

# canadian Parliamentary review

The hardwood spiral staircase is a free-standing structure in New Brunswick's Legislative Assembly Building. Designed with the supports coming out from the wall instead of from a central pole, the staircase winds up from the first to third floor. New Brunswick hosted the 2014 Commonwealth Parliamentary Association Canadian Regional conference in July. Credit: "Legislative Assembly of New Brunswick"



<b>The Importance of Debating Major Social Issues in Parliament: The Example of Québec's Act respecting end-of-life care</b> <i>Jacques Chagnon, MNA</i> .....	2
<b>Women Parliamentarians in the Post-2015 Development Era Agenda</b> <i>Myrna Driedger, MLA</i> .....	5
<b>Is There a Confidence Convention in Consensus Government?</b> <i>David M. Brock and Alan Cash</i> .....	10
<b>Executive Decision-Making: Challenges, Strategies, and Resources</b> <i>Adam Moscoe</i> .....	17
<b>"Tremendous Assets": Co-op students at the Legislative Assembly of Ontario</b> <i>Susanne Hynes</i> .....	24
<b>Same But Different: The 2013 Liberal Intra-Party Transition in Ontario</b> <i>Connor Bays</i> .....	28
<b>Observations on Youth Engagement in Parliamentary Politics</b> <i>Maya Fernandez, Rebecca Whitmore, Vanesa Tomasino Rodriguez and Kate Russell</i> .....	33
<b>CPA Activities: The Canadian Scene</b> .....	37
<b>Parliamentary Book Shelf</b> .....	41
<b>Legislative Reports</b> .....	48

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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# *The Importance of Debating Major Social Issues in Parliament:*

## *The Example of Québec's Act respecting end-of-life care*

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Jacques Chagnon, MNA

*In an age when parliaments are often criticized for being too partisan in nature, it is still possible for legislatures to serve as exceptional forums to conduct in-depth examination of major social issues and foster broad-based consensus. Using the process employed when considering Québec's recent Act respecting end-of-life care as an example, the author shows how important and contentious social matters can be debated and examined in a constructive way by legislators, along with extensive participation from civil society. He concludes by proposing that Canadian parliaments may want to investigate whether to follow the examples of Finland and France by creating special committees to review such issues.*



Parliaments, at their best, are capable of creating exceptional forums in which to conduct in-depth examination of major social issues, in a calm and non-partisan manner. Such initiatives should take place more often in my view because they give rise to the kind of broad-based consensus that fosters social progress. They also enhance the image of Parliament, which is too often seen as an arena for partisan debate. Québec's recent discussions surrounding its new *Act respecting end-of-life care* provide one recent example of the benefit of debating social issues.

### **The Select Committee on Dying with Dignity**

*The Act respecting end-of-life care* was adopted in June 2014. Founded on respect, compassion and understanding, with regard to people who are at the end of their lives, the act sets out the rights relating to end-of-life care and prescribes the conditions under

which a person may obtain medical aid to die. The debate on euthanasia and assisted suicide has been going on in Québec for some 30 years, during which time a number of court rulings have been handed down on the subject.

The debate reached an important juncture in 2009, when the Collège des médecins du Québec published a paper which proposed that society, medical practitioners and the legislature consider whether euthanasia might not be, in cases of exceptional suffering, an appropriate final step in the continuum of end-of-life care. At about the same time, opinion polls showed that the public, in general, and doctors, in particular, supported medically assisted dying by a margin of more than 70 per cent, provided appropriate safeguards were put in place.

It was against this background that, on December 4, 2009, the Members of the National Assembly unanimously adopted a motion to create a select committee to study the issues relating to dying with dignity.

The Select Committee on Dying with Dignity was chaired by a government MNA and vice-chaired by the sponsor of the motion, an Official Opposition member. The committee's mandate was to study end-of-life issues, which included euthanasia and assisted suicide. In addition, it was to examine such subjects as palliative care, palliative sedation, refusal and

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*Jacques Chagnon is the President of the Québec National Assembly. He also chairs the Committee on the National Assembly and the Subcommittee on Parliamentary Reform.*

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cessation of treatment, and end-of-life planning, in case of incapacity.

Once the Committee had been struck, a four-and-a-half-year period of rigorous study and consultation followed. It is important to note that the Committee began, continued, and completed its mandate during three different legislatures, in which two different political parties held power and four parties were represented in the House.

The Committee's work was characterized by a targeted approach and a desire to give all citizens who wished to state their opinion a chance to do so.

It began by hearing approximately 30 experts from disciplines such as medicine, law, ethics, sociology and psychology. It then released a consultation document to increase public awareness of the subject and facilitate public participation.

