

canadian Parliamentary review

About the cover

An Ottawa artist Darlene Agner is a member of Ottawa's Art Association and her work has been exhibited at Ottawa's Little Theatre, Cumberland City Hall, the Old Mill and other places in Ottawa. Her work has been sold at Koymans Galleries, Vogue Gallery, A Lamont Gallery and privately.



Sunset on Parliament Hill

by

Darlene Agner

(Courtesy of the artist)

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The *Canadian Parliamentary Review* was founded in 1978 to inform Canadian legislators about activities of the federal, provincial and territorial branches of the Canadian Region of the Commonwealth Parliamentary Association and to promote the study of and interest in Canadian parliamentary institutions. Contributions from legislators, former members, staff and all other persons interested in the objectives of the Review are welcome.

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Layout: Frank Piekieleko

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Address correspondence to:

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c/o Ontario Legislative Library
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Editor: (613) 943-1791

Fax: (613) 995-5357

E-Mail: revparl@ontla.ola.org

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The Canadian Parliamentary Review is undergoing a number of changes to the layout and format of its print and online versions over the next year that will renew its look and improve digital access and delivery. We promise to continue to bring the same high quality of content and information that readers have come to expect in the Review. Watch for more details in upcoming issues.

Reflections on Politics and Gender

Premier Alison Redford

This article looks at factors that determine the number of women in politics. It suggests that family influence and role models are important. It also outlines some personal experiences that culminated with the election of Alberta's first female Premier.



I believe it is our collective duty, as parliamentarians and as Canadians, to strengthen our democratic institutions. This is something I have worked toward, beginning in my pre-government career in many nations where democracy was just taking root and it is something I still strive to do, here in the midst of a country where democracy is something many people take for granted.

Democracy can sometimes shock us with its vigor, especially when it flourishes in countries whose histories are steeped in authoritarianism. But just as often, it can surprise us when it fails to thrive in what had appeared to be fertile ground.

Even in Canada, with a long history of responsible government, we must still work together to strengthen our democratic traditions and institutions. And the best way to accomplish that is to encourage greater participation in the political process. Governments are most effective when they mirror the society they govern. They do not achieve that until every group has the confidence to reach the corridors of power.

Unfortunately too many people who are leaders in their families and their communities are not reflected in decision-making structures. That has to change, particularly when it comes to women, who bring unique perspectives to public policymaking.

Alison Redford is Premier of Alberta. This is a revised version of her presentation to the Canadian Section of the Commonwealth Women Parliamentarians at their Conference in Edmonton on July 15, 2013.

My Path

When I first decided to seek the leadership of our party, one of the first questions I was asked was: Is it going to make a difference that you're a woman? I remember saying, "No, it's not. People will take a look at the candidates that are running, and decide which candidates and which party best represent the future of our province." I absolutely believe that is what happened.

Once I became Premier, I was quite surprised by the number of young girls who looked at me in a different way. Well, lots of people looked at me in a different way. But I was struck often, when I went to events, by how many young girls were there. And when I say young, I mean Grade 5 and Grade 6. It really struck me, because that is the age of my daughter.

I had this sense that there was a vacuum — that smart, young girls who were thinking about what they wanted to do in their lives, and what they cared about, and what the possibilities were...they thought it was kind of neat that they could see a woman who was politically active and successful in a leadership role.

So my view on this has changed somewhat, since I became Premier. I now see it as a tremendous responsibility to make sure we are encouraging young girls and young women to become involved in public life. I also think we need to recognize that there is more than one way to do this.

When I was growing up, there were not as many women in politics. But I had my mother and my grandmother to inspire me. Neither were politicians but both were active in their communities and their churches and their families. They lived the values of compassion and service. They did that because they understood that they had a stake in shaping their community and the society that I grew up in. Their interests sparked mine and it seemed to me only

natural to make something out of it — and to carry on a culture of compassion, of respect, and living with integrity, and staying true to yourself, which is not always easy.

I became involved in party politics and I was lucky enough to end up in Ottawa. I worked on political campaigns, and I was privileged enough to work in government. It was just another step, and it was not always ideal, and it was not always successful. We all make mistakes in life. Sometimes, when we look at CVs and biographical notes, everything seems to be very clear and deliberately planned. But it rarely is. For me, there were times when it was very hard, when I was young and I was ambitious and I was a bit of an oddity.

But I will tell you that did strengthen my resolve to do what I had been taught to do — which was to work in community, to be involved in public policy, and to find ways to support initiatives that would allow people that I cared about in the communities I lived in to have a better life.

Young girls ask me: “when did you decide to be Premier? How did you end up doing this? What was your plan?” All I ever say to them is: “Follow your passion. Find your space. Find space so that you can think. Find space to learn, and to be accepted for who you are, so you can stay true to your convictions.” I believe that is how to inspire people, and how we as leaders have to inspire people in the society that we live in.

We have more women serving in more and higher public offices. Currently 30 percent of our caucus are women, and many of them sit in our Cabinet. Fort McMurray, which is the heart of the oil sands, the great stereotype of Alberta, a city of heavy machinery, is run by a petite, feisty woman — Mayor Melissa Blake. There are many women serving as councillors, reeves and municipal leaders who are leading our province forward. I am very confident that my daughter Sarah will enter a society that is even more accepting of bright, ambitious women. One of my goals as Premier is to nurture that sort of an environment, for her and for every little girl who dreams those big dreams.

Conclusions

I want every Albertan to see and understand what their governments are doing, and to be excited to part of it from a young age. The more government inspires people, especially women who have taken ownership of their community, their province or their country, the more inspired they will be to become involved in the political process.

Community engagement at every level is so important, and it carries on from generation to generation, when we lead by example. Every generation has the same wish: they want the next to enjoy even more opportunities for success and happiness than they did. That is what I want for my daughter. That is what my mother wanted for me. That is why my family came to this country.

My mother was not the loudest talker in the room, and she did not seek the limelight. But along the way, she showed me the impact one person could have, with dedication, hard work and service.

Every little girl who can see a woman making a difference in the lives of others — whether she is volunteering once a month, or holding public office, or perhaps she is a young woman who goes back to school and upgrades her skills and ends up becoming an engineer — that is one more little girl who will be inspired to follow suit.

This process is not something we can take for granted. Victories always look inevitable, when seen with the benefit of hindsight. But victory only comes with determination and perseverance against the odds.

Women who have achieved success have won a victory for us, but unless we all follow up and press onward, the advantage will be lost.

Nellie McClung

My promise to my daughter, when I head out for a busy week, is that every Canadian woman and young girl will have the ability to build on the legacy of women who have come before them. I want all of them to believe wholeheartedly that they can have my job. I want them to know they have a stake in our future, and that our nation, with all its beauty and wonder and precious, hard-won democratic freedoms, belongs to them now and forever.

The role of parliamentarian is a difficult one, regardless of gender. For women, the challenges of finding balance in our lives and succeeding in a tough environment are never easy. But they are made easier with mentorship, friendship and encouragement which is what Commonwealth Women Parliamentarians do. Our parliaments, and our country, are stronger and better for it.

Empowering Ontario Legislators

Randy Hillier MPP

Members of Provincial Parliament are elected to represent their constituents, fight on their behalf in the Legislature and in Government and to legislate on issues of local importance. Despite their job description, Members are not always able to represent their constituents as well as they might. The practises and Standing Orders of the House make representing local constituents difficult. Changes could be made to the Standing Orders to enable local representatives to put their constituents first.



The first area we should look at relates to Private members' Bills. A number of surveys have shown that people have little faith in Government's ability to fix problems; it's not hard to see why. In a previous era, Private Member's Bills throughout the Commonwealth were used to cause sea changes in the law.

Slavery would not have been abolished in the British Empire were it not for the countless Private Member's Bills William Wilburforce introduced on the issue. Abortion and homosexuality were decriminalized in the United Kingdom by Private Member's Bills. Smoking is restricted in Federally regulated workplaces and environs in Canada because of a Private Member's Bill in 1988. And that's not even mentioning the many local issues that they've solved throughout the Commonwealth.

Whether or not you agree with these pieces of legislation, it's clear that there was once a time where Private Member's Bills mattered and could do something of substance. That's a far cry from today's Ontario. Private Member's Bills are effectively dead on arrival.

Take for example the case of Kim Craiton's (Niagara Falls) *Children's Law Reform Amendment Act*, which has been introduced in six consecutive Sessions. Despite

the fact that it passed second reading five of those times, it has never been studied by Committee, yet alone receive third reading.

Ernie Hardeman's (Oxford) Carbon Monoxide Detector Bill, which is by no means controversial or divisive, has been introduced to the House four times. It has not yet actually been called for third reading. Only once did it actually go to Committee, despite receiving and passing second reading three times.

Rosario Marchese (Trinity-Spadina) has introduced very similar Bills to amend the *Condominium Act* four times. They have each received second reading and been referred to Committee each and every time. Despite that, they have never been heard at Committee or gone on for third reading.

Statistics back up the assertion that Private Member's Bills are not the instrument of reform that they could be. From the first session of the Harris Government in 1995 to the 1st Session of the current Parliament, a total of 1424 Private Member's Bills were introduced. Only 4% of them received third reading. Of those 58 Bills, 23 were Bills proclaiming special days, weeks or months; while well-intentioned, they are a far cry from the repeal of slavery.

Scheduling is one reason why many Bills fall through the cracks. There is simply not enough time accorded to Private Member's Bills for them all to be heard at second reading. Another reason is that Standing Committees sometimes do not review all of the Bills referred to them. But the largest reason why so few of them ever make it into law is the Government's monopoly on the calling of Bills for third reading. Only 8.7% of non-proclamatory Bills that received second reading actually went on and received third reading in that time period. And the trend has been

Randy Hillier represents Lanark-Frontenac-Lennox and Addington in the Ontario Legislative Assembly. This is a revised version of his paper entitled Constituents First: Empowering Local Legislatures. For the full version of this paper see www.randyhilliermpp.com/constituents_first

down over the past twenty years. Under the McGuinty Government, only 6% of non-proclamatory Bills that received second reading received third reading as well.

Removing the Government's monopoly on the calling of Bills for third reading would give representatives an increased ability to represent their constituents, their constituents' concerns and to do their jobs as legislators. This could be done by giving scheduling authority to a committee and/or by compelling the Government to call Bills for third reading at the end of a session. In the United Kingdom's House of Commons, the Backbench Business Committee is responsible for House scheduling one day a week.

Restoring Motions to Relevance

Motions show public discontent with an existing policy or that an absence of policy fails to address a public concern. Motions are meant to demonstrate to Government the need for change or action. But let's be honest, Private Member's Motions are irrelevant in Ontario's Legislature and have been for some time.

Part of the problem is the disconnect in stature between motions and legislation. The pair are supposed to work together. Legislation fixes the specific concerns with the law people have. But not every problem has a specific law which needs amending or creating or which their local representative can change. Many concerns that a representative's constituents have are problems with general administration, with Government policy or with other things that a Private Member's Bill cannot directly address.

There are a number of policies that can be changed to reduce this inequity. We can start by, very literally, reverting to the use of our voices. Though both motions and legislation are printed for all Members of the House and for interested members of the public, only legislation is read aloud. When a Member of the House introduces a Bill, they are afforded the opportunity to explain the Bill to the House. Members who introduce equally valid motions are not afforded the same courtesy. The consequence is the reduced visibility of motions. This, in turn, reduces their relevance as a tool for expressing constituent concerns.

Invisibility isn't the only reason for the motion's irrelevance. A lack of debate is too. Unlike in some parliaments, there is no method for calling the debate of a Private Member's Motion other than the use of one's ballot day. This short-sighted rule has the effect of placing constituents' concerns at the back of the queue, behind legislation like proclamation days which may be of lesser importance than a motion to remedying very real problems in constituents' everyday lives.

Some people will argue that there is simply not enough time for the dispensation of Private Member's Motions. In the United Kingdom's House of Commons, the current Speaker changed the rules to grant one "Urgent Question" a week for debate. The Speaker made time for the debate of urgent issues. Similarly, when there is not enough time to debate pieces of Government legislation in a session, night sittings are often used. There is time that can be made available. There is no reason why these practises to ensure local voices are heard could not be implemented.

Another reason for the motion's irrelevance is its lack of any power. No motion in Ontario can compel any action. Opposition day motions cannot be used to cause a change in Government. Sometimes actual action is needed and, when a Private Member has no ability to change the law, motions should be an option available. By introducing binding motions and enabling opposition day motions the power to be used as want of confidence motions, we can restore a Private Member's ability to fight for their constituents.

Strengthening Regional Representation

As it stands currently, the Standing Orders prevent multiple Members of the Legislature from advocating on the same issue. While up to one Member from each recognized party, and an independent, may co-sponsor the same Bill or Motion, Members from the same Caucus may not co-sponsor the same Bill. While nothing prevents any Members from introducing the same Bill, when it comes to debate on that Legislation or Motion we ought to recognize that there may be multiple Members of the same caucus that want to advance the same issue but are prevented from doing so.

A clear example of this can be seen back in 2011, in the midst of the Labour dispute between York Regional Council and the Amalgamated Transit Union Local 1587. The Members from Thornhill, Newmarket-Aurora and York-Simcoe attempted to introduce 'back-to-work' legislation to ensure that their constituents who were being impacted by this dispute would not suffer.

Since these were all Members of the Official Opposition, they were not allowed to co-sponsor this Legislation. If they represented those same constituencies, but belonged to different recognized parties, they could have. This clearly is not in the best interest of representing constituents, and is something that could easily be corrected by allowing up to four Members of any affiliation to co-sponsor a Bill or Motion.

Being Responsible to Ourselves

The rules of Ontario's Legislature are determined by Ontario's Legislature. This fundamental principle dictates the way that our House is supposed to be run. Unfortunately, that isn't always how it works out.

The Standing Orders of the House are often a bone of contention for a Government. The Standing Orders, which are meant to protect an individual Member's rights, can be used to slow down a Government's agenda. Though this is a necessary part of democracy, it can often cause consternation on the Government's side. In the past, Governments of all parties have used whipped votes to change the Standing Orders to quicken the legislative process, often diminishing the role that local representatives have. Though some changes to the Standing Orders might be good - like limiting the time available for routine proceedings - these changes should be determined by the Members of the House, as is tradition, and not by Governments or political parties.

The election of the Speaker of the House is done via secret ballot in recognition of the fact that it is the Members of the House who are responsible for the running of the House. In a Speaker's election, Members of the House can vote for the candidate whom they believe will do the best job. That means that Members can vote against someone in their own caucus or from their own region without fear of reprisal or ill-will. This is how the House should vote on changes to the Standing Orders.

Ensuring Accountable Regulations

It is easy to believe that things have always been how they are today, but until 1969, Ontario's Legislature did not have a Standing Committee on Regulations and Private Bills. In the 1960's Ontario set up a Royal Commission Inquiry into Civil Rights headed by former Ontario Chief Justice James McRuer. The Commission recommended a number of changes to the Standing Orders of this House to ensure public oversight of regulations.

With almost 500,000 regulations in Ontario today, elected representatives are often inundated with concerns with a variety of different regulations and how they affect people's prosperity and pursuit of happiness. Though Ontario had many fewer regulations in the 1960's than it does today, Chief Justice McRuer recommended that debate be allowed "on the merits of any particular regulation." Because subordinate legislation could affect someone's life as much as legislation can, the Commission thought it right that elected representatives be able to debate the

merits of a regulation. This recommendation was not enacted and hurts the ability of local representatives to discuss regulations that are injurious to their constituents.

Another one of their recommendations was the establishment of a Standing Committee to oversee regulation guided by a set of 10 principles. Despite its endorsement by the first iteration of the current Standing Committee, McRuer's tenth principle, that regulations "should not make any unusual or unexpected use of delegated power", was left out. This is probably a clerical error. The exclusion of this guideline, which is common throughout much of Canada and the Commonwealth world, reduces the ability of elected representatives to review the regulations that most affect the lives of their constituents by restricting what sort of regulations can be reviewed by the Standing Committee on Regulations and Private Bills and excluding the regulations that can infringe on civil rights the most.

Modernizing the Legislature

One of the most often heard complaints about the democratic process is that it is exclusionary and very difficult for the general public to get involved in. The way the Legislature is operated today is very much a reflection of this common concern. While some changes have been made to the way in which the Legislature operates over the past several years, very little has been done to make it more open and available to the public.

One of the most common and preferable mechanisms to get individuals involved with the Legislature is through the use of petitions, typically focused on a local issue. While many other jurisdictions such as Scotland, the English House of Commons, the National Assembly of Quebec and Australia all accept electronic petitions (e-petitions), Ontario currently does not.

Solely accepting written paper petitions is clearly an antiquated approach for public involvement and can be addressed quite simply. There are also additional mechanisms that could be adopted like that of the English House of Commons, where if a Petition receives over 100,000 signatures, it is referred to the Backbench Business Committee for consideration of debate. According to a recent poll conducted by Angus Reid Public Opinion for BC NDP MP Kennedy Stewart, 55 per cent of Canadians "strongly" support and another 27 per cent "somewhat" support a system to allow them to put requests to government via online petitions.

Beyond accepting e-petitions, the Legislature ought to ensure that it is as accessible as possible for those that wish to participate. While the proceedings in the Legislature are streamed through a webcast online, as well as some Standing Committee hearings by request, it should not be left up to the prerogative of the Committee Members to determine whether that hearing should be streamed online. All proceedings of the Legislature, with the exception of "In Camera" Committee hearings, should be streamed online and be made available to anyone who may be interested.

Recommendations

To deal with the problems outlined in this paper I would suggest the following changes to the Standing Orders

- **Removing Government Monopoly on Third Reading**

The Standing Committee on the Legislative Assembly should be instructed to (a) consider the removal of the Government's monopoly on calling Bills for third reading; (b) propose any necessary modifications to the Standing Orders and the practices of the House; and (c) report its findings to the House no later than six months following the adoption of this order.

- **Night Sittings for Private Member's Business**

The Standing Orders and practices of this House be changed to require night sittings in the last two weeks of every session reserved for private members' public bills which await third reading and that their third reading be compelled in those reserved times.

- **Recording Abstentions**

Standing Order 28(d) be amended to remove the sentence "An abstention shall not be entered in the Votes and Proceedings or the Journals" and that Standing Order 28(e) be amended to read "The names of the members voting on each side of the question and members abstaining from the question shall be entered in the Votes and Proceedings and the Journals, except on dilatory motions when the number only shall be entered."

- **Compelling Committees to Hear all Bills Referred**

Standing Committees of this House should be compelled and required to hear all Bills ordered to them for review.

- **Reading Motions Aloud**

The Standing Committee on the Legislative Assembly should be instructed to propose modifications to the Standing Orders and the practices of the House so that all motions and resolutions presented to the Legislative Assembly be read aloud at the time of their tabling and be included in Routine Proceedings in the time allotted for "Motions".

- **Making Motions Binding upon the Government**

The House recommends to the Standing Committee on the Legislative Assembly that the Standing Orders and practices of this House be changed to allow motions, including Opposition Day motions, to be presented with a resolution that, if passed, is binding upon the Government and or the Assembly for implementation or for referral to a committee.

- **Opposition Day Want of Confidence Motions**

Standing Order 43(b)(vi) on want of confidence motions should be repealed.

- **Backbench Motions**

The Standing Committee on the Legislative Assembly should be instructed to (a) consider changes to the Standing Orders which would compel the Speaker to call at least one backbench motion to be called for debate each month; (b) study the practices of other Westminster-style Parliaments with regards to backbench motions being called before the House and similar instruments in other Parliaments being called before the House; (c) propose any necessary modifications to the Standing Orders and the practices of the House; and (d) report its findings to the House no later than six months following the adoption of this order.

- **Recording the Order of Debate**

That, in the opinion of this House, the House recommends to the Standing Committee on the Legislative Assembly that, should the Standing Orders be amended to compel the Speaker to call at least one backbench motion for debate each month or to reflect other practices regarding backbench motions before the House, the Standing Orders and practices of this House be changed to require that the Clerk of the Legislative Assembly of Ontario record and publish the order of debate for all motions tabled before the House.

- **Extended Sittings for Private Members' Motions**

The Standing Committee on the Legislative Assembly should be instructed to propose modifications to the Standing Orders and the practices of the House requiring that the Assembly not be adjourned earlier than 6 p.m., except by unanimous consent, if there are private members' motions on the Order Paper that have not been debated and that those motions will be debated in the chronological order of their introduction. Debate should rotate between all parties starting with the Official Opposition; should a party not have a motion in the queue or a mover of a motion is not present at the time of debate, that party's slot is lost in that round.

- **Co-Sponsorship of Bills**

Standing Order 69(a) should be amended to read: Private Members' Public Bills may be co-

sponsored by up to four members of the House. It shall be the responsibility of the co-sponsors to select which among them will move the motion for introduction and first reading of the bill. Any of the co-sponsors shall be entitled to move the motions for second or third reading of the bill. The names of the co-sponsors shall be indicated on the introduction copy of the bill and shall thereafter be printed on the face of the bill.

- **Co-Sponsorship of Motions**

The Standing Orders and practices of this House should be changed to allow for the co-sponsorship of motions by up to four members of the House.

- **Vote by Secret Ballot**

Any modifications to the Standing Orders should be voted upon by secret ballot.

- **Parliamentary Debate on Regulations**

The Standing Orders of the House be amended such that any member is permitted during Introduction of Bills to table a motion requesting a review and debate upon the merits of any regulation filed with the Registrar of Regulations; and that, if this motion is passed, the government ensure the motion is debated within that session of Parliament and allow up to two hours of debate.

- **Undue Delegation of Power in Regulations**

The Standing Orders of the House pertaining to the Standing Committee on Regulations and Private Bills should be amended to include

that the Committee shall review regulations to ensure that the regulation does not make any unusual or unexpected delegation of power.

- **E-Petitions**

The Standing Committee on the Legislative Assembly should (a) consider the reform of Standing Order 39 to allow for electronically-signed petitions to be tabled before the Legislative Assembly of Ontario with equal standing to that of traditional petitions; (b) study the practices of other Westminster-style Parliaments in relation to e-petitions; (c) propose any necessary modifications to the Standing Orders and the practices of the House; and (d) report its findings to the House no later than four weeks following the adoption of this Order.

- **Improving Online Access to the Legislature**

The Legislative Assembly should be instructed to (a) study the cost and feasibility of streaming every committee room with simultaneous interpretation and multiple camera angles, as the Amethyst Committee room is; (b) propose any necessary modifications to the Standing Orders and the practices of the House; (c) report its findings to the House no later than six months following the adoption of this order; and (d) in the time before these recommendations are enacted, the Legislative Assembly make available streaming of all committee rooms even if they are only streamed in one language or presented in a static wide-angle shot.

Electronic Petitions: A Proposal to Enhance Democratic Participation

Kennedy Stewart MP, Andrew Cuddy, Michelle Silongan

Declining rates of political participation demand practical reforms to enhance citizen engagement in our democratic institutions. Tabled in the House of Commons on February 13, 2013, Motion 428 aims to modernize and improve Canada's antiquated paper-based petitioning process by establishing a system for electronic petitions. It further proposes allowing petitions to trigger short debates in Parliament if they receive a certain threshold of signatures from the public and are sponsored by at least five Members of Parliament. After providing comparative information on similar reforms implemented in other jurisdictions, this article argues that empowering citizens to initiate and sign petitions online will make our democracy more accessible, participatory, and responsive. It concludes with a brief discussion of the prospects of success for a motion submitted by an opposition Member during a period of majority government.

