

On November 27, 2018, the National Assembly convened for the opening of the First Session of the 42nd Legislature. **François Paradis** (Lévis) being the only candidate for the office of President, he was declared elected as 46th President of the National Assembly.

Holder of a bachelor's degree in political science and journalism from Laval University, Mr. Paradis worked in the field of journalism and public affairs before being elected for the first time in the riding of Lévis, in the by-election held on October 20, 2014. He became the Second Opposition Group critic for health and social services as well as critic for seniors.

During the same sitting, **Marc Picard** (Chutes-de-la-Chaudière) was elected First Vice-President, **Chantal Soucy** (Saint-Hyacinthe) was elected Second Vice-President and **Maryse Gaudreault** (Hull), Third Vice-President. The Standing Orders of the National Assembly provide that the First and Second Vice-Presidents shall be elected from among the Members of the parliamentary group forming the Government and the Third Vice-President shall be elected from among those of the parliamentary group forming the Official Opposition.

Opening Speech debate and legislative agenda

Both weeks that the House sat before the holiday adjournment on December 7, 2018, were devoted essentially to the Opening Speech debate. At the last sitting, the Assembly held the deferred divisions on the motions stating a grievance moved within the framework of this debate and on the motion by the Premier, "That this Assembly approves the general policy of the Government".

Despite the short fall sessional period, five bills were introduced:

Bill 2 – *An Act to tighten the regulation of cannabis*

Bill 191 – *An Act to amend the Act respecting the National Assembly to prescribe the publication of information on the use of the amounts granted to Members in the performance of their duties*

Bill 3 – *An Act to establish a single school tax rate*

Bill 4 – *An Act to ratify the Agreement relating to the concept of parliamentary group, to the conduct of proceedings in the Assembly and in parliamentary committees as well as to budgetary aspects for the duration of the 42nd Legislature*

Bill 190 – *An Act to exclude child support payments from income calculation under various social laws*

Ruling and directive from the Chair

On December 7, 2018, the Chair handed down a ruling on a point of privilege raised by the Official Opposition House Leader, on November 29, 2018. The Official Opposition House Leader alleged that the Premier and his cabinet acted in contempt of Parliament by forwarding his entire Opening Speech to journalists, whereas he had just begun to deliver it in the National Assembly Chamber.

The Chair pointed out that this was the first point of privilege raised in the National Assembly with regard to disclosure of the content of the Opening Speech of the Session. However, in 2012, in response to a request for a directive, the Chair had recalled the principles governing delivery of the Opening Speech of the Session. The Chair had highlighted the importance of the parliamentary principle holding that the Government's general policy directions must be disclosed to the Members in the House before third parties are informed thereof. This principle reaffirms the executive power's respect for the legislative power and respect for the Members' role as overseers of government action.

The Chair noted Canadian parliamentary jurisprudence concerning premature disclosure of the Throne Speech—the equivalent to the National Assembly's Opening Speech of the Session—which concluded that such disclosure did not constitute a breach of parliamentary privilege. It also drew a parallel with the secrecy surrounding the Budget Speech's delivery which, in the opinion of Assembly Speakers having ruled on the matter, was more a matter of parliamentary custom than one of privilege. With regard to Québec parliamentary jurisprudence, in the past, the Chair of the National Assembly has held that a Budget Speech-related leak falls outside the scope of parliamentary privilege.

The Chair therefore considered it inappropriate to differentiate between a Budget Speech leak and premature disclosure of the Opening Speech of the Session. However, the Chair stressed that, while premature disclosure of the Opening Speech of the Session does not fall within the scope of parliamentary privilege, this in no way diminishes its importance.

The Chair thus considered that the Opening Speech of the Session should not have been given to journalists before it was presented to the Members. In this respect, as in the past, the Chair underscored that certain information must be communicated to the Members before being forwarded to third parties. This is true for bills, reports to be tabled in the Assembly and written questions to be entered in the Order Paper and Notices. The Opening Speech of the Session is now added to this list. It is a matter of deference to the Members and respect for the important duties they perform.

During the same sitting, the President issued a directive on a question raised by the House Leader of the Second Opposition Group, on December 4, 2018, regarding the announcement, by a Government Member, of the holding of a parliamentary committee on the future of information in Québec before the parliamentary committee had ruled on this proposed order of initiative.