The idea was to consult the greatest possible number of citizens. The Committee did everything in its power to encourage people to express their opinion; they sought out a briefs or comments, welcomed testimony before the committee without submitting a brief, and promoted an online questionnaire.

In total, 273 briefs were received and the Committee travelled throughout Québec to meet with people who wished to participate. From September 2010 to March 2011, 239 individuals and organizations were heard during 29 days of public hearings held in eight cities. Another 100 or so citizens expressed their views during the open mic periods provided.

More than 6,500 people completed the online questionnaire and some 16,000 comments were received by email, mail and fax, or included with the online questionnaires.

Clearly, people were provided ample opportunity to give their opinion on this most sensitive of issues. The hearings unfolded in a calm and serious atmosphere, with participants always respectful of opinions contrary to their own.

In June 2011, taking pains to cover all of the bases, four members of the Committee went on a study mission to the Netherlands and Belgium, two countries where certain forms of assisted dying are authorized, and to France, where the subject has been hotly debated for several years now.

The four delegates attended 21 meetings with parliamentarians, representatives from the main government departments concerned, doctors, nurses, palliative care workers, and ethics and legal experts.

Throughout its mandate, the Committee had a team of researchers at its disposal who organized and studied data using NVivo qualitative analysis software, as well as participated in drafting documents later published by the Committee.

The Committee's report, crafted after 51 deliberative meetings, contained 24 unanimous recommendations; it was tabled in the National Assembly on March 22, 2012. For the occasion, the Committee's nine members, representing all four political parties, held a press conference to announce their recommendations to the public. The report was extensively covered in the media, as was each stage of the Committee's work leading up to it. The rigour of the Committee's methods and the quality of its report were qualified as exemplary by political observers and the public alike.

Whatever their political allegiance, all parliamentarians who participated in the work of the Committee can be proud of the work accomplished.

### **The Act respecting end-of-life care**

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In June 2013, little more than a year after the report was tabled, the Minister for Health and Social Services introduced Bill 52.

The bill drew largely on the Committee's recommendations on palliative care, advance medical directives and the strict conditions under which a person may obtain medical aid to die. For example, such a request may be made only by a person who has reached the age of majority and is capable of consenting to care. The person must be an end-of-life patient who is suffering from a serious and incurable illness, is in an advanced state of irreversible decline in capability, and is experiencing constant and unbearable suffering that cannot be relieved by medical means.

As part of its examination of the bill, the Committee on Health and Social Services held public hearings in the fall of 2013, during which 55 groups gave their opinion on the bill. From November 2013 to January 2014, almost 52 hours were spent on clause-by-clause consideration, resulting in the unanimous adoption of 57 amendments.

However, in March 2014, just as the bill was about to come to a vote, the Assembly was dissolved and the 40th Legislature ended. In May 2014, at the start of the 41st Legislature, and after an agreement had been reached between the four political parties represented in the House, the Members unanimously agreed to reintroduce the bill at the stage it had reached in the legislative process prior to the end of the 40th Legislature.

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In a gesture that was symbolic but deserves mentioning nonetheless, the bill was reintroduced by two co-sponsors: the Minister of Health and Social Services, and the Official Opposition member for the riding of Joliette—the same MNA who had introduced the initial motion in December 2009, vice-chaired the Select Committee, and introduced Bill 52 as Minister for Social Services.

The vote held on June 5, 2014, was one in which Members were free to follow their conscience and vote in accordance with their deepest convictions. In the end, 94 Members voted in favour of the bill, and 22 against.

Though the act has now been assented to, a healthy debate continues to make waves in Québec society.

### **Other Examples of Non-partisan Debates on Social Issues**

The example of the process leading to the adoption of Bill 52 proves that parliaments can engage in non-partisan debates on important social issues and obtain concrete results. Indeed, other collaborative parliamentary initiatives in Québec have proven every bit as exemplary.

Here are three examples of other mandates carried out through collaborative efforts, each of which resulted in a report containing conclusions and unanimous recommendations.

- The link between artificial tanning and skin cancer was studied in response to the tabling of a citizens' petition. The committee's recommendations led to legislative amendments which, among other things, prohibit persons under 18 from having access to artificial tanning services.
- Members concerned by the phenomenon of homelessness in Québec published a consultation document, received almost 150 briefs, and heard from approximately 100 people during hearings held in four cities. The committee's 33 recommendations subsequently served as a guide for government policy.
- A parliamentary committee looked at the issue of how to better protect Québec investors in mutual funds. The committee published a consultation document on the subject. The committee received 35 briefs and 140 opinions, and heard 30 individuals and organizations in the course of public hearings. Its recommendations led to legislative measures aimed at better protecting Québec investors and strengthening their confidence in the financial sector.