There are few issues today as critical as democratic decline. Record low voter turnout rates and declining membership in political organizations demonstrate fewer and fewer Canadians consider engaging with our democracy a pursuit worth undertaking. Only 55 percent of Canadians now say they are satisfied with their democracy, a 20-percentage point decrease from 2004.¹ These trends should trouble all Canadians as they call into question the vitality and integrity of our system of public governance.

A central part of the problem is the disconnect citizens perceive between the issues that are important in their lives and those that dominate the Parliamentary agenda. The legislative priorities of political parties and the government often fail to reflect the needs and concerns of the general public, leaving many Canadians feeling excluded from national politics. Citizens come to believe their elected representatives are more influenced by party leaders and corporate lobbyists than their constituents. Governments need

to take immediate action to counter this growing sense of disenfranchisement and restore confidence in democracy.

One practical way to empower citizens is by strengthening our longstanding petitioning process. Scholarship on this topic suggests robust petitioning systems enable “the voices of petitioners to be heard, and this in turn, may help underpin the legitimacy and functioning of representative institutions and the policies they implement.”² A recent review of reforms undertaken by legislatures over the past ten years concludes the “importance of petitioning extends beyond simply delivering requests made by individual petitions ... and it is possible for a petitions system to enhance the relationship between parliament and citizen.”³

Under current rules, Canadian residents can initiate, draft, and submit paper petitions to Members of Parliament. If a written petition meets certain technical criteria and has garnered at least 25 original signatures, it can be certified by the Clerk of Petitions and tabled by an MP on the floor of the House of Commons. The federal government is then obliged to provide a formal response to the substance of the petition within 45 days.⁴

Tabled in Parliament on February 13, 2013 by New Democrat MP Kennedy Stewart, Motion 428 proposes

Kennedy Stewart is the Member of Parliament for Burnaby–Douglas and a tenured associate professor on-leave from Simon Fraser University's School of Public Policy. Andrew Cuddy and Michelle Silongan are Legislative Assistants in the Office of Kennedy Stewart. Please visit betterpetitions.ca to learn more about Motion 428 and the campaign to bring electronic petitions to the House of Commons.

to modernize and improve Canada's antiquated petitioning system.⁵ It instructs the Standing Committee on Procedure and House Affairs (PROC) to conduct a study and make recommendations within one year for how best to implement electronic petitioning. While the right to petition is a centuries-old parliamentary tradition, modern technology now provides an opportunity to engage more citizens in this crucial part of the political process. Allowing Canadians to sign official petitions online would supplement the existing system in place for paper-based petitions. Indeed, it is difficult to believe that in the digital age we continue to use the same rudimentary process that British citizens used to petition their Parliament nearly 300 years ago.⁶

Motion 428 also proposes the petitioning process be further reformed to enhance the role and impact of petitions in Parliament. In particular, the motion requests the committee also consider allowing petitions to trigger short debates – similar to “take-note” debates – if they receive substantial support from both the public and within the House of Commons.⁷ Short debates could occur in instances where a petition has garnered a certain minimum number of signatures – for example, 50 000 – and has been sponsored by at least five MPs. Requiring that popular petitions be seconded by elected representatives serves as a crucial safeguard against truly frivolous issues being brought forward for debate. While Motion 428 proposes this basic framework, it would ultimately be up to the members of the committee to study and recommend what specific changes to the Standing Orders are needed to establish an e-petitioning system that is fair, efficient, and responsive.

International Experience

Electronic petitioning is already widely used in countries around the globe. In fact, a decade ago the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons recognized the “interesting innovation” of e-petitions and recommended the Clerk begin developing such a system for Parliament.⁸ Many jurisdictions have since incorporated electronic petitioning into their democratic processes with great effect. Motion 428 is based on recent initiatives currently enhancing citizen participation in Australia, Britain, the European Union, Germany, Scotland, Quebec, the United States, and Wales. While e-petitioning has been implemented in numerous democracies, the systems and rules governing these mechanisms vary considerably across jurisdictions, including in regards to:

- whether e-petitions are submitted to the legislature or the executive;

- the rules to ensure online signatures are verified as authentic;
- the safeguards and procedures in place to prevent abuse and misuse;
- the minimum number of signatures needed to trigger further action;
- and whether the government must respond with an official statement, parliamentary debate, or public hearing.

In the United Kingdom, the House of Commons Procedure Committee published a 2008 report recommending Parliament begin accepting petitions electronically. The committee argued such a system would offer the public “a simple, effective and transparent way ... to tell the House and its Members about what matters to them and to indicate the levels of support for their concerns.”⁹ Subsequently, in 2011, a national e-petitioning system was launched by Conservative Prime Minister David Cameron. From the beginning, this new initiative was never intended to replace, but rather to supplement, the existing system for paper petitions. Under current rules, an online petition garnering at least 100 000 signatures becomes eligible for debate in the House of Commons. Once this threshold is reached, the Backbench Business Committee decides which e-petitions will move forward for debate. Along with requiring at least one MP appear to argue a debate is warranted, the committee considers the following criteria in their decision-making: importance of the topic; the number of MPs likely to participate; and whether a debate has already been held on the topic or is likely to occur through other legislative routes. Of the over 40 000 e-petitions launched by British citizens to date, only 21 have surpassed the 100 000 signature threshold, with 15 of them having been debated in the UK Parliament.¹⁰

In 2011, President Obama launched *We The People*, an online platform allowing Americans to create and sign petitions on the White House website. Rooted in the First Amendment's protection of the right to petition, it was intended to provide “a new way to petition the Obama Administration to take action on a range of important issues facing [the] country,” while also helping the White House “understand the views of the American people and have a focused and civil conversation with them.”¹¹ Participants are required to set-up official accounts to ensure authenticity. If a certified e-petition receives 100 000 signatures within 30 days, the White House sends it to the appropriate policy experts and issues an official response. To date, e-petitions hosted on *We The People* have garnered nearly ten million signatures in total – with more than one hundred receiving sufficient signatures to warrant a formal response.¹²

Enhancing Democratic Engagement

Electronic petitioning provides an additional avenue for Canadians to make their voices heard and contribute to the democratic process. Historically, the ability to petition has been vital for citizens to raise awareness on specific issues, draw attention to existing injustices, and put forward concrete policy proposals. Extending this longstanding practice in Canada using online platforms – as suggested by Motion 428 – has the potential to encourage broader citizen engagement. Signing an official petition electronically is a straightforward and convenient way for citizens to publicly express their support for a cause. By reducing barriers to political participation, e-petitioning is part of an emerging trend to use new communications technology to make public institutions more accessible.

Though seeming trivial to some observers, the simple act of signing an e-petition functions as a crucial entry point for further action. A virtuous cycle may be generated whereby initial participation fosters greater and more involved engagement in politics over time. After signing an online petition, a concerned citizen could be motivated to discuss the issue with their neighbours, write a letter to their local newspaper to raise awareness, attend a meeting with their MP, join a civil society group working to implement solutions, or vote in an upcoming election.

Furthermore, the system proposed by Motion 428 would give Canadians direct access to the political agenda in Ottawa. Allowing e-petitions to trigger short debates in Parliament would partially circumvent the power of political parties and force attention on issues that would otherwise not be discussed. This serves to directly link the public's concern for an issue with what is addressed in the House of Commons. Signing an e-petition becomes a way for citizens to not only signal their support for an issue, but also to vote that it should be debated by their elected representatives. Empowering Canadians through petition-initiated debates is a concrete step towards improving the responsiveness of our democratic institutions.

More generally, political scientists have conceptualized e-petitioning as an institution resting somewhere between traditional *representative democracy* and *direct democracy*, in a distinct category often deemed *advocacy democracy*.¹³ Advocacy democracy strives to provide citizens with ample opportunities to actively engage with, and attempt to influence, the processes of representative democracy. This is accomplished, however, without weakening the power of elected legislatures to ultimately pass laws and approve government spending – standing in contrast to forms of direct democracy like binding referendums.

Reply to Critics

Critics of electronic petitioning often point to instances where frivolous issues are given undue public attention in other countries. In the United States in particular, a number of e-petitions of a dubious nature have gained enough signatures to warrant an official response from the White House. For example, in a highly publicized and oft-cited example, the Obama administration was required to explain to 35 000 petitioners why it is opposed to constructing a Death Star.

While a valid concern, this criticism merely highlights weaknesses in how e-petitioning has been implemented elsewhere, not the concept itself. Attention must be given to designing the system properly – including mechanisms to prevent misuse by filtering out petitions that are indisputably frivolous in nature.

Motion 428 suggests two crucial safeguards should be in place. First, the existing rules and guidelines for written petitions should be maintained. In order to be certified by and tabled in the House of Commons, petitions must currently meet certain guidelines in both form and content. Among other requirements, petitions are to include a request for the addressee to take some action or remedy a grievance, should be clear and to the point, must be respectful and use temperate language, and must concern a subject within the authority of the federal government.¹⁴ The requirements for e-petitions would be the same, unless otherwise decided by the Procedure and House Affairs Committee. Second, the requirement that at least five MPs serve as sponsors before a petition-initiated debate is triggered would serve as an effective check against frivolous issues being brought forward in Parliament. Indeed, politicians will be averse to the public criticism and derision of being responsible for triggering an official debate on a questionable subject. This innovative component of Motion 428 would ensure a new e-petitioning system in Canada avoids the pitfalls experienced in certain jurisdictions.

A second related criticism suggests e-petitioning is a form of crude populism giving voice to the lowest common denominator of politics. In the words of columnist Terry Glavin, Motion 428 would “turn Parliament into an audience-participation reality show.”¹⁵ Online petitions receiving the most signatures, as the argument goes, would not have particular policy significance – but instead be those invoking a visceral response among the general public. For example, much attention has been given to an e-petition in the UK calling for welfare recipients convicted on charges related to the

August 2011 riots to be stripped of their benefits – and which received a staggering 250 000 signatures.

This vein of criticism fails to recognize the fundamental value of citizen participation in a democracy. Simply put, either public participation is something to value, cherish, and encourage – or it is not. If participation is something to value – because it leads to greater public scrutiny, more responsive governance, a dynamic civil society, or is merely an inherent “good” – then there is a need to reform our shared institutions to facilitate its growth. In the case of e-petitioning, the relevant question becomes: should Canadians be able to readily express their views, concerns, and preferences to their elected representatives? If so, then this must be the case regardless of whether one agrees with the content of those concerns. For those wary of drifting too far towards populism, it is important to note that the petition-triggered debates proposed by Motion 428 would not be subject to votes, and therefore could not be used to pass substantive bills or motions. The domain of elected representatives would not be infringed upon. However, e-petitioning would serve as a powerful signal to Canadians that the Commons is “Their House” and would go some way to turn words about the importance of participatory democracy into action.

A third and final criticism suggests e-petitioning will not empower the general public, only those already engaged in the political process. According to this argument, an e-petitioning system either would allow Parliament to be co-opted by established interest groups with resources to launch petition-based campaigns or would be used primarily by individuals who were highly politically active to begin with. This implies e-petitioning will merely amplify existing inequalities in political participation – with access and influence being even further biased in favor of those with higher socio-economic status.¹⁶

Motion 428 will not on its own eliminate longstanding political inequalities in Canada or erase our democratic deficit. However, e-petitioning has the potential to lower some barriers to participation and widen the pool of participants in politics. As the digital divide lessens with time, Canadians have an equal opportunity to express their concerns by creating and signing petitions online. Compared to other activities such as hiring professional lobbyists, paying for national advertisements, or volunteering for an interest group, e-petitions are simple, inexpensive, and convenient – and thus can be accessed by more citizens. In addition, a system for e-petitions is likely to reach one key demographic that is often cited as more

disengaged from politics than any other. Youth are increasingly organizing their personal and professional lives online, and e-petitions enable them to participate in Canadian politics, perhaps for the first time, through their medium of choice. As a final note, e-petitioning has the potential to mobilize remote communities and geographically dispersed individuals sharing common interests, who might otherwise lack opportunities to come together and express their views at the national level.

Prospects of Success

Fully modernizing Canadian democracy will require large-scale changes to our political institutions, including: making our electoral system more proportional; ensuring the House of Commons is demographically representative; restoring the primacy of individual MPs; abolishing the unaccountable Senate; and enhancing the transparency of government decision-making. Many of these crucial reforms are fraught with their own challenges and obstacles, notably constitutional and legal questions, opposition from political parties, and disagreements over which reforms to pursue. History shows these challenges may take decades to overcome.

An alternative, pragmatic approach to democratic reform is to focus upon less prominent, often overlooked, features of our political institutions which might be more amenable to change. Small-scale improvements have the potential to incrementally advance our democratic process with relatively low levels of risk. Introducing a robust electronic petitioning system where topics of concern to Canadians are represented through Parliamentary debate is a step in this direction.

In our current situation of majority government, achieving reform requires working across party lines and finding agreement between those who, on most days, are staunch adversaries. If changes to our democracy are to move forward and be viewed by the public as legitimate, they must be supported by representatives from all sides of the political spectrum. In this spirit, though being proposed by a Member of the Official Opposition, Motion 428 was seconded in the House by NDP, Conservative, and Independent MPs – and has been spoken of favourably by the Liberal critic for democratic reform.¹⁷ It has also been endorsed by a wide range of civil society organizations – including the Canadian Taxpayers Federation, the Canadian Centre for Policy Alternatives, Samara, Egale, and Leadnow. Finally, two elder statesmen from opposing political traditions have found common ground in endorsing Motion 428. Former NDP leader Ed Broadbent states

that “bringing electronic petitioning to the House of Commons is a 21st century idea and one I fully endorse. Empowering Canadians to come together and help set the Parliamentary agenda will breathe fresh air into our democracy.”¹⁸ While past Reform Party leader Preston Manning says “to be able to petition one’s elected representatives, and to have such petitions addressed, is one of the oldest and most basic of democratic rights. Affirming and re-establishing this right in the 21st century through electronic petitioning is an idea well worth pursuing.”¹⁹

This early level of cross-partisan support bodes well for this initial step to make politics more accessible for Canadians. The first hour of debate on Motion 428 took place on June 12, 2013, and it will come forward for a vote in the upcoming fall session. If passed, the Standing Committee for Procedure and House Affairs will be tasked with developing recommendations over the next year for how to establish a system for e-petitioning in Canada. It is hoped that the implementation of Motion 428 will be the first of many democratic reforms initiated by this Parliament.

Notes

- 1 Kendall Anderson, Jane Hilderman, and Allison Loat, *Who's the Boss?: Canadians Views on their Democracy*, Samara, Toronto, 2012.
- 2 Catherine Bochel, “Petitions systems: contributing to representative democracy?” *Parliamentary Affairs*, 2012, 1-18.
- 3 Richard Hough, “Do Legislative Petitions Systems Enhance the Relationship between Parliament and Citizen?” *The Journal of Legislative Studies*, 18 (3-4), 2012, 479-495.
- 4 Private Members’ Business Office, *Petitions: Practical Guide*, House of Commons, Ottawa, October 2008.
- 5 The full text of Motion 428 reads: “That the Standing Committee on Procedure and House Affairs be instructed to recommend changes to the Standing Orders and other conventions governing petitions so as to establish an electronic petitioning system that would enhance the current paper-based petitions system by allowing Canadians to sign petitions electronically, and to consider, among other things, (i) the possibility to trigger a debate in the House of Commons outside of current sitting hours when a certain threshold of signatures is reached; (ii) the necessity for no fewer than five Members of Parliament to sponsor the e-petition and to table it in the House once a time limit to collect signatures is reached; and (iii) the study made in the 38th Parliament regarding e-petitions, and that the Committee report its findings to the House, with proposed changes to the Standing Orders and other conventions governing petitions, within twelve months of the adoption of this order.”
- 6 Peter Fraser, “Public Petitioning and Parliament before 1832,” *History*, 46 (158), 1961, 195-211.
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- 8 Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, *Fourth Report – Recommendations*, House of Commons, Ottawa, 2003, 15-18.
- 9 UK House of Commons Procedure Committee, *e-Petitions: Call for Government Action*, House of Commons, London, April 2009, 3.
- 10 UK Government, “e-petitions – create and sign petitions online,” website, accessed April 2013, <http://epetitions.direct.gov.uk/>.
- 11 The White House, “We The People: Your Voice in our Government,” website, accessed April 2013, <https://petitions.whitehouse.gov/>.
- 12 *Ibid.*
- 13 Peter Cruickshank, Noella Edelmann, and Colin Smith, “Signing an E-Petition as a Transition from Lurking to Participation,” in *Electronic Government and Electronic Participation*, Trauner, Austria, 2010, 275-282.
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- 16 Ralf Linder and Ulrich Riehm, “Broadening Participation through E-Petitions? An Empirical Study of petitions to the German Parliament,” *Policy & Internet*, 3 (1), 2011, 1-25.
- 17 House of Commons Debates, “Private Members’ Business: Electronic Petitions”, *Hansard*, 146 (268), June 12, 2013.
- 18 Peter O’Neil, “Preston Manning and Ed Broadbent find common ground,” *The Vancouver Sun*, February 25, 2013.
- 19 *Ibid.*

Challenges for Women in Politics

Myrna Driedger MLA

This article looks at some of the reasons that have tended to discourage women from running for elected office and why increased participation is desirable.



In our Canadian Parliament, only 24% of elected parliamentarians are women. In 2007, in Manitoba, we hit the magical number of just over 30% of elected legislators being women. In the 2011 election, however, it fell to 27% - we lost ground. Overall, women hold only about 20% of all seats in parliaments globally. But, it is not just in politics where the numbers of women are low. In Canada, only 10% of directors of public company boards are women, and only 29% of senior managers in Canada are women.

In 1943 a Guide to Hiring Women written by male supervisors during World War II made the following observations:

- Pick young married women. They usually have more of a sense of responsibility than their unmarried sisters, they are less likely to be flirtatious, they need the work or they would not be doing it. They still have the pep and interest to work hard and to deal with the public efficiently.
- When you have to use older women, try to get ones who have worked outside the home at some time in their lives. Older women who have never contacted the public have a hard time adapting themselves and are inclined to be cantankerous and fussy. It is always well to impress upon older women the importance of friendliness and courtesy.
- Give every girl an adequate number of rest periods during the day. You have to make some allowances for feminine psychology. A girl has more confidence and is more efficient if she can keep her hair tidied, apply fresh lipstick and wash her hands several times a day.

Myrna Driedger represents Charleswood in the Manitoba Legislative Assembly. She is Finance Critic and Deputy Leader of the Progressive Conservative Party. She is also Chair of the Commonwealth Women Parliamentarians in the Canadian Region of CPA.

We have come a long way since then – but even in 2013, there is still a way to go. Political life is not easy for everyone – but it continues to be challenging for women. And, what we are seeing today is that women’s progress has stalled. The numbers of women in politics have barely changed in the last decade.

So, women’s representation at these various levels is small – even though women make up 52% of the world’s population: This is called a democratic deficit. This means that when it comes to making decisions that most affect our world, women’s voices are not heard equally.

Does it Actually Make a Difference?

According to the United Nations, a threshold of at least 30% of female legislators is required to ensure that public policy reflects the needs of women. So, at the very heart of this issue is the question of democracy.

If the world is made up of 52% of women, are they well represented if only 20% of their elected representatives are women? The answer would be a resounding “NO” – that there is a democratic deficit.

It matters because women bring a unique experience to the political arena. Their life experiences are different from men’s and their perspectives on issues can be different. This serves to enhance the quality of debate and broaden and balance policy perspectives on a wide range of issues of importance. You get a bigger and broader mix of ideas. It does not mean that women have a better perspective than men – just a different perspective.

Let me give you an example: During the war in Kosovo, Nancy Pelosi, an American legislator, was a member on the Foreign Affairs Committee. The Committee was appropriating billions of dollars for reconstruction of Kosovo. Nancy went a step further. She inquired about the women who had been abused and raped during the conflict. She wanted to know

what happened to these women. She understood that if you do not fix the plight of women – you do not have a family unit and you will never develop a vibrant society. If Nancy had not been there and understood that, the Committee would have just found the money they needed to reconstruct Kosovo. She went further to reconstruct the family.

When I look back over the last couple of decades, I see that there are some issues that have had a sustained push from women legislators. It is women who largely fight for better child care; it is women who fought to address domestic violence; and it is women who fight for better maternal care. Women care about crime and education, taxes and the economy, not to mention conservation, but there are also certain issues which they seemed to have championed. Research shows that in companies where there are more women in leadership roles on boards of directors and on senior leadership teams – the company makes more money!

At TD Bank, women occupy 1/3 of executive and board positions. TD's Chief Financial Officer says this has made the Bank more powerful, flexible, and sustainable. Many of the major banks have gone on to ensure the higher representation of women in their organizations. Manulife Financial has also made great strides forward.

Women in the Workplace Are Not Tokens Anymore

We should not be trying to recruit women into politics just because we hope that will help win certain seats – we are not props. We should be recruiting women because women bring something to the table – a unique perspective that will help make better policy. That should be what it is all about.

It is working towards closing the democratic deficit. And, men are not the enemy. We need to be equal partners with them as we strive to close the gap. There are lots of men out there committed to help us on this journey.

Recently, I was the keynote speaker at a Manitoba conference for women in engineering, sciences, trades, and technology. It was the first conference this group has ever done, and the agenda was on empowering women. While 1 in 4 people in politics are women, only 1 in 11 in the engineering fields is women. They recognize the need to change this imbalance. They are trying to improve these numbers – recognizing that they are way behind. Many other professions have moved ahead to address the gender gap, medicine, for example, but others like engineering, media and finance have not.

Why Should We Look at the Gender Gap?

Gender issues had never been something I focused on in the beginning of my political journey. I never sat around my Caucus table and looked at my colleagues as men or women. I saw us as equals because we all got there the same way. We earned it! We fought for it!

So, gender never factored into my view of the world, but for many it does and it cannot be ignored anymore. Society loses too much if this is left unchallenged. But there are some unique challenges women face. Some I have learned by living them; some I have learned by talking to women from across Canada and across the world; some, I have learned by watching others; and some I have learned through doing a lot of research.

American professor and author Jennifer Lawless, after studying several thousand candidates, found that women are socialized to hold back. That should not surprise too many people. Her findings showed that many do not want to work in a culture of confrontation, do not want their private lives to be made public and worry about their work-life balance. She also found that responsibility for family duties still rest largely with women and that many women have lower levels of self-confidence and political ambition than men. She found that many ambitious, talented women shun running for political office, drop out of high-powered firms, and gravitate to smaller firms or their own businesses or not for profits – places where they can make a difference, that fit better with their personal values and that have cultures more accommodating to a work-life balance.

Optimism is the faith that leads to achievement. Nothing can be done without hope or confidence

Helen Keller

The issue of self-confidence is an important one. Why do women sometimes feel inferior to men even though we are just as well qualified or more so in some cases? Why do we think we are not smart enough when we may have talent galore? Why do we hold ourselves back and question ourselves when men jump at chances with no second thought? Why do we set up some of these barriers ourselves? There are enough external barriers for women without throwing these internal barriers into the mix.

Most women wait to be asked to get into politics. Then when they are asked, they ponder it and examine

it – and wonder if they are smart enough. Most men do not question their talent at all. They see the opportunity, and they are off and running.