Though our parliamentary jurisprudence contains no precedent that specifically addresses a case like the one for which this directive was requested, the Chair considered that parallels could be drawn with numerous rulings on presuming passage of a bill or knowingly invoking legislative provisions that have not yet been passed. On both of these points, jurisprudence is clear and consistent: invoking legislative provisions that are still undergoing consideration in the National Assembly in order to take action or implying that a bill has force of law in public comments or communications could constitute contempt of Parliament.

Whenever such an issue has been submitted to the Chair, the latter has recognized the Government's right and duty to inform citizens, but also the requirement that such communications reflect respect for and deference to the Assembly and its Members.

The Chair recalled that parliamentary committees adopt proposed orders of initiative if a majority of the members from each parliamentary group has voted in its favour. The Government, therefore, cannot impose an order of initiative on a given matter on a committee. The Chair further pointed out that an announcement like the one made on November 30, 2018, creates confusion as to the Government's involvement in

a procedure available to the Members sitting on a committee. The Chair indicated that, despite the intention voiced by the Minister, the competent committee would maintain its full autonomy and its ability to freely decide when the proposed order of initiative was officially submitted to it.

Other events

Bernard Landry, Premier of Québec from 2001 to 2003, passed away on November 6, 2018. The following Saturday, citizens came to the Parliament Building to express their condolences to his family and friends as he lay in state in the Legislative Council Chamber. Mr. Landry was the Member for Fabre from 1976 to 1981, for Laval-des-Rapides from 1981 to 1985, and for Verchères from 1994 to 2005.

Committee proceedings

Agreement for the duration of the 42nd Legislature

As mentioned previously, the parliamentary groups reached an agreement regarding the concept of parliamentary group, the conduct of proceedings in the Assembly and in parliamentary committees, and budgetary aspects for the duration of the 42nd Legislature. Notwithstanding the recognition of the Parti Québécois and Québec Solidaire as parliamentary groups, this agreement led to the adoption of temporary amendments to the Standing Orders of the National Assembly (SO) and to its Rules for the Conduct of Proceedings concerning parliamentary committees:

- Membership of committees: for the duration of the 42nd Legislature, each committee shall consist of 13 Members instead of 10 or 12, including seven Members from the parliamentary group forming the Government, four Members from the Official Opposition, one Member from the Second Opposition Group and one Member from the Third Opposition Group. When an independent Member serves as a committee member, such committee shall consist of fifteen members, thus adding the independent Member and a Member from the parliamentary group forming the Government to the committee membership.

- Vice-chairs of committees: the Committee on Public Administration and the Committee on Labour and the Economy shall each have a second vice-chair from the Second Opposition Group.

- Temporary chairs: the list of temporary chairs consists of 10 Members from the parliamentary group forming the Government and five Members from the Official Opposition. These Members may preside over committee debates when the committee chair and vice-chair are unavailable.

COMMITTEES	CHAIR	VICE-CHAIR(S)
Committee on Public Administration (CAP)	Mr. LEITÃO, Carlos J. (Robert-Baldwin)	Mr. CARON, Vincent (Portneuf) Mr. GAUDREAU, Sylvain (Jonquière)
Committee on Agriculture, Fisheries, Energy and Natural Resources (CAPERN)	Mr. LEMAY Mathieu (Masson)	Ms. MONTPETIT, Marie. (Maurice-Richard)
Committee on Planning and the Public Domain (CAT)	Ms. THÉRIAULT, Lise (Anjou-Louis-Riel)	Ms. DANSEREAU, Suzanne (Verchères)
Committee on Culture and Education (CCE)	Mr. TANGUAY, Marc (LaFontaine)	Mr. ASSELIN, Mario (Vanier-Les Rivières)
Committee on Labour and the Economy (CET)	Ms. ISABELLE, Claire (Huntingdon)	Mr. ROUSSELLE, Jean (Vimont) Ms. RICHARD, Lorraine (Duplessis)
Committee on Public Finance (CFP)	Mr. SIMARD, Jean-François (Montmorency)	Mr. FORTIN, André (Pontiac)
Committee on Institutions (CI)	Mr. CHARETTE, Benoît (Deux-Montagnes)	Ms. ANGLADE, Dominique (Saint-Henri-Sainte-Anne)
Committee on Citizen Relations (CRC)	Mr. BACHAND, André (Richmond)	Ms. SAUVÉ, Monique (Fabre)
Committee on Health and Social Services (CSSS)	Mr. PROVENÇAL, Luc (Beauce-Nord)	Ms. DAVID, Hélène (Marguerite-Bourgeoys)
Committee on Transportation and the Environment (CTE)	Ms. ST-PIERRE, Christine (Acadie)	Ms. GRONDIN, Agnès (Argenteuil)