It is interesting to note that, on average, six mandates of this kind are carried out each year in Québec, and some of them result in significant legislative amendments and changes to government policy.

It is safe to say that, more often than is commonly thought, the Members of the National Assembly examine major social issues in a spirit of collegiality that rises above all partisanship and focuses on the common interest. All of which proves that it is possible for parliamentarians to undertake fundamental discussions that eventually result in constructive reform.

Already, at the beginning of the 41st Legislature, a number of committees have taken on mandates of this kind. One example is the Committee on Citizen Relations. In the coming months, its members will study two important issues: poverty among young children, as well as the challenges faced by informal caregivers, who devote their time to providing care to their loved ones.

In addition, just recently, the government launched its anti-bullying program by announcing a new online consultation. This problem is another major issue that is best dealt with in discussions that bring non-partisan values to the fore.

### **Conclusion and Future Considerations**

To my way of thinking, it would be productive if the Members agreed to create a committee that concentrated specifically on major social issues—a committee similar, perhaps, to those which exist in France and Finland.

In France, the Senate created a senatorial delegation for strategic foresight (*Délégation sénatoriale à la prospective*), whose mandate is to study changes in society and maintain relations with other bodies, French and foreign, that focus on issues relating to future social developments.

The French Senate drew its inspiration from Finland's Committee for the Future. With the creation of this committee, Finland inaugurated an ongoing process of reflection and concerted action with regard to the future of the country.

There must be no taboo subjects, and the Members must choose issues that have an impact on people's lives and could readily be studied in that most appropriate of forums: Parliament.



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# Women Parliamentarians in the Post-2015 Development Era Agenda

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Myrna Driedger, MLA

*The Chair of the Commonwealth Women Parliamentarians (CWP) – Canada Region reports on the activities of a CWP Pan-Commonwealth Conference in London, England. The conference, which addressed “Women in the Post Millennium Development Goal Era,” explored how women parliamentarians could use their positions to help the fight against global poverty in its many forms, including how it manifests in gender inequality.*



**M**illennium Development Goals (MDGs) emanated from United Nations’ Summits and Conferences in the 1990s. The MDGs represent the world’s commitment to deal with global poverty in its many dimensions. This commitment is supported by a global partnership, which calls for country-led strategies and support from developed countries in the

areas of trade, official development assistance, debt sustainability and access to medicine and technologies.

The eight MDGs – which range from halving extreme poverty rates to halting the spread of HIV/AIDS to providing universal primary education, all by the target date of 2015 – form a blueprint agreed to by all the world’s countries and the world’s leading development institutions. The goals have galvanized unprecedented efforts to meet the needs of the world’s poorest. The UN is also working with governments, civil society and other partners to build on the momentum generated by the MDGs and carry on with an ambitious post-2015 development agenda.

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*Myrna Driedger represents Charleswood in the Manitoba Legislative Assembly. She is Health Critic and Critic for the Status of Women for the Progressive Conservative Party. She is also Chair of the Commonwealth Women Parliamentarians in the Canadian Region of CPA.*

## Millennium Development Goals

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- Eradicate extreme poverty and hunger
- Achieve universal primary education
- Promote gender equality and empower women
- Reduce child mortality
- Improve maternal health
- Combat HIV/AIDS, malaria and other diseases
- Ensure environmental sustainability
- Develop a global partnership for development

**\*\*Members are at different levels at achieving MDGs\*\***

## Global Efforts to Achieve MDGs:

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The MDGs have been the most successful global anti-poverty push in history. Significant and substantial progress has been made in meeting many of the targets including: halving the number of people living in extreme poverty and the proportion of people without sustainable access to improved sources of drinking water; a significant decline in the proportion of urban slum dwellers; remarkable gains in the fight against malaria and tuberculosis; and visible improvements in all health areas, as well as primary education.

However, there are still areas where action is needed most. For example: one in eight people worldwide remain hungry; too many women die in childbirth when there are means available to save them; and more than 2.5 billion people lack improved sanitation facilities.

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UN Secretary General Ban Ki-Moon says:

“In more than a decade of experience working towards the MDGs, we have learned that focused global development efforts can make a difference. Through accelerated action, the world can achieve the MDGs and generate momentum for an ambitious and inspiring post-2015 development framework. Now is the time to step up our efforts to build a more just, secure and sustainable future for all.”

### **The CWP Pan-Commonwealth Conference**

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This conference provided CWP members with the opportunity to develop our own considerations for the role of women, girls and gender equality in the post-MDG period. The conference provided the participants with the opportunity to gain an understanding of the current thinking behind the negotiations for the post-2015 agenda, to hear about the work of Commonwealth governments in this area, to learn about the importance of gender issues in social policy when legislating, and obtain guidance on how to work to strike a better deal for gender equality going forward.

