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canadian Parliamentary review

It's not springtime in Ottawa without the sight of tens of thousands of tulips in bloom. The Dutch government sent 10,000 tulip bulbs to Canada in 1945 as thanks for the country's decision to grant shelter to Princess Juliana and her daughters during the Second World War. They have continued to send thousands more each year ever since. Titled "Spring Politics," this photograph is part of Michel Loiseleur's parliamentary precinct collection.



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

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Address correspondence to:
Canadian Parliamentary Review
c/o Ontario Legislative Library
Queen's Park
Toronto, ON M7A 1A9
E-Mail: revparl@ontla.ola.org
Internet: <http://www.RevParl.ca>

Editor: (416) 325-0231
Fax: (416) 325-3505
E-Mail: will_stos@ontla.ola.org

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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?
- Communicating effectively with constituents in the electronic age
- The growth and use of electronic devices in assemblies
- Security, data management and archiving in the digital age
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Expressions of interest should be sent to the editor by June 21, though early submissions are encouraged. Please provide a 200-250 word proposal detailing the main argument or contribution the work will provide. 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 held over for use in future issues based on space restrictions.

Please contact: Will Stos, Editor

Email: will_stos@ontla.ola.org

T: (416) 325-0231

F: (416) 325-3505

1405 Whitney Block

Queen's Park

Toronto, ON

M7A 1A2

A Year to Remember, 150 Years to Celebrate

Hon. Robert Henderson, MLA

Prince Edward Island prides itself on its historic role in the development of Confederation. Celebrations are planned throughout 2014 in honour of the 150th anniversary of the original Charlottetown conference.



This year marks an important anniversary for Prince Edward Island and Canada. It is the sesquicentennial of the 1864 Charlottetown Conference, an event which has come to be recognized as pivotal to the formation of the Canadian Confederation. To commemorate this milestone, Prince Edward Island is welcoming all

Canadians to take part in a province-wide, year-long celebration of our shared history. We call it simply “2014” and consider it to be an opportunity to showcase our hospitality, heritage, communities and culture. The calendar is filled with more than 150 events, festivals, and a variety of activities to satisfy all interests. And, like all the best Island parties, there will be great music, good food, high spirits, and new friends to meet.

The celebrations commemorate the occasion when 23 representatives of the British North American colonies—Nova Scotia, New Brunswick, Prince Edward Island and Canada (present day Ontario and Québec)—gathered in Charlottetown to discuss the merits of creating a Canadian Confederation.

Originally the intent behind the September 1864 conference had been to discuss a proposed union of Nova Scotia, New Brunswick and Prince Edward Island, under one government and legislature. The Journal of the House of Assembly of Prince Edward Island of April 18, 1864 recorded the following motion, “Resolved, that his Excellency the Lieutenant Governor be authorized to appoint Delegates (not to exceed five) to confer with Delegates who may be appointed by the Governments of Nova Scotia and New Brunswick, for the purpose of discussing the expediency of a Union of the three Provinces of Nova Scotia, New Brunswick and Prince Edward Island, under one Government and Legislature, - the report of the said Delegates to be laid before the Legislature of this Colony, before any further action shall be taken regard to the proposed question.” The motion was carried 18-9 and the resolution was adopted, paving the way for Island delegates to participate.

The Canadian government took note, and requested it be permitted to send a delegation to the conference to see if the proposed union could be extended to include all the provinces. The request was granted and a delegation of seven Canadians, including John A. Macdonald, came to Charlottetown to join in the discussions slated for the first week of September in 1864.

The formal meetings of the delegates took place in the Legislative Council Chamber on the second floor of the Colonial Building, as it was then called. This room, with its soaring ceiling and rich appointments, remains a popular destination for visitors touring the building. Province House, as it is known today, is the only original meeting location of the Fathers of Confederation still remaining from the Charlottetown and subsequent conferences. It is a tangible connection

The Hon. Robert Henderson was first elected to the Legislative Assembly in the provincial general election of 2007 in District 25, O’Leary-Inverness and re-elected in 2011. A former economic development officer, employment counselor and farmer, he was appointed Minister of Tourism and Culture on October 18, 2011.



Above: The north side view of Province House in Charlottetown. Opposite page: (top) The Legislative Assembly Chamber and (bottom) the Confederation Chamber (formerly the Legislative Council Chamber) in Province House.

to our past and, as such, an incredibly valuable legacy for all Canadians. In recognition of its unrivaled place in the country's history, Province House was commemorated for its national significance in 1966. It is perhaps one of the most recognized and photographed buildings in Canada and is a fine example of neo-classical architecture.

Province House has been home to the Legislative Assembly of Prince Edward Island since its opening in January 1847. A contemporary newspaper described the building as "an honor to the Island, [...]which seems to command a feeling of pride and satisfaction in all who visit it." It was a worthy setting for the important Charlottetown Conference some 17 years later, and it continues to be the centre of Prince Edward Island's ceremonial and political life. Over the past year, Province House has been readied for 2014 with

restorative work completed on the exterior sandstone facade. It looks much as it did when the conference delegates walked up Great George Street after arriving by ship at Charlottetown's bustling waterfront.

Many of the conversations about the possibilities of a new nation which took place at the Charlottetown Conference happened outside of the formal setting of the Legislative Council Chamber. The Fathers of Confederation had occasion to attend teas, banquets and grand balls, one of which was held in the current Legislative Assembly Chamber and featured not one, but two orchestras in the public gallery playing music well into the wee morning hours. Island hospitality and cordiality accompanied the more serious negotiations and possibly strengthened their purpose.

Prince Edward Island will continue this tradition of conviviality throughout 2014, and looks forward to hosting visitors from across the country and around the world. The planning is well underway. Starting in 2012, communities, organizations and not-for-profit groups in the province have been developing and implementing projects and events that pay tribute to this very special anniversary. Financial support has been provided through a dedicated fund which was created to assist in this endeavour. A total of \$5 million is funding collaborative enterprises including theatrical productions, eco tours, community festivals, art installations, youth conferences and literary projects, among others.

One of the most exciting events is Founders' Week, scheduled for August 28 to September 7, coinciding with the dates the delegates began arriving in Prince Edward Island for the Charlottetown Conference and the dates of the conference itself. One highlight will be the Tall Ships sailing into port in Charlottetown and Summerside, offering a glimpse into what those busy harbours might have looked like 150 years ago.

The centrepiece for the summer months of 2014 will be the Celebration Zone, located at historic Confederation Landing on the Charlottetown waterfront. It is intended to represent the 2014 guiding principles of honouring the past, celebrating the present and planning for a bold tomorrow. From July through September, the Celebration Zone will be filled with activity—concerts, food tasting, children's plays, cultural presentations, interactive tours and more. It will be a place of entertainment and education, truly a celebration of past and an inspiration for the future.

Please join us in Prince Edward Island in 2014 as we commemorate one of the most important weeks in Canadian history.

Photo by Brian Simpson



Photo by Mike Needham



The Northwest Territories Legislative Assembly Building: Honouring our Past and Embracing our Future

Don Couturier

This article looks at the 20th anniversary celebration of the Northwest Territories Legislative Assembly building and discusses the political developments that led to its construction.

"In this country you have a greater chance of seeing a total eclipse of the sun than you do of seeing the opening of a new legislative building. This is only the third time this century, and only one more will be built in our lifetime. We'll see you in Nunavut in 1999."

-Michael Ballantyne, Speaker of the 12th Legislative Assembly; speech delivered at the opening of the legislative building on November 17, 1993.

On November 1, 2013, the Legislative Assembly of the Northwest Territories held a public celebration to commemorate 20 years since the opening of its legislative building. Former and current Commissioners, Premiers, Speakers, Members, and Clerks of the Legislative Assembly gathered with the public to pay tribute to the territory's unique political heritage, historical evolution, and permanent home.

The phrase "permanent home" is particularly noteworthy, since the majority of the NWT's political dealings in the last hundred years have occurred in temporary and often ad hoc quarters. Indeed, the construction of the legislative building was a landmark moment in the territory's history, and one that signaled the arrival of its political maturity. No longer would the Assembly be tenants in their own land, confined to renting temporary space to house and conduct its business. As Canada's second-youngest legislature,

the building also symbolizes the territory's long and winding journey through colonial administration. It is a symbol of the territory's efforts to break free from such arrangements and achieve its own unique blend of responsible and consensus government, elected representation, and political autonomy.

Twenty years ago, when the Right Honourable Jean Chrétien stood in the Legislature's Chamber and announced the official opening of the building to the people of the NWT, they knew they had taken an irreversible step toward these goals. Although the push to devolve powers from the federal government would continue, they knew that from that point on the Legislative Assembly would become the most important symbol of public government in the territory. Set against this backdrop, the 20th anniversary of the Legislative Assembly building was a momentous occasion designed to highlight these milestones and the people who helped bring them about. It was also an opportunity to bring the public and their elected representatives together to celebrate the building's beautiful structure, as well as the final mortgage payment.

Historical and Political Development

The construction of the legislative building was significant given the way in which government administration has evolved in the territory. Although the Northwest Territories had responsible government in the late 19th century (representatives from other parts of Canada were elected to govern the territory at that time), from 1905 the affairs of the NWT were handled either by a Commissioner based in Ottawa, a council comprised of appointed public servants, or some combination of the two.

Don Couturier is the Public Affairs and Communications intern for the Legislative Assembly of the Northwest Territories. He was a member of the organizing committee that planned the 20th anniversary celebrations.



The Yellowknives Dene First Nation Drummers open the 20th anniversary celebration with a ceremonial drum prayer.

In 1951, when the *Northwest Territories Act* was amended, some form of representative government was restored, with three members from the Mackenzie District elected to the Territorial Council. In 1965, Abe Okpik of Frobisher Bay (Iqaluit) became the first Aboriginal member appointed to the Council, and shortly thereafter in 1966 three eastern arctic ridings were established.

By 1966, the balance had begun to shift, and by the time the Carrothers Commission called for a return to responsible government, there were seven elected and five appointed members on the Council. Still, political authority was held by Ottawa through the powers afforded to the Commissioner. In 1967, Yellowknife was named the capital and the seat of government formally moved there from Ottawa, led by Commissioner Stuart Hodgson. It was not until 1975 that the first fully elected Council took office with 15 members in total (and for the first time in Canada's history, the legislative body contained a majority of Dene, Métis, and Inuit Members).

In 1980, the position of Leader of Elected Members (a title that eventually changed to Premier), was created and held by George Braden. By 1981, the number of elected representatives had increased to 24, with seven members on the Executive Council. The creation of a fully elected Council was a crucial step that allowed the NWT to begin contributing to and shaping the landscape of federal politics. For example, in 1982 a delegation of MLAs from the NWT, led by Government Leader George Braden, travelled to Ottawa and lobbied the federal government to include Aboriginal rights in the repatriated constitution. Replete with eleventh hour diplomacy and backroom negotiations, this would become the NWT's first instance of engaging in Executive Federalism.

In 1987, shortly after then-Commissioner John Parker transferred executive power from the Commissioner to the Executive Council, the 11th Legislative Assembly approved a motion giving the Government Leader authority for the overall management and direction of the executive branch of government. In 1990, a year before Nellie Cournoyea would become the first

Aboriginal female Premier in Canada's history, Speaker Richard Nerysoo announced that the construction of the legislative building would commence.

Throughout its history, the Legislative Assembly had faced immense logistical challenges while conducting business. Made up of remote communities, containing huge geographic constituencies, and home to the sparsest population in Canada, the NWT's Legislative Assembly was tasked with the formidable challenge of representing 64,000 people in an area over 3,000,000 square kilometers in size (comparatively, the riding of St. Paul's in Ontario is comprised of 116,463 people in just 15 square kilometers).

To accommodate this geographic configuration, the Legislative Assembly travelled throughout the territory, holding sessions in different communities with varying degrees of administrative support. Since 1951, sessions have been held in communities as diverse as Ottawa, Inuvik, Frobisher Bay, Fort Smith, Yellowknife, Rankin Inlet, and Norman Wells in school gymnasiums, banquet halls, and hotel board rooms. The Speaker's Chair would be disassembled, carted around the territory, and set up in different locations as needed.

The mace, an elaborate work of art constructed by nine Inuit artisans from Cape Dorset, perpetually toured the territory. The Assembly was grappling with how to best provide democratic representation to the people of the NWT without a focal point for their political endeavors. As political power steadily devolved from Ottawa to the territory, the demands placed on the Assembly increased, as did the cost of housing the Assembly temporarily. As former Clerk David Hamilton noted, "[i]t became clear that a solution was required to the costly, time-consuming and temporary arrangements for housing the Assembly and its support services."

The construction of the legislative building was a natural and much-needed progression. Not only would it ameliorate the long-term financial burden of the "travelling legislature" model, according to Hamilton it would also "reflect the unique interests and diverse population of the NWT and encourage the participation of as many citizens as possible." Due to the territory's financial relationship with the federal government and restrictions on resource revenue retention, the only question remaining was how to finance the project.

Construction and Design of the Legislative Assembly Building

To address this crucial issue, the Assembly established the Northwest Territories Legislative Assembly Building Society – a non-profit association

designed to organize the financing of the project and find a way to encourage public participation in the construction of the building. It was comprised of former Commissioner John Parker, Dene, Inuit, and Métis development corporations, other northern business interests, and former senior members of the territorial public service.

After considering a number of financing options, the Assembly eventually opted for a lease-to-own program, whereby the building would be financed through a conventional mortgage over a period of 20 years. The Assembly also authorized the Building Society to initiate a voluntary public bond issue system, enabling residents of the NWT to participate in and contribute to the project. Under this system, the Building Society provided ownership and financed the design and construction costs, while the Assembly would lease the building for 20 years before taking ownership in November of 2013. The logic underlying such an arrangement was that it would ensure that the people of the NWT would end up owning an asset in the form of a new building, rather than funding the soaring costs of a mobile Assembly with no concrete return.

When the building officially opened in November of 1993, it was, by any measure, an architectural masterpiece. Nestled on the shore of Frame Lake and surrounded by boreal forest, the building's distinctive domes, circular chamber, open concept, and locally-sourced materials give it a modern disposition unlike any other legislature in Canada. Two local architectural firms were hired: Pin/Matthews Architects and Ferguson Simek Clark Architects and Engineers, who collaborated with Matsuzaki Architects Inc. of Vancouver and landscape architect Cornelia Hahn Oberlander.

The walls are made, in part, from zinc mined on Cornwallis Island; expansive spaces are illuminated by substantial windows filtering in natural light; and the Caucus Room, Chamber, and hallways are adorned with northern sculptures and paintings. Few aspects of the building's design echo the Victorian-era architecture common to most Canadian legislatures. The departure was a deliberate and conscientious decision by the architects, who intended to showcase the unique and distinct peoples, cultures, and practice of consensus government found in the NWT. The circular shape of the Caucus Room and Chamber, for example, is meant to facilitate consensus-building, collaboration, and working together as a minority-led collective. Additionally, it reflects the way in which Aboriginal groups traditionally make decisions in their own communities.

Twentieth Anniversary Celebration

Twenty years after the building was erected, the final payment on the mortgage was slated to be made in September of 2013, as the anniversary of the official opening approached in November. The Office of the Clerk, under the direction of Speaker Jackie Jacobson, was tasked with organizing the 20th anniversary celebration.

Since the building is not only a place of work for legislators, but also a gathering place for the public, the planning committee adopted a number of key guiding principles in its preparations. First, the celebration ought to be enjoyed by the people of the NWT. Second, it ought to celebrate the historical evolution of the Legislative Assembly, as well as the building itself. Third, it ought to offer an opportunity for the public to hear stories from former leaders in a way that would bring to life the moments and personalities that have shaped contemporary politics in the NWT. The end result would be a rare and powerful occasion reuniting northern political figureheads and inviting members of the public to take part in a celebration of the territory's political heritage.

On the evening of November 1, 2013, the Great Hall filled to capacity. Current and former Commissioners, Premiers, Speakers, Members, and Clerks arrived, along with an impressive turnout from the public. The Yellowknives Dene First Nation Drummers, a drumming group from the nearby community of Dettah, opened the event with a ceremonial drum prayer. After the welcoming address delivered by Speaker Jacobson, it was time to unveil the portraits of all former Premiers and the two most recent Speakers. One by one, former territorial leaders came forward to unveil their portraits. Once the public had an opportunity to explore the Caucus Room, Chamber floor, contents of a time capsule, video of congratulatory messages sent from other Canadian legislatures, and historical photo displays of the NWT's political evolution, attendees gathered in the public gallery to listen to the Premiers' panel discussion. The panel comprised all former Premiers but one who was unable to attend, beginning with Government Leader George Braden (1980 to 1984), and moving in chronological order through to Floyd Roland, the Premier from 2007 to 2011.

The Premiers' panel discussion brought to life the territory's political history through story-telling, first-hand accounts, and general commentary unencumbered by the stresses of public scrutiny and Ministerial responsibility. Onlookers became privy to personal insights, stories from First Ministers' Conferences (FMC) and reflections on the goals and ambitions held by those holding the highest political office in the territory.



Photo by Tessa Macintosh

The Honourable Jackie Jacobson, Speaker of the Legislative Assembly, cuts a cake in the design of the legislative building with the help of his daughter Mikayla.

Both rooms contain designated areas for interpreters, who translate any of the 11 official languages that may be spoken at any given time when the House is in session. Some features, such as the location of the Speaker's Chair at the head of the Chamber and the adherence to formal house procedure, are more reflective of the Westminster parliamentary system used throughout the rest of the country (with the exception of Nunavut). The building itself embodies the principles of a democratic parliament rooted in indigenous northern traditions, from the design and materials used, to the cultures represented and government system practiced within. At last, the NWT had acquired a permanent home grounded in the political heritage of the territory, and one that would house the Assembly for years to come.

Referring to the 1982 delegation travelling to Ottawa during the repatriation of the Constitution, Richard Nerysoo asserted, “[m]ost people think that the constitutional changes of Section 25 and 35 somehow came from a lot of other people, but this is the group of people that led that conversation and assured Canadians that the interests of First Nations and Aboriginal people, Métis and Inuit, were going to be protected.” Dennis Patterson recalled the moment when territorial Government Leaders were invited to join the FMCs in Ottawa. He said, “[w]e became equals at the table. We were brought into the First Ministers’ Conferences...the NWT came of age and became an equal as a very important strategic part of Canada during my term.” Joe Handley held a different perspective on the same subject; he commented that “they quickly make it clear to you that you’re a little fish in a big pond.” Nellie Cournoyea offered candid advice for those aspiring to political office: “[i]f you know something’s got to be done and you’re not going to fight for it, stay home.”

Other former Premiers commented on their particular style or approach to governance and the nature of consensus politics more broadly. Jim Antoine noted, “today we have to keep doing that kind of approach...we had a government-to-government-to-government approach – Aboriginal government, federal government, and territorial government approach on how to do devolution,” and Stephen Kakfwi said the most important aspect of consensus

government is that “it operates in the way that the Inuvialuit, the Dene, and the Métis accept so easily.” By the end of the discussion audience members had a colourful and dynamic image of the NWT’s political development, woven through time by former leaders spanning 30 years of history.

Following this informative and engaging exchange, Renalta Arluk of Fort Smith gave a passionate theatrical rendition of significant moments in the territory’s history and Leela Gilday, Juno-award winning singer and songwriter from Yellowknife, performed. A group of Inuvialuit Drummers from Tuktoyaktuk, the Speaker’s hometown, closed the evening with a rousing performance.

Conclusion

The people of the Northwest Territories have much to celebrate politically. The government has transformed from a colonial dependency to a large, sophisticated body legislated by 19 elected members from all regions of the territory. The Executive Council has expansive control over the affairs of the NWT. The Assembly reflects the population it represents and is guided by the traditions of the people living there. The territory has acquired much of the same jurisdictional powers as the provinces, and the process of devolution continues to this day. The Legislative Assembly building now stands as a permanent reminder of these advancements and the individuals who fought for them.



Photo by Tessa Macintosh

The Premiers’ panel discussion gathered almost all former premiers of the territory (from left to right): George Braden, Richard Nerysoo, Nick Sibbeston, Dennis Patterson, Deputy Clerk Doug Schauerte, Nellie Cournoyea, Jim Antoine, Stephen Kakfwi, Joe Handley, and Floyd Roland. Former Premier Don Morin was unable to attend.

The Senate – An Essential House of Parliament

Speaker of the Senate Noël A. Kinsella

The Senate plays a critical role in the form and function of the Canadian Parliament. In this article, the Hon. Noël A. Kinsella highlights the Senate's role as a regional counterweight to representation by population, an independent source of legislative review, an excellent source for investigative policy studies, and a place where appointments can sometimes balance disparities in representation of the Canadian population in the elected chamber. This article is revised from remarks made to the 31st Canadian Presiding Officers' Conference in Ottawa.



Yet again the Senate is at the centre of a constitutional debate. Last November, the Supreme Court of Canada sat three days hearing arguments on the Senate, dealing with various issues about its reform or abolition. These questions were brought forward by the federal government to

clarify the parameters of possible changes or reforms to the Senate. In brief, the government wants to know what it can do without involving the constitutional amending formula of either 7/50 or unanimity. This concentrated attention is not new: in Quebec City in 1864, the Fathers of Confederation devoted six days to the topic of the Senate.