- Allocation of speaking time in committee: during mandates in which each parliamentary group has a limited amount of speaking time (example: public hearings and continuation of the debate on the Budget Speech), it was agreed that speaking time be allocated as follows: 50% to the parliamentary group forming the Government and 50% to the opposition groups, allocated among them according to the relative importance (number of Members) of each opposition group within the committee.

The Agreement is available on the Assembly website at the following address (in French only):

http://www.assnat.qc.ca/Media/Process.aspx?MediaId=ANQ.Vigie.Bll.DocumentGenerique_

141185&process=Original&token=ZyMoxNwUn8ikQ+TRKYwPCjWrKwg+vIv9rjj7p3xLGTZDmLVSmJLoqe/vG7/YWzz

Committee membership for the duration of the 42nd Legislature

Pursuant to Standing Order 127, the Committee on the National Assembly (CAN) met on Friday, November 30, 2018, to form the parliamentary committees. At this sitting, the CAN members established the membership of several committees and chose those that will be chaired by a member of the parliamentary group forming the Government and those that will be chaired by a member of the Official Opposition. They also adopted the list of temporary

chairmen, while observing the allocation set forth in the Agreement, and set the date of the first meeting of the committees to allow their members to elect their respective chairs and vice-chairs.

Election of committee chairs and vice-chairs

On December 4, 2018, the members of each parliamentary committee convened for their first meeting to elect their respective chairs and vice-chairs. Pursuant to Standing Order 136, the President of the National Assembly took the chair of each committee for the election of its chair. The newly-elected committee chair then presided at the election of the vice-chair(s). It should be noted that no member of any committee can be deemed elected its chair or vice-chair unless a majority of the members thereof from each parliamentary group has voted in his or her favour. Specifically, the appointments can be found in the table on page 66.

Stéphanie Labbé

General Directorate for Parliamentary Affairs
Sittings Service

Sabine Mekki

General Directorate for Parliamentary Affairs
Committees Service



Senate

Legislation

On October 25, the following bills received Royal Assent by written declaration: C-65 – amending the *Canada Labour Code (harassment and violence)*, the *Parliamentary Employment and Staff Relations Act* and the *Budget Implementation Act, 2017, No. 1*; and C-79 – implementing the Comprehensive and Progressive Agreement for Trans-Pacific Partnership between

Canada, Australia, Brunei, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam. The following bills also received Royal Assent by written declaration on November 26: C-62 – amending the *Federal Public Sector Labour Relations Act* and other Acts; and C-89 – providing for the resumption and continuation of postal services.

A traditional Royal Assent ceremony was held in the Senate on December 13. Her Excellency the Governor General gave Royal Assent to the following bills: C-21 – amending the *Customs Act*; C-47 – amending the *Export and Import Permits Act* and the *Criminal Code (permitting accession to the Arms Trade Treaty and other amendments)*; C-51 – amending the *Criminal Code* and the *Department of Justice Act* and to make consequential amendments to another Act; C-86 – *Budget Implementation Act 2018; No. 2*; C-76 – amending the *Canada Elections Act* and other Acts and to make certain consequential amendments; and C-90 – *Appropriation Act 2018-19, No. 3*.

Chamber, Procedure and Speaker's Rulings

On October 2, a point of order was raised concerning the relevance of debate. The senator who had the floor when the point of order was raised was speaking to a subamendment and referred to the main motion. The Speaker stated that a fair amount of leeway is afforded senators when speaking to amendments and subamendments given that they relate to a main motion. The Speaker ruled that the senator could continue with his intervention in order to hear how it would unfold.