Keen to provide a forum to share good practice in women's issues, the CWP also deliberated issues of women's leadership beyond public office and the importance of the gender sensitization of parliament through presiding over a legislative house.

#### **Session 1: Introductions from CPA Secretary General and CWP Chair**

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After welcoming CWP members, William F. Shija, CPA Secretary General, talked about the varying levels of female representation in Commonwealth Parliaments, the direct correlation between women in high office and improved levels of poverty, the activities and achievements of CWP to date, and the place for gender parity and women's rights in the post-MDG era.

CWP Chair Rebecca Kadaga talked about MDG achievements to date, including the reduction of poverty, the improved gender gap in employment rates and of the efforts in the health and education sectors. She talked about the importance of reaching a consensus and the importance of a universal development agenda. Gender equality, after all, is a universal issue.

She talked about the importance of addressing gender inequality through targets, from the grassroots of local government and upwards, and also about the relevance of developing a road map to enable the CWP to achieve its objectives. Kadaga cited global examples where women are continually victims of gender-based

violence, discrimination and under-representation.

#### **Session 2: Presiding over the House - Establishing a Gender Balance**

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Dawn Primarolo, U.K. MP and Deputy Speaker of Parliament, talked about the challenges of being a woman Member of Parliament. Making particular reference to the way women parliamentarians are portrayed by the media, she contended that female MPs get at least twice as much negative publicity as men. CWP delegates emphasized the importance of political parties improving their list systems when selecting female candidates.

*It was expressed that there should be:*

- Zero tolerance for unacceptable behaviour towards women
- Select committees established, or similar scrutiny to inquire into the way media is biased against women
- Pressure on political parties to change their list systems to encourage greater female participation

#### **Session 3: Remarks from CPA Chair**

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Alan Haselhurst, U.K. MP and Chair of the CPA Executive Committee, covered three main areas in this session: the obstacles to women entering political office, the greatest challenges to the CWP, and CWP's greatest achievements and future.

*Members raised the following points:*

- The CWP needs to increase its visibility
- The CWP's network needs to be completed
- CWP needs to stay within the ambit of the CPA
- The importance of intergenerational work needs to be emphasized
- The use of social media to raise awareness of CWP should be enhanced

#### **Session 4: Gender and Social Policy - Making Your Mark**

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Diane Perrons, Professor of Economic Geography and Gender Studies at the London School of Economics, talked about the enduring nature of gender inequality and the fact that it often doesn't capture the public's imagination in the same way as other elements of the development agenda do. The group talked of the universal character of gender inequality, the role of education, and the importance of the quality of the education provided.

*Members raised the following points:*

- There is a distinct undervaluing of the unpaid work often undertaken by women such as the provision of care
- Women are frequently more vulnerable than men when cuts to national expenditures are made



- The importance of tracking public expenditures as a way to measure gender equality
- Structural and cultural issues are often vast and therefore continue to hinder the development of women

### Session 5: Negotiating a Better Position for Women and Girls After 2015

Charles Chauvel, Advisor for Parliamentary Development at UNDP, presented a progress report on the eight MDGs: extreme poverty rates have been halved since 1990; enrolment in primary education in developing regions has reached 90 per cent; the world has achieved equality in primary education between girls and boys – but women still face discrimination in accessing education at other levels, work, and participating in decision making; 14,000 fewer children are dying each day; maternal mortality has fallen by 47 per cent since 1990; greater numbers of people are receiving treatment for HIV/AIDS and malaria; 2.1 billion people have gained access to clean water since 1990; debt service has declined in developing countries; and the trade climate has improved.

*Members emphasized the following challenges in negotiating for women in the post-MDG era:*

- The provision, or lack of provision, of briefings from governments on negotiations concerning the next set of development goals, especially on girls' and women's rights
- The organization of consultations with the electorate on the post-MDG priorities
- Effective oversight over governments' commitments to gender equality is critical

Members expressed frustration over the UN system where parliament is often the periphery

### Session 6: A Vision for the Future of Gender Equality and Post-2015 Development Goals

David Hallam, UK Department for International Development Envoy, set out the thinking behind the successors to the MDGs, how they are designed and what they seek to achieve: a more equal world in 2030 which is more prosperous, more just and more peaceful. It was emphasized that there was a need to commit to changing the way we think and act.

*Five transformational shifts were set out:*

- Leave no one behind
- Put sustainable development at the core
- Transform economies for jobs and inclusive growth



Photo provided

Attendees of the CWP Pan-Commonwealth Conference in London, England, with William F. Shija, Secretary General of the Commonwealth Parliamentary Association.