Whatever the outcome of the reference to the Supreme Court, it is safe to say that the Senate is here for the foreseeable future – and this is a good thing. The Senate fulfills a useful function that is necessary to effective lawmaking, proper policy development and sustained national cohesion. A brief review of the structure and composition of the Senate first may be helpful.

The Hon. Noël A. Kinsella was appointed as a Senator for New Brunswick on September 12, 1990. Elected Leader of the Opposition in the Senate in October 2004, he was appointed Speaker of the Senate of Canada on February 8, 2006.

Structure

The normal membership of the Senate now totals 105. Originally there were 72 with 24 for each of the three regions that comprised Canada at the time of Confederation. As the country grew, adjustments were made to accommodate the addition of new provinces. An amendment to the British North America Act by the Parliament at Westminster in 1915 added a fourth region, the western division. The provinces of Manitoba, Saskatchewan, Alberta and British Columbia were each allocated six senators. An increase of six more seats was made when Newfoundland and Labrador joined Confederation in 1949. Three other seats were added over the years, one for each of the territories.

The regional structure of the Senate was devised to accommodate the less populous provinces. Without it, there would have been no Confederation in 1867. Then as now, Canada was challenged by an uneven population distribution. Over 60 per cent of our people now inhabit just two provinces, Ontario and Quebec. This is the demographic imbalance that also had to be effectively addressed by the Fathers of Confederation in order to ensure for healthy regional representation and, in the case of Quebec, its distinct linguistic, legal and religious features. The solution to these challenges was the Senate. By insisting on regional equality, the interests and characteristics of the different parts of the country were acknowledged and given appropriate weight within a bi-cameral parliament.

The long mandate of senators – originally appointed for life but since 1965 to the age of 75 – was

designed to guarantee independence and autonomy. Appointment would ensure that the Senate was neither accountable to nor subject to outside pressures. In this respect, senators are in some ways similar to judges of our federal courts. They too are appointed for a fixed term and it is this feature that ensures the independence that keeps the judges free of any improper interference from the government or Parliament. The independence of senators today is still real, but it is tempered by political allegiances and also by self-restraint. The modern Senate recognizes that it must yield to the will of the Commons when there are sustained differences over legislation, unless there is a credible compelling reason not to. This self-restraint is part of the evolution and transformation that has occurred with the Senate over the years. This transformation coincided with the expansion of the vote, the growth in the role of government and the increased activity of members of the House of Commons as ombudsmen for their constituents. The modern Senate is no longer the Chamber of a wealthy elite. Instead, it has become, in a meaningful sense, the Chamber of constitutional rights and minority interests, and not just in regional representation. The Senate has a higher percentage of women members with 38 per cent currently as opposed to the 24 per cent in the House of Commons. It also tends to have a higher representation of Aboriginal and visible minorities members. The Senate uses its power to meet the obligations of Parliament to consider legislation thoroughly and to develop effective public policy. In carrying out these functions, the Senate continues to act as a complementary body to the House of Commons and, as such, it maintains its importance and relevance to the effective governance of the nation.

In summary, the advantages often cited for creating bicameral legislatures speak of their ability to offer representation of diverse constituencies, to facilitate greater or longer deliberation, to require a second look at legislation, and to provide enhanced oversight of the executive. The purpose is to build in a level of redundancy – but not necessarily repetition. Many argue that second chambers possess a significant capacity to act as a persuasive institutional advisor, by forcing legislation to be re-thought or re-written, by informing a particular debate with a certain level of wisdom and by allowing for greater public participation than is possible with one chamber alone.

The Senate contributes to Parliament's work and to the nation in many ways. These include legislative review, policy development and fostering national cohesion.

Legislative review

A basic purpose of any Parliament or Legislature is to examine legislation. In our federal Parliament, the adoption and enactment of any bill requires the approval of the two Houses. In practice, of course, priority in Parliament is given to Government bills, although other members can initiate bills.

Reflecting our British parliamentary inheritance, most government legislation originates in the House of Commons. Over the course of a session, which can last a few weeks, months or several years, scores of bills may be introduced in the Commons by the government. Among these are certain to be supply bills which are, in practice, never amended by the Senate. Any other legislation, however, including budget implementation bills, are liable to a thorough review by the Senate, which can adopt, amend or reject them. The process of review is structurally similar to that followed in the Commons: there are three readings with committee consideration usually following second reading debate on the principle of the bill. The object of the Senate's study is to improve the bill where it can. While rejection is possible, it is neither a primary option nor a likely outcome. After all, most government bills arrive in the Senate as a legislative measure already adopted by the Commons.

In the political environment that has developed over the last 40 years or so, party discipline in the Commons guides all of its activity, including the study of legislation. When the bill comes to the Senate, the dynamics can be somewhat different even when the government has a majority. Debate, for example, might focus on a specific element of a bill highlighting a particular aspect that might have been inadequately examined or entirely overlooked by the Commons. While it must be admitted that party discipline is also present in the Senate, its exercise is more limited and it does not prevent Senators from raising important issues in debate.

An example of this occurred in 1999 when the Senate looked at a bill updating extradition procedures. The bill had been tagged as a "housekeeping" measure and had gone through the Commons in quick order. Upon arriving in the Senate, the focus of the debate soon concentrated on the authority of the Minister of Justice and Attorney General to allow extraditions to jurisdictions with capital punishment – which had been abolished in Canada. As often happens in the Senate, debate crossed party lines. The government succeeded in resisting pressure to amend the bill, but while it won the battle in the Senate, it lost the war in the courts. Senators actually take pride in the frequency



with which the courts make reference to debates in the Senate and its committees, and by raising such issues the Senate can bring attention to aspects of legislation that are sometimes not properly considered elsewhere.

This example shows that the Senate can choose to focus on aspects of legislation different from the focus in the House of Commons. This is an example of the complementary role the Senate can play in the legislative process.

In a more recent example, immediately before prorogation, the Senate was dealing with the controversial Bill C-377, relating to public disclosure of union expenses. The bill was brought to the Senate from the House of Commons. Debate in the Senate was quite intense, and transcended party lines. Amendments were proposed at third reading, and the acceptance of one of them resulted in significant changes to the bill. Prorogation intervened before the two houses reached agreement. This bill has been revived in its original form and is now once again in the Senate, which has not yet decided how to proceed.

These examples deal with direct challenges and changes to legislation. Another way that the Senate can

act to advise and to indirectly influence legislation is through the tool of pre-study. This is a practice whereby Senate committees can study the subject-matter of bills that are still before the House of Commons. In this way the Senate can begin its detailed consideration of a bill and make recommendations before receiving it. Amendments can be made early in the legislative process to reflect this input, and the Senate can deal with the bill without jeopardizing the calendar of legislation.

Observations are another procedural tool available to the Senate. In addition to proposing amendments, Senate committees can attach comments to a report on a bill. These observations may reflect concerns expressed during the hearings or identify points that are beyond the actual scope of the bill. Through the use of observations committees can highlight issues that need to be addressed and can help to ensure that commitments made during public hearings will not be lost. Observations are for information purposes only, and carry no procedural weight. They can be a powerful tool for committees, reminding the government that, even if the Senate is letting a bill pass without amendment, the situation will be monitored and progress is expected.

Such practices and tools allow the Senate to influence the legislative work of Parliament, to give voice to concerns that were overlooked in the House of Commons, and to follow-up on issues and commitments over a period of several years. All these features enhance and strengthen Parliament in its role as a legislative body.

Estimates

It is also important to mention the contribution the Senate makes to Parliament's work on the estimates. In the House of Commons, review of the estimates is divided among different committees depending on their portfolios. Each committee is tasked with reviewing a part of the estimates and reporting back by a set date. If a committee does not report back in time the estimates are deemed adopted by the committee and the process leading to the supply bill follows largely automatically.

In the Senate, the review of the estimates is not dispersed among different committees. Instead, it is focused in the National Finance Committee. In light of the Commons' control of the public purse, neither the committee nor the Senate actually adopt the estimates. The National Finance Committee does, however, conduct an in-depth review of them, inviting ministers, Treasury Board officials and other stakeholders to testify before tabling its report in the Senate. This report is then debated and voted in the Senate, providing background and context for considering the supply bill. The National Finance Committee also tables a series of reports on specific aspects of the estimates throughout the year, providing sustained and focused parliamentary attention.

This focused approach for dealing with the estimates that the Senate has adopted allows for comprehensive and consistent analysis. Continuity of membership, a standard feature of Senate committees, allows senators on the National Finance Committee to become quite knowledgeable about the budgetary and financial cycle; they learn to understand the format of the blue books and the technical information they include. Observers of Parliament have noted that in many fiscal years, the Senate may be the only body within Parliament to actually conduct public hearings and prepare a

substantive report on annual government spending. Appearing before the Commons Government Operations and Estimates Committee, Professor Paul Thomas, for example, has noted that the Senate does useful work with the estimates,¹ focusing on an aspect of parliamentary business that, although dull and complex, is essential to the promotion of sound and responsible governance.

Policy Studies

As an investigative chamber, the Senate can serve as an "incubator" of ideas. Because of the relative stability of its membership and the less partisan environment in the Senate, senators are able to spend more time undertaking investigative studies. They can concentrate and focus their efforts, think ahead, and consider long-term perspectives and needs in a given area. This continuity and consistency has allowed the Senate to become the corporate memory of Parliament.

Policy work in the Senate is performed by committees composed of individuals who are directly integrated into the system of national governance. Senators are not academics or policy wonks who can think up bright ideas without being able to do follow-up, or who

do not have to worry about implementation. Senators will take the recommendations and work performed by committees and can apply them on an on-going basis. Senators are well placed to ensure that policy recommendations are not forgotten.

The Senate's broad thematic committees

approach issues in a holistic way. The Senate has a tradition of championing public policy issues, often tackling controversial or politically sensitive topics. From the landmark Croll report on poverty in Canada, to the Davey report on mass media, Senate inquiries represent an important addition to the chamber's purely legislative role. These early examples illustrate a pattern that has become ever more characteristic of the Senate's work. Such policy studies provide background knowledge to allow senators to review bills more intelligently, and they create opportunities for the indirect initiation of legislation.

The Senate's important contribution to policy studies has been recognized for more than 50 years. Assessing the Senate over a period going back to the 1920's, F.A.

"Put most simply, the Senate can act as a bit of a brake in Parliament, making sure that all views are canvassed, and also bringing a longer-term perspective. The Senate reviews legislation, advises and looks into issues in more depth. The Senate can provide guidance and suggestions to the House of Commons and to the Executive based on experience and expertise."

Kunz noted that the real value of such work:

lies in the long-term educative effect produced by the accumulated evidence and information of their proceedings. Instead of being a cure-all, they are rather a contribution to the study of the subject and form the basis of further discussions in Parliament, in the departments of government concerned, and in the public at large. Their most obvious use is in areas where the problems are either still too rudimentary, or too controversial, or too elusive and bid for simple and straightforward solutions²

The value of the Senate's contributions to policy development continues to be recognized by observers of Parliament, and it is something in which senators take great pride.

National Cohesion

The third vital function of the Senate, the fostering of national cohesion, is one that has been present from the time of Confederation. The structure of the Senate was an essential part of the agreement leading to Confederation, providing a house in which the less populous regions have a level of representation greater than their portion of the population. In large part, Canada came to be a nation because the Senate was agreed upon as an appointed body to represent the regions.

New Brunswick is a smaller province which provides an illustrative example, having 10 members in each house. In the Commons that is only a tiny portion of the membership. It is a far larger portion of the Senate's membership, giving New Brunswick senators a greater opportunity to articulate the needs and perspectives of their province. The same can be said about other provinces.

Moreover, without the Senate, the proportion of parliamentarians from Quebec would, over time, probably fall ever further below what is seen as the important bar of 25 per cent representation in Parliament. The voice of Quebec in the federal Parliament, so vital to ensure that its linguistic, legal and historic character are reflected and understood, would become increasingly marginal. Such a state of affairs could have serious effects on Canada over the longer term.

The role of the Senate in fostering cohesion across Canada is not, however, limited to providing a voice for less populous geographic areas. The Senate plays a similar role when it comes to minorities. Prime Ministers can use appointments to ensure that the full richness of Canadian society is well represented

in Parliament. Senators recognize that a major part of their role is encouraging, assisting and protecting minorities and communities of interest, whether they are cultural, linguistic, educational, professional, economic or charitable causes of one kind or another. The role is fluid and adaptable, but important.

Conclusion

Any observer of Canadian politics knows that the discussion of how to change the Senate started with Confederation, and has continued in the national discourse ever since. A range of plans have been proposed, and the institution has evolved over the course of its history.

However, when discussion rages about how to change the Senate, too often little attention is given to the roles the institution plays in Parliament, and how they could be affected by reform.

Put most simply, the Senate can act as a bit of a brake in Parliament, making sure that all views are canvassed, and also bringing a longer-term perspective. The Senate reviews legislation, advises and looks into issues in more depth. The Senate can provide guidance and suggestions to the House of Commons and to the Executive based on experience and expertise.

Basic features of the Senate help it perform these varied roles. The guaranteed length of senators' mandates ensures that attention can be sustained over a lengthy period of time, without the interruptions of the election cycles. Appointment can help reduce the level of partisanship within the upper chamber and increase the numbers of under-represented groups in the elected Commons. The fact that for most Senators' membership in this body marks the final step in already successful careers also contributes to the very different nature of the institution.

None of this is to say that the Senate cannot be changed. But as Canadians consider their upper house and what role they wish for it, it is imperative that they understand what they currently have, so that they can discuss how they can build on the strengths of the body.

Notes

- 1 House of Commons Standing Committee on Government Operations and Estimates, *Evidence*, 41st Parliament, 1st Session, May 7, 2012, p.13.
- 2 F.A. Kunz. *The Modern Senate of Canada: A Re-appraisal, 1925-1963*. University of Toronto Press, Toronto, 1965, pp. 265-66.

Political Donations and Democratic Equality in Canada

Brianna Carmichael and Paul Howe

Equality is a key tenet of democracy. With respect to the financing of federal political parties, one issue relevant to equality concerns has received surprisingly little attention: the phasing out of political parties' annual per-vote subsidy, set to occur in 2015. Donations from individuals will henceforth become the parties' primary source of funding; but not all Canadians donate equally. By examining a sample of disclosed donors from Elections Canada databases, combined with census data on neighbourhood income levels, this study establishes that donors are substantially more likely to come from wealthier sections of Canadian society. Despite a relatively low cap on donations – individuals can currently give no more than \$1,200 annually – wealthier Canadians carry disproportionate weight in the total aggregate of donation dollars. The study concludes by briefly comparing federal rules to regulations at the provincial level and suggesting methods of mitigating inequalities in the political finance system.

The very essence of democracy is equality.¹ Fairness in politics is undeniably something Canadians desire. Since the 2011 federal election, these principles have been front and centre, as a number of issues relating to the conduct of elections have been making headlines and have been actively debated by Canadians concerned about the quality of democracy in this country.

Through this period, one important issue has received surprisingly little attention: the phasing out of the per-vote annual subsidies for political parties.²

These subsidies were first introduced in 2004 as part of a larger package of reforms to party finance regulations, which included a ban on corporate and union donations and caps on political contributions by individuals. In part, the annual subsidies were designed to offset the revenue that would be lost

from the new limits placed on donations. However, they also were seen by many as a means of creating a more egalitarian system of party finance, since each and every voter would have some control over the distribution of public funds to the various parties.

In 2015, these subsidies will be fully eliminated and political parties' main source of financing will be donations by individual Canadians (currently capped at \$1,200 per year).³ The parties will continue to benefit from very substantial public funding: not only are there generous tax credits for donations, but they are also reimbursed for a significant portion of their electoral expenses. Nevertheless, rather than public funds being partly directed by the voting preferences of all citizens, after 2015 they will be fully contingent on the support of individual donors.

One potential reason for the lack of debate on the changes may simply be that the prospective system based on donations is believed to have merit. Rather than parties receiving money automatically from the public purse, as occurs with per-vote subsidies, they will have to engage with their supporters to earn their money. The system also appears quite egalitarian since parties must rely on many small donations to secure substantial funds rather than a small number of large donations.

*Brianna Carmichael is a fourth-year honours student in political science and history at the University of New Brunswick. She is planning to enter law school in the fall of 2014. Paul Howe is a professor in the Department of Political Science at the University of New Brunswick and author of *Citizens Adrift: The Democratic Disengagement of Young Canadians* (2010).*

The presumption of equality, however, warrants closer investigation. While \$1,200 can appear to be a relatively low cap, it does represent a substantial amount of money for many Canadians who might consider donating to a political party. It is reasonable to assume that contributions of this size are out of reach for many would-be donors in lower income groups. At the same time, larger donations have the potential to count for much more than smaller donations: receiving \$1,000 from one person is the same as receiving \$50 from 20 people. The concern, therefore, is that there may be significant inequalities in the system in the form of a general skew to donation patterns across income levels. This research seeks to assess whether these concerns about potential inequalities, in particular income inequalities, are merited.

Donations to Canadian Political Parties: What We Know

Prior research into political financing in Canada is quite limited. Despite substantial changes in political finance regulations over the past 15 years, including the banning of corporate and union donations, the introduction of caps on individual donations, as well as the introduction (and now elimination) of per-vote subsidies, there has not been much investigation of patterns of political giving.

The most relevant recent study, by political scientists Harold J. Jansen, Melanee Thomas, and Lisa Young, is entitled *'Who Donates to Canada's Political Parties?'*⁴ Jansen and his colleagues do find that those with higher incomes are more likely to give to political parties, but this does not emerge as a dominant factor in their analysis. Age is a more powerful demographic variable – older Canadians are considerably more likely to donate to parties – while other factors such as membership in a political party and political interest have the strongest effects on political giving. The main limitation of the study, however, is that it is based on surveys that only probe whether respondents have given money to a political party. The surveys do not ask about the size of their donation(s) and therefore this important dimension cannot be considered in the analysis.

Research in the United States that has taken the size of political donations into account has found income to be a more significant part of the story. In their 1995 book *Voice and Equality: Civic Voluntarism in American Politics*, Sidney Verba, Kay Lehman Schlozman, and Henry Brady examined various forms of political participation in the United States with a particular emphasis on the way in which tangible resources

influence participation rates across different forms of political and civic engagement. With respect to political donations, they found that income had a very powerful impact, especially when the size of donations was taken into consideration. Those with deeper pockets contributed much more, on average, than those of lesser means. Of course, the principal limitation of this study for our purposes is that political finance law in the United States differs greatly from Canada, with few effective upper limits on the amount an individual can donate. It does, however, demonstrate the potential importance of examining donation amounts in order to assess the influence of income on political giving.

Methods

The current research sought to fill the gaps in our current knowledge by drawing upon available data sources to analyze potential inequalities in Canada's system of political donations. Two main steps were involved in the data collection process (further details can be found in the Methodology Appendix in the electronic version of this article on the *Canadian Parliamentary Review's* web site). The first was to gather information on a randomly selected sample of donors to the five parties with a representative in the House of Commons, by using publicly available data on donors giving \$200 or more. Just under one thousand such donors (out of a total of 92,470) from the years 2010 and 2011 were sampled from databases downloaded from the website of Elections Canada. For each sampled donor, two key pieces of information were obtained: the size of their donation and their postal code.

The second step in the data collection process was to use the postal codes of donors in combination with 2006 census data to determine the median household income of the dissemination areas where donors lived (dissemination areas, or DAs, are the smallest geographical units used by Statistics Canada, each containing 400 to 700 individuals). Census data were also used to gather information on income levels for all Canadian DAs for comparison purposes.

As an additional follow-up step, donations by the same 1,000 individuals were tracked over a longer period (2007 through 2011) using the Elections Canada donor databases. The same step was carried out for individuals in the databases sharing the same surname and postal code as the initial donor – individuals assumed to members of the same family. This additional step provided information about total donations over a longer period for both individuals and families.

Finally, aggregate data from Elections Canada on total donation amounts for each of the parties was assembled and analyzed. This is the only component of our analysis which includes information on donors making contributions of \$200 or less. Using this data allows us to establish this important point: while those giving more than \$200 to a party in the years 2010 and 2011 made up just 24.7 per cent of all donors, their donations accounted for approximately 63.4 per cent of total donation dollars. While this skew in favour of larger donors would almost certainly be even greater if there were no cap on political donations, it is still very substantial.⁵ Therefore, while our analysis, by necessity, is limited to a minority of donors (since only individual donations over \$200 are publicly disclosed), it does encompass a majority of the donation dollars. Focussing on this group is then a reasonable way of gaining some basic insights into potential inequalities in Canada's system of political donations.

Findings: General Patterns of Donations

Table 1 provides information on donation amounts among our sample of donors (those giving more than \$200 to a party in the years 2010 and 2011). Fifty-nine per cent gave an amount between \$200 and \$400. A further 23 per cent gave an amount between \$400 and \$750. The remaining 18 per cent donated between \$750 and \$1100 (the donation cap in 2010 and 2011).⁶

Table 1 also indicates mean donation amounts, for all donors combined (\$495) and within each of the three categories of donors (\$314, \$556 and \$1026). Using this information, Table 1 provides estimates of the share of the total donations coming from these three groups: 37.5 per cent, 25.9 per cent and 36.6 per cent, respectively. In other words, while there are more than three times as many donors in the 'small' donor category (\$200 to \$400) compared to the 'large' donor category (\$750 to \$1100), donations from the two groups account for roughly equal dollar amounts.

