canadian Parliamentary review

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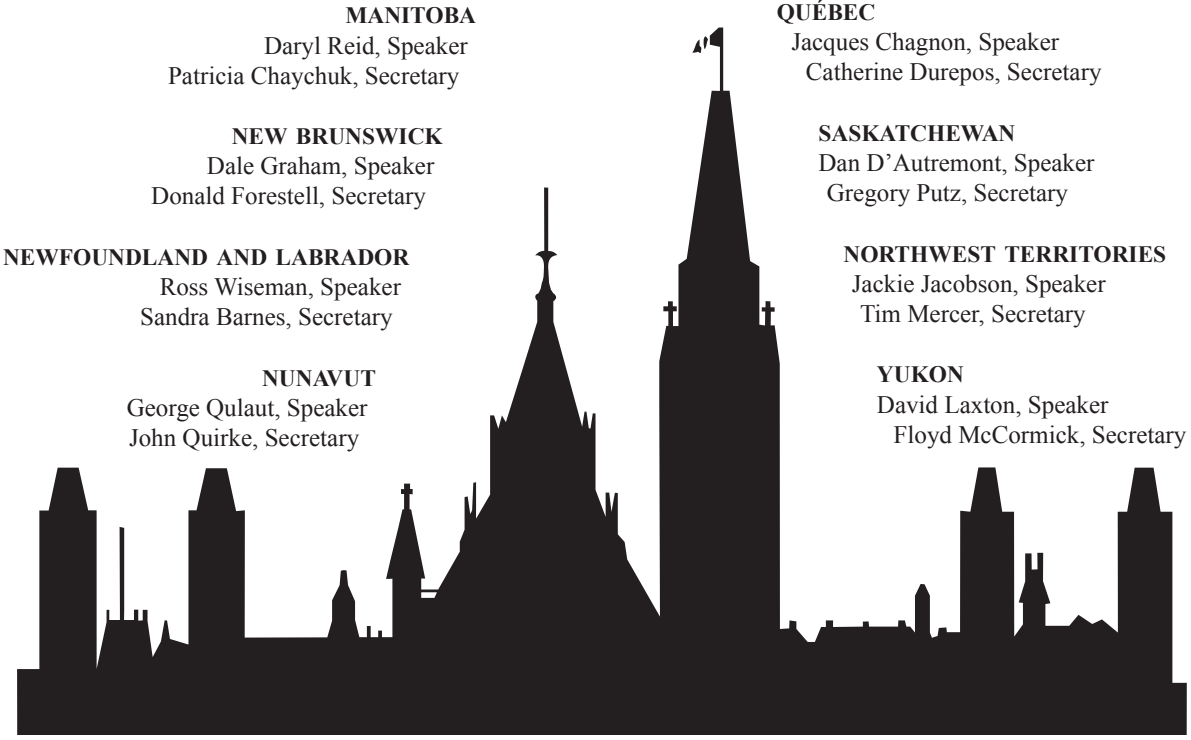

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Historic postcard image showing a gathering on the grounds of the Ontario Legislature, Queen's Park (Toronto), circa 1912

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Adapting new Communication Technologies at the National Assembly

Jacques Chagnon MNA

This article starts by looking at how the National Assembly has harnessed communications technologies to engage the public and get them involved in democratic life. It then focusses on the various technological tools available to members and the President to support them in their work. The article concludes with a few thoughts about how communications technologies have a tangible impact on parliamentary business.

In 1964, Canadian philosopher and sociologist Marshall McLuhan first revealed his famous theory that would go on to revolutionize the world of communications: "The medium is the message." At a time when the idea of a global communications network as sophisticated as the Internet was pure science fiction, this simple, yet prophetic theory aptly described just how vital to our daily lives new technologies would gradually become as a means of communication.

Mindful of the impact on its image and the need to inform the public about parliamentary business, the National Assembly of Quebec has always strived to use technology to reach out to Quebeckers.

Services to the Public

October 3, 2013, will mark the 35th year of live broadcasts of parliamentary proceedings. The very first live broadcast of a sitting of the Assembly was in 1978. Then-president Clément Richard spoke of the significance of this innovation bringing the National Assembly into the electronic age, and he expressed his wish to see it encourage all Quebeckers to take part in the democratic process. Not only did the arrival of cameras in the Chamber change the behaviour (and dress) of certain members, but it also forever changed the parliamentary landscape.

Since then, parliamentary proceedings have unfolded under the watchful eye of the camera, which over the past 35 years has witnessed the political careers of certain members. In March 2013, the Assembly, as a broadcaster, reached another critical milestone in its technological development by completing the switch to HDTV, a format it began exploring as early as 2006. Now, TV viewers in Quebec can now following the work of Assembly in HD.

For several years now, Internet users from around the world visiting the National Assembly's website have been able to view live not only the proceedings of the Assembly and its committees, but also news conferences, special ceremonies and educational activities taking place at the Assembly.

On May 30, 2013, smartphone and tablet users were given access to the National Assembly's brand new mobile website. The main sections of the Assembly's website have been adapted to provide easier access to mobile web users. The mobile site provides access to a wide range of information, including backgrounders on the 125 members, the Assembly channel, daily events, a simple search function to look up a bill, and useful information about the National Assembly such as details about guided tours, restaurants, gift shop and library. This simple-to-use mobile site, accessible anywhere, provides the public with just one more way

Jacques Chagnon is the President of the Québec National Assembly.

to participate in democratic life. Here is yet another window showing parliamentary life in real time. No matter where they are, mobile users can stay up to date on the goings on in the National Assembly and take part in its proceedings, watch live as members speak in the Chamber and in committee, track the progress of legislation and contact their elected member. This is in response to the public's growing needs and the constant challenge of bringing the Assembly closer to the people.

In April 2009, the National Assembly adopted parliamentary reform that laid the foundation for this initiative by encouraging public participation in parliamentary proceedings and the democratic process. In fall 2009 the National Assembly began allowing the tabling of electronic petitions signed through its website. Since then, over 200 petitions have travelled through cyberspace before being tabled in the Assembly. Despite the fact that electronic petitions make up only a quarter of the total number of petitions tabled in the Assembly over the past five years, they were the source of over half of all signatures received during this period. This simply provides more evidence that new technologies reach more members of the public, encourage their participation in democratic life and more effectively engage them in a given cause.

Another innovation that has helped improve and expand public participation in parliamentary proceedings is the use of videoconferencing in parliamentary committees. Committees had already made use of this technology in recent years to allow individuals unable to travel to a hearing to still be heard. For instance, witnesses from the Magdalen Islands and Nunavik were able to use teleconferencing to provide their insights. As this experience proved effective, use of this technology was incorporated into the National Assembly's rules for the conduct of proceedings. A witness may now request to appear by videoconference. The parliamentary committee in question then decides whether this would be permitted based on certain criteria, such as the witness's inability to appear or be represented in person and his or her testimony's contribution to committee business. Although this technology has been used on relatively few occasions, it has nevertheless been used a number of times since its inclusion in parliamentary reform to hear from witnesses in the Gaspé, Abitibi and even as far away as Japan.

Not only do new technologies facilitate communications, but they can also be environmentally friendly by reducing paper use. In keeping with the Assembly's push toward sustainable development, the requirement to submit 25 copies of a brief has been replaced by the option to submit a single copy in either paper or electronic form. Past experience has shown that there is significant public interest in online consultations, in terms of both numbers and quality. As a result, this form of consultation has also been incorporated into Assembly practices. In connection with an order of initiative, a committee may now launch an online consultation on the Assembly website. The National Assembly may also call for such consultations to be held when giving a committee the mandate to conduct a general consultation. Since the reform was adopted, six online consultations have given 11,642 individuals the opportunity to be heard by completing questionnaires on the website.

In addition to these online consultations, individuals now have the option to comment on any bill or mandate carried out by a parliamentary committee. The public is encouraged to participate in a number of ways, meaning that parliamentarians can benefit from public input and hear their concerns when it comes time to study measures referred to a committee for consideration.

The Assembly website, which first came online in 1995, plays an increasingly important role in informing and engaging the public in parliamentary proceedings. It was overhauled in March 2010 so it could more effectively carry out these new tasks.

Another new feature now allows web users to subscribe to various RSS newsfeeds. This technology automatically updates a site or webpage as soon as it is posted online. This means that users can stay up to date in real time about any changes to the agendas or mandates of parliamentary committees, the legislative process regarding any bill, and press conferences.

These days, any discussion about communications technologies necessarily includes social media. After serious consideration, the National Assembly finally got on board last fall with this new set of communications tools. Since then, its presence on Facebook and the microblogging site Twitter has been included in its daily communications channels, providing web users with a new, interactive way to stay on top of parliamentary and institutional developments.

The Assembly uses Facebook and Twitter to promote its activities, refer to its website and announce major parliamentary initiatives. It also uses these platforms as tools to educate web users about Quebec's parliamentary traditions, present archival treasures, publicize thousands of library documents, and much more. These new tools come with guidelines on how they are to be used by Assembly staff.

The Assembly website now also serves as an exceptional cultural and archival showcase, giving web users access to various virtual exhibits presented by the National Assembly Library. For instance, web users can visit the exhibit *Gouverner en Nouvelle-France*, which celebrates the 350th anniversary of the Sovereign Council and presents the political institutions of the French colonial system by presenting archival records and heritage artifacts from the National Assembly's collections. The exhibit *Récits de voyages du XVIe au XVIIIe siècle* presents some of the most treasured travel accounts in the Library's collection. These exhibits are in addition to those commemorating the 50th anniversary of the death of former premier Maurice Duplessis, the 100th anniversary of the founding of *Le Devoir* and the 125th anniversary of the Parliament Buildings. The exhibit *Les trésors de la bibliothèque*, assembled for the 400th anniversary of the foundation of Quebec City, provides web visitors with electronic access to over 20 literary treasures from the Library's collection, including a number of rare manuscripts such as a book of writings by Saint Thomas Aquinas dating from 1472 and two volumes of the 1574 *Le Théâtre des cités du monde* presenting period colour illustrations of major European cities.

Services to Members and the Presiding Officers

While there has been a major shift in public usage patterns and expectations in the era of electronic communications, this is all the more true for parliamentarians, who themselves are more present and active than ever on the Web and in social media networks.

For this reason, in order to meet their needs, a working group was formed in spring 2012 at the Assembly's initiative. The working group included representatives from each party, along with officials from the Computer Services and Telecommunications Directorate and the Associate General Secretariat for Administration. This allowed the working group to discuss the computer equipment and telecommunications services provided to parliamentarians so they could plan requirements for the following legislature. Its meetings made it possible to develop a service proposal more closely tailored to the needs of the members for the 40th legislature.

These days, the buzzword describing the technological needs of the members is "mobility." This is why the Assembly now provides each member with a selection of smartphone and tablet brands and models from a list approved by the Computer Services, Debate Broadcasting and Telecommunications Directorate. As well, for their parliamentary and riding offices, each member receives a total of four laptops and one desktop computer.

In addition to being available in all Parliament Buildings to all members and visitors to the Assembly, Wi-Fi is now available in each riding office. A private Wi-Fi connection allows members and their staff to connect directly to the National Assembly network, while a public Wi-Fi connection provides visitors with free Internet access.

A brand new cloud-based data storage application was designed specifically for members. Named "PartageWeb," this program provides each member with access to a "data cloud" where members and their parliamentary or riding office staff can store data. They can archive files, transfer images, add calendar entries or access a contact list. They can also manage cases submitted to them by constituents. The members can be notified by email of the various files stored in their cloud account. Wherever they are in the world, at the end of the day they can be notified by email about developments on various riding issues and review new requests or cases that have been settled, for example. As for document confidentiality, unlike similar applications, these private cloud-based accounts, accessible only with an e-token, are highly secure and the contents are stored entirely on National Assembly servers.

This computer program was added to the Clerk's site, which for a few years now has been available to the members of parliamentary committees. A kind of virtual library, this controlled-access site is accessible from any computer. It contains all documents useful to committee members, including the text of bills being considered; proposed, adopted, defeated or withdrawn amendments; briefs submitted; meeting agendas; draft reports; and any results of online public consultations and comments received. Before, all these documents were provided to committee members in paper format; now when a document is placed on the Clerk's site, committee members are invited by email to access the site to retrieve it. Not only is this fast and efficient, but it is environmentally friendly as well.

In the wake of the electronic shift taken at the start of the 40th legislature, and always with a view to improving our environmental footprint, it was agreed to adjust procedures to maximize the use of computer-based tools to get away from paper. This is why we have moved toward paperless meetings. Meetings in the Office of the National Assembly and the Secretary General with the President and his staff are now entirely computer-based. The meeting agendas and relevant documents are made accessible on a secure website, access to which is restricted to only those individuals involved. Attendees may also follow the

meeting proceedings on an electronic table without having to bring a pile of documents. This approach will also be rolled out for meetings held by the President and Vice-Presidents to discuss the organization of parliamentary proceedings.

With respect to parliamentary proceedings and innovations in technology and communications, the President and Vice-Presidents have not been left out. Since 2007, the clerks have had a new, fully computerized table. Each of the three clerks' desks is connected to two computers in a secure room outside the Blue Chamber. In case of computer malfunction, the clerks can then continue working on the second computer. In addition to allowing them to fill out the scroll (the "blues") and the time grids of the various speakers, the computers allow them to activate timers to inform members of their speaking time. The clerks' computer screens also display the feed on the Assembly channel. A printer is hidden inside the table so the clerks can quickly print any document required by the President. Mounted in a wooden piece of furniture placed in front of the President's chair is a computer screen where the President can read messages sent to him by the clerks. This messaging system is extremely useful since it allows the clerks to be in constant contact with the President while he is seated and discreetly send him vital information, for example so he can enforce the rules concerning speaking time remaining. Also in front of the President are two television screens displaying the Chamber proceedings as well as timers indicating speaking time.

Conclusion

As already mentioned, the Assembly aims to reduce paper use to a minimum in favour of electronic documents, which are easier to access and are more environmentally friendly. We are currently considering ways to modernize our parliamentary practices, including those relating to the tabling of documents in the Chamber. The Standing Orders of the National Assembly currently state that at the opening of a session, the President of the Assembly must table a list of documents in the Assembly as required by law. During meetings, these documents are tabled by ministers or the President of the Assembly in paper format, under "Tabling of Papers" for routine proceedings. They are then scanned and published on the Assembly website. We would like instead to find a way to skip a step by allowing documents to be tabled electronically at the start, while at the same time respecting the principle that members be the first ones to be informed of their contents. Other legislative imperatives must be considered as well, including the requirement as stipulated in a number of statutes that a document must be tabled within a certain period following resumption of the Assembly when it is not sitting, or to produce a minimum number of paper copies of a document for retention purposes.

As well, the Standing Orders provide that "any member may require that a minister who has quoted from some paper, even if only in part, forthwith lay such paper upon the Table; and the minister must comply unless he is of the opinion that it would be injurious to the public interest to do so." To the extent that members, including members, are increasingly using their electronic tablets when speaking in the Chamber, a minister who quotes from an electronic document on his or her tablet could be compelled to table the document when requested to do so under this Standing Order. We would like to develop a procedure suited to these types of documents.

In closing, although our legislatures are deeply anchored in tradition and custom, the fact remains that they cannot ignore the technology and communications revolution. It is up to us to adapt so that we can use these technologies to reach out even more to constituents by keeping them informed and engaged in our proceedings, as well as support our efforts to more effectively carry out our duties.

Time to Consider Abolition of the Senate

Hon. Brad Wall MLA

On November 6, 2013 the Legislative Assembly of Saskatchewan Assembly voted to repeal the Senate Nominee Election Act. Immediately thereafter the Premier introduced a motion that the Legislative Assembly of Saskatchewan supports the abolition of the Senate of Canada. Following speeches by the Premier, the Leader of the Opposition and other members the motion was adopted. The Government House Leader then asked the Speaker to transmit copies of the motion and verbatim transcripts to the Prime Minister of Canada and the leaders of the opposition parties in the House of Commons, as well as the premier of each Canadian province and territory. This article is a slightly abridged version of the Premier's speech on the motion.

This is an important issue that we are about to debate in the Legislative Assembly. It is not the most important issue facing the province of Saskatchewan. For most people, it probably would not rank in the top twenty. So we are not going to spend a lot of time on the bicameral nature of our federal government and whether that should change. But we are going to make, I believe, an important pronouncement not just to our own provincial citizens to whom we are responsible, for whom we work, but I think as well to the country, to let them know that the province of Saskatchewan after some considerable deliberation — and not at all revolving around current affairs, though perhaps informed to some degree by them — have come to a view of what might be best for the country with respect to that bicameral parliament.

We have had a history of upper chambers in our country, not just at the national level but at the subnational level. I think it is interesting to quickly canvass the history — some of them very short — of these upper chambers at the provincial level.

In 1876 Manitoba abolished its upper chamber. In 1876, the same year, the province of Ontario also abolished its senate. New Brunswick did it in 1892, Prince Edward Island in 1893 and Nova Scotia in 1928. In Newfoundland, their legislative councils were suspended in 1934 but when they came into Confederation in 1949, they came in as a unicameral House without a senate. So they had obviously made a decision that an upper chamber was not necessary in the interests of the people of Newfoundland and Labrador. The latest province to move away from a legislative council or a senate chamber was the province of Quebec in 1968.

I do not want to belabor the points with respect to each of these decision points in each of these provinces, but I do want to focus a little bit if I can on the decision in Nova Scotia, both because I think it provides some symmetry now and informs us in this debate today, but it also provides a cautionary note about how difficult it is — and we ought to be under no illusions in this Assembly — about how difficult it might be to move away from an upper chamber.

The Nova Scotia upper house began in 1838. In the period following Confederation, the legislative council came under increasing fire as unnecessary, expensive, and anachronistic. Interestingly, the people of Nova Scotia, at least a good many of them, came to the conclusion that the upper chamber was

Brad Wall is Premier of Saskatchewan.

an anachronism. And so pressure mounted for the legislative council to be abolished, and what followed was almost 50 years — this is the sobering part for those of us who might think, well this might happen in short order — it took 50 years for Nova Scotia politicians to actually be rid of the senate.

There was a Conservative government under Premier Rhodes that replaced a four-decade regime, a Liberal regime. And they tried a hefty severance salary for their provincial senators. That did not work. So they came up with a novel solution. The premier of the day simply started appointing senators who were abolitionists and they effectively voted themselves out of existence.

So I think it is fair to say that we have examples of the abolition of senates at the provincial level. I understand this is not perfectly analogous to what we are debating today, but at least it is instructive, and I think it is informative.

What about the history of our own national upper chamber, the Canadian Senate? It is interesting to reflect on the words of our first prime minister, Sir John A. Macdonald. He said this, "In the Upper House, equality in numbers should be the basis. In the Lower House, population should be the basis."

The definition though of equality at that time was not the equality of the subnational units. He was not talking about that. Their concept for the Senate representing equality in the country, if the House was rep by pop and represented the population, was that the Senate would represent the regions. At the time, I think that would probably be a reasonable measure of equality.

But what happened in the intervening years of course is that provinces like Saskatchewan and Alberta came into the national family. When all of that was done, finishing with Newfoundland and Labrador in 1949 and Nunavut in 1999, then we had a strange situation. The principle of equality was supposed to be based on an equality of the regions where a region like Western Canada would basically have the same number of representatives in the upper house as the region of Ontario. But of course we know that Ontario is not a region; it is a province.

So I think the Senate lost the opportunity to provide a truly equal body. If the House of Commons is representative of the people, the Senate, if it is working, should be representative of the units, of the subnational units — the provinces, in this case — of Confederation. So I do not think it is passing the test of equality today.

What did Sir John A. Macdonald say about how effective this body should be? He said, "It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House." He wanted it to be more than a mere chamber for registering the decrees of the lower house. It ought not to just be a rubber stamp.

We know that for the most part, throughout all these decades, that is what it has been. Part of the reason for that is that senators are part of their respective parliamentary caucuses. They are going to be a part of a government caucus. They are going to be part of an opposition caucus. And for the most part, they will vote the party line of those respective caucuses. And so they will perhaps not be able to even represent the regions, even though we think equality of the provinces, they might not be able to represent the regions as best they could if they were independent. That is the first point. The second point is they may not be very effective as they would likely wind up being a rubber stamp, with the government senators simply voting with the government caucus.

By those two measures, the Senate has failed the test of being equal, in the modern definition, in terms of each province having equal representation. It has failed the test of being effective. There has been important work done by the Senate. This is not in any way a criticism of individuals who have served in the Senate. But we have to ask ourselves, could the work they have done that we consider worthy and worthwhile be done without a Senate? We have already talked a little bit about the ability for the Senate to make significant inquiry on issues and then report back to Canadians in a thoughtful and in-depth way. Well I would submit that the provinces do this with the unicameral systems, and the House of Commons could do it through their committee system, through the ability of the Prime Minister and the cabinet to appoint Royal Commissions. There is the chance for a sort of thoughtful discussion and the sober second thought that is often touted as one of the attributes of the Senate.

So if it really has not worked in terms of the principle of equality that John A. ascribed to it, and if it has not really worked in terms of the quality of being effective, then we need to ask ourselves, is the status quo worth fighting for, worth maintaining, or should we be looking at something else?

I have heard some constructive comments in debate. We have had it in our own party. This motion represents an evolution of our party policy. In fact we balloted our members here not too many months ago

in the late spring, early summer: 3,727 ballots were returned; 3,216 voted in favour of abolition — 87 per cent. That is why we have changed our position. But as we have had this discussion and debate, there have been many good questions that members of the party have asked and that members of the public have asked because we want to also make sure we are representing the people of the province, not just party members.

One concern that I have noted is what happens in our country if there is a prime minister or a federal government that for whatever reason undertakes policies that are of particular harm on a region, maybe in our case on Western Canada? If we do not have a senate do we lose a last line of defence? I think it is important that we just canvass our own history with that same question because there have been examples when a federal government has taken actions that have hurt a region. The one that we would remember in our part of the world with clarity is the National Energy Program introduced by Prime Minister Trudeau. This was very damaging policy to all of Western Canada.

I am sure there would have been senators at the time who decried the policy, but I cannot tell you their names. Here is a name I remember: Peter Lougheed. When it came to that particular battle against the National Energy Program, I remember a premier's name. Because what has happened is that the provinces have filled a vacuum left by a senate. Maybe John A. wanted it to be equal, maybe John A. wanted it to be effective, but because of parliamentary whip votes and party discipline and because of the nature of the appointments to the Senate and because it represents regions, not provinces, the *de facto* balance to a federal government is the provincial governments of this country.

Some people would say, well but Peter Lougheed did not stop the National Energy Program. Well did he or did he not? Western Canada, I think, was heard by a national party that was able to contest the next election. And because the House of Commons is elected and accountable, the next election defeated the Trudeau government, elected a Conservative government, and the National Energy Program was ended. So it did not happen right away, but that provincial voice within Confederation, not the Senate, did prove to be the balance against a heavy-handed government that took action against a region that objected strongly to the positions that they had taken.

So to conclude, there is a great consensus that the status quo is not on. There are really only four options and I will quickly talk about those, and then I want to make way for the Leader of the Opposition who has come to this position long before I did.

The first option is a completely reformed Triple-E Senate. The second is a marginally reformed or incrementally reformed Senate. We have seen some tinkering around the edges and I credit the federal government for trying. The third option is abolition, and the fourth is abolition with a view to rebuilding something in its place that might work.

With respect to option one, I used to believe that we ought to advocate always for a meaningfully reformed Senate, specifically a Triple-E Senate. I have come to the considered opinion that this is impossible, that any change is difficult but this is impossible. I have never heard a premier of a populous province in the short time I have had this job, who supported a Triple E Senate. Whatever the Supreme Court is going to say about the amending formula you are going to need the support of the populous provinces.

Even when those provinces were at their most generous with respect to the Senate during Meech Lake — credit Premier Peterson of Ontario and credit Premier Bourassa of Quebec — even then, when they were prepared to move on the Senate, they were not prepared to move to a Triple-E. I do not blame them. How would you explain to your citizens, that you have given up one of the advantages you have in a major institution of parliament?

What about a marginally reformed Senate where we elect a few and maybe put term limits on it? There are a couple of problems with that. Not all the provinces are going to elect senators. That is very clear. In fact hardly any of them are. So then what would you have? Well you would have a hybrid Senate with a tiny minority elected, giving some legitimacy frankly to an institution whose huge majority would be appointed in the same old way, by the party in power. What else is wrong with the marginally reformed Senate, as I have understood it, is that there is still an appointment and you stay there for a longtime.

I think all members in this House would agree that we all have a lot more focus on our work here mindful of the fact that in four years we will face the bosses in an election. What good is it if you do not have the accountability of facing re-election, of going back to the voters and explaining what your position was on the potash takeover or why you filled out that form or why you said this? You know, it is Thanksgiving that focuses the mind of turkeys and this hybrid version lacks Thanksgiving. It lacks that moment of focus.

Now abolition. I think that we have made the case that the House of Commons has at its disposal all the tools of inquiry, all the moments to pause in between legislation, all the opportunity to consult that a senate would give to it. And it also has the accountability of facing a re-election.

Now abolition will be difficult. I am not naive about it and here is why. I have heard two Premiers from populous provinces, the former premier of Ontario and the former premier of British Columbia, Premiers McGuinty and Campbell, support abolition. We cannot presuppose what the Supreme Court's going to say. But if the Supreme Court says we must use the 7/50 formula maybe we have British Columbia and maybe we have Ontario. That is why I believe abolition to have a greater likelihood of succeeding than reform.

Finally there is the option of abolishing the senate with a view to starting over. I understand that people are very passionate and support the principles of bicameralism. I understand the notion around checks and balances. What is happening in the United States, by the way, and the paralysis there in terms of their ability to deal with a major fiscal problem, relates directly to this question of checks and balances. And if we are interested in politics we should have the discussion of how much is too much, how much actually leads to that paralysis where you cannot fundamentally deal with an existential crisis within your own borders. But still I do understand the principles of bicameralism.

Writing in the *National Post* on July 4, 2013 Ted Morton from Alberta said: "It might be better to adopt a two-step approach. First, wipe the slate clean by abolishing the current Senate. Then start from scratch in designing a new model for an elected Senate that can be presented to Canadians." [1] I think if you believe that, you could support this motion.

Andrew Coyne, who is a well-known commentator in the country, said this: "So long as the Senate remains in place, the thinking runs, there will be too many vested interests, provincial or otherwise, with a stake in the status quo." And this is not in his quote, but I would say chief among them, by the way, are the senators themselves. But the quote goes on:

"Once it was torn down, it might be easier to come up with a reform plan that was satisfactory to all sides. Even if the attempt failed, we should at least be rid of the Senate as it is, sparing the country the embarrassment of an appointed house, well known as a den of patronage even without its recent ethical lapses, substituting its wishes for those of the democratically elected Commons." [2] (*National Post*, July 13, 2013). That makes some sense to me as well.