Members of the CWP's International Steering Committee meet at CPA headquarters in London.

- Build peaceful and effective open and accountable institutions for all
- Forge a new global partnership
- The gender agenda will consider the following:
- Prevent and eliminate all forms of violence against women and girls
- End child marriage
- Ensure equal rights of women to own and inherit property, sign a contract, register a business and open a bank account
- Eliminate discrimination against women in political, economic, and public life

*CWP encourages:*

- A greater role for parliamentarians in the negotiations for the post-2015 era
- Parliaments need to be more bold in demanding an account of what our governments are negotiating for post-2015
- Greater coordination with other agencies such as UN Women

### Session 7: The Role of Women in the Post-MDG Era

Kemi Ogunsanya, Advisor for Gender and Political Development at the Commonwealth Secretariat, provided an overview of the road map to making gender specific targets for the post-MDG era. This proposal included:

- Freedom from violence: prevention; adequate response; behavioural changes; security; support services and justice
- Capabilities and resources: eradicate women's poverty; promote decent work, education and skills; build women's access to, and control of, resources; reduce women's burden; improve women's and girls' health; reduce maternal mortality; promote sustainable energy; and provide access to water and sanitation
- Voice leadership and participation: promote equal decision-making in households, encourage participation in public institutions, foster women's leadership in private sector and corporate boards and strengthen women's collective action



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*The CWP agreed that:*

- There is a lack of recognition of the importance of Parliament as a development actor – aid agencies prefer working with a country's executive branch of government
- Parliaments need to strengthen capacity, knowledge generation, and advocacy of MDGs
- Parliaments should play a critical role in developing breakthrough strategies for MDGs in consultation with national stakeholders, and constituencies including civil society and private sectors

### **Session 8: The Gender Premium: Women in Leadership Across the Commonwealth**

Shaheena Jivraj, of the Commonwealth Business Council, gave a presentation which acknowledged that equal gender representation on the business boards have a direct correlation with superior performance. Delegates discussed global consumer spending by women which is totaling approximately \$28 trillion, yet almost 40 per cent of companies still don't have female directors on their boards. Strategies debated about how to shift this imbalance included education partnerships, sponsorship initiatives and the development of databases of businesswomen. The Commonwealth Business Council set out its aims to achieve this shift: to develop an advocacy strategy; to work with governments and the private sector; and to strengthen policies to increase the number of women on sector and public boards.

*The CWP advocated to:*

- Encourage that research be undertaken to evaluate whether there is any correlation between girls achieving greater results, and going on to further education, and attending mixed, or same-sex schools
- Promote the Commonwealth Business Council's women's activities

### **Commonwealth Women Parliamentarians Moving Forward**

The Conference was followed by a meeting of CWP-International, on which the Chair of CWP-Canada Region sits as one of 10 members. During the meeting, a *Draft Strategic Plan* for 2014-2018 was approved for circulation and discussion by all CWP jurisdictions. This CWP *Strategic Plan* will aim to serve as both a strategic communications and planning tool to enable CWP to act as a powerful agent for women parliamentarians in the CPA.

The *Strategic Plan* will provide a framework for CWP to identify its achievements, strategically assess the challenges it encounters, build alliances, and undertake actions across the CPA and beyond, in order to ensure that both men and women are involved in decision making in legislatures of the Commonwealth, and that women parliamentarians are supported in their work.

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# Is There a Confidence Convention in Consensus Government?

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David M. Brock and Alan Cash

*In the Northwest Territories' consensus system, as in the party system, a government is appointed by the formal executive and members of the executive council are accountable to the House. However, the selection of executive council members in the two systems differs significantly and perhaps consequentially for the confidence convention in responsible government. In this article, born out of a debate between the authors sponsored by the Northwest Territories Regional Group of the Institute of Public Administration of Canada, David M. Brock and Alan Cash explore some of the factors to consider if and when the convention is put to the test in a consensus system. They conclude by noting that with recent changes to the Northwest Territories Act as well as emerging conventions regarding the removal of members of the Executive Council, one may now safely argue that the confidence convention could be applied in the Northwest Territories in a manner similar to the application found in party systems. However, the prerogative of the House, emphasized and codified in consensus government, limits the discretion of the first minister and mitigates the power of the executive.*

Consensus government in the Northwest Territories is to be executed “in accordance with the principles of responsible government and executive accountability.”<sup>1</sup> This does not necessarily mean that all elements of responsible government are applied in the same manner as may be in the case in a party system. One area of potential uncertainty is the confidence convention. This convention holds that if the executive no longer has the support of the majority of members of the legislature, the government must either resign or request dissolution and a general election. But, how might this work in the northern system of consensus government?