Table 1: Donation size (donors over \$200 only)

Donation Size	Donors (%)	Mean donation (\$)	Total donation dollars (%)
\$200-\$400	59.2	\$314	37.5
\$400-\$750	23.1	\$556	25.9
\$750-\$1100	17.7	\$1026	36.6
Total	100.0	\$495	100.0

Using additional information gathered in a second phase of data collection, Table 2 shows patterns of donations over multiple years from 2007 to 2011, as well as family member donations over the same period. The majority of donors in the total sample are multi-year donors (nearly 70 per cent donated in more than one year). Furthermore, those who give larger amounts are particularly apt to be multi-year donors. Almost all in the top donor group (86 per cent) made a contribution in more than one year, with 48 per cent giving in four or five years. By contrast, in the small donor group 63 per cent gave in more than one year and only 22 per cent gave in four or five years.

Table 2: Multi-year donations and family donations (2007-2011) by donation size

No. of years donating	Donation Size			Total
	\$200-\$400	\$400-\$750	\$750-\$1100	
1	37.3%	27.0%	14.1%	30.8%
2-3	40.9%	34.3%	37.9%	38.8%
4-5	21.8%	38.7%	48.0%	30.3%
Total	100.0%	100.0%	100.0%	100.0%
Family member donating	10.1%	16.3%	19.5%	13.4%

Smaller donors are also less likely to have family members making donations over the 2007-2011 period. We were able to identify donations from family members for just over 10 per cent in the small donor category, compared to nearly 20 per cent for the large donor group (Table 2).⁷ These points further underline the concentrated nature of political donations: the small minority who give the largest amounts tend to give more frequently and are more likely to have a family member giving as well.

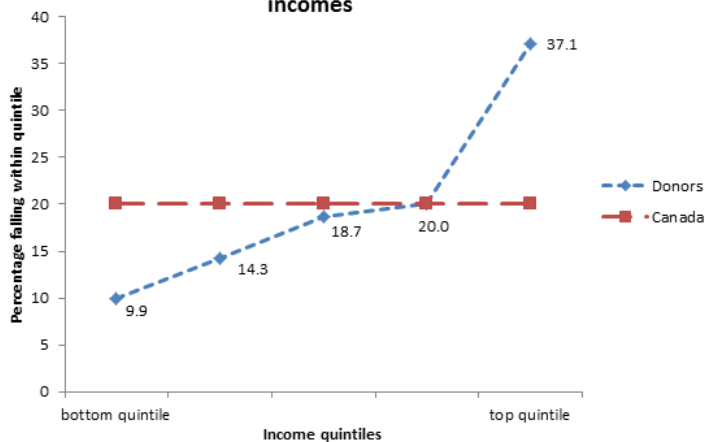
Political Donations and Income

To further probe potential inequalities in the system of political donations, information was collected on income levels, both for donors and Canada-wide. Census data provided median household income⁸ for the dissemination areas corresponding to the postal codes provided by donors, as well as median household income for all DAs in Canada.

The Canada-wide data were used to calculate income quintiles: five income categories each containing 20 per cent of all Canadian DAs.⁹ Our donor sample was then divided into the same five categories. If income were unrelated to political donations, we would expect

to see approximately 20 per cent of the sample in both the bottom and top quintiles (and in all intermediate quintiles as well). Instead, as Figure 1 shows, 37 per cent of the donor sample were found to be living in DAs in the top income quintile, while 10 per cent were in DAs in the lowest quintile. Instead of a ratio of 1:1, the ratio of top to bottom income quintiles in the donor sample is nearly 4:1.

Figure 1: Comparison of donor incomes and Canadian incomes



This inequality in political donations across income groups is even more severe for the top donor category. Among those giving amounts over \$750, 51.7 per cent are in the top income quintile, compared to 8.0 per cent in the bottom quintile, a ratio of 6.5:1 (for the middle donor category the ratio is 3.8:1, and for the small donor group it is 3.1:1). There is also a connection between income and size of donation apparent in mean donation amounts: \$485 for the lowest income quintile, compared to \$543 for the top income quintile.

Unequal patterns of political giving across income categories are evident as well in the results for multi-year donations and family donations. In the top income quintile, 33 per cent had given in 4 or 5 years between 2007 and 2011, compared to 24 per cent of those in the bottom quintile. Similarly, we were able to identify donations from family members for 13 per cent of those in the top income quintile compared to just under 2 per cent (1.5 per cent) of those in the bottom quintile. The mean value of the total amount donated by individuals and their family members over the five year period also differed significantly: \$1440 for the bottom quintile versus \$1907 for the top quintile, a difference of 30 per cent.

In sum, the principal source of inequality in political donations across income groups is the simple incidence of giving: relatively few Canadians living in low-income areas give more than \$200 to a political party

in a given year (a group which accounts for nearly two-thirds of all donation dollars). This basic inequality is exacerbated by the fact that those in lower income areas who do make donations over \$200 tend to give smaller amounts than those in high income areas, to give less frequently, and are less likely to have family members making donations.

As for those who donate amounts of \$200 or less, we do not have individual-level data available to undertake similarly precise calculations. However, we do know, from the analysis of Harold Jansen and his colleagues reported above, that survey data asking about political donations in general reveal that those with higher incomes are more likely to be donors. Since those donating \$200 or less account for about three-quarters of all donors, it is likely that these general results would hold for this group – in other words, that even among the smallest donors, there would be a greater incidence of individuals from high-income areas (though we would anticipate that income disparities would likely be less pronounced in this group, therefore having some mitigating effect). Any equalizing potential of donations of \$200 or less is also limited by the fact that donations of this size only represent 37 per cent of all donation dollars.

Political Donations and Parties

One further inequality often noted about the pattern of political donations in Canada is that one party, the Conservative Party, has been much more successful in raising money than the others. In fact, the Conservatives up until recently have raised more money from their supporters than all the other parties combined.

It does not, however, appear that this fundraising edge derives from a special advantage for the Conservatives among high-income groups. The ratio of donors in the top and bottom income quintiles for the Conservatives is 3.6:1, which is just about the same as the overall result for all parties combined. For the Liberals it is substantially higher at 6.4:1, while for the NDP, it is 2:1. The mean donation amount to these three parties among our sample reflects these differences: \$509 for Conservative donors, \$523 for Liberal donors and \$444 for NDP donors. Our samples sizes for the Greens and the Bloc are somewhat smaller, but the general patterns for these two parties look more like the NDP than the other two parties. If there is a difference between parties, it is mainly between the two traditionally dominant parties in Canadian electoral politics and the other three. But at the same time, the issue of income inequality cuts across parties: all are more dependent for their donation dollars upon Canadians with higher incomes.

Conclusion

Equality is a core principle of democracy. Clearly, the federal system of political donations has some noteworthy inequalities. Despite a seemingly low cap on donations (now set at \$1,200 but soon to rise to \$1,500), it remains the case that 'big' donors carry considerable weight, accounting for a substantial proportion of total donation dollars. Furthermore, these donors are disproportionately from the wealthier sections of Canadian society. Arguably, the fact that these donation dollars are multiplied by the provision of substantial public funding (in the form of tax credits and reimbursement of electoral expenses) only aggravates these inequalities.

The subject of political donations, and our system of political finance more generally, would benefit from further research and public debate. These issues are also pertinent at the provincial level, where rules governing political finance vary widely. Regulations in many provinces are more lax than at the federal level. A majority still allow political contributions from sources other than individuals. Caps on donations are generally higher or non-existent. In many cases, tax credits for donations are the principal source of public funding; the more egalitarian method of providing annual subsidies to parties based on votes in the previous election is less common.

From the standpoint of democratic equality, regulations in Quebec are the most rigorous. In 1977, Quebec was the first Canadian jurisdiction to ban corporate and union donations and to set a relatively stringent cap on individual donations (\$3,000 annually). Recent debates in the province around issues of political finance led the Parti Québécois government to reduce the annual donation cap to just \$100 in 2013. The province also uses a system of matching donations from government in lieu of tax credits, which presumably facilitates giving by those for whom money is tight and a tax credit at the end of the year is insufficient incentive to make a larger donation. In addition, Quebec has increased the annual subsidies provided to parties based on votes at the previous election.

Assuming greater equality would be desired by Canadians, there are clearly a number of policy changes to consider. In our view, the most simple and pressing at the federal level would be the re-introduction of the per-vote subsidy to offset the inequalities evident in the system of political donations. Certainly these issues should be thoroughly examined and discussed in a way they have not been to date.

Notes

- 1 Acknowledgements: Preliminary work on this paper was carried out as part of a course in political science research methods at the University of New Brunswick. Students in the class carried out the first phase of data collection, as well as aiding in the methodological design and examination of preliminary results. The assistance of the following students is gratefully acknowledged: Jeffery Barrieau, Tia Beaudoin, Jake Doucet, Megan Henwood, Sean Hutchins, Adetunji Lawal, Adam Melanson, Joshua Michel and Justine Salam. We would also like to thank Siobhan Hanratty, Government Documents and Data Librarian at UNB, for her assistance in accessing and working with the Statistics Canada databases used in this study.
- 2 It is surprising for various reasons, not least because this was a key issue in the prorogation crisis of 2008, as the Liberal Party and the New Democratic Party moved to form a coalition, supported by the Bloc Québécois, in response to the Conservative Party's attempt to eliminate the per-vote subsidies in their November budget update.
- 3 The cap is increased from time to time to allow for inflation. It was increased from \$1100 to \$1200 in 2012 and will increase again to \$1500 under provisions of the new *Fair Elections Act*.
- 4 The paper was presented at the 2012 conference of the Canadian Political Science Association. See <http://www.cpsa-acsp.ca/papers-2012/Jansen-Thomas-Young.pdf>
- 5 A relevant comparison can be drawn here with charitable donations, for which there is no cap. A 2012 report from Statistics Canada (based on the 2010 Canada Survey of Giving, Volunteering and Participating) found that donors in the top 25 per cent accounted for 83 per cent of all donation dollars to Canadian charities. This suggests that the concentration of giving is more pronounced for charitable donations than for political donations and that the cap on political donations does have some effect in mitigating potential inequalities. (Charitable donation results are reported in Martin Turcotte, 'Charitable Giving by Canadians,' *Canadian Social Trends*, April 16, 2012, p. 26).
- 6 Donations of exactly \$400 (16.4 per cent of the sample) are included in the \$200-\$400 category. Donations of exactly \$750 (9.7 per cent) are included in the \$400-\$750 category. Donations of exactly \$1100 represent 8.0 per cent of the sample. Our choice of donor categories corresponds to the tax credit system: donations up to \$400 receive a tax credit of 75 per cent, amounts between \$400 and \$750 earn a credit of 50 per cent, and amounts over \$750 receive a credit of 33.33 per cent.
- 7 These should be considered lower end estimates, since the method of identifying family members was a conservative one. See Methodology Appendix for details.
- 8 The precise variable used is median family income for 'economic families.'
- 9 The precise income quintiles are as follows: \$47,969 or less; \$47,969.10 to \$59,481; \$59,481.10 to \$71,189; \$71,189.10 to \$87,012.80; and \$87,012.90 or above. DAs for which median income data are suppressed by Statistics Canada due to small sample sizes (2.8% of all DAs) were excluded from these calculations.

Perspectives on the Election of Committee Chairs

The following is a revised and abridged version of the October 21, 2013 debate on MP Brad Trost's private member's motion (Motion No. 431) which proposes to instruct the Standing Committee on Procedure and House Affairs to: (a) consider the election of committee chairs by means of a preferential ballot system by all the members of House of Commons, at the beginning of each session and prior to the establishment of the membership of the standing committees; (b) study the practices of other Westminster-style Parliaments in relation to the election of Committee Chairs; (c) propose any necessary modifications to the Standing Orders and practices of the House; and (d) report its findings to the House no later than six months following the adoption of this order.

Brad Trost (Saskatoon—Humboldt, CPC):



The idea behind this motion comes from two sources. The first, and probably the most relevant to this place, is the debate that was held in 2002 on an opposition supply day. There were members of the Liberal government caucus, the Canadian Alliance, the Progressive Conservatives and the NDP, who worked

together to get a motion through. The motion at that time was about the election of committee chairs

directly by their committees. Peter McKay, the member for Pictou—Antigonish—Guysborough, said at the time: “An independently elected chair...would demystify and give greater credibility to the process. What we are talking about is not the election of opposition members to fill those important positions of chair, but government members.” Dick Procter, the member for Palliser, noted: “Frankly we make it far too easy for the media to cover politics in a very partisan fashion. There is a high angle shot which highlights, maybe even exaggerates, the neutral zone between the government side and the opposition side.” That was the general tone of the debate that day. These were members getting together and talking about ways to enhance the credibility of committee chairmanships, their powers and election.

The second inspiration for this motion is what is known as the Wright report, a report by the British House of Commons. Several years ago, Great Britain began to look at a considerable number of reforms to make its House of Commons work. One of them, among other things, was to look at the election of committee chairs. In the last year it has looked at and revised the changes that were implemented by the Wright report, and by and large it has come to a very positive conclusion. It seems to be working, and it seems to be very substantive.

CPC MP Brad Trost is the sponsor for M-431 (Election of committee chairs) in the 2nd session of the 41st Parliament. He was first elected in Saskatoon-Humboldt in 2004. Liberal MP Ted Hsu has represented Kingston and the Islands since the 2011 general election. First elected in 2006, the Hon. Laurie Hawton, Edmonton Centre CPC MP, is a former parliamentary secretary to the Minister of National Defence. NDP MP Christine Moore has represented Abitibi—Témiscamingue since 2011.

There were several different positive results from this change. First, there is the perception of independence and impartiality. We are in a unique business in politics. Reality is not always reality in politics; perception is reality. If we take steps to

"In presenting this motion, I am seeking concrete ideas as to how we can take this and make this very modest reform and hoping this will serve as a springboard to start to think about other ways and other places we need to have reforms done, both in committee and in caucus."

~Brad Trost

democratize and bring forward more independence, and more perception of independence, we enhance the reality of democracy. That is not to imply any sort of criticism to current chairs – by and large, in my nine-plus years in the House of Commons I have dealt with excellent committee chairs. Second, members are more likely to be engaged. One of the areas where we do get engaged as members of Parliament, in a very deep and substantive way, is at our committees. We often do not have the time to become an expert on all aspects of debate here in the House. As members take responsibility at committees, through election, engagement and increasing independence, members will be more engaged and able to act.

This motion would not change who would be eligible to run for the chair of a committee. In a situation with a minority Parliament, opposition members would not choose from their ranks to fill the committee chairs that are normally filled by the government. Some honourable members have asked why this motion does not also apply to vice-chairs. On principle that would be a very good step; however, this would complicate this motion and reduce its odds of being accepted and I, as a government member, do not want to send the message that I am imposing such a procedure on the opposition.

How would this change function? The ultimate decision would be given to the committee. I would envision after the election of a speaker we would use a large preferential ballot. If there is more than one candidate who has put his or her name forward to stand, we would very simply number off: one, two, three, four. We could have one ballot with all the

committees listed, which is, perhaps, unwieldy, or we could have a separate ballot.

How would we actually ensure diversity among the people who are committee chairs? One of the first things I would say is that this is a very political process. Everything we do here is political. I would think all members of the House would have some interest in seeing a diverse range of people taking the chairmanships of the committees. Therefore, there would be a pressure to vote for a variety of candidates to encourage people who we know may not fit the traditional image of a committee chair to step forward.

It would probably be more difficult for rookies to get appointed or elected as committee chairs than it would be for veterans. That is normative now, as we see most committee chairs are people with experience. It does help to have some idea how this place runs before we get involved in a leadership post. Having said that, if someone is an energetic brand new member with a talent and an ability to communicate, they will be known by members in their caucus and the members of their caucus will vouch for that and will help them to get their candidacy put forward.

In presenting this motion, I am seeking concrete ideas as to how we can take this and make this very modest reform and hoping this will serve as a springboard to start to think about other ways and other places we need to have reforms done, both in committee and in caucus. This would be an opportunity for members to come together, to be collaborative, to be productive. I suggest this as a very modest, positive step to help make this place a more functioning, better democracy.

Ted Hsu (Kingston and the Islands, Lib.):



I support this idea. I must say that I feel a bit uneasy when I am introduced at riding events as the Liberal member of Parliament for Kingston and the Islands. My duty as an MP is to represent my constituents in Kingston and the Islands here in the House as well as to say and do what is best for the country. I

am their member of Parliament. I am not simply the Liberal Party's presence in Kingston and the Islands.

We in the House, from all parties, are here to keep tabs on the government of the day. If we presume

to hold the executive to account, we must have a functioning independent committee system that merits the public's trust and confidence. The Standing Orders tell us that committee chairs are elected by secret ballot from among the members of the committee, but the Standing Orders do not fully reveal reality. The current reality is that committee activities are often directed by the executive branch of government, and a parliamentary secretary for a minister of the Crown often sits on the committee and guides its work. That work includes going to great lengths to protect the government of the day.

"We in the House, from all parties, are here to keep tabs on the government of the day. If we presume to hold the executive to account, we must have a functioning independent committee system that merits the public's trust and confidence."
~Ted Hsu

Committees are not as independent as they could be, but then, committee membership and committee chairs are determined by the executive branch or by the leadership of opposition parties, who, to be fair, may be thought of as executive branches in waiting. Much of what happens in the House is determined by the leadership of political parties. They may have what they believe to be the best interests of the country at heart, but we have been elected not only to say and do what is best for the country, and that is why we support our political parties and work as a team here in Ottawa, but to represent our constituents. Therefore, Parliament and its committees must be more than fields of battle between political parties.

The election of committee chairs by a preferential ballot would have the potential to make the chairs and their committees more independent of the government of the day and more effective. I acknowledge the caveats that have been raised by colleagues, including the requirement that certain chairs be filled by members of the Official Opposition, the need for the preferential ballots to be secret, the risk of gender and regional imbalances and the need for the study by the committee to address these concerns. We don't know the full implications of this proposal nor to what extent it would nudge the balance of power in the House back toward elected members of Parliament, but it is a good step to consider at committee.

Hon. Laurie Hawn (Edmonton Centre, CPC):



The motion first sets out a requirement for the procedure and House affairs committee to consider the election of chairs by a means of a preferential ballot system by all members of the House. The motion then states that the committee would be required to study the practices of committee

chair selections in other Westminster style parliaments. It concludes with the committee having to table its findings within six months of the motion being adopted, including any necessary modifications to the Standing Orders.

Let us discuss the context for the current chair selection system. Standing Order 106 provides that at the start of every session and, when necessary, during a session, each standing or special committee shall elect a chair and two vice-chairs. If more than one candidate is nominated, an election is conducted by secret ballot. This approach is consistent with the long held view that committees are masters of their own affairs.

Before this motion came forward I was not aware that there were any major concerns with our current system. The existing rules for committee chairs have now been in place for over 10 years. I believe it is fair to say that the current system functions efficiently. It was the Canadian Alliance Party that brought forward a change of the rules through an opposition day motion in October, 2002. The motion proposed to change the Standing Orders to require a secret ballot when selecting committee chairs. The premise for the motion was the belief that committee members should have the freedom to vote by secret ballot for the member of their choice to be chair. The House agreed with that rationale and adopted the motion by a vote of 174 to 87.

I should note that although the previous government did not support the motion, many of its members did. After it passed, there was no subsequent attempt to undo the changes to the rules that it brought into effect. The result we see today is that committee chairs are elected by the members of the committees they serve.

With respect to electing committee chairs in other jurisdictions, many of the other Westminster style legislatures have the same system in place that we have.

Most provincial legislatures, as well as the parliaments of Australia and New Zealand, have systems of electing committee chairs that are essentially the same as the one we use here.

An exception to this general approach is the United Kingdom, which only recently changed its system and rules in 2010. Under the new rules, at the start of a new parliament, the allocation of chairs of each party is set,

“We should keep an open mind about changing these rules, but such change should never be a trivial matter. Rather, prudence, due diligence and a wide support among members are needed before considering any significant changes to the Standing Orders.”
~Hon. Laurie Hawn

based on the results of the previous election. Members are then able to submit nominations for committee chair positions, as long as the member they nominate is from the party which has been allocated the chair for that committee. To be nominated, a member must obtain signatures from either 15 members of his or her party or 10 per cent of the party's members, whichever is lower. All members of that House vote to elect committee chairs based on a system of preferential ballots, ranking as many candidates as they wish. A candidate is elected once he or she has received more than half of the votes, with the lowest candidate dropped from the ballot and those votes distributed according to the rankings after any round that does not generate a majority outcome.

This new system was implemented in 2010, so it has only been used once. In that case, 16 of 24 committee chair positions were contested and decided by preferential ballot, and 8 were elected unopposed. At this time, it is too soon to determine what the long-term impact of those changes will be or whether there are any unintended consequences of the changes. There are several factors in the consideration of changes to House rules.

Members will know that the rules of the House are carefully balanced, based on parliamentary principles and traditions and reflect the interests of all members. We should keep an open mind about changing these rules, but such change should never be a trivial matter. Rather, prudence, due diligence and a wide support among members are needed before considering any significant changes to the Standing Orders.