So I think the only options of these four are abolition, and abolition with a view to starting over. The status quo is not on. The status quo is an anachronism.

Can a unicameral parliament, the House of Commons, facing the accountability of election, with all of the tools of consultation at its disposal, be worthy of the kind of government that Canadians deserve? I think it can be, especially if the federation has strong provincial capitals were committed to stand up for the interests of their provinces regardless of who was in Ottawa. Can that work for Canada? Absolutely it can work for Canada. But we are going to need the resolve to move forward. We are going to need the resolve to move past the Senate and that is what I am hoping the province of Saskatchewan sends as a message to this country.

It is time to move on. It is time to give Canadians the kind of democratic, accountable government that they deserve.

Notes:

1 Ted Morton, "Abolish the Senate, then reform it," *The National Post*, July 4, 2013.

2 Andrew Coyne, "Why creating a 'ghost' Senate may be our best shot at reforming the Red Chamber", "Abolish the Senate, then reform it," *The National Post*, July 19, 2013.

The Cyberbullying Hearings

Children as Witnesses at Senate Committees

Senator Mobina S. B. Jaffer and Senator Salma Ataullahjan

In December 2012, the Standing Senate Committee on Human Rights tabled its report Cyberbullying Hurts: Respect for Rights in the Digital Age. It followed a series of hearings in 2011 and 2012 where it closely examined the roles that stakeholders can play in addressing cyberbullying and the emerging best practices. The committee began this study by using the standard modus operandi for most parliamentary reviews - holding public meetings with experts, government officials, and representatives from stakeholder organizations. However, it was missing an important piece of the puzzle; the committee needed to hear from the children themselves. This article looks at how the committee went about the unusual task of hearing minor children as witnesses.

How do we elicit the views of young people before a Senate committee? After a review of past proceedings of other committees and the key procedural authorities, we discovered that parliamentary hearings involving youth have been rare and that there were no set rules or predetermined procedures involving meetings with minors. In the absence of well-established processes, we knew that we should proceed cautiously. While inviting minors would be a challenge, we felt that it was worth the risk.

Studying Children's Rights

In 2001, the Senate amended its Rules to establish a new standing committee to review legislation and policy relating to the implementation of Canada's domestic and international human rights obligations. Over the course of its history, the committee has spent a considerable amount of time studying children's issues and has published four separate reports dealing extensively with the human rights of children in Canada.

Senator Mobina Jaffer represents British Columbia in the Senate of Canada. She was chair of the Standing Senate Committee on Human Rights when it published its report on cyberbullying. Senator Salma Ataullahjan represents Ontario and is a member of the Senate Standing Committee on Human Rights.

We looked at tough issues such as sexual exploitation, corporal punishment, bullying and poverty.

With this particular interest in children's issues by the committee, Senator Ataullahjan brought forward the idea of a study into the cyberbullying of youth. Members had been noticing a substantial rise in media reports about extreme forms of bullying over the Internet and through mobile electronic devices. We were shocked by its severity and the personal impact on students. We were also taken aback to learn of cases where young people were taking their own lives to escape ongoing harassment. Based on the seriousness of these cases and the outcry for action, Senator Ataullahjan formally proposed a study to the committee.

On November 30, 2011, the committee received the Senate's permission to undertake a review of cyberbullying of youth pursuant to Canada's obligation under the United Nations' *Convention on the Rights of the Child*. Under Article 19 of the international agreement, "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse."[1] The UN Committee on the Rights of the Child, which oversees the implementation

of the convention, has further stated that Article 19 applies to "psychological bullying and hazing by adults or other children, including via information and communication technologies (ICTs) such as mobile phones and the Internet (known as 'cyberbullying')."[2]

Why Hear from Children?

Over the course of our study, we were told time and time again of the strong relationship between young Canadians and technology and that it is a new frontier often misunderstood by adults. Dr. Faye Mishna of the University of Toronto expressed to the committee the "unmistakable generational divide between younger and older individuals." [3] This youth-adult disconnect was also pointed out by another witness, Bill Belsey, founder of Bullying.org, who spoke about the importance that technology plays in the lives of children, which is "like the air that this generation breathes."[4]

Several years ago, the committee had stressed the importance of children being heard in their own voices. In 2007, the committee recommended:

> … that the federal government dedicate resources towards ensuring that children's input is given considerable weight when laws, policies and other decisions that have a significant impact on children's lives are discussed or implemented at the federal level. [5]

The committee felt obliged to abide by its own recommendation, as we were studying an issue directly affecting children.

The next questions became: Who and How? According to the evidence we received during our hearings, it was noted that bullying, including cyberbullying, tends to be most severe and frequent between Grades 7 and 10 (ages 12 to 15).[6] With this in mind, the committee decided that it needed to hear from young people within this particular age group. We also needed to hear from youth who were directly impacted by cyberbullying.

To find children to participate in the study, the committee reached out to the public using social media (such as Twitter), the Internet and the traditional media. We also connected with health professionals and youth organizations. As word spread, the committee was contacted by individuals who were interested in assisting us. We were fortunate to have students in a Grade Eight class from Springbank Middle School in Alberta volunteer to provide their views, which met the age 12 to 15 cohort. Through our outreach efforts, we were also able to recruit a group of teens from the ages of 15 to 18 who were victims of online bullying.

The committee set three objectives for the hearings. The first was to provide the children an opportunity to speak to the committee about their views and experiences with cyberbullying in their own voices. Secondly, we had to ensure that any participation by a youth should not inflict any mental injury or further aggravate any existing harm. Finally, out of respect for the children involved and to show that their input was valuable, all proceedings would have to follow acceptable parliamentary processes and decorum. With these objectives in mind, committee staff was instructed to develop a plan on how to proceed.

Our staff listed issues and challenges to be examined and resolved before the proceedings. We had to determine whether a child had the necessary competence to appear before a parliamentary committee, if parental consent was required, ensure the process followed the necessary norms and ensure not to harm our intervenors.

Competence

In the past, some parliamentary committees (including our committee) have heard from young people but they were primarily in their late adolescence. It was our belief that inviting the children in our target age group would be a first for the Senate and likely for many Canadian legislatures. We questioned whether a twelve year old, for example, could fully comprehend what is being asked of him or her, and fully understand the process and its consequences. After consultations with the Office of the Senate Law Clerk, the committee looked to the courts for criteria for competence in a legal setting. According to the *Canada Evidence Act*, elements for competence for children under the age of 14 include:

- the capacity to observe;
- the capacity to recollect; and
- the capacity to communicate.[7]

These three elements served as a starting point to assess the competence of potential participants. For the purpose of an appearance before a parliamentary committee, we added two further elements to the evaluation:

- the capacity to understand the process including parliamentary privilege and decorum; and
- the capacity to appreciate the consequences of appearing before a committee of Parliament, either in public or in camera.

With these five points, committee staff met with school officials to determine if the Grade Eight students from Springbank Middle School met the necessary threshold. The process was explained to school officials and an evaluation was conducted through in-depth

discussions with the teacher involved and the school principal to determine if the children had the necessary intellectual capacity to participate and the necessary reasoning to undertake the responsibility according to our criteria. A positive assessment was required for us to proceed. The committee clerk also held a telephone conference with the participants to explain the process, answer questions and gauge their ability. The clerk then made a recommendation to the committee to move forward, which was accepted.

These same points were applied to the hearing with the older youth, who were victims of cyberbullying. Since all these attendees were in their mid to late teens, competence was easier to determine. Here, competence was assessed in two steps. First, an initial assessment was initiated through a conversation held by the clerk with each youth. If the clerk recommended inviting them based on their discussion, the youths were then interviewed by a child psychiatrist in Ottawa who had been enlisted by the committee. A green light from the psychiatrist was needed to proceed with their testimony.

Parental Consent

Under rule 12-9. (2) of the Rules of the Senate, committees have the power "to send for persons, papers and records." There are no stated caveats to this power. Therefore, it was deemed that parental consent was not a procedural requirement. Nonetheless, the committee strongly believed that the permission of a parent or legal guardian should be obtained in all cases.

For our meeting with the Grade Eight class, the school obtained the necessary permissions before the meeting, which were communicated to the clerk. For the older youth, the clerk was instructed to obtain the permission of a parent or legal guardian for their participation. If the permission was granted, the child was added to the list to be considered by the committee along with some preliminary background information. The committee then sent formal invitations to both the young person and a parent or guardian to travel to Ottawa to attend an in camera meeting.

Understanding the Process

As mentioned, the committee went to great lengths to ensure that all participants clearly understood the parliamentary process and what was expected of them. While most adult Canadians have general knowledge of political institutions, we could not expect the same of the teenagers and tweens. We were, however, pleasantly surprised by their level of awareness about Parliament. To fill any gaps, the committee staff worked with the Grade Eight class and the teacher involved to fully explain how Parliament works and why their input was so valuable to us. During the information session, the clerk explained each step of the process, their responsibilities and what our desired outcome would be. Based on questions during the session and the feedback received, it was concluded that being proactive contributed immensely to the success of this endeavour.

The preparation of the older participants took on two forms. When each youth was invited along with their guardian, the clerk made sure to explain the process by telephone, provide documentation and answer any questions. Furthermore, when they arrived on Parliament Hill, they were assisted by an experienced committee clerk on site prior to their testimony. This gesture served well to alleviate any last minute anxieties.

Mental Health Safeguards

In the lead-up to our meetings with the youth, witness after witness spoke to the committee about the devastating impact cyberbullying had on the lives of victimized children. We heard about teens who were continuously harassed via social media or by text. The committee deliberated at length about the need to hear directly from young victims and the potential negative impact on them. The Senators agreed wholeheartedly to put in place some unconventional but necessary safeguards to protect the mental health of the youth, so as not further victimize them.

We decided to hear from the vulnerable victims in private. When the committee began the study, it anticipated hearing sensitive testimony. It sought permission from the Senate to occasionally hear witnesses in camera which required the suspension of a Senate rule.[8] This exemption is not often granted by the Senate and the committee took its responsibility to be open and transparent very seriously. Nonetheless, we judged that the protection of victims justified closing the meeting to the public. The committee also went a step further and limited the attendance of staff only to individuals essential to the proper functioning of a hearing. We also considered our physical setting during our preparations. A small meeting room was chosen instead of a large one in order to make the experience cozy and friendly, as opposed to a big "spectacle."

Our closed door meeting with each victim took place for almost two hours, over the course of which we heard the youths accompanied by their parental guardian. The guardian was present at all times and was informed of what was going on every step of the way. During each presentation and subsequent questioning, we asked the other youth to wait in a separate room where they

were accompanied by Senate staff for ongoing support. It was important for us to hear from them individually to ensure confidentiality and avoid any feelings of discomfort.

The most important and useful resource made available to us through the entire process was the assistance of a pediatric psychiatrist. She was instrumental in not only ensuring that all the teens were mentally prepared for the difficult experience, but also in assisting the members of the committee on what to expect, how to proceed and not cause further harm. Since she assisted during the in camera hearing, we cannot identify her publicly, but would like to acknowledge her invaluable contributions. We thank her sincerely for her help.

Before beginning our hearing, the psychiatrist met privately with each youth and their parental guardian to determine their capacity to participate and gauge their mental state. She asked them about their experiences and any anxiety they may have in sharing personal and heart-wrenching stories before a group of Parliamentarians. After these one-on-one conversations, the psychiatrist met separately with committee members to provide an oral report and her opinion on the readiness of each participant. She also made recommendations to members on questions to be asked of each witness and established areas that should be out of bounds, so as not to cause further emotional damage. Finally, the committee was privileged to receive a "crash course" on how to question and interact with the children in a non-threatening manner.

We asked the psychiatrist to remain at the meeting to counsel the chair on the management of the proceedings. She was permitted to intervene if she felt that a child was in distress and should discontinue their testimony. Fortunately, her intervention was not required and all Senators showed empathy and compassion towards our brave witnesses.

During our public meeting with elementary students, some children did speak to the committee about their personal experiences, but not to the same extent as those we heard from in camera. Since this meeting was public and also televised, we asked the children to refrain from using any names, either of the victims or bullies. While the testimony was protected by parliamentary privilege, it was not protected from public opinion. We were fully aware of the potential disastrous impact it could have on the person testifying or any individuals named. During questioning, Senators did not ask for specifics that would identify any persons involved. The chair also closely monitored the meeting to ensure that none of the children endangered themselves or others.

Final Thoughts

Handling controversial social issues, such as cyberbullying, is never an easy task, especially when they involve children. We had to balance the gathering of relevant and vital information to assist us in our conclusions against the risk of exposing children to a public spotlight or of re-living traumatic events. After much soul-searching, we felt that we needed to hear their voices. We quickly learned that they were the real experts on bullying in schools and online, and that their views were needed for us to truly understand what was happening in their lives and those of their peers. It was not easy. The committee stressed unequivocally that if we were to take this important step, we would need the time and effort to do it right. In the end, our conclusions were heavily influenced by what the children had to say. To acknowledge their contribution, the committee published a companion report aimed directly at youth.

The involvement of our outside collaborators, school officials and our child psychiatrist was essential to our reporting. We were most fortunate to have them play a vital role in the process and bring their counsel to our deliberations. All in all, the committee proceeded very cautiously and took some time-consuming steps, but in the end, we feel that our preparations were worth the effort. Our eyes were opened to a different world.

Notes

1 United Nations, Convention on the Rights of the Child, A/RES/44/25 http://www.un.org/documents/ga/res/44/a44r025.htm.

2 Committee on the Rights of the Child, General Comment No. 13 (2011), *The right of the child to freedom from all forms of violence*, p. 9, April 18, 2011.

3 Mishna, Faye, "Cyber Bullying," written submission to the Standing Senate Committee on Human Rights, April 30, 2012, p.5.

4 Belsey, Bill, *Proceedings of the Standing Senate Committee on Human Rights*, Issue 6, December 12, 2011.

5 Standing Senate Committee on Human Rights, *The Silenced Citizens*, The Senate of Canada, 2007, p. 60.

6 Based on the testimony of Tina Daniels and Shelley Hymel, *Proceedings of the Standing Senate Committee on Human Rights*, Issue 12, May 7, 2012.

7 *Canada Evidence Act* (R.S.C., 1985, c. C-5), Section 16 and 16.1.

8 *Journals of the Senate*, The Senate of Canada, November 30, 2011, p. 689.

Commonwealth Women Parliamentarians Celebrate Women's Success

Myrna Driedger MLA

The Commonwealth Women Parliamentarians, as part of the larger Commonwealth Parliamentary Association, works towards better representation of women in legislatures throughout Canada and the Commonwealth. In July, the 2013 Steering Committee Meeting and Conference of the CWP was held in Edmonton. This article looks at the agenda of the conference and strategic projects for the CWP (Canada).

The CWP-Canadian Region is governed by a steering committee that promotes the views and concerns of women parliamentarians throughout the region and is responsible for developing programs to further the aims of the CWP within the region. It is composed of one representative from each province and territory and one representative from the federal parliament. Each member serves a three-year term. Its operations are overseen by a Chair, who also represents Canada on the CWP Steering Committee-International.

The other members of the Steering Committee for CWP Canada are:

- Linda Reid, British Columbia
- Mary Anne Jablonski, Alberta
- Laura Ross, Saskatchewan
- Leanne Rowat, Manitoba
- Lisa Macleod, Ontario
- Rita De Santis, Quebec
- Pamela Lynch, New Brunswick
- Wendy Bisaro, North West Territories
- Charlene Johnson, Newfoundland & Labrador
- Pam Birdsall, Nova Scotia
- Jeannie Ugyuk, Nunavut
- Carolyn Bertram, Prince Edward Island
- Lois Moorcroft, Yukon
- Susan Truppe, Federal

Created in 2005, the CWP – Canada Region is composed of women parliamentarians of the provincial and territorial Canadian legislatures and the federal parliament. Its aims and objectives are to:

- Provide opportunities for strategic discussion and development for future and current parliamentarians
- Increase female representation in our parliaments
- Foster closer relationships among Canadian women parliamentarians
- Foster relations with other countries having close parliamentary ties with Canada; and
- Discuss, strategize and act on gender related issues in Canada and internationally.

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.

The CWP pursues these objectives by means of annual Commonwealth parliamentary conferences, outreach programs and participation in campaign schools across the country.

> *"Women who have achieved success have won victories for us, but unless we all follow up and press onward, the advantage will be lost."*
>
> Nellie McClung

The 2013 Steering Committee Meeting and Conference

We were pleased to welcome Meenakshi Dhar, Assistant Director of Programs from CPA (London Secretariat.) to attend our meeting in Edmonton. We recognized the newly elected Speaker from British Columbia, Linda Reid and extended a heartfelt thanks to Charlotte L'Écuyer, MNA from Quebec, who stepped down from the Steering Committee. Lisa Macleod, MPP from Ontario also stepped down as a Steering Committee member and both of them have contributed significantly to the success of CWP Canada. We wished them well in all their future endeavours.

This past year was pivotal for CWP – Canada, and much was accomplished in 2012-13. For example:

1. Steering Committee "Terms of Reference" have made a significant impact on the success of CWP. Because we are now working with three-year terms for members, we have excellent continuity which has enhanced productivity.
2. We have completed the first major stage of a strategic plan, whereby "mission", "vision" and "value" statements were developed and adopted.
3. We incorporated a "Women of inspiration" component to our annual conference to recognize a Canadian legislator/parliamentarian who has inspired us through her successes and accomplishments.

Myrna Driedger, Premier Alison Redford and Mary Anne Jablonski at the CWP meeting in Edmonton in July 2013.

4. With a collaborative effort by a working group of CWP Steering Committee members, an Outreach Program Framework was developed to support program planning for legislators/parliamentarians who participate in an Outreach Program. It includes the descriptions of the CWP, its mission/vision/values, objectives and aims, a list of women's campaign schools, possible program ideas and resource information.

5. Under the direction of the Steering Committee, the CWP Secretariat finalized a brochure describing the role and activities of the CWP-Canadian Region. This brochure will be a valuable tool in marketing and growing our organization.

6. The Chair of CWP was invited to represent Canada at an International Parliamentary Conference on politics in London (UK). It was jointly hosted by the Commonwealth Parliamentary Association – UK, and the British Group Inter-Parliamentary Union (BGIPU), in accordance with the organizations' shared purpose of strengthening parliamentary democracy through inter-parliamentary dialogue. There were 60 delegates representing 50 countries from around the world in attendance. Topics ranged from national case studies, the democratic deficit inherent in the underrepresentation of women in parliaments, media and social media, tools for empowerment, political parties and quotas, and gender-based violence.

7. We held a successful 6th annual Outreach Program in Quebec City in March, with 11 CWP members participating – representing the legislatures of Alberta, Saskatchewan, Manitoba, Quebec, and Prince Edward Island, and the Northwest Territories. Our 7th Outreach Program will be held in Newfoundland in 2014. The next part of our strategy is to measure the success of the CWP Canada Outreach Program. A small committee was struck to develop and draft evaluation criteria.

8. With the aim of increasing our profile, we intend to have an article in every edition of the *Canadian Parliamentary Review*. This reaches 2,000 parliamentarians, four times each year.

9. A letter was sent to Her Majesty, Queen Elizabeth II, congratulating her on her Diamond Jubilee.

10. Our database of all elected female legislators/parliamentarians in Canada was maintained and updated.

11. The Chair was invited to speak on a panel at the September, 2012 International CWP meeting in Sri Lanka. The topic was "Is there such a thing as a Women's Agenda in Parliament?" At this same meeting she was elected as Vice-Chair of the Steering Committee of the CWP-International.

During the meeting, an election was held to fill the newly vacant Vice-Chair position. Linda Reid, from British Columbia was elected.

Educational Conference

Twenty-six participants attended the CWP Conference in Alberta. We kicked off the conference by recognizing Premier Alison Redford as our "Woman of Inspiration." It was the first time a woman premier spoke to our organization and it is worth noting that at the time six of Canada's premiers were women. We were very grateful to have this opportunity to hear her views on factors that determine the number of women in politics. To her – family influence and role models were important.

She concluded the speech by saying:

> "The role of parliamentarian is a difficult one, regardless of gender. For women, the challenges 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."[1]

We also had as a presenter Lesley Scorgie, bestselling author of *Rich by Thirty* and *Rich by Forty*. Leslie is a passionate spokesperson for encouraging financial literacy. In 2011 she was recognized as the Women's Executive Network's top 100 Most Powerful Women in Canada.

Another dynamic presenter was Margaret Bateman, Partner & CEO of Calder Bateman. In providing strategic planning, she handles a wide range of public policy issues in healthcare, economic development, municipal affairs and the environment. Formerly, she managed senior management, communications and planning roles in the Alberta Government for 17 years.

CWP Canada looks forward to another exciting year and the role we can play in attracting more women into politics. As Premier Redford said:

> "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."[2]

I hope even more legislators join us on our journey.

Notes

1 See Alison Redford, "Reflections on Politics and Gender," *Canadian Parliamentary Review*, vol 36, no 3, Autumn 2013, pp. 2-3.

2 *Ibid*.

The Library's Research Service: Added Value for Parliamentarians

Sonia L'Heureux

Canada has one of the libraries in the Commonwealth that provides the most complete range of research and analysis services to legislators. At a recent presentation to the International Federation of Library Associations and Institutions (IFLA) in Singapore, the Canadian Parliamentary Librarian outlined how Canada provides research support to parliamentarians. Over the years many countries have been impressed by the services available to Canadian parliamentarians and have inquired about considerations to keep in mind when establishing similar services. This paper summarizes the thoughts that were shared with international colleagues interested in establishing their own research service.

Early in Canadian parliamentary history, a need was identified for parliamentarians to have access to tailored information and knowledge to help them fulfil their roles as legislators, decision-makers and representatives of the people. In 1876, less than ten years following Confederation, the Library of Parliament of Canada opened its doors on Parliament Hill. At the time, books were the primary repository of "knowledge," and decision-makers had few other sources of information on which they could rely as they steered the young country. Today, one of the unique features of the Library is that its collection focuses on specific areas that are relevant to parliamentarians: law, economics, political theory, international relations, history, and resource management, among others.

Since that time, the Library has evolved to include hundreds of journals and periodicals, as well as electronic material and data; it has also developed a research and analysis capacity in various areas of public policy. In 2015, the Library will celebrate 50 years of providing research and analysis services to parliamentarians. From modest beginnings, with only five researchers in the 1960s, the research service has matured into a professional unit relying on the expertise of over 80 research analysts and a dozen research librarians, supplemented by a separate centre of excellence on economic and financial matters created in 2008 and headed by the Parliamentary Budget Officer. The growth in demand for research and analysis over the years is directly linked to the relevance of this support to Parliament: 413 parliamentarians, 50 parliamentary committees and 12 parliamentary associations.

Informed Decision-Making: What Google Cannot Offer

Parliamentarians have different backgrounds and interests, and they cannot be experts in all matters of public policy. Given that parliamentarians have extremely busy schedules, they have limited time to devote to researching the underpinnings of the public policy issues confronting them. While some may become immersed in the intricacies of a thorny public policy, the majority will be seeking timely and accessible information from a source to which they can turn when they are unaware of the crux of the issue at hand or the purpose of the latest bill. They are not aiming to become experts, but they want to be informed on the issue so that they can make a positive impact.

While internet search engines such as Google or online repositories of information like Wikipedia make it easy to find information quickly, the real challenge lies in its interpretation. Parliamentary libraries and research services do not simply help parliamentarians find relevant and authoritative information; they also make sense of the information by analyzing its various dimensions and relating it

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to the work of Senators and Members of Parliament. Researchers monitor public policy issues on an ongoing basis and are skilled at linking their development to the policy or program agenda of the government as it is considered by Parliament. The public service performs a similar function for Cabinet members who are associated with the Ministry; however, of 413 Canadian parliamentarians, less than 10% are part of the Ministry. The majority do not have direct access to the public service for advice on public policy.

Parliamentarians rely on a range of other sources for advice. Their political staff develops expertise over time, and political parties share key analysis aligned with their platforms. The media and lobbyists often come forward with arguments in favour of particular outcomes on public policy; however, many parliamentarians value the opportunity to access analysis that is politically neutral and fact-based, reflecting a range of perspectives that they may wish to consider as they exercise their parliamentary duties and/or seek re-election.

Ingredients for Success

Conversations with international parliamentarians point to three common needs: finding information quickly; understanding tabled legislation; and accessing critical information and analysis on annual spending budgets. As parliamentary administrations consider developing a research service, they should ensure that their staff includes research librarians, who can find relevant, authoritative information quickly; lawyers, who can explain proposed legislation, how it relates to existing law, and the changes being proposed; and economists, who can assess the economic and financial context in which Parliament adopts policies and programs. As parliamentary research services develop their base and benefit from expanded budgetary resources to better serve their clients, they would be well advised to hire employees with other professional backgrounds as well. Public policy issues have many different angles, and the addition of social science experts, scientists and others strengthens the expertise available to parliamentarians.

Over the long term, credibility for sound analysis will be measured by availability, irrespective of the political context prevailing, and equality of service to all parliamentarians. It is therefore critical to avoid commenting on policy options, focus on facts and leave political parties to provide policy advice. A corollary to this approach is the practice of acquiring and providing statistical information whenever available and appropriate. Many countries have statistical agencies, but these are often limited to the presentation of statistics, without analysis of trends. A parliamentary research service would be well advised to invest resources in acquiring data sets that it can tap into to present information and analysis tailored to the needs of the parliamentarians it serves. Hiring a data librarian and/or statistician could be a good use of resources. Experience in the United States and Chile, for example, shows that devoting resources to the implementation of a data visualization capacity, such as Geospatial Information Systems (GIS), enhances the ability to communicate complex issues. The majority of parliamentarians have neither the time nor the inclination to read long and technical documents, and the use of maps and graphs to convey analysis of complex public policy issues is often greatly appreciated.

Analysis Equals Added Value

Parliamentarians (or more often their staff) choose to interact with the Library only if it brings them value beyond the more easily and publicly accessible sources. A parliamentary research service must be able to tailor its analytical support to the parliamentary nature of its clients' business, in a way that alternative sources of information cannot easily replicate. The Library of Parliament faces this challenge with three clusters of analytical activities.

- *Every election brings a new cohort of parliamentarians, who may not be familiar with the issues they will be called upon to address in their role as elected representatives.* Shortly after an election, the Library's research staff provides overviews of key issues that will soon require the attention of Parliament. They analyze issues emerging from current public policy debates and draw links to the upcoming review or development of new regulations, legislation or formal agreements with other jurisdictions, which will require parliamentarians to address the issues directly.

- In support of the legislative role of parliamentarians, *the Library's research service offers a suite of services to enhance a parliamentarian's fluency with the content of legislation being considered by Parliament.* Researchers develop summaries of bills tabled by the government, explaining the intent of the proposed legislation and its interaction with existing laws. Library employees track the progress of legislation in Parliament and make themselves available to provide personalized, confidential briefings for parliamentarians who may be struggling with the complexities of issues being addressed by a proposed bill. Given the political neutrality of Library employees, parliamentarians can feel free to ask questions without fear of judgement of their lack of awareness of the topic; likewise, they need not manage any lobbying efforts from their interlocutors. For parliamentarians who

wish to submit a private member's bill, Library employees are available to assist in crystallizing the intent of the proposed bill and to work with the parliamentarian to prepare drafting instructions for the legal drafters, who will eventually turn the idea into a bill.