On November 8, the Speaker ruled on a question of privilege raised by Senator **Dennis Patterson** on November 1 in relation to events that took place at the Annual General Meeting of the Canadian NATO Parliamentary Association. The main concern raised was that the meeting was not conducted in accordance with the constitution of the Association.

The Speaker found that one of the four criteria for a question of privilege to be accorded priority was met, namely that a question must “be raised at the earliest opportunity”. He then addressed the criterion that a question “be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available.” He quoted a previous ruling from 2012 concerning the adjournment of a committee meeting stating: “[i]n this case, the action of the committee chair in adjourning the meeting without verifying if there was other business is really one of order and, as such, there is another reasonable parliamentary process available. The

matter could be raised as a point of order in committee, where it can be dealt with more effectively.” While recognizing the differences between a parliamentary committee and an association, the Speaker stated that this precedent provided useful guidance as to how the matter at issue may be addressed, whereby procedural mechanisms available at the next meeting of the Association would be more appropriate.

The Speaker further indicated that the Joint Inter-parliamentary Council and the Senate’s Committee on Internal Economy, Budgets and Administration are two bodies that could undertake this work. He concluded that there are more appropriate avenues for the matter to be addressed and ruled that Senator Patterson’s question of privilege did not satisfy the criteria of rule 13-2(1)(d). As a question of privilege must meet all four criteria of rule 13-2(1), it was unnecessary for the Speaker to address the other two.

On December 11, a point of order was raised with respect to the determination of the length of the bells before a standing vote. The Speaker took the opportunity to provide a more fulsome explanation of rule 9-5, which requires a one-hour bell unless there is an agreement between the government liaison and the opposition whip. Such an agreement must be endorsed by the unanimous consent of all senators present. If a senator objects, then the default is a one-hour bell. The Speaker cautioned senators to ensure they are heard as it was his understanding, in this case, that there was an agreement for a 15-minute bell.

Senators

The Upper Chamber welcomed five new Senators on October 16. Senator **Paula Simons**, who was appointed to represent Alberta, is an award-winning journalist and author. Senator **Patti LaBoucane-Benson**, who was also appointed to represent Alberta, has a Ph.D. in Human Ecology and has spent most of her career with Native Counselling Services of Alberta. She is a proud Métis and has dedicated her life to helping Indigenous families. Senator **Peter M. Boehm**, from Ontario, holds a Ph.D. in History and is a career foreign service officer, who most recently served as Deputy Minister for the G7 Summit in 2017. Senator **Josée Forest-Niesing**, representing Ontario, is a Franco-Ontarian lawyer who has defended and promoted access to justice in both official languages throughout her career, and served on the board of directors of numerous organizations in Sudbury. Senator **Brian Francis**, who was appointed to represent Prince-Edward Island, is a leader of the Mi’kmaq community and current Chief of the Abegweit Mi’kmaq Nation, with experience working with all levels of government to advance social and economic development in his community.

On December 12, the appointment of four additional senators was announced. **Rosemary Moodie** will represent Ontario, **Stanley Paul Kutcher** will represent Nova Scotia, **Patricia Jane Duncan** will represent Yukon, and **Margaret Dawn Anderson** will represent the Northwest Territories. The four newest senators were to be sworn-in when the Senate resumed sitting in February 2019, which will bring the total number of senators up to 105 for the first time since 2010.

Committees

On December 5, the 11th report of the Standing Senate Committee on Fisheries and Oceans entitled *When Every Minutes Counts – Maritime Search and Rescue* was adopted and a government response was requested.

The Senate resolved itself into a Committee of the Whole on two occasions in November to consider legislation, which has been a rare occurrence. On November 6, a Committee of the Whole considered the subject matter of Bill C-76, *An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments*. The Committee heard from **Stéphane Perrault** and **Yves Côté**, the Chief Electoral Officer and the Commissioner of Canada Elections, respectively, who were accompanied by senior officials.