Some of the questions and concerns members will be no doubt commenting on include these: Is there a need for changing the current system? Is there something about the system that is not working? Do members want a system where opposition members could influence the selection of government chairs and government members could influence the selection of opposition chairs? What are the mechanisms for removing chairs from their positions once elected? Would just committee members vote on this or all members of the House? How might this proposal affect considerations such as adequate gender or regional representation of committee chairs? Are these important issues for members? Are we willing to consider moving to a system based on one established very recently in 2010, for which there is little understanding of its long-term impacts and possible unintended consequences?

A study by the procedure and House affairs committee could review these and many other considerations. The committee is already undertaking a review of House rules and could review the process for electing committee chairs in the context of its broader review of the rules. The government will support this motion. That said, it is important all members consider what is at stake when we implement any changes to the Standing Orders. Any such decision should be made with a clear understanding of potential impacts down the road.

Christine Moore (Abitibi—Témiscamingue, NDP):



Since this will be studied in committee, the end result may be different. However, we will seriously consider the issue. The important thing is to find a way to improve the democratic process and the independence of our committees. We will consider this in an ordered, thoughtful

way and if possible make the appropriate changes. Democracy must continually evolve and improve.

Although the motion is rather straightforward, the process of electing committee chairs can be somewhat complex. Electing 20 or so committee chairs by preferential ballot at the beginning of each session could be difficult for new members, because they do not know the candidates. Within the first few days of my arrival here in the House, we voted to elect the

speaker of the House. We received some letters, and I tried to learn about and understand the candidates. That is how I made my choice. However, if we have to do that for all of the committees, that is a lot to ask of new members who are trying to understand how the House of Commons actually works.

Furthermore, if committee chairs were to be elected, it would only make sense to give all the members time to get to know the candidates. However, if we delay the election of committee chairs, would this not also delay the beginning of committee work at the start of each parliamentary session? These questions need to be examined in committee.

Gender inclusiveness is also very important to me. I fully support the principles of democracy and independence. At present, I imagine that both the government and official opposition whips—at least I am sure this is true of the official opposition whip—try to have adequate representation of women as chairs and vice-chairs. How can we be sure that this principle is honoured and give women, who are often under-represented, access to these positions? This principle needs to be protected when new committee chairs are elected.

There is also the issue of representation of minorities. I am also wondering if, during this process, the four committee chair positions that are currently reserved for the official opposition will remain that way. That is something else that must be looked at.

In fact, there are many technical details that will need to be looked at. For example, could someone be considered for two chair positions at the same time? Currently, the majority of chairs are government party members, except the four positions reserved for the official opposition. Would someone who is normally not allowed to hold the position—because he is a member of the third party or sits as an independent—be able to throw his hat in the ring?

Of course, the voting system will have to be discussed in order to determine if it would be by secret ballot or recorded vote. The voting system that is chosen will have to be effective and result in chairs actually being elected. If it takes several hours of voting for each committee and there are 24 committees, then this risks being a complicated way to begin a session and it could make it difficult to implement the motion. However,

“Electing 20 or so committee chairs by preferential ballot at the beginning of each session could be difficult for new members, because they do not know the candidates.”
~Christine Moore

solutions may already exist to ensure that it happens very quickly and that we can promptly get to work on electing committee chairs.

That said, I am questioning whether the preferential ballot is necessarily the best voting system and whether, with 308 ballots, the numbers might make the calculations too complicated. There are plenty of questions. For example, what would happen in the case of a tie? Would we have to start the voting all over again? Although the motion is a simple one, it is clear that it could be quite difficult to actually implement because of all the technical, practical details that need to be looked at in order to make it an effective process. However, in order to protect the principles of independence and democracy, I think it is really worth examining this motion, taking the time to study it and checking to see if there are one or more ways that it could be implemented.

Editor’s Note: Motion No. M-431 was further debated by the House on January 29, 2014, and adopted on February 5, 2014.

House of Commons Committee Chairs: Perspectives of Two Members of Parliament

Alexis Dubois

In this article, the author looks at the issue of the impartiality of chairs of the House of Commons standing committees during the 41st Parliament. He explains the importance of the Standing Orders of the House of Commons, constitutional conventions on responsible government and the disciplinary mechanisms influencing the behaviour of committee members. He suggests reforms to improve the operation of Canada's House of Commons by examining the situation in the United Kingdom and the way in which the Standing Orders of the House of Commons have evolved over time.

In his classic book *The Parliament of Canada*, which describes the many aspects of the business of the House of Commons, C.E.S. Franks noted a paradoxical aspect of the roles and responsibilities of standing committee chairs that is still apparent today:

Chairmen in effect wore three hats: one, they were to ensure that the committee proceedings were orderly and fair, the same sort of impartial role as the Speaker plays for the House; two, they had some responsibility for the effectiveness of the committees and the quality of this work, and helped to organize and lead investigations; and three, they had a function of protecting the government's interests when these were under attack by opposition members of the committee.

To the parliamentary observer, a committee chair's first and third roles appear to be in clear contradiction. How is it possible for a member of the government party to be impartial while protecting the interests of the executive branch, or the interests of the opposition parties in the opposite case? This paper will describe the tension that arises in the course of committee chairs' work, thus revealing the limits of their impartiality. The normative position on this point is that it is desirable

Alexis Dubois was a parliamentary intern in 2011-2012. His article is based in part on interviews that he conducted with two committee chairs, the Hon. Michael Chong and Pierre-Luc Dusseault. This is an edited version of a paper prepared for the Parliamentary Internship Program in 2012. The author can be contacted at alexis.dubois@umontreal.ca.

for the proper operation of parliamentary institutions that the first two roles, as outlined above, be properly performed, even if that means abandoning the third.

The analysis is built on a literature review which includes a roundtable discussion conducted by the *Canadian Parliamentary Review* with different Speakers of legislatures around Canada in the summer of 2004. Other examples were taken from a research conducted by Lynn Matte, parliamentary intern in 2010-2011, with government committee chairs Hon. Michael Chong and James Rajotte. To supplement the research, Michael Chong, Chair of the Standing Committee on Official Languages, and Pierre-Luc Dusseault, the then Chair of the Standing Committee on Access to Information, Privacy and Ethics and member of the Official Opposition, were interviewed on May 8 and 16, 2012, respectively.

Standing Orders, party cohesion and interests

Committee work is characterized by a set of rules, conventions and privileges (both express and implicit), that members must know how to use in order to perform and fulfill their legislative roles.

The *Standing Orders of the House of Commons* provides the rules that a MP must obey and are the primary source of information on legislative matters. Chapter 13 contains numerous provisions on parliamentary committees, such as the political affiliation of the chair (Standing Order 106 (2)), membership of committees

(Standing Order 104 (2)) and powers and mandates (Standing Order 108). Committee members may introduce motions for the purpose of organizing the conduct of proceedings, establishing the committee's agenda (studies, bills, appointments, travel and so on) and allotting speaking time. For practical or procedural reasons, they may also strike a subcommittee on agenda and procedure responsible for those matters. The Standing Orders also apply to all activities of the House of Commons and remain in force from parliament to parliament until the House decides otherwise. Historically, amendments to the Standing Orders have mainly been made by consensus among the parties represented in Parliament. All cases for which no provision is made in the Standing Orders must be decided by the Speaker of the House.

A number of less formal, unwritten conventions and practices particular to Westminster-style systems do exist, although it is difficult to provide an exhaustive list, and they influence members in the course of their legislative work. Unlike American-style presidential systems, it is a constitutional convention of responsible government that every government that is defeated in the House on a question of confidence (motions of no confidence, motions that the government declares to be questions of confidence, some motions for the granting of supply, the budget and the Address in Reply to the Speech from the Throne) must resign. Consequently, mechanisms to guarantee party cohesion have been developed to ensure greater predictability in legislative business by guaranteeing a higher degree of coordination of members' individual actions. In formal terms, a parallel may be drawn between the parliamentary secretary in a committee, who acts as a link to the Minister's office and as a spokesperson to explain the government's position, and the government whip in the House in that the former ensures that the party's position is known to committee colleagues. Consequently, since the government party holds a majority in all committees in the 41st Parliament, if it maintains cohesion, it can exercise a major influence by virtue of its numeric superiority. According to Michael Chong, Chair of the House of Commons Standing Committee on Official Languages and member of the governing party, the analogy between the parliamentary secretary and the whip is not quite accurate. "It's even worse," he suggests. "Parliamentary secretaries are essentially run by the ministers' offices and every parliamentary secretary is assigned a staffer out of the minister's office, a parliamentary secretary assistant." As a result, work done in committee is controlled by the executive branch based on specific political objectives, in addition

to being subject to the usual rules of the House of Commons. Pierre-Luc Dusseault, the then Chair of the Standing Committee on Access to Information, Privacy and Ethics and member of the Official Opposition, contends a comparison can be drawn not only with the position of whip, but also with that of House leader:

The parliamentary secretary is often the person who tells the member who will ask the witnesses questions and in what order, who issues the instructions most of the time, and the initiative rarely comes from any other member (during meetings of the Standing Committee on Access to Information, Privacy and Ethics).

Parliamentary secretaries may also sit on subcommittees on agenda and procedure, where those committees are struck. A similar mechanism is in place on the opposition side. Although the *Parliament of Canada Act* is silent on this point, the opposition parties tend to have critics for similar issues falling within committee mandates. For example, NDP and Liberal transport critics stand in opposition to the Conservatives parliamentary secretaries and Minister of Transport in the 41st Parliament. Like parliamentary secretaries, critics enjoy greater visibility and influence in the House and in the committees. Mr. Dusseault confirms this analysis: "Most decisions are made jointly, but sometimes the opposition members' role within the opposition party is to support the critic's position." Consequently, critics occupy an enviable leadership position in ensuring that party's actions are coordinated and that the party maintains cohesion similar to the government party. On June 1, 2012, opposition critics sat on all committees and 16 of the 22 House of Commons subcommittees on agenda and procedure.

These mechanisms clearly achieve the desired results and parties can expect a very high degree of party cohesion in committees and in the House. Dissent is therefore unusual. As Mr. Chong confirms: "It's rare and MPs usually get disciplined on it." Several disciplinary options are available to party leadership. One of these measures is to switch the member to another committee, although harsher ones, such as expulsion from caucus, may be considered. From a methodological standpoint, however, it is impossible to say, in the absence of admissions by parliamentary players, whether disagreement with the party line is the sole reason for disciplinary action. After all, a member may be switched to another committee for various reasons besides individual actions. Neither the member at fault, out of fear of a harsher reprimand, nor party leadership, which would then appear very rigid and autocratic, tend to have any interest in disciplinary action taken against a member

being known. As committee votes are not required to be recorded individually, this researcher has no actual data with which to calculate the percentage of votes during the current parliament (41st) in which a member voted against the majority position of his or her party in committee.

However, the case of Royal Galipeau, the Conservative member for Ottawa—Orleans, appears to suggest that these disciplinary practices do exist. In the wake of the government's appointment of a unilingual anglophone to the position of Auditor General of Canada, members of the New Democratic Party and Liberal Party of Canada opposed the action. In debate in the Standing Committee on Official Languages, Mr. Galipeau, a Franco-Ontarian member representing a riding in which one-third of constituents are Francophone, expressed an unfavourable opinion with respect to the appointment on November 22, 2011. Even if many reasons can justify the absence of a parliamentarian from a committee meeting, a disciplinary mechanism may have been applied here. Subsequently, another MP was present instead of Mr Galipeau at every meeting of the Standing Committee on Official Languages. This lasted until January 31, 2012 when the MP was removed from the Committee.

Individually and collectively, according to David C. Docherty in *Mr. Smith Goes to Ottawa* (1997) and Christopher Kam in *Party Discipline and Parliamentary Politics* (2011), members use the Standing Orders to further their interests and objectives, which may be divided into three main categories. Even though there is a high degree of party cohesion, despite the brief length of the average parliamentary careers, members as individuals want to ensure they are re-elected. They must therefore work to achieve the success of their party, their leader and their proposed policies in order to achieve two other categories of objectives. First, as members of political parties representing certain interests, ideas and values, they have objectives for public policy. Legislative work helps them achieve these objectives by affording a range of opportunities (motions, bills, visibility and so on). Second, at a professional level, members try to extend their influence by taking on more important and prestigious positions. The positions of party leader, House leader, whip, minister and critic, committee chair and parliamentary secretary, with the opportunities they afford, help them achieve their legislative preferences. Last, the

aforementioned combination of objectives enables members to achieve a high degree of satisfaction with parliamentary work.

Impartiality of the House of Commons Speaker and committee chairs

As noted above, the business of the House of Commons is characterized by a high degree of party cohesion, by coercion or persuasion. In committee, members align their individual actions by working and voting together in accordance with party allegiance. Committee chairs must deal with this dynamic when they balance the rights of the government and opposition, while ensuring that they remain impartial in the performance of their duties. Although considerable research has been conducted on the concept of parliamentary impartiality as it applies to the office of Speaker of the House of Commons, much less has been written on the chairs of House of Commons' standing committees.

***"They can tell me whatever they want
but at the end of the day, I'm interpreting
the rules in a fair and equitable manner."
~Hon. Michael Chong on the committee
chair's impartiality***

Regardless of party allegiance, the Speaker of the House of Commons, once elected by fellow members, represents the institution, not a particular political party. He or she is the guardian of order and decorum in the House, its interests, the rights and privileges of all members,

the right of the majority to govern and the right of the minority to speak. The Speaker is independent of the executive branch of government and is impartial with regard to all members, basing his or her decisions, which have not been subject to appeal since 1965, on parliamentary practice and procedure.

Standing Order 10 clearly states: "No debate shall be permitted on any such decision [of the Speaker], and no such decision shall be subject to an appeal to the House." George Hickes, Speaker of the Manitoba Legislative Assembly from 1999 to 2011, summed up that description in 2004 by saying, with respect to other members, that "I am not their boss; they must comply with the Standing Orders" and that "they [the Standing Orders] dictate the conduct of members, not I."

The corollary of that duty of impartiality and independence with respect to one's own party is that the Speaker must exercise the necessary reserve in debates in Parliament. Standing Order 9 provides: "The Speaker shall not take part in any debate before the House." Michel Bissonnet, Speaker of Quebec's

National Assembly from 2003 to 2008, notes: "A speaker must be very careful when he speaks, and every speech must be made in a dignified, non-partisan manner to avoid undermining his impartiality and credibility with all his colleagues." In extremely rare cases, to break a tie vote, the speaker will cast the deciding vote (leaning, by convention, toward the status quo or toward future consideration of the matter). Such occasions have arisen only 15 times in the House of Commons since 1867. Considering the number of recorded divisions (363) in the previous parliament (40th) alone, for example, this is clearly an exceptional situation.

Using the method of comparing analogous cases, it is possible to determine the nature of the impartiality of the Speaker's office and to draw a parallel with the committee chair. In committee, debate generally focuses on subject matter limited by its mandate, as defined in the Standing Orders. As confirmed by Standing Order 116, the Standing Orders apply in full, "except the Standing Orders as to the election of a Speaker, seconding of motions, limiting the number of times of speaking and the length of speeches."

Mr. Dusseault made an interesting observation in describing his office as "almost the same as that of the Speaker of the House, except on a smaller scale." In addition to the duties referred to in the comment by C.E.S. Franks cited in the introduction, the duties of committee chairs also include those of managing members' speaking time, presenting committee reports in the House, participating in the conduct of studies as other members and participating in and reporting to the Liaison Committee. Unlike the Speaker of the House, however, the decisions of a chair may, as provided in Standing Order 117, be appealed to the committee.

House of Commons committee chairs must be able to enforce the Standing Orders and not serve strictly partisan interests. Mr. Chong is clear with his colleagues on this subject: "They can tell me whatever they want but at the end of the day, I'm interpreting the rules in a fair and equitable manner." Mr. Dusseault added, "You have to be open and fair with everyone and not favour one party over another." When the chair renders a decision, this kind of behaviour establishes the necessary credibility with all players, not one political party in particular. If conflicts and impasses increasingly arise, the chair, if impartial and credible,

can try to establish consensus and agreement among the parties in order to perform the duties described above.

Although there is an essential need for impartiality among committee chairs and in the House of Commons, impartiality can be nevertheless sorely tested during the election of committee chairs and in attendance at caucus meetings.

Electing a House of Commons committee chair

Unlike in the House, the credibility of a committee chair can be questioned on the basis of a democratic criterion that relates not to the electorate, but to the other members of a parliamentary committee and to the other members of Parliament. Standing Order 106(3) provides for a specific procedure for electing the chair (or vice-chair) of a committee where several members are in the running.

The process is not necessarily as competitive as in the House. When the Speaker of the House is chosen by members, those not interested in the position must indicate that fact and the remaining members are

automatically candidates for the position. In the election of the Speaker of the 41st Parliament on June 2, 2011, eight candidates expressed their interest, including seven from the government party. Ultimately, the Hon. Andrew Scheer won the election. Even though there

was a majority government, there was competition for the position, as may be seen from the seven ballots that were required to produce the outcome.

At the first meeting of a House of Commons committee, the chair must be elected and a process is in place should more than one candidate contest the position. Committee members move motions to nominate people for chair. Just as it assigns members to every committee, party leadership maintains control over the process and decides on the candidates. Based on their own criteria, that leadership, exercised by the party leader, whip, parliamentary leader and their respective teams, may designate candidates at their own discretion to the available positions. They must then be confirmed by a vote.

The use of this procedure was confirmed by Mr. Chong and Mr. Dusseault. The members vote, of course, but they do so in the same way as in the House, in accordance with party line. According to Mr. Chong and Mr. Dusseault, parliamentary committee chairs

The democratic legitimacy of elected chairs in the view of other members could be addressed by simply making a few amendments to the committee chair election process.

are thus members who enjoy the party leadership's confidence. The official opposition, which is in the minority on all committees, may approve or reject appointments, but with a government majority on the committee, supported by discipline, the chances of influencing the outcome of the election of the chair remain very small.

It is important to note, however, legitimacy as a committee chair does not take its only source from the electoral process to the position. After all, personal qualities such as diplomacy and the ability to listen to other's opinions, professional qualifications and experience can also afford what a committee chair needs to perform his or her duties. Nevertheless, the democratic legitimacy of elected chairs in the view of other members could be addressed by simply making a few amendments to the committee chair election process, as will be suggested in the section on reforms.

Attendance at pre-committee meetings

Interactions within caucuses are another cause of tension over the impartiality of committee chairs. The contrast with practices in the House of Commons in this regard is striking.

According to Audrey O'Brien and Marc Bosc (eds.) in *House of Commons Procedure and Practice*, Second Edition, "in order to protect the impartiality of the office, the Speaker [of the House of Commons] abstains from all partisan political activity (for example, by not attending caucus meetings), does not participate in debate...." The reason for this imperative is obvious. Since these weekly meetings consist of *in camera* discussions on partisan strategy within a political party and are an opportunity for the party's leadership to exercise its influence over all party members in the House (this has been extended to include the executive in the government party), the presence of the Speaker of the House in the audience poses a problem. If the Speaker is aware of the party's upcoming parliamentary strategies or takes part in their development, how can he or she claim to have performed this duty of impartiality upon returning to the Speaker's chair? Consequently, as acknowledged in the works on practice and procedure in the House of Commons by Beauchesne and by O'Brien and Bosc, it is important for the Speaker to cut ties with caucus. Michel Bissonnet, former Speaker at the Québec's National Assembly, confirms that this is necessary, noting that the Speaker never attends the caucus meetings of his party. This is also confirmed by former speakers of provincial legislatures such as George Hickes (Manitoba), Bev Harrison (New Brunswick) and Ken Kowalski (Alberta).

However, the situation is entirely different for committee chairs. As might be expected, these members attend all their Wednesday morning national caucus meetings on Parliament Hill, take part in the meetings of their local executive and, if they are from the governing party, may make announcements on the government's behalf. As a result, they appear to be much less independent of their party. However, even if there are not necessarily any formal meetings for the members of a parliamentary group in committee such as a caucus, pre-committee meetings are nevertheless their equivalent. These meetings, which have become very common in the recent string of minority parliaments (38th, 39th and 40th), are parliamentary party meetings for the purpose of developing strategy for committee meetings. A committee chair is not barred by any procedural rule from attending such meetings, which are the equivalent of caucus meetings. Considering the large number of committee chairs elected from the government party (20 out of a total of 24), as stated in the Standing Orders, their involvement in this kind of exercise may undermine their impartiality. Given the potential presence of parliamentary secretaries (and parliamentary secretaries assistants coming from the Ministers offices) at pre-committee meetings, the blurring of powers, which benefits the executive, is apparent and a problem. The same is true of the impartiality of the office of committee chair.

Although Mr. Chong and Mr. Dusseault agree that this kind of situation exists, they differ widely in their analysis. Mr. Chong does not believe attending pre-committee meetings poses a problem. He feels he must interpret the Standing Orders fairly with respect to everyone and that being aware of his party's future tactics does nothing to change that fact. "If they (the party) tell me what they are going to do, well, it is only a nice point of information." From that perspective, the interaction between a committee chair and his or her parliamentary party seem necessary and inevitable for the operation of the legislative process. Consequently, based on that reasoning, there is no need to prohibit or restrict it. At best it would facilitate future business by lending the proceedings a certain degree of predictability. In Mr. Chong's view, the role of the chair at such meetings, and that of other government members, is negligible compared to that of the parliamentary secretary.