- Holding government to account is a key role for parliamentarians. Throughout the life of a Parliament, parliamentarians are called upon to analyze budgets and government estimates as well as the economic health of the country. Library researchers have expertise in monitoring the alignment of what has been voted on in Parliament, the policies and programs implemented by the government and the impact these have on citizens (as assessed by various analysts such as agents of Parliament, think tanks, academics, and others.) Parliamentarians often comment on the difficulty they face in making sense of it all within what is generally a short timeframe. The Library's employees, therefore, focus on decoding this information and presenting it in a format and language that align with activities conducted in Parliament. To do so, they must pull together and analyze data, studies, testimony, and so on. They then adapt their written and verbal briefings to specific contexts, such as reviews of and voting on government estimates, analysis of budget measures by parliamentary committees, and studies of the Auditor General's reports, to name just a few. *Library analysts scan all perspectives and present a factual picture of the elements to be considered by parliamentarians; they strive to "connect the dots."*

Capturing Corporate Memory

Parliamentarians and their staff are a relatively transient population. The average length of service in the Canadian Parliament varies between six and eight years. During this period, parliamentarians may be called upon to play different roles, reflecting changes in committee assignments, assignments as party critic on a specific issue, or even movement in or out of Cabinet. In addition, their staff members are often young, ambitious, and energetic employees who take advantage of opportunities to further their careers with relatively frequent changes of assignments. As parliamentarians and/or their staff tackle new portfolios, they frequently turn to librarians and researchers for a quick analysis of what occurred in their file in the past.

In light of the need to respond quickly to such requests for information and analysis, the Library must rely on a solid Information Management (IM) system. Librarians are IM specialists, trained to capture information in such a way that it can be retrieved from large databases with relative ease. To be successful, a research service should be aligned with an IM infrastructure that is designed and operated by skilled employees who can leverage the possibilities of modern information technology and a keen interest in client-centered service.

Ultimately, parliamentarians seek the information or knowledge that will give them an edge over their political opponents. Faced with an ocean of information, parliamentary research services can assist them in navigating the various currents with relevant, concise, and timely analysis. As Canada's Parliamentary Librarian, I am proud of the support we provide to the Parliament of Canada, but, at the same time, I am keenly aware that we need to continue assessing how best to meet our clients' expectations and add value to our services. Throughout the years, the Library of Parliament has accompanied parliamentarians as they carry out their important democratic duties. Our goal is to continue supporting them on this journey, remaining flexible and responsive in the years to come.

Voting Rights for Members of the Nigerian Diaspora

Ufiem Maurice Ogbonnaya

In 2012, six Members of Nigeria's Federal House of Representatives led by Abike Dabiri-Erewa, House Committee Chair on Nigerians in the Diaspora sponsored a Legislative Bill that seeks to amend Nigeria's Electoral Act 2010 in order to grant Nigerians in the Diaspora the right to vote during general elections in Nigeria. This article provides a detailed review of the provisions of the proposed legislation in order to ascertain and expand the rationale for the Bill, the advantages and disadvantages of the Bill, constitutional and legal issues around the Bill and a comparative analysis of similar legislation in other countries.

Nigeria's Electoral Act 2010 is divided into 9 major Parts, 158 Sections and three Schedules. The Act provides for the establishment and functions of the Independent National Electoral Commission (INEC)[1], the Procedure at Elections; National Voters Register and Voters Registration; Formation, Functions and Powers of Political Parties; Electoral Offences, among other things.

The Act however, does not make provision for voting rights for Nigerians in the Diaspora during general elections. This is the problem the sponsors of the Bill want to address. The Bill is targeted at the Nigerian electorates, the electoral system and Nigerians in the Diaspora. If passed into law, the outcome will empower over 17 million Nigerians in the Diaspora[2] to vote during general elections. Nevertheless, the introduction of the Bill has generated thorny debates among scholars, policy analysts, political commentators and Parliamentarians. Some have argued that the promulgation of the Bill into law is necessary given the urgent need for a legal provision that will empower Nigerians in the Diaspora to vote during general elections[3]. Their argument is predicated upon the premise that it has become a global practice in modern democracies for citizens in Diaspora to vote in general elections of their countries of origin[4] [5]. Others have however, argued against the provisions of the Bill principally from institutional and economic point of view[6]. The central thesis of the argument here is that passing the proposed legislation into law will bring much pressure to bear on the human and institutional capacities of the Independent National Electoral Commission (INEC) given that the electoral body as it is currently constituted, lacks the capacity to conduction oversea elections[7]. Others have also submitted that the proposed legislation will bring financial pressure on the Nigerian economy if promulgated into law[8].

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Summary of the Provisions of the Bill

Structurally, the Bill is divided into 5 Sections. Section 1 deals with the proposed amendment of the Principal Act; the Electoral Act 2010; Sections 2 provides for the establishment of the offices of the electoral commission within and outside Nigeria. Specifically, it seeks to amend Section 6(1) of the Principal Act to read "there shall be established in each State of the Federation and Federal Capital Territory or any other designated country[9], an office of the Commission which shall perform such functions as may be assigned to it, from time to time, by the Commission." Section 3 seeks to introduce a new Subsection 4 into Section 9 and to renumber of the existing Sub-section 4 to read 5. Section 4 provides for the qualification for registration for the purposes of voting in elections. Specifically, it seeks to amend Section 12(1)(c) of the Principal Act by adding the words "or is a Nigerian in Diaspora" while Section 5 provides for the interpretation and citation of the Bill.

Constitutional Issues around the Bill

The proposed amendment of the Electoral Act 2010 by the legislative Bill, to grant voting rights for Nigerians in the Diaspora contravenes neither the Nigerian constitution nor any other known law in Nigeria. Rather, it revolves around and seeks to strengthen the following constitutional issues as provided for in the 1999 Constitution of the Federal Republic of Nigeria[10] as amended;

i. Franchise: Right to vote and be voted for;
ii. Rights of representation;
iii. Right to choose a candidate in an election;
iv. Right to be informed of what representatives are doing with your mandate (Constituency Briefing);
v. Right to ascertain the level of constituency development; and
vi. Right of recall.

The fact that the proposed Bill does not contravene the provisions of the 1999 Constitution of the Federal Republic of Nigeria has added to the strengths of the arguments for the passage of the Bill.

Cross Country Comparisons

The use of absentee voting dates back to the period of the Roman Emperor Augustus (c.62 BC – 14 AD), who is said to have "invented a new kind of suffrage under which the members of the local senate in 28 newly established colonies cast votes for candidates for the city offices of Rome and sent them under seal to Rome for the day of the elections."[11] The practice has since then spread across the world. Currently, there are around 115 countries and territories[12] – including nearly all developed nations – that have systems in place that allow their citizens in the Diaspora to vote. A breakdown of the figure is as follows:

a. 28 African countries;
b. 16 countries in the Americas;
c. 41 countries in Western, Central and Eastern Europe;
d. 10 Pacific countries; and
e. 20 Asian countries[13]

In 1862, Wisconsin became the first of a number of US states that enacted provisions to allow absentee voting by soldiers fighting in the Union army during the Civil War. By 1968, the absentee voting system through legislations applied to all US citizens (military and civilians) abroad and in 1975, registration provisions for overseas voting became mandatory for States in the US.[14] While New Zealand introduced absentee voting for seafarers in 1890, it was adopted by Australia in 1902. In the United Kingdom, the introduction of absentee voting system for military personnel was in 1918 but by 1945, the right to vote had been extended to cover "merchant seamen and others working overseas on matters of national importance" and by the 1980s, all British Citizens overseas had been enfranchised.[15]

In Canada, absentee voting was introduced principally for military personnel between 1915 when it was first debated at the federal level and 1917 when the federal elections took place, in France 1924, in India 1951, in Indonesia 1953, in Colombia 1961, in Spain 1978, in Argentina 1993 and in Austria 1990, amongst others.[16]

According to Andy Sundberg,[17] the reasons for the introduction of external voting differ from one country to another but are largely determined by "historical and political contexts." For instance, in the US, UK, New Zealand, Australia, amongst others, "the introduction of the right to vote for overseas citizens was an acknowledgement of their active participation in World War I or World War II"[18] and other military engagements. In other countries, absentee voting was introduced for the purposes of enhancing the political fortunes of the ruling political parties and elite but the case of the United States, according to Sundberg, "provides an example of those rare cases where external voting was finally enacted in response to the demands of the citizens residing overseas.[19]

Even countries with a large number of their citizens in the Diaspora like Italy have recently allowed them to vote and the number is increasing. In Latin America generally, the arguments have focused extensively on the influence of Diaspora votes on the outcomes of their elections. Here, the focus was on the Dominican Republic, Mexico and Venezuela.[20] Prior to its presidential election on May 20, 2012, The Dominican Republic seriously debated the matter and eventually granted voting rights to its citizens in the Diaspora. Mexico also debated the possibility of its citizens in Diaspora voting and finally legislated in its favour given the overwhelming support the debate enjoyed[21]. Venezuela also permits its citizens in the Diaspora to vote in general elections, though this has been considered as being of much less potential in deciding the outcome of elections as in the case of Dominican Republic.[22]

Amongst other things, it is my view here that not allowing Nigerians in the Diaspora to vote in general elections amounts to a denial of their fundamental political rights of voting and being voted for as provided for in the 1999 Constitution of the Federal Republic. Secondly, since Nigerians in the Diaspora are making meaningful contributions to the socio-economic development of the country through investments, remittances[23] and attraction of foreign investors, it is reasonably logical that they are granted the right to vote in general elections that determine, in the long run, their political and socio-economic fate. Thus, granting them voting rights may guarantee greater chances of the further contribution to socio-political development and economic growth of Nigeria. Thirdly, the votes of about 17 million Nigerians[24] of voting age who live and work outside Nigeria will make significant impact in determining the outcome of elections in Nigeria and in conferring credibility to the entire electoral process and the outcomes of elections.

The validity of the foregoing arguments notwithstanding, the proposed Bill in its current state is inadequate to address the issues of absentee voting. For instance, the Bill does not categorically provide for the type of elections in which Diaspora voting will be permitted. For instance, from the countries examined, there are four principal types of elections where absentee voting takes place as shown in Table 1;

Table 1:
Different Types of Elections in Which Absentee Voting is Permitted

Type of Election	Number of Countries
Presidential Elections	64
Legislative Elections	92
Sub-National Elections	25
Referendums	38

Source: Compiled with information from Andy Sundberg, "The History and Politics of Diaspora Voting in Home Country Elections"

Secondly, the Bill does not provide the voting methods or options that will be adopted for absentee voting during the elections. Available statistics indicate that there are about five different methods of voting adopted by countries where absentee voting is currently permitted as shown in Table 2;

Table 2: Voting Methods and Options in Use

Voting Methods/Options	Number of Countries
Voting in Person	79
Voting by Post	47
Voting by Proxy	16
Voting by Fax	2 (Australia & New Zealand)
Voting by Internet	2 (Estonia & Netherlands)

Source: Compiled with information from Andy Sundberg, "The History and Politics of Diaspora Voting in Home Country Elections."

Thirdly, the Bill places no restrictions whatsoever either in terms of time (maximum number of years spent in abroad), condition of stay in abroad, income level or any other. For instance, Andy Sundberg has submitted that 14 countries that allow voting by their Diaspora communities impose some time restrictions on such electoral participation. This is as shown in Table 3.

There is no doubt however, that granting voting rights to Nigerians in the Diaspora will be at additional financial and material cost to the country. Obviously, this will bring some pressure to bear on the Nigerian state and its economy.[25] This is because, the process will require the expansion of the electoral institutions beyond Nigeria, which will require the expansion of its workforce, creation of new offices and the provision of other logistics that may result in increased financial costs. In addition, the passage of the proposed Bill will task the institutional adequacies and human capacities of Nigeria's electoral institution. Unfortunately, the Bill has provided no clue as how these challenges could be tackled.

The shortcomings and anticipated disadvantages of the proposed Bill notwithstanding, it is expected that in the long run, Nigeria stands to benefit politically from the introduction of absentee voting. Apart from being in line with current global trend, it will enhance the credibility and international rating of general elections in Nigeria.

Table 3
Restrictions on Diaspora Voting

S/N	Country	Only a Provisional Stay Abroad Allowed	Maximum Time Abroad (Years)	Other
1	Australia		6	
2	Canada		5	
3	Chad			Voter must be enrolled in the consular registry six months before the beginning of the electoral process
4	Cook Island		4	Exceptions for those abroad for medical care or education
5	Falkland Islands			Only a temporary stay in the UK is allowed
6	Gibraltar	1		
7	Guernsey	1		
8	Guinea		19	
9	Isle of Man	1		
10	Jersey	1		
11	Mozambique			Voter must spend at least one year abroad before beginning registration as a voter abroad
12	New Zealand		3	
13	Senegal			Voter must spend at least six months in the jurisdiction of a diplomatic representation abroad
14	UK		15	

Adopted from Andy Sundberg, "The History and Politics of Diaspora, Voting in Home Country Elections" (p.6)

Conclusion

Nigerians in the Diaspora currently have no voting rights in Nigeria. The situation is becoming somewhat unusual in the light of current global developments. Thus, providing voting rights for Nigerians in the Diaspora as the Bill seeks to do is in line with the current global trend as has been shown above.

Thus, the non-provision of voting rights for Nigerians in the Diaspora in the Electoral Act 2010 is therefore, the major focus of this Bill. Its provisions as highlighted above are aimed at ensuring that the Act is amended to provide voting rights for Nigerians in theDiaspora.

The proposed amendment of the Principal Act in Sections 6(1), 9(4) and 12 (1) (c) by the Bill and the insertions in the Bill do not contradict the 1999 Constitution of the Federal Republic of Nigeria or any other known law in Nigeria. However, a comparative analysis of what obtains in other countries shows that the proposed Bill in its current state is inadequate to address the issue of absentee voting as it obtains in other countries. There is therefore, need for the provisions of the Bill to be expanded to provide for issues such as methods of voting, types of elections and eligibility for voting by Diasporas.

It is however, expected that granting Nigerians in the Diaspora voting rights will create a sense of belonging and will boost their interests in contributing to Nigeria's socio-economic and political development. In addition, it is believed that this proposed electoral system will enhance the integrity and credibility of the outcomes of elections in Nigeria.

From the foregoing analysis, the proposed amendment of the 2010 Electoral Act to grant voting rights for Nigerians in the Diaspora seems appropriate though the provisions of the Bill need to be expanded. Expectedly however, the passage of the Bill will throw up institutional, logistical and financial challenges, which could be overcome by providing legal framework for their timely provisions. This notwithstanding, the enactment of the Bill is considered necessary.

Notes

1 INEC is the statutory body saddled with the responsibility of conducting elections in Nigeria.

2 Charles Soludo, "Is Nigeria Losing Her 17 Million Diaspora?", This Day, February 2, 2013, http://www.thisdaylive.com/articles/is-nigeria-losing-her-17-million-diaspora-/138311/

3 Alphosus Agborh, "Group Wants Voting Rights for Nigerians in the Diaspora", *Nigerian Tribune*, September 23, 2011.

4 Acho Orabuchi, "Time to Reconsider Diaspora Voting Right Bill", *Daily Sun*, April 19, 2012.

5 News Agency of Nigeria (NAN), "Nigerians in Diaspora Collect Signatures to Support Voting Right," *Leadership*, September 5, 2012, http://leadership.ng/nga/articles/34233/2012/09/05/nigerians_diaspora_collect_signatures_support_voting_right.html?quicktabs_1=2&quicktabs_3=1

6 Henry Umoru, "Nigeria not Ripe for Diaspora Voting, says Andy Uba," *Vanguard Newspaper*, April 23, 2012. Retrieved June 4, 2012 from www.vanguard.com/2012/04/nigeria

7 Nigerian Tribune Editorial, "Voting Rights for Nigerians in the Diaspora," *Nigerian Tribune*, December 13, 2012, http://tribune.com.ng/news2013/index.php/en/world-news/item/1053-voting-rights-for-nigerians-in-the-diaspora/1053-voting-rights-for-nigerians-in-the-diaspora?start=75

8 Bennie Iferi, "No Voting Right for Nigerians in Diaspora Soon," *Daily Times*, October 21, 2011, http://www.dailytimes.com.ng/article/no-voting-rights-nigerians-diaspora-soon

9 The highlighted phrase is the new insertion that the Bill seeks to make in Principal Act.

10 See Sections 33 to 45, 69 and 110 of the 1999 Constitution of the Federal Republic of Nigeria as amended.

11 Andy Sundberg, "The History and Politics of Diaspora Voting in Home Country Elections", Paper prepared based on information from Andrew Ellis and other sources in, "Voting from Abroad," The International IDEA Handbook, 2007.

12 Collyer, M and Vathi, Z. (2007: 29 – 36), Patterns of Extra-territorial Voting Sussex: Centre on Migration, Globalization and Poverty.

13 Sundberg, p.6.

14 Ibid. p.1

15 Ibid. p. 2

16 Ibid.

17 Ibid.

18 Ibid. p.1

19 Ibid.

20 Mark Keller (2012), "Can Diaspora Vote Influence Latin American Elections?" Retrieved June 1, 2012 from www.as-coa.org/article.php

21 David Gutierrez, Jeanne Batalova, and Aaron Terrazas, The 2012 Mexican Presidential Election and Mexican Immigrants of Voting Age in the United States, Migration Policy Institute, April 2012, http://www.migrationinformation.org/usfocus/display.cfm?ID=890#2

22 Mark Keller (2012), "Can Diaspora Vote Influence Latin American Elections?" p. 2.

23 According to the World Bank's figures, Nigeria received about 10 per cent of its GNP (about $21 billion) in 2012 as remittances (see Charles Soludo, "Is Nigeria Losing Her 17 Million Diaspora?" *This Day*, February 2, 2013.

24 Charles Soludo, "Is Nigeria Losing Her 17 Million Diaspora?" *This Day*, February 2, 2013, http://www.thisdaylive.com/articles/is-nigeria-losing-her-17-million-diaspora-/138311/

25 Henry Umoru, "Nigeria not Ripe for Diaspora Voting, says Andy Uba," *Vanguard Newspaper*, April 23, 2012. Retrieved June 4, 2012 from www.vanguard.com/2012/04/nigeria

The Changing Use of Standing Order 31 Statements

Kelly Blidook

Standing Order 31s are permitted 15 minutes of the House's floor time each day during which selected MPs can speak for a maximum of one minute each in order to draw attention to issues or events. These have often been used to congratulate groups or individual citizens, bring attention to a problem, or make a statement on a policy issue. Increasingly, they appear to have also been used to make negative statements about other parliamentary parties or leaders, or to praise the MPs' own party. The purpose of this article is to provide evidence of the changing nature of this venue toward partisan purposes, and to highlight the trends of change and party use of this venue in recent years.

One of the House of Commons' least visible, and likely least known, venues has received a fair bit of attention over the past year. This recent attention to Standing Order 31 members' statements (SO 31s) has been due in part to MPs asserting themselves to counter what they have deemed to be excessive party control over the venue, while other attention has been given to a broader analysis of how these statements have changed over time by those in academia and the media.

Conservative MP Mark Warawa was recently seen as contributing to a Conservative "open revolt"[1] when he resorted to attempting to make a statement on the issue of sex-selective abortions after having a committee deem his motion on the same topic unvotable. Warawa decided to settle for simply an opportunity to state his position on the matter during the allotted time for doing so in SO 31. However, he found that this opportunity was also denied by his party, and argued that parties are selecting the statements they wish delivered, while leaving less space (or in Warawa's case, no space) for MPs to express themselves. A number of other Conservative MPs supported Warawa's request to the Speaker that MPs be given some autonomy in this venue.

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While this particular parliamentary venue may not be deemed particularly "important", in that very little substantive change is likely accomplished through it, the position taken in this paper is that the venue still matters a good deal to observers of politics in Canada. First, the tone and nature of interaction in our Parliament translates to much more than the single venue in which it is studied. Recently in Canada, MPs have charged that various venues have become negatively partisan and, as a result, less constructive. SO 31s, as a measure of overall tone in Parliament, tell us about how our Parliament behaves and changes in terms of partisanship and adversarial behaviour. Second, the nature of partisanship also affects the degree to which MPs can pursue more localized matters and innovate to develop policy. While individual MPs in Canada are usually not considered of high importance to policy outcomes, they do nevertheless represent the views of electors and bring proposals from a range of perspectives, and these actions and the attention they bring may on occasion also play some role in policy outcomes. Finally, as Canada's top law-making body, there is an inherent importance in seeking to know and understand the full range of Parliament's activites. That is to say, if Parliament commits regularly scheduled time to either a representive or legislative activity, then there is reason to explore and understand the nature of that activity.

I've recently collected the text of all SO 31 statements that were made in the House over the period 2001-2012 (22,248 statements in total) and used a software program[2] to content code each statement to determine how often MPs mention either their own party, or another party. The results are provided below and indicate singificant changes over the period.

However, to first aid in understanding how the statements are analyzed, below are two examples of statements given by members that fit the form which are of interest in this essay. The first is a translation (as recorded in Hansard) of a statement given by Bloc Québecois MP Pauline Picard in October 2001:

> *Mr. Speaker, like many Quebecers, I am wondering what the Minister of Finance is waiting for to make his action plan public, when whole sectors of our economy have been affected by the terrorist attacks that took place in the United States and by the economic downturn prior to September 11.*
>
> *On numerous occasions, we asked the Minister of Finance about his plans to boost the economy. While the problems are real and tangible, the minister's comments have been sketchy and inconsistent.*
>
> *It is not as though he lacks the means to restore economic growth and create jobs, because in a worst case scenario, he has at his disposal a surplus of $13 billion between now and March 31, 2002.*
>
> *The Bloc Quebecois is only asking him to use 5 of the $13 billion that he has to provide oxygen to the economy. It is imperative that the Liberal government end its silence and reveal to parliamentarians its strategic plan to put an end to the economic downturn.*

This statement makes mention of two political parties; both the MP's *own party* (Bloc Québecois) and an *other party* (Liberal). It does so one time for each of the parties mentioned.

The second is a statement by Conservative MP Jeff Watson from September 2006:

> *Mr. Speaker,*
> *Mirror, mirror on the wall,*
> *Which party has no ethics at all?*
>
> *Mirror, mirror thought, then declared,*
> *"The last Liberal government from which we've been spared."*
>
> *"But don't take my word," Mirror, mirror did speak,*
> *"I'm only agreeing with what a Liberal report said last week."*
>
> *Liberals admitted they set the ethics bar low,*
> *Then rushed to see just how low Liberals could go.*
>
> *Liberals let Dingwall have an illegal lobbying commission,*
> *Then Liberals offered him handsome severance in addition;*
>
> *Grants for a wharf to a Liberal's brother-in-law;*
> *Frulla's home makeover without a Liberal pshaw.*
>
> *Liberal appointees attending a Liberal convention;*
> *Ethics lapses never Liberal bones of contention.*
>
> *Millions granted by Liberals to family ships,*
> *Only proves how far Liberal ethics have slipped.*
>
> *Liberal fur coats bought on the taxpayer dime;*
> *Ad scam Liberals should be charged and convicted of crimes.*
>
> *Admitting they're ethically bankrupt is weak;*
> *To their Liberal senators instead they must speak.*
>
> *Stop dragging their unelected Liberal Senate feet.*
> *Pass the accountability act now so there's no Liberal ethical repeat.*

This statement has 18 mentions of a party other than the speaker's own party, and is unique in that it has the maximum number of *other party* mentions within a single statement over the period analyzed.

In the remainder of this paper, I use counts of statements mentioning one's *own party*, as well as *other parties*, in order to assess how statements that include these terms have increased or decreased over time in Parliament. I do so by looking both at statements that simply include *at least* a single mention, and then also by looking at the total number of mentions as a proportion of all words spoken.

One key assumption about party mentions made in this paper is that MPs are generally making a negative statement or attacking another party when mentioning it (as in the above examples), and similarly that they are positively recognizing or praising their own party when mentioning it. This is, of course, not universally true. In terms of the former assumption at least, there are occasions in which MPs will provide a positive reference when mentioning another party; usually while recognizing the work of, or a form of cooperation with, another MP. Such instances are exceedingly rare however. My own reading of SO 31 statements suggests that this occurs perhaps once or twice out of every 1,000 statements, though a closer analysis would be necessary to accurately quantify such behaviour. Certainly the vast majority of party statements fit the assumption stated.

Partisan term usage trends in SO 31

The first table below considers any statement in which another party is mentioned. In the second example above by Mr. Watson, despite the number of mentions within the statement, it would be counted as equal to any other statement in which at least one mention of another party occurred.

Table 1 Proportion of Statements including one or more Other Party mentions						
Year	Lib	PC/CPC	CA	NDP	BQ	All
2001	6	25	24	24	14	13
2002	4	35	33	26	13	15
2003	4	28	34	38	11	15
2004	5	40	-	30	14	18
2005	10	42	-	44	12	23
2006	30	30	-	41	16	28
2007	24	36	-	43	22	30
2008	29	48	-	37	28	37
2009	19	41	-	22	21	29
2010	18	35	-	20	24	27
2011	19	25	-	19	27	22
2012	10	29	-	37	37	29

As can be seen above, the proportion of statements that include a mention of a party other than that of the statement's giver has increased notably since the beginning of the millenium. The peak of almost 37% occurred in 2008, though the overall increase – from about 13% in 2001 to about 29% in 2012 is still a rather large increase in attention to rival parties in these statements.

Another interesting point should be made with regard to how each party engages in this behaviour. The Conservative Party tends to have the highest proportion (as well as the largest number of such statements, as its number of statements exceeds that of smaller parties with similar proportions). However, while the NDP had fewer members and therefore a smaller number of total statements, the proportion of statements that the NDP committed to mentioning other parties was comparable to, and even above, the proportion from the Canadian Alliance and Conservative parties until about 2007. Meanwhile, the Bloc Quebecois and the Liberal Party were much later to engage in the behaviour at such levels than were the NDP and Conservatives.

The proportion of statements mentioning other parties dropped dramatically in 2011 for both the NDP and Conservatives. This may be reflective of NDP leader Jack Layton's pledge to enhance the decorum and decrease negativity in the House when that party became Official Opposition following the 2011 federal election. However, the NDP then reversed this trend to have the highest proportion of *other party* mentions among all parties in 2012. The drop for the Conservatives might accompany its forming of a majority government at the same time, and perhaps the decrease reflects spending less attention on partisan electioneering in the House. While the proportion is still relatively high for the Conservatives at 29% in 2012, this is about the same level as the PC and CA parties at the beginning of the period in 2001.