The interpretation and application of the confidence convention in a Westminster party system is already complicated. We know, generally speaking, the leader of the political party with the most representatives in the legislature is usually called upon by the Crown's representative to form a government. This

is based on the likelihood that that same party leader can command the sustained support of a majority of members. However, complications with the confidence convention arise from determining what exactly constitutes a vote of confidence, whether a vote of non-confidence truly signals an inability to govern responsibly, and if a request to prorogue should be granted.

In the northern system of consensus government, where governments are formed and held to account differently, understanding the potential interpretation and application of the confidence convention can be even more disorienting. In the consensus system, as in the party system, a government is appointed by the formal executive and members of the executive council are accountable to the House. However, the selection of executive council members differs significantly and perhaps consequentially. In a party system, the selection of ministers is the prerogative of the Crown acting on the advice of the first minister. In the consensus system, the selection of ministers, including the first minister, is the prerogative of the House. The manner by which the executive council is selected may therefore affect how – and whether – the executive council can be removed en masse, and,

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*David M. Brock recently completed a four-year appointment as Chief Electoral Officer, Northwest Territories. Alan Cash is Deputy Secretary to the Cabinet, Government of the Northwest Territories.*

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most importantly, if the House can be dissolved and a general election can be held before a fixed date.<sup>2</sup>

Recent changes to the federal *Northwest Territories Act* further complicate the understanding of the confidence convention in consensus government. The rights of the Commissioner enumerated in federal statute expanded in April 2014 to include new powers of appointment and dissolution; the method of selecting who serves on the executive council, as established by territorial statute, remains the same.

The confidence conundrum was the subject of a recent discussion organized by the Northwest Territories Regional Group of the Institute of Public Administration of Canada. We were asked to debate: be it resolved that there is truly a confidence convention in consensus government. Neither that debate nor this paper will conclusively resolve the issue, and the views expressed here are only those of two individuals and not an official position; but, in exploring this issue we help draw out what factors possibly merit attention when sorting through how Canadian conventions of responsible government apply to the northern system of consensus government.

### **Responsible Government Comes North, Again**

Territorial governments in Canada are established by federal statute, rather than by constitutional entrenchment. There is no Crown in right of the Northwest Territories. However, over the past 50 years, and especially over the past 15 years, all three territorial governments have attained province-like powers and are generally understood to be self-governing sub-national units.

Responsible government in the Northwest Territories first emerged in the 19th century, following the sale of lands by the Hudson's Bay Company to the Dominion of Canada in 1869. It was then that a Council of the Northwest Territories was established, comprised of a mix of appointed and elected members. Eventually this mixed composition ceded to a fully-elected Council and system of responsible government in 1897 under the guidance of the first premier of the Northwest Territories, Frederick Haultain.<sup>3</sup>

After the creation of Alberta and Saskatchewan in 1905, responsible government in the Northwest Territories lapsed: for nearly half a century, the territory was administered by bureaucrats in Ottawa; in 1951, the first representative was elected to serve on the territorial Council; by 1960, there was an even number of elected and appointed members; and, finally, in 1975, all members of the territorial Council were elected. It was another 12 years hence, in 1987,

when the Commissioner formally ceased being the active chairman of the executive council. Since that time, we in the Northwest Territories, as in all provinces and territories, have distinguished between the formal executive (the Commissioner) and the active political executive (the Cabinet).<sup>4</sup>

The Commissioner, although acting "in a manner similar in practice to that of a provincial Lieutenant Governor," is still the representative of the responsible federal minister.<sup>5</sup> It is also notable that the statutory locution for the territorial legislature – the 'Council' – is a term that endured from shortly after Confederation until this past spring, just three years shy of Canada's sesquicentennial.

Consensus government is the legislative system used in both the Northwest Territories and Nunavut. Characteristics common to consensus government include: no registered political parties, a governing policy mandate set by all elected members, a premier and cabinet elected by fellow members and serving in perpetual minority, no official opposition, a strong role for legislative committees, and a predisposition for civil dialogue.

Territorial political culture, from the early days of settler government through contemporary times, has eschewed party organization. It is commonly held that the consensus system evolved in the North to reflect traditional decision-making structures in aboriginal communities. From an historical perspective, this may be a dubious claim given that northern governance structures were erected well before aboriginal residents were even eligible to vote. More recent scholarship challenges this revisionist claim and asserts that northern institutional design was motivated less by Ottawa's cultural sensitivity and more by the federal government's desire for appointed officials to maintain control over executive decision-making 'out west' and 'up-north'.<sup>6</sup> That said, in contemporary territorial politics, one does see influences of Dene, Inuit, and Métis governance customs.