Studies have shown that when women run for office, they win at the same rate as men. Just look at what is happening in Canada today – we have six women premiers. Those glass ceilings have been shattered.

What Can We Do?

There is a whole list of reasons why women do not run for office. Here are a few of them:

- The environment is highly competitive; a blood sport; like football without a helmet. I have grown a new layer of skin for every year I have been in the game.
- Some see politics as biased against women candidates and in many ways it still can be. When women fail there is so much attention paid to that; not so much when men fail. Women tend to be put under a microscope more-so than men are.
- Hilary Clinton's and Sarah Palin's candidacies aggravated women's perceptions of gender biases in the electoral arena. There was a media gender bias.
- Women do not think they are qualified, so they hold themselves back.
- Many women are raised to be less competitive, less confident, and more risk averse than men.
- Women react more negatively than men to many aspects of modern campaigns (eg: negative advertising).
- There is a recruitment gap. Women are asked less often than men to run.
- Women are still responsible for the majority of child care and household tasks.
- Women do not have the same types of networks to access as men do.
- Women find it harder to raise the money required to run than men.

- There are a lot more career opportunities for women today in Canada.
- There is a lack of female political role models.
- When a man is successful, he is liked by both men and women. When a woman is successful, people of both genders like her less. Sheryl Sandberg, who wrote the book *Lean In* believes this bias is at the very core of why women hold themselves back. When a man is tough, he is admired; when a woman is tough, she is a bitch.
- Some people do not want to live life in a fishbowl.
- More people want a more balanced life than what politics has to offer.
- Women are judged differently than men where there are children involved. A mother is viewed as being a terrible mother for leaving her children at home for days at a time (with their father) – so that she can go into politics. One rarely hears that being said of a man doing the same thing.
- There is a growing distaste for all that is politics. The cynicism towards politics and politicians is escalating.

Maybe it is time to stop analyzing and over-analyzing the barriers for women. We know what they are. Maybe it is time to start a new conversation!

The culture will not adapt until enough women are in leadership to change it. So there must be a greater effort and focus placed on making this happen. Empowered women can do a lot of things. Did you know that the rise in women's education throughout the world has prevented over four million child deaths from 1970-2009? That is a powerful statistic.

Women, and Party leaders, both need to take more responsibility for change. It will take more women at the top to make the changes that are needed to get more women to the top – you cannot be what you cannot see!

Canada and the Global Network of Parliamentary Budget Officers

Usman W. Chohan

Many countries are considering the formation of Parliamentary Budget Offices to improve transparency in the budgetary process. They face stiff resistance from key political stakeholders. The divergence of opinion between PBOs and other branches of government has at times put the very existence of the institution at risk, and the very credible threat of reprisals by other governmental institutions through funding cuts, staff removal, or outright institutional abolishment have hung over PBOs like a perpetual Sword of Damocles. In order to promote collaboration among Parliamentary Budget Officers a conference was held in Montreal in June 2013. It consisted of a comprehensive series of lectures, workshops, group reflections, case clinics and debates that allowed participants to coalesce into an extremely active and highly motivated community. The PBO delegates to the seminar agreed to form a symbiotic group, henceforth known as the Global Network of Parliamentary Budget Officers (GNPBO), that would allow for dynamic information-sharing between members using a variety of cutting edge tools and collaborative mechanisms. This article looks at the key role Canada played in the seminar and the establishment of the GNPBO.

In the words of Sahir Khan, Assistant Canadian Parliamentary Budget Officer for Expenditure and Revenue Analysis, the PBO is an institution that can be likened to bitter medicine that faces stiff initial resistance from the legislative organism that it is trying to heal. The PBO will find political ‘antibodies’ pushing back this ‘foreign invader’ because of its astringent effects in the short-run, even though the legislature will be strengthened by a healthy dose of the Budget Office in the long-run. Furthermore, the PBO is an institution that speaks an alien tongue in the political arena: its vernacular is economics and finance, but it speaks to an audience that is accustomed to a political and legal orientation. Additionally, as political space is an inherently zero-sum equation, any political room that a PBO can gain as an institution has to come at the expense of some other political actor, which means that every inch of political space that it wrests away

‘encroaches’ on a previously entrenched political entity. In effect, the salubrious long-term benefits of the PBO are oftentimes ignored by parties that view the PBO as a *disruptive force* within the political paradigm, and Canada has been no exception to this phenomenon.

Ever since its establishment five years ago, Canada’s Parliamentary Budget Office has fought an uphill battle in terms of both establishing a reputation for solid analytical work as well as utilizing its limited resources for maximizing positive impact - and it has had commendable success on both accounts. With Parliamentary Budget Officer Kevin Page at the helm for most of this period, the small office of 14 people with a paltry \$2.8 million dollar budget has built an unassailable reputation for professionalism and has diligently worked towards improving transparency and oversight with a parliament that has more than \$250 billion in appropriations.

This success has, however, come at a price, and two noteworthy examples of challenges that the PBO has faced *ab incunabulis* are as follows: (1) The PBO’s assiduous analysis of Canada’s procurement of F-35 jets led them to forecast a \$30 billion expenditure for the project, double what the government had stated,

Usman Chohan is an MBA candidate at McGill University’s Institute for the Study of International development. He attended the seminar on Open Government, Information and Budget transparency held in Montreal on June 17-19, 2013. The seminar was a collaborative project between McGill University and the World Bank Institute organized by Rick Staphenhurst of McGill and Mitchell O’Brien of the World Bank Institute’s parliamentary strengthening programme.

and the PBO was subsequently vindicated for its robust analytical work; and (2) the PBO found the cost of Canadian participation in the Afghanistan war to be significantly higher than previously expected, thereby raising questions about the worth of the endeavour to Canada. These incidents put the viability of the PBO in jeopardy, largely through capping of funds available to the PBO, and the impartial and intellectually sound analysis of the PBO almost appeared to be a Pyrrhic victory. Nonetheless, the PBO has withstood these experiences and today continues to solidify its reputation for intellectual integrity.

As these examples show, the experience of the Canadian PBO, despite its *jeunesse institutionnelle*, provides very valuable lessons for the Budget Offices of other countries. Furthermore, the challenges that Canada's PBO faces are not entirely unique to Canada. The issues that the Canadian PBO has confronted in the past, and continues to confront today, reflect a *universality* of challenges that other countries similarly must deal with. This is why other countries can draw from Canada's example and learn from its experiences when strengthening their budget oversight capabilities - *Amicus est tanquam alter idem*.

Therefore, in order for countries to draw from Canada's example, and in order for Canada's PBO to broaden its leadership role, there is a need for greater cohesion and communication between the Parliamentary Budget Offices. Accordingly, delegates to the Montreal seminar recommended that they form a *Community of Practice* that would bolster the technical capacity of PBOs through knowledge exchange, experience sharing, and the identification of best practices. In doing so, they also identified a roadmap for the Community of Practice's future.

A Glance at Canada's PBO

The seminar began with an enriching perspective on Canada's PBO from Sahir Khan. In this overview presentation, he provided the foreign delegates with

a glimpse into the political and economic dynamics which led to the inception of the PBO. An overarching theme in this exposition dealt with the ability to optimize the PBO's resources and conduct copious amounts of analysis in spite of capacity limitations. Yet despite these difficult odds, the Canadian PBO has managed to accomplish its mandate diligently due to three factors: (1) It is not indebted to a predetermined outcome, increasing its intellectual rigor; (2) It leverages top experts from around the world and goes to great lengths to solicit the expertise of the very best in the field wherever they may be; and (3) Due to the independent and non-monetary nature of their analytical work, they manage to get assistance *gratis* from independent entities.

At this juncture, Sahir Khan added that there are two major drivers for the growth of PBOs: (1) There is growth attributable to a decline in trust in the public sphere, and (2) there is a change in public expectations: the public is more conditioned to receive more data points; individuals are more prepared to choose *who* they want to believe. Sahir Khan then elaborated on some of the challenges that the PBO faces, including talent acquisition, budgets, and political opposition. He succinctly expressed it as follows: "For each issue that the PBO deals with, half of parliament will like what the PBO produces, and half won't; the problem is that it's always a different half".

The ePBO Platform

The Canadian delegation then proceeded to unveil one of the highlights of the seminar, a demonstration of the Canadian PBO's commitment to technological advancement: the ePBO, an online portal currently under development that will bring a groundbreaking collaborative element to the PBO Community of Practice. Sahir Khan indicated that the ePBO portal would create a *multiplier effect*: by using technology effectively, they would better leverage resources and "a small office of 14 people will start to look really big".



The seminar brought together Parliamentary Budget Officers, parliamentarians, academics and other experts from a dozen countries around the world.

The online portal will use the University of Ottawa's cloud-computing capacity, and several cutting edge technologies will be incorporated into its functionality, including Cisco System's Web-X platform for video conferencing, and *meta-tagging* for improving its search-engine accessibility. The ePBO will address two principal shortcomings: (1) it will enhance the ability of members to share technical content (the "nitty-gritty" of PBO work), and (2) it will allow mid-level staff i.e. those who are more closely involved with the regular and quotidian functioning of projects, to interact in a dynamic fashion. During the seminar itself, delegates were introduced to Collaboration for Development (C4D), a portal developed by the World Bank Institute for similar collaborative efforts, as a precursor to the ePBO.

Technical Assistance from the Canadian PBO

The Canadian delegation made two additional presentations that were highly appreciated due to their technical and performance-oriented nature, pertaining to improving access to data by Tolga Yalkin and to improving analytical tools in the budget process by Mostafa Askari.

The former focused on the research methodologies a PBO should employ, specifically with a view to acquiring information quickly and reliably while not burdening the resources of the PBO. One of the primary barriers facing all PBOs today is the limited access to vital information that they are given, a phenomenon often described as *informational asymmetry* vis-à-vis other branches of government. With respect to improved access to data, the stress was laid on the following elements: (1) a flexibility of approach should be adopted, such that there is a pursuit of alternative channels for obtaining data, thereby creating substitute mechanisms when stonewalled; (2) External assistance should be sought out (both judicial and parliamentary) so that encumbrances to procuring information are surmounted with greater ease; and (3) above all, to develop strong informal working relationships at all levels - the importance of the "human element" cannot be overemphasized in PBO research, as these personal touches can help to bypass informational hindrances in many instances.

Mr. Askari's presentation focused on improving a PBO's budget analysis tools, and the vital areas that were covered included budget analysis, tax analysis, estimates analysis, and costing models. The presentation expounded on several techniques for rigorously and efficiently studying major policy issues. Thereafter, various options for forecasting and financial modelling, which lie at the crux of astute

budgetary analysis, were studied. The emphasis was laid on the power of simplicity, for example: the *Phillips Curve* and the *Taylor Rule* are both functions of a mere handful of variables, but could have significant implications pertaining to interest rate and inflation projections, thereby allowing complex policy issues to be studied through simple yet powerful equations. Related parameters such as short- and long-term time horizons, financial modelling through NPVs, and other financial projection techniques were also covered in this presentation. In sum, a rich and technically-oriented presentation on financial modelling helped to expose foreign delegates to the sophistication embodied in the methodologies employed by Canada's PBO.

Canada's former Parliamentary Budget Officer, Kevin Page shared his rich experience in launching and maintaining Canada's PBO over the previous five years. His role in spearheading the PBO is insufficiently appreciated, given that the rise of the Canadian institution as a champion of independent and impartial analysis occurred under Mr. Page's leadership.

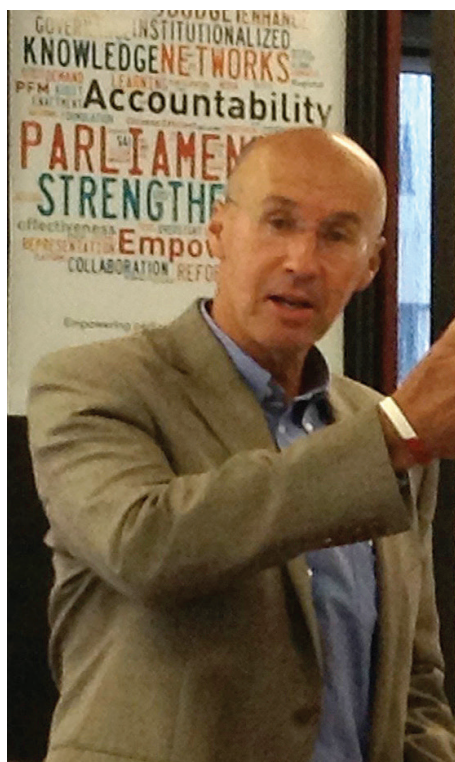
Describing his job as the five richest years of his 30-year career, Kevin Page drew generous applause from the audience when he framed the role of the PBO in the grander scheme of things, asking "What institutions are we leaving to our kids? What is our hand-off in transparency to the next generation?" and stating that "The future is not secrecy, the future is transparency; we are helping create the future."

What we need to ask ourselves today is what institutions are we leaving for our children, and what is our institutional hand-off to the next generation. Remember, there is no downside to building stronger democratic institutions

Kevin Page
Former Parliamentary Budget Officer, Canada

He put things into context for delegates by saying that "In my time, trust has never been lower in institutions. So this is [the field] where you want to be", and reiterating that it is not possible to "put a price tag or monetary value to the good that we do". Referencing *Why Nations Fail*¹, he pointed to one of three factors that cripples prosperity, namely *when legislatures cannot hold the executive to account*, and thereby highlighting the importance of PBOs as they strengthened legislatures to contribute to the very essence of prosperity.

Kevin Page succinctly expounded three salient lessons derived from his PBO career, namely: (1) doing quality work - "that is your insurance at the end of the day; (2) communicating effectively and explaining what you're doing - "don't be the dog barking at the moon"; (3) and develop a thick skin, as confrontations with government are par for the course in this job.



Kevin Page

Universality of Issues

Thanks to the presentations provided by the Canadian delegation, foreign delegates were able to juxtapose their own experiences with those of Canada and arrive at the resounding conclusion that the challenges facing PBOs are universal in nature, with broad congruence across countries in spite of geographical and political differences. An enumeration of the major areas of commonality identified include: political pressures, talent acquisition, resource shortfalls, and information asymmetry. Multiple countries voiced personal grievances pertaining to each of these concerns. Uganda and South Africa gave the example of difficulties in both acquiring and retaining talent, stating the attrition rates of analysts was extraordinarily high. Liberia, Nigeria and Zambia

spoke of the resource shortfalls in their PBO budget, stating that even the barest of necessities often proved elusive. Thailand gave the example of political difficulties faced under a legislature dominated by a single party, including information asymmetry, while Uganda spoke of the concerns about repealing the Budget Act which had led to the formation of Uganda's PBO. In sum, the issues that Canada had raised were not uniquely Canadian but drew wide appeal and concretized the sense of solidarity among member delegates.

In Uganda, we have had a PBO for over twelve years, and the institution was born from a protracted legislative procedure. However, now the Budget Act could be repealed in Uganda, so we found the support of our colleagues here very comforting and encouraging; and we hope that the PBO institution prevails in Uganda.

Samuel Huxley Wankaya,
Director of the Parliamentary Budget Office,
Uganda

Lisa von Trapp of the OECD presented several examples of models for fiscal councils adopted within the OECD, and spoke about the different mechanisms that could help engender an effective Community of Practice. The delegates divided themselves into five working groups that tackled various issues related to community formation, including its mandate, activities, networking capabilities, and deliverables. The working groups presented their findings and a timeline was drawn out which assigned various tasks to participants over a 12-18 month horizon going forward. Thus, the *Global Network of Parliamentary Budget Offices* was born.

Notes

1. Daron Acemoglu and James Robinson, *Why Nations Fail: The Origins of Power, Prosperity and Poverty*, Crown Publishing, New York, 2012.

Racial Diversity in the 2011 Federal Election: Visible Minority Candidates and MPs

Jerome H. Black

The 2011 federal election was notable in many respects. The Liberal party won the fewest seats ever in its long history. The New Democratic Party elected its largest ever contingent of MPs enabling the party to form the official opposition for the first time. Another development was the first-ever direct election of a Green Party candidate. The election also produced record levels of gender and racial diversity within Parliament. When the votes were finally tallied, 76 women had won their way into the House of Commons, an increase of seven over the number elected in 2008. This article focuses on visible minority representation which also attained a high water mark in the 2011 election.

Altogether, 28 visible minority MPs were elected in 2011,¹ or 9.1% of the chamber's membership of 308, a result that compares favourably with the 21 MPs elected in 2008 (6.8% of all MPs). Table 1 provides some broader context marshalling comparable information dating back to the 1993 election, when visible minority MPs were initially elected in noticeable numbers. Such a longitudinal perspective adds some weight to the significance of the 2011 outcome. Firstly, visible minority MP numbers have not always increased from one election to the next, and, indeed, across two election pairings, 1997-2000 and 2006-2008, they actually declined; thus, the improvement from 2008 to 2011 is noteworthy in and of itself. Secondly, the election of an additional seven visible minority MPs in 2011 deserves attention given the modest increments across some pairings, e.g., an increase of only two MPs from 2004 to 2006.

Another, more tempered perspective on the diversity-related impact of the 2011 election is possible: it did little to alter the fact that visible minorities remain significantly underrepresented in Parliament relative to their incidence in the general population. Table 1 also addresses this important vantage point by indicating (the ever increasing) visible minority

population percentages and, as well, the result of their incorporation into ratios with the MP percentages. As constructed, a ratio of one would indicate a visible minority presence in the House of Commons at a level that corresponds to their population share. A ratio of .5 would signal that representation is only one-half of what it "should be" given the population percentage. As can be seen, the 2011 ratio is close to this mark, at .48;² put differently, it would have taken the election of 59 visible minority MPs to completely eliminate the representation deficit. In addition, the gap did not diminish very much in 2011 compared to earlier elections. While it is less than it was in the 2008 election (with a ratio of .39), it is the same as the deficits for the 2004 and 2006 elections. Most strikingly, the ratio for 2011 is virtually the same as it was in 1993 (.47); six elections on, visible minority representation has not improved.

In short, visible minority representation following the 2011 election has both positive and negative aspects. Broad countervailing forces operate both to push the numbers upwards and to hold them down, so perhaps it is not surprising that change is more incremental than monumental. For instance, numbers may be boosted by heightened competition for the votes of new Canadians, most of whom are visible minorities; this leads parties to consider nominating more visible minorities as candidates. On the other hand, examples of status quo forces include incumbency effects and various forms of residual discrimination.

Jerome H. Black is an Associate Professor in the Department of Political Science at McGill University.

Table 1
Visible Minority MPs, 1993-2011

	1993	1997	2000	2004	2006	2008	2011
All MPs							
Number	13	19	17	22	24	21	28
%	4.4	6.3	5.6	7.1	7.8	6.8	9.1
% of Visible Minorities in population	9.4	11.2	13.4	14.9	16.2	17.3	19.1
ratio MP % to pop. %	.47	.56	.42	.48	.48	.39	.48
By Party*							
BQ	--	--	--	9.1	16.7	14.3	3.6
CPC	7.7	26.3	29.4	31.8	25.0	38.1	42.9
Lib	92.3	68.4	70.6	59.1	54.2	42.9	7.1
NDP	--	5.3	--	--	4.2	4.8	46.4
(N)	(13)	(19)	(17)	(22)	(24)	(21)	(28)

^a Column percentages.

Source: For 1993-2008 data, see Jerome H. Black, "Visible Minority Candidates and MPs: An Update Based on the 2008 Federal Election," *Canadian Parliamentary Review*. Vol. 34, No. 1, 2011, pp. 30-34. MP data for 2011 assembled by author; for the 2011 census estimate, see text.

Visible Minority MPs and their Parties

It is clear that the NDP's unexpectedly strong performance, popularly characterized as an "orange wave," played the largest role in augmenting visible minority MP numbers. The party almost tripled its overall seat count relative to 2008 and in doing so elected 13 visible minority MPs, the most of any party. Table 1 translates this figure into a percentage: thus of the 28 visible minority MPs elected in 2011, 46.4% won as NDPers. Percentages are also shown for earlier elections and underscore how much of a departure the 2011 contest was for the NDP. In no previous election did the party manage to elect more than one visible minority MP. The Conservatives' performance -- 12 visible minority MPs elected -- also contributed significantly to the overall total. In their case, however, the result continued a trend involving the party (and its various antecedent formations) increasing, almost monotonically, its percentage of all visible minority MPs; across the 1993-2008 period, their portion went from 7.7% to 38.1%. In 2011, the party reached a high point with a share of 42.9%.

Consideration of the Liberals and the BQ raises the question whether their poor performances in 2011 limited what otherwise would have been the election of an even greater number of visible minority MPs.

At one level, the answer would seem to be an easy and obvious "yes." After all, the two parties' fortunes are simply the flip side of the Conservatives and the NDP's success; more to the point, many of their visible minority incumbent MPs were defeated. The Liberals elected only two visible minorities (7.1 % of all such MPs), while in 2008 they had elected nine (42.9%). However, the party's decline is not new. Their share of visible minority MPs has consistently dropped from a high of 92.3% in 1993.³ Still, the subsequent plunge in 2011 is quite sobering. As for the BQ, they elected a handful of visible minority MPs in more recent elections, with shares of 16.7% and 14.3% in the 2006 and 2008 elections (three individuals both times) but only managed to elect one individual in 2011.

Another line of reasoning about the possible role played by Liberal and BQ's losses in limiting visible minority MP numbers may be a bit more informative. If it turned out that the Conservatives and NDP's newly elected visible minorities defeated visible minority incumbents elected in 2008 as Liberals and Bloquistes, then such a "replacement effect" would imply that the two parties' overall electoral setbacks had little impact on the MP total. For the most part, replacement did not occur. Of the 18 visible minorities elected for the first time in 2011, only five won by defeating an incumbent

counterpart. In other words, had the Liberals and BQ fared better, perhaps even modestly better, they may have held onto more seats that included visible minority incumbents, thus adding to visible minority representation.

Visible Minority Candidates and their Parties

The simple truism that the election of more visible minorities requires, in the first instance, their nomination as candidates in greater numbers justifies shifting the focus to the latter. Candidate-level information has always provided insights into understanding visible minority representation and this is no less true for the 2011 election. At the same time, the relationship between candidate and MP numbers is not a straightforward one but rather is mediated by many variables -- some alluded to above -- that help explain why more or less visible minorities end up being elected. Here attention is given to the parties' competitive positions. While the candidates of the more successful parties have better chances of winning, the more precise specification is the competitive status or electoral prospects of the candidates' parties in the particular constituencies where they run. Even if the larger parties will, by definition, have more winnable ridings, the strong regional variations in party support mean that all of the parties have areas of strength and weakness.

In the normal course of events, the previous constituency outcome provides the basis for judgments about a party's prospects in the upcoming election. Certainly, parties recruit and nominate their candidates very much mindful of competitive circumstances, with the expectation of a semblance of a correlation between past performance and the upcoming election result. Of course, it is understood that unexpected

elements will have some bearing on that result, but few anticipated the surprise that was the 2011 election. Many Liberal and BQ candidates went down in defeat in constituencies that ordinarily would have been regarded as competitive, if not safe. On the other side, a very large number of NDP nominees ended up being elected in ridings that the party normally had no realistic prospects of winning. Nowhere is this truer than in Quebec, where a significant number of visible minority MPs were elected in constituencies where the party had trailed badly the 2008 winner. What really mattered for these MPs was not the party's electoral prospects but their simple nomination.