Another way of looking at partisan tone in Parliament is to consider the proportion of mentions among all words spoken. It is not uncommon for an MP to stand and repeatedly mention an opposing party in a single statement (with the example by Mr. Watson above being one of the most extreme cases). Such overall mentions do appear to be on the rise, as is shown by the increases in the table below.

Table 2 Other Party Mentions per 1000 Words						
Year	Lib	PC/CPC	CA	NDP	BQ	All
2001	0.6	2.4	2.4	2.6	1.1	1.3
2002	0.4	3.4	3.5	2.5	1.4	1.5
2003	0.4	3.0	3.7	4.2	0.8	1.5
2004	0.5	4.8	-	3.0	1.5	2.0
2005	1.5	6.1	-	4.3	1.4	3.1
2006	3.8	6.2	-	3.6	1.3	4.2
2007	2.4	6.3	-	3.2	2.4	3.9
2008	3.7	10.0	-	3.1	3.4	5.9
2009	2.6	8.5	-	1.8	2.5	5.1
2010	2.1	7.2	-	1.5	2.8	4.4
2011	2.1	4.4	-	2.2	3.2	3.4
2012	0.7	5.6	-	4.4	2.6	4.6

The total proportion of mentions of other parties increases from an average of about 1.3 per 1000 words to about 4.6 per 1000 words over the period – an increase of almost 3 times. Table 2 indicates that the Conservative party well exceeds all other parties in terms of the proportion of party mentions among all words spoken. Between 2007 and 2011, Conservative MPs mentioned other parties approximately 2 to 3 times as often when speaking compared to other parties, though in 2012 the NDP was much closer (4.4 mentions per 1000 compared to 5.6 for the Conservatives).

While negativity in partisanship has received the greatest amount of attention in terms of a concern about Parliament in recent years, it is also possible that enhanced partisanship leads to more bolstering of one's own party. Table 3 shows significant fluctuations in this type of expression, though not the overall increase of the negative partisanship shown in tables 1 and 2.

Table 3
Proportion of statements including one or more Own Party mentions

Year	Lib	PC/CPC	CA	NDP	BQ	All
2001	4	10	7	14	34	10
2002	3	15	15	15	36	11
2003	4	24	19	25	35	14
2004	6	15	-	19	34	14
2005	6	21	-	29	42	19
2006	15	22	-	20	49	25
2007	13	17	-	19	47	21
2008	12	25	-	19	58	26
2009	10	21	-	15	48	23
2010	12	21	-	11	44	22
2011	15	17	-	12	47	17
2012	13	12	-	19	30	14

Own party mentions, while having increased notably in the middle of the period studied, appear to have returned to levels only slightly higher than they were in 2001. Among all parties, the average increased from about 10% to about 14.5%. Only the Liberal party appears to have a large increase over the period (about 4.4% to about 12.2%) and, even so, still remains among the lowest level in this category. The BQ stands out as quite different from the other parties, in that while it completes the period at about the same level as it started the period, its MPs produce a much higher proportion than all other parties. It is noteworthy that many statements by BQ members tend to finish with a reference to the party, usually stating that the member 'stands with her/his colleagues in the BQ' or makes the statement 'on behalf of the BQ'.

Table 4
Own Party mentions per 1000 words

Year	Lib	PC/CPC	CA	NDP	BQ	All
2001	0.4	0.8	0.5	0.8	2.8	0.8
2002	0.3	1.5	1.3	1.1	2.5	1.0
2003	0.5	2.9	1.5	2.0	2.2	1.2
2004	0.5	1.4	-	1.5	2.2	1.1
2005	0.5	1.9	-	1.8	3.2	1.7
2006	2.0	1.7	-	1.5	3.6	2.1
2007	1.0	1.2	-	1.1	3.7	1.6
2008	1.1	1.8	-	1.3	4.7	2.0
2009	0.9	1.6	-	0.9	3.3	1.6
2010	1.0	1.4	-	0.7	3.2	1.5
2011	1.3	1.4	-	0.8	3.1	1.3
2012	1.5	0.9	-	1.4	2.8	1.2

The trend with total mentions per 1000 words suggests that *own party* mentions are taking up more space in this venue, with an increase among all parties of about 50% (0.8 mentions per 1000, up to 1.2), which is much like the trend in the previous table. Here the increase among Liberals seems a bit more pronounced, with about three times the number of mentions in 2012 compared to 2001. Most other parties experience notable fluctuations throughout the period, with the high points tending to be in 2006 and 2008, where more than two words per 1000 were references to the MP's own party.

While it is clear that a focus upon parties is taking up increasing space in the statements that MPs make, on the whole, it appears clear that mentions of other parties take up the majority of that overall increase. While both *own party* and *other party* mentions have increased over the period analyzed here, other party mentions appear in about twice as many statements as own party mentions do and the former occurs about three times as often per 1000 words compared to the latter.

Concluding thoughts

There does appear to be a notable increase in partisanship in SO 31s which shows increases in both *own party* and *other party* references, though the brunt of this increase appears to be that of 'negative partisanship' rather than 'positive partisanship.' Whether or not this is a form of speech that most Canadians wish to see portrayed in their Parliament (most evidence suggests they do not), another problem arises with regard to the impact on MP's abilities to make statements of their choosing and for the representativeness of the statements made in Parliament.

In April 2013, Speaker Andrew Scheer ruled that MPs may be recognized by the Speaker if they have not been included by their party on the list for that day. As there appears to be demand for opportunities in this venue, we should hope that MPs are successful in gaining these speaking positions for their own chosen purposes. Nevertheless, there remains a concern that MPs who speak 'out of turn' will be treated in a less favourable manner by their parties for doing so.

These results suggest a broader trend in how our politicians communicate with each other, which in turn affects both how citizens see them, and how political ends are accomplished. Canada's Parliament has changed in the past 13 years, and these changes have implications for our expectations of legislators' behaviour in Parliaments comparatively. By examining behaviour in the House of Commons over the last

12 years, we are able to better understand legislative behaviour on a general level, as well as shed light on what appears to be a new and important reality in Canada's Parliament.

Prescriptively, two important ends would likely be served by curtailing the use of SO 31s by parties for their own purposes. First, the tone of Canada's Parliament would likely become less hostile. Even if this were confined to the single venue of SO 31s only, this would likely be a desirable change. It is possible that our MPs might feel less negatively about the place where they work and that a change in tone and negativity in one venue might foster a decline with this problem elsewhere in the Parliament. Second, some of those who study legislatures refer to venues such as SO 31 as "institutional safety valves" – meaning that these venues relieve pressure by allowing individual MPs an outlet through which to express themselves, speak to local or specialized interests, and break away from the partisan control that exists in many other activities that they must engage in. When such "safety valves" get plugged, we see events such as those that occurred in the spring of 2013 among Conservative MPs. Typically, in such circumstances, MPs act out and use the media to undercut the efforts of the party, which is usually counter-productive for both MPs and parties in trying to meet their broader goals. While some parties may feel their goals are better pursued by limiting the use of this avenue to pursue partisan ends, it is quite likely that a broader cost-benefit analysis would suggest that such is not the case. Rather, the potential for unrest among MPs increases as the capacity of such safety valves to alleviate pressure decreases, and this normally causes problems for parties that exceed the benefits created – especially in a venue such as SO 31 which is designed primarily for symbolic expression.

Notes

1 Chase, Steven and Gloria Galloway. "Backbenchers plead for greater freedom." *The Globe and Mail,* March 29, 2013. Accessed at: http://www.theglobeandmail.com/news/politics/backbenchers-plead-for-greater-freedom/article10487590/

2 See http://www.lexicoder.com

A Decade of Productive Partnership between the National Assembly and Université Laval

Parliamentary Procedure Goes to School

Ariane Beauregard and Alexandre A. Regimbal

It has been almost 10 years since the National Assembly and Université Laval joined forces to set up the first university course on parliamentary procedure in a legislative assembly. The course, Law and Parliamentary Practice, was offered for the first time during the 2005 winter semester by the university's Law Department, as part of its undergraduate program. In January 2014, the course will be welcoming its 10th cohort of students!

The Assembly's objective of several years standing—to make people more aware of its activities and operations—provided the initial impetus for the project, but another objective was to train a pool of potential employees for the Assembly, thus ensuring future stability and a certain continuity of the Assembly's heritage. Collaboration between the Assembly and the university—both with deep roots in Québec City—seemed as necessary as it was inevitable, and the two institutions signed a formal partnership agreement in 2005.

Intended initially for undergraduate law students, *Droit et procédure parlementaires* has for some years now been attracting students from a variety of backgrounds, in particular those majoring in political science or doing a double major in public affairs and international relations. In the 10 years since it was established, it has provided some 250 students with a quality learning experience and given them a deeper understanding of how the National Assembly works. The varied profiles of the people who have taken it—university students, National Assembly administrative personnel, political advisors, parliamentary interns, civil servants, senior officials of the public administration—testifies to its ongoing appeal and relevance.

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The overall objective of the course has remained the same over the years: to give students an understanding of the rules and principles that characterize the structure and proceedings of a deliberative assembly, with special emphasis on the National Assembly of Québec. Given this emphasis, who better to teach the course than the experts on parliamentary procedure from the Assembly itself? At first it was taught by the Assembly's Associate Secretary General for Parliamentary Affairs, Michel Bonsaint. When he was appointed Secretary General in 2010, these teaching duties were taken over by the Coordinator for Parliamentary Affairs, Siegfried Peters, who had been in on the design stages of the course from the very beginning. Students thus receive high quality instruction from teachers intimately acquainted with the workings of the Assembly and the practical application of the rules and principles that govern parliamentary procedure. Add to this the extensive knowledge of René Chrétien, whose 40 years of legislative experience and consummate command of the legislative process, in particular as it pertains to the *Act respecting the National Assembly*, are put to good use in the classroom.

The structure of the course was originally based on the first edition of the Assembly's monograph on parliamentary procedure, *La procédure parlementaire du Québec*. The third edition will soon be available in an English translation for the first time. The subject matter of the course is taught in such a way as to show, in concrete terms, what parliamentary business entails and how it is conducted in actual practice. Teaching materials include multimedia and PowerPoint presentations, and points are illustrated through concrete examples gleaned from

contemporary political events, history, video clips of parliamentary proceedings, photographs, and images of pertinent documents. In this way, students are able to form a picture in their minds of the process involved when the Lieutenant-Governor dissolves the Assembly and a general election is called, or a Member is sworn in, or the President hands down a ruling, or a recorded division is held. An interactive diagram of the House seating plan is also used. Of course, teaching materials are constantly being updated to reflect as faithfully as possible the composition of the Assembly and the nature of parliamentary law as it continues to change and evolve.

The course is divided into 14 major topics. The idea is to help students understand how a legislative assembly works and ultimately to help them draw parallels between the various concepts. The first topic is the foundations of parliamentary law, which students study in conjunction with parliamentary privileges and the legal status of such privileges. Once these basic concepts are understood, attention is turned to the chief parliamentary officers. Who is the President of the National Assembly? How is he or she seconded by the Vice-Presidents? How does the Assembly choose the Members who fill these offices? These are the types of questions to which students find answers. The next topic is parliamentary groups: what are the prerequisites for recognition as a parliamentary group, how are parliamentary groups organized, and what role do independent Members play in parliamentary proceedings?

Once students have situated the main players on the parliamentary grid, they direct their attention to the rules that govern parliamentary proceedings: the conduct of a sitting; the rules regarding speaking times and other time limits; order and decorum; and the form and content of Members' speeches. These rules all serve to ensure that parliamentary debates are conducted in an orderly fashion, whether the context is a decision-making process or a legislative process. And this brings us to the question of what, exactly, each of these processes consists of. How does the Assembly pronounce itself on questions of public interest? Can the Assembly order someone to do something? Are all motions considered orders? What are the consequences, if any, when an order of the Assembly is not complied with? Are there distinctions to be made if an order is directed toward the Executive Branch? Can any Member introduce a bill? Does a bill become law as soon as it is passed by the Assembly? These are a few of the questions examined in relation to the two processes. Other subjects, such as the examination of the Budget and the mechanisms of parliamentary oversight, are also explored. Finally, given the importance of the work done by parliamentary committees, the course looks at the role of these committees, their manner of working, and their mandates.

The last course activity, at the end of the semester, is a visit to the National Assembly. Here students familiarize themselves with the environment in which the concepts and theories they have learned in the classroom find concrete application and actually guide the deliberations of Parliament.

Such is the essential content of *Droit et procédure parlementaires, that it has been offered*offered to students for almost a decade now. Over the years it has become a benchmark for anyone wishing to increase their knowledge of British-style parliamentarism as practiced in Québec. At this point, we can even say that the objective of supplying the Assembly with a pool of potential employees has been achieved. Dozens of people who have taken the course now work for the Assembly, as much on the administrative side of things as on the political side of things. Mission accomplished!

On the strength of this success, the National Assembly and Université Laval have collaborated on two further projects: the Research Chair on Democracy and Parliamentary Institutions, created in 2007, and the first online comparative course on legislative powers, called *Parlementarisme comparé* : Québec-France, which was set up in September 2013 in partnership with the National Assembly of France. This course is an invaluable addition to educational tools that afford people an opportunity learn more about the workings of legislative assemblies. It is intended not only for university students and researchers, but also for parliamentarians and civil servants—for anyone, in fact, who wants to know more about democracy as it expresses itself in Québec and French society, in particular as this relates to interparliamentary cooperation. Let's hope that the new course will be every bit as successful as the original!

New Zealand: Learning How to Govern in Coalition or Minority

Bruce M. Hicks

New Zealand switched electoral systems from single member plurality to mixed member proportionality for the 1996 election. The country's leadership was well aware that this change would mean that no one political party would have a majority of seats in the legislature, so extensive study was undertaken in advance with respect to coalition and minority governments. While this advance work held the public service in good stead, the political parties failed to respond adequately to the new governing dynamics. Even with the leadership of a former senior jurist as governor general, it would take until Y2K for the political elites to learn how to operate within the new paradigm. The procedural improvements made by New Zealand in this period have most recently informed improvements to parliamentary government in the United Kingdom and Australia. This paper examines these and other lessons that New Zealand may offer Canada.

Canada, along with the United Kingdom[1], Australia[2]. and New Zealand share the 'Westminster-model', so named because this design has been inherited from that used for the British at the Palace of Westminster. Also called 'responsible parliamentary government', a label that emerged here in Canada, it is a parliamentary system whereby the people elect representatives to a legislature and it, in turn, chooses a government. The process is guided by a set of unwritten constitutional conventions. And while these conventions offer specific guidance as to by whom and how decisions should be made, when it comes to the 'reserve powers' of the monarch or her governor general – dissolving parliament, proroguing a session and choosing or dismissing a prime minister – they have begun to operationalize differently in each of these countries.

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The reason for the deviation it two-fold: First, the electoral landscape has changed in each of these countries from what had previously been a majoritarian norm. This norm was created by single member plurality voting which in most countries delivers a majority of seats in the legislature to a single political party.[3] Even Australia, which had moved away from the SMP electoral system in 1919, was able to maintain majoritarian politics for the longest time through a semi-permanent coalition of two political parties on the right. But recently, beginning with New Zealand, each of these countries has seen its legislatures divided by multiple political parties.

Second, there has been a shift in political culture. Notions such as the need for government to implement policies that are supported by the majority of the legislature (and by extension the majority of the population), for fairness to minority political parties, for greater openness and accountability in government decision making and to increase civility in public life have created pressures in a number of Anglo countries to revisit the electoral system and to clarify the constitutional conventions that govern the Westminster-model.

In response to public demands for fairness to minority political parties and the voters who support them, New Zealand appointed a Royal Commission

on the Electoral System which recommended a shift to 'mixed member proportionality' in 1986. Over the next few elections, the idea of holding a referendum on a change to the electoral system became a key election issue and, in 1992, the government was forced to follow through on its campaign promise, though it announced that the referendum would be non-binding. When 84 percent of the voters expressed the desire to change the system and 71 percent indicated that MMP was the preferred alternative, the government tried to backpedal by holding a second referendum. This one would be binding and held during the general election the following year, pitting SMP directly against MMP. In spite of a heavily funded campaign for SMP endorsed by many high profile political and business elites, MMP was chosen 54 to 46. Parliament then adopted MMP beginning with the 1996 general election.

What is particularly important is that the New Zealand legislature adopted this change with the full understanding that it would mean the end of any one political party having majority control of the country's parliament. This would mean either coalition governments, which is the norm in most parliamentary democracies that have electoral systems where no political party wins a majority, or minority governments where negotiations for support on financial matters (supply) and confidence questions are undertaken following the election to ensure that the government has the support of parliament before being sworn into office (the norm in most minority government situations outside of Canada).

The first thing New Zealand's elites did was to undertake comparative research to prepare for the transition. This began in the academy as would be expected. But it was quickly taken over by the different branches of government, including the governor general, parliament and the public service. This included trips overseas and commissioned papers on questions like government formation and constitutional conventions.

Obviously the first lesson to be taken from New Zealand is the importance of comparative research to prepare for all eventualities. But it also raises the important question of, even with foresight and all this research and planning, what did New Zealand do well and what did it do poorly?

What New Zealand did poorly was at the political level, where in spite of planning it took time for politicians to master the art of government formation and government administration. The four things that it did well were to:

(i) choose governors general who would be able to interpret the constitutional conventions and apply them fairly and, in the case of the first GG, was confident enough to break with tradition and impartially help the media and the public understand the constitution and the process,

(ii) make plans at the bureaucratic level for the challenges of uncertainty in a system of government that had previously been efficiently dichotomous in terms of political leadership,

(iii) release publically a cabinet manual so that all political actors could inform themselves about these conventions and improve upon this document in response to the unforeseen challenges that the first divided parliament presented for coalition governance, and

(iv) make clear from the start the rules surrounding 'caretaker governments' to instill confidence in financial markets that there was still a government in place that could deal with a crisis while at the same time instilling confidence in the political leadership that they would not be hamstrung by any decision of this former government while they explored alternative government configurations.

These five items will be examined in this order in the following five sections.

Government Formation

Even though the political parties went into the 1996 general election knowing no party would win a majority of seats and had acknowledged that a coalition government was a likely and legitimate outcome, the learned behaviour of the politicians had been acquired in majoritarian politics and they were inexperienced on how to negotiate and how to build and maintain trust which is essential for stability in a government.

The decision in New Zealand was to let MMP occur under the existing Westminster-model constitutional conventions. This was a conscious choice. Responsible parliamentary government was predicated on the executive branch's accountability to parliament and this historically had led to inter-party negotiation in New Zealand when no party had a majority of seats. But these experiences had occurred in the context of an expected majoritarian government next time around.

Under section 19 of the *Constitution Act 1986*, the New Zealand Parliament must meet within six weeks of the return of the writs for a general election; and section 17 says the term of Parliament ends three years after the return of the writs unless Parliament is dissolved earlier by the governor general. The short parliamentary term means that 'snap' elections and prorogation are not issues in New Zealand.

In the first election under MPP in 1996 election, the National Party won 44 seats, Labour 37, New Zealand First 17, Alliance 13, ACT 7 and United New Zealand

1. New Zealand First began negotiations with the two largest parties. The majoritarian habits and the lack of experience with ordered bargaining resulted in a drawn out and uncertain bargaining process.[4] Boston and Church have characterized these negotiations as NZ First "holding the country to ransom".[5] It took two months to negotiate a coalition government.

The immediate reaction to this long and messy government formation was academics and politicians revisited their earlier conclusion about honouring the existing constitutional conventions of the Westminster-model. Among the many recommendations was that the governor general appoint the leader of one political party following the election who is most likely to be able to form a government or, in the alternative (so as to keep the GG above the political fray), have the speaker of parliament choose the party leader to take the first kick at the can.[6] In the end, no changes were made to the constitutional conventions and the reason for this can be attributed to the governor general who repeatedly reassured New Zealanders of the soundness of the rules.

Forming a coalition government is one thing. Governing in coalition is another, and it requires building trust, understanding the rules and effective dispute resolution mechanisms. The biggest trust challenge is with the minority governing partner. So, not surprisingly, the first public problem in the coalition emerged, when the Associate Minister of Health (an MP from NZ First) had to be fired by the PM after his continued fighting with the Minister of Health (an MP from National) and his public criticism of the coalition just over halfway through the first year.[7]

In New Zealand the party leader is chosen and removed by the parliamentary caucus and this happened in the National Party in December 1997, just under a year after the PM had been sworn-in, resulting in a change in PM. By August of 1998, the NZ First leader was fired as Deputy PM and Treasurer (a post created for him as part of the coalition agreement) after a very public dispute over the privatization of the Wellington International Airport. This ended the coalition with NZ First, which caused an exodus from the party of MPs who had been ministers and some backbenchers. Most of these formed a new party called Mäuri Pacific and, along with one Alliance MP, they formed a new coalition with National which was able to govern until the 1999 election.

There was no systemic reason for this breakdown within and between the coalition partners. As previously noted, coalitions require trust building and dispute resolution mechanisms and the cabinet system lent itself to both things. In New Zealand they have (i) two tiers of ministers – minister and associate minister – and (ii) a long standing practice of appointing ministers who stay outside cabinet. These type of mechanisms are used in a number of countries where parliaments are divided to create stability. Associate ministers can be appointed for specific issues that are of concern to a coalition partner, to allow for departmental input where a portfolio is held by a different coalition partner or, where a political party only has a few members, create a more generalist mandate so the associate minister can have input over a number of government departments.

So why did the coalition government breakdown in this first MMP parliament? There was unfamiliarity with the constitutional conventions and ministerial/cabinet responsibility, which will be addressed more fully in the section on the cabinet manual. But the real problem lay in the inexperience among the political class with coalition governments. This was exacerbated by an almost panicked response to shifting public opinion and a lack of understanding about what the shifts meant for each party in the coalition in the next general election. The senior coalition partner did little to build and maintain trust and the junior partner was insecure about what it would mean to face an electorate and run on the record of a coalition government where it was the junior partner.

The fact that the coalition negotiations had been done in secret over two months was a factor. The leadership of New Zealand First took short-term satisfaction in being courted by both political parties but when it finally began in earnest to negotiate with National then the concessions it achieved were not readily understood by its membership and the public. Ironically, all the flaws in government formation New Zealand experienced had been discussed in the plethora of comparative research that parliament, the New Zealand government and academia had compiled in the run-up to 1996.

Learning from the previous government's mistakes, the second coalition government formed in 1999 was installed after only 10 days of negotiation, comparable to the average formation period under the previous electoral regime, and the issues being negotiated and concessions made were much more public and limited (to process over policy).[8] This was a coalition between Labour and the Alliance Party with negotiated support from the Greens for confidence and supply. Following the 2002 election, Labour formed a coalition with the Progressive Party with negotiated support from the Greens and United Future. After the 2005 election,

Labour formed a coalition with the Progressive Party with negotiated support from NZ First and United Future and a signed agreement from the Greens that they would abstain on confidence and supply votes (the Mäori Party also abstained on these votes but had no formal agreement). In 2008, National formed a minority government with negotiated support for confidence and supply matters with ACT, United Future and Mäori parties and this was continued after the 2011 election.

To briefly illustrate how ministerial posts can be used to obtain support from other political parties and build trust (and this is just one small example from a large number of possible mechanisms), there are currently two *ministers* who are not members of the cabinet appointed from one of the parties that have agreed to support the government on confidence and supply votes. Table 1 shows that these two ministers were each assigned a series of delegated authorities as a mechanism to allow them to have oversight of the government inside the executive branch and to facilitate their involvement in specific files across portfolios. This helps to engender confidence that the issues important to the smaller political parties supporting the government will be followed through, as promised in the written agreement.

Table 1
NZ Ministers outside Cabinet

Dr. Pita Sharples Co-leader of Mäori Party	Minister of Mäori Affairs Associate Minister of Corrections Associate Minister of Education
Tariana Turia Mäori Party MP	Minister for Disability Issues Minister for Whanau Ora Associate Minister of Health Associate Minister for Social Development and Employment Associate Minister of Housing Associate Minister for Tertiary Education, Skills and Employment (relating specifically to the Employment area)

There continues to be political disagreements in New Zealand, but that is the normal cut and thrust of legislative and cabinet debate. New Zealanders have mastered government formation and management under the new paradigm of divided parliaments and power sharing. Absent is the brinksmanship and vitriolic discourse that has plagued the Canadian Parliament for some time. Aucoin *et al.* have suggested that this is an artifact of Canada's minority governments.[9] They are correct in so far as it is an artifact of minority governments where there is no formal negotiated agreement for legislative support on confidence and supply. The evidence from New Zealand, where there is no incentive to go to the polls early and where the first coalition government was by any objective means a failure at the ministerial-level, is that the bad behaviour seen in Canada is an artifact of majoritarian politics (not minority government *per se*).

Governors General

Knowing that in a divided parliament the governor general's reserve powers would be a factor in government formation and for mediating relations between the executive and legislative branches, and wanting to ensure that the office of the governor general and thus the monarch was kept above the fray, the prime minister asked the Queen to appoint a former New Zealand Court of Appeal Judge as governor general in advance of the 1996 election.

Upon receiving his appointment, Sir Michael Hardie-Boys immediately began his own investigation on the constitutional conventions surrounding what are called in New Zealand (like Canada) the 'reserve powers' as they remained in the hands of the monarch in an era where most royal prerogatives were being turned over to the executive branch. These mediate relations between the two branches and include the power of dissolution, prorogation and the power to appoint and dismiss a prime minister.

In addition to reviewing his constitutional texts, Hardie-Boys opted to undertake his own comparative examination of how heads of states are involved in government formation, beginning with a visit to Ireland and Denmark immediately following his appointment. This complimented the comparative research which the public servants had commissioned (discussed below).

Governors general rarely make public their intended action and, in many jurisdictions, do not even provide information directly to the public about the decision made after the fact (leaving it to the prime minister who, as Canadians know, will often spin the decision in the current context for partisan gain). Given the major changes about to occur in New Zealand, Governor General Hardie-Boys decided to launch a public campaign to educate New Zealanders (and the political elite) about the role of the governor general in government formation. This began with a widely publicized speech, followed by media interviews to clarify key points, and ended with his participation in a documentary, televised shortly before the election. Hardie-Boys explains the role of this public education campaign:

> The aim was to ensure, so far as possible, that the principles and processes for moving from the election to the formation and appointment of a new government were clear and understood by a sufficient number, so that the focus of public attention could be where it belonged - on the political actors who would be required to negotiate and work together to reach a political resolution.[10]

The key points Hardie-Boys made during these pre-election interviews were:

- Government formation is a political decision to be arrived at by the elected politicians.
- The governor general must ascertain where the support of the House lies and that means, in an unclear situation, communicating with the leaders of all of the parties represented in parliament.
- Once the political parties made public their intention to form a government the governor general may have to talk with the party leaders to obtain sufficient information to ensure he is appointing a PM (if that is what is required) who has the support of the House.
- During negotiations the incumbent PM remains in office but is only governing in accordance with the 'caretaker convention'.