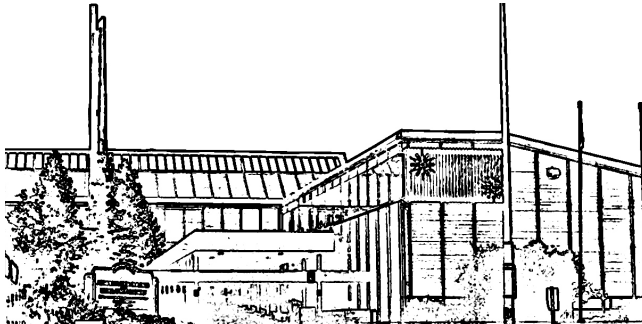
During a rare weekend sitting, on Saturday, November 24, the Senate resolved into a Committee of the Whole to consider Bill C-89, *An Act to provide for the resumption and continuation of postal services*. To begin, the Committee heard from **Patricia Hajdu**, Minister of Employment, Workforce Development and Labour, and **Carla Qualtrough**, Minister of Public Services and Procurement and Accessibility, and senior officials. They were followed by **Jessica McDonald**, Chair of the Board of Directors and Interim President and CEO, Canada Post, and afterward **Mike Palecek**, President, Canadian Union of Postal Workers, appeared as a witness. The Committee of the Whole then proceeded to clause-by-clause consideration of the Bill, which was adopted without amendment and put on the Orders of the Day for third reading at the next sitting.

Closure of the Centre Block

The sitting of Thursday, December 13, marked the final sitting in the Centre Block before it closes for major renovations for the next 10 years. The Speaker underscored the occasion when expressing his holiday wishes to senators and staff, noting that “All employees and parliamentarians, past and present, feel a very deep connection to this place.” On the previous day a final official photograph in the Senate

Chamber was taken. When the Senate resumes sitting in 2019, it will be in the Senate of Canada Building, which was renovated and formerly known as the Government Conference Centre and before that was Ottawa's train station.

Max Hollins
Procedural Clerk



Yukon

40th Anniversary of Party Politics

On December 13, Speaker **Nils Clarke** hosted a celebration of the 40th anniversary of territorial party politics in Yukon. Through a post on the Legislative Assembly's Facebook page, Speaker Clarke had issued an invitation to the event to all Yukoners. The post noted, "The move to party politics was an important step in Yukon's evolution toward greater political autonomy and responsible government". As well, it observed, "The Assembly that gathered on December 13, 1978 also included the first two First Nations candidates elected to the Legislative Assembly."

The celebration, held in the lobby of the Yukon government administration building (the building in which the Legislative Assembly Chamber is situated) marked the anniversary of the first meeting of the 24th Yukon Legislative Assembly. Although the Territorial Council (as it was then known) has been a fully elected body since 1909, it was not until the November 20, 1978 general election that candidates officially ran under party banners and the resultant Legislative Assembly organized its proceedings along party lines.

Speaker Clarke, former Commissioner **Doug Bell**, Premier **Sandy Silver**, former Clerk **Patrick Michael**, Official Opposition MLA and former Commissioner **Geraldine Van Bibber**, and Third Party Leader **Liz Hanson**, delivered remarks. Among the many current and former MLAs attending the event were former Premiers **Dennis Fentie**, **Pat Duncan** -- who had just

been appointed Yukon's senator the previous day -- and **Piers Macdonald**. Former Speakers **Patti McLeod** (a current MLA), **Dave Laxton**, **Ted Staffen**, **Robert Bruce**, and **Sam Johnston**, the first First Nations Speaker of a Legislative Assembly in Canada, were also in attendance. Also present were Yukon Commissioner **Angélique Bernard**, and former commissioners **Ione Christensen** (the Commissioner at the time of the introduction of party politics), Ken McKinnon and Jack Cable. **Alice McGuire**, one of the first two First Nations MLAs, also attended the function (**Grafton Njootli** had passed away). Current Clerk **Floyd McCormick**, and former Sergeant-at-Arms **Rudy Couture**, were also present.

A December 28 article in the *Whitehorse Star* noted, "That celebration was at the heart of a gathering that featured a who's who of Yukon Politics....It truly was a family affair, with those who played pivotal roles since the introduction of party politics into the Yukon rubbing elbows with current MLAs, officials and civil servants."

Fall Sitting

The 2018 Fall Sitting of the Second Session of the 34th Legislative Assembly concluded on November 22, after 30 sitting days. The Sitting had commenced on October 1.