But exactly how many visible minority candidates were nominated by the party and its rivals? And how do the numbers compare with earlier elections? Moreover, what does the information on party competitiveness precisely look like in 2011? Even if electoral margins in 2008 had less relevance for what ultimately happened in 2011, this does not mean that they were completely irrelevant. And, in any event, taking note of competitive placement provides insights about party intentions with regard to promoting visible minorities in electorally viable constituencies. The evidence from previous elections is that the parties, taken as a whole, are as likely to run visible minority candidates as non-visible minority contestants in competitive districts. At the same time, the degree of even-handedness has varied by parties and elections. How does the 2011 election fit in with this characterization?

Answers to these candidate-oriented questions begin with Table 2, which sets out the overall percentage of visible minority candidates nominated by the parties in 2011. Information on the previous three elections is included, again, to provide context. The 2004 contest is an appropriate starting point because it follows the 2003 merger of the Alliance and Progressive Conservative parties, meaning that going forward there is constancy in the major political formations. As well, in 2004 there was a significant ratcheting up in the nomination of visible minorities by the major parties -- up to 9.3%, nearly double what it was in 2000.

It turns out that the percentages have not increased dramatically since. There was a dip to 9% in 2006 and then an increase to 10.1% in 2008; similarly, the underlying raw numbers show the same modest variation -- 93, 90, and 101, respectively. The election of 2011 very much fits into this pattern of little-to-no change: overall, the main parties nominated 97 visible minority candidates or 9.7% of their combined candidate pools. So, at this broad level, the data indicate a situation of essential stasis with regard to

Table 2				
Visible Minority Candidates, 2004-2011				
	2004	2006	2008	2011
All Candidates (%)	9.3	9.0	10.1	9.7
By Party (%)				
BQ	6.7	7.8	10.7	8.0
CPC	10.7	8.1	9.8	10.1
Lib	8.4	11.0	9.8	9.1
NDP	9.4	7.8	10.7	10.4
Source: For 2004-2008 data, see Jerome H. Black, "Visible Minority Candidates and MPs: An Update Based on the 2008 Federal Election," <i>Canadian Parliamentary Review</i> , Vol. 34, No. 1, 2011, pp. 30-34. Candidate data for 2011 assembled by author.				

the advancement of visible minorities as candidates. Certainly, the modest jump in visible minority MP numbers in 2011 is not simply explained by a corresponding increase in visible minority candidacies.

Table 2 also sets out the separate percentages of visible minorities for the four largest parties, revealing the already-implied variation by party and election, and, altogether little in the way of sustained or common patterns. Over the 2004-2008 period, only the BQ nominated more visible minority candidates each time reaching a level of 10.7%; but in 2011, the figure was only 8%. For the Conservatives and NDP, the percentages drop from 2004 to 2006, then increase in 2008, while the opposite is true of the Liberals. As for 2011, for the most part the percentages for the parties are not greatly different from what they were in 2008.

Though informative, these data yield only limited insights into the parties' approach to visible minority candidacies because they include repeat contenders. Incumbents are normally renominated so other recruitment and nomination considerations usually matter less. By viewing only new candidates, more significance can be attached to their characteristics, including their ethnoracial origins, at the time of, or prior to, their selection. The pattern for new candidates also has an up and down quality. In 2004, there were 72 first time visible minority candidates who ran for the four largest parties; the number dropped to 53 in 2006, and then increased to 66 in 2008. In 2011, the same parties nominated 65 visible minorities, so the latest election is hardly an exceptional one in this regard.

Table 3 provides relevant party-specific information for the three largest parties.⁴ The first two lines mark the number of visible minorities nominated and the corresponding percentage among all new candidates. For example, in 2004 the Conservatives nominated 25 visible minorities who made up 12% of the party's new candidates. The third line records what percentage of those visible minority candidates ran in potentially winnable constituencies (where the party, in the previous election, either won or, if they lost, did so by a margin of 10% or less). Along with the fourth line, which reports the corresponding percentage for non-visible minority candidates, this information aids in understanding the extent to which the parties seriously and fairly promoted visible minority candidacies. To continue with the 2004 Conservative example, the party nominated 28% of their visible minority candidates, but 40% of their non-visible minority candidates, in winnable ridings, suggesting a mild bias against the former.

One broad perspective on the 2004-2008 data segment is that the individual parties, judging by nomination numbers and competitive considerations, have been inconsistent in advancing visible minority candidacies. Typically, a stronger promotional effort in one election was followed by a weaker endeavour in the next. This is not to say that this is purposeful. Rather, such see-saw patterns likely reflect the vagaries of the many different constituency parties acting on their own, influenced by various local considerations, and with limited direction from the national party. The net result is somewhat erratic fluctuations in overall visible minority numbers across elections.

Still, this inconsistency does appear to have the consequence of capping visible minority representation at a level less than it might otherwise be. This is because there has been a tendency for the promotional efforts by one or more parties to be offset by the softer efforts of others in the same election. This is especially apparent for the Conservatives and Liberals, which dominated the 2004-2008 election period. In 2004, the Conservatives ran more visible minorities as new candidates than the Liberals (25 versus 16) but the Liberals nominated more of them in winnable ridings (38% compared to 28% for the Conservatives). In the next election, the Liberals held an edge with regard to numbers (20 vs. 16) but both parties only weakly promoted those nominees in winnable ridings. The Conservatives ran only about 6% of their visible minority candidates in such ridings, while the comparable figure for the Liberals is 15%. Moreover, as can be seen, both parties ran more non-visible minority candidates in competitive constituencies. The 2008 election witnessed the Conservatives increase both their numbers of visible minority candidates (up to 19) and their competitive placement (32%, compared with 23% for their non-visible minority candidates.) However, the Liberal effort weakened even further, both in numbers (down to 16) and especially in competitive placement (only 6%).

For its part, the NDP's track record has also been somewhat inconsistent in this time frame. In 2004, they recruited 26 visible minorities among their new candidates (9.8%) but only 13 (7.3%) in the next election; the numbers were back up in 2008 more than doubling to 27 (12.3%). As for winnable constituencies, the NDP's traditional minor party status has greatly limited its ability to run more than a small number of new candidates in such ridings; still, as a general rule, placement has been about even-handed between visible minority and non-visible minority candidates.

Table 3 Visible Minority Candidates, Parties, and Constituency Competitiveness, 2004-2011 (New Candidates Only)				
	2004	2006	2008	2011
CPC				
Number of Visible Minorities	25	16	19	20
% of Visible Minorities	12.0	9.2	11.2	13.4
% Visible Minorities in competitive constituencies*	28	6	32	25
% of Non-Visible Minorities in competitive constituencies*	40	22	23	23
Lib				
Number of Visible Minorities	16	20	16	18
% of Visible Minorities	9.4	13.2	7.8	9.1
% Visible Minorities in competitive constituencies*	38	15	6	39
% of Non-Visible Minorities in competitive constituencies*	36	36	30	12
NDP				
Number of Visible Minorities	26	13	27	26
% of Visible Minorities	9.8	7.3	12.3	12.0
% Visible Minorities in competitive constituencies*	4	8	7	8
% of Non-Visible Minorities in competitive constituencies*	2	5	8	5
* Competitive constituencies are defined as those where the party in the immediately previous election, either won or, if they lost, did so by a margin of 10% or less.				

As for the 2011 election, it does not fit the pattern just seen -- none of the three parties weakened their support of visible minority candidacies. The Conservatives and the NDP essentially maintained the same levels of commitment that characterized their efforts in 2008, while the Liberals augmented their approach. The Conservatives nominated one more visible minority than in 2008 (20 vs. 19, with percentages of 13.4% vs. 11.2%). The party did nominate a smaller percentage of visible minorities in electorally attractive ridings in 2011 (25%) than in 2008 (32%) but the difference is not large, and in any event the 2011 figure effectively matches the percentage for non-visible minority candidates (23%). The NDP's promotional efforts in 2011 also held steady. They ran only one less visible minority in 2011 than in 2008 (26 vs. 27) and nominated about the same percentage of visible minorities in their potentially winnable ridings in the two elections.

What does distinguish the two parties, however, is the impact of their endeavours on the final 2011 visible minority MP tally. Of the 20 new visible minority candidates nominated by the Conservatives, only three were elected. By comparison, ten of the NDP's 26 new visible minority contestants were

victorious in their districts, and they made up the bulk of its contingent of visible minority MPs. As for the Liberals, their numbers were all up from 2008 to 2011: 16 to 18 (7.8% to 9.1%) for nominations, with a noteworthy 39% selected to run in winnable ridings (vs. only 6% in 2008). The irony, of course, is that this heightened commitment came at the time when the Liberals were on track to fail electorally. Still, this does not take away from what was a notable improvement in terms of intentions.

Summing Up

The fact that these three parties either maintained or enhanced their efforts in 2011 is one of the few (mildly) positive statements that can be made about the promotion of visible minority candidacies. On the negative side, altogether, the parties nominated fewer visible minorities in 2011 than in 2008, which alone points to an unremarkable election in that regard. Moreover, the modest improvement in visible minority MP numbers in 2011 is incompletely linked to candidate numbers and, especially, competitive circumstances. To be sure, the Conservatives' majority victory allowed seven of their eight visible minority incumbents -- one chose not to run in 2011 -- to be

easily re-elected, and, furthermore, to acquire five additional MPs in diversity-rich districts (four in the Toronto area, one in Vancouver). For the NDP, it was not by virtue of running visible minority candidates in winnable ridings that the party emerged with the most visible minority MPs. Rather, many won riding the party's electoral wave, and, again, the Quebec connection is central. Fully nine of the party's 13 visible minority MPs were elected there, one seat taken away from the Liberals and fully eight captured from the BQ. Nowhere is the NDP's dramatic rise more evident than in those eight constituencies, where the party in 2008 averaged only 13% of the vote and finished well behind the BQ by an average margin of 31 percentage points.⁵ Again, it was the simple nomination of visible minorities in those ridings that ultimately mattered. Moreover, the overall increment in visible minority MPs from 2008 to 2011 can be reasonably tied to the party's performance in Quebec. Had the election taken its more typical, historic form with an NDP fourth-place finish (along with a weak performance in Quebec), it is likely that the change in MP numbers would have been more modest.

In the final analysis, even though the 2011 election did establish a record for racial diversity in Parliament, population-based representation has not improved and is at the same level that it was almost twenty years ago. What is really happening is that visible minority MPs have been elected in numbers that are enough to keep the representation deficit from getting larger, but not enough to reduce it.

Notes

- 1 This count excludes an individual of Chilean background. While Statistics Canada now includes Chileans and Argentinians as part of the Latin American subcategory of visible minorities, the agency did not include them in the past, when the first of the author's minority MP studies was conducted. For consistency sake, therefore, the two Latin American origin groups have not been counted as visible minorities. For the sake of completeness, it can be noted that in 1993 an individual of Chilean origin was elected and one with an Argentinian background in 2004 (and re-elected in 2006 and 2008).
- 2 This 2011 estimate has been taken from Statistics Canada, *2011 National Household Survey*; Catalogue no. 99-004-XWE. Released: May 8, 2013.
- 3 For a discussion, see Jerome H. Black, "The 2006 and 2008 Canadian Federal Elections and Minority MPs," *Canadian Ethnic Studies*, vol. 41, no.1-2, 2009, pp. 69-93.
- 4 Partial results for the BQ, for the 2004-2008 period, can be found in Jerome H. Black, "Visible Minority Candidates and MPs: An Update Based on the 2008 Federal Election," *Canadian Parliamentary Review*, vol. 34, No. 1, 2011, pp. 30-34. In 2011, the party nominated only one new visible minority candidate.
- 5 These constituencies also have below average visible minority populations. Generally, the parties nominate visible minority candidates disproportionately in diverse constituencies. For a discussion about the wisdom of running visible minority candidates in relatively homogeneous ridings, see Jerome H. Black, "The 2006 Federal Election and Visible Minority Candidates: More of the Same?" *Canadian Parliamentary Review*, vol. 31, No.3, 2008, pp. 30-36.

Judicial Recounts: An Inside View

James R.K. Duggan and Jacques Carl Morin

Canada's 41st general election was held on May 2, 2011. There were bitter disputes over the results in some ridings after certain candidates won their seats with razorthin margins. To determine once and for all who won and who lost, judicial recounts were ordered in four ridings: Montmagny–L'Islet–Kamouraska–Rivière-du-Loup, Etobicoke Centre, Nipissing–Timiskaming, and Winnipeg Centre. This article looks at the history of judicial recounts, the process that was used to examine the ballots in Montmagny–L'Islet–Kamouraska–Rivière-du-Loup, and Mr. Justice Gilles Blanchet's rulings on the disputed ballots.

Judicial recounts involve having a judge review the ballots to determine the election results in a riding. The process first appeared in federal electoral legislation in 1878¹ shortly following the introduction of the secret ballot.²

The House of Commons Debates reveal little except that Hector Cameron, Member for Victoria North, once called for the right to a recount to be limited to cases where the margin was 50 or fewer votes; he pointed out that in Ontario, the right to a recount was limited to cases where the margin was fewer than 30.³

However, nothing came of it, and for almost 125 years judges were at liberty to order a judicial recount on the affidavit of a credible individual that the returning officer or deputy returning officer improperly counted or rejected any ballot papers or improperly added up the votes.⁴ This changed in 2000 with the passage of new electoral legislation.⁵

There is now an automatic judicial recount “[if] the difference between the number of votes cast for the candidate with the most votes and the number cast for any other candidate is less than 1/1000 of the votes cast”⁶ In that case, it is up to the returning officer, within four days after the results are validated, to make a request to a judge who sits in the electoral district where the results are validated.⁷

As well, when the margin between the top two candidates is equal to or greater than the margin resulting in an automatic recount, any elector may

apply to a judge for a judicial recount. To be accepted, the elector must satisfy the judge, through an affidavit of a credible witness, that

1. a deputy returning officer has incorrectly counted or rejected any ballots, or has written an incorrect number on the statement of the vote for the votes cast for a candidate; or
2. the returning officer has incorrectly added up the results set out in the statements of the vote.⁸

Automatic or not, a judicial recount may take one of the following forms, depending on the conclusions sought by the applicant: either the judge examines, allocates or dismisses, if necessary, each ballot and counts them to determine the election results in a riding; or the judge adds up the number of votes again based only on the statements provided by the deputy returning officers.⁹

When the judge must examine and count each ballot, both valid and rejected ballots, the judicial recount may be time-consuming and span several days. For example, in 1963 it took Justice Paul Sainte-Marie four days to examine the 17,028 ballots cast in the federal riding of Pontiac–Témiscamingue.¹⁰ Following the Quebec provincial election of November 15, 1976, the judicial recount of the 30,536 ballots in the riding of Hull began on November 22; since it was entangled with several other motions before the court,¹¹ the recount was not completed until December 22.¹²

During the judicial recount in the federal riding of Montmagny–L'Islet–Kamouraska–Rivière-du-Loup in the wake of the election of May 2, 2011, everyone wanted it to be completed as early as possible. The judge had a full agenda that did not allow him, in the short term, to spend more than three days on the recount; the Conservative candidate hoped to overturn the five-

James R. K. Duggan is a Montreal lawyer. Jacques Carl Morin is a retired lawyer who worked with Quebec's Department of Justice until 2009. Both participated in two judicial recounts arising out of the 2011 federal elections.

ballot margin between him and his main challenger so he could potentially be given a ministerial portfolio;¹³ and the NDP candidate was eager to consolidate his victory.

The number of ballots to recount made it impossible for the judge to personally count, following the customary procedure, all 48,225 ballots within a very short timeframe. Spending an average of five seconds to unfold each ballot, examine it and show it to the candidates' officials would have taken the judge roughly 66 hours to complete; given an eight-hour day, this would have taken over eight days.

It was therefore decided that the recount would be modelled largely after what was done a few years earlier for the judicial recount in the Ontario ridings of Parry Sound in 2006¹⁴ and Kitchener–Waterloo in 2008,¹⁵ although there was acknowledgment by both parties that the *Canada Elections Act* could be interpreted as requiring the judge to examine and count all the ballots personally.¹⁶

In granting the motion for a judicial recount, Justice Gilles Blanchet presented a 36-point outline of the process to be followed, stating that it may be useful or necessary to make changes or accommodations.¹⁷

The judicial recount took place at the Rivière-du-Loup courthouse. For the sake of openness and transparency, the task of examining the ballots was given to 15 teams based on the established polling station model. Each team had four members: a deputy returning officer and a poll clerk (one chosen by the Conservative Party and the other by the NDP, switching roles between morning and afternoon), and a Conservative representative and an NDP representative.

Basically, the deputy returning officer's job was to open the ballot boxes, take out and open the envelopes, handle the ballots, show them to both party representatives, and place them on the table in separate piles for each candidate.¹⁸ Contrary to the decision-making role provided by the *Canada Elections Act* on election day,¹⁹ the deputy returning officers were not given the task of ruling on the validity of the ballots. As for the polling clerks, they were responsible for numbering the disputed ballots and preparing the ballot box recount reports.²⁰

The role of the officials representing both candidates was to oversee the recount, examine but not touch the ballots, and raise any objections as to how the ballots were accounted for.

As well, each candidate had a mobile team made up of a lawyer and three paralegals; their role was to assist their representatives.²¹

The teams began by opening the ballot boxes containing the special ballots²² and examining these ballots. Then each of the other ballot boxes was opened. The team looked at the envelope of rejected ballots first, then the envelope of each successive candidate in alphabetical order. The envelope containing the spoiled ballots was left unopened, although the judge could have decided to have it opened if, for example, it was suspected that it may contain rejected ballots placed in the incorrect envelope.²³

Decisions regarding ballot validity were taken collectively by each team using the criteria set out in the Act. For instance, there should be no writing or marks on a ballot that could identify an elector, nor should there be marks in more than one of the circles to the right of the candidates' names.²⁴

If a team disagreed whether a ballot was valid or should be rejected, mobile teams appeared at the request of one of the candidates' representatives. If there was still a disagreement, the disputed ballot was set aside for later decision by the judge himself.²⁵

By the end of the first day of the recount, the ballots of 95 out of 255 polling stations had been recounted and 118 ballots had been set aside for the judge's decision. Considering the day's results, Justice Blanchet recommended that the attorneys meet to sift through the disputed ballots to resolve some of the disputes, which was done. The following morning, only 26 disputed ballots remained. By the end of the second day, there were an additional 26 disputed ballots.

After three full days, the 15 teams finished their work. The number of disputed ballots set aside for the judge's review and final decision was 33.

The attorneys made their representations on each disputed ballot and the judge retired to deliberate. After a few hours, he returned to issue his ruling on the ballots submitted for his consideration, not before setting out his guiding principles in that, like the Supreme Court of Canada, the court must favour a broad and liberal interpretation of any legislation guaranteeing citizens the right to vote, including how the rules on voting are applied.²⁶ He then ruled on the disputed ballots, which he placed under five categories.

Ballots marked for more than one candidate

Five ballots were rejected because they showed valid marks in two circles, making it impossible to know with certainty the elector's intent, while there was

nothing to suggest that the elector had clearly intended to cross out one mark for another.²⁷

In contrast, four other ballots with marks in two circles, one of them crossed out, were deemed valid. Judging by one of the marks, it was clear that the elector had intended to vote for only one of the two candidates.²⁸ Another ballot that was accepted was clearly marked for one candidate and had a tiny mark visible in the circle for another candidate, caused by hesitation or carelessness, without anything being able to identify the elector.

Ballots that could identify the elector

Two ballots were rejected because they showed distinctive markings that could identify the elector; one was marked with an X together with the initials RC and CR,²⁹ and on another was marked with the first name “Anne,” which did not belong to any of the candidates. A third ballot with a very distinctive mark showing two eyes with no nose or mouth was rejected. The judge said, “This was not one of those signs we see today, such as a ‘smiley’ or ‘heart,’ and in fact no other elector in the riding used it.”³⁰

However, 16 ballots with marks looking like an X, a bracket or other scribbles within a single circle were deemed valid. As well, a heart and a “smiley,”³¹ widely used today, especially by young people, and the words “Yes”³² and “Conservative”³³ were not considered markings that could identify the elector.

Ballots marked elsewhere than in the voting circles

Two ballots in support of a candidate where the mark was outside the voting circles were rejected. Despite the fact that it was clear for whom the elector intended to vote, Justice Blanchet stated that it had been agreed by the candidates’ attorneys during a pre-recount preparation meeting that ballots with markings outside the voting circles would be rejected. As well, the Act clearly says that “[i]n examining the ballots, the deputy returning officer shall reject one ... that has not been marked in a circle at the right of the candidates’ names.”³⁴

A ballot marked with “Spoiled” on the back

The judge deemed that this ballot had been mistakenly placed in the ballot box and should have been in the spoiled ballot envelope instead. A spoiled ballot is a ballot inadvertently spoiled by an elector marking it incorrectly; in such a case, it is to be handed over to the poll clerk in exchange for a new ballot that the elector marks and places in the ballot box.³⁵ A spoiled ballot may also be one that is misprinted, torn, stained or marked in a way that it could be identified and therefore does not protect ballot secrecy.

A special ballot with an error in a candidate’s name

According to the *Canada Elections Act*, the elector marks the special ballot “by writing the candidate’s given name or initials and surname. If two or more candidates have the same name, their political affiliation shall be indicated.”³⁶ In the case referred to here, the elector had indicated the desired candidate by the family name and the first name of another candidate. However, the elector took the step of writing “Conservative,” which in the judge’s view cleared up any doubt as to the elector’s intent, and so the ballot was allowed. According to the Act, “No special ballot shall be rejected for the sole reason that the elector has incorrectly written the name of a candidate, if the ballot clearly indicates the elector’s intent.”³⁷

By the end of the judicial recount, only 10 of the 33 disputed ballots resulted in a different decision by the judge. Five ballots that the deputy returning officer had originally not counted were deemed valid and therefore allocated to a candidate. Four ballots that the deputy returning officer had counted were deemed invalid. Lastly, a valid ballot had been allocated to another candidate. Following the recount, the NDP candidate’s lead went from five to nine votes.

Even today, the *Canada Elections Act* could require judges to recount all the ballots personally when conducting a judicial recount. This was certainly appropriate at a time when the number of ballots to recount was less than 5,000.³⁸ During the 2011 federal election, an average of 48,128 ballots were cast in each riding; in a number of ridings there were over 60,000, and one riding had over 90,000.³⁹ For the sake of expediency, the requirements of the Act were overlooked during the most recent judicial recounts, particularly the one in Montmagny–L’Islet–Kamouraska–Rivière-du-Loup, in favour of a more streamlined approach already tried a few years before. Based largely on the Act, the process that was used guaranteed transparency, meaning that the spirit, if not the letter, of the Act was followed. Parliament may be urged to review the relevant provisions of the Act in the near future.

Justice Blanchet’s decisions regarding the disputed ballots were in keeping with the tendency of Canadian courts, following the enactment of the *Canadian Charter of Rights and Freedoms*, one that was clearly more liberal than the one previously taken by the Supreme Court of Canada.⁴⁰

Lastly, it is still unfortunate that two ballots were rejected even though they were clearly marked for the Conservative candidate, although not in the circle to

the right of the candidate's name. However, in light of the Act, the judge's decision was the right one. Using ballots similar to the ones in Quebec⁴¹ and Ontario,⁴² where the circular spaces and the names of the candidates are the natural colour of the ballot paper and the rest in black, would prevent such a situation.