And the day after the election Hardie-Boys issued a press statement reiterating the key points about the process for government formation.

The Electoral Commission, which had its own public campaign to educate New Zealanders about the new MMP electoral system, also provided information about the role of the governor general, the reserve powers and the concept of a caretaker government

A review of the media reports during and immediately following the election suggests that Hardie-Boys and the Electoral Commission were successful in their messaging. The New Zealand public was informed repeatedly of how the process would unfold and media coverage was entirely focused on the inter-party negotiations occurring in parliament without reference to what the governor general might do in certain circumstances, thus insulating the office from what turned out to be a protracted partisan negotiation.

While Hardie-Boys had publically asserted his constitutional right to consult with all political leaders either during the negotiations or upon their conclusion so as to confirm the individual he invited to form a government did, in fact, have the confidence of the House, behind the scenes he assigned the Clerk of the Executive Council this responsibility. He also authorized her, as his representative, to assist the parties in their negotiations concerning the logistics of government formation.

It was noted above that this first government formation took two months to negotiate. It should also be noted that the governor general had in his public comments suggested that it was better to take the time to negotiate a well-considered government (there was, after all, a caretaker government still in place) and he had informed the public that the limit to the negotiations was eight weeks (the constitutional requirement noted above meant that parliament had to meet by December 13). Agreement was reached on December 10.

In the remaining years until his retirement from the post in 2001, Governor General Hardie-Boys continued to periodically talk publically about the role of the governor general, including his decisions in 1996, and, as noted above, by 1999 the political parties had begun to learn the art of government formation.

Hardie-Boys' appointment was followed by Dame Silvia Cartwright, a former High Court Judge, and in 2006, by Sir Anand Satyanaud, a former District Court Judge and the country's Ombudsman. While these jurists have not had to deal with the challenges or be as proactive as Hardie-Boys, this tradition of selecting from the judiciary people with the necessary skill-set to manage the reserve powers was important during the two decades following the move to MMP and divided parliaments.

Since 2011, the governor general has been Sir Jerry Mateparae, the second GG of Mäori descent and the first Mäori to reach the rank of Chief of the New Zealand Defence Staff. While not a jurist, the symbolic representation his appointment has for the Mäori community and the GG's role as commander-in-chief commend this appointment now that the need for a jurist who can oversee government formation and administration has lessened. Given his credentials, and the clarification of the constitutional conventions by Hardie-Boys, there is little doubt he can navigate the reserve powers if called upon to do so and not be a docile handmaiden to the prime minister (which a number of PMs in Canada have insisted 'their' governors general be).

Bureaucratic Planning

Where advance planning made the biggest difference was in the public sector. It was identified early on that public servants would be faced with periods of uncertainty as they waited for a new government to be negotiated and, once formed, there would be the additional challenge of accommodating inter-party politics within the ministerial ranks of the executive branch.[11] As noted above, the public servants launched

their own review of how coalition governments are formed and operate in other developed democracies.[12] This included sending public service delegations overseas.[13]

Additionally, and I might even argue more importantly, the public service (with the permission of its political masters) commissioned academic research and expert advice. Detailed analyses were made of coalition arrangements in various European countries, and these were then applied to different models of governance for New Zealand.[14]

One of the lessons public servants learned from their comparative research is that government formation can and will inadvertently involve public servants in government formation negotiations. Proper planning can keep them out of partisan discussions and ensure their neutrality (as they will be required to work with whatever government emerges).

Rules were established in advance of the 1996 election to allow for political parties to obtain information to support negotiations over a policy programme while ensuring the neutrality of the public service. These included:

- Public servants could only provide information to political parties when requested and authorised by the prime minister (who was not to be shown the response to any request unless it came from his own party);
- If ministers in the caretaker government wanted information to use in the negotiations, they had to request this through the prime minister and not approach their own department directly;
- All requests for information and any resulting written briefings were to be channeled through a committee of senior officials, including the Cabinet Secretary;
- Public servants were only to comment on the practical implications of any policy proposal and not its merits; and
- No public service input would be provided for the drafting of a coalition agreement (which was a matter solely for the political parties).

Part of the reason for the protracted negotiations in 1996 was that New Zealand First wanted a detailed policy agreement, so it made a large number of requests costing various policy proposals.[15] In reflecting on the process, the public service concluded that filtering requests and responses slowed down the process. Political parties needed responses within a few days and as public servants needed those days to do their analysis, delays in communication meant delays in negotiations. There was also concern that the filtering of the responses resulted in briefings that were of only marginal help to the negotiators. A subsequent review of the arrangements suggested that more flexibility might be beneficial, and that direct contact between the negotiating parties and public servants might help reduce some of the misunderstandings and confusion that arise when correspondence is limited to written documents.

The guidelines produced prior to the 1999 election differed little from the previous rules, except in allowing for face-to-face meetings of officials and party negotiators once it was clear that the parties concerned were likely to form a government. Direct meetings could only be held prior to this stage when a written request for information was unclear. In those instances, a meeting to resolve the issue would be attended by the relevant deputy minister (what they call permanent secretary) and by officials from the Department of the Prime Minister and Cabinet (our Privy Council Office) and the State Services Commission (our Public Service Commission), to ensure the impartiality of the public service was maintained.

The system, as noted above, worked much better in 1999, where it took only 10 days to negotiate an agreement; though it should be noted that there were fewer demands on public servants in this instance as the negotiations between Labour and Alliance focussed on procedures and not policy.

Cabinet Manual

There has been a comprehensive cabinet manual in New Zealand since 1979. It was initially a restricted document with distribution confined to the Cabinet Office, ministers and senior officials. In 1991 it was decided to make it available to all public servants as a loose-leaf publication. In anticipation of the 1996 transition to negotiated coalition or minority government, it was decided to redesign the document and make it publicly available so that the everyone, especially the political parties in parliament, would have a better understanding of the constitutional rules, conventions and processes. By 1998 it was available online to the public and the world. New Zealand became the first to make this kind of information on the internal operations of government, and the rules that guide and constrain it, publicly available.

It is not a codification of the unwritten portions of the constitution. It is not a legal document. And it is not justiciable. It is an internal document to cabinet itself. As such, it is adopted at the beginning of each government. New editions are authorized by the prime minister and then drafted by the Cabinet Office and submitted to peer review by senior officials in Crown Law, Department of Justice, State Services

Commission and the Treasury. Specific chapters are sent to officials concerned with its subject matter, such as the Ombudsman, Privacy Commissioner and Clerk of Parliament.

Over time the Cabinet Manual has become a document of best practices for government decision making. It has removed uncertainty surrounding the procedures and practices of the cabinet, but most importantly it has become a useful tool in government formation, and in defining ministerial responsibility and collective responsibility; and not surprisingly it has become a useful tool to the media on those same issues, thus preventing misunderstanding and misinformation.

Rebecca Kitteridge, former Secretary to New Zealand Cabinet, has compared it to a dictionary: "authoritative, but essentially recording the current state of the constitutional and administrative language."[16] Like a dictionary it lags behind institutional developments; just as words are not included in a dictionary until they are part of the popular lexicon, constitutional conventions are not put in the cabinet manual until they have been firmly established as such:

> "The key point is that although amendments to the Manual may *reflect* and *promulgate* change, they do not, in themselves, *effect* change. Change is effected by new legislation, or Cabinet minutes, or judicial decisions, or amendments to the Standing Orders. Even rules on the processes of executive government, which may not be recorded anywhere except in the Manual, are approved by Cabinet at the time the Manual is issued. Their authority derives from Cabinet.
>
> "The fact that the Manual cannot, by itself, effect change is even more significant in respect of those provisions that articulate elements of the constitution. Clearly the constitutional conventions exist independently of the Manual, although they are authoritatively expressed there. So, for example, changing the provisions of the Manual relating to the constitutional powers of the Prime Minister, in the absence of separate constitutional developments, will not have any effect on the conventions themselves."[17]

To continue with Secretary Kitteridge's dictionary analogy, the editors of the Oxford English Dictionary use pigeonholes in their editorial offices (or 'Scriptorium') to file suggestions (or 'slips') from contributors. Once there are a sufficient number of slips, and subject to a consensus as to their deservedness for inclusion, a new edition will be published with the new words. In the same manner constitutional and institutional changes will make their way into the Cabinet Manual from officials' and academics' suggestions. When there is a sufficient number the Cabinet Office proposes a new edition to the PM.

The first revision following MMP was the 2001 edition and the changes are significant. First, the new Cabinet Manual was influenced greatly by the speeches of Governor General Hardie-Boys (in fact chapter 4 is largely a compilation of the constitutional conventions he identified that mediate government formation and political crises), and thus it is a much more solid reflection of responsible parliamentary government than what was put out in 1996 based on the internal review of cabinet governance by the executive branch.

Another change made in 2001 was that much of the detailed procedural guidance about Cabinet and Cabinet committee processes was removed from the cabinet manual and placed in a new Cabinet Office Step by Step Guide. It was only officially called the Cabinet Manual at this time. Previously it was called the Cabinet Office Manual, but the name change reflects its transformation from a book of procedures used by the Cabinet Office to a book on principles of executive government that guide cabinet and each minister including the PM.

The New Zealand Cabinet Manual has become useful for resolving disputes. For example, a section on ministers' statutory powers and functions in the collective cabinet context has been added. It makes clear that while individual ministers take particular actions or decisions, the ministers do so within the framework of cabinet collective responsibility. If the decision or action would affect the collective interest of the government, the minister should not take the relevant action or decision without consulting relevant colleagues at an early stage and submitting a paper to cabinet. This section settled a dispute between the Cabinet Office, which held the view that a minister can generally consult with whomever the minister pleases before reaching a decision and should if there is an impact on other departments or on the government as a whole, and departmental officials who had taken the view that the minister can act autonomously in areas where he has statutory power and that it may even be inappropriate to discuss matters in cabinet as that could invite judicial review.

Not surprising, a number of changes to the 2001 version reflect problems that arose during New Zealand's first post-MMP coalition government. For example, the Cabinet Manual now states that the portfolio minister always retains overall control of the portfolio, and that the associate minister only has delegated authority. This clarification was necessary due to the number of conflicts that arose between portfolio ministers and associate ministers when they came from different political parties (that conflict also

arises in Canada where they come from the same party, such as at National Defence and Foreign Affairs, but party solidarity tends to keep these differences between the two ministers and easily resolved by the PM).

Similarly, paragraph 2.8 in the 2001 manual states "As the chair of Cabinet, the Prime Minister approves the agenda, leads the meetings and is the final arbiter of Cabinet procedure."[18] As noted above, the coalition ended in 1998 after a dispute over the privatization of Wellington International Airport and, while cabinet usually works on consensus, in this coalition government it became impossible; cabinet procedures, such as the quorum for the cabinet meeting where privatization was approved, became points of contention in the absence of unanimity. This clarification is intended to prevent future disputes over cabinet procedures.

Whether or not there is a lesson for Canada in this publication is dependent on the willingness of the government of the day to use a process, internal but impartial like New Zealand or public and multi-party like the United Kingdom, that would ensure the end product contains best practices and is designed to improve the functioning of responsible parliamentary government. As I have written before in this publication and told the current government, to create a manual that is designed to distort conventions in favour of the executive branch will result in a manual that will be without credibility or, worse, do damage to Canada's institutions which are already suffering from declining public confidence due to misinformation surrounding constitutional conventions.[19]

While Kittridge's assertion that a cabinet manual cannot *effect* a change to a constitutional convention is true in law, my concern is that given the lack of clarity surrounding constitutional conventions in Canada a 'ruthless' prime minister will try, and may succeed in altering the behaviour of the constitutional actors we assume are being guided by convention.

Caretaker Governments

Another of the successes of transition, which can be credited for buttressing the independence and reputation of the public service, was the decision by the New Zealand government to identify rules for the caretaker period. These are contained in the Cabinet Manual.

A caretaker government in New Zealand, if faced with an urgent major policy decision, must consult with the incoming government and will act on its advice even if the caretaker government disagrees with this decision.[20] If the identity of the incoming government is not clear, the cabinet rules in New Zealand stipulate that substantive issues are either (a) deferred; (b) handled in such a way as to avoid committing any future government; or (c) resolved via consultations with other political parties so that the action has the support of the majority in parliament.

In New Zealand, prior to the first election held under proportional representation in 1996, extensive preparations were made to minimise the number of significant issues falling to a post-election caretaker administration. Thus, decisions on major policy matters and political appointments were brought forward to before the election with potentially divisive issues identified for deferral until a new government had taken office. On budgetary decisions that could not be deferred (e.g. annual funding allocations to education institutions), final decisions were only taken following discussions with the opposition parties.[21]

That does not mean the system is perfect. For example, New Zealand proscribes caretaker governments from undertaking new policy initiatives or changing existing policies. The implication is that the implementation of existing policies (i.e. the policies of the government prior to the election) may continue. Yet the introduction of existing policies might itself be controversial. Discussion on issues such as these is healthy for a democracy and that can only happen if the caretaker conventions are known, like they are now in the United Kingdom, Australia and New Zealand.

Conclusion

The undisputable evidence from New Zealand is that comparative research into questions like constitutional conventions and government formation is indispensable. Even though this was done by parliament in advance of its anticipated divided parliament, the political class showed itself to be incompetent in applying those lessons. At the public service-level it proved to be crucial for a variety of reasons including most importantly the continuation of government services in the face of political uncertainty and ensuring the public service remained neutral and was insulated from the political discussions that led, after two months, to government formation in 1996.

There are a number of specific system adaptations that Canada might wish to consider based on the New Zealand example. A shorter parliamentary term of three years means no snap elections and no prorogations. The governor general insisting that the potential PM negotiate parliamentary support before being sworn into office (and ascertaining

that this support exists) has ensured support for the government by the majority in the chamber from day-one to the end of the negotiated agreement, and this should be intuitive given that this support is the *sine qua non* of responsible parliamentary government.

The choice of governor general is also a lesson worth learning. By choosing a jurist to be governor general; and by his decision to educate the public about the constitutional conventions, New Zealand was able to transition through what was a politically tumultuous period and come out the other side with full confidence in the validity and effectiveness of their constitution.

During the period of government formation, in New Zealand there are no journalists camped out at Government House speculating about what the governor general might do, instead they (and the public) focus on parliament where it is understood the politicians must find a solution among themselves. Contrast this to Canada in 2008 where the possibility of the formation of a coalition government and the PM's request for prorogation to scuttle it led to a media circus at Rideau Hall. Even now, five years later, many Canadians have little to no idea what occurred in that event or why.

Around the time the Meech Lake Accord was negotiated, I suggested a clause should be addedwhereby the Chief Justice would automatically take over as Governor General when the GG's term (as established by convention) comes to an end. This would remove from the PM the power to recommend who should hold this office, an office that periodically may be called upon to (as Eugene Forsey used to say) 'thwart the will of a ruthless prime minister'. It would bring *gravitas* to the office and insulate it from the political fray, bring the necessary legal expertise for those rare occasions when the reserve powers are being called upon for use in a political dispute and would create a scheduled turnover at the helm of the high court. The idea went nowhere but may be worth revisiting.[22] (Of course, there needs to be a better process for choosing Supreme Court Justices but that is separate issue.)

It would also be helpful to have a governor general follow the example of Hardie-Boys and educate Canadians about the constitutional conventions. Failing that, written decisions when the reserve powers are used in any controversial way or an enunciated apolitical decision rule, such as that which guides the Speaker of the House of Commons when he casts a deciding vote, would be improvements.[23] The New Zealand experience would seem to support these ideas.

The cabinet manual is an issue already being discussed in Canada. It is about process and content and unless the government of the day is committed to both in an impartial fashion so as to ensure that the system of government is optimized in the tradition of responsible parliamentary government (which has been the case in New Zealand, Australia and the United Kingdom) then the document will not be credible and it could even be damaging for our democracy.

In contrast, publishing the 'caretaker conventions' is essential and even a blatantly partisan pro-'outgoing executive' document would begin a much needed public debate about what should be the limits on a government during an election or upon defeat in the House of Commons.

Notes

1 Bruce M. Hicks, "The Westminster Approach to Prorogation, Dissolution and Fixed Date Elections", *Canadian Parliamentary Review* 35:2, 2012, pp. 20-27.

2 Bruce M. Hicks, "Lessons in Democracy from Australia: Coalitions Governments to Parliamentary Privileges", *Canadian Parliamentary Review* 35:4, 2012, pp. 25-36.

3 Often they are false majorities in that under SMP a political party can win more than 50 percent of the seats in the legislature without winning 50 percent of the popular vote.

4 Jonathan Boston, *Governing Under Proportional Representation: Lessons from Europe*. Wellington: Institute of Policy Studies, Victoria University, 1998, pp. 5-7.

5 Jonathan Boston and Stephen Church, "Forming the First MMP Government: Theory, Practice and Prospects" in Jonathan Boston, Stephen Levine, Elizabeth McLeay and Nigel G. Roberts (eds.), *From Campaign to Coalition: The 1996 MMP Election*. Palmerston North: The Dunmore Press, 2000, p. 5.

6 *Ibid*., pp. 104-8.

7 He has actually fired by the governor general acting on the advice of the prime minister. In New Zealand it is understood that the GG will refuse that advice if the PM no longer has the confidence of the legislature.

8 Jonathan Boston and Stephen Church, 'The Impact of Proportional representation in New Zealand on the Formation, Termination and Effectiveness of Governments', paper delivered to the 96th annual meeting of the American Political Science Association, Washington, 2000, p.5.

9 Peter Aucoin, Mark D. Jarvis and Lori Turnbull, *Democratizing the Constitution: Reforming Responsible Government*.Toronto: Emond Montgomery Publications, 2011.

10 Speech at the Harkness Henry Lecture entitled "Continuity and Change" made on July 31, 1997 (available at http://gg.govt.nz/node/4714 and accessed on September 15, 2013).

11 Jonathan Boston, Stephen Levine, Elizabeth McLeay and Nigel S. Roberts, *New Zealand under MMP: A New Politics?* Auckland: Auckland University Press, 1996, pp. 116-51.

12 Colin James, *Under New Sail: MMP and Public Servants* (Victoria University of Wellington: Institute of Policy Studies, 1997).

13 Marie Shroff, *The Operation of Central Government under Proportional Representation Electoral Systems: Report of a Visit to Germany, the Netherlands, Sweden and Ireland*. Wellington, Department of the Prime Minister and Cabinet, 1994 [unpublished]); State Services Commission, *Working under Proportional Representation: A Reference for the Public Sector*. Wellington: Government of New Zealand, 1995.

14 For e.g., Jonathan Boston, *Governing Under Proportional Representation: Lessons from Europe*. Victoria University of Wellington: Institute of Policy Studies, 1998.

15 Jonathan Boston and Elizabeth McLeay, 'Forming the First MMP Government: Theory, Practice and Prospects', Jonathan Boston, Stephen Levine, Elizabeth McLeay and Nigel S. Roberts (eds.), *From Campaign to Coalition: The 1996 MMP Election*. Palmerston North: The Dunmore Press, 1997, pp.2 27-8; and Richard Shaw, 'Rules or Distraction? Officials and Government Formation under MMP', *Political Science*.51:1, 1999, p. 42.

16 Rebecca Kitteridge (Deputy Secretary to the Cabinet), "The Cabinet Manual: Evolution with Time", paper presented to the 8th Annual Public Law Forum, March 20-21, 2006. Available at http://www.dpmc.govt.nz/sites/all/files/reports/the-cabinet-manual-evolution-with-time.pdf and accessed on September 17, 2013.

17 *Ibid.*

18 Cabinet Office, *Cabinet Manual*. Wellington: Department of the Prime Minister and Cabinet, 2001.

19 Bruce M. Hicks, "Advice to the Minister of Democratic Renewal: Senate Reform, Constitutional Amendments, Fixed Election Dates and a Cabinet Manual", *Constitutional Forum* 21:2, 2013, pp. 23:37 2013.

20 Matthew Palmer, 'Collective Cabinet Decision Making in New Zealand', in Michael Laver and Kenneth A. Shepsle (ed.), *Cabinet Ministers and Parliamentary Government*. Cambridge: Cambridge University Press, 1994, pp. 244-5.

21 Jonathan Boston, Stephen Levine, Elizabeth McLeay, Nigel S. Roberts and Hannah Schmidt, 'The Impact of Electoral Reform on the Public Service: The New Zealand Case', *Australian Journal of Public Administration* 57:3, 1998, pp. 68-9.

22 While I proposed it as a constitutional amendment, this change does not require a constitutional amendment, just one PM doing it and then another one or two following suit and it will become a constitutional convention.

23 Bruce M. Hicks, "Guiding the Governor General's Prerogatives: Constitutional Convention Versus an Apolitical Decision Rule", *Constitutional Forum* 18:2, 2009, pp. 55-67..

Call for Proposals

The Canadian Parliamentary Review is planning a future themed issue concerning digital issues facing parliaments. We invite parliamentarians, scholars and other interested observers to submit short proposals for consideration.

Sample topics may include:

- **Is there a growing digital divide between parliaments and the electorate?**
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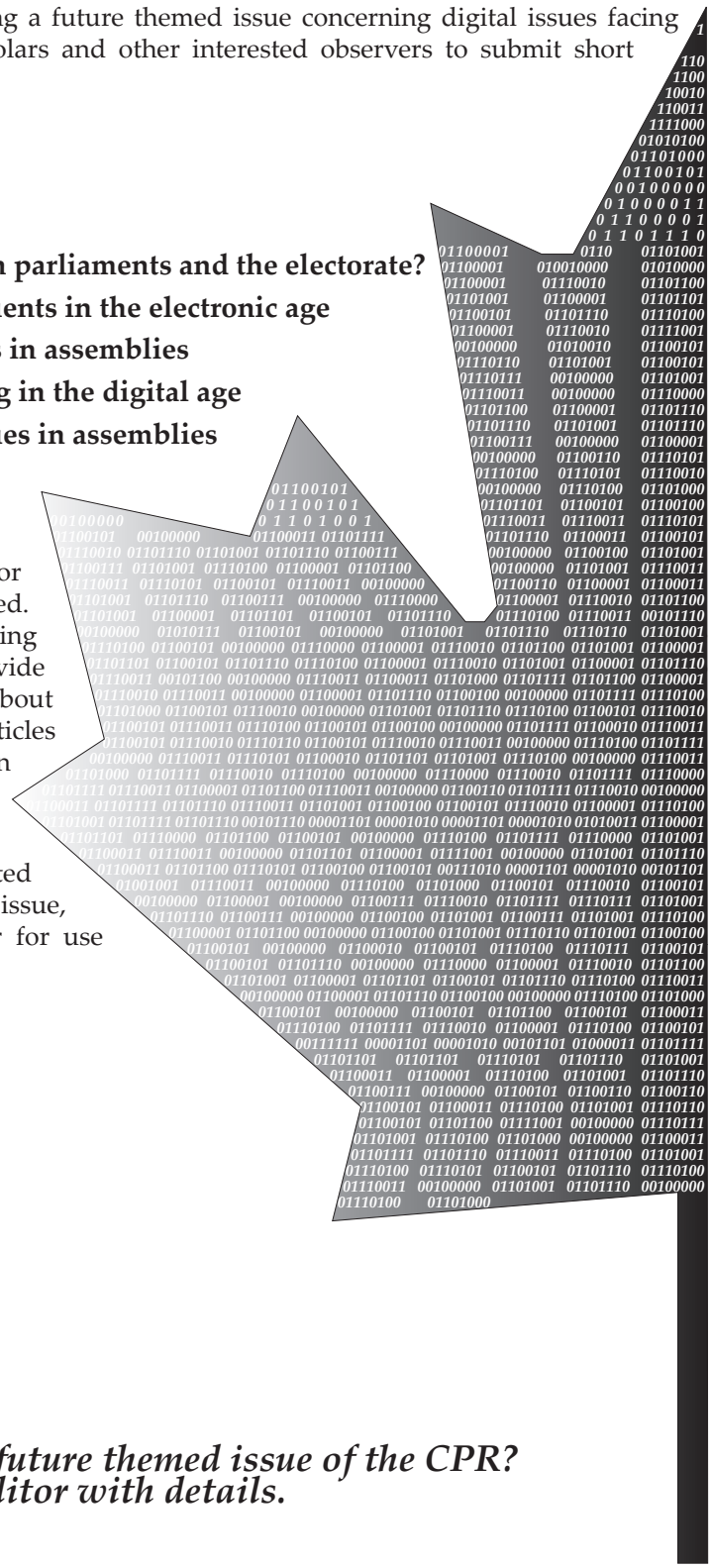
- **The growth and use of electronic devices in assemblies**
- **Security, data management and archiving in the digital age**
- **International perspectives on digital issues in assemblies**
- **Considering eVoting and ePetitions**



Expressions of interest should be sent to the editor by March 21, though early submissions are encouraged. Please provide a 200-250 word proposal detailing main argument or contribution the work will provide the larger discussion along with a brief note about contributor's background. Previously completed articles or speeches relating to this theme not published in identical form elsewhere may also be considered for publication after revision.

The CPR will endeavor to publish as many accepted submissions as possible in the forthcoming themed issue, however accepted contributions may be held over for use future issues based on space restrictions.

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Do you have an idea for a future themed issue of the CPR? Contact the editor with details.

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- The essays will be judged by an academic and parliamentary panel and according to their originality, research and clarity.
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Parliamentary Book Shelf

The Voice of the Backbenchers. The 1922 Committee by Philip Norton, Conservative History Group, London, 2013, 86p.

Canada and the United Kingdom supposedly share a similar form of government known as the Westminster Model but the argument can be made that we follow it in name only. The reason is not our federal constitution or the limits on parliamentary sovereignty imposed by the Canadian Charter and the Supreme Court or any other obvious constitutional distinction.

The real differences are more subtle and take the form of various practices and attitudes that have kept Parliament a central part of the British approach to governance (the debate on Syria being one recent example) while the Canadian version seems to sink lower and lower in public esteem.

One unique British institution is the 1922 Committee. It consists of all Conservative private members in the House of Commons. When in Opposition this includes everyone except the Leader and when in Government includes all the party backbenchers.

Philip Norton is one of Britain's most prolific parliamentary scholars and since 1998 a member of the House of Lords where he sits as Lord Norton of Louth. In this little book he outlines the history of the 1922 Committee, its structure, operation and its importance in British politics.

The 1922 Committee survived because in its early years it was seen as a neutral forum for conveying information to members and, at times, serving to rally support for leaders like Baldwin in 1931. It was during the Second World War that the Committee became more of a force for policy, taking issue with various policies supported by the war coalition on matters of coal rationing and wages for example.

The Committee also developed its independent reputation by inviting speakers who were not Conservatives to address the committee. Clement Attlee, the Labour Leader, was even invited to speak to the Committee at one point.

Following the Suez crisis in 1956 the Committee began to focus more on leadership. Under Prime Minister Heath

> Tory MPs began to vote against the government in greater numbers, on more occasions, and with greater effect that ever before in the 20th century. (p.20).