Government bills assented to

During the Sitting, the following government bills passed the House and were assented to by Commissioner Bernard:

Bill No. 20, *Societies Act*

Bill No. 21, *Equality of Spouses Statute Law Amendment Act*

Bill No. 22, *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*

Bill No. 23, *Lobbyists Registration Act*

Bill No. 24, *Access to Information and Protection of Privacy Act*

Bill No. 25, *Act to Amend the Legislative Assembly Act (2018)*

Bill No. 26, *Technical Amendments Act (No. 2), 2018*

Bill No. 27, *Coroners Act*

Bill No. 207, *Second Appropriation Act, 2018-19*

No private members' bills were introduced or called for debate during the 2018 Fall Sitting.

Government bill negatived

On October 4, Bill No. 19, *Electoral District Boundaries Act* was introduced by Premier Silver. The introduction

of the bill met the requirement in the *Elections Act* that the government introduce a bill to put into effect the boundaries recommended by the Yukon Electoral Boundaries Commission (“the Commission”) by the end of the Sitting that follows the report’s tabling (the Commission’s final report had been tabled on April 19, during the Spring Sitting). As detailed previously, in response to feedback the Commission received following the release of the Commission’s November 2017 interim report, the final report recommended (unlike the interim version) the addition of a new 20th riding. The proposed new riding would be situated in a rural area.

On November 19, Premier Silver moved second reading of Bill No. 19, *Electoral District Boundaries Act*, which was defeated on division, following debate. It had been unprecedented in Yukon for a government bill to be defeated. Government MLAs, who comprise a majority of the membership of the current Legislative Assembly, voted en masse against the motion for second reading of the Bill No. 19. Official Opposition Leader **Stacey Hassard** indicated his caucus would have a free vote on the electoral boundaries bill; with the exception of one member, the Official Opposition caucus voted in favour of the motion for second reading, as did both members of the Third Party caucus.

During second reading debate, Premier Silver reviewed reasons that the government side would be voting against the bill, including “a lack of consultation (about the proposed addition of a new riding); additional costs as a result of an additional 20th MLA; and, quite simply, the lack of demand for more politicians.”

The following day, Ms. Hanson, Leader of the Third Party, gave notice of a motion (Motion No. 391) urging the government to clarify the manner in which it “... intends to fulfill the obligations set out in Yukon’s *Elections Act* to ensure fair representation of the Yukon electorate and to make proposals to the Legislative Assembly as to the boundaries, number and names of electoral districts for the next two Yukon general elections”, in light of Bill No. 19’s defeat.

NDP leader stepping down

On November 21, Ms. Hanson, leader of the Third Party, announced her plans to step down as leader via the party’s Facebook page. “I have agreed to continue to serve as leader of the Yukon NDP until my successor is chosen. I will also continue to proudly represent the citizens of Whitehorse Centre who first granted me the privilege of representing them in (the by-election of) December 2010.” On September 26, 2009, Ms. Hanson

had been acclaimed as party leader at the Yukon NDP’s convention. On taking her seat in the House in February 2011, Ms. Hanson assumed the role of Leader of the Third Party for the duration of the 32nd Legislative Assembly. Ms. Hanson was re-elected in the October 2011 general election, and served as the Leader of the Official Opposition throughout the 33rd Legislative Assembly.

As of the time of writing, the date for the NDP leadership convention has not been announced.

Yukon’s new Senator

On December 12, Prime Minister Trudeau announced that Governor General **Julie Payette** had appointed **Pat Duncan** as an independent senator to fill the Yukon vacancy in the Senate. Yukon had been without a senator since the retirement of senator **Daniel Lang** on August 15, 2017.

Ms. Duncan had been a Yukon MLA from 1996 to 2006, during which time she had held various roles, including serving as Premier from 2000-2002. Ms. Duncan was Yukon’s first female Premier as well as the territory’s first Liberal Premier.

The Prime Minister’s December 12 news release noted that Ms. Duncan possesses “extensive experience in business and as a public servant in the community” and that she has made many contributions in Yukon through her considerable volunteer work. Since 2015, Ms. Duncan had served as the manager of the Yukon Workers’ Advocate office in the territorial government.