Notes

- 1 *An Act to amend the Act respecting the Elections of Members of the House of Commons*, S.C. 41 Vict. (1878), chap. 6, s. 14.
- 2 *An Act respecting the Elections of Members of the House of Commons*, S.C., 37 Vict. (1874) chap. 9, s. 26.
- 3 *Commons Debates*, April 18, 1878, p. 2076.
- 4 *Canada Elections Act*, R.S.C., 1985, c. E-21, s. 177(a).
- 5 *Canada Elections Act*, S.C., 48-49 Eliz. II, c. 9.
- 6 *Idem*, s. 300 (1).
- 7 For Quebec and Ontario, section 2 of the *Canada Elections Act* defines a "judge" as a superior court judge.
- 8 *Canada Elections Act*, s. 301.
- 9 *Canada Elections Act*, s. 304.
- 10 *Le Droit*, April 26, 1963. During a Quebec provincial election, a judicial recount involving 16,000 ballots in L'Assomption took five days. *La Presse*, July 15, 1960.
- 11 *Villeneuve-Ouellette c. Charron*, [1977] C.A. 73 (Rodolphe Paré J.).
- 12 *Le Devoir*, December 23, 1976.
- 13 Given the number of Conservative MPs elected in Quebec, this is not far-fetched; in fact, Prime Minister Harper waited until the judicial recount was completed before announcing his cabinet appointments.
- 14 *Re: Judicial Recount Arising out of the 39th General Election in the Electoral District of Parry Sound Held on January 23, 2006*, March 8, 2006, Ontario Superior Court of Justice, (Poupore RSJ), 2006 CanLII 6914 (ON S.C.)
- 15 *Re: Judicial Recount arising out of the 40th General Election in the Electoral District of Kitchener-Waterloo*, October 14, 2008, October 21, 2008, Ontario Superior Court of Justice, C-658-03 (Gordon RSJ), 2008 CanLII 64382 (ON S.C.)
- 16 *Couillard (Re)*, *jugement sur requête en dépouillement judiciaire*, 2011 QCCS 2617 (CanLII), para. 12, subpara. 36.
- 17 *Idem*, para. 12, subpara. 35.
- 18 *Idem*, para. 12, subpara. 12.
- 19 *Canada Elections Act*, supra note 6, subs. 286(2): "The deputy returning officer shall decide every question that is raised by an objection"
- 20 *Couillard (Re)*, supra note 16, para. 12, subpara. 13.
- 21 *Ibid.*
- 22 *Idem*, para. 12, subpara. 10. Special ballots may be used by Canadian Forces electors, electors temporarily residing abroad and incarcerated electors.
- 23 *Idem*, para. 12, subpara. 17.
- 24 *Canada Elections Act*, supra note 6, s. 284(d) and (e).
- 25 *Couillard (Re)*, supra note 16, para. 12, subpara. 13.
- 26 *Couillard (Re)*, ruling regarding a judicial recount, 2011 QCCS 2618 (CanLII), paras. 10 and 11. These principles were recently reaffirmed in *Opitz v. Wrzesnewskyj*, 2012 SCC 55, [2012] 3 SCR 76 and in *McEwing v. Canada (Attorney General)*, 2013 FC 525 (CanLII).
- 27 To the same effect see *Janigan v. Harris*, 70 O.R. (2d) 5, 14: "Nothing in the [...] Act suggests that a 'cross' or 'other mark' is to be preferred. Both the mark for Mr. Harris (X) and the mark for Mr. Janigan (/) are valid marks. Having put two marks on the ballot, one for each of two candidates, I cannot find that the elector intended to vote for one of those candidates over the other. Consequently, I find that the ballot has been double-marked, is invalid and should be rejected."
- 28 *Ssee Oppermann v. Brown et al.*, 2010 MBQB 280. (Hanssen J.); *O'Donohue v. Silva*, 1995 CanLII 623 (ON CA).
- 29 To the same effect see *South Newington Municipal Election Petition*, [1948] 2 All. E. R. 503.
- 30 *Couillard (Re)*, supra note 27, para. 17.
- 31 See *Janigan and Harris et al.*, 70 O.R. (2d) 5, 11.
- 32 *Couillard (Re)*, supra note 27, para. 17.
- 33 *Ibid.* To the same effect see *Ruffle v. Rogers*, Law Reports, Queen's Bench, 1982, 1220. The elector had written "Ruffle Liberal" on the ballot.
- 34 *Canada Elections Act*, supra note 6, para. 284(1)(b). There are no provisions in Great Britain's electoral legislation for rejecting ballots on such grounds; see *Woodward v. Sarsons* (1875) L.R. 10 C.P. 750; *Pontardawe Rural District Council Election Petition* [1907] 2 K.B. 313. In *Levers v. Morris et al.*, [1971] 3 All. E. R. 1300, a ballot with "a cross over the name of the candidate instead of being opposite to the name" was deemed valid.
- 35 In *Re Ford*, 106 Nfld. & P.E.I. and 334 A.P.R., Justice Halley wrote that "The difference between a spoiled ballot and a rejected ballot is that the spoiled ballot is intercepted before it goes into the ballot box while a rejected ballot is actually deposited in the ballot box but is not counted by the Deputy Returning Officer because it does not conform with the requirements of the (Election) Act."
- 36 Subsections 227(2) and (3).
- 37 *Canada Elections Act*, supra note 6, subs. 269(2).
- 38 In 1900, the average number of valid and rejected ballots per riding was 4,472.
- 39 In the Ontario riding of Oak Ridges-Markham, the total number of valid and rejected ballots during the 2011 election was 90,890.
- 40 See *Hawkins v. Smith*, 8 S.C.R. 676; *Bennett v. Shaw*, 64 S.C.R. 235.
- 41 *Election Act*, R.S.Q., c. E-3.3, s. 320, and Schedule III.
- 42 *Election Act*, R.S.O. 1990, c. E.6, subs. 34(5).

Don't Throw the Senate Out With the Bath Water

Jean-Rodrigue Paré

The Senate's lack of popular legitimacy gives disproportionate significance to the other problems besetting the institution. Relying on the so-called 'democratic deficit' argument, many ask for its abolition or want it to become elective. This article suggests that both these solutions would exacerbate the democratic deficit by extending to all our parliamentary institutions the strong hold of political parties and the Prime Minister. If the Prime Minister would agree to delegate power to recommend the appointment of senators to a House of Commons' committee whose decisions would be taken by consensus, the risk of radical solutions would be avoided, and the Upper Chamber would gain in popular legitimacy. It could thus continue to contribute to Canadian democracy through the independence of mind and non-partisanship of parliamentarians chosen for their eminence and the sincerity of their commitment to the well-being of all Canadians.

The Senate has only one problem, but it is considerable: it has no popular legitimacy. This amplifies the severity of its other imperfections. For instance, the inappropriate use of their allowances by some senators has called into question the very existence of the Upper House, whereas when MPs commit similar offenses, their distractedness is rightly condemned but without any claim to abolishing the House of Commons.

Since Confederation, most critiques of the Senate have essentially been variations on the argument that our parliamentary institutions suffer from an alleged "democratic deficit." The typical argument is as follows: Senators have roughly the same powers as MPs even though they are not elected. It is impossible to get rid of even the worst senators before they reach the age of 75, unless they commit "any infamous Crime," to use the phrasing of the *Constitution Act, 1967*. If they were at least appointed on the recommendation of a democratic institution, as are officers of Parliament or cabinet secretaries in the United States, we might tolerate them. Alas, no, their appointments are recommended to the Governor General—who is no

more legitimate—because they are loyal and partisan friends of the Prime Minister, who also suffers from a democratic deficit given that he or she can count on the submission of the elected chamber even when 60% of voters have not chosen candidates from the party he or she is running.

Faced with the Upper House's genuine image problem, Canada's political minds have come up with only two solutions: abolish the Senate or elect senators.

If the Senate had no powers, cost nothing and was as virtuous as a monastery, its abolition would have no significance. But the Senate has real powers, and their evaporation would enhance the already considerable power wielded by the Prime Minister. Indeed, the House of Commons would become the sole source of legislative power, and in a majority government, there would no longer be a counterweight to the allegiance most MPs are compelled to give the Prime Minister to boost their chances of promotion and re-election. Paradoxically, the voices we hear calling for the Senate's abolition are very often the same ones lamenting the powerlessness of MPs, even though the former would exacerbate the latter.

As for Senate elections, they would have three major negative effects. First, electing senators would consolidate the stranglehold political parties—and therefore, their leaders—have on Canada's parliamentary institutions. The absolute domination

Jean-Rodrigue Paré teaches parliamentary government and the history of political thought at the University of Ottawa. He is also an analyst with the Library of Parliament. The opinions expressed are his own and not those of the Library of Parliament.

of the elected Australian Senate by political parties is proof of this risk. Because they are not running for re-election, Canadian senators, unlike MPs, do not owe unconditional allegiance to the party of the Prime Minister who recommended their appointment. They can “choose” to be partisan, but they cannot be constrained by the threat of losing their seat. Senate elections would dry up this last oasis of independence once and for all.

Second, Senate elections would call into question the constitutional convention of responsible government. Under this convention, the House of Commons grants or denies the Prime Minister and Cabinet the right to govern in the name of the Queen by giving or withholding its confidence. The House of Commons enjoys this privilege because it is the only one of the three components of Parliament that is elected. If the Senate were elected, it could rapidly claim for itself the right to make or break the government or, at the very least, more brazenly oppose financial measures. Since close election results would be possible in both houses, the risk of gridlock would grow. Decisive results, on the other hand, would give the leader of the winning party such firm control of both houses that Parliament would become irrelevant until the next election. Some will counter with the long list of potential arrangements that would mitigate these risks: delineating the respective powers of the two houses, setting different mandate lengths, etc. Granted, we can live in hope, but all of these possibilities would entail reopening the Constitution, which is in itself a problem, and would also carry the risk that the well-intentioned wisdom of the initial endeavour would get lost in the political maneuvering of the actual negotiations.

Third—and here is where the argument will meet the most resistance—the Senate will cease to attract as many high-quality individuals if it is elected. Compared with the less flattering examples who many would pleasantly enumerate, the list is much longer of senators who have rendered and continue to render invaluable services and dedicate themselves to their country with a sincerity and intelligence that would be difficult in an elected house.

Let us not confuse elections with democracy. In a democracy, citizens must be able to get rid of leaders who do not satisfy them. This condition is admirably met in Canada through the government’s obligation to keep the confidence of the House of Commons in order to govern. The Senate in no way impinges on this democratic exercise, as it cannot defeat the government. Moreover, the Senate’s less partisan oversight of government activities and senators’ ability

to examine bills in more detail enable the Upper House to compensate for the deficiencies of the inevitably partisan dynamic in the elected house.

If the Senate were abolished or elected, the sky would not fall. However, in either case, our Parliament would become even more partisan, submissive to the Prime Minister and repressive of MPs’ expressions of independent judgment—exactly what we have criticized it for becoming over the past 40 years. If we listed everything we criticize MPs for failing to be, we would realize that we are basically condemning them for not being what senators should be in an ideal parliament: freethinking, competent, respectful, accomplished in that their past achievements clearly show that they are genuinely committed to the well-being of all Canadians, supportive of their party but proud to affirm their independence on matters of principle, and eager to openly discuss the public policy issues that matter to them most.

As for MPs, even if they all possessed these attributes, the dynamic of an elected house in our parliamentary system would prevent most from embodying them. These attributes are more compatible with an unelected house, but the way senators are appointed means that the Upper House unfortunately does not fully enjoy that independence. Given that the Governor General is bound by the Prime Minister’s recommendations when the latter has the confidence of the House of Commons, it would defy all logic for the Prime Minister to give up the privilege of recommending that the Governor General appoint to the Senate the individuals most likely to guarantee a short-term political advantage. The result is that senators, even the most independent ones, are suspected of adopting the same partisan logic while having none of the popular legitimacy that would make their partisan behaviour tolerable.

Therefore, the key question is: how can we enhance the Senate’s popular legitimacy and foster senators’ independence without increasing the power of the Prime Minister?

To make such a change, the Prime Minister would have to agree to delegate to another body the power to recommend senators’ appointments. The chances that such openness will happen are slim. By giving up this political advantage, the Prime Minister would create a precedent that could snowball and, if the confidence of the House of Commons became more fragile, force the Prime Minister to delegate recommendation powers in other areas.

A balanced solution would be to delegate the power to recommend the appointment of senators to a

committee of the House of Commons that would meet in camera and make decisions by consensus.

This process would increase senators' popular legitimacy while ensuring that the House of Commons remains the only confidence chamber. Consensus—no one is opposed—would be more practical than unanimity—all are agreed—and would eliminate any suspicion of partisan politics, since, in a majority government situation, a simple majority could be perceived as equivalent to a recommendation by the Prime Minister. The risk of such a process would be that a single committee member could systematically block all recommendations to bargain for a benefit elsewhere or to express opposition in principle to the institution itself. The ways to mitigate this risk are many, but the simplest is to require the opponent to present a reasonable alternative or lose the right to vote. Holding deliberations in camera would lead to better candidates. This might be considered an elitist argument, but there is honour in being selected without having sought the position. The Senate should be composed of distinguished individuals who have been chosen for the sincerity of their commitment to the country. A candidate who declared "I want to be a senator" would arouse suspicions of ambition and opportunism and render the recommendation less honourable. It would therefore be preferable for the discussions to take place behind closed doors and the recommended candidates to be announced only once

they have accepted the position. The committee could take the form of a special committee made up of MPs from the province or region of the Senate vacancy.

Since the debates preceding Confederation, and despite hundreds of articles calling for the abolition of the Senate or the election of senators, no one has in any way successfully demonstrated that the Senate harms Canadian democracy. The problem with the Senate stems from a superficial interpretation of what a democracy should be. Many have concluded that an unelected political institution in a modern democratic state cannot be legitimate. They have confused the means with the end. One of democracy's favoured means is the regular popular election of political leaders. The end of democracy is more freedom, better health and greater prosperity for human beings.

Senators' less partisan behaviour, independence and ability to examine the merits of public policies have helped enhance the freedom, health and prosperity of Canadians. This has never prevented our political leaders from being subjected to the verdict of popular vote. Why not think that this arrangement has favoured Canada's development? It has been said that democracy is the least bad of tried political systems. By enhancing the Senate's popular legitimacy, without denaturing it through elections, it would allow Canada to continue to make the least bad of political systems just a little bit less bad.



Legislative Reports



Ontario

On April 27, the Legislative Grounds were the site of an event commemorating the bicentennial of the Battle of York which was fought in present-day Toronto on April 27, 1813. The event was attended by His Royal Highness **Prince Philip**, The Duke of Edinburgh, and by Lieutenant Governor **David Onley**. Soldiers from the Third Battalion of the Royal Canadian Regiment, Canada's senior infantry regiment, took part in a military capability demonstration for the Prince and the Lieutenant Governor. A pair of soldiers parachuted from a plane above the legislature, landing in a nearby University of Toronto field, while others rappelled down the sides of the Frost and Whitney government buildings, the latter where Committee offices are located. Teams of snipers in camouflage deployed a belt-fed machine gun and a C-16 grenade launcher. Prince Philip who has served as the Battalion's colonel-in-chief since 1953, inspected rows of soldiers dressed in crisp red uniforms and presented new regimental colours to the Battalion. The Prince wore his numerous medals, including presumably his two most recent orders: the previous day he was presented with the insignias

of Companion of the Order of Canada and the Commander of the Order of Military Merit by Governor General David Johnston.

The Legislative Building was open to military families after the ceremony, which was followed by a military parade that marched from Queen's Park to Fort York National Historic Site where subsequent commemorative ceremonies took place.

Budget 2013

On May 2, Finance Minister **Charles Sousa** presented the 2013 Ontario Budget, the first under Liberal Premier **Kathleen Wynne**. Constituting a minority, the government needed the support of at least one opposition party—Progressive Conservative or New Democratic—to pass its Budget and avoid an election. The government had previously negotiated with the NDP and the May 2 Budget contained a number of NDP proposals, among them a 15 percent reduction to auto insurance rates, and a youth employment strategy. The NDP subsequently proposed that the government create an independent Financial Accountability Office, modeled on the federal Parliamentary Budget Office.

On May 28, the Government House Leader moved a motion to apply a timeline to the consideration of the Budget bill, which provided both for an extension of the regular sitting period (beyond June 6), if

required, and for establishment of a Financial Accountability Office. Debate on the timetabling motion, including an amendment and an amendment to an amendment, lasted over 13 hours at which point, on June 5, the Government House Leader moved closure. The closure motion passed on division as did the main motion. As a result, the Budget bill moved through the Committee stage and was reported back to the House, as per the timetabling motion. The House rose on Tuesday, June 11, just a day and a half later than the prescribed date. The government is expected to introduce legislation respecting the Financial Accountability Office no later than September 11, 2013.

Want of confidence

On April 29, **Jim Wilson**, Member for Simcoe-Grey, filed a motion of Want of Confidence. Forming the basis for his motion that "the Government has lost the confidence of [the] House" was the Speaker's earlier finding of a *prima facie* case of privilege for the non-production of documents relating to the cancellation and relocation of the Mississauga and Oakville gas plants, as well as certain revelations stemming from the continuing inquiry into the cancellation by the Standing Committee on Justice Policy.

On May 15, a motion by **Steve Clark**, Member for Leeds—Grenville, addressed to the Premier, was put forth as the topic of an Opposition Day

debate by the Official Opposition. The motion prescribed a date on which, in the opinion of the House, the House Leaders of all three recognized parties were to schedule a debate and vote on Mr. Wilson's Want of Confidence motion. Mr. Clark's motion presented an interesting way to address the issue of confidence during debate in the House, whose Standing Orders both prohibit an Opposition Day motion to be a motion of want of confidence in the government, and require that the time for debate on a want of confidence motion be determined by agreement of the House Leaders of all recognized parties.

Special report by the Information and Privacy Commissioner

On June 5, Dr. **Ann Cavoukian**, Information and Privacy Commissioner, released a special investigation report titled *Deleting Accountability: Records Management Practices of Political Staff* (tabled on June 11). The investigation was conducted in response to a complaint made to the Commissioner by **Peter Tabuns**, MPP, relating to the alleged deletion by senior political staff of e-mails relating to the gas plant cancellation and relocation. In her report, the Commissioner concluded that the e-mail management practices of the former Premier's office were in violation of the obligations set out in the *Archives and Recordkeeping Act, 2006*. She made several recommendations that would serve to ensure the Premier's and ministers' offices complied with their records management obligations. In early July, government officials announced that some e-mails relating to the gas plant controversy have been recovered.

Commissioner Cavoukian expressed concern that her office was given incorrect information about the existence of e-mails during its investigation, but was pleased that some records had been found, though the discovery did not affect her conclusion or recommendations.

By-elections 2013

The period May-July saw three Liberal MPPs resign their seats, bringing the total number of vacancies on the government side of the Legislative Assembly to five. Former Premier **Dalton McGuinty** resigned his Ottawa seat, marking the end of his 23-year tenure in the Legislature, the last ten as Premier. His resignation was followed by that of intergovernmental affairs minister **Laurel Broten** in Etobicoke and **Margaret Best**, parliamentary assistant to the minister of education, in Scarborough. Two vacancies were previously created in February with the resignation of **Dwight Duncan**, former minister of finance and **Christopher Bentley**, former minister of energy.

Premier Wynne called five by-elections for August 1, which saw the government keep two seats, the New Democrats gain two, and the Progressive Conservatives gain one – the party's first Toronto seat in a decade. Ontario's five new MPPs are **Mitzie Hunter** (LIB, Scarborough-Guildwood), previously a community activist and CEO of CivicAction; **John Fraser** (LIB, Ottawa South), previously a constituency assistant to former Premier McGuinty; **Doug Holyday** (PC, Etobicoke-Lakeshore), previously the deputy mayor of Toronto; **Percy Hatfield** (NDP, Windsor-Tecumseh), previously a Windsor

city councilor and former broadcaster; and **Peggy Sattler** (NDP, London West), previously a London school board trustee and former chair. As a result of the by-elections, party standings in the Legislature are LIB-50, PC-37, and NDP-20.

Committees

The Standing Committee on Justice Policy is continuing its review of the matter of the Speaker's finding of a *prima facie* case of privilege, with respect to the production of documents and to consider and report its observations and recommendations concerning the tendering, planning, commissioning, cancellation, and relocation of the Mississauga and Oakville gas plants. During the remainder of the spring session, the Committee continued to receive testimony from numerous witnesses, including Premier Wynne, former Premier McGuinty and Leader of the Official Opposition, **Tim Hudak**.

The committee submitted to the House an interim report on May 21, 2013 which included a summary of testimony of witnesses. The Committee has received a large number of documents since the Committee began its review as a result of motions passed requesting documents relating to the Committee's scope of inquiry.

On June 25, 2013, the Committee heard a second time from former Premier McGuinty. The Committee also received testimony from the Information and Privacy Commissioner, Dr. Cavoukian, discussing the special investigation report she released after receiving a complaint by a Member of the Committee following testimony from the former Chief of Staff to

the former Minister of Energy. The Committee is continuing to meet throughout the summer to continue its review.

The Standing Committee on General Government continued its self-directed study on the auto insurance industry, holding three days of public hearings. The Committee also continued its review of the *Aggregate Resources Act*, and was in the process of report writing when the House recessed for the summer. The Committee further began consideration of Bill 11, *An Act to amend the Ambulance Act with respect to air ambulance services*. The Committee held one day of hearings on the bill so far, and invited the Acting Auditor General, the Ombudsman, and legal counsel from the Ministry of Health and Long-Term Care to comment on the bill.

The Standing Committee on Finance considered Bill 65, *An Act to implement Budget measures and to enact and amend various Acts*. On June 10, the Committee completed clause-by-clause consideration of the bill and its 14 schedules.

Condolences

On May 8, 13 and 27, and June 3, the House heard statements from Members of all parties in an expression of condolence on the deaths of former Members **Bruce Crozier** (Essex South 1993-1999 and Essex 1999-2011); **John Melville Turner** (Peterborough 1971-1975 and 1977-1987, and Speaker 1981-1985); **Jacques Noé René Fontaine** (Cochrane North 1985-1990); **René Brunelle** (Cochrane North 1958-1981); and **Robert Goldwin Elgie** (York East 1977-1985).

Sylvia Przewdziecki
Committee Clerk



Prince Edward Island

The spring sitting of the Legislative Assembly adjourned to the call of the Speaker on May 8, 2013, after 24 sitting days. A total of 26 bills received Royal Assent; Bill No. 12, the *Pension Benefits Act* did not proceed beyond first reading. Also remaining on the Order Paper are 15 motions proposed by government and 41 motions put forward by members other than government.

The Standing Committee on Health, Social Development and Seniors of the Legislative Assembly of Prince Edward Island is commencing its work on facilitating a province-wide discussion on addictions to prescription drugs. "Abuse of prescription drugs is a growing problem," said **Bush Dumville**, chair of the committee. "The resulting addictions are devastating to Islanders and their families. This is something that concerns everyone."

The committee is soliciting input from members of the public and interested stakeholder groups by mail, fax, a toll-free telephone number, email, and a web-based comment form. In addition, a series of public hearings across the province will take place in September and October to hear personally from those affected by or involved with this very serious issue.