The government suffered six defeats, three of them on three line whip. Following his loss of the 1974 general election Mr. Heath tried to get his supporters elected to the executive of the 1922 Committee in order to stop the internal criticism. Their defeat was the first step in a process that led to a leadership review and the replacement of Mr. Heath by Margaret Thatcher.

For nearly 20 years, from the end of Mrs. Thatcher's government through the administration of John Major and then the long period in opposition during the Tony Blair government the 1922 Committee appeared to have lost some of its influence as its leadership was divided between different factions of the Conservative Party.

The Coalition agreement following the 2010 election has, in the author's opinion, opened a new role for the Committee as "the authentic voice of the Conservative Party in Parliament" (p. 31). Its influence can be seen in the way it has slowed down, and in some case stopped, the more radical institutional reforms of the Liberal Democrats such as electing the Upper House and introducing proportional representation.

As Lord Norton points out in the conclusion, there is disagreement over the significance of the 1922 Committee in British politics but he suggests it has played and continues to fulfill seven important functions. Some but not all of these are performed by our party caucuses which are the closest thing we have to the 1922 Committee.

First, he argues the committee is a channel of communication which can warn the leadership of impending problems, rally the troops or simply serve as a sounding board for trial balloons. The committee also plays a role in the development of the platform for elections. Third, the committee is a kind of trade union for backbenchers where they can discuss issues such as pay, benefits and services. Fourth, the 1922 Committee has maintained the integrity of the party during periods of coalition. Fifth, on specific issues the 1922 Committee can influence the policy of the Government. Sixth, it can challenge and remove ministers with Sir Thomas Dugdale, Lord Carrington, Leon Brittan, Edwina Currie, David Mellor and Tim Yeo being cited as examples.

The final function, choosing and removing the Leader of the Conservative Party has changed several times in the last century. Between 1965 and 2001 Tory MPs alone comprised the electorate. After the electorate became the entire party the role of the parliamentary party was to narrow the choice to two but if 15% of the parliamentary party write to the Chairman of the 1922 Committee requesting a confidence vote such a vote is then held. If the leader loses, the election of a new leader is triggered, with the defeated leader not being eligible to stand. The chair of the 1922 Committee is the returning officer and key official in the organization of party leadership contests.

In Britain and in Canada two frequent criticisms of parliamentary government are the dominance of the executive and the power of the party leaders. Apologists for the status quo would argue that it was always like this and indeed executive dominance is one of the strengths of the parliamentary system at least when compared to the potential for stalemate in the US Congressional system.

The story of the 1922 Committee shows there are ways for a parliamentary system to hold the executive and the party leaders more to account. Canadian parties would do well to take a closer look at the 1922 Committee and reflect upon how such a body could change our political and parliamentary system.

Gary Levy
Bell Chair Fellow
Department of Political Science
Carleton University

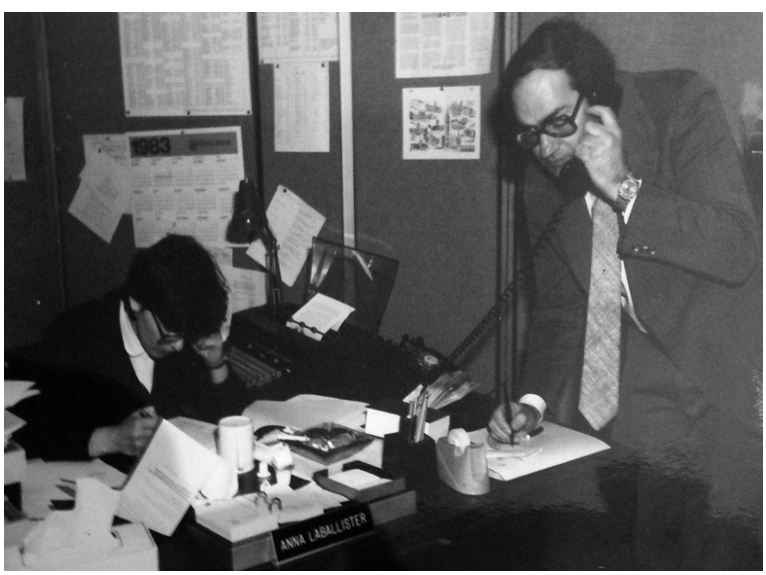
A Tribute to Gary Levy

After 30 years, Gary Levy is retiring as Editor of the Canadian Parliamentary Review. This current edition is the last issue to be edited by him. Gary has been the first and only Editor of the Review and it has been through his efforts that it has grown and developed into the respected and renowned journal that it is across the country and throughout the Commonwealth. It is a source of pride for the Canadian Region of CPA to see how much the Review is read and esteemed by loyal readers everywhere.

David McNeil, Clerk of the Legislative Assembly of Alberta, presents a retirement gift from the Speakers to Gary at the 2013 CPA Regional Council meeting in Edmonton.

We all know how hard Gary worked in seeking out countless articles highlighting various issues related to Parliament and the Legislatures that otherwise might not have been published in the CPR. The Editorial Board owes him a great debt of thanks for building an interest and appreciation for the work of Canadian Legislatures. The CPR under his Editorship filled an important niche by providing a vehicle for Canadian legislators to publish essays and studies relevant to other legislators, while also incorporating articles of interest to the academic community and to the general public who follow the activities of our Legislatures.

I think Gary would also want us to gratefully acknowledge the support he received from his trusted assistant, Anna LaBallister. Anna, who joined the CPR in 1979 and retired in September 2013, provided the technical production skills and records management which allowed Gary's creative vision to flourish. Together they made an exceptionally strong team.



Gary Levy and Anna LaBallister, 1984

Although Gary is retiring as Editor, he will continue to be engaged in spreading the word about the activities of Canadian Legislatures through his role as educator while serving as a visiting scholar at Carleton University.

On behalf of the CPR Editorial Board, I would like to thank Gary sincerely for his many years of service. Without him, the Canadian Parliamentary Review would not have achieved the solid status it enjoys today. His was a job well done. At the same time, I want to wish him every success in his future projects though I have little doubt that these too will turn out very well.

Patricia Chaychuk

Chair of the Editorial Board

Gary Levy by Assunta Calcagno

CPA Activities: The Canadian Scene

CPA Canadian Regional Seminar

The 35th Canadian Regional Seminar of the Commonwealth Parliamentary Association was held in St. John's, Newfoundland from October 31 to November 3, 2013. The Seminar included five business sessions over two days. A total of 43 delegates participated including representatives from the House of Commons, each of the ten provinces and one of the territories (Nunavut). The host for the Seminar was **Ross Wiseman** MHA, Speaker of the House of Assembly, Newfoundland & Labrador.

The first business session dealt with Urbanization and Demographics. The presenter was Dr. **Robert Greenwood** from the University of Warwick. He has served as a Director and Assistant Deputy Minister of Policy in Economic Development departments in Newfoundland and Labrador and in Saskatchewan and has taught, consulted, published and presented extensively on the issues. The Chair of the session was **Douglas Horne**, Deputy Speaker of the British Columbia Legislature.

The second topic was Climate Change presented by **Jackie Janes.** She has spent over 12 years working on climate change, including as an international climate change negotiator for the British Government, heading up a team responsible for improving the energy efficiency and reducing emissions in the UK, and as the Premier of Newfoundland and Labrador's Special Advisor and Head of the Office of Climate Change, Energy Efficiency and Emissions Trading, a central agency in Executive Council. The Chair for the session was **Deborah Deller**, Clerk of the Ontario Legislative Assembly.

The third session was on Population Aging: A Paradigm Shift: Crisis or Opportunity? The presenter was **Suzanne Brake** who has developed and taught a number of courses at Memorial University in and is actively involved in the ongoing implementation of the Provincial Healthy Aging Policy Framework. She is currently the Director of the Aging and Seniors Division of the Newfoundland Department of Health and Community Services. The Chair for this session was **Dale Graham,** Speaker of the Legislative Assembly of New Brunswick.

The fourth session was on the topic of Enhancing Financial Accountability. Panelists were Deputy Speaker Horne of British Columbia, **Neil Ferguson**, Clerk of the Nova Scotia Legislature and **David Cochrane**, President of the Newfoundland and Labrador Press Gallery and provincial affairs reporter for CBC. The Chair was **Wade Verge,** Deputy Speaker of the House of Assembly of Newfoundland & Labrador.

The final session was on Parliamentary Customs and Modern Expectations: Can they co-exist? The presenter was **Patricia Chaychuk**, Clerk of the Legislative Assembly of Manitoba. The session was chaired by Speaker **Gene Zwozdesky** of Alberta.

In addition to the working sessions the seminar offered a few opportunities for delegates to sample Newfoundland hospitality. These included the opening reception at Government House hosted by Lieutenant Governor **Frank F. Fagan.** There was also a trip to Bay Roberts Cable Building National Historic Site built in the early 19th century to serve as the main relay between the North American and European networks of Western Union Telegraph Company. The building now contains the Bay Roberts Town Hall as well as the "Road to Yesterday" Museum, and the Christopher Pratt Art Gallery.

There was also an evening dedicated to celebrating Newfoundland & Labrador culture through skits, music and a sampling of some catch of the sea, all in a casual setting hosted by the Royal Canadian Legion at Bay Roberts Waterfront.

New Speakers in Nova Scotia and Nunavut

The two newest Speakers in the Canada are both newly elected members to their respective legislatures.

In Nova Scotia **Kevin Murphy,** MLA for Eastern Shore was elected as Speaker of the Nova Scotia Legislature on October 24, 2013. He ran for office for the first time in the provincial election of October 8.

Speaker Murphy is a graduate of St. Mary's Unversity (B. Comm 1992). He owned and operated KSM Entertainment Pro DJ Services from 1989-2007 and now owns and operates Shop the Shore. He has been involved with a number of community organizations including the Eastern Shore Recreation Commission, the Musquodoboit Harbour Volunteer Fire Department, the Eastern Shore Jr Mariners Hockey Club, the Rick Hansen Foundation, the Kevin Murphy Hockey Fund, the Canadian Paraplegic Association (NS), Metro Transit Access-a-Bus-Advisory Committee, and Twin Oaks/The Birches Health Care Charitable Foundation.

He becomes the first paraplegic to be elected Speaker in Nova Scotia. He replaced **Gordie Gosse** in the Chair.

In Nunavut the new Speaker is **George Qulaut** MLA for Amittuq. He was chosen Speaker by acclamation on November 16, 2013 after running for the legislature for the first time in the October 29 election.

From 1994 to 1999, Speaker Qulaut was part of the Nunavut Implementation Commission. He spent 14 years as operations manager for the Eastern Arctic Research Lab, dealing with researchers and scientists from all over the world. He also spent three terms as Igloolik director with the Qikiqtani Inuit Association. He has worked with the national historic sites and monuments board, and on the oral history project in Igloolik, and is very concerned about preserving Inuit language and culture. He replaces **Hunter Tootoo** who did not seek re-election to the Assembly.

Speaker Kevin Murphy

Speaker George Qulaut

Legislative Reports

Ontario

On September 9, 2013, the House resumed sitting after the summer adjournment and the five new MPPs, elected in the August 1 by-elections, took their seats in the Chamber for the first time. The House made changes to the memberships on Committees, to include all of the new members. However, a new vacancy in the membership of the House was created when **Kim Craitor**, MPP for Niagara Falls, resigned his seat on September 24.

Financial Accountability Office

On the first day of the fall sitting, the government introduced legislation to create a Financial Accountability Office (FAO), as ordered by the House in May, through the passage of a motion to apply a timeline to the consideration of the Budget bill. The bill respecting the FAO was amended by the Standing Committee on the Legislative Assembly which, in its deliberations, had called **Kevin Page** as a witness, the first federal Parliamentary Budget Officer. The bill was passed by the House on September 25 and received Royal Assent on September 26.

New Auditor General and her Special Report

On September 13, 2013, **Bonnie Lysyk** became the 13th Auditor General of Ontario, succeeding **Jim McCarter**, who'd held the post for the nine previous years. Ms. Lysyk is the former Auditor General of Saskatchewan and previously the Deputy Auditor General and Chief Operating Officer for the Office of the Auditor General of Manitoba.

In October, Auditor General Lysyk presented her first report to the Legislature, a Special Report on the Oakville Power Plant Cancellation Costs, which her predecessor had commenced at the request of the Premier. The report concerned a contract to build a gas-generation facility in Oakville that had been awarded by the Ontario Power Authority (OPA) to TransCanada Energy Ltd. (TCE) and executed in October 2009. An April 2013 report by the former auditor general addressed the cancellation and relocation of a gas plant in Mississauga. The Standing Committee on Justice Policy is continuing its examination into matters relating to both gas plant projects.

Programming Motion

On October 3 the House passed a motion that a timetable be applied to the consideration of certain business of the House. The motion determined the progress of eight bills through the House, and called for the establishment of a Select Committee on Developmental Services.

The motion affected both government bills (five) and private member's public bills (three) whose proposed measures include: a ban on the sale of tanning services to minors; consumer protection with respect to wireless contracts; the promotion of local food products; an amendment to *the Regulated Health Professions Act* respecting an exception for health professionals to treat a spouse; and carbon monoxide safety.

Any of these bills that receive Third Reading shall be presented to the Lieutenant Governor for Royal Assent by December 13.

Committees

On October 3, 2013, as part of a timetable motion, the Select Committee on Developmental Services was struck. The Committee's mandate is to consider and report its observations and recommendations with respect to the urgent need for a comprehensive developmental services strategy to address the needs of children, youth and adults in Ontario with an intellectual disability or who are dually diagnosed with an intellectual disability and a mental illness, and to coordinate the delivery of developmental programs and services across

many provincial ministries. The motion prescribes that the Committee shall present an interim report no later than February 26 and a final report no later than May 15, 2014. The Committee is composed of 4 Government members, three Official Opposition members and two Third Party members. **Laura Albanese** was elected Chair and **Christine Elliott** was appointed Vice-Chair at the Committee's first meeting on October 23, 2013.

The Standing Committee on General Government tabled its Report on the Review of *the Aggregate Resources Act*. The review, which included visits to numerous pits and quarries across Southern Ontario and one on Manitoulin Island in Northern Ontario, began with public hearings in the spring of 2012.

On September 30, the Committee held public hearings on Ontario Regulation 237/13, concerning an industry-wide rate reduction target in the automobile insurance industry. The Committee's authority to review the regulation is a statutory provision contained in *the Automobile Insurance Rate Stabilization Act, 2003*, which was amended in a schedule to *the Prosperous and Fair Ontario Act (Budget Measures), 2013*, to include a 15 per cent reduction target in the average of the authorized rates that may be charged by automobile insurers. Regulations made under this provision stand permanently referred to the Standing Committee on General Government which may examine them with particular reference to whether they are reasonable in the circumstances and with respect to such other matters as the Committee considers appropriate.

The Committee considered and amended Bill 30, *An Act to regulate the selling and marketing of tanning services and ultraviolet light treatments for tanning*, which prohibits the selling of tanning services to persons under 18. The bill had the support of all parties and received Royal Assent on October 10. The Committee further considered Bill 60, *the Wireless Services Agreements Act* which, if passed, would govern wireless agreements in the province.

The Standing Committee on Government Agencies completed two agency reviews—a review of the Liquor Control Board of Ontario and of the Workplace Safety and Insurance Board—and tabled both reports.

The Standing Committee on Public Accounts continued its consideration of the 2012 Special Report of the Office of the Auditor General of Ontario on Ornge Air Ambulance and Related Services. The Committee is still holding hearings as well as continuing report writing on the issue.

The Committee also considered Sections 4.14 Unfunded Liability of the Workplace Safety and Insurance Board of the 2011 Annual Report of the Office of the Auditor General of Ontario as well as Section 3.08 Long-term-care Home Placement Process of the 2012 Annual Report of the Office of the Auditor General of Ontario.

The Standing Committee on Social Policy continued its study relating to the oversight, monitoring and regulation of non-accredited pharmaceutical companies. The Committee continued to hear from witnesses and commenced report writing.

The Committee also considered Bill 36, *An Act to enact the Local Food Act, 2013*. The Committee held public hearings on October 8 and 22 and clause-by-clause consideration on October 29, 2013.

Sylwia Przezdziecki
Committee Clerk

New Brunswick

On September 19, 2013, Premier **David Alward** announced a significant reorganization of his cabinet. **Paul Robichaud** became Minister of Natural Resources, while **Bruce Northrup** became Minister of Public Safety and Solicitor General.

Bruce Fitch took on a new role as Minister of Economic Development and Minister responsible for Invest New Brunswick. **Danny Soucy** became Minister of Environment and Local Government while **Jody Carr** became Minister of Post-Secondary Education, Training and Labour.

Marie-Claude Blais became Minister of Education and Early Childhood Development and **Troy Lifford** became Minister of Justice. **Hugh Flemming** became Attorney General in addition to his continuing responsibility as Minister of Health. **Robert Trevors** was appointed Minister of Human Resources.

Québec-New Brunswick Parliamentary Association

The New Brunswick Legislative Assembly hosted the fourth meeting of the Québec-New Brunswick Parliamentary Association from September 27 to 29, 2013. This Association was established in 2004 in order to strengthen the close ties that exist between the Québec and New Brunswick Legislatures and to provide a regular forum for meetings between the two Assemblies.

The New Brunswick delegation consisted of Speaker **Dale Graham**, Deputy Speaker **Carl Urquhart** and Members **Martine Coulombe**, **Denis Landry**, **Hèdard Albert**, **John Betts** and **Carl Killen**. The Québec delegation consisted of Speaker **Jacques Chagnon** and six additional delegates, including four Members of the National Assembly. Throughout the three-day conference, delegates examined various topics of mutual interest to both jurisdictions, such as the energy challenges both provinces will face over the next 20 years.

Upgrade to the Legislative Grounds

The grounds of the Legislative Assembly were extensively upgraded throughout late summer and early fall. Existing pathways were replaced and landscaping was significantly improved, resulting in an inviting and cohesive outdoor space. These improvements stemmed from recommendations from the Building Master Plan commissioned in 2005.

These exterior upgrades follow extensive restoration work to the 125 year old main legislative building, including: new copper roofing; restoration of the building's masonry façade; refurbishment of the legislative dome and existing exterior sculptures; repair of various areas of the interior of the building, including the Chamber; dismantling and reconstruction of the granite steps at the main entrance; and fabrication of copper ornamentation and decorative cast railings. To ensure that the restoration work respected the heritage value of the building, the *Standards and Guidelines for the Conservation of Historic Places in Canada* was adopted as the model conservation philosophy. Further improvements are scheduled for next year.

Portrait unveiling

On October 18, 2013, the portrait of the former Lieutenant Governor, **Herménégilde Chiasson**, was unveiled in the foyer of the Legislative Assembly. The official unveiling was hosted by Speaker Graham. Joining His Honour in attendance was the current Lieutenant Governor **Graydon Nicholas** and **Mrs. Beth Nicholas**, Premier Alward, and the portrait's artist **Stephen May**, in addition to various other guests.

The Legislative Assembly houses the portraits of former New Brunswick Lieutenant Governors dating back to the late 1800s. Following the unveiling of the portrait, guests were invited to the Legislative Library for a reception. Mr. Chiasson was the 29th Lieutenant Governor of New Brunswick and served in that role between 2003 and 2009. Additionally, he is a noted Acadian artist and playwright.

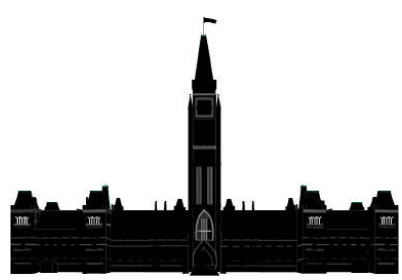
Conflict of Interest Commissioner

Alfred R. Landry was recently sworn in as the new Conflict of Interest Commissioner. He succeeds **Patrick A. A. Ryan,** who has served as Commissioner since 2005. Commissioner Landry was appointed a Judge of the Court of Queen's Bench of New Brunswick in 1985 and served in this capacity until his retirement in 2011. On the unanimous recommendation of the Legislative Assembly, he was appointed Commissioner under the *Members' Conflict of Interest Act*, effective September 1, 2013.

Fourth Session

The fourth session of the 57th Legislative Assembly is scheduled to open on November 5, 2013. This will be the final session before the provincial election, scheduled for September 22, 2014. The current distribution of seats is 41 Progressive Conservative Members, 13 Liberal Members and one Independent Member.

Rose Campbell
Clerk Assistant and Committee Clerk



House of Commons

The first Session of the 41st Parliament was prorogued on September 13, 2013. The second Session began on October 16, 2013. The information below covers the period from August 1 to October 31, 2013.

Speech from the Throne

Governor-General **David Johnston** delivered the Speech from the Throne on October 16, in the Senate Chamber, in the presence of the assembled Justices of the Supreme Court, Senators, Members, and other dignitaries and guests. The theme of the Throne Speech was *"Seizing Canada's Moment – Prosperity and Opportunity in an Uncertain World."* Contrary to recent practice, the debate on the Address in Reply to the Speech from the Throne did not start before the House adjourned the first sitting day.

Supply and Legislation

On October 16, after the House had agreed to the motion for the designation of a continuing order of supply, the Speaker informed Members that the number of allotted days for the Supply period ending December 10 would be adjusted. Since the House had sat fewer days than scheduled, five days instead of seven were allotted for this period.

On October 22, Bill C-4, *A second act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures*, was introduced in the House and read a first time. The following day during second reading debate of the Bill, **Peggy Nash** moved a reasoned amendment. Between October 24 and 28, unanimous consent was sought to divide Bill C-4, *A second act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures,* either to withdraw clauses relating to the appointment of Supreme Court justices, the public sector employee relations and changes to workplace health and safety regulations or the establishment of a new system of permanent residence in Canada. Unanimous consent was denied. Debate continued until October 29, 2013, when questions were put on the amendment and the second reading motion. The Bill was adopted at second reading and referred to the Standing Committee on Finance.

Pursuant to provisions of Government Business Motion No. 2 and at the request of a Minister, some government bills identical to bills from the previous Session were deemed to have been considered and approved at all stages completed at the time of prorogation: Bill C-6, *An Act to implement the Convention on Cluster Munitions*; Bill C-7, *An Act to amend the Museums Act in order to establish the Canadian Museum of History and to make consequential amendments to other Acts*; Bill C-8, *An Act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts*; and Bill C-9, *An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations."*

Motions

On October 17, a motion was adopted calling for the Senate to unite with the House to present an Address to the Queen on behalf of the Parliament of Canada offering congratulations on the birth of her great-grandson, **Prince George**. The motion also provided that a Message of congratulations be sent by the Speaker, on behalf of the House, to Their Royal Highnesses the Duke and Duchess of Cambridge upon the joyful occasion of the birth of a son to Their Royal Highnesses.

On October 21, the House adopted Government Business Motion No. 2, which had the effect, amongst other things, of: adopting a mechanism for the reinstatement of government bills from the previous session; directing the Standing Committee on Procedure and House Affairs (PROC) to examine the issue of transparency and accountability with a view to replace the Board of Internal Economy (BOIE) with an independent oversight body and study possible future practices by re-adopting an order of reference from the previous session; extending the right to one Independent Member to participate as a non-voting Member in the hearings of PROC regarding BOIE; recreating the Special Committee on Violence Against Indigenous Women from the previous session; and making changes to the Parliamentary calendar for 2013.

Points of Order

On October 16 Opposition House Leader **Nathan Cullen** rose on a point of order regarding the length and complexity of Government Business Motion No. 2. He believed that since the motion contained 13 parts that were capable of standing alone, they should be debated and voted on independently. On October 17, the Speaker ruled that, since the threshold for dividing the motion had not been met, the motion would be debated as a whole. However, due to concerns expressed about the reinstatement of government bills, the Speaker informed the House that a separate vote would be held on that part of the motion and other sections of the motion would be voted on together.

Questions of Privilege

On October 17, **Craig Scott** rose on a question of privilege regarding the dispute between Elections Canada and **James Bezan.** The question of privilege had originally been raised in the previous Session by **Scott Andrews** and found to be *prima facie* on June 18, 2013, on the grounds that there was a lack of clear process when the House had to deal with issues arising from subsection 463(2) of the *Canada Elections Act*. The Speaker had added that this lack of 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. The Speaker immediately ruled that this was still a *prima facie* question of privilege and, accordingly, Mr. Scott moved that the matter be referred to the Standing Committee on Procedure and House Affairs. The motion was agreed to without debate.

On October 30, the Speaker ruled on the question of privilege raised by **Charlie Angus** on October 17, regarding alleged misleading statements made by the Prime Minister during Oral Questions. Mr. Angus argued information revealed by an RCMP investigation in July contradicted answers the Prime Minister gave during Oral Questions. In his ruling, the Speaker reminded members of the benchmarks established by practice for establishing that a member is in contempt for deliberately misleading the House: it must be proven that the statement was misleading; it must be established that the member making the statement knew at the time that the statement was incorrect; and, that in making the statement, the member intended to mislead the House. The Speaker ruled that he could not find procedural grounds for a *prima facie* case of privilege.

Private Members' Business

On October 16, the Speaker made a statement on the reinstatement of Private Members' Business in accordance with Standing Order 86.1. Items that were listed on the *Order Paper* at prorogation were deemed to have been considered and approved at all stages completed at the time of prorogation. Furthermore, four bills standing originally in the name of Members recently appointed as Parliamentary Secretaries who, by virtue of their office, are not eligible to propose items during the consideration of Private Members' Business remained in the possession of the House or its committees, without sponsors. On October 23, unanimous consent was sought and obtained to discharge the four orders for consideration or for reference and withdraw the bills.

Other Matters

On August 31, **Merv Tweed** the Member of Parliament for Brandon—Souris resigned his seat. By-elections were called for this riding, as well as for the vacant ridings of Bourassa (QC), Provencher (MB) and Toronto Centre (ON), for November 25.

On September 18, **Maria Mourani** became an Independent Member for Ahuntsic. **Dean Del Mastro** is now recognized as a Conservative Independent Member for Peterborough.

On October 17 the Minister of International Development and Minister for La Francophonie, **Christian Paradis** along with **Jean Rousseau** (Compton—Stanstead), **Justin Trudeau** (Papineau) and **Jean-François Fortin** (Haute-Gaspésie—La Mitis—Matane—Matapédia) rose to pay tribute to the victims of the Lac-Mégantic disaster. Tributes were followed by a moment of silence.

Julie-Anne Macdonald
Table Research Branch

ASSEMBLÉE NATIONALE

QUÉBEC

The National Assembly resumed its proceedings on September 17, 2013, as provided for in the Standing Orders. During the very first week of work, Bill 57, *An Act in response to the railway disaster in Ville de Lac-Mégantic,* was introduced and all the stages of the bill were considered with the unanimous consent of the Assembly. This bill contains measures intended to enable Ville de Lac-Mégantic to meet certain needs, ensure safety and reorganize its territory in order to facilitate a return to normal life and the resumption of normal activities following the railway disaster of July 6 and postpones until 2015 the general election scheduled for 2013 for the town council and the office of warden of Municipalité régionale de comté du Granit.