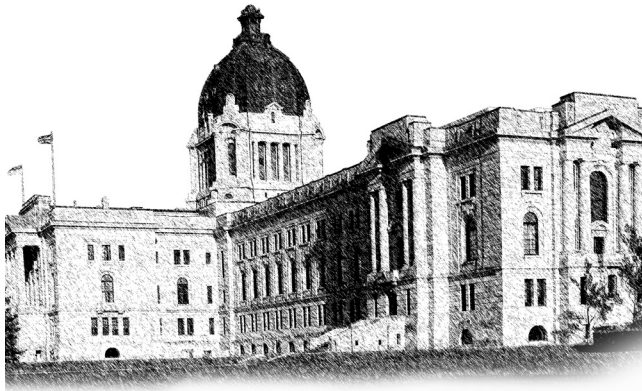
On the same day that Ms. Duncan’s appointment to the Senate was announced, Premier Silver released a statement congratulating her. In the statement, the Premier observed, “Yukon representation on the Senate of Canada is important to Yukon ... Ms. Duncan’s appointment will provide the opportunity to ensure a strong voice for Yukoners and see to it that Yukon’s perspective is heard...”

First Nations ceremony in Chamber

At the outset of the sitting day on November 13, a unique First Nations tribute honouring the late **Doris McLean**, Sergeant-at-Arms from July 2016 to September 30, 2017, and Deputy Sergeant-at-Arms from 2003-2016, was performed on the floor of the House. The tribute, a “cry song”, was delivered by the Dakhká Khwáan Dancers, an Inland Tlingit dance troupe that Ms. McLean, a respected elder and former Chief of the Carcross/Tagish First Nation, had founded in 2007. Before the ceremony began, Speaker Clarke paid tribute to Ms. McLean, and explained the purpose of the ceremony and the cry song; Speaker Clarke

noted that this explanation had been provided by Ms. McLean's daughter, **Marilyn Jensen**, who was one of the people taking part in the ceremony. Photos of the ceremony were posted on the Assembly's Facebook page.

Linda Kolody
Deputy Clerk



Saskatchewan

Fall sitting of the third session of the twenty-eighth Legislature

The third session of the twenty-eighth Legislature was opened on October 24, 2018 by **W. Thomas Molloy**, Lieutenant Governor of Saskatchewan, who delivered his first Speech from the Throne. During the fall period of session, 36 public bills were introduced by the government as well as four private members' public bills and three private bills sponsored by private members.

The administrator, Chief Justice **Robert Richards**, gave royal assent to four public bills including an appropriation bill to defray the expenses of the public service. The appropriation bill was for supplementary estimates requested by the ministries of advanced education, social services, environment, corrections and policing, and justice. Two of the three private members bills also received royal assent.

Two bills which received royal assent are of notable interest: Bill No. 146, *The Vital Statistics Amendment Act, 2018* and Bill No. 166, *The Election Amendment Act, 2018*. Bill No. 146 allows the Registrar of Vital Statistics to issue a birth certificate without a sex designation. The bill passed through multiple stages in one sitting and received royal assent on December 5, 2018.

Bill No. 166, *The Election Amendment Act, 2018* made a number of changes that the Chief Electoral Officer (CEO) had been recommending to the Assembly. The amendments include:

Provisions to allow the CEO to conduct pilot implementation projects at by-elections and general elections providing that the appropriate notice of the project is given. This includes approval by the Board of Internal Economy (BOIE) in the event that the pilot implementation project is during a general election.

New authority to introduce modernized voting procedures at advance polls. The advance voting modifications the CEO may direct include: electronic poll books; vote counting equipment; and special election officer positions.

The definition of "contribution" respecting loans and guarantees of financial institutions was clarified. The amendment proposed that loans and guarantees that are provided by financial institutions based on standard commercial terms, do not constitute contributions under *The Election Act, 1996*.

An exemption for the Saskatchewan Pension Plan from advertising restrictions during elections providing the advertising relates to its competitive business interests.

A clarification of the rules respecting the preparations and tabling of reports by the CEO on any matter regarding the administration of *The Election Act, 1996*.

A clarification of the right of access for candidates to condominiums and residential rental properties.

The bill was introduced and proceeded through all stages including royal assent on the second last day of the fall sitting. The Assembly adjourned on December 6, 2018 until March 4, 2019.