Renovations at Province House

Province House is undergoing renovations in advance of the 2014 celebrations that will mark the 150th anniversary of the Charlottetown Conference. The work will consist of upgrades to the exterior of Province House that have been identified as high priority and necessary to protect the character-defining elements and heritage fabric of the building. Included in the list of renovations are repairs to the building's foundation, masonry repointing and maintenance of the roof, windows and doors. The work is the largest renovation project for the building since the early 1980s.

Order of PEI Recipients Announced

The 2013 recipients of the Order of Prince Edward Island were announced in mid-June by the Chancellor of the Order, **H. Frank Lewis**, Lieutenant Governor of Prince Edward Island and **Charles Curley**, Chair of the Order of Prince Edward Island Advisory Council. The three Islanders selected to receive the honour are **Vera Elizabeth Dewar** of Stratford, Hon. **Alexander B. Campbell** of Stanley Bridge, and Dr. **Joyce Madigan** of Bideford. These three individuals were selected from a total of 46 Islanders nominated to receive the award this year. First conferred in 1996, the honour is awarded as a means of recognizing those Islanders who have shown individual excellence or outstanding leadership in their community and in their chosen occupation or profession. It is the highest honour that can be accorded to a citizen of the Province. It is awarded annually following a public nomination process with

not more than three recipients being selected by an independent nine-person Advisory Council each year. Insignia of the Order will be presented by the Lieutenant Governor at a special investiture ceremony in October at Government House, Charlottetown.

Marian Johnston
Clerk Assistant and Clerk of
Committees



Saskatchewan

The spring sitting concluded on May 16, 2013. During the spring period of session, the Lieutenant Governor, gave royal assent to 53 bills including an Appropriation Bill to defray the expenses of the Public Service.

In March 2013, a Special Committee on Traffic Safety was appointed to conduct an inquiry on matters related to improving traffic safety and reducing fatalities. The Special Committee on Traffic Safety sought recommendations from the public on improving traffic safety and reducing fatalities caused by impaired driving, distracted driving, excessive speed, intersection safety, and/or wildlife collisions, as well as education and public awareness issues related to traffic safety. The Committee conducted public hearings in six

communities. The Committee has been ordered to report its recommendations by August 30, 2013.

The Legislative Assembly of Saskatchewan, in partnership with the Provincial Auditor of Saskatchewan, hosted the Canadian Council of Public Accounts Committees and Canadian Council of Legislative Auditors (CCPAC/CCOLA) annual conference from August 25-27, 2013 in Regina.

Stacey Ursulescu
Committee Clerk



Northwest Territories

The Fourth Session of the 17th Legislative Assembly reconvened May 29, 2013. The six-day sitting saw the consideration and adoption of four pieces of legislation, including supplementary appropriations for both capital and operation expenses. Eleven bills were introduced, received first and second reading and were referred to standing committees for review and consideration during the summer and fall.

On June 5, 2013, the Assembly voted on a motion, introduced by **Robert R. McLeod**, Premier of the Northwest Territories, seeking the support of the Legislative Assembly for the approval of the Northwest Territories Lands and Resources Devolution Agreement. All nineteen Members spoke to the motion and following a recorded vote the motion was carried, with one Member opposing.

Another motion of interest was adopted on May 31, 2013. Introduced by **Norman Yakeleya**, the motion called on the Auditor General of Canada to undertake a comprehensive performance audit of the Nutrition North Canada Program and to report his office's findings and any recommendations to the Parliament of Canada and the Legislative Assembly of the Northwest Territories. Following a recorded vote, the motion was carried with all Members in favour.

The Final Report of the Electoral Boundaries Commission, May 2013 was tabled in the Legislative Assembly on May 29, 2013, and moved by motion of the House into Committee of the Whole for consideration during the fall sitting.

Other motions debated and adopted by the House during the sitting included:

- Directing the Government of the Northwest Territories to revise or replace the *Human Tissue Act* in order to create a framework for organ donation that reflects the best practices across Canada;
- Supporting the efforts of federal, provincial and territorial justice ministers to better protect children by combating cyberbullying; and
- Proposing the use of new resource revenues.

Legislation

One of the bills referred to a standing committee was a Private Member's Public Bill. Bill 24: *An Act to Amend the Liquor Act* was introduced by Mr. Yakeleya, Member for Sahtu. Bill 24 amends the Liquor Act to enable Sahtu communities to request that the minister hold a plebiscite to determine the wishes of voters

in those communities, respecting limitations on the sale of liquor by a liquor store in a Sahtu community. Bill 24 was referred to the Standing Committee on Government Operations for consideration.

Bill 22: *Territorial Emblems and Honours Act* is a bill that falls under the administration of the Speaker and the Board of Management of the Legislative Assembly. The bill establishes an Order of the Northwest Territories as a way of officially honouring current and former residents for outstanding service and achievement. The bill also recognizes the existing flag and territorial emblems of the Northwest Territories. The process to enact legislation sponsored by the Legislative Assembly is governed by guiding principles and process conventions adopted by the 17th Legislative Assembly. Pursuant to the convention, the Board of Management designated two of its members to introduce and second the bill. The bill was introduced by **Robert Bouchard** and seconded by **David Ramsay**. During the motion for second reading, Mr. Bouchard moved that the bill be referred directly into Committee of the Whole. The motion was adopted and the bill remains in Committee of the Whole for consideration during the fall sitting. The Assembly has invited public comment on Bill 22.

Committee Activity

Michael Nadli, the Chair of the Standing Committee on Government Operations, presented three reports on behalf of the committee during the sitting. Pursuant to the Rules of the Legislative Assembly, the

reports were received and moved into Committee of the Whole for consideration. The government was asked to provide a response to all three reports within 120 days.

The *Report on the Review of the 2011-2012 Annual Report of the Information and Privacy Commissioner of the Northwest Territories* was considered with five motions being adopted by the House. The motions recommended the expedited introduction of new health information legislation, the inclusion of municipalities in information and privacy legislation, the need for a comprehensive review of the *Information and Protection of Privacy Act*, and a progress report on government action with regard to the committee's recommendations since 2008.

The *Report on the Review of the 2011-2012 Public Accounts* was considered in Committee of the Whole with eight motions adopted by the House. This was the standing committee's first report regarding the review of the public accounts in the 17th Assembly, and the first such review in approximately nine years.

The third report presented for consideration in the Assembly was the *Report on the Review of the Report of the Auditor General of Canada on the 2013 Northwest Territories Income Security Programs*. The audit focused on the delivery of income security programs by the Department of Education, Culture and Employment in accordance with legislation and policy and whether the department was collecting data and assessing program performance to ensure objectives were being met. Following consideration in

Committee of the Whole, twenty-one motions were adopted by the House.

The Standing Committee on Economic Development and Infrastructure continued its consideration of Bill 3: *Wildlife Act*, holding seven additional public hearings throughout the territory in the month of June. It is expected that the committee will present its final report on the legislation during the fall sitting.

The Standing Committee on Priorities and Planning met prior to the May sitting and elected **Wendy Bisaro** as the new chair of the standing committee. Ms. Bisaro then resigned from her position as a Deputy Chairperson of Committee of the Whole. On May 29, 2013, by motion of the House, Mr. Bouchard was appointed as a Deputy Chairperson of Committee of the Whole.

Youth Parliament

The 12th Legislative Assembly Youth Parliament convened May 6-10. A grade nine or ten student from each electoral district was chosen to assume the role of a Member of the Legislative Assembly for the week. Youth Parliament is an educational outreach program designed to teach youth about the daily workings of consensus government. The week culminated in a model parliament with all students participating. The 2013 Youth Parliament introduced and debated four motions, eager for the opportunity to bring specific youth interests into the Chamber.

Gail Bennett

Principal Clerk, Operations



New Brunswick

The Third Session of the 57th Legislative Assembly opened on November 27, 2012, and adjourned on June 21, 2013, after sitting a total of 57 days. Of note during the session was the referral by the House, for the first time, the budgetary estimates of certain government departments to three separate standing committees. The House referred the estimates of the Department of Health to the Standing Committee on Health Care and the estimates of the Department of Education and Early Childhood Development to the Standing Committee on Education. The Standing Committee on Estimates also considered various estimates along with the Committee of Supply, which is the usual practice. A motion was adopted to extend the hours allocated for the consideration of estimates to a total of 120 hours, 40 hours more than previous years. The extra time was allocated to the Standing Committees on Health Care and Education.

Legislation

Fifty-seven bills received Royal Assent during the session. In particular, Energy and Mines Minister **Craig Leonard** introduced Bill 39, *Electricity Act*. The Bill provides for the amalgamation of a number of separate entities into one vertically integrated Crown

electric utility called the New Brunswick Power Corporation, which will be subject to regulatory review and scrutiny by the New Brunswick Energy and Utilities Board. NB Power will be required to defend its energy rates before the Board every year, and the government will no longer have the authority to override the Board's decision on energy rates.

Premier **David Alward** introduced Bill 72, *An Act Respecting Official Languages*, which made a number of amendments to the *Official Languages Act*, following recommendations proposed in the Final Report of the Select Committee on the Revision of the *Official Languages Act*. Amendments include clarifying municipal signage policies, clarifying language obligations for third parties, adding a purpose clause to the Act, and requiring professional associations created by legislation to provide services in both official languages.

The Opposition introduced 13 bills during the session, including legislation related to the registration of lobbyists, conflict of interest reform, and a competitive appointment process for the heads of Crown corporations.

Electoral Boundaries

The Electoral Boundaries and Representation Commission released its final report on April 25. The Commission held 50 hearings during two rounds of public consultations throughout the province. The recommendations contained in the report include the division of the province into 49 electoral districts, a decrease from the current 55 electoral districts.

Visit

Alberta Premier **Alison Redford** addressed the House prior to the commencement of the sitting on June 7. Premier Redford promoted the West-East pipeline, and the opportunities to build a stronger economy and create jobs in New Brunswick, Alberta and throughout Canada.

Legislative Officers

A new selection process for legislative officers was implemented following the adoption of Bill 28, *An Act Respecting Officers of the Legislative Assembly*. A selection committee composed of the Clerk of the Executive Council, the Clerk of the Legislative Assembly, a member of the judiciary, and a member of the university community was appointed to identify persons as potential candidates. As a result, on June 14 three new legislative officers were appointed:

- **Katherine d'Entremont**, Commissioner of Official Languages;
- **Charles Murray**, Ombudsman;
- **Norman Bossé**, Child and Youth Advocate.

Committees

On June 14 Minister of Justice and Attorney General **Marie-Claude Blais** tabled the Final Report of the Standing Committee on the Revision of the *Official Languages Act*. The committee held 23 meetings to review legal decisions, suggestions from the Commissioner of Official Languages, submitted briefs, and proposals and recommendations from the public. The report, which contained 42 recommendations, discussed such topics as the administration

of justice, language of work, policing and health services, seniors, commerce and business, First Nations, and language training.

Standings

The Legislature is expected to resume sitting on November 26. The standings in the House remain 41 Progressive Conservatives, 13 Liberals and 1 Independent.

John-Patrick McCleave
Research Assistant, Acting
Committee Clerk



Alberta

The third sitting of the First Session of the 28th Legislature adjourned on May 15, 2013. Twenty Bills, including two Private Bills and two Private Members Public Bills, received Royal Assent during this sitting. The Assembly is currently scheduled to reconvene on October 28, 2013.

Changes to Cabinet

In response to the severe flooding that affected parts of southern Alberta, Premier **Alison Redford** adjusted her cabinet by removing two associate ministries and adding three new ones. On June 25, 2013, **Rick Fraser**, Member of the Legislative Assembly for Calgary-South East, was sworn in as Associate Minister for Recovery and Reconstruction (High River). On

the same day, **Kyle Fawcett**, MLA for Calgary-Klein, became the Associate Minister for Recovery and Reconstruction (South West Region), and **Greg Weadick**, MLA for Lethbridge-West, took on the role of Associate Minister for Recovery and Reconstruction (South East Region). Prior to these appointments Mr. Fawcett and Mr. Weadick served in cabinet as the Associate Minister of Finance and the Associate Minister of Municipal Affairs, respectively. All three of these new associate ministries fall within the Ministry of Municipal Affairs.

On August 1, 2013, another post was added to Premier Redford's cabinet when **Sandra Jansen**, Member of the Legislative Assembly for Calgary-North West, was sworn in as Associate Minister of Family and Community Safety. As part of the Ministry of Human Services, this new position will focus on issues related to violence against women, bullying, human trafficking and sexual exploitation.

With these new appointments Premier Redford's cabinet now has 18 ministers, including the Premier, and nine associate ministers.

Changes to Caucus Membership

On May 14, 2013, **Peter Sandhu**, Member of the Legislative Assembly for Edmonton-Manning announced his resignation from the Progressive Conservative caucus and all official government duties. The resignation followed legal actions filed against Mr. Sandhu with respect to his personal business interests and a related affidavit he had signed. Mr. Sandhu continues to represent the Edmonton-Manning

constituency as an independent Member of the Legislative Assembly.

On July 16, 2013, **Mike Allen**, Member of the Legislative Assembly for Fort McMurray-Wood Buffalo, resigned from the Progressive Conservative caucus following an incident that occurred in St. Paul, Minnesota. Mr. Allen continues to represent the constituency of Fort McMurray-Wood Buffalo as an independent Member of the Legislative Assembly.

With these changes the composition of the Legislative Assembly of Alberta sits at 59 Progressive Conservative members, 17 Wildrose members, five Alberta Liberal members, four New Democrat members, and two independent members.

Committee Activity

After running a national advertising campaign seeking applications for the position of Chief Electoral Officer the Select Special Chief Electoral Officer Search Committee met to determine the candidates selected for a preliminary interview. The Committee will meet again on September 4, 2013, to review the results of these interviews and continue the selection process.

On April 22, 2013, the Assembly referred Bill 205, *Fisheries (Alberta) Amendment Act, 2012*, sponsored by **Pearl Calahasen**, Member of the Legislative Assembly for Lesser Slave Lake, to the Standing Committee on Resource Stewardship during second reading. As part of the review process the Committee received presentations on the Bill from its sponsor and from the Ministry of Environment and Sustainable Resource Development. On August 8,

2013, the Committee released its final report on Bill 205 through intersessional deposit. The report recommended that Bill 205 not proceed but that the ministry provide an annual update to the committee on its commercial fishing consultation practices for up to three years.

The Standing Committee on Families and Communities is continuing its review of Bill 204, *Irlen Syndrome Testing Act*, sponsored by **Mary Anne Jablonski**, Member of the Legislative Assembly for Red Deer-North. The Committee received over 70 responses to its call for written submissions and has invited six organizations and individuals to make presentations to the Committee in September.

Jody Rempel
Committee Clerk



British Columbia

As reported in the last issue, on May 14, 2013, British Columbians elected a fourth consecutive Liberal government headed by Premier **Christy Clark** who lost her own seat. The BC Liberal Party's election win was unexpected in that pre-election polling showed them trailing the NDP by a significant margin.

The results in two ridings were not reported on previously. The riding of Coquitlam-Maillardville required a judicial recount to determine the result.

Although a judicial recount was not triggered, the riding of Saanich North and the Islands was also remarkably close with less than 400 votes separating three candidates. Both ridings were ultimately won by NDP candidates. The current party standings are: 49 BC Liberal Party; 34 New Democratic Party of BC; 2 Independents.

New Cabinet Appointments

BC's new cabinet was announced by Premier Clark at a Vancouver event on June 7 and sworn in at Government House in Victoria on June 10. Twelve returning MLAs were appointed to cabinet: **Rich Coleman**, Deputy Premier and Minister of Natural Gas Development and Minister Responsible for Housing; **John Rustad**, Minister of Aboriginal Relations and Reconciliation; **Pat Pimm**, Minister of Agriculture; **Stephanie Cadieux**, Minister of Children and Family Development; **Bill Bennett**, Minister of Energy and Mines and Minister Responsible for Core Review; **Mary Polak**, Minister of Environment; **Michael de Jong**, Minister of Finance and Government House Leader; **Steve Thomson**, Minister of Forests, Lands and Natural Resource Operations; **Terry Lake**, Minister of Health; **Shirley Bond**, Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour; **Don McRae**, Minister of Social Development and Social Innovation; and **Naomi Yamamoto** Minister of State for Tourism and Small Business.

Seven new MLAs were also appointed: **Amrik Virk**, Minister of Advanced Education; **Coralee Oakes**, Minister of Community, Sport and Cultural Development; **Peter Fassbender**,

Minister of Education; **Teresa Wat**, Minister of International Trade and Minister Responsible for the Asia Pacific Strategy and Multiculturalism; **Suzanne Anton**, Minister of Justice and Attorney General; **Andrew Wilkinson**, Minister of Technology, Innovation and Citizens' Services; and **Todd Stone**, Minister of Transportation and Infrastructure and Deputy House Leader.

On June 14 **Adrian Dix**, Leader of the Official Opposition, announced the Official Opposition critic roles. Of returning MLAs, seven continued in their previous critic roles, while 18 took on new portfolios.

The New Parliament

The successful candidates in the election were sworn in by the Clerk of the Legislative Assembly, **Craig James**, in four separate ceremonies. The 40th Parliament consists of 53 returning members and 32 new MLAs. Within hours of his caucus being sworn in on June 11, **Ben Stewart**, Liberal MLA for West Side-Kelowna, resigned to allow Premier Clark to seek a seat in the Legislative Assembly.

The first item of business of the new Parliament, which opened on June 26, was to acclaim **Linda Reid** as the new Speaker of the Legislative Assembly. Ms. Reid, who served as Deputy Speaker from 2009 to 2013, is BC's longest-serving female MLA, having first been elected in 1991 to represent Richmond East. The election of a new Speaker was precipitated by the retirement of **Bill Barisoff** who did not seek re-election during the general election.

On July 17, a replica of the Speaker's chair was unveiled in the Speaker's courtyard at the back of the Parliament Buildings.

Bricks around the chair are inscribed with the names and terms of BC's presiding officers since the first Parliament.

Throne Speech

Lieutenant Governor **Judith Guichon** delivered the Speech from the Throne on June 26. The speech's primary focus was on the importance of seizing the opportunity presented by the liquefied natural gas industry for the creation of a BC prosperity fund, and ultimately for the elimination of the provincial debt.

The government also committed to toughening BC's balanced budget law and balancing the budget in every year of its mandate. Additionally, it promised to seek efficiencies in government, improve permitting processes, launch a core review, and promote the clean energy sector.

The Opposition Leader responded by characterizing the Throne Speech as lacking in substance. Mr. Dix criticized the government for growing the provincial debt at a record rate in spite of campaigning on the promise of a "debt-free BC." He also claimed that the government is not addressing the loss of 31,000 private sector jobs in BC or the net outmigration of people from the province to other parts of Canada.

Budget Update and Estimates Debate

On June 27, Finance Minister de Jong presented a budget update that contained the same tax measures and spending commitments as the budget introduced in February. However, he announced that changes in revenue and growth projections are anticipated to reduce the original predicted

surplus from \$197 million to \$153 million.

In his response, Opposition Finance Critic **Mike Farnworth** contended that the provincial budget for 2013/14 had never been balanced. He cited record growth of the provincial debt, the loss of private sector jobs, and net outmigration from BC as examples of trends running counter to the government's rhetoric. He also suggested that cuts to health care, education, and other social services were imminent.

For the first time, the use of slides was permitted in the House and referenced in the Hansard transcripts. PowerPoint presentations displayed on screens mounted to the walls of the Chamber were used by the Finance Minister in the budget address and the Finance Critic in his response.

Continuing the practice from last year, the Committee of Supply met in three concurrent sections to debate the budget estimates. While the inclusion of the third section for the sake of maximizing the amount of time available for debate speeded up the review process, Opposition House Leader **John Horgan** objected to the reduced number of hours available for estimates compared to previous years.

By-election

Following Mr. Stewart's June 11 resignation, a by-election was called for the riding of Westside-Kelowna. The by-election was held on July 10 and was won by Premier Clark with almost 63% of the popular vote out of a field of eight candidates. Ms. Clark was sworn in as an MLA on July 30 in Vancouver.

Gordon Robinson
Committee Researcher



Manitoba

In accordance with the sessional calendar specified in the rules, the Second Session of the 40th Legislature was due to rise on June 13, 2013. However, due to the fact that key government business – including approval of departmental estimates and nearly all government bills – was not completed by the time of the scheduled rising, the Government called an emergency session for June 17 in order to complete the financial and legislative business before the House. The Legislature has been sitting through the summer months with no fixed end date.

As most Bills still need to make their way through the legislative process, the following Bills have been and continue to be the focus of a great deal of attention both in the House and in Committees.

- *Bill 18 – The Public Schools Amendment Act (Safe and Inclusive Schools)*, which amends the Act in the areas of bullying and respect for human diversity.
- *Bill 20 – The Manitoba Building and Renewal Funding and Fiscal Management Act (Various Acts Amended)*, which exempts the referendum requirement in *The Balanced Budget, Fiscal Management and Taxpayer Accountability Act* in order to increase the PST by 1% and enacts measures to provide a sustainable funding source for the renewal of infrastructure.

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- *Bill 33 – The Municipal Modernization Act (Municipal Amalgamations)*, which permits the minister to recommend that a municipality be amalgamated if it has a population of fewer than 1,000 residents and enables the Lieutenant Governor in Council to make regulations amalgamating municipalities.

Extended debates with unlimited designated speaking times were held on numerous types of motions moved in connection to these bills. In fact, activity on these bills has contributed to some rarely used motions such as six months hoist and reasoned amendments, the proposal of several committee and report stage amendments, as well as attracting a very high volume of registrations for public presentations at committees.

To date, a total of 63 Bills have been introduced this session, including 47 Government Bills and 16 Bill sponsored by Private Members. At the time of writing, two Government Bills have received Royal Assent since the start of this session last fall.

Hoist and Reasoned Amendment Motions

On May 7, 2013 **Myrna Driedger** moved a reasoned amendment declining second reading of Bill 20 *“because this House has not received satisfactory evidence or assurances that an increase in the retail sales tax was either considered or recommended at the government’s pre-budget consultation meetings.”* Following the debate, the motion was defeated on a vote of yeas 19, nays 31.

On May 23, 2013 **Reg Helwer** moved a hoist amendment to delay the second reading of Bill 20 to a day “six months hence”. Following the debate, the motion was defeated on a vote of yeas 19, nays 32.

On May 27, 2013 **Kelvin Goertzen** moved a hoist amendment to delay the second reading of Bill 33 for six months. As of August 15 this debate had not been resolved and was still on the House agenda.

Report Stage Amendments

During the week of August 12th, **Cliff Cullen** moved five of the twenty report stage amendments listed for Bill 20 adding provisions for an independent study to be conducted for the purpose of determining the impact of the increase in the general sales tax rate on cross-border shopping as well as on the standard of living of Manitoba seniors. All five motions were defeated after each debate.

Additional report stage amendments on various bills recently considered by the Standing Committee of Justice have been placed on the agenda for future debate.

Opposition Day Motion

On May 15, 2013 **Blaine Pedersen** moved an opposition day motion urging the Provincial Government “to begin working co-operatively and respectfully with Manitoba Municipalities rather than in an adversarial and dictatorial fashion.” Following the debate, the motion was defeated on a vote of yeas 19, nays 32.