Rulings and directives from the Chair

On September 18 the Chair gave a directive regarding modifications to the distribution of certain measures and speaking times. These modifications were necessary owing to changes in the composition of the Assembly. Oral Questions and Answers, Statements by Members as well as speaking times for two-hour limited debates were modified to take into account the presence of a third independent Member.

On September 26 the Chair gave a ruling on the point of privilege or contempt raised by the Second Opposition Group House Leader on June 14, 2013, in which he invoked that the chief executive officer of the Fondation du Centre hospitalier de l'Université de Montréal (CHUM) had been in contempt of Parliament. The latter allegedly infringed the rights of the Assembly by providing false or incomplete testimony to the Committee on Health and Social Services, on June 11, thereby failing to comply with section 55(2) of the *Act respecting the National Assembly*.

During his testimony before the Committee on Health and Social Services, the chief executive officer of the Fondation du CHUM categorically stated that he was unaware of certain facts, while the day after this testimony, the Committee received documents indicating that he indeed had knowledge of them. As the facts submitted in support of the point of law or privilege could raise doubts as to the veracity of his testimony, the Chair ruled that the point of privilege was, at first glance, in order.

The Chair stated that regardless of the manner in which persons are called upon to give testimony before a committee, by simple invitation or subpoena, the fact remains that when they take part in parliamentary proceedings, persons have the duty to fully cooperate and tell the truth. It is therefore important to remember that the act of giving false or incomplete answers to questions asked by Members constitutes, at first glance, interference with the exercise of the duties of the Assembly as well as contempt of its authority and dignity.

Composition and parliamentary offices

Two Members of the Québec Liberal Party handed in their resignation in recent months: **Emmanuel Dubourg**, Member for Viau, on August 9; and **Raymond Bachand,** Member for Outremont, on September 13. Since the resumption of proceedings, the composition of the Assembly is as follows: Parti Québécois, 54 Members; Québec Liberal Party, 48 Members; Coalition Avenir Québec, 18 Members; three independent Members, including two Members of Québec Solidaire and a third Member without any affiliation to a political party; and two vacant seats.

Other events

On September 18, the National Assembly welcomed His Excellency **Abdou Diouf**, Secretary General of the Francophonie. During his visit, Mr. Diouf addressed the parliamentarians of the 40th Legislature in the National Assembly Chamber. On this same occasion, the President of the National Assembly, **Jacques Chagnon**, awarded Mr. Diouf the President's Medal, the highest form of recognition awarded by the National Assembly of Québec.

The result of a collaborative effort between the National Assembly of Québec, the National Assembly of France and Laval University's Research Chair on Democracy and Parliamentary Institutions, the *Québec-France Comparative Parliamentarism distance course*, was made available online for the first time ever on September 13, 2013. This university course, the first of its kind, is innovative in that it presents a unique approach to analyzing Québec and French legislatures. Its dynamic, web-based platform takes a new comparative look at both parliamentary systems through the use of videos featuring experts and exercises highlighting their similarities and distinctive characteristics.

Sylvia Ford
Parliamentary Proceedings Directorate

Committees

On August 14 the Committee on Public Finance continued its special consultations on the report entitled "Innovating for a Sustainable Retirement System". When the consultations were initiated last June, the Committee had heard a committee of experts who came before the Committee to present the report's conclusions to the Members. With the hearings held in August, 42 persons and organizations will have been heard on the subject, and 61 briefs were tabled. The exchanges between the parliamentarians and the persons invited to appear before the Committee concerned the overall recommendations of the committee of experts and certain proposals made by the groups

that were heard. The Committee report was tabled in the Assembly last September 17 and contains three recommendations.

The Committee on Public Finance also heard five groups within the framework of special consultations on Bill 41, *An Act to amend the Public Service Act* mainly with respect to staffing. This bill makes changes to the staffing process, which replaces the notions of competitions and lists of candidates declared qualified with the concepts of qualification processes and banks of qualified persons.

The Committee on Culture and Education, for its part, held special consultations and public hearings on the document entitled "Consultation paper on the regulation of retail prices of new printed and digital books." The Committee received 39 briefs and heard 42 groups, organizations and citizens during the six days of hearings held between August 19 and September 19, 2013. At the end of this mandate, the Committee held a deliberative meeting and made two observations. The members unanimously recognized that certain independent bookstores in Québec are in a difficult and precarious situation and that it is urgent to try to maintain the independent bookstores of our cities, towns and districts to prevent them from disappearing. The Committee report was tabled in the Assembly on September 25, 2013.

During this period, the committees carried out several orders of surveillance of agencies. The Committee on Citizen Relations heard the Public Curator regarding the examination of his policy directions, activities and management; the Committee on Institutions, for its part, heard the Lobbyists Commissioner; the Committee on Labour and the Economy heard the Chief Executive Officer of the Conseil de gestion de l'assurance parentale, who came before the Committee to discuss her management of the Parental Insurance Fund and her administrative management as well as the examination of the report on the implementation of the *Parental Insurance Act*; and, finally, the Committee on Public Administration heard the Commission administrative des régimes de retraite et d'assurances (CARRA).

The Committee on Health and Social Services commenced special consultations on Bill 52, *An Act respecting end-of-life* care. Over 50 individuals and organizations were scheduled to give their opinion on this bill during the 13 days of hearings held between September 17 and October 10, 2013. The bill, which is a follow-up to the Select Committee report on Dying with Dignity, aims to ensure that end-of-life patients are provided care that is respectful of their dignity and their autonomy and to recognize the primacy of wishes expressed freely and clearly with respect to end-of-life care. It specifies rights with respect to end-of-life care, in particular by affirming the right of everyone to end-of-life care that is appropriate to their needs. The bill also establishes specific requirements for certain types of end-of-life care, namely terminal palliative sedation and medical aid in dying. It prescribes the criteria that must be met for a person to obtain medical aid in dying and the requirements to be complied with before a physician may administer it.

On October 1, the Committee on Agriculture, Fisheries, Energy and Natural Resources concluded its special consultations during which it heard 48 individuals and groups concerning Bill 43, *Mining Act*. Bill 43 proposes a new *Mining Act*.

Dany Hallé
Parliamentary Proceedings Directorate
Committees Service

Nunavut

The 3rd Legislative Assembly was dissolved on September 22, 2013. The Chief Electoral Officer issued writs of election on September 23, 2013. The 4th general election was held on October 28, 2013. This was the first general election to be held under the territory's new electoral boundaries. The number of seats in the Legislative Assembly has increased from 19 to 22.

A number of incumbents did not stand for re-election. Retiring Members were **James Arreak**, **Moses Aupaluktuq**, **Tagak Curley**, **John Ningark**, **Daniel Shewchuk**, **Louis Tapardjuk** and **Hunter Tootoo**.

At the close of nominations, two incumbents were declared acclaimed: **Peter Taptuna**, MLA for Kugluktuk and **Jeannie Ugyuk**, MLA for Netsilik. The successful candidates in the 4th general election were:

- **Paul Quassa** (Aggu)
- **Steve Mapsalak** (Aivilik)
- **George Qulaut** (Amittuq)

- **George Kuksuk** (Arviat North-Whale Cove)
- **Joe Savikataaq** (Arviat South)
- **Simeon Mikkungwak** (Baker Lake)
- **Keith Peterson** (Cambridge Bay)
- **Tony Akoak** (Gjoa Haven)
- **Allan Rumbolt** (Hudson Bay)
- **Monica Ell** (Iqaluit-Manirajak)
- **Pat Angnakak** (Iqaluit-Niaqunnguu)
- **Paul Okalik** (Iqaluit-Sinaa)
- **George Hickes** (Iqaluit-Tasiluk)
- **Johnny Mike** (Pangnirtung)
- **Isaac Shooyook** (Quttiktuq)
- **Tom Sammurtok** (Rankin Inlet North-Chesterfield Inlet)
- **David Joanasie** (South Baffin)
- **Joe Enook** (Tununiq)

As a consequence of tie votes in the constituencies of Rankin Inlet South and Uqqummiut, judicial recounts were held on November 5, 2013. Following the recounts, **Samuel Nuqingaq** was declared the successful candidate in Uqqummiut. A by-election will be held for the constituency of Rankin Inlet South on February 10, 2014.

On November 15, 2013, Members-elect gathered in the Chamber of the Legislative Assembly for the convening of the Nunavut Leadership Forum. By convention, the Forum consists of all Members of the Legislative Assembly, and is used to conduct the selection process for the Speaker, Premier and members of the Executive Council (Cabinet) of Nunavut. The Forum's proceedings were open to the public to observe from the Visitors' Gallery and were televised live across Nunavut.

The first item of business was the selection of the Speaker. **George Qulaut** was acclaimed to the position.

Three Members accepted nominations to serve as Premier: Mr. Taptuna, Mr. Okalik and Mr. Quassa. Each candidate was permitted to deliver a 20-minute speech. Members not standing for Premier were permitted to ask up to two questions to the candidates. In a secret ballot vote, Mr. Taptuna was elected as Premier on the first round of balloting.

A total of ten Members accepted nominations to serve on Cabinet. Caucus had earlier announced that the Cabinet will consist of nine members (Premier and eight Ministers).

The following Members were elected to Cabinet: Mr. Okalik, Mr. Quassa, **Ms. Ell**, **Mr. Kuksuk**, **Mr. Mike**, **Mr. Peterson**, **Mr. Sammurtok** and **Ms. Ugyuk**.

Final sitting of 3rd Assembly

The final sitting of the 3rd Legislative Assembly was held from September 5-17, 2013. Seven bills received Assent during the sitting:

- Bill 32, *An Act to Amend the Legal Services Act*;
- Bill 40, *Representative for Children and Youth Act*;
- Bill 58, *Public Service Act*;
- Bill 64, *An Act to Amend the Liquor Act*;
- Bill 66, *Plebiscites Act*;
- Bill 68, *Supplementary Appropriation (Capital) Act, No. 3, 2013-2014*; and
- Bill 69, *Supplementary Appropriation (Operations and Maintenance) Act, No. 2, 2013-2014*.

Bill 66, the proposed new *Plebiscites Act*, was introduced under the authority of the Legislative Assembly's Management and Services Board. Speaker Tootoo appeared before the Committee of the Whole on the occasion of its clause-by-clause consideration of the bill. Both the *Nunavut Elections Act* and the *Plebiscites Act* fall under the jurisdiction of the Legislative Assembly itself.

The Representative for Children and Youth will be an independent officer of the Legislative Assembly. The legislation will come into force on a day or days to be fixed by order of the Commissioner of Nunavut on the recommendation of the Management and Services Board.

A total of 127 bills were passed during the life of the 3rd Legislative Assembly.

Appointment of Integrity Commissioner

On September 9, 2013, the Legislative Assembly unanimously approved a motion recommending that **J.E. (Ted) Richard** be appointed Integrity Commissioner of Nunavut for a five-year term of office.

Mr. Richard served as a Judge of the Supreme Court of the Northwest Territories, the Court of Appeal of the Northwest Territories and the Court of Appeal of the Yukon from 1988-2012. He served as a Judge of the Nunavut Court of Justice and the Court of Appeal of Nunavut from 1999-2012. He served as the Chairperson of the 1997 and 2011 Nunavut Electoral Boundaries Commissions. Mr. Richard served as a Member of the Legislative Assembly of the Northwest Territories from 1984-1988.

Order of Nunavut

The 2013 investiture ceremony for the Order of Nunavut was held in the Chamber of the Legislative Assembly

on September 12, 2013. The ceremony was presided over by Speaker Tootoo in his capacity as Chairperson of the Order of Nunavut Advisory Council and Commissioner **Edna Elias** in her capacity as Chancellor of the Order of Nunavut.

The Order of Nunavut Act came into force on January 1, 2010. The objective of the Order is to recognize individuals who have made outstanding contributions to the cultural, social or economic well-being of Nunavut. The Order is the highest honour of Nunavut and takes precedence over all other orders, decorations or medals conferred by the Government of Nunavut.

In June of this year, the Order of Nunavut Advisory Council announced the 2013 recipients of the Order: Messrs. **Jimmy Akavak** of Iqaluit, **Louis Angalik, Sr.** of Arviat and **Davidee Arnakak** of Pangnirtung.

Alex Baldwin
Office of the Legislative Assembly of Nunavut

British Columbia

The first sitting of the 40th Parliament adjourned on July 25, 2013. The House did not reconvene in the fall.

Committee Activity

On September 10, 2013, the Select Standing Committee on Finance and Government Services commenced its annual province-wide budget consultations, seeking input from individuals and organizations on the 2014 provincial budget. Contributions to the consultation process were submitted at seventeen public hearings in communities around the province, at video conference sessions in a further five communities, through completion of an on-line *Budget Consultation Paper 2014* survey, or through audio, video or written submission to the Committee's consultation website.

This year's consultation process resulted in 676 submissions — 263 responses to the *Budget Consultation Paper 2014* survey, 170 written submissions, and 243 public hearing submissions. The Committee's report on the results of the budget consultations were to be made public no later than November 15, 2013, in accordance with section 2 of B.C.'s *Budget Transparency and Accountability Act*.

On September 24, 2013, the all-party Legislative Assembly Management Committee (LAMC) held its first meeting in the 40th Parliament. LAMC agreed on actions to strengthen public disclosure and accountability to British Columbians, including expanded quarterly reporting on Members' travel expenses, quarterly disclosure of Members' compensation, disclosure of Members' constituency office expenses, and the publication of quarterly independent, audited financial statements for the first time. The Committee's decisions were designed to fulfil its commitment for full disclosure of Assembly expenses and liabilities. The information on MLA remuneration and expenses is posted on the Legislative Assembly website.

On October 9, 2013, the Select Standing Committee on Public Accounts held its first full-day orientation session. The session was organized to support the committee as it prepares to tackle a heavy workload. Technical briefings were given by CCAF-FCVI representatives, senior officials from the offices of the Auditor General and the Comptroller General, as well as by the Deputy Clerk and Clerk of Committees. Topics covered included roles and responsibilities of the Public Accounts Committee, best practices and effectiveness.

Constituency Assistants Seminar

On September 25 and 26, 2013, the Assembly's first Constituency Assistants Seminar was held in the Legislative Chamber. The program focused on financial and administrative management practices, with training sessions on accounting software, internal and external audit processes, and inventory and asset management. These sessions were offered to familiarize constituency assistants with the tools required to provide efficient support for their MLAs and to manage their offices in the parliamentary environment. In addition, attendees were provided with an overview of Assembly services and resources, including the new Members' Orientation 2013 website, which contains comprehensive information on constituency office set-up, travel guidelines, and MLA remuneration. The two-day seminar was attended by approximately 120 constituency office staff from across the province.

Other Matters

On September 18, 2013, Official Opposition Leader **Adrian Dix** announced that he would be stepping down as leader of the B.C. New Democratic Party. His resignation would be effective following a leadership convention.

Women's History Month Exhibit

Speaker **Linda Reid** hosted the official launch of the *Parliamentary Trailblazers* exhibit celebrating the achievements of B.C.'s first female Parliamentarians, on October 2, 2013. The exhibit was timed to coincide with Women's History Month, celebrated in Canada each October since 1992, and was on display in the Assembly Reception Hall.

Aaron Ellingsen
Ron Wall
Committee Researchers

Prince Edward Island

The Fourth Session of the Sicty-Fourth General Assembly opened on November 12, 2013, with the Speech from the Throne delivered by Lieutenant Governor **H. Frank Lewis**. The Third Session of the Sixty-fourth General Assembly was prorogued on November 8, 2013.

Province House Renovations

Work is continuing on the much-needed repairs to the foundation, mortar, stone facing, windows and roof of Province House, the home of Prince Edward Island's Legislative Assembly and a national historic site. No significant restoration has been undertaken for the past several decades and weather-related stresses have taken their toll on the structure. The renovations are meant to get the building ready for 2014 celebrations, which will mark the sesquicentennial of the meetings of the Fathers of Confederation in Charlottetown.

Engraving Donated

The Legislative Assembly of Prince Edward Island recently received a donation of a framed **Edward Scriven** engraving of **Prince Edward**, Duke of Kent (1834). The donation by the Tidridge family of Waterdown, Ontario, was made to honour well-known historian, **Catherine Hennessey** for her extraordinary efforts in preserving and interpreting Island history, heritage and built architecture. With Ms. Hennessey in attendance, Professor **Thomas H. B. Symons** presented the engraving on behalf of the Tidridge Family at a special ceremony on October 11, 2013. The work is of special significance to the Legislative Assembly of Prince Edward Island as the legislature of St. John's Island voted to change the colony's name to Prince Edward Island on November 29, 1798. The Act received Royal Assent by **King George III** on February 2, 1799, and came into effect on June 3 of that year.

Caucus Activity

The Opposition Caucus underwent significant change in the month of October. **Hal Perry,** Member of the Legislative Assembly for Tignish-Palmer Road, left to join the government caucus on October 3, 2013. Mr. Perry had briefly been Leader of the Official Opposition, following the resignation of **Olive Crane** from that position in January 2013. He was Opposition House Leader at the time he switched political parties. The next day, October 4, 2013, Ms. Crane was expelled from the Opposition Caucus. She was first elected to the Legislative Assembly in a 2006 by-election, and subsequently re-elected in the provincial general elections of 2007 and 2011. Elected leader of the Progressive Conservative Party in 2010, she resigned that position in early 2013. Ms. Crane, who represents the district of Morell-Mermaid, will sit as an Independent Progressive Conservative.

As a result of these events, the standings in the House are 23 Liberal seats, three Progressive Conservative seats, and one Independent Progressive Conservative.

Marian Johnston
Clerk Assistant and Clerk of Committees

Manitoba

The Second Session of the 40th Legislature continued with its emergency session throughout the summer months and adjourned on September 13th, 2013. This was in fact the longest summer session on record bringing the total num-

ber of sitting days between April and September to 85.

Sessional Order

Flowing from negotiations between the parties relating to the unfinished business before the House, a sessional order was passed on September 11, 2013, laying out a number of provisions for sitting dates and the consideration of items over the next few months, including:

- Deadlines for the completion of consideration of legislation in committee and in the House; to be concluded prior to the September adjournment date;
- Directions for the consideration of legislation in committee intersessionally, to be concluded prior to November 13, 2013;
- Commencement of the 3rd Session on November 12, 2013 with the Speech from the Throne;
- Directions and deadlines for the consideration of all 2nd Session reinstated legislation, to be concluded before the 3rd Session adjourned on December 5, 2013.
- Spring session to resume on March 6, 2014.

As a result of this agreement, the House will continue consideration of 35 government bills reinstated from the 2nd Session during this upcoming fall session, including the following bills:

- *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 per cent and enacts measures to provide a sustainable funding source for the renewal of infrastructure.
- *Bill 26 – The Accessibility for Manitobans Act,* which enables the establishment of accessibility standards to achieve accessibility for Manitobans disabled by barriers and also requires the government, municipalities and prescribed public sector organizations to prepare annual accessibility plans.
- *Bill 28 – The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges),* which amends *The Health Services Insurance Act* and *The Hospitals Act* to allow hospitals to grant admitting privileges to nurse practitioners and midwives.
- *Bill 43 – The Manitoba Liquor and Lotteries Corporation Act and Liquor and Gaming Control Act,* which establishes the Manitoba Liquor and Lotteries Corporation by amalgamating The Liquor Control Commission and the Manitoba Lotteries Corporation. Also the Gaming Control Commission and the regulatory elements of The Liquor Control Commission are combined and continued as the Liquor and Gaming Authority of Manitoba.

The 2nd Session had a total of 21 bills that received Royal Assent including the following bills as set out by the sessional order:

- *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 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.
- *Bill 208 – The Universal Newborn Hearing Screening Act,* which ensures that parents or guardians of a newborn infant are offered the opportunity to have the infant screened for hearing loss.
- *Bill 211 – The Personal Information Protection and Identity Theft Prevention Act,* which governs the collection, use, disclosure and destruction of personal information by organizations in the private sector. It also establishes a duty for those organizations to notify individuals who may be affected when the personal information the organization has collected is lost, stolen or compromised.
- *Bill 301 – The Jewish Foundation of Manitoba Amendment Act*, which requires the board of the Foundation to establish a distribution policy and to give the Foundation sufficient authority to carry out that policy.

Reasoned Amendment and Report Stage Amendment Motions

On August 27, 2013 **Kelvin Goertzen** moved a hoist amendment to delay the concurrence and third reading of Bill 20 – *The Manitoba Building and Renewal Funding and Fiscal Management Act (Various Acts Amended)* for six months. Since this Bill is reinstated to the 3rd Session at the current stage that it was at in the previous session, it will now appear on the House agenda for continuation of concurrence and third reading debate.

Since mid-August, another 42 report stage amendments on various bills were considered by the House; however, only three report stage amendments to Bill 33 – *The Municipal Modernization Act (Municipal Amalgamations)* were passed.

Standing Committees

Manitoba Standing Committees have been very active during these past

few months. The Standing Committee on Human Resources and Social and Economic Development met on 11 separate occasions from September 3 to 11, 2013 to consider legislation, hearing 320 public presentations and receiving over 150 written submissions. During the month of October, another 11 intersessional Standing Committee meetings were held to consider various matters as follows:

- Standing Committee on Crown Corporations met to consider the Annual Reports from the Manitoba Hydro-Electric Board, Manitoba Liquor Control Commission, Manitoba Lotteries Corporation, Manitoba Public Insurance Corporation and the Workers Compensation Board;
- Standing Committees on Human Resources and Social and Economic Development met to consider legislation, hearing another 67 public presentations.
- Standing Committee on Public Accounts met to consider several reports from the Auditor General covering a variety of topics including, the Provincial Nominee Program for Business; Manitoba Early Learning and Child Care Program and the Office of the Fire Commissioner.

A grand total of 46 separate Standing Committee meetings occurred during the 2nd Session of the 40th Legislature.

Cabinet Shuffle

On October 18, 2013, Premier **Greg Selinger** announced a reorganisation of the current Cabinet along with new appointments replacing three former Ministers. The new Cabinet is set out as follows:

- **Andrew Swan** – remained as Minister of Justice and Attorney General and will also serve as Government House Leader.
- **Dave Chomiak** – Minister of Mineral Resources.
- **Eric Robinson** – remained as Minister of Aboriginal and Northern Affairs.
- **Erin Selby** – Minister of Health.
- **Erna Braun** - newly appointed as Minister of Labour and Immigration.
- **Florfina Marcelino** – Minister of Multiculturalism and Literacy.
- **Gordon Mackintosh** – remained as Minister of Conservation and Water Stewardship.
- **James Allum** – newly appointed as Minister of Education and Advanced Learning.
- **Jennifer Howard** – Minister of Finance and continues as Minister responsible for Persons with Disabilities.
- **Kerri Irvin-Ross** – Minister of Family Services
- **Kevin Chief** – remained as Minister of Children and Youth Opportunities, and also became Minister responsible for City of Winnipeg relations.
- **Peter Bjornson** – Minister of Housing and Community Development.
- **Ron Kostyshyn** – Minister of Agriculture, Food and Rural Development.
- **Ron Lemieux** – Minister of the newly established department of Tourism, Culture, Sport and Consumer Protection.
- **Sharon Blady** – newly appointed as Minister of Healthy Living and Seniors
- **Stan Struthers** –Minister of Municipal Government.
- **Steve Ashton** – remained as Minister of Infrastructure and Transportation.
- **Theresa Oswald** – formerly responsible for Health is now the Minister of Jobs and the Economy.

As result of the recent Cabinet shuffle, **Nancy Allan**, former Minister of Education, **Jim Rondeau**, former Minister of Healthy Living, Seniors and Consumer Affairs and **Christine Melnick**, former Minister of Immigration and Multiculturalism are were no longer part of the Executive Council.

Resignation

On October 18, 2013, **Larry Maguire** resigned as the MLA for Arthur-Virden to seek the nomination as the Conservative Party of Canada candidate in the Brandon-Souris federal by-election. First elected in the 1999 general election, Mr. Maguire served as critic for the official opposition in a number of areas, including conservation and water stewardship and also served for a short period as Chair of the Public Accounts Committee.

On October 26, 2013 **Jon Gerrard**, who has led the Manitoba Liberal Party for the past 15 years, handed over the reins to **Rana Bokhari**, who won the Manitoba Liberal leadership. Mr. Gerrard has announced his intentions to stay on as the MLA for River Heights until the next provincial general election.

The current party standings in the Manitoba Legislature are: NDP 37, Progressive Conservatives 17, one Independent Liberal and two vacancies.

In accordance with the sessional order, the 3rd session of the 39th Manitoba Legislature commenced on November 12, 2013, with the Speech from the Throne.

Monique Grenier
Clerk Assistant / Clerk of Committees

Newfoundland and Labrador

Premier **Kathy Dunderdale**, shuffled her cabinet on October 25, 2013. The changes included the addition to Cabinet of **Steve Kent** as Minister of Municipal Affairs and Intergovernmental Affairs and **Dan Crummell** as Minister of Service NL.

The following have changed portfolios: **Tom Marshall**, Minister of Finance, **Joan Shea**, Minster of Environment and Conservation; **Paul Davis**, Minister of Child, Youth and Family Services, **Kevin O'Brien**, Minister of Advanced Education and Skills, **Charlene Johnson** Minister of Innovation, Business and Rural Development, **Derrick Dalley** Minister of Natural Resources, **Keith Hutchings**, Minister of Fisheries and Aquaculture and **Nick McGrath**, Minister of Transportation and Works and Minister responsible for Labrador and Aboriginal Affairs.

The following Ministers retained their portfolios: **Terry French**, Minister of Tourism, Culture and Recreation, **Darin King**, Minister of Justice, **Clyde Jackman**, Minister of Education and **Susan Sullivan**, Minister of Health and Community Services.

New Lieutenant Governor

On March 19, 2013, **Frank F. Fagan** was installed as Lieutenant Governor of Newfoundland and Labrador succeeding **John C. Crosbie**. On March 25, 2013 the Lieutenant Governor opened the 2nd session of the 47th General Assembly. The Spring sitting concluded on May 16, 2013 with the House passing six bills before rising. The House resumed for its Fall sitting on November 4, 2013.

Changes in the Legislative Assembly

On April 8, **Yvonne Jones**, MHA, Cartwright-L'Anse au Clair resigned her seat in order to contest the by-election in the federal riding of Labrador. Ms. Jones had represented the provincial district since 1996.

On June 25, 2013 **Lisa Dempster** was elected in the Cartwright-L'Anse au Clair by-election and took her seat in the House on November 4. On August 27, 2013, **Tom Osborne**, MHA, St. John's South, who had left the Progressive Conservative caucus in September 2012 to sit as an Independent, announced that he was joining the Official Opposition.