Like Jean Crowder, former opposition Chair of the Standing Committee on Access to Information, Privacy and Ethics, Mr. Dusseault does not attend pre-committee meetings. In his view, doing so would undermine his "impartiality and credibility." Mr. Dusseault believes that if his conduct as committee chair demonstrates

that he is impartial outside of formal meetings, he may then appear much more credible with all members when a decision has to be rendered. On the other hand, based on Mr. Dusseault's reasoning, if a chair assists in implementing a party's strategy, discusses with members of his caucus information intended for the chair as an impartial representative of the committee and is informed of government instructions for government party chairs, the impartiality of the position, the credibility of the chair among its members may be undermined. Although this kind of dynamic is not a very serious issue in the course of routine proceedings, the situation may be quite different if a tough decision has to be rendered. The chair's position may prove to be more difficult if tensions rise in committee, and, as witnessed on two occasions during the 39th Parliament, a motion may be introduced to remove the committee chair.

Toward reforms of committee work

As C.E.S. Franks notes, reforms have been proposed for the work of committee chairs over the past 60 years. Under John Diefenbaker, the first Official Opposition member was appointed to chair the Standing Committee on Public Accounts and under Pierre Elliott Trudeau, committee chairs were given more powers. To achieve reform, however, an essential premise must be considered. The consent of party leadership must be obtained for any reform involving an amendment to the Standing Orders - an action that normally requires a consensus among parliamentary players. Party leaders clearly have no interest in such reforms since that would cause them to lose the control and power they have over parliamentary players; this control is useful in ensuring a certain degree of predictability and efficiency in the legislative process. In an institution in which dissent is often seen as embarrassing to the leadership of a political party, what would be the benefit to party leadership of a loss of control and a decline in the predictability of proceedings? Consequently, it will be readily understood why the reform of democratic institutions is possible but extremely rare, even if it is desirable in increasing legislative power relative to executive power. For this researcher, however, practical consideration aside, there are possible solutions to the problems raised in the previous two sections.

First, in the election of committee chairs, it is possible to copy the procedure used to elect the Speaker of the House. Franks raises this possibility by describing the British model of 1987 (which has evolved since that time), while David C. Docherty in *Legislatures* (2005) proposes that the House model be used. The two approaches are complementary, as the current experience of the British House of Commons shows.

In the United Kingdom, the political allegiance of the chairs of every committee must be determined at the start of each Parliament (with the exception of the Public Accounts Committee, the chair of which is filled by the Official Opposition). Members may then run for available positions. To do so, they must obtain the support of 15 per cent of the members of their party in Parliament or 10 per cent of all members. The election process is then conducted by preferential balloting of all members of the House, which prevents the process from working to the benefit of the majority party.

This would also be beneficial for other reasons. First, the vote by secret ballot by a very large number of members (650 in the case of the British House of Commons and 308 in the case of Canada's House of

Like Jean Crowder, former Chair of the Standing Committee on Access to Information, Privacy and Ethics, Pierre-Luc Dusseault does not attend pre-committee meetings. In his view, doing so would undermine his "impartiality and credibility."

Commons) would encourage many candidates to run from a single political party, making it virtually impossible to use disciplinary sanctions towards elected members who would dissent from the party line. There would be genuine competition for the office, and the involvement of all members in confirming appointments would confer additional legitimacy on the process, in addition to that

based on the qualifications of the committee chairs. As a result, the influence of party leadership in this matter would be reduced to the benefit of the caucus. This reform could ultimately relieve the tensions attending the election of parliamentary committee chairs.

Mr. Chong believes that such reform is appropriate and could be included in a broader effort to rebalance the legislative and executive branches. Other action could also be considered for the purpose of transferring power from the leadership to caucus. In Mr. Chong's view, the British example warrants more attention in this regard. Mr. Dusseault also agrees that such reform could be promising, provided its actual implications are determined.

The issue of committee chairs' attendance at pre-committee meetings is more problematic to address for numerous reasons. First, since pre-committee meetings are informal items on the parliamentary agenda (unlike national caucus meetings, which are held on Wednesday mornings when House of Commons is sitting), how could they be prohibited? Second, since the government party cannot forgo the services of 20 of its committee chairs in its caucus, contrary to what is done for the Speakership of the House, how is it possible to have fair Standing Orders that do not penalize the necessary interactions between the chair of the committee and its members?

The development of the procedure and practice of the House of Commons can be of assistance in this regard. In the first editions of the procedural works by Arthur Beauchesne (1922, 1927, 1943, 1965), no mention is made of the customs and usages of the Speaker of the House in interactions with caucus. Reference is made instead to the impartiality of the chair in more general terms, in the recurring expression, "...many conventions exist which have as their object not only to ensure the impartiality of the Speaker but also to ensure that his impartiality is generally recognized." Starting with the fifth edition (1978), section 117(3) states for the first time, with respect to the Speaker of the House of Commons, that "he does not attend the party caucus nor any outside partisan political activity." Thus, the hitherto implicit convention became explicit as a result of Speaker Lamoureux, who, considering the challenges of minority parliaments in the 1960s, sought more independence for the office. By the practice and conduct of one player, these practices were adopted by successive speakers of the House and subsequently codified. Their validity is no longer contested.

This approach should be considered for the purposes of committee chairs. Committee chairs must withdraw voluntarily from pre-committee meetings if this practice is to be maintained over time. The reasons given by Mr. Chong are logical but based solely on the good faith of committee chairs. If tensions were to rise in the House, in the event of a return to a minority Parliament, for example, there would be enormous pressure for committee chairs to play a more active role, and their impartiality could be greatly tested. Considering the influence of the executive branch and the parliamentary secretary at pre-committee meetings and in the planning of partisan strategy, committee chairs would gain greater legitimacy, if some restraint was observed. Mr. Dusseault validates this statement by his conduct, inspired by that of his predecessor, Ms. Crowder. The imperatives of impartiality are understood, assimilated and respected even by the less numerous Official Opposition members. Chairs such as Mr. Rajotte and Mr. Chong, whose competence as chairs is acknowledged, and others from both the government and Official Opposition, could draw on these practices to work in an even fairer manner for all concerned.

Conclusion

Canada's parliamentary institutions face a blurring of powers whereby the legislative branch is subordinated to the executive. The reforms suggested in this paper should be included in a broader institutional review, as Mr. Chong has suggested. The limits of the impartiality of parliamentary committee chairs, as outlined above, are only one aspect that these reforms should address. Legislators will be unable to do their work in an entirely independent manner as long as power remains in the hands of party leadership and the executive branch.

Changing Times at the Canadian Parliamentary Review

Will Stos

The new editor of the Canadian Parliamentary Review introduces himself to readers in this article. He explains his approach to his new role and to the publication as being one which fosters discussion and debate about new ideas about parliamentary democracy while recognizing its distinguished past. Particular emphasis will be given to people and projects which seek to continue to make these institutions responsive and relevant to Canadians. A concluding section outlines some of the editorial board's proposals for the Review during this time of transition and renewal.



As I begin my tenure as editor of the *Canadian Parliamentary Review*, I pause to consider and question my professional purpose and the kind of contribution I can make to this long-standing and well-regarded institution as it enters a period of immense change. I imagine many parliamentarians may have had similar thoughts as they first entered their respective legislatures.

As a proponent of the value of historical knowledge generally, it is a personal tenant of faith that one must look to the past to be best prepared for the unfolding future.

In preparation for the commencement of my duties as editor I spoke with some contributors to and readers of the *Review* to ask how they conceived of the publication's purpose and how I might build on the solid foundations and successes of my predecessor, Dr. Gary Levy. In these discussions it soon became clear that the *Review* had found a particular niche which it served well. Parliamentary observers, in Canada and abroad, find this publication a valuable source for

keeping up to date on the happenings in legislatures across the country. Current and former members publish pieces which seek to comment on some of the pressing issues or peculiarities of parliamentary life in a non-partisan setting. Legislative staff can be alerted to issues arising in certain legislative bodies or which they may soon experience in their home parliament. And academics with an interest in parliamentary matters can present some of their work for the benefit of both their colleagues and their subjects themselves.

At its best, then, the *Canadian Parliamentary Review* is reportorial, reflective and an incubator for new ideas about parliamentary democracy in this country and occasionally in others which share the Westminster tradition. These views correspond very well to the sentiment encapsulated in our masthead's mission statement: "The *Canadian Parliamentary Review* was founded in 1978 to inform Canadian legislators about the activities of the federal, provincial and territorial branches of the Canadian Region of the Commonwealth Parliamentary Association and to promote the study of and interest in Canadian parliamentary institutions."

The *Review's* more than three decade-long legacy, replete with rich archives, has made this an incredibly valuable source of information about the activities of Canadian parliaments. Moreover, the promotional aspect of our mission statement intrigued me greatly.

I think it fair to suggest that over the past decades a portion of the Canadian electorate seems to have lost interest and/or faith in our parliamentary democracy. Opinion polls suggest trust in politicians and governments is lagging, cynicism appears to

Will Stos is the new Editor of the Canadian Parliamentary Review. A Ph.D. candidate in History at York University, his research explores provincial political parties engaged in region-building projects from the 1960s to the 1980s.

have grown, and declining voter turnout has been a great source of concern in many quarters. And, as an academic historian who has closely followed professional debates about the value and utility of political histories focused on institutions such as parliaments, I might pose a question which directly challenges the work of many readers of this piece: Are parliaments truly worthy of study when the electorates they purport to represent appear to have disengaged?

If the answer to this question prompts a shrug instead of a battle cry, the future for this publication and defenders of the value of our democracy would be grim. Of course parliamentary democracy matters; not only in principle but also in practice. While there may be cynicism and disinterest among some elements of the electorate, other elements surprised political observers in the recent past by becoming incredibly engaged in discussions about possible coalition governments, referenda on important policy decisions, and the use of the heretofore mostly unremarkable tool of prorogation.

Moreover, in meeting new colleagues at Queen's Park (where the *Canadian Parliamentary Review* is now housed and published), I have learned of some exciting projects that represent a part of ongoing efforts to make parliaments more open, accessible, understandable and relevant to the public. As I meet legislators and parliamentary staff across the country I am positive that many of these projects and discussions have counterparts elsewhere as well. Proponents of parliamentary democracy have looked to ways this system can evolve alongside technology and society

and I hope the *Review* can publicize some of their exciting work and innovations.

This publication will be evolving as well. In step with the staffing changes (the retirements of Dr. Levy and his long-time editorial assistant Anna LaBallister), and production changes (the relocation of the *CPR*'s office to Queen's Park), the editorial board has endeavoured to survey our readership to see how we might best continue to fulfill our mandate and their needs (a questionnaire has been mailed to subscribers and will also be posted on our website).

Chief among our plans will be to work on updating our website to provide more interactive features, exploring possibilities for new designs for the print edition, and adapting our style to acknowledge the changing ways readers want to access news and views. We will aim to be responsive to our audience and produce a publication which continues to serve its existing niche and, it is hoped, attract new interest from other quarters as well. In this way, the *CPR* will embody the change and renewal its contributors often propose with respect to parliamentary institutions.

I view the *CPR* as a nexus: a coming together of many individuals and organizations – often perhaps at odds in terms of partisan beliefs – who have a common goal in fostering the growth of our parliamentary democracy and slaying our common enemy: apathy. I look forward to the challenges that lay ahead and on behalf of the editorial board I extend an invitation to all our readers to join us as we enter this exciting period in our publication's history.



Parliamentary Book Shelf

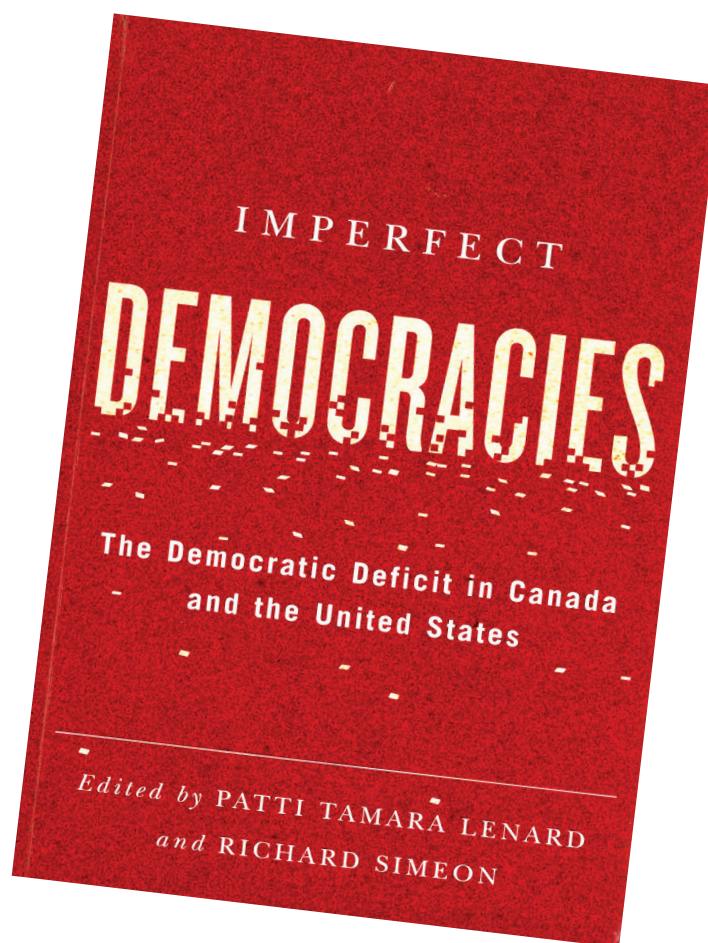
Imperfect Democracies: The Democratic Deficit in Canada and the United States by Patti Tamara Lenard and Richard Simeon, UBC Press, Vancouver, 2013, 360pp.

Reforming the Senate, ensuring backbench MPs have a voice, alternative voting systems to first-past-the-post, and election finance reform are all issues that Canadians have debated since our inception as a nation. Likewise, the power of the executive branch, a do-nothing congress, political finance & Super PACs, and reforming the legal system have preoccupied policy-makers in the US. In each case, these reforms are debated on the basis that they will, or will not, help to create a more democratic society.

In *Imperfect Democracies*, various authors explore the many aspects of what is perceived as a “democratic deficit” in both Canada and the US. Drawing on a rich body of recent literature, these scholars explore a diverse array of themes from citizen expectations, electoral reform, campaign finance, the balance of powers, and the jury system. The 19 contributors conclude that in our fallible democracy, there exists a “democratic deficit,” or in other words, a separation between citizen expectations of their democracy and the actual performance of their democratic institutions. This collection is not designed to be the answer to a long held historical question regarding the state of democracy in Canada and the US, but

rather is designed to reorient the debate in order to “guide future research into the nature of democratic dissatisfaction” (327). Nor is this book endeavouring to place a value judgment on the relative merits of Canadian and American democracies; although both experience a perceived democratic deficit, neither is deemed better or worse; yet citizens in Canada and the US

do not complain of a deficit in the same ways. The democratic deficit, then, stems from both a broader institutional skepticism held by citizens of most western democracies (beginning roughly 40 years ago), as well as historical differences that have shaped and defined each nation’s democratic institutions (and as such, each nation’s citizen expectations of those institutions).



This book is recommended for students of politics (from upper-year undergraduates onward), scholars, policy-makers and politicians, or anyone contemplating the difference between what we expect of our democratic institutions and what those institutions actually deliver. The authors of this collection have done an excellent job of framing these issues within an international context (in particular, the EU), as well as placing them in an historical context. For example, in his chapter on electoral reform in Canada, John C. Courtney describes “five principle electoral reforms since confederation,” including the extension of the franchise to women during the First World War as well as the creation of the Office of the Chief Electoral Officer in 1920 (112-113). As such, readers from

a broad selection of disciplines will not be lost in this text. In addition to framing the debate, some of the authors have chosen to recommend solutions to the democratic deficit. For instance, David Docherty endorses the idea that the committee system be reformed because “they provide a somewhat less partisan forum for debate” and as a result they “enhance both democracy and the legitimacy of the parliamentary process” (199). As such, this collection will not only inform students, scholars, and policy-makers; it will provoke a much-needed intellectual debate over issues typically saturated in hyperbole.

This book does not, and cannot, provide all of the answers to these complex issues. The authors cannot precisely pinpoint the exact nature and

extent of the democratic deficit. Much of their data on gauging the democratic deficit stems from an array of citizen surveys which the authors themselves acknowledge as problematic. But even within the data that has been collected we are still left with many points of conjecture. For instance, when citizens perceive a democratic deficit, is it because institutions fail to serve them? Or, on the other hand, is it due to the individual actors that comprise those institutions? Is the democratic deficit due to decreasing performance of institutions, or is it due to rising expectations among citizens? These are not easy issues to tackle, and *Imperfect Democracies* offers steady ground for diving in.

Tom Hooper

Ph.D. candidate (History)
York University



CPA Activities: The Canadian Scene

Photo by Denis Drever/Senate of Canada.



31st Canadian Presiding Officers' Conference

From January 30 to February 2, over 60 delegates and guests from every province and territory, gathered in Ottawa for the 31st Canadian Presiding Officer's Conference.

On January 30, guests to the conference, which was co-hosted by Speakers **Noël A. Kinsella** and **Andrew Scheer**, were welcomed and recognized by the Senate and the House of Commons following Senators' Statements and Question Period, respectively.

The first full day of the conference began with a courtesy call with the Governor General, His Excellency **the Right Honourable David Johnston** at Rideau Hall. Once delegates reconvened on Parliament Hill,

Speaker Kinsella presented a thoughtful statement on the critical role of the Senate in Canada's bicameral Parliament (see a revised version of this presentation in this issue). In a subsequent discussion chaired by **the Hon. Dale Graham**, Speaker of the Legislative Assembly of New Brunswick, delegates of some provinces which favour reform or outright abolition of this chamber offered some counterarguments. Attendees noted they were waiting with interest for the Supreme Court's reference on Senate reform.

In a session chaired by **the Hon. Carolyn Bertram**, Speaker of the Legislative Assembly of Prince Edward Island on the pros and cons of the Legislative Precinct being under the authority and responsibility

of the Speaker and the administration of Parliament, **the Hon. Dan D'Autremont**, Speaker of the Legislative Assembly of Saskatchewan's presentation prompted much discussion about the diverse methods Canadian parliaments use to oversee their grounds and operations. Numerous delegates mentioned the difficulty administrators of legislatures have had when requesting funds for general operations or renovations from members who may face political consequences when approving spending.

A third session chaired by Ontario Deputy Speaker **Bas Balkissoon**, featured a presentation by **the Hon. Daryl Reid**, Speaker of the Legislative Assembly of Manitoba and **Jacques Chagnon**, Speaker of the

National Assembly of Quebec, focussed on security issues facing legislatures. Discussion included numerous anecdotes about security threats, breaches, and protective services in place. Some commentators remarked that geography and population often lead to particular challenges for certain jurisdictions.

On February 1, under the guidance of chair **the Hon. Linda Reid**, Speaker of the Legislative Assembly of British Columbia and presenter **the Hon. Ross Wiseman**, Speaker of the House of Assembly of Newfoundland and Labrador, delegates briefly brainstormed potential topics for future CPA regional conference and seminars. Participants noted the need to provide discussions which were interesting, relevant, informative, non-partisan and either specialized or more general

depending on the expected audience.

Speaker Scheer outlined some recent rulings he had made regarding the speaking privileges of MPs in a session chaired by **the Hon. David Laxton**, Speaker of the Assembly of the Yukon, on the role of the Speaker versus the role of the parties in managing the House. Much discussion ensued on different procedures for managing Question Periods in legislatures across the country.

Finally, in a session which seemed to be of particular interest to many parliamentarians in attendance, **the Hon. Jackie Jacobson**, Speaker of the Legislative Assembly of the Northwest Territories, outlined some of the Members' Assistance Programs in his jurisdiction. In the wide-ranging discussion which followed, chaired by

the Hon. Gene Zwozdesky, Speaker of the Legislative Assembly of Alberta, delegates noted the special stresses of their unique occupations and the need to ensure that their mental and physical health is well managed. Dramatic differences in terms of what services were available at different legislatures were observed.

In addition to formal business, attendees had the pleasure of taking in an Ottawa Senators hockey game, the official opening of Winterlude, and receptions hosted by Speakers Kinsella and Scheer, **Gary W. O'Brien**, Clerk of the Senate and Clerk of the Parliaments, **Audrey O'Brien**, Clerk of the House of Commons. A parallel programme for delegates' guests received much praise as well.

Photo by Denis Drever/Senate of Canada.



Speakers Noël Kinsella and Andrew Scheer (left) address delegates during the opening session of the 31st Presiding Officers' conference in Ottawa.



Speaker Kinsella (centre) points out some interesting features in the Centre Block to Speaker David Laxton of Yukon (left) and Speaker Ross Wiseman of Newfoundland and Labrador (right).



In between sessions some attendees took the opportunity to get a guided tour of the Senate Chamber with Speaker Kinsella.



PEI Speaker Carolyn Bertram (centre) shares a laugh during a break with Northwest Territories delegates Colette Langlois, Acting Clerk, and Speaker Jackie Jacobson.



Alberta's Deputy Chair of Committees Mary Anne Jablonski and Alberta Speaker Gene Zwozdesky during a panel discussion.



Attendees listened to talks on security issues facing legislatures, Members' Assistance Programs, and different methods used to manage parliamentary precincts.



Quebec President Jacques Chagnon (centre) presents gifts to Speakers Kinsella and Scheer, co-hosts of the conference.