Committee of Supply

The Committee of Supply considered the Estimates of the Departmental Expenditures from May 16 to July 18, 2013. During this period, resolutions to approve departmental spending were passed and motions were moved in each department to reduce the respective minister’s salaries to \$1.08. All motions

were defeated on counted votes. The Committee of Supply also considered and passed supply resolutions dealing with temporary funding for operating and capital expenditures until the Assembly deals with the main supply bills later this session. As a result, Bill 48 – The Interim Appropriation Act, 2013 received Royal Assent on July 29, 2013.

Standing Committees

Manitoba Standing Committees have been active during these past couple months. The Standing Committee on Legislative Affairs met on three separate occasions to consider reports from the Children’s Advocate and Elections Manitoba; to consider the appointment of a new Chief Electoral Officer; and to establish a sub-committee tasked with conducting the hiring processes for the positions of Ombudsman and Auditor General.

Additionally, the Standing Committee on Public Accounts scheduled three meetings to consider several reports from the Auditor General covering a variety of topics including:

- Audit of the Pharmacare Program
- Manitoba eHealth Procurement of Contractors
- Personal Care Homes Program
- Business Transformation and Technology
- Information Technology Security Management
- Senior Management Expenses Policies

The Standing Committees on Justice and Social and Economic Development met on seven separate occasions to consider legislation, hearing over 130 public presentations alone on Bill 20. Activity on the above

mentioned bills in fact will be contributing to one of the busiest committee seasons since 2008. As of mid August over 460 citizens have registered to speak to several Bills currently before the House once they are referred for Standing Committee consideration.

Current Party Standings:

The current party standings in the Manitoba Legislature are: NDP 37, Progressive Conservatives 18, one Independent Liberal and one vacancy.

Monique Grenier

Clerk Assistant/
Clerk of Committees



Yukon

On May 16th, the 2013 Spring Sitting of the First Session of the 33rd Legislative Assembly adjourned. The 32-day sitting, which had convened on March 21st, concluded with Assent being given in the Chamber by the Commissioner of Yukon, **Doug Phillips**.

Assent

During the course of the Fall Sitting, the following nine bills (all Government bills) received Assent from Commissioner Phillips:

- Bill No. 8, Third Appropriation Act, 2012-13
- Bill No. 9, Interim Supply Appropriation Act, 2013-14

- Bill No. 10, First Appropriation Act, 2013-14
- Bill No. 52, Act to Amend the Housing Corporation Act
- Bill No. 53, Act to Amend the Education Act
- Bill No. 54, Act to Amend the Employment Standards Act
- Bill No. 55, International Interests in Mobile Equipment (Aircraft Equipment) Act
- Bill No. 56, Movable Soccer Goal Safety Act
- Bill No. 57, Oil-Fired Appliance Safety Statutory Amendment Act

New Ombudsman and Information & Privacy Commissioner Appointed

Following **Tim Koepke's** February 7 announcement that he intended to resign as Yukon's Ombudsman and Information & Privacy Commissioner (see the Summer 2013 Legislative Report), the Members' Services Board on May 9th issued a news release announcing its recommendation that **Diane McLeod-McKay** be appointed as Yukon's next Ombudsman and Information & Privacy Commissioner.

On May 15, the House adopted Motion #461, which recommended that the Commissioner in Executive Council appoint Ms. McLeod-McKay as Yukon's next Ombudsman for a five-year term (effective June 10, 2013). The Speaker, **David Laxton**, conducted a division on the motion, as the *Ombudsman Act* requires that at least two-thirds of Yukon's MLAs support the appointment of the Ombudsman. Eighteen members (i.e., all MLAs save the Speaker, who votes only to break a tie) voted in favour of the motion.

On June 9, in a ceremony presided over by the Speaker in the Chamber,

Ms. McLeod-McKay was sworn in as Ombudsman and Information & Privacy Commissioner by the Clerk of the Legislative Assembly, Dr. **Floyd McCormick**. Prior to assuming her new role, Ms. McLeod-McKay was the Director of the *Personal Information Protection Act* in the Office of the Information & Privacy Commissioner of Alberta.

Auditor General's Report

On June 19th, the Standing Committee on Public Accounts (chaired by the Official Opposition Leader, **Liz Hanson**) held a public hearing in the Chamber to consider a report released in February by the Auditor General of Canada, **Michael Ferguson**. The report, entitled "Report of the Office of the Auditor General of Canada to the Yukon Legislative Assembly – 2013: Capital Projects – Yukon Hospital Corporation", assessed the adequacy of the planning for, and managing the building of, hospitals in Dawson City and Watson Lake, and a housing facility for staff of Whitehorse General Hospital. During the public hearing, officials from the Office of the Auditor General were on hand to advise the Committee. Over the course of the day, the Committee questioned witnesses from the Yukon Hospital Corporation, and the Department of Health and Social Services. The Committee will prepare a report on the hearing, which will, at a future date, be tabled in the House.

Independent Member Joins Government Caucus

On July 8, Independent member **Darius Elias**, the MLA for Vuntut Gwitchin since the 2006 general election, joined the Yukon Party Caucus as a private member. The move was

announced at a press conference that Premier **Darrell Pasloski** held with Mr. Elias. On August 17, 2012, Mr. Elias, the Interim Liberal Leader, had left that caucus to become an Independent member, leaving a sole Liberal MLA in the 33rd Legislative Assembly.

MLA Seeks to Lead Yukon Liberal Party

On July 25, **Sandy Silver**, the MLA for Klondike, announced in Dawson City that he will be running for the leadership of the Yukon Liberal Party. Since August 17, 2012, Mr. Silver has been the Interim Liberal Leader, and has served as the Leader of the Third Party in the House. No date has been set for the leadership selection.

Select Committee – Hydraulic Fracturing

On May 6, 2013, Yukon's Legislative Assembly carried Motion #433, establishing the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing. The motion, which names specific MLAs to the Committee, provides for equal representation on the Committee by Government and Opposition members, with the Chair having a deliberative vote. The six-member Committee, chaired by **Patti McLeod**, includes Mr. Elias in its membership. Following Mr. Elias's move during the summer recess from the Opposition to the Government caucus, informal arrangements were made between Premier Pasloski and the NDP Leader, Ms Hanson, for an NDP MLA (**Lois Moorcroft**) to substitute for a Government MLA (**Stacey Hassard**) on the Select Committee, in order to maintain the government-opposition balance on the Committee. The Committee has begun its work,

and is initially focussing on the section of its mandate providing for its members to acquire an understanding of Yukon's current legislative and regulatory regime, so far as they pertain to the subject matter before the Committee.

Linda Kolody
Deputy Clerk



On June 14, 2013, the National Assembly adjourned its proceedings until Tuesday, September 17.

On Sunday, June 30, Premier **Pauline Marois** called an extraordinary sitting so that the Members could pass Bill 54, *An Act respecting the resumption of work in the construction industry*. The bill was passed in the late hours from Sunday night to Monday morning, with only two Members, both independents, voting against it.

Legislation

The Assembly passed 38 bills since the 40th Legislature began on October 30, 2012. Of these, nine were private bills, 29 were public bills, and 25 were passed unanimously.

The main bills passed during the spring sessional period were as follows:

- Bill 3, *An Act to amend the Election Act for the purpose of establishing fixed-date elections*;
- Bill 10, *An Act to provide for the provisional relief from office of an elected municipal officer*;

- Bill 11, *An Act to amend the Act respecting the National Assembly and the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly*;
- Bill 22, *An Act to amend the Crime Victims Compensation Act, the Act to promote good citizenship and certain provisions of the Civil Code concerning prescription*.

Also adopted was Bill 29, *An Act to amend the Act respecting Héma-Québec and the haemovigilance committee*, which broadens the mission of Héma-Québec by giving it responsibilities with regard to human milk, stem cells and human tissues.

Directives and rulings of the President

In April, May and June, numerous questions were raised, mainly by opposition Members, which required a ruling or directive from the President. These involved, among other things, the tabling of 2013-2014 Budget documents after the tabling of Budget estimates, the distribution of speaking time in committee when non-committee members are participating in the deliberations, the admissibility of proposed amendments to bills, the absence on the Order Papers and Notices of the mandate entrusted to the Committee on Public Administration following the adoption of a motion made by the Opposition and, finally, the examination of the Government's budgetary policy at the end of each fiscal quarter.

On June 11, President **Jacques Chagnon** ruled on a question raised on May 28, 2013, by the Second Opposition Group, who maintained that the information and publicity put out by three school boards encouraging parents to enrol their

four-year-olds in kindergarten for September 2013 constituted a breach of privilege, since Bill 23, *An Act to amend the Education Act concerning certain educational services for students under five years of age*, was still being examined by the Assembly at the time.

Jurisprudence, the President determined, had already established that acting on legislative provisions still being examined by the Assembly could constitute contempt of Parliament. The three school boards concerned, having set up full-time kindergarten programs for four-year-olds, had indeed acted on the provisions of Bill 23. Moreover, the information they had put out made no mention of the fact that it remained for the Assembly to examine the bill and pass it into law. However, only two of the three school boards let readers assume that the provisions had effect immediately. The President concluded that the two school boards were, *prima facie*, in contempt of Parliament. The boards conveyed their apologies to the Members, and there the matter ended.

The President used the opportunity to underline the importance of explicitly mentioning the role of the Assembly and its Members in any publicity or communication concerning measures contained in a bill being examined by the Assembly. The obligatory proviso in such cases is that the measures referred to are "subject to the passage of the bill into law by the National Assembly."

The House and its Officers

At present, the Government is represented by 54 Members from the Parti québécois, the Official Opposition by 50 Members from

the Liberal Party of Québec, and the Second Opposition Group by 18 Members from the Coalition Avenir Québec. There are also two Members from Québec solidaire. On May 22, **Daniel Rathé**, Member for Blainville, resigned from the Second Opposition Group to sit as an independent.

On April 9, **Pierre Moreau**, Member for Châteauguay, replaced **Robert Dutil**, Member for Beauce-Sud, as Official Opposition House Leader, and **Lise Thériault**, Member for d'Anjou-Louis-Riel, replaced **Yolande James**, Member for Nelligan, as Deputy Opposition House Leader.

On May 22, **François Bonnardel**, Member for Granby, became Whip of the Second Opposition Group.

Nicole Bolduc

Parliamentary Proceedings
Directorate

Committee Proceedings

Standing Order 292 of the *Standing Orders of the National Assembly of Québec* requires that the Committee on Public Finance examine the Government's budgetary policy and the state of public finances each fiscal quarter.

This was done on June 13, 2013, at the request of **Raymond Bachand**, Member for Outremont and the Official Opposition's finance critic. In a sitting that lasted almost six hours, the Committee heard **Gilles Paquin**, President and Chief Executive Officer of Revenu Québec, and **Nicolas Marceau**, Minister of Finance and the Economy.

Although the Standing Orders call for quarterly hearings, the last such exercise, not counting committee proceedings as part of

the debate on the Budget Speech, took place in 1997.

Report of the Committee on Public Administration

The Committee on Public Administration tabled its 29th report on the accountability of deputy ministers and officers of public bodies. Its 28 recommendations were adopted unanimously by the Committee members.

The report gives an account of eight public hearings. The subjects examined are as follows: professional services contracts for information processing; air quality in elementary schools; housing services; the infrastructure maintenance deficit; the Sports and Physical Activity Development Fund; and management of the Administrative Tribunal of Québec and the Corporation d'Urgences-santé. The report also analyzes 11 annual management reports and evaluates, for the fourth time, the implementation of the Committee's recommendations.

Three reports from the Committee on Health and Social Services

On May 29, 2013, the Committee on Health and Social Services tabled a report based on its study of the annual management reports of health and social services agencies.

The hearings left the Committee puzzled as to the agencies' performance in certain problem areas, and the data presented did not allow the Committee to fully assume its role as overseer of the public administration.

The report touches on the main subjects taken up during the hearings and deals with two broad themes: the general

management of the agencies, and the public services provided by the health and social services network. The Committee also made five recommendations to improve the situation.

In May and June, pursuant to the adoption of an opposition motion, the Committee held public hearings and special consultations on draft rules which would repeal the prohibition against selling, serving or consuming alcoholic beverages in the gaming areas of Québec's casinos. The representatives of eight departments or bodies were heard, including the Minister of Finance and the Economy and the Minister of Health and Social Services.

Basing its decision on the expert advice it heard during these consultations, the Committee recommended that the Government not repeal the prohibition against selling, serving or consuming alcoholic beverages in gaming areas. The recommendation was passed by a majority of Committee members.

However, on June 19, Cabinet passed an order exempting Loto-Québec from the prohibition.

On May 23, 2013, pursuant to matters raised by opposition Members (Wednesday motion), the Assembly unanimously adopted a motion to scrutinize the management of the Centre hospitalier de l'Université de Montréal (CHUM). Accordingly, on June 10 and 11, 2013, the Committee on Health and Social Services held public hearings and special consultations on the management of the CHUM under its current director general. The representatives of nine departments or bodies were heard, including the current and former ministers of Health and Social Services.

The operation coincided with a good deal of media interest in how the CHUM was being managed. A number of news reports raised important questions in this regard. These involved compliance with the *Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013-2014* (Bill 100), the prevailing organizational climate at the CHUM, and the director general's salary conditions. The Committee members assured CHUM managers that the Committee's undertaking constituted an exceptional measure, and acknowledged their autonomy in the management of their establishments. However, given the number of controversies reported in the media, the Members of the Assembly decided that serious and legitimate questions had to be answered, and that the CHUM administration would have to account for its management.

Accordingly, on June 14, 2013, the Committee tabled its report with the Assembly. The report contains five recommendations on the following subjects: compliance with Bill 100; contracts awarded without a call for tenders; the director general's remuneration contracts and agreements with the CHUM and with the Université de Montréal; the mandate of the Auditor General of Québec; and the organizational climate prevailing at the CHUM.

Dany Hallé

Parliamentary Proceedings
Directorate



The Senate

On June 26, 2013, the Senate adjourned for the summer after a busy three months which saw the passage of 28 bills: 19 from government; seven by Members of Parliament; and two sponsored by Senators. The bills ranged from the usual supply and budget bills, to closing loopholes in the *Civil Marriage Act*, to one officially creating the new Sable Island National park in Nova Scotia.

A great deal of attention was also paid to the Senate's study of Bill C-377, *An Act to amend the Income Tax Act* (requirements for labour organizations), a bill that did not receive Royal Assent. Seeking to change financial disclosure rules for unions with more than 5,000 members, the bill was amended by the Senate at third reading, after lengthy debate.

Prima Facie Case of Privilege

The Leader of the Opposition, Senator **James Cowan**, raised a question of privilege on May 7 about a witness who had been invited to appear before the Standing Senate Committee on National Security and Defence during its study of a bill but had not done so because of pressures exerted on him by his employer, the RCMP. The following day,

the Speaker ruled that a *prima facie* case of privilege had been established and the matter was referred for study to the Standing Committee on Rules, Procedures and the Rights of Parliament. The committee heard from the witness in question and representatives of the RCMP. Although the committee stated in its report that while there had been an encroachment into the rights of Parliament, it felt that the RCMP had demonstrated that this type of encroachment would not occur again. As a result, the committee saw no reason to recommend a sanction or a censure. The report was adopted by the Senate on June 26, 2013.

Committees

While the usual examination of bills and other policy studies continued in the other standing committees, much of the focus of the public and the media was on the Standing Committee on Internal Economy, Budgets and Administration and the issues with which it was seized, including the investigations into the living allowances of several Senators. On May 9, 2013 the committee presented four reports to the Senate, three of which were specific to the expenses of individual Senators. The fourth report proposed changes to the Senators' Travel Policy and other related matters. All of the reports were adopted by the Senate by the end of May and can be viewed online at <http://www.parl.gc.ca/SenCommitteeBusiness>. On June 13, Senator **David Tkachuk**, chair of the committee, resigned due to illness. Senator **Gerald Comeau** was elected to take his place on June 14.

Towards the end of May, a motion was passed making a change to the *Rules of the Senate*

in relation to the Committee of Selection. The change sought to clarify that the committee, which has the mandate to nominate, through reports to the Senate, the Speaker *pro tempore* and the Senators to serve on the standing committees and standing joint committees, is neither a standing committee nor special committee of the Senate.

Senators

After seven years as Leader of the Government in the Senate, Senator **Marjory Lebreton** announced in July, her intention to step down from that position. She will remain a Senator and a member of the Conservative caucus. The Prime Minister has indicated that he will consult with his Senate caucus and a new Leader of the Government in the Senate will be announced in due course.

On May 11, Senator **Doug Finley** died after a long battle with cancer. Born in England and raised in Scotland, he was appointed to the Senate in August of 2009. Senator Finley was a former federal campaign director and Director of Political Operations for the Conservative party. He was a member of several standing committees, including recently on the Standing Senate Committee on Foreign Affairs and International Trade, and the Standing Committee on Internal Economy, Budgets and Administration.

Towards the end of June, tributes were paid to Senator **Pierre De Bané**, of De la Vallière, Québec, who retired from the Senate on August 2. First elected to the House of Commons in 1968, Senator De Bané was the first Parliamentarian of Arab descent. He was appointed to the Senate on June 29, 1984 on the

advice of Prime Minister **Pierre Trudeau** and was a long-term member of several standing committees, including the Standing Senate Committee on Foreign Affairs and International Trade and the Standing Senate Committee on Fisheries and Oceans.

Vanessa Moss-Norbury
Procedural Clerk



House of Commons

The House adjourned for the summer break on June 18, 2013. The information below covers the period from May 1 to July 31, 2013.

Legislation

Bill C-60, *An Act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures* was read a second time and referred to the Standing Committee on Finance for study on May 7. That same day, the Standing Committee on Finance adopted a motion inviting five additional standing committees to study the subject matters of certain provisions of the Bill and to submit their recommendations or suggested amendments regarding the Bill to the Finance Committee. In addition, the Committee invited independent Members to submit amendments to the Bill that they would like the Committee to consider. The

motion also specified that any amendments proposed by the other committees or independent Members would be “deemed to be proposed during the clause-by-clause consideration of Bill C-60”. The Committee considered 55 amendments, including 14 from independent Members and, on May 29, the Bill was reported back to the House without amendment.

The same day, Opposition House Leader **Nathan Cullen** rose in the House on a point of order regarding the Committee having allowed independent Members to submit amendments during consideration of the Bill. He stated that the Committee had surpassed its authority, since only the House can choose committee members and only committee members are allowed to move motions.

In the days that followed, independent Members **André Bellavance** and **Elizabeth May** agreed that being allowed to move the amendments at committee stage was not helpful for the independent Members given their limited participation in the proceedings. Ms. May suggested that to disallow amendments at report stage because of how the Bill was studied in committee would be fundamentally unfair and breach her privileges as a Member. **Peter Van Loan** (Leader of the Government in the House of Commons) rose to argue that the actions taken by the Committee were in order and noted that independent Members had amendments on notice for report stage.

On May 31, the Speaker informed Members that a comprehensive ruling on the matter would be forthcoming, however in the interim, he could

not conclude that the Committee had exceeded its mandate and that consideration of the bill could proceed. On June 6, the Speaker delivered his ruling. He stated that he could not determine that the Committee had exceeded its mandate, or that Standing Order 119, which deals with the moving and voting on motions in committees, had been disregarded.

He also stated that the Committee had adopted a procedural mechanism to simplify the flow of its work, and while the outcome may not have been exactly as independent Members had envisioned, his role as guardian of rights and privileges was to ensure that there was a mechanism in place by which all Members could participate in the legislative process, and he was satisfied that there was. He concluded by stating that he could not find that the Committee had done anything procedurally unacceptable, especially without a report to the House from the Committee to the contrary.

Time allocation was moved and adopted eighteen times on fourteen different bills during the period from May 1 until June 18, 2013: ten times at second reading stage of a bill, twice at report stage of a bill and six times at third reading of a bill.

On June 19, the House was recalled for the sole purpose of granting Royal Assent to certain bills and on June 26, a message was received that a series of bills had also been granted Royal Assent by written declaration. In total, 29 bills were assented to on those occasions, an unusually large number, including six private Member’s bills, two appropriation bills and the budget implementation bill.

Procedure, Points of Order, and Questions of Privilege

On May 22, the House adopted, after closure, a motion to manage the business of the House until June 21, 2013. The motion had the effect of extending the sitting hours of the House so that the hour of daily adjournment from Monday until Thursday would be 12 midnight, organizing the deferral of recorded divisions, and managing the debate on motions for concurrence of committee reports.

On June 18, a motion achieving the passage of four bills at third reading, the amendment and passage of another bill at third reading, the reporting back from committee of a further bill without amendment, the adoption of an order of reference for the Standing Committee on Procedure and House Affairs and the adjournment of the House until September 16, 2013, was adopted.

On June 5, **Scott Andrews** rose on a question of privilege regarding the right of **James Bezan** and **Shelly Glover** to sit and vote in the House, having failed to correct their electoral campaign returns by a specified date as required by the Chief Electoral Officer, pursuant to subsection 457(2) of the *Canada Elections Act*.

Mr. Andrews stated that pursuant to subsection 463(2) of the same act, the members no longer had the right to continue to sit or vote in the House. Mr. Bezan and Ms. Glover both stated that the issue was related to a new interpretation taken by Elections Canada regarding certain expenses and that they had filed application with the courts to examine the issue. They

further stated that because of this, the *sub judice* convention should apply as they awaited the interpretation of the courts.

In relation to the same situation, **Massimo Paccetti** and **Wayne Easter** rose on a point of order on June 6 to request that the Speaker table the letter he had received from the Chief Electoral Officer regarding the election expenses of Mr. Bezan and Ms. Glover.

The Speaker addressed this point on June 7, reminding the House that the Speaker normally tables documents in accordance to statutory requirements or the Standing Orders, neither of which existed for this situation. He also said that there was no known precedent that would indicate that letters to the Speaker are, *de facto*, letters to the House, as had been suggested.

The Speaker delivered his ruling on June 18. He stated that there were not enough clear precedents or statutory guidance for him to make a decision, and this pointed to a severe lack in procedures in the House when dealing with issues raised by Elections Canada. He added that this lack of a clear process did not satisfy the needs of the House nor the needs of the individual members concerned and that he believed it would be helpful to the whole House and to the Speaker if the Standing Committee on Procedure and House Affairs were to examine the issue with a view to incorporating relevant provisions in the Standing Orders.

He also stated that since immediate consideration of the House was warranted, he would make available the correspondence received from Elections Canada. The Speaker therefore ruled that there was a

prima facie case of privilege and invited **Dominic LeBlanc**, in the absence of Mr. Andrews, who had first raised this matter, to move the appropriate motion. The debate began on the motion, but was adjourned. The House rose for summer break later that day before disposing of the motion.

On May 21, the Speaker ruled on the point of order raised by **Bob Rae** on April 25, 2013 relating to the Standing Committee on Citizenship and Immigration's request for the power to expand the scope of Bill C-425, *An Act to amend the Citizenship Act (honouring the Canadian Armed Forces)*.

Mr. Rae had argued that allowing the Committee to expand the scope of the bill would be tantamount to allowing the government majority to change the nature of private Members bills. Further, he had argued the Committee's options for dealing with the Bill were limited to those described in Standing Order 97.1.