Sensitivity training for MLAs

In November 2017, the BOIE adopted a MLA anti-harassment directive and associated policy. Sensitivity training is a requirement of the policy. Consequently, with the assistance of an outside consultant, the Legislative Assembly Service developed and provided sensitivity training courses to ensure that MLAs understand the policy and best practices. All members have completed the sensitivity training.

Stacey Ursulescu
Procedural Clerk

Des documents parlementaires insolites à l'Assemblée législative de l'Alberta

On s'attendrait probablement à ce que les documents déposés par les parlementaires dans les assemblées législatives le soient sur papier format lettre ou grand format. Or, au fil des ans, des objets insolites se sont retrouvés dans la collection de documents parlementaires. Dans le présent article, l'auteure explique le contexte derrière les documents parlementaires les plus étranges de l'Assemblée législative de l'Alberta.

Heather Close

Qu'ont en commun un hamburger, une boîte de caviar et de l'argent de Monopoly? Tous ont été déposés à l'Assemblée législative de l'Alberta et font maintenant partie intégrante de la collection de documents parlementaires de la Bibliothèque de l'Assemblée.

Il est consigné dans les Journaux de l'Assemblée que, le 27 mars 1969, le député de Banff-Cochrane, Clarence Copithorne, « a déposé des matières comestibles (en l'occurrence un hamburger) pour soutenir son argument ». Mais quel aurait bien pu être cet argument? Comme il n'existait pas de hansom officiel avant 1972, nous devons nous en remettre à d'autres sources pour savoir ce qui a été dit. Selon l'*Edmonton Journal*, Clarence Copithorne a déposé le hamburger en signe de protestation contre les aliments servis à la cafétéria du Palais de la législature. « Puisqu'on parle de crédits, une chose qu'on pourrait nous payer, en haut, c'est de la bonne nourriture », avait-il déclaré. Éleveur de bétail dans les contreforts des Rocheuses, le député a renchéri : « Je ne serai pas satisfait tant qu'on n'aura pas réglé le problème en haut et qu'on ne nous aura pas servi un bon steak pour dîner. »

Il semble que l'argument soulevé par le député ait été reçu dans la bonne humeur. Le ministre de la Voirie, Gordon Taylor, a lancé en boutade : « J'aimerais en commander 65 copies pour la Chambre, s'il vous plaît », soit un pour chaque député. Accepté dans le compte rendu officiel, le hamburger est devenu le

document parlementaire 301 et a été placé dans une boîte en acrylique pour le préserver, accompagné d'une étiquette signée par le greffier William H. MacDonald et de la mention « certifié en tant que document original ». Possession de la famille Copithorne jusqu'en 2008, le hamburger a été légué à la Bibliothèque pour être intégré à sa collection.



Heather Close est directrice des Services de la Bibliothèque de l'Assemblée législative de l'Alberta.



Plus de cinquante ans après son dépôt à l'Assemblée législative de l'Alberta, le hamburger est exposé à la Bibliothèque et attire encore l'attention des visiteurs. S'il s'agit sans aucun doute de l'objet le plus insolite jamais présenté à l'Assemblée, d'autres documents parlementaires sortent également de l'ordinaire.

Lors de son discours inaugural, en 1980, Norman A. Weiss, député de Lac La Biche-McMurray, a déposé une boîte de caviar de grand corégone canadien en déclarant : « Vous avez tous entendu parler du caviar russe; maintenant, nous avons du caviar produit et commercialisé par l'Alberta. » En 1983, Brian Lee, député de Calgary-Buffalo, a déposé un morceau de rail du réseau de train léger de la ville de Calgary lors du débat sur une motion concernant le transport urbain. Puis, en 1985, Brian Lee a déposé 4 890 000 \$ en argent de Monopoly et deux cents lors d'un débat sur la privatisation des magasins de vente au détail de bière, de vin et de spiritueux.

Le Règlement a été modifié afin qu'il y soit précisé qu'à compter du 26 février 2002, les dépôts doivent être faits en format papier.

Sources:

« Burger Gives MLAs Food for Thought », Edmonton Journal, 28 mars 1969, p. 1 2.

Assemblée législative de l'Alberta, hansard, 19^e législature, 2^e session, 28 mars 1980, p. 113.

Journals of the Legislative Assembly of the Province of Alberta, 16^e législature, 2^e session, vol. LXXV, 27 mars 1969, p. 113.