Legislative Reports



House of Commons

The Second Session of the Forty-First Parliament adjourned for the winter break on December 10, 2013. The House resumed sitting on January 27, 2014. The information below covers the period from November 1, 2013 to January 31, 2014.

Legislation

On November 5, during its consideration of Bill C-4, *A second act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures*, the Standing Committee on Finance invited three other committees to study the subject matters of certain provisions of the Bill and to submit amendments to the Committee. In addition, as per a motion it adopted on October 29, the Committee invited independent Members to submit amendments, which would be deemed to be proposed. The Committee considered 66 amendments, including 31 from independent Members. No amendments were submitted by the other Standing Committees. The Bill was reported back to the House without amendment

on November 28, concurred in at report stage on December 3, read a third time and passed on December 9, and received Royal Assent on December 12, 2013.

Points of Order

On January 28, 2014, the Speaker made a statement in response to a point of order raised by **Nathan Cullen** (Skeena—Bulkley Valley) on December 9, 2013, regarding Question Period. The Speaker reminded Members of the need for questions to be related to the administrative responsibilities of the government and cautioned against the use of “hybrid questions,” with long, unrelated preambles, warning Members that questions of this type might be ruled out of order. He also spoke to answers and of his intention to continue the widespread practice and tradition for the Chair to not judge the quality or relevance of answers, a principle that has been upheld by many Speakers before him. He concluded that the onus is on all Members to raise the quality of both questions and answers.

Questions of Privilege

On January 28, 2014, the Speaker ruled on a question of privilege raised by **Charmaine Borg** (Terrebonne—Blainville) on December 9, 2013, regarding a widely-distributed letter addressed to her from Senator **Jean-Guy Dagenais**. She argued that the letter was an attack on her reputation that constituted

an impediment to her ability to perform her parliamentary functions

As the communication which gave rise to the situation did not occur on the floor of the House and it was difficult to determine that the Member was unable to carry out her parliamentary duties, the Speaker concluded that there was no *prima facie* question of privilege.

Procedure

On December 3, 2013, the House adopted the *Fourth Report of the Standing Committee on Procedure and House Affairs* which reduced the membership of committees from 12 to 10 members as of the first sitting day following the winter adjournment. Changes to the number of members per party, per committee, as well as to the number of Members required to convene a committee meeting pursuant to Standing Order 106(4), effective for the remainder of the 41st Parliament, were also made. On December 9, the House adopted two motions to postpone the effect of the changes on the Standing Committee on International Trade and the Standing Committee on Veterans Affairs until February 10 and February 24, 2014, respectively, in order to minimize disruption to travel plans for these committees previously agreed to by the House.

On December 10, the Speaker delivered a ruling in regards to three motions in amendment for

the report stage of 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*. Although it is unusual for the Speaker to provide reasons for the selection of report stage motions, he explained that independent Members had been invited to participate in the Standing Committee on Aboriginal Affairs and Northern Development's clause-by-clause consideration of the Bill but that, due to an administrative error, these Members were not informed of the deadline to submit amendments. Though motions that could have been presented in committee would not normally be selected, in light of the circumstances, the three motions were selected.

Committees

On December 2, 2013, the Standing Committee on Procedure and House Affairs presented its *Third Report on the Board of Internal Economy* (BOIE). The Committee had undertaken its study pursuant to an order of reference adopted by the House on October 21, 2013. The Report concluded that the Committee could find no reason to alter the structure, membership or general functioning of the BOIE. The Committee did make several recommendations nonetheless, including that the BOIE further consider how it could enhance the Members' Expenditures Report by providing additional information; that the Auditor General be invited by the BOIE to conduct audits with greater frequency; that the BOIE, in consultation with the Auditor General, develop publicly-available guidelines with respect to audits of House of Commons spending; and that the BOIE

continue its practice of making the minutes of its meetings available to the public in a timely manner.

The same day, and pursuant to a November 28th order, the 42nd *Report of the Standing Committee on Procedure and House Affairs* from the previous session was deemed to have been presented and concurred in. The Report recommended guidelines with regard to access to information requests in which the House is a third party. The Committee emphasized that, by agreeing to disclose or not to disclose documents, the House in no way would be waiving its privileges and the usual protections afforded to Members, its staff or witnesses would remain.

On January 29, 2014, the House adopted a private Member's motion regarding electronic petitions, sponsored by **Kennedy Stewart** (Burnaby—Douglas), which instructs the Standing Committee on Procedure and House Affairs to provide recommendations with respect to establishing an electronic petitioning system. The Committee is instructed to consider, among other things, the possibility that a petition would trigger a debate in the House of Commons when a certain threshold of signatures on a petition is reached. The Committee is to report its findings to the House, with proposed changes to the Standing Orders and other conventions, within 12 months.

Members

On November 9, **Ted Menzies** (Macleod) resigned as a Member of Parliament. **Brian Jean** (Fort McMurray—Athabasca) resigned as a Member of Parliament on January 17, 2014.

On November 25, four by-elections were held, with Conservatives **Larry Maguire** and **Ted Falk**, being elected in the ridings of Brandon—Souris and Provencher, respectively and Liberals **Emmanuel Dubourg** and **Chrystia Freeland** elected in the ridings of Bourassa and Toronto Centre, respectively.

Since December 12, 2013, **Bruce Hyer** (Thunder Bay—Superior North) has been sitting as a Green Party Member.

Statements, Resolutions, Special Debates

On November 6, 2013, the House observed a moment of silence and statements were made to mark Veteran's Week and Remembrance Day.

On December 5, 2013, there were statements in tribute to the late **Nelson Mandela**, followed by a moment of silence. On December 10, the House adopted a resolution expressing its sincerest condolences to the South African people and recognizing Mr. Mandela's invaluable contributions and achievements.

On November 20, the House held a take-note debate on the crisis in the Philippines. Take-note and emergency debates were held on the situation in Ukraine on December 10, 2013 and January 27, 2014, respectively. The House also adopted on January 27 a resolution condemning the recent law passed in Ukraine undermining freedom and democracy and calling on the Ukrainian government and security forces to refrain from violence and to respect the people of Ukraine's right of peaceful protest.

Julie-Anne Macdonald
Table Research Branch



The Senate

Prior to the winter adjournment, debate concluded on a number of bills and the Governor General signified Royal Assent to three of them in a traditional ceremony on December 12, 2013. These bills included the budget implementation bill and a supply bill as well as 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-7 amends the *Museums Act* to create a new Crown corporation called the Canadian Museum of History to replace the Canadian Museum of Civilization and also sets out the purpose of the new Canadian Museum of History.

In addition to the study of legislation, a significant event occurred on January 29, 2014 with the announcement from the Leader of the Liberal Party that Liberal senators would no longer form part of the Liberal National Parliamentary Caucus. These senators subsequently formed their own distinct caucus, and elected Senator **James Cowan** as their leader. At the beginning of the sitting of January 29, the Speaker made a statement quoting from the *Rules of the Senate*, that “A caucus consists of at least five

senators who are members of the same party political party. The party must have initially been registered under the Canada Elections Act to qualify for this status and have never fallen subsequently below five senators. Each recognized party has a leader in the Senate.” The Speaker went on to assert that Senator Cowan, who was recognized as the head of a party caucus which had the most members other than the government party, would retain the title of Leader of the Opposition in the Senate.

Audio of Senate Proceedings

The Standing Committee on Internal Economy, Budgets and Administration made a historic decision to authorize the Clerk to make the audio broadcast of Senate proceedings publicly available. Beginning November 26, 2013, audio proceedings of the Senate Chamber were made publicly available via ParlVU, the Senate’s webcasting service that allows users to access live and archived streams of Senate committee proceedings and now, Senate Chamber proceedings.

Committees

There were three substantive reports from committees tabled in the Senate during this period, including two from the Standing Senate Committee on Human Rights entitled: *Employment Equity in the Federal Public Service: Staying Vigilant for Equality* and *Recognising Rights: Strengthening Off-Reserve First Nations Communities*. The former concluded that although much progress has been made in achieving employment equity goals over the years the committee has been studying this issue, there is still work to be done to ensure that Canadians have a federal public service that is

truly representative of them at all levels. The latter urges the federal government and relevant stakeholders to take into account the evidence and preliminary findings in this report in their consideration of the evolving issues facing this group of First Nations. In January, the Standing Senate Committee on Social Affairs, Science and Technology tabled a report concerning the off-label use of prescription pharmaceuticals in Canada. The committee found that prescribers as well as their patients frequently are not aware when drugs are being used off-label and therefore that safety and effectiveness have not been thoroughly addressed. The committee made a number of recommendations to address awareness in this regard but also to improve the collection and assessment of data on off-label drug use. In November, the Standing Senate Committee on Foreign Affairs and International Trade re-tabled a report from the previous session that was still on the Order Paper when Parliament was prorogued. The committee’s second report, entitled *Building Bridges: Canada-Turkey Relations and Beyond*, contained six recommendations that focused on ways to deepen political engagement and enhance commercial diplomacy in order to renew relations between Canada and Turkey. During debate on the motion to adopt the report in December, the Chair, Senator **Raynell Andreychuk**, stated that following a trip to Turkey by the Minister of International Trade, she was informed that the committee’s report was repeatedly highlighted by government officials and business leaders in Turkey as a viable blueprint for furthering Canada-Turkey relations.

Senators

There were two resignations and one retirement from the Senate during this period. After more than 23 years in the Senate, Senator **Donald Oliver** reached the mandatory retirement age of 75 on November 16, 2013. Senator Oliver had served as the Speaker *pro tempore* since 2010 and was Chair or Deputy Chair of many committees, including the Standing Senate Committee on Legal and Constitutional Affairs. Appointed on the advice of **Brian Mulroney** in 1990, Senator Oliver, a lawyer, was the first Black man named to the Senate. Upon the retirement of Senator Oliver, on November 20 the Selection committee elected Senator **Pierre-Claude Nolin** to serve as Speaker *pro tempore*.

Senator **Gérald Comeau** resigned on November 30, 2013 after serving more than 27 years in the Senate. Senator Comeau, who was also a Member of Parliament from 1984 to 1988, was proposed for appointment to the Senate by Brian Mulroney and was most recently the Chair of the Standing Committee on Internal Economy, Budgets and Administration. He served in many roles throughout his tenure, including Deputy Leader of the Government in the Senate from 2006 to 2011.

Businessman and CFL owner Senator **David Braley**'s resignation also took effect on November 30. Appointed to the Senate in 2010, Senator Braley served on several standing committees and was most recently the Deputy Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament.

Vanessa Moss-Norbury
Procedural Clerk



Saskatchewan

During the fall sitting, which concluded on December 5, 2013, 34 government bills, one private members' public bill and one private bill were introduced.

The Lieutenant Governor, **Hon. Vaughn Solomon Schofield** gave Royal Assent to four bills including an *Appropriation Bill* to discharge the expenses of the Public Service. The other bills to receive Royal Assent were: Bill No. 110 – *The Senate Nominee Election Repeal Act*; Bill No. 121 – *The Election Amendment Act, 2013*; and Private Bill No. 903 – *The St. Thomas More College Amendment Act, 2013*.

Ombudsman - Appointment

The Board of Internal Economy completed the competition process for a new Ombudsman and the Legislative Assembly approved a motion on December 3, 2013 to make **Mary McFadyen** the new Ombudsman and Public Interest Disclosure Commissioner for the Province of Saskatchewan effective April 1, 2014. Ms. McFadyen is replacing **Janet Mirwaldt**, who has been the acting Ombudsman since June 4, 2013.

Saskatchewan Information and Privacy Commissioner - Resignation

Gary Dickson, the Saskatchewan Information and

Privacy Commissioner, submitted his resignation to the Speaker of the Legislative Assembly effective January 31, 2014. Mr. Dickson was appointed in November 2003 as Saskatchewan's first full-time Information and Privacy Commissioner. He was reappointed for a further five-year term in April 2009.

Dome Rehabilitation Project

The rehabilitation of the Legislative building dome began in January 2014. The restoration work includes replacing the 100-year-old Tyndale stone and mortar and installing new copper sheeting. An environmentally controlled scaffold system will encase the entire dome to allow work to continue all year round. The project is scheduled to be completed by January 2016.

Rob Park
Committee Clerk



ASSEMBLÉE NATIONALE QUÉBEC

By-elections, parliamentary offices and composition of the Assembly

The candidates elected in the by-elections of December 9, 2013 in the electoral divisions of Outremont and Viau made their official entry into the House at the resumption of parliamentary proceedings on February 11 2014. For **Philippe Couillard**, the new Member for Outremont and Leader of the Official Opposition, this is a return to the Assembly; he sat in the House from 2003 to 2008. The new Member for Viau is **David Heurtel**. **Jean-Marc Fournier**, who held the

office of Leader of the Official Opposition until the election of Mr. Couillard, is now Chief Opposition Whip.

The Member for La Pinière, **Fatima Houda-Pepin**, left the Official Opposition on January 20 and now sits as an independent Member. The new composition of the Assembly is as follows: 54 Members of the Parti Québécois (Government), 49 Members of the Québec Liberal Party (Official Opposition), 18 Members of the Coalition avenir Québec (Second Opposition Group) and 4 independent Members (2 under the banner of Québec Solidaire and 2 without any party affiliation).

Rulings: Confidence of the Assembly in the Government

On November 7, 2013 just before the introduction of Bill 60, *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*, the Government House Leader declared in the House that the vote on the motion to introduce this bill in the Assembly raised a question of confidence in the Government. The Official Opposition House Leader then asked for a directive on the possibility for the confidence of the Assembly in the Government to be raised at this stage of the legislative process when the content of the bill has not yet been made public. The President recalled that it is for the Government to determine whether or not it has the confidence of the House and that, for this purpose, it may invoke Standing Order 303.1(5) with regard to any motion. This provision of the Standing Orders states that the confidence of the

Assembly in the Government may be raised only by means of a vote on any motion that the Premier, or her representative, shall have expressly declared a question of confidence in the Government.

Extraordinary sitting

On December 9, 2013, the Assembly held an extraordinary sitting to complete the examination of Bill 70, *An Act to amend the Mining Act*, in accordance with the rules established by the exceptional legislative procedure. It should be recalled that this bill had been introduced on December 5 by the Minister of Natural Resources after the Assembly had rejected the principle of the previous *Mining Act* (Bill 43). Following its passage, Bill 70 was given Assent on December 10.

Bills passed

The Assembly passed 10 bills in November and December 2013. Eight of these bills were passed unanimously. Among the more noteworthy are the following:

-Bill 65, *An Act to replace and reconstitute the notarial deeds en minute destroyed in the 6 July 2013 railway disaster in Ville de Lac-Mégantic*, which establishes a special procedure for reconstituting the notarial records destroyed in the Lac-Mégantic tragedy; and

-Bill 39, *Voluntary Retirement Savings Plans Act*, which establishes a type of retirement plan that is accessible to all individuals, including self-employed workers and workers whose employer has not subscribed to such a plan.

Other events

On January 21 and 22 2014, the Assembly welcomed some

80 women parliamentarians, members of networks in La Francophonie, the Americas and the Commonwealth, during an interparliamentary seminar organized in anticipation of the 20th anniversary of the adoption of the Beijing Declaration and Platform for Action in 2015. At the conclusion of this seminar, the participants adopted a declaration calling on them to continue their work to advance women's rights within their respective parliaments and the networks of women parliamentarians. This seminar, held at the initiative of the President of the National Assembly **Jacques Chagnon**, was the first in the history of the networks of women parliamentarians.

Standing committees:

Independent Members who are standing committee members

Of the four independent Members sitting in the Assembly, three are now members of a standing committee. **Amir Khadir** (Québec Solidaire), Member for Mercier, became a member of the Committee on Agriculture, Fisheries, Energy and Natural Resources, followed by **Françoise David**, Member for Gouin (Québec Solidaire), who joined the Committee on Health and Social Services, and **Daniel Ratthé**, Member for Blainville, who was named a member of the Committee on Institutions.

As stipulated in Standing Order 122, when an independent Member is added to a committee's membership, the parliamentary group forming the Government has an additional member. Such committees accordingly consist of 11 Members instead of nine, apportioned as follows: five

Members from the Government, four Members from the Official Opposition, one from the Second Opposition Group, and one independent Member.

30th report on the accountability of deputy ministers and chief executive officers of public bodies

On December 6, 2013, the Committee on Public Administration tabled its 30th report on the accountability of deputy ministers and chief executive officers of public bodies, which contains 35 recommendations adopted unanimously by its members.

The report provides details of eight public hearings held in the second half of 2013. The subjects that were examined included the management of the Commission administrative des régimes de retraite et d'assurances, the failure to file declarations with Revenu Québec, the control and monitoring of the treatment of municipal wastewater and of the production of drinking water, government interventions in the mining sector, intellectual disabilities and pervasive developmental disorders, home care services, and the administrative management of the Ministère de l'Emploi et de la Solidarité sociale and of the Régie de l'assurance maladie du Québec.

Quarterly examination of the Government's budgetary policy and the evolving state of the public finances

For the second time in less than a year, and pursuant to Standing Order 292, the Committee on Public Finance conducted the quarterly examination of the Government's budgetary policy and the evolving state of the public finances on November 20

2013. It should be recalled that this order had also been carried out on June 13, 2013 and that, before this date, the Committee had not availed itself of this provision since February 20, 1997.

In this context, it should be mentioned that the Minister of Finance and the Economy, **Nicolas Marceau**, was summoned to appear before the Committee and produce a document on the revenues and expenditures of the special funds and non-budgetary agencies as at June 30, 2013. Furthermore, the Auditor General of Québec came before the Committee to provide information regarding his audit of the Government's consolidated financial statements as at March 31, 2013.

The Committee made two recommendations in its report.

Orders of reference

More than 250 groups and individuals tabled a brief within the framework of the general consultation on Bill 60, *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*. The Committee on Institutions wishes to hear all of the persons and organizations that submitted a brief within the deadline that had been fixed. The public hearings have already begun.

This Committee is continuing the clause-by-clause consideration of Bill 28, *An Act to establish the new Code of Civil Procedure*, which had begun on October 8, 2013. As of January 31, 2014, 730 of the 830 sections had been adopted over the course of 25 sittings, with more than 274 amendments.

Furthermore, following a motion carried in the Assembly,

the Committee was instructed to hear the Minister of Justice concerning the comments of the Commission des droits de la personne et des droits de la jeunesse made public on October 17, 2013 on the Government's policy directions regarding the proposed charter of Québec values as well as on the unconstitutionality of the Government's proposal. Following the hearing, a report containing two recommendations was tabled.

The Committee on Agriculture, Fisheries, Energy and Natural Resources was instructed by the Assembly to examine the acceptability, for Québec, of the project proposed by Enbridge Pipelines Inc. to reverse the flow of Pipeline 9B eastward between North Westover and Montréal. After having held special consultations and public hearings, the Committee tabled a report containing 18 recommendations and expressing its support for the project.

The Committee on Health and Social Services concluded its special consultations and clause-by-clause consideration of Bill 52, *An Act respecting end-of-life care*. This bill follows up on the report from the Select Committee on Dying with Dignity. It should be noted that the principle of the bill was passed with 84 yeas and 26 nays. All of the Government Members and independent Members voted for the bill, while 25 Official Opposition Members and one Member of the Second Opposition Group voted against it.

Order of initiative

The Committee on Health and Social Services has also undertaken an order of initiative on the living conditions of

adults staying in residential and long-term care centres. Some 30 groups and individuals will be heard by the Committee and an online consultation questionnaire is available as well.

**Christina Turcot
and Cédric Drouin**
Parliamentary Proceedings
Directorate



Prince Edward Island

The Third Session of the Sixty-fourth General Assembly was prorogued on November 8, 2013. The Fourth Session of the Sixty-fourth General Assembly opened on November 12, 2013, with the Speech from the Throne delivered by the **Hon. H. Frank Lewis**, Lieutenant Governor. Highlights of the Speech included initiatives to make government more direct and citizen-centred, and better management of land and water resources.

Significant Legislation

During the fall sitting of the Legislative Assembly, several pieces of significant legislation received Royal Assent:

-Disability Supports Act (Bill No. 18) establishes a Disability Support Program to provide disability supports to eligible persons;

-Birthplace of Confederation Act (Bill No. 24) sets out the powers of the Premier respecting leading

initiative in commemorating and celebrating the Charlottetown Conference and honouring the achievement of the Fathers of Confederation. This year is the sesquicentennial of the Charlottetown Conference of 1864.

-An Act to Amend the Civil Service Superannuation Act (Bill No. 25) and *An Act to Amend the Teachers' Superannuation Act* (Bill No. 27) provide for changes to the provincial civil service pension plan and the teachers' pension plan, respectively, to address the financial challenges experienced by the plans in the face of changing demographics and volatility in the stock markets.

Capital Budget

In late November, the province issued its capital budget for 2014-15, with \$73 million in infrastructure investments planned for the year. **Hon. Wes Sheridan**, Minister of Finance, Energy and Municipal Affairs, announced that spending would be more closely aligned to traditional levels, signaling an end to the stimulus spending of recent years. Highlights of the budget included funding for a new stand-alone palliative care centre, and a commitment to new spending for the Bonshaw Hills Wilderness Park.