The Speaker found that the House does have the authority to grant permission to a committee to expand the scope of a bill through a motion of instruction, and that while explicit authority to present this type of report is not found in Standing Order 97.1, it can be sought and secured, either through a motion of instruction or through concurrence in a committee report. However, he reminded Members that "this manner of proceedings does not obviate the need for committees to observe all the usual rules governing the admissibility of amendments to the clauses of a bill" and that "granting a committee permission to expand the scope of a bill does not, *ipso facto*, grant it permission

to adopt amendments that run counter to its principle."

Committees

The Standing Committee on Procedure and House Affairs had been studying the Federal Electoral Boundaries Commission Reports of each province, which had been tabled by the Speaker and referred to the Committee pursuant to the *Electoral Boundaries Readjustment Act, R.S. 1985*. On June 12, the Committee presented to the House its Sixty-First Report on the electoral boundaries for Ontario, thus completing its study of the reports of all provinces.

On June 18, the Standing Committee on Procedure and House Affairs was instructed by the House to conduct public hearings, including witnesses such as the Auditor General, and the Clerk and the Chief Financial Officer of the House of Commons, and to gather information with a view to replacing the Board of Internal Economy with an independent oversight body.

In addition, the Committee was asked to propose changes to current legislation and administrative procedures to bring full transparency and accountability to the House of Commons' spending. Finally, the Committee was instructed to examine the subject-matter of motions standing in the name of **Justin Trudeau**, dealing with the Web posting of expenses and the auditing of the House by the Auditor General, and to report back to the House on the study and the motions by December 2, 2013.

Resolutions and Emergency Debates

Four resolutions were adopted by the House in the last six weeks of the spring session. On May 2, the House expressed its belief that Montréal should remain the host of the International Civil Aviation Organization (ICAO) and endorsed all efforts of the government of Canada to ensuring that the ICAO's headquarters remained in the city.

On June 5, a resolution was adopted condemning the mass murder of political prisoners in Iran during the summer of 1988 and establishing September 1 as a day of solidarity with political prisoners in Iran.

On June 12, the House adopted a resolution condemning the arrest and detention of two CBC journalists, calling on Turkish

authorities to release them immediately.

On June 13, a resolution was adopted commending and thanking the RCMP for their excellent work on Parliament Hill and reminding Members and staff of the importance of respecting traffic regulations in the Parliamentary Precinct.

On May 7, the House held an emergency debate on the situation in Syria.

Other Matters

On May 29, **Denis Coderre** (Bourassa) announced his resignation effective June 2, 2013. On June 4, the Speaker informed the House of the election of **Yvonne Jones** as the Member of Parliament for Labrador.

On June 6, **Brent Rathgeber** withdrew from the Conservative caucus and now sits as an

independent. Also on June 6, **Peter Goldring** who had been sitting as an independent, returned to the Conservative caucus.

On June 21, **Bob Rae** (Toronto-Centre) announced he would be resigning as a Member of Parliament. His resignation was effective July 31, 2013. On July 9, **Vic Toews** (Provencher) resigned as a Member of Parliament.

On July 15, the Prime Minister shuffled his cabinet and made a significant number of changes. In the new cabinet, only four Ministers retained their existing portfolios, while most others were reassigned to new areas. Eight Members of Parliament became new ministers, while seven other Members left cabinet.

Julie-Anne Macdonald
Table Research Branch



Parliamentary Book Shelf

Across the Aisle: Opposition in Canadian Politics by David E. Smith, University of Toronto Press, Toronto, 2013.

Not satisfied with a Triple Crown for his previous three works on the Crown, the Senate and the House of Commons, David Smith has gone for the Grand Slam with this work on parliamentary opposition. In some ways this is his most important work partly because so little has been written about the subject but mainly because of the insight it offers not only into the murky waters of opposition and also the ongoing constitutional struggle between advocates of classical Westminster style responsible government and those who are more radical democrats.

A large part of the book is historical in nature and deals with classical opposition in a two party system up to 1921 and the very slight differences wrought by adding minority parties to the equation from 1921 to 1992.

But something changes following the 1993 election. Two traditional parties, the Progressive Conservatives and the New Democratic Party were decimated and two new parties emerged. The Bloc québécois formed her Majesty's Loyal Opposition despite its dedication to the independence of Quebec. More significantly a new Reform Party promised a whole new approach to parliamentary government.

Reform presented a challenge to the principle of parliamentary democracy, none more so than its ignorance of how the system worked. For instance following the narrow federalist victory in the Quebec Referendum of 1995 Manning suggested there should be a method of impeaching Jean Chrétien in case there is a screw loose in his office (p. 85).

With the transformation of Reform into a new Conservative Party and the emergence of the NDP to the status of Official Opposition after the 2011 election one might conclude that the *status quo* is back.

Instead, Smith shows that the character of opposition appears to have been permanently changed. The old view that Parliament is a place to achieve consensus has been replaced by a sense that in Parliament the "majority rules" Government and Loyal Opposition are no longer partners who work together in the service of the Sovereign. Instead sovereignty is seen as resting with the people and the two teams, government and opposition; compete for a favourable nod from the new sovereign. The implications of this change are enormous and explain why western democracies have lost their way and why the mixed constitutions of south East Asia may be better equipped to survive in the long run. But that is the subject for another book.

Smith's focus is on Canada which, like Britain, has a mixed

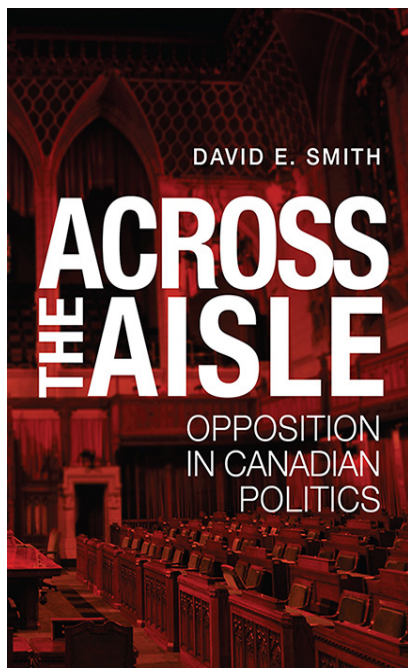
constitution but we seem intent on following the Americans and staking everything in a blind faith in the virtues of democracy.

He points to several important differences between British and Canadian approaches to opposition. Perhaps the most important is the way the British Shadow Cabinet serves as a real government in waiting whereas the critic portfolios in Canada have little relation to who will be appointed to which ministries when the government changes. This may be one reason it takes days to do a transition in Britain and weeks or months in Canada. The proliferation of Officers of Parliament in Canada has also served to undermine parliamentary opposition.

Independence and accountability are contradictory principles, whose realization is further impeded by the triangular set of interrelationships that exist between officers, governments and the legislature. (p. 117).

The growth of independent officers may appear to be a refinement of legislative oversight but Smith agrees with those who see them as another example of American influence.

The chapter, Whither Parliamentary Opposition, deals in part with the coalition crisis of 2008-2009. On one hand he suggests that the Liberals may have been too anxious to return to power rather than accept the



verdict of the electorate and work effectively as an opposition. On the other hand,

If governments are not made and unmade in the House of commons what does this mean for the status of Parliament (p.151)

The book concludes, uncharacteristically, on a pessimistic note. Smith suggests that we are embracing irreconcilable principles in our constitution. Ultimately the question is whether members of the House of Commons owe fidelity to their respective constituents or to their sovereign. It cannot be both.

Gary Levy
Editor

Parlementarisme et Francophonie, edited by Éric Montigny and François Gélinau, Québec City: Presses de l'Université Laval, 2012, 341 p.

This edited volume is a result of an international symposium on francophone parliaments, *Plurielle et fière de l'être: la Francophonie parlementaire*, organized by Laval University's Research Chair on Democracy and Parliamentary Institutions. It took place in the Legislative Council Room of the Québec National Assembly on February 25 and 26, 2011, with over 200 in attendance.

The Francophonie (with a capital F) refers to the institutional structure governing relations among French-speaking states. The parliaments of these states and federations are eligible for membership in an interparliamentary and international cooperative assembly, the *Assemblée parlementaire de la Francophonie*.

The roughly 70 member parliaments are highly diverse both in how they are organized and how they conduct themselves. Until 2011, no real comparative study of this diversity had been carried out, hence the symposium in Québec City. The aim was to catalogue the various parliamentary practices within the Francophonie, explore the differences between the parliaments and identify where they are similar.

For this summary, we first focus on Canada's various legislatures that were discussed in oral and written contributions (the Parliament of Canada, the Québec National Assembly and the Legislative Assembly of New

Brunswick). We then turn our attention to the Parliament of the French Republic and to the Swiss Federal Assembly.

Chapter 1 deals with the Parliament of Canada. From the outset, author Éric Montigny states that the executive branch plays a leading role in Parliament, the government, through its House leaders, controls the legislative agenda. Then there is the prime minister, who enjoys the powers of an elected monarch. As the head of the government, he is able to make many public appointments: judges (including provincial superior court justices), senior federal public servants, senators and so forth.

In a minority parliament, the opposition parties have significant influence over the fate of the government's legislative program, obliging the government to negotiate passage of its bills one by one. Minority governments occur relatively frequently in Canada; there have been roughly a dozen since 1867.

The author argues that the principle of responsible government in Canada blurs the lines between the executive and the legislative. However, this does not prevent the opposition from exercising meaningful control over the government and the public service, for which it has a number of institutional tools at its disposal.

Chapter 2 looks at Québec's parliamentary system. Professor Réjean Pelletier views ministerial responsibility as paradoxically leading to the government's non-responsibility before the Assembly. In his view, this results in unwavering support for the government by the members of the ruling party due to party

discipline. The many powers that were at one time exercised by the Queen or King have been handed not to the Assembly, but to the Premier. As a result, the government enjoys tremendous control over the legislature. According to Professor Pelletier, in Québec there is not a cooperation of legislative and executive powers, but rather a blending of powers. He cites the UK Parliament as a legislature that Québec's parliamentarians can use as a model for making changes to Question Period and to issues surrounding party discipline.

Chapter 3 focusses on the Legislative Assembly of New Brunswick. Author Roger Ouellette writes that the members of the Legislative Assembly in Fredericton must adhere to strict party discipline. He cites the 2011 report *Proposals for Legislative Reform in New-Brunswick*, which recommends that the Assembly consider adopting the UK's three-line-whip system. However, Professor Ouellette expresses some doubt as to the possibility of reforming free votes given the conventions regarding responsible government in Canada.

The parliamentary systems of several European states and countries are similar to what is in place in Canada, Québec and New Brunswick in that the executive branch predominates over parliament. This is the conclusion of the chapters focussing on the Belgian Federal Parliament, the Parliament of the French-speaking Community of Belgium, Luxembourg's Chamber of Deputies and the Parliament of the French Republic.

In the case of France, Professor Armel Le Divallec writes in Chapter 9 that both assemblies

in Paris—the Senate and the National Assembly—serve mostly as a check on the government's power, essentially limiting it.

The executive exercises significant influence to oversee and direct assembly business. It dominates the Conference of Presidents, which is responsible for parliamentary planning. The government can also rely on the support of a disciplined majority in the National Assembly. Party discipline is the rule for both the majority and opposition parties.

Reforms introduced in 2008-2009 focussed on reducing the priority given since 1958 to government business. Under this reform, one out of four weeks of sitting are now dedicated to assembly business to oversee government and evaluate policies. However, Professor Le Divallec does not believe that this reform will affect the overall balance between the presidency, the government and Parliament. Since 1958, the presidency of the Republic has played a dominant role in the political system, except during periods of cohabitation where the president and the parliamentary majority are in opposition.

As *Parlementarisme et Francophonie* shows, some countries in the Francophonie have political systems that strike a better balance between the government and parliament. Switzerland is one such example. In Chapter 7, Ruth Lüthi and Pierre-Hervé Freléchoz write that the bicameral Federal Assembly occupies a strong position within the country's political system. Roughly 20% of the bills passed into law are private members' bills, and this figure is on the rise. As well, the Parliament in Bern sometimes makes substantial changes to

government bills. Lastly, any federal budget item can be amended via a proposal from one of the two parliamentary finance committees.

Switzerland's political system is not a parliamentary one, even though the authors of *Parlementarisme et Francophonie* refer to it as such in their conclusion (see pages 336 onward); neither is it a presidential system. Francophone authors such as Georges Burdeau and Philippe Lauvaux have called it a "directorial government," meaning that the Federal Assembly and the Federal Council (the Cabinet) exercise only one state function: the government function. There are several ways in which the Swiss political system differs substantially from the Westminster model:

- significant separation of legislative and executive powers
- Parliament cannot bring down the government
- the government does not have the power to dissolve Parliament
- government members are elected by Parliament for the life of that Parliament

In all, the volume edited by Gélinau and Montigny discusses 20 parliaments in the Francophonie, including the legislative bodies of several African countries. Simply from a numerical standpoint, this is a significant sample given the number of sovereign countries (30) and federated states (provinces, cantons – a total of 11) where French is an official or co-official language.

Each chapter broadly describes a legislature, either bicameral or

unicameral. Contributors to the symposium and the volume were invited to present and analyze the workings of one, two or even several assemblies. They were provided with an analytical framework to use, focussing on four major themes:

- institutional and historical background
- parliamentary organization
- procedure
- parliamentary oversight

This volume helps fill a gap. Not until now has there been a political science monograph providing such a broad survey of Francophone parliaments. Of course, over the years the Assemblée parlementaire de la Francophonie has produced a catalogue of parliamentary procedures and practices (the *Recueil des procédures et des pratiques parlementaires*), which provides information on 33

legislatures, with contributions from officials within the legislatures in question. This document, available only in electronic format, contains chapters presenting the information under 10 major themes.



Sections in the chapters of *Parlementarisme et Francophonie* focus on placing national or subnational legislatures within a broader institutional context. Most of the authors present their country's French-speaking community and its history, institutions, the status of the French language and so forth.

The volume does not contain a summary chapter. Despite the completeness of the national contributions, it definitely lacks a thorough comparative analysis. However, the authors do state that they wish to see a follow-up to their work. They conclude by recommending that further research be conducted into the factors that promote parliamentary reform and institutional arrangements.

André Grenier
Research Service
Québec National Assembly
Library



CPA Activities: *The Canadian Scene*

Fifty-First CPA Regional Conference, Alberta

Speaker **Gene Zwozdesky** welcomed approximately 80 legislators and observers for the 51st CPA Regional Conference held in Edmonton from July 14-20, 2013. Delegations came from every Canadian jurisdiction except British Columbia and Manitoba whose legislatures were still in session. Among the special

guests were **Martin Penn**, MNA from the British Virgin Islands, **Michael Poley**, Speaker of the Tasmania Legislature and **Char-nit Singh Atwai**, Speaker of the Punjab Legislature. Representing the Secretary General of the CPA was **Meenaksi Dhar**, Assistant Director of Programs with the CPA Secretariat in London.

The first business session, Chaired by Speaker **David Laxton** (Yukon) dealt with

Trends and Developments in Private Members' Business. The presenters were **Lisa MacLeod** (Ontario) **Mary-Anne Jablonski** (Alberta) and **Russ Hiebert** MP.

Immediately following the first session **William Mitchell**, a Program Assistant with the Alberta Legislature gave delegates a special presentation on the history of Alberta entitled "Oil Battles, Prosperity



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Certificates and Disallowed Legislation.

Two business sessions dealt with Technology and the Impact of New Media. The first, Chaired by Speaker **Carolyn Bertram** (Prince Edward Island) featured presentations by **Blair Armitage**, Principal Clerk, Communications with the Senate of Canada and **Jeannine Richard** (Québec) who filled in for the scheduled speaker **François Ouimet** (Québec) who had to cancel due to family reasons. The other paper on social media was given by Professor **Steve Patten** of the University of Alberta. The Chair for this session was Speaker **Dale Graham** of New Brunswick.

Professor **Brenda O'Neill** of the University of Calgary spoke on the topic of Women's Representation in Provincial Legislatures. The session was chaired by **Pearl Calahasen** (Alberta).

Hunter Tootoo, Speaker of the Nunavut Legislature, chaired a panel discussion on Making Members' Expenses Public with **George Rogers** (Alberta), **Andrew Younger** (Nova Scotia) and **Jane Groenewegan** (Northwest Territories)

The Director of the Institute for Public Economics at the University of Alberta, **Robert Ascah**, gave a presentation on Labour Market Trends: Planning for Tomorrow's Workforce. The session was chaired by **Warren Steinley** (Saskatchewan)

The final session looked at New Members' Expectations and Requirements for Their Role as Parliamentarians. The chair was **Wade Verge** (Newfoundland and Labrador) and the panellists were Hal Perry (Prince Edward Island), **Blake Pedersen** (Alberta) and **Victoria Jurgens** (Saskatchewan)

During the course of the week delegates were treated to many examples of Alberta hospitality including an opening reception at Fantasyland Hotel in the West Edmonton Mall, a lunch at the McKay Avenue School and dinners at Northlands Park and at Fort Edmonton Park.

One day was set aside for optional tours which offered the choice of a walking tour of Old Strathcona, a canoe trip on the Saskatchewan River, a visit to the Reynolds Alberta Museum or a visit to Fort McMurray with a tour of the Alberta oil sands.

Delegates thanked Speaker Zwozdesky and his dedicated staff for their efforts in organizing the very successful conference. Next year the 52nd CPA Regional Conference will take place in New Brunswick.

Commonwealth Women Parliamentarians Meeting

The Canadian Section of the Commonwealth Women Parliamentarians held their annual meeting in Edmonton immediately before the 51st CPA Conference. Members of the Steering Committee (one legislator from each jurisdiction) met on July 14 to discuss business of the CWP for the coming year.

The following day the Chair of the Steering Committee, **Myrna Dreidger** of Manitoba presented her report to the annual meeting. It was followed by three sessions. The first was by Premier **Alison Redford** who spoke about the issue of gender and politics. The second presentation was by **Leslie Scorgie** author of the bestselling book *Rich by Thirty: A Young Adult's Guide to Financial Services*. The final speaker was **Margaret Bateman**, co-founder and CEO of Calder Bateman which handles a wide variety

of public policy consulting in Alberta

All the presentations focused on the main objective of the CWP continued to encourage more young women to enter political life and to provide them with practical help in running for elected office.

Tenth Canadian Parliamentary Seminar

From June 2-8, 2013 the Federal Branch of the Commonwealth Parliamentary Association hosted a seminar, Strengthening Democracy and the Role of Parliamentarians: Challenges and Solutions, for 21 delegates from around the Commonwealth. The host of the Seminar was **Joe Preston**, Chairman of the Canadian Branch.

Branches represented included Gambia, Lesotho, Namibia, Northern Cape, Seychelles, Bangladesh, Pakistan, Sri Lanka, Jersey, Scotland, Bermuda, British Virgin Island, Jamaica, Trinidad and Tobago, India and Kiribati. The Australian states of Victoria and South Australia as well as Canadian branches from Alberta and Yukon were also represented. The following sessions were held over the course of the six day seminar.

Overview of the Role and Operation of the Canadian Parliament

- **Mark Audcent**, Law Clerk of the Senate
- **Marc Bosc**, Deputy Clerk of the House of Commons

The Commonwealth and the Role of the CPA

- **Andrew Imlach**, Director of Communication and Research, CPA Secretariat Headquarters

The Canadian Political Scene

- Senator **Joan Fraser**
- **Russ Hiebert** MP



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Parliamentary Committees: What Works and What Doesn't

- Senator **Raynell Andreychuk**
- **Joe Preston** MP

Financing Elections

- Senator **David P. Smith**

How an M.P.'s Office Works

- **Bev Shipley** MP
- **Brian Masse** MP

Democracy, Human Rights and Development

- **Chris Alexander** MP and Parliamentary Secretary to the Minister of National Defence

Have the Media taken over the Representational Job of Parliamentarians?

- Senator **Jim Munson**
- **Chris Cobb**, *Ottawa Citizen* and Vice President of the Commonwealth Journalists Association

Engaging Citizens: Resources and Tools

- **Ed Holder** MP
- **Dr. Carolyn Bennett** MP

Connecting with Constituents: Representing Pluralistic Constituencies

- **Rathika Sitsabaiesan** MP
- **Devinder Shory**, MP

Influencing Governments and Regulating Influence: Parliament and Lobbyists

- **Don Boudria**, (former Minister and M.P.), Senior Counsellor, Hill & Knowlton Canada

Due to the hectic atmosphere at the end of a parliamentary session some last minute adjustments to the programme had to be made. For example a session on the Role of Party Caucus was given by Senator Andreychuk instead of the scheduled presenters who were unable to leave the House during a vote.

The final session was devoted to topics suggested by delegates. These included:

Terry Stephens, South Australia, Committee Chairs

Sebastien Pillay Seychelles, Parliament and the budget process

Paul S. Koqo, Lesotho, Public Account Committees

Kagisho David Molusi (Northern Cape) Strengthening Constituency Offices

Kenneth Bascome (Bermuda) Gaming, Fixed Term Elections, Restorative Justice

Richard Parchment (Jamaica) Corruption in Parliament, Gender

and diversity in Parliament

Fazilatun Nasa Bappy (Bangladesh) Democracy and Good Governance in Bangladesh

Steven Herbert, Victoria, Australia, The use of Private Members Bills.

Lesaoana Peete, Lesotho, the Senate,

Syed Zafar Ali Shah, Pakistan, Democracy and Parliament in Pakistan

Shehan Asaka Semasinghe, Sri Lanka, Lack of Confidence in Representatives.

Visiting delegates had an opportunity to attend Question Period in the House

and Senate and take a guided tour of the Canadian Museum of Civilization. They also attended social functions including a reception hosted by **Susan Truppe**, Parliamentary Secretary for Status of Women and Federal Representative for the Commonwealth Women Parliamentarians. There was a luncheon hosted by the Speaker of the Senate and the Speaker of the House and a farewell dinner hosted by the Canadian Branch of the CPA,

The seminar illustrated once again the usefulness of dialogue with legislators from around the Commonwealth.



Delegates to the 10th Canadian Parliamentary Seminar
Ottawa, June 2013

New Speaker in British Columbia

Following the May 14, 2013 provincial election **Linda Reid** was elected Speaker of the British Columbia Legislative Assembly when it met on June 25, 2013.

Ms. Reid was first elected in 1991 to represent the riding of Richmond East and was re-elected in 1996, 2001, 2005, 2009 and 2013. She is currently the longest consistently serving Member of the Legislative Assembly.

A graduate of the University of British Columbia with an education degree she earned a Master of Arts from UBC specializing in education, exceptional learners, language acquisition and public administration. Before her election to the Legislative



Speaker Linda Reid

Assembly, Ms. Reid worked as a language therapist, teacher and school administrator for the Richmond School district.

She was the B.C. Chair for the Canadian Guide Dogs for the Blind and a Director of the Garden City Hospice Society. She has been active in the Richmond Chamber of Commerce, the Asia-Pacific Business Association, and the Canadian Council for Exceptional Children and the Family Court Committee of Richmond. She was a founding member of the Richmond Chinatown Lions Club and was Chair of the British Columbia Youth Parliament Board from 1986 to 1991.

Ms Reid was appointed Minister of State of State for Early Childhood Development on June 5, 2001 and Minister of State for Childcare in 2005. She was appointed Deputy Speaker in June 2009 and held that position until her election as Speaker. She replaced **Bill Barisoff** who did not run in the last election.