On October 2, 2013, Minister of Finance **Jerome Kennedy**, resigned his seat of Carbonear-Harbour Grace to return to the practice of law. The by-election for the District was set for November 26, 2013.

On October 29, 2013 **Dale Kirby**, MHA, St. John's North, and **Christopher Mitchelmore**, MHA, The Straits-White Bay North, left the New Democratic Party Caucus to sit as Independents.

Leader of the Official Opposition

The Liberal Party of Newfoundland and Labrador elected **Dwight Ball**, MHA Humber Valley as its leader on November 17, 2013. Mr. Ball had been appointed Leader of the Opposition effective January 2012, but relinquished the position in July 2013 as he was contesting the leadership of the party. **Eddie Joyce**, MHA, Bay of Islands, was appointed Leader of the Official Opposition, *pro tem.*

Report of Commissioner for Legislative Standards

The *House of Assembly Accountability, Integrity and Administration Act* , which was unanimously passed by the House of Assembly in June 2007, includes provisions relating to ethics and accountability. These provisions were invoked in September of 2012 when a Member lodged a complaint against another Member of the House relating to conflict of interest. As required by the legislation, the Commissioner for Legislative Standards undertook an investigation and in August reported that, in his view, the Member had violated the *Act* in failing to complete an accurate disclosure statement and had violated the Members' Code of Conduct in failing to take reasonable steps to remove himself from a conflict of interest situation in a timely manner. The Commissioner stated, however, that the evidence did not demonstrate any financial gain on the part of the Member and recommended that the MHA be reprimanded by the House for the failures, the least severe of four penalty provisions of the legislation. On November 7th the House, by Resolution, concurred with the Commissioner's findings and asked that the Member apologize to the House, which he did.

Elizabeth Murphy
Clerk Assistant

Saskatchewan

The 3rd session of the 27th Legislature began with the Speech from the Throne by Lieutenant Governor, **Vaughn Solomon Schofield** on October 23, 2013. The Throne Speech, entitled *Meeting the Challenges of Growth,* focused on the government's commitment to "ensure all Saskatchewan people share in the benefits of a growing economy." The themes of the Throne Speech included investments into health care, education, traffic safety and highways.

The Opposition argued that the Throne Speech did not address the needs of Saskatchewan families. According to the Opposition, the Throne Speech failed to address the shortfalls in health care, seniors' care and education, nor did it provide any new plans to diversify the economy.

Usher of the Black Rod

The opening of this session marked the inaugural use of the Saskatchewan Black Rod. The Black Rod is a legacy from The Queen's Diamond Jubilee. It is carved from oak grown in the Duchy of Cornwall woodlands. The wood was presented to the Province of Saskatchewan by His Royal Highness The Prince of Wales during his visit to the province in 2012. The Lieutenant Governor appointed **Rick Mantey**, Clerk of Executive Council to serve as the first Usher of the Black Rod.

Special Committee on Traffic Safety

On August 30, 2013, the Special Committee on Traffic Safety tabled its final report. The Special Committee on Traffic Safety report contained 26 recommendations. The recommendations cover many aspects of traffic safety, including impaired driving, distracted driving and excessive speed, addressing intersection safety and wildlife collisions, and improving public safety messages and awareness campaigns. The Minister responsible for Saskatchewan Government Insurance (SGI), **Donna Harpauer** reported on November 7, 2013 that SGI will move forward with legislation this fall to implement more than half of the recommendations from final report.

The Rules and Procedures

The Standing Committee on House Services appointed a sub-committee on December 7, 2011, to study and make recommendations on revisions to *The Rules and Procedures of the Legislative Assembly of Saskatchewan.* On November 7, 2013 the committee proposed many new rules that put in writing for the first time long-established practices that have governed proceedings. Some examples are new rules for ministerial statements, the oral presentation of petitions, the scope of debate for the 75 Minute Debate, the treatment of amendments, proceedings on Appropriation Bills, the Chamber galleries, and dilatory motions. The committee also recommended a new rule to restrict the use of "omnibus bills," which will codify an important Assembly convention. These recommendations were adopted by the Assembly on November 7, 2013 and came into force on November 12, 2013.

Board of Internal Economy

On September 30, 2013, the Board of Internal Economy approved the Steering Committee's directive review and proposed changes. This process began on December 14, 2011, when the Board of Internal Economy appointed a sub-committee to carry out a comprehensive review of the directives. This review focused on directives relating to the operation of constituency offices and MLA travel and living expenses.

Special Debates

On November 6, 2013, Premier **Brad Wall** moved a government motion "That this Assembly supports the abolition of the Senate of Canada."This motion was debated and then agreed upon. The government House Leader, **Jeremy Harrison** then moved a motion that "the Speaker, on behalf of the Legislative Assembly, transmit copies of the motion and verbatim transcripts of the motion just passed to the Prime Minister of Canada and the Leaders of the Opposition parties in the House of Commons as well as the Premier of each Canadian province and territory."

On November 13, 2013, Premier Wall moved a government motion "That this House supports the agreement in principle for the Comprehensive Economic and

Trade Agreement (CETA) reached by the Government of Canada and European Union and calls on all federal parties to support the swift implementation of the agreement." This motion was debated and then agreed upon.

Rob Park
Committee Clerk

Yukon

On October 31st, the 2013 Fall Sitting of the First Session of the 33rd Legislative Assembly resumed. The Sitting was scheduled to last a maximum of 28 sitting days, ending by December 19th at the latest.

Cabinet Shuffle

On August, four of the eight ministers forming Premier **Darrell Pasloski's** cabinet took on different responsibilities. **Elaine Taylor** assumed responsibility for Education; **Brad Cathers** assumed responsibility for Community Services, the Yukon Housing Corporation, the Yukon Liquor Corporation, and the Yukon Lottery Commission; **Scott Kent** assumed responsibility for Energy, Mines and Resources, the Yukon Energy Corporation, and the Yukon Development Corporation; and **Currie Dixon** had the Public Service Commission added to his responsibilities.

Clerk of Committees

On September 18th, following a two-week orientation period in August, **Allison Lloyd** took up full-time duties as Clerk of Committees. As a part of this newly created position, Ms. Lloyd also serves as a Clerk-at-the-Table. Ms. Lloyd comes to the Yukon Legislative Assembly from the Senate of Canada, where she had served as a Procedural Clerk – most recently, with the Committees Directorate, and previously, with the Chamber Operations and Procedure Office.

Select Committee – Hydraulic Fracturing

The Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing (described in Yukon's "Fall 2013" Legislative Report) continued its work. In open letters released over the past few months, **Patti McLeod**, Chair of the six-member Committee, provided updates on the Committee's plans and activities.

An August 9th open letter noted that Committee members were "focused on their responsibility to gain an understanding of Yukon's legislative and regulatory framework relevant to the oil and gas sector, and a science-based understanding of the technical, environmental, economic and regulatory aspects of hydraulic fracturing."

An open letter dated September 24th indicated that in the pursuit of this goal, the Committee would be receiving comprehensive briefings from Yukon's Departments of Environment; Energy, Mines and Resources; and Justice; as well as from the Yukon Water Board, and the Yukon Environmental and Socio-Economic Assessment Board.

The Committee Chair's November 1st open letter noted that in addition to having received these briefings, the Committee had also received presentations from the Yukon Chamber of Commerce, as well as from a group called Yukoners Concerned About Oil and Gas. The letter also referenced some of the Committee's future plans, including a visit to a hydraulic fracturing site in the Calgary area in January 2014, and public proceedings that month in the Assembly's Chamber in which the Committee anticipates receiving presentations from industry, environmental groups, academics, public health officers, regulators, and First Nation representatives.

The Committee's mandate (outlined in Motion #433, carried May 6, 2013) requires that the Committee report its findings to the Legislative Assembly no later than the 2014 Spring Sitting.

Linda Kolody
Deputy Clerk

Alberta

The 4th sitting of the 1st Session of the 28th Legislature resumed on October 28, 2013. The first new piece of legislation introduced in the Assembly was Bill 27, *Flood Recovery and Reconstruction Act*. Developed in the aftermath of the summer floods, which devastated communities around Alberta, particularly in the southern part of the province, this bill would amend both the *Emergency Management Act* and the *Municipal Government Act*. It proposes to ban further develop-

ment in most floodways, provide funding for flood mitigation, double the amount of time for which a provincial state of emergency may be in effect, and place notices on land titles for properties in flood-prone areas indicating that they had received disaster assistance following the June 2013 floods and would therefore not be eligible for future Government assistance.

Questions of Privilege

On the second day of the new sitting, October 29, 2013, **Shayne Saskiw**, Member for Lac La Biche-St. Paul-Two Hills, raised a purported question of privilege regarding the Government's public advertising of a Bill that had not been presented to the Assembly. The Bill in question, Bill 32, *the Enhancing Safety on Alberta Roads Act*, was on the Order Paper but had not been introduced in the Assembly when the media articles and public signage appeared. Mr. Saskiw argued that the Government was in contempt for breaching the rights of the Members of the Legislative Assembly and tabled copies of media articles and a sign referencing Bill 32 in support of his position.

Two days later, Speaker **Gene Zwozdesky** addressed the purported question of privilege. Before ruling on the matter the Speaker referenced previous decisions made in the Legislative Assembly of Alberta as well as rulings by former Speaker Milliken in the House of Commons. Ultimately the Speaker found that there was no *prima facie* question of privilege regarding the advertising of Bill 32 because there was no finding that the Bill had been provided in its final form to the media or other entity prior to its introduction in the Assembly. However, he went on to emphasize that his ruling should not be interpreted as reducing restrictions on providing detailed information on Bills not yet before the Assembly. He went on to caution that should any advertising of a Bill occur it should be undertaken with great caution so as not to give the impression that the Bill was already law. He then went on to reinforce the convention of confidentiality of Bills on notice in order to ensure that all Members of the Assembly could be well informed and to respect the role that the Assembly plays in the parliamentary system.

Bills 45 and 46

Bills 45 and 46 received First Reading on November 27, 2013, as protesters voiced their opposition outside the Chamber. The volume of the protest was loud enough that when a Member rose to raise a question about the distribution of the Bills, the Speaker was at first unable to hear the question.

Bill 45, *the Public Sector Services Continuation Act* introduces increased penalties for unions involved an illegal strike or strike threat. It includes measures introducing civil liabilities on unions for the cost of a strike to the employer and requires the union to pay $1 million for each day of the strike or strike threat into a court-established liability fund. It also enables other financial repercussions on unions, including a three-month suspension on the collection of union dues for the first day of a strike or strike threat, with an additional month added for each day of the strike.

Bill 46, *the Public Service Salary Restraint Act* would legislate a four-year wage settlement between the Government and the Alberta Union of Public Employees (AUPE) if no other agreement can be reached by January 31, 2014. The bill would implement a wage freeze for the first two years of the agreement followed by a one per cent increase in years three and four. Additionally, Bill 46 would provide that full-time employees receive an $875 lump sum payment. The Government and the AUPE have been without an agreement since March 31, 2013. The AUPE has applied for compulsory arbitration.

Speaker's Ruling

As the sponsor of Bill 206, *Tobacco Reduction (Flavoured Tobacco Products) Amendment Act, 2013*, **Christine Cusanelli**, Member for Calgary-Currie, sent a letter to the Speaker requesting that Bill 206 proceed immediately to Third Reading after completing consideration in Committee of the Whole. On November 18, 2013, the Speaker made a statement regarding requests for early consideration of Private Members' Public Bills. The Speaker acknowledged that on many occasions Private Members' Public Bills had proceeded from Committee of the Whole to Third Reading in the same day. In certain cases this was due to a sponsor's request for early consideration while at other times it was done with the unanimous consent of the Assembly. Citing his concern that the progress of other Private Members' Public Bills could be unfairly delayed the Speaker asked the House Leaders to work together to agree upon an equitable procedure that could be used for similar situations in the future. The Speaker then indicated that the progress of Bill 206 would be

decided by the House. Later that afternoon, once consideration by the Committee of the Whole was complete, a request was made of the Assembly to permit Bill 206 to proceed to Third Reading. Unanimous consent was not granted.

Report of the Conflicts of Interest Act Review Committee

On November 19, 2013, the Chair of the Select Special Conflicts of Interest Act Review Committee, **Jason Luan**, Member for Calgary-Hawkwood, presented the Committee's final report to the Legislative Assembly. The release of the report fulfilled the Committee's mandate and the legislative requirement that the Act be reviewed every five years. The report included 44 recommendations pertaining to the Act and had attached minority reports from each of the three opposition parties.

In an attempt to have the Committee's report, and the minority reports attached to it, debated by the Assembly, **Rachel Notley**, Member for Edmonton-Strathcona, who had served as a member of the Committee, made a motion under Standing Order 42 that the "Legislative Assembly receive the final report of the Select Special Conflicts of Interest Act Review Committee as tabled." Under Standing Order 18 motions for the receipt of a report are debatable and Standing Order 42 allows for a motion to be made without notice in the case of "urgent and pressing necessity" with the unanimous consent of the Assembly. After Ms Notley presented her arguments in favour of the motion the Speaker noted that a motion of this nature was "rare" and made a few explanatory comments to the Assembly which confirmed that the motion was in order. The request for unanimous consent to proceed was made to the Assembly but was not granted.

Special Guest in the Chamber

On November 28, 2013, **David Alward**, Premier of New Brunswick, was invited to speak to Members the Legislative Assembly of Alberta from the floor of the Chamber. Introduced by Premier **Alison Redford**, as a "friend to Alberta" and a "great Canadian," Premier Alward addressed the Assembly in both English and French. During his presentation Premier Alward commented on the importance of responsible resource development, cooperation among Canadian governments, the potential benefits of the Energy East pipeline, and the development of a National Energy Strategy.

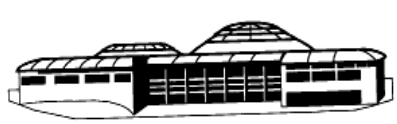
In Alberta it is not common for non-Members to address the Assembly from the floor of the Chamber, and Premier Alward is the first individual to do so since the beginning of the 28th Legislature. The last non-Member to speak to the Assembly was **Rick Hansen**, who has addressed the Assembly for the second time in March 2012 on the occasion of the 25th anniversary of Man in Motion Relay. Other guests to address the House include former Governor General **Michaelle Jean**, **Prince Michael of Kent**, and Her Majesty **Queen Elizabeth** II.

Officers of the Legislature

On November 15, 2013, Alberta's third Ethics Commissioner, **Neil R. Wilkinson** advised the Standing Committee on Legislative Offices that he would not be seeking reappointment when his five-year term expired on November 18, 2013, but that he would remain in office for an additional six months, as permitted by legislation. It is anticipated that the Standing Committee on Legislative Offices will request that the Assembly appoint an all-party search committee, prior to the completion of the fall sitting, and task it with identifying and recommending a successor to Mr. Wilkinson.

On November 20, 2013, the all-party Select Special Chief Electoral Officer Search Committee completed its mandate and unanimously recommended to the Assembly that **Glen L. Resler** be appointed the next Chief Electoral Officer of Alberta. Mr. Resler, most recently the Chief Administrative Officer with the Office of the Ethics Commissioner, has over 20 years of experience in Alberta's public service. The Committee's recommendation was accepted by the Assembly on November 21, 2013, and it is anticipated that Mr. Resler will begin his new role on December 9, 2013.

Jody Rempel
Committee Clerk



Northwest Territories

The 4th Session of the 17th Legislative Assembly reconvened on October 17, 2013. The principal business of the House included the introduction and passage of the capital budget for the fiscal year 2014-2015, as well as four supplementary appropriation bills. The House also considered

a total of 17 pieces of legislation, all receiving assent from **George Tuccaro**, Commissioner of the Northwest Territories, before prorogation on November 1, 2013. The following bills are of particular interest:

Bill 3: *The Wildlife Act* was reviewed and debated during this sitting. The bill replaces the existing wildlife legislation, dating back to 1978, and is a unique and collaborative effort between the Government of the Northwest Territories and Aboriginal governments to jointly draft legislation that upholds the constitutionally enshrined treaty and Aboriginal rights and provisions in land claim agreements, as well as recognizing the fundamental value of wildlife to all Northwest Territory residents.

The Standing Committee on Economic Development and Infrastructure, chaired by **Robert Hawkins**, also carried out extensive consultation on the bill. During the committee review, on September 24, four motions were moved, adopted and concurred with by the Minister of Environment and Natural Resources, **Michael Miltenberger.**

The debate in the House took place on October 29, 2013, with nine motions adopted to further amend the bill. The amended bill received third reading on October 31, and assent on November 1.

Bill 12: *An Act to Amend the Education Act* was referred to the Standing Committee on Social Programs for consideration on June 3, 2013. This amendment to the *Education Act* deals with bullying and cyberbullying in schools. In September the committee held public meetings throughout the territory to receive submissions. For the first time, a Legislative Assembly committee held special meetings in schools to engage students and hear first-hand about bullying in NWT schools. The committee met with students in Yellowknife and three regional centres, in addition to connecting with students in a remote northern community via e-learning technology. To facilitate discussion and openness, the format of the meetings was much less formal than a typical public hearing.

During the committee's consideration, three amendments were introduced, adopted by committee and concurred with by the Minister. Following consideration in Committee of the Whole, and third reading, the bill received assent on November 1.

Bill 24: *An Act to Amend the Liquor Act* was a private member's bill, sponsored by **Norman Yakeleya**, Member for Sahtu. The bill allows residents of the entire Sahtu constituency to be involved in the decision regarding limits on sales of alcohol in the regional liquor store. The bill was referred to the Standing Committee on Government Operations. The committee held public meetings in four of the Sahtu communities affected by the legislation. During the committee review one motion to amend was adopted by the committee with Mr. Yakeleya's concurrence. The amended bill was reported to the Assembly by **Michael Nadli**, Chair of the Standing Committee on Government Operations. During the clause-by-clause consideration in Committee of the Whole, the seven-member cabinet voted against each clause. However, the regular members, forming a majority in the House, did support the bill and the motion to report the bill as ready for third reading was adopted by the House. The motion for third reading was also adopted and the bill received assent on November 1.

Bill 22: *the Territorial Emblems and Honours Act* establishes an Order of the Northwest Territories, honouring current and former residents for outstanding service and achievements. The bill received third reading and assent during the fall sitting.

After prorogation on November 1, 2013, the House resumed sitting the following Monday, November 4, with Commissioner Tuccaro opening the 5*th* Session with the presentation of the Commissioner's Address. The address highlighted the achievements of the government at the mid-point of its mandate and emphasized the work continuing as the transfer of powers from the federal government becomes a reality on April 1, 2014. The government is moving forward with an ambitious social agenda, the implementation of economic strategies, and continuing to engage with its Aboriginal partners.

Points of Order

Two Points of Order were raised during the sitting. Mr. Miltenberger, Government House Leader, rose on October 24, with respect to comments made by Mr. Hawkins. Mr. Miltenberger noted that the content, volume and tone of Mr. Hawkin's oral question violated the rules of the Assembly. **Jackie Jacobson**, Speaker of the Legislative Assembly, found that there was a point of order and asked

Mr. Hawkins to withdraw his remarks and apologize to the House, which he did.

On October 28, Mr. Miltenberger again rose on a Point of Order with respect to comments made by Mr. Hawkins on his Facebook page, following Mr. Hawkins's apology to the House. Mr. Miltenberger felt the comments called into question the sincerity of the apology. Speaker Jacobson found no point of order, advising the House that he accepted the apology from the Member, taking him at his word.

Statutory Officers

On October 18, the House adopted a motion to appoint **David Phillip Jones** as the Conflict of Interest Commissioner, for a term of four years, effective December 1, 2013. Mr. Jones replaced **Gerald Gerrand**, who completed his second term and retired from the position.

On November 7, the House adopted a motion to appoint **Snookie Henrietta Catholique** as Languages Commissioner, for a term of four years, effective December 1, 2013. Ms. Catholique is replacing **Sarah Jerome** in the position.

Electoral Boundaries Commission 2013 Final Report

The Electoral Boundaries Commission tabled its final report on May 29, 2013. As directed by the Assembly, the report contained recommendations for 18, 19 and 21 electoral districts. The Assembly currently has 19 electoral districts.

On November 5, the House gave unanimous consent to stand down select orders of the day and proceed to Committee of the Whole to debate the report of the Electoral Boundaries Commission. A five-hour debated ensued.

A motion to appoint a new electoral boundaries commission was defeated. A motion to implement the 19 electoral districts recommendation, with adjustments to two Yellowknife ridings, was carried. A motion to make future electoral boundaries commission final recommendations binding was deferred.

Committee Activity

The standing committees of the Legislature met from September 12 to 27, to review the infrastructure budget and to consider and provide comment on government action plans. The action plans relate to major government initiatives such an anti-poverty strategy, education reform, mental health and addictions, early childhood development, a new economic opportunities strategy, a workforce planning strategy, and a mineral development strategy.

This process was slightly different from previous years, as this period prior to the fall sitting is usually used to consider government business plans. With April 1, 2014, set as the implementation date for the devolution agreement with the federal government, all Members agreed to forgo the business plan review this fall. This will allow the work on devolution to progress, including the creation of a new Department of Lands, the transfer of positions from the federal government and reorganization and decentralization within the territorial government. Committees were to meet in December to review the departmental main estimates.

Committees also used the opportunity this fall to review 11 pieces of legislation referred during the spring sitting. The Standing Committees on Social Programs and Government Operations were travelling on the review of bills.

Representatives from the Standing Committee on Economic Development and Infrastructure joined a delegation led by the Minister of Industry, Tourism and Investment, **David Ramsay**, on a tour of the Bakken shale formation in Saskatchewan and North Dakota. The committee produced its *Report on Bakken Shale Formation Tour 2013* and presented it to the House on November 7. In the report, the committee acknowledges the attention that hydraulic fracturing continues to gain in the Northwest Territories and the benefits of such a tour to highlight the need for planning and research, while also addressing the many differences between the jurisdictions.

20th Anniversary Celebration

November of 2013 marked the 20th anniversary of the Legislative Assembly building. Speaker Jacobson invited the public to join him in a celebration event, which took place on November 1.

In attendance were former commissioners, speakers, premiers and members. Speaker Jacobson was particularly honoured to have former Commissioners **Stuart Hodgson** (1967-1979) and **John Parker** (1979-1989) take part in the celebrations.

Events included the unveiling of speakers' and premiers' portraits, the announcement of new signage for the building and a newly-designed waterfront park area on the capital grounds,

a scholarship fund to support northern political science students, and the construction of a time capsule. The evening concluded with music and entertainment.

A highlight of the celebration was a panel discussion with nine of the 10 former premiers of the Northwest Territories. The discussion took place on the floor of the Chamber, moderated by **Doug Schauerte**, Deputy Clerk of the Legislative Assembly. The gallery was full as the participants shared experiences and stories marking the growth of the Northwest Territories and the Legislative Assembly.

Gail Bennett
Principal Clerk, Corporate and Interparliamentary Affairs

The Senate

On September 13, 2013, on the advice of the Prime Minister, the Governor General issued a proclamation proroguing the 1st Session of the 41st Parliament, and all items on the Senate's *Order Paper and Notice Paper* died.

The 2nd Session of the 41st Parliament began with the Speech from the Throne on October 16, 2013. Entitled *Seizing Canada's Moment: Prosperity and Opportunity in an Uncertain World*, the speech included the broad themes of creating jobs and opportunities for Canadians, supporting and protecting Canadian families and putting Canada first. It was one of the longer speeches in recent times, with more than 7,000 words. The opening of the session in the Chamber was a modified bench opening, where the Senators' desks are removed and benches placed to allow for more guests to sit in the Chamber.

In the first two weeks of the session, the Senate dealt with the potential suspension without pay of three Senators for the duration of the session. Originally, the suspensions were debated as three separate motions, one for each of the Senators. Later, the government introduced one motion for suspension, still without pay, but allowing them to keep their health and insurance benefits. Given the significance of the issue, the Senate held long sittings with many hours of debate and considered a number of amendments. In the end, the Government invoked time allocation to bring the matter of the three suspensions to a decision. Although the suspension had become one motion, Senators were allowed to vote separately on each suspension.

On November 5, 2013, the motion to suspend the three Senators was adopted with some variance in the breakdown of standing votes, but not before the Speaker made a statement to explain why he had exercised his authority to allow the Senate to vote on each suspension separately. This statement will be addressed in more details below.

Speaker's Rulings

On October 24, 2013, the Speaker delivered a ruling on a point of order raised earlier in the week about the initial motions for separate suspensions of the Senators. It had been argued that the motions were arbitrary, and a violation of basic rights guaranteed under the *Canadian Charter of Rights and Freedom*, and that one of the reports of the Standing Committee on Internal Economy, Budgets and Administration was not properly before the Senate because it had died on the Order Paper with the prorogation of the previous session. The Speaker found that proceedings were in keeping with the Senate's authority, rules and practices, and that debate could proceed.

The following week, a point of order was raised with respect to the propriety of a government disposition motion being used to limit debate on the original three motions to suspend the Senators, which were moved as non-government business. The Speaker agreed with the point of order and stated that the disposition motion that was before the Senate appeared to cross the boundaries between these two basic categories of business. He ruled the Government disposition motion out of order.

As mentioned previously, just before the Senate proceeded to the final vote on the suspension of the three Senators, the Speaker delivered a statement to explain that he would allow separate votes on each senator's suspension. He stated that it was appropriate, under rule 1-1(2), to look to the procedures in the Canadian House of Commons which had more experience dividing complex questions.

Committees

Before prorogation, the Standing Committee on

Internal Economy, Budgets and Administration presented its 27th report, dealing with the expenses of Senator **Pamela Wallin**. The report was deposited with the Clerk of the Senate under an order adopted before the summer recess. Though the report died on the Order Paper with prorogation, the report informed the debate on the motions for the Senator's suspension.

In the days following the Speech from the Throne, the Committee of Selection was appointed to name senators to serve on the several committees during the present session, except the Standing Committee on Conflict of Interest for Senators. By the end of October, committees had not yet organized due to the busy schedule of the Chamber sittings.

Senators

There were some changes in the Leadership of the Senate on both the government and opposition sides. At the end of August Senator **Claude Carignan** became Leader of the Government in the Senate. Since 2011, he had served as the Deputy Leader of the Government and was replaced in that role by Senator **Yonah Martin** on September 18. Unlike his predecessors since the early 1960's, Senator Carignan is not a member of the Cabinet though he was sworn in to the Queen's Privy Council on September 3, 2013. On the Opposition side, Senator **Claudette Tardif** stepped down from her role as Deputy Leader of the Opposition, a function she had performed since 2007, and was replaced by Senator **Joan Fraser**, who was previously the Deputy Leader of the Opposition in 2006-2007.

There were two resignations from the Senate over the summer. Senator Rod Zimmer and Senator Mac Harb gave up their seats in the Senate in August of 2013. Senator Zimmer was appointed to the Senate in 2005 by Paul Martin and Senator Harb had served in the Senate since 2001 after being appointed by Jean Chrétien.

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