2014

In 2014, Prince Edward Island will commemorate an important chapter in Canadian history, marking the sesquicentennial of the 1864 Charlottetown Conference. Signature events, conferences and activities of all types are taking place province-wide throughout the year. To kick off the celebrations on New Year's Eve, there were fireworks and festivities on the grounds

of Province House and historic Great George Street. Staff at the Legislative Assembly have been busy planning a number of educational and legacy projects for 2014. (Please see the article in this issue for more coverage).

Marian Johnston
Clerk Assistant and
Clerk of Committees



Ontario

The Ontario Legislature, now in its third year as a minority parliament, continued to work through the Second Session of the Fortieth Parliament during the period from November 2013 to January 2014.

On December 9, the House withdrew from its usual proceedings to address two historic events – one local and the other international. First, each of the three parties made statements regarding the Huronia Regional Centre, a former institution for people with developmental disabilities that has been wrought with stories of abuse. Premier **Kathleen Wynne** issued an official apology as part of a settlement approved by a superior court judge in a class-action lawsuit between the province and survivors of the centre. The House also addressed the death of former South African President, **Nelson Mandela** with a tribute by the

Premier and Opposition Party leaders **Tim Hudak** and **Andrea Horwath**. Mr. Mandela, who is a Nobel Prize winner and an honorary Canadian citizen, visited Ontario three times during his life and has a Toronto elementary school named after him.

The resignations of Liberal MPP **Kim Craitor** in September and Progressive Conservative MPP **Peter Shurman** in December created two vacancies. Premier Wynne called by-elections for both ridings for February 13, 2014. NDP candidate **Wayne Gates** and Progressive Conservative candidate **Gila Martow** were elected in Niagara Falls and Thornhill, respectively.

Committee Activities

On November 7, the House passed a motion to authorize the Standing Committee on Social Policy to conduct a year-long comprehensive review of the *Local Health System Integration Act*, and the regulations made under it, as provided for in Section 39 of that Act. The statute, which came into force in 2006, created 14 Local Health Integration Networks (LHINs) in the province to provide for an integrated health system. The Committee began its review with a technical briefing from the Ministry of Health and Long-Term Care, as set out by the motion; a number of organizations were invited to make presentations as well. The Committee then travelled to nine locations across Ontario for eight days in January and February 2014 to conduct public hearings.

The Standing Committee on Regulations and Private Bills considered two bills: Bill 6, *An Act to protect and restore the Great*

Lakes-St. Lawrence River Basin and Bill 88, *An Act to amend the Child and Family Services Act with respect to children 16 years of age and older*. Bill 6 is a government bill seeking to protect and restore the ecological health of the Great Lakes. The Committee is in the course of clause-by-clause consideration of the bill. Bill 88 is a private member's public bill introduced by **Rod Jackson**, MPP for Barrie, and is seeking to amend the *Child and Family Services Act* to recognize that services provided under it should be provided in accordance with the United Nations Convention on the Rights of the Child and to allow temporary care agreements to be made in respect of children who are 16 years of age or older. The bill was reported as amended to the House and has been ordered for Third Reading.

Throughout November and December, 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. After 22 months of consideration the Committee is now working on its second interim report.

On November 6, the Committee met to consider Section 3.05, Education of Aboriginal Students, of the 2012 Auditor General's *Annual Report*. Three Ontario school boards, the Assistant Deputy Minister of Education as well as the Director of Aboriginal Education in Ontario made statements and were questioned by the Committee.

The 2013 *Annual Report of the Office of the Auditor General of Ontario* was tabled on December 8 and the Committee made its

selections for upcoming value for money hearings in February and March. In addition, the Auditor General tabled a special report called "Divestment of Ontario Northland Transportation Commission" in response to the motion passed on March 6 by the Standing Committee on Public Accounts requesting the Auditor General to undertake a special assignment to investigate the government's divestment of, and the operations of, the Ontario Northland Transportation Commission.

In September, the Standing Committee on the Legislative Assembly passed several motions setting out a schedule for its consideration of bills which had been referred to the Committee. The Committee considered Bill 106, *An Act to amend the French Language Services Act with respect to the French Language Services Commissioner*, holding both public hearings and clause-by-clause on December 11. The bill was reported back later that same day and received Royal Assent on December 12. As a result, the French Language Services Commissioner is now an officer of the Assembly, appointed by the Lieutenant Governor in Council on the address of the Assembly.

On October 3, the House passed a motion creating the Select Committee on Developmental Services, with a mandate to consider and report to the House 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 in addition to the Ministry of Community and Social Services. The Committee began its hearings in Toronto in November and December, and then travelled to London (Ontario), Thunder Bay, Moosonee and Moose Factory, and Ottawa in January for hearings and site visits. The Committee continued its Toronto hearings in January, and is expected to release its interim report by February 26. The Select Committee's final report is expected to be released by May 15, 2014.

During the month of November, the Standing Committee on General Government completed its consideration of Bill 21, *An Act to amend the Employment Standards Act, 2000 in respect of family caregiver, critically ill child care and crime-related child death or disappearance leaves of absence*. Bill 21 would expand entitlements to personal leave without pay in cases where a family member or child is critically ill and requires care, and where a child of an employee dies or disappears and it is probable that the child died or disappeared as a result of a crime. The bill was reported as amended to the House and was being debated at Third Reading when the House rose for the winter adjournment. The Committee also considered Bill 71, *An Act to protect child performers in the live entertainment industry and the recorded entertainment industry*. It is a private member's public bill introduced by **Paul Miller**, MPP for Hamilton East—Stoney Creek, that sets out the rules

relating to the disclosure of terms of employment, tutoring requirements, income protection, hours of work, adult supervision for child performers, and rules relating to the health and safety of child performers. The bill was reported as amended to the House and ordered for Third Reading.

Under a Standing Order that allows policy field committees to initiate self-directed studies, the Committee initiated a study and review of the 2015 Pan/Parapan American Games and the Pan/Parapan American Games Secretariat, as it relates to the mandate, management, organization, or operations of the Ministry of Tourism, Culture and Sport, with a particular emphasis on financial issues, budgets, and expenses. The Committee held three days of public hearings, inviting Deputy Minister **Steven Davidson**, Assistant Deputy Minister **Nancy Munric**, and a number of stakeholders to appear. The Committee further continued its self-directed study relating to the auto insurance industry – which it began in March 2012 – with an additional day of public hearings and the commencement of report writing.

The Standing Committee on Government Agencies began an agency review of Metrolinx, and held four days of public hearings, at which the agency and a number of invited stakeholders appeared.

The Standing Committee on Finance and Economic Affairs held pre-Budget consultations in January. The Committee held public hearings in eight locations including Toronto.

Valerie Quioc Lim
Committee Clerk



Nova Scotia

On October 8, 2013 a provincial election was held in Nova Scotia. The party standings prior to the election in the House of Assembly were: NDP 31, Liberal 13, PC seven, and Independent one. As a result of the electoral map redistribution, there were 51 electoral districts for this general election and the Liberals formed a majority government. Currently the party standings in the House of Assembly are: Liberals 33, PC 11, and NDP seven.

On October 22, 2013 the cabinet was sworn into office. In addition to Premier **Stephen McNeil** there are 15 cabinet ministers of which five are women. Two days later the MLAs were sworn into office. There are 27 first-time elected members out of the 51. Broken down by political party there are 22 new Liberals and five new PC members. There are also a total of 14 women MLAs.

The House of Assembly elected first-time Liberal MLA the **Hon. Kevin Murphy** as Speaker. Murphy's election made history as he is the first Speaker using a wheelchair. Mr. Murphy became paralyzed during a hockey game at the age of 14. The House of Assembly also elected a Deputy Speaker – new Liberal MLA **Margaret Miller**.

The fall sitting of the First Session of the 62nd General Assembly commenced on November 28, 2013 with the Speech from the Throne and lasted 10 days. During the sitting 11 public bills and two private bills were introduced and received Royal Assent.

Address in Reply to the Speech from the Throne

This was an excellent opportunity for first-time elected members to make their maiden speeches in the House of Assembly. Thirty-two members made speeches during 12 hours and 38 minutes of proceedings over nine sitting days.

Point of Order

The Speaker made his first ruling on December 4 arising from the first Question Period of the sitting held the previous day. The House Leader for the NDP rose on a point of order relative to a government backbencher asking a question of the Minister of Transportation and Infrastructure Renewal during Question Period. He was of the view that Question Period was reserved for opposition parties and independent members. The Government House Leader advised that only the 10th and 20th question in each Question Period would be asked by non-Cabinet Members of his party and that only one question would be asked. There would be no supplementary questions.

The Speaker ruled that he would allow limited use of questions by government backbenchers as proposed by the Government House Leader and confirmed the general principle that there was no prohibition against a government backbencher asking a question of

a Minister. He did request that both the question and the answer be concise. He stated: "It is my hope that the questions will be about matters of genuine interest to the particular Members posing them. I believe it would be unfortunate if the questions were simply easy "plants," designed to allow Ministers opportunities to make statements that they are already free to make under the order of business 'Statements by Ministers.'"

Modifications to Chamber

To accommodate the Speaker's wheelchair, rapid changes were made to the historic Chamber for the fall sitting of the House of Assembly. As the large ornate wooden chair on the Speaker's dais was not attached it was easily removed and a ramp was built from the east side of the Chamber, which is the opposition side, to the dais. The Speaker enters from the east side of the Chamber and is able to proceed up the ramp to the dais. When the Deputy Speaker assumes the chair she does so from the west side of the dais and a medium size upholstered chair is lifted to the dais by the pages for her.

Annette M. Boucher
Assistant Clerk



Newfoundland and Labrador

The House of Assembly convened for the Fall sitting on November 4, 2013,

By-election in Carbonear-Harbour Grace

The by-election for the District of Carbonear-Harbour Grace, vacated on October 2 by former Minister of Finance **Jerome Kennedy** was called on November 4 for November 26. Liberal candidate **Sam Slade** was elected. Mr. Slade will take his seat as a member of the Official Opposition when the Assembly reconvenes in March.

Changes in Composition of the House

On January 19, **Paul Lane**, MHA, Mount Pearl South, announced that he would join the Official Opposition.

On February 4 **Dale Kirby**, MHA, St. John's North and **Christopher Mitchelmore**, MHA, The Straits-White Bay North, who had been sitting as Independents since leaving the NDP caucus on Oct. 29 announced that they would join the Official Opposition. As of writing, the governing Progressive Conservatives stand at 34 Members, the Official Opposition Liberals comprise 11 Members, and the Third Party New Democratic Party has three. The numbers at the last general election were: Government 37, Official Opposition six and Third Party five.

Resignation of Premier

On January 24, the **Hon. Kathy Dunderdale**, MHA, District of Virginia Waters resigned from the office of Premier of the Province. Ms. Dunderdale continues to sit as an MHA. The **Hon. Tom Marshall**, MHA, Humber West, has been appointed interim Premier. Mr. Marshall, elected in 2003, had held the Finance portfolio before his appointment as interim Premier. The **Hon.**

Charlene Johnson, MHA, Trinity-Bay de Verde has been appointed Minister of Finance.

Leadership Renewal

The Progressive Conservative Party has called a leadership convention for the weekend of July 4 to select a new leader and Premier of the Province.

At the NDP Provincial Convention in May one of the resolutions to be discussed will be the addition of a leadership renewal clause to the NDP Constitution under the Elections section. The renewal process would take place at every convention that is not a leadership convention including the May convention. If the resolution is adopted all three parliamentary groups will have had a leadership review before the next general election.

The House is expected to reconvene in March to prorogue before opening the Third Session of the Forty-Seventh General Assembly.

Elizabeth Murphy
Clerk Assistant



Northwest Territories

The Legislative Assembly prorogued the Fourth Session of the 17th Legislative Assembly on November 1, 2013 and returned on Nov. 4, 2013, to open the Fifth Session. The Session began with Commissioner **George L. Tuccaro** presenting the Commissioner's Address on behalf of the Government of the Northwest Territories.

Legislation

During the four-day sitting, six bills received first and second reading and were referred to standing committees. Three of the bills were directly related to the implementation of the devolution agreement with the Government of Canada. Responsibility for public lands, water and resource management are scheduled to be transferred on April 1, 2014, from the Government of Canada to the Government of the Northwest Territories.

In order for the transfer to take place the Government of Canada has introduced Bill C-15, the *Northwest Territories Devolution Act* which must be passed prior to April 1, and the Government of the Northwest Territories must introduce and adopt legislation mirroring current federal statutes. If all the devolution-related legislation is adopted, this legislation will be reviewed in the same manner as other territorial legislation, with a similar process to amend.

The Standing Committee on Priorities and Planning, consisting of all 11 regular Members, is mandated to deal with devolution-related matters. *The Surface Rights Board Act*, *the Reindeer Act* and *the Archaeological Sites Act* are currently before the committee and seven additional pieces of legislation were expected to be introduced during the February/March sitting. The Standing Committee is soliciting public input on the proposed legislation and any amendments that Northern residents feel should be addressed in the future. The Standing Committee will report to the House on its findings during the upcoming sitting.

The Standing Committee on Economic Development and

Infrastructure and the Standing Committee on Social Programs also held public hearings in January to review both Bill 5: *An Act to Amend the Motor Vehicles Act* and Bill 6: *An Act to Amend the Medical Care Act*. Both Committees will report back to the House when it resumes on February 5, 2014.

Committees

Standing committees met in the capital for two weeks in December 2013, to meet with all government departments to consider the draft Main Estimates 2014-2015 of the Government of the Northwest Territories. These in camera sessions allow committee input prior to the expected introduction of the 2014-2015 budget during the February/March sitting.

Committees reconvened in January 2014 for a further two week period to continue budget discussions, receive briefings and prepare for the February/March sitting.

Public Accounts

The Standing Committee on Government Operations, chaired by **Michael Nadli**, Member for Deh Cho, conducted its review of the Public Accounts of the Government of the Northwest Territories for the year ended March 31, 2013. A public hearing was held in Yellowknife on January 24, 2014, with the Comptroller General and the Assistant Comptroller General in attendance. The Committee is expected to present its report to the Assembly during the upcoming sitting. This is the second review of the public accounts undertaken by the Standing Committee on Government Operations following a hiatus of

approximately nine years. The Committee once again publicly commended the Comptroller General for the timeliness of the tabling of the Public Accounts.

Clerk of Committees and Public Affairs

On December 2, 2013, the Legislative Assembly welcomed a new Clerk of Committees and Public Affairs. **Michael Ball** came from the Department of Finance to join the Office of the Clerk. Mr. Ball replaced the previous Clerk of Committees, **Jennifer Knowlan**, who has taken a position at the territorial archives. Mr. Ball looks forward to meeting his colleagues from other Canadian jurisdictions.

Gail Bennett

Principal Clerk of Corporate and Interparliamentary Affairs



New Brunswick

Throne Speech

Lieutenant-Governor **Graydon Nicholas** formally opened the Fourth Session of the Fifty-seventh Legislature on November 5, delivering the fourth Speech from the Throne of Premier **David Alward**'s Progressive Conservative government.

The theme of the speech was strengthening the economy through resource development, strategic investments and responsible management for the future. Highlights included public pension reform, converting the current pension to a shared-risk model; the implementation of a prescription drug plan, ensuring residents have access to coverage for expensive medication as well as prescription drug coverage; and responsible resource development, such as the construction of a west-east pipeline and continued natural gas exploration.

Reply to Throne Speech

On November 7, Official Opposition Leader **Brian Gallant** gave his reply to the Speech from the Throne. Gallant confirmed the Liberals' support for the pipeline project, but urged that the necessary environmental measures be taken. Gallant asked the government to obtain support from affected communities and create a plan to ensure maximum benefit from the project. The Opposition called for a moratorium on hydro-fracking, raising concerns of the potential health and environmental issues. Gallant opposed many of the proposed changes to the pension plan, questioning the lack of transparency of the reform and the government's failure to properly consult with the civil servants and retirees on the issue.

Legislation

Twelve Bills received Royal Assent during the fall sitting. Legislation introduced by Government included:

-Bill 11, *An Act Respecting Pensions under the Public Service Superannuation Act*, introduced by Finance Minister **Blaine Higgs**,

outlines changes required for public pension reform and the implementation of a shared-risk pension model. The pension legislation will put an end to special payments under the *Public Service Superannuation Act*, and provides the basis for converting the pension of Members of the Legislative Assembly to a shared-risk model;

-Bill 17, *An Act to Amend the Provincial Court Act*, introduced by Justice Minister **Troy Lifford**, creates efficiencies in the Provincial Court by reducing adjournment, encouraging early resolution of files, reducing administrative work performed by judges and decreasing delays;

-Bill 27, *Prescription and Catastrophic Drug Insurance Act*, introduced by Health Minister **Hugh Flemming**, proposes the creation of a prescription drug insurance plan, protecting New Brunswickers against catastrophic drug costs.

The Official Opposition introduced nine Bills, including Bill 12, *An Act to Amend the Members' Conflict of Interest Act*, introduced by Brian Gallant. It proposes to increase the cooling off period before former Members can accept a contract or financial benefit granted by the Crown, including employment, from 12 months to 48 months.

Speaker's Ruling

On December 4, Opposition House Leader **Bill Fraser** rose on a point of order and submitted that the time allocation motion moved by **Glen Tait**, Member for Saint John East, was out of order as it was an abuse of the Standing Rules and infringed upon the rights of the minority. The motion proposed to limit further debate on Bill 11, at all stages, to three days. Speaker **Dale Graham**

ruled the motion to be in order as the use of time allocation motions has been an accepted practice in the New Brunswick Legislature, and the wording of the motion in question mirrored that of time allocation motions used in the past. The Speaker noted in his ruling that notice of the motion had been given the week prior, giving Members opportunity to determine how best to utilize the time spent considering the Bill. The Speaker further noted that every Opposition Member had the opportunity to speak on the second reading of the Bill and that the Bill was currently being considered in Committee of the Whole.

Resumption of Sitting and Standings

The Fourth Session adjourned on December 13, 2013, and resumed on February 4, 2014, at which point Mr. Higgs delivered his final budget speech before the September 22 general election.

The Standings in the House remain 41 Progressive Conservative, 13 Liberals, and 1 Independent.

John-Patrick McCleave
Research Assistant



Yukon

2013 Fall Sitting

On December 19, the 2013 Fall Sitting of the First Session of the 33rd Legislative Assembly adjourned. The 28-day sitting had commenced on October 31. All

10 government bills introduced during the sitting received Assent before the sitting concluded.

Select Committee – Hydraulic Fracturing

The work of the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing (established in the 2013 Spring Sitting, and described in Yukon's two previous legislative reports) continues. The Committee travelled to southern Alberta on a fact-finding mission from January 6-9 to "tour a site and meet with organizations and government agencies," in furtherance of the aspect of the Committee's mandate requiring its members to gain "a science-based understanding of the technical, environmental, economic and regulatory aspects of hydraulic fracturing."

On January 6, the Committee travelled to Red Deer, toured the Alberta Energy Regulator Field Centre, and held meetings with Alberta Energy Regulator, and Sundre Petroleum Operators Group. The following day, the Committee toured a hydraulic fracturing operation and a producing well site located north of Red Deer. On January 8, the Committee held meetings in Calgary with Alberta Health Services, Alberta Environment and Sustainable Resource Development, a University of Calgary professor from the Department of Geology and Geophysics, and the Cochrane Area Under Siege Coalition. The following day, the Committee travelled back to Yukon.

In a January 20 open letter, **Patti McLeod**, chair of the six-member committee, provided an update on upcoming committee proceedings. Public proceedings, which were held in the Yukon

Legislative Chamber on January 31 and February 1, brought presentations from eight groups and individuals over the course of two full days. After each committee member had the opportunity to ask the presenter a few questions, committee members selected and asked questions submitted in writing by visitors in the Gallery. The public proceedings in the Chamber included representatives from industry, an environmental group, academics, regulators, and a First Nation.

A motion adopted during the 2013 Fall Sitting (Motion #518), formalized committee membership changes that had been informally observed since shortly after the July 8, 2013 change in affiliation of committee member **Darius Elias** (from an Independent member, to a Government member). Official Opposition member **Lois Moorcroft** replaced a Government member, **Stacey Hassard**, on the Committee, thus restoring the equal Government- Opposition balance to the Committee's membership. Ms. Moorcroft was subsequently elected by the Committee as its Vice-Chair – a role Mr. Elias relinquished after becoming a Government member.

The committee has not yet set a schedule for public hearings to be held in various Yukon communities. The motion establishing the committee (Motion #433, carried May 6, 2013) provides for the committee to report back its findings and recommendations to the Legislative Assembly before the end of the 2014 Spring Sitting. Additional information about the Committee is posted at: <http://www.legassembly.gov.yk.ca/rbhf.html>

Yukon Liberal Party Leadership Convention

On March 1, the Yukon Liberal Party will elect a new leader (not known as of press time). On July 25, 2013, **Sandy Silver**, the MLA for Klondike, announced that he would be running for the leadership of the Yukon Liberal Party. Since August 17, 2012, when Mr. Elias announced he would sit as an Independent member, Mr. Silver has been the Interim Liberal Leader, and the de facto Leader of the Third Party in the House.