Even with adaptations to the Westminster system, modern territorial government is generally thought to be responsible government. The executive is drawn from a body of elected officials who advise an appointed governor – in this case, the Commissioner – who is bound by convention to follow advice. However, unlike in the provinces, the Commissioner is not bound to follow the advice of his first minister alone. The most recent letter of instruction from the responsible federal minister to the Commissioner makes clear the requisite sources of advice:





David M. Brock (left) and Alan Cash debate whether the confidence convention can be applied to consensus government in a session sponsored by the Northwest Territories Regional Group of the Institute of Public Administration of Canada.

Consistent with Canadian constitutional conventions, you will act by and with the advice of your Premier, Executive Council and Legislative Assembly in all those matters relating to territorial policy, legislation and administrative decisions that fall within the competence of your office. There are only a few instances where your Premier alone has the capacity to provide direction.<sup>7</sup>

What stands apart from Canadian constitutional convention is the numerous sources of advice rendered upon the Commissioner and the relatively limited advisory role for the first minister. Those instances where the 'Premier alone has the capacity to provide direction' are not comprehensively enumerated in letters of instruction nor in statute.<sup>8</sup>

The territorial Commissioner has legitimate advisors in both the executive and legislative branches. This may not actually be as complex or exceptional as it first appears. In numerous respects, the advice rendered upon the Commissioner comes from expected quarters: the executive proposes and the legislature disposes. However, one area of significant difference – and one most germane to our examination of the confidence convention – is how the Commissioner comes to know whom to appoint to the executive council.

In a party system, ministers are appointed by the Crown on recommendation of the first minister. In short, a premier chooses his cabinet. Not so in consensus government. The federal minister makes clear in his letter of instruction that the making of appointments should follow the advice of "the entity authorized to make a recommendation."<sup>9</sup> In accordance with territorial law, the Premier is "chosen" by the Legislative Assembly and any additional member of the executive council is to be "recommended" to the Commissioner by the Legislative Assembly.<sup>10</sup> This method of determining who comprises an executive council is examined below in more detail.

Although territorial premiers are not empowered to decide who will sit with them on the executive council, premiers do hold the prerogative to assign, or refuse to assign, ministerial portfolios to a member of the executive council, thus retaining at least one mechanism that is central to executive power in Westminster government.

### New Wine for an Old Vessel

Successive letters of instruction from responsible federal ministers to territorial commissioners have made clear that the role of the formal executive

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should “continue to evolve in a manner consistent with, and supportive of, responsible government in the Northwest Territories.”<sup>11</sup> This policy position was reflected in Parliament’s 2014 amendments to the federal *Northwest Territories Act*.<sup>12</sup>

Earlier this year, the federal government devolved greater responsibility for the administration of lands and resources to the territorial government. At the same time, the Act was amended to alter some aspects of the machinery of government. These changes may have direct relevance to whether or not there is a confidence convention in consensus government and, if so, how such a convention might be applied.

Two changes are worthy of note. First, in accordance with the amended section eight of the *Act*, an executive council with members appointed by the Commissioner is established. Previously, there was an executive, and it was appointed by the Commissioner, but this was only recognized in territorial law; executive powers existed in federal statute only “so far as they [were] applicable to and capable of being exercised.”<sup>13</sup> Second, in accordance with the amended Section 11 of the *Act*, it is the Commissioner who now grants dissolution. Previously, dissolution could only be granted by the Governor in Council through a federal order-in-council. These two amendments expressly alter the power of the formal executive in the Northwest Territories.

Each of these two amendments and their relationship to the application of the confidence convention are now examined in turn.

### **Appointment and Removal**

The structure of government in the Northwest Territories is such that members of the executive council are expressly appointed by the Commissioner. Yet, members of the executive council, following territorial statute, are ‘chosen’ or ‘recommended,’ respectively, by the Legislative Assembly, not the Premier. Moreover, notice of resignation by a member of the executive council is to be conveyed to the Speaker, not the Premier or Commissioner; and, in accordance with territorial law, resignation is effective upon delivery of such a notice.<sup>14</sup> The Commissioner appoints members

of the Executive Council, but the lawful removal of a member of the executive council does not require action by either the formal or the political executive.<sup>15</sup> These lines of accountability differ significantly from what one finds in the classical model of responsible government.

This arrangement might suggest a degree of incongruence: members of the Executive Council are appointed by the Commissioner, but cease being a

member of that body upon advising the Speaker. How can a political entity hold the power to make an appointment, but not the power to revoke that same appointment? This type of arrangement may be more typical than first perceived. By way of analogy, justices of the Supreme Court of Canada are appointed

by the Governor in Council, but may only be removed by the Governor General on address of the Senate and House of Commons.<sup>16</sup> The power of appointment and revocation does not always rest with the same entity. This appointment and removal process accentuates the elevated importance of the House in the consensus system.