Linda Kolody
Deputy Clerk



Manitoba

Speech from the Throne

The Third Session of the 40th Legislature began on November 12, 2013 with the presentation of the NDP government's 17th Speech from the Throne. Delivered by Lieutenant Governor **Phillip Lee**, the address highlighted a range of government commitments and proposals, including:

- Strong infrastructure to grow Manitoba's economy – a new five-year, \$5.5 billion plan focused on core, strategic economic infrastructure will

build Manitoba's road and bridges, flood protection and municipal infrastructure like water and sewer;

- Better and streamlined tax credits for employers to take on more apprentices, and new tools to help match apprentices with job openings;

- A new grant program for young entrepreneurs in technology-based start-ups and access to better resources for young people in skilled trades wanting to start their own business;

- New schools for growing neighbourhoods;

- New Churchill transportation authority to diversify and market the port to attract investment and develop opportunities in the north;

- New child-care centres to give parents more convenient options for care;

- More health professionals to help family doctors' offices take on new patients, expansion of care options for cancer patients and building more clinics for families to conveniently access the care they need; and

- Expansion of Manitoba Hydro energy-efficiency incentives to lower-income renters.

Reply to the Speech From The Throne

Official Opposition Leader **Brian Pallister's** non-confidence amendment to the Address in Reply motion noted a number of shortcomings in the speech and in the government's performance, including:

- Ignoring both the will of Manitobans and the law by choosing to raise the Provincial Sales Tax by one per cent from seven to eight per cent;

- Failing to respect the rule of law and the democratic right of Manitobans by raising major taxes without a referendum and exempting Ministers from established salary penalties during deficit periods;

- Continuing to impose taxes on Manitobans at a lower level of income than what is found in all but two provinces, and failing to provide an increase in the basic personal income tax exemption to the national provincial average;

- Failing to protect the most vulnerable Manitobans by refusing to raise the rental allowance portion of employment and income assistance to 75 per cent of median market rents; and

- Failing to follow through on past commitments of numerous core infrastructure projects.

Following the defeat of Mr. Pallister's amendment on November 21, 2013 by a vote of yeas 18, nays 34; on November 22 the main motion carried on a vote of yeas 35, nays 17.

Legislation

As a result of the Sessional Order adopted on September 11, 2013, the fall session dealt with the remaining legislative stages of 35 reinstated government bills from the 2nd Session. In late November, the House debated numerous Report Stage Amendments moved by all parties to 15 separate bills and saw the passage of 10 amendments affecting seven government bills.

As well, this fall session saw the introduction of 19 bills and the passage of one government bill, all addressing a variety of governance areas including:

- Bill 2 – *The Highway Traffic Amendment Act (Safety of Workers*

in Highway Construction Zones), which increases the additional fine to \$7.70 per kilometre per hour of excess speed regardless of whether workers are present or equipment is being used in any construction zone that is signed in accordance with the regulations.

-Bill 21 – *The Churchill Arctic Port Canada Act*, which establishes Churchill Arctic Port Canada Inc. as a non-government agency in the form of a corporation without share capital. Its mandate is to facilitate the long-term development and viability of the Churchill gateway system and to promote it.

-Bill 23 – *The Cooperative Housing Strategy Act*, which requires the minister to develop a cooperative housing strategy and review it at least every five years. The minister is to consult when developing and reviewing the strategy.

-Bill 33 – *The Apprenticeship Employment Opportunities Act (Public Works Contracts)*, which requires the government and any public sector body designated in the regulations to develop and implement an apprenticeship policy. An authority must also ensure that its public works contracts contain a commitment by the contractor to employ apprentices during the time the contractor performs work.

-Bill 204 – *The Results-Based Budgeting Act*, which requires the budgets for all government programs, services, agencies, boards and commissions to be reviewed on a regular cycle to ensure that they are delivering the outcomes that the public needs.

-Bill 205 – *The Seniors' Rights Act*, which establishes a bill of rights for Manitoba's seniors.

These bills, except for Bill 2, are all carried over to the spring session in order to proceed through the rest of the legislative process.

Standing Committees

Manitoba Standing Committee activity this quarter included the following five meetings:

-Human Resources Committee – to consider Bill 2;

-Legislative Affairs Committee – to consider the *Children's Advocate Annual Report*;

-Social and Economic Development Committee – to consider the *Manitoba Poverty Reduction and Social Inclusion Strategy (All Aboard) Report*; and

-Public Accounts Committee met on two separate occasions – to consider several reports from the Auditor General covering a variety of topics including, the Manitoba Early Learning and Child Care Program; and special audits of four individual rural municipalities.

Under the provisions of the Sessional Order, the Public Accounts Committee is required to have ten meetings between September 11, 2013 and September 11, 2014. This committee held its fourth meeting on January 13, 2014.

By-Elections and Current Party Standings

As a result of two by-elections held on Jan. 28, 2014, Progressive Conservative candidates, **Doyle Piwniuk** and **Shannon Martin** became the newly elected members for the constituencies of Arthur-Virden and Morris. They will both be officially introduced when the House resumes sitting in March.

On February 4, 2014, Premier **Gary Selinger** removed **Christine**

Melnick from the NDP Caucus indicating that he and his caucus had lost confidence in the former Minister of Immigration. In accordance with section 32.3.1 of *The Legislative Assembly Act*, Ms. Melnick will now be considered as an Independent Member.

The current party standings in the Manitoba Legislature are: NDP 36, Progressive Conservatives 18, two Independents.

The House sat until Dec. 5, 2013 before recessing for the holidays. Under the terms of the Sessional Order, the spring session will resume on March 6, 2014. The Sessional Order also specifies dates for the completion of Interim Supply, Main and Capital Supply, and sets an end date for completion of other House business to occur between June 12 and June 20, 2014.

Monique Grenier

Clerk Assistant/Clerk of Committees



British Columbia

The Legislative Assembly resumed on February 11, 2014 for the prorogation of the first session of the Fortieth Parliament. The second session began in the afternoon with the Speech from the Throne, followed by Budget Day on February 18. In

preparation for the spring sitting, the government issued White Papers on proposed amendments to the *Electoral Boundaries Commission Act*, reforms to local government elections; and designing digital services, including the recently introduced BC Services Card.

Committee Activity

Several committees were active during the reporting period. On November 14, the Select Standing Committee on Finance and Government Services released its report on the public consultations on Budget 2014. The Committee received 676 submissions during the five-week consultation period, and made 73 recommendations for the next provincial budget. The Committee also completed its annual review of the budgets of the eight statutory offices, and issued its report, with recommendations, on December 19.

The Legislative Assembly Management Committee (LAMC) met three times between November and January. During that time, the Committee completed its first public review of the proposed estimates of expenditure for the Legislative Assembly, and agreed to clarify the Members' per diem policy regarding prorating of Members' per diem expenses. LAMC also agreed to a proposal to facilitate Members electronic access to House and Committee documents through iPad technology.

On December 12, LAMC released an annual report of activities covering January 2012-2013. The next annual report will feature further accountability reporting, and will be published in conjunction with the release of the Legislative Assembly's first audited financial statements.

Accessibility

Several changes have been made to the Parliament Buildings to improve barrier-free accessibility for persons with disabilities. They include construction of a ramp behind the Chamber to permit wheelchair access to the Legislative Library, and the addition of automatic doors and card-access controls to several entrances and washrooms around the buildings. These changes supplement other accessibility initiatives over the past year, including the opening of the new barrier-free Mowat entrance at the front of the Parliament Buildings in March 2013.

Speaker in the Schools Program

In November, Speaker **Linda Reid** launched the Speaker in the Schools Program, a new educational initiative for elementary school students designed to support and encourage young people to get involved in their communities and to become parliamentarians as a future career choice. The program gives students the opportunity to participate in a model parliament, debate bills, and take on the roles of Speaker, Clerk, and Sergeant-At-Arms, as well as Premier and Leader of the Opposition. It also showcases educational resources available from the Parliamentary Education Office and promotes the BC Teachers' Institute on Parliamentary Democracy. The Speaker visited elementary schools in the Haida Gwaii communities of Masset, Port Clements, Skidegate, and Sandspit on November 19 and 20 to launch the program.

Byron Plant

Committee Research Analyst



Alberta

Continuation of the 1st Session of the 28th Legislature

The fourth sitting of the First Session of the 28th Legislature convened on October 28, 2013, and adjourned on December 4, 2013. This sitting saw the passing of 19 Government Bills and two Private Members Public Bills. The Second Session of the 28th Legislature is scheduled to commence on March 3, 2014.

Bill 28, *Enabling Regional Growth Boards Amendment Act*, originally named the *Modernizing Regional Governance Act*, received First Reading on October 28, 2013. The Bill caused an immediate outcry from opposition parties and municipal leaders who argued the proposed legislation was heavy-handed and created without proper consultation. Second Reading debate began on October 29 and was completed at 1:41 a.m. the next day after surviving a hoist amendment, brought forward by the Official Opposition. On October 31, 2013, Premier **Alison Redford** (Calgary-Elbow) announced that progress on the Bill would be put on hold to allow for consultation with municipalities. One month later, during consideration of Bill 28 in Committee of the Whole, the Minister of Municipal Affairs, **Hon. Doug Griffiths** (Battle River-Wainwright) proposed

amendments to the Bill that were accepted by the House. In addition to changing the name of the Bill, the amendments clarified that Growth Management Boards would not be implemented by the provincial government but could be established by interested municipalities, and that these Boards would be required to develop an appeals process and submit annual reports to the Assembly. The enforcement provisions of the Act were also changed to ensure penalties focus on organizations, as opposed to individuals, and to impose fines instead of imprisonment. Bill 28, as amended, received Third Reading on Dec. 4, 2013, and came into force upon Royal Assent one week later.

The closing days of the fall sitting saw more controversy after the Government introduced Bills 45 and 46 in the Assembly. Bill 45, *Public Sector Services Continuation Act* significantly increases the fines and civil liabilities on unions for illegal strikes or threats to strike. Bill 46, *Public Service Salary Restraint Act* would apply to the Government's negotiations with the Alberta Union of Public Employees (AUPE) and would impose terms if agreement was not reached between AUPE and the Government. Both pieces of legislation faced significant criticism from unions and opposition parties and prompted multiple demonstrations on the Legislature grounds. The Government moved time allocation motions limiting debate at each stage of the legislative process to two hours. Both Bills moved quickly through the House and received Third Reading just before the completion of the fall sitting and were granted Royal Assent on December 11, 2013.

Legally barred from striking and unable to reach an agreement with the Government through negotiation or mediation, the AUPE had applied successfully to go to binding arbitration in February 2014. Under Bill 46 this option is no longer available. The *Public Service Salary Restraint Act* provides that if the Government and the union are unable to negotiate an agreement by January 31, 2014, or a date not later than March 31, 2014, then the legislated agreement takes effect. However, the AUPE has initiated a legal challenge against the Government and requested a stay on the implementation of the legislation until the court has ruled whether the legislation breaches the rights of union members. On January 29, 2014, the Court of Queen's Bench issued a two-week stay on the legislation to allow time to consider the request for a longer injunction. The following day, the negotiation deadline was extended to March 31, 2014, through an Order-in-Council.

Questions of Privilege

On the October 29, 2013, **Shayne Saskiw** (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, *Enhancing Safety on Alberta Roads Act*, was on the Order Paper but had not been introduced in the Assembly when related 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.

On Oct. 31, 2013, the Speaker, **Hon. Gene Zwozdesky**

(Edmonton-Mill Creek), addressed the purported question of privilege. The Speaker found there was no *prima facie* case of privilege 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 clarify that his ruling should not be interpreted as reducing restrictions on providing detailed information on Bills not yet before the Assembly. He cautioned that any advertising of a Bill should be undertaken with great caution so as not to give the impression that the Bill was already law, and he went on to emphasize the convention of confidentiality of Bills on notice in order to ensure that all Members of the Assembly are well informed and the role of the Assembly in the parliamentary system is respected.

Subsequently, two additional purported questions of privilege were raised in the Assembly. The first of these related to Government advertising followed by a concern regarding advance media access to detailed information on Bills. On November 27, 2013, **Rachel Notley** (Edmonton-Strathcona), raised a purported question of privilege suggesting that the independence and the function of the Special Standing Committee on Members' Services, the legislative committee responsible for determining Member remuneration, had been obstructed when the government sent out a brochure to Albertans, including a statement referring to a multi-year wage freeze for MLAs. The government brochures were delivered to Albertans several days prior to a committee meeting at which a motion calling for a three-year

wage freeze for MLAs was scheduled for discussion.

It was further purported that the Government had breached the privileges of the Assembly by holding a media briefing regarding Bills 45 and 46 before either Bill had been presented in the Assembly and before copies were available to MLAs. The media briefing had a scheduled start time of 2:45 p.m. while copies of the Bills in question were not distributed in the Assembly until approximately 3:15 p.m.

On December 2, 2013, the Speaker presented his ruling on both matters. Having received additional information from the Ministers involved in the media briefing on Bills 45 and 46 the Speaker found that the distribution of the Bills in the Assembly and the actual time at which the media briefing occurred indicated no *prima facie* case of privilege had occurred.

The Speaker went on to address the matter of the brochure referring to a wage freeze for MLAs. In a statement that included references to parliamentary authorities and precedents found in other Canadian jurisdictions the Speaker ruled that a *prima facie* case of privilege had occurred. It was noted that the Government had already been “warned to not try and presume that the Assembly would pass legislation through some form of their own advertising.” The Speaker indicated the Government was in contempt of both the Assembly and one of its committees.

Following the ruling Deputy Premier, the **Hon. Thomas Lukaszuk** (Edmonton-Castle Downs), apologized on behalf of the Government for any affront to the dignity of the Legislative

Assembly and the matter came to a close.

Changes to Cabinet

On December 6, 2013, Premier Redford announced significant changes to her Cabinet, which saw several ministers moved into new portfolios and the creation of both a new ministry and a new associate ministry. **Dave Hancock** (Edmonton-Whitemud) took over as Deputy Premier and Minister of Innovation and Advanced Education, while **Thomas Lukaszuk**, the former Deputy Premier, moved to the new ministry of Jobs, Skills, Training and Labour. **Wayne Drysdale** (Grande Prairie-Wapiti) and **Ric McIver** (Calgary-Hays) traded portfolios to become the Minister of Transportation and Minister of Infrastructure respectively. **Ken Hughes** (Calgary-West) took over Municipal Affairs, while **Diana McQueen** (Drayton Valley-Devon) became the Minister of Energy, after having served as Minister of Environment and Sustainable Resource Development. **Doug Griffiths** went from Municipal Affairs to Service Alberta, previously led by **Manmeet Bhullar** (Calgary-Greenway), who was moved to Human Services. **Frank Oberle** (Peace River) was promoted from Associate Minister of Seniors to Minister of Aboriginal Relations, which had been led by **Robin Campbell** (West Yellowhead), who became Minister of Environment and Sustainable Resource Development.

Three private Members became associate Ministers: **Dave Quest** (Strathcona-Sherwood Park) was promoted to Associate Minister of Seniors, and **Naresh Bhardwaj** (Edmonton-Ellerslie) took over the Persons with Disabilities portfolio from Mr.

Oberle. Donna Kennedy-Glans (Calgary-Varsity) was appointed to the new position of Associate Minister of Electricity and Renewable Energy.

With these new appointments Premier Redford’s cabinet now has 19 ministers, including the Premier, and 10 associate ministers.

Reports by the Ethics Commissioner

In May 2013, **Peter Sandhu** (Edmonton-Manning), resigned from the Progressive Conservative caucus following media reports on legal actions related to his personal business interests. Mr. Sandhu requested that the Ethics Commissioner investigate the matter. Three and a half months later another investigation was requested by opposition Members who raised concerns about the appropriateness of Mr. Sandhu lobbying for changes to legislation that would benefit his own home building company.

On October 16, 2013, the Commissioner released two reports relating to Mr. Sandhu’s activities. The Commissioner ruled that Mr. Sandhu’s efforts to change legislation pertaining to home building companies “created an appearance of a conflict of interest but did not amount to an improper use of his office.” Regarding the legal proceedings against Mr. Sandhu’s private business the Ethics Commissioner concluded that the Member had violated the *Conflicts of Interest Act* on six occasions by not disclosing court actions which had not reached finalized settlements. However, the report also concluded that although Mr. Sandhu had breached the Act he was relying on the advice of his lawyer at the time and that

“there was no deliberate attempt to conceal actions for some underlying reason.” Ultimately the Commissioner recommended to the Assembly that no sanction was warranted.

On December 10, 2013, it was announced that Mr. Sandhu had been welcomed back into the Progressive Conservative caucus. With this change the composition of the Legislative Assembly of Alberta now sits at 60 Progressive Conservative Members, 17 Wildrose Members, five Alberta Liberal Members, four New Democrat Members, and one independent Member.

In January 2013, the Ethics Commissioner confirmed he was conducting an investigation into allegations that Premier Redford had breached the *Conflicts of Interest Act* when she was Minister of Justice in 2010. The investigation focused on the selection of a consortium of law firms to represent the province in an estimated \$10 billion lawsuit against tobacco companies. Included in the selected consortium was the firm at which the Premier’s ex-husband is a partner. Throughout the investigation a number of people, including several senior government officials, and the Premier herself, were interviewed by the Office of the Ethics Commissioner.

The Ethics Commissioner’s investigation of the Premier, occasionally referred to as “tobacco-gate,” took approximately a year to complete. The Ethics Commissioner concluded that Ms. Redford, in her role as Minister of Justice, had taken part in the decision to hire a consortium of law firms that included the firm in which her ex-husband was a partner, to represent the province in a lawsuit against tobacco companies. He found that Ms. Redford had not improperly furthered any private interests, and that her involvement in the matter “was an entirely proper exercise of her office as Minister of Justice, and in the public interest.” The Commissioner found that the Premier had not breached the *Conflicts of Interest Act*, and no sanctions were recommended. In his report, the Commissioner used the opportunity to remind Members that his office performed both an investigative function and an advisory role and that costly, time consuming investigations would be avoided if politicians and senior officials consulted his office for guidance.

Search Committee Activity

On November 20, 2013, the all-party Select Special Chief Electoral Officer Committee

unanimously recommended to the Assembly that **Glen L. Resler** be appointed as Chief Electoral Officer of Alberta. The Committee’s recommendation was accepted by the Assembly and Mr. Resler began his new appointment on December 9, 2013.

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, during the search for his successor. On December 3, 2013, the Assembly appointed a nine-Member all-party committee for the purpose of inviting applications for the position of Ethics Commissioner and to recommend to the Assembly the applicant it considers most suitable for the position. After conducting a national advertising campaign the Committee met on February 21, 2014, to screen applications.

Jody Rempel
Committee Clerk

Notes

Notes

Canadian Region
Commonwealth Parliamentary Association

Alberta

Office of the Clerk
Legislative Building
801 Legislature Annex
Edmonton, AB T5K 1E4
780 427-2478 (tel)
780 427-5688 (fax)

david.mcneil@assembly.ab.ca

Newfoundland & Labrador

Office of the Clerk
Confederation Building
P.O. Box 8700
St John's, NL A1B 4J6
709 729-3405 (tel)
707 729-4820 (fax)

sbarnes@gov.nl.ca

Ontario

Office of the Clerk
Room 104,
Legislative Bldg.
Toronto, ON M7A 1A2
416 325-7341 (tel)
416 325-7344 (fax)

clerks-office@ontla.ola.org

British Columbia

Office of the Clerk
Parliament Buildings
Room 221
Victoria, BC V8V 1X4
250 387-3785 (tel)
250 387-0942 (fax)

ClerkHouse@leg.bc.ca

Northwest Territories

Office of the Clerk
P.O. Box 1320
Yellowknife, NT X1A 2L9
867 669-2299 (tel)
867 873-0432 (fax)

tim_mercer@gov.nt.ca

Prince Edward Island

Office of the Clerk
Province House
P.O. Box 2000
Charlottetown, PE C1A 7N8
902 368-5970 (tel)
902 368-5175 (fax)

chmackay@assembly.pe.ca

Federal Branch

Executive Secretary
131 Queen Street, 5th Floor
House of Commons
Ottawa, ON K1A 0A6
613 993-0330 (tel)
613 995-0212 (fax)

cpa@parl.gc.ca



Québec

Direction des relations inter-
parlementaires
Assemblée nationale
Québec, QC G1A 1A3
418 643-7391 (tel)
418 643-1865 (fax)

EBevan@assnat.qc.ca

Manitoba

Office of the Clerk
Legislative Building
Room 237
Winnipeg, MB R3C 0V8
204 945-3636 (tel)
204 948-2507 (fax)

patricia.chaychuk@leg.gov.mb.ca

Nova Scotia

Office of the Clerk
Province House
P.O. Box 1617
Halifax, NS B3J 2Y3
902 424-5707 (tel)
902 424-0526 (fax)

fergusnr@gov.ns.ca

Saskatchewan

Office of the Clerk
Legislative Building
Room 239
Regina, SK S4S 0B3
306 787-2377 (tel)
306 787-0408 (fax)

cpa@legassembly.sk.ca

New Brunswick

Office of the Clerk
Legislative Building
P.O. Box 6000
Fredericton, NB E3B 5H1
506 453-2506 (tel)
506 453-7154 (fax)

don.forestell@gnb.ca

Nunavut

Office of the Clerk
Legislative Assembly of Nunavut
P.O. Box 1200
Iqaluit, NU X0A 0H0
867 975-5100 (tel)
867 975-5190 (fax)

JQuirke@assembly.nu.ca

Yukon

Office of the Clerk
Legislative Building
P.O. Box 2703
Whitehorse, YT Y1A 2C6
867 667-5494 (tel)
867 393-6280 (fax)

clerk@gov.yk.ca