In thinking about the application of the confidence convention, it is important to disaggregate between the executive council as a unit and the members who comprise the executive council as individuals. Under territorial law, members of the executive council “hold office during the pleasure of the Legislative Assembly.”<sup>17</sup> It is not clear in law exactly how this pleasure is revoked, but it can be.

Under Canadian constitutional convention, if an individual minister has lost the confidence of the legislature, the honourable course would be resignation. This does not always happen. But, whereas, in a party system, if a minister’s resignation has been sought by, say, the opposition, the minister might be defended by her party leader and stay on; in the consensus system, a minister whose resignation is actively sought by a majority of legislators can simply be “taken out.”<sup>18</sup> There are numerous examples in the history of consensus government where individual ministers have had their pleasure revoked by the House. This, however, is the doctrine of ministerial responsibility, not the confidence convention.

Territorial legislators have never withdrawn the offices of a premier and all ministers simultaneously. They have come close. Such an instance arose in 2009 following allegations of conflict-of-interest on the part of then-Premier Floyd Roland. The House voted on a motion to formally revoke “the pleasure of the Assembly from the appointments of the Premier and all Members of the Executive Council effective Monday, February 9, 2009....” and to affect “that a Premier and Executive Council be chosen without delay and that the Commissioner be notified of the recommended appointments at the earliest opportunity.”<sup>19</sup> The motion was defeated, but the confidence convention was tested.

This was the most basic test of the confidence convention: a vote on an unambiguous motion of non-confidence. Even in the consensus system, if such a motion were carried, it would compel the Commissioner to appoint new members to the executive council, upon receipt of advice from the legislature, but would not necessarily result in a general election.

However, there is greater ambiguity about other applications of the confidence convention. In sworn testimony, also in 2009, Tim Mercer, Clerk of the Legislative Assembly, stated:

We’ve come fairly close to there being cases where some of the similar things that would normally be considered an expression of loss of confidence happened. For example, if the minister of finance was to introduce a budget bill, and the budget bill was defeated, there is a general understanding that that would be an expression of loss of confidence. It’s never been tested in our system. I think until such time that it has been tested and the House develops conventions around that; there is uncertainty as to how the confidence convention would be exercised in our system of government.<sup>20</sup>

It is important to parse these insightful comments. The Clerk did not dismiss the existence of the convention, but simply expressed uncertainty about its application. One might then draw parallels with instances in other Westminster legislatures where the government has lost votes, but not necessarily confidence. Heard reminds us that governments in Canada and the United Kingdom “suffered a number

of legislative defeats over the years, most recently since the early 1970s, without treating them as losses of confidence.”<sup>21</sup>

In either a party system or a consensus system, it is less about winning or losing specific votes, and more about the ability of the executive to command a sustained majority in the legislature and thus continue to govern. Consistent with this reasoning, the Federal Court of Canada found: “A government losing the confidence of the House of Commons is an event that does not have a strict definition and often requires the judgment of the [first minister].”<sup>22</sup> In the consensus system, it requires, not the judgment of the first minister, but rather the judgment of the House.

It is clear that the House has sufficient power to withdraw its pleasure from the previously appointed government, and advise

the Commissioner on its choice of a new premier and executive council. The more complex and contested aspect of the confidence convention is early dissolution.

## Dissolution

The Commissioner now holds the power to dissolve the Legislative Assembly and order the issue of the writs for a general election. Consistent with Canadian constitutional convention and letters of instruction, a Commissioner could only do so following the advice of the appropriate entity.

There is no evidence or logic to suggest that, in the consensus system, the first minister is the appropriate entity to request dissolution. In previous election years, it has been the Speaker who has requested dissolution, to the Governor in Council, following resolution by the Legislative Assembly. It also then follows that the prerogative to request dissolution does not rest with either the Premier or the Speaker. This leaves the Legislative Assembly as the appropriate entity to advise the Commissioner to dissolve the Assembly and order the Chief Electoral Officer to issue writs of election for all districts.

In order for dissolution to happen earlier than a fixed date, the Legislative Assembly would have to advise the Commissioner as such and do so



seemingly in contravention of its own legislation.<sup>23</sup> This is perhaps not so far-fetched. The House of Commons and several provincial legislatures with fixed date elections have gone early to the polls.<sup>24</sup> In those governmental systems, despite the introduction of fixed date elections, the powers of the Governor General and Lieutenant Governors, respectively, are unaltered, and explicitly preserve the discretion and power to dissolve the legislature.<sup>25</sup>

Analogous language is found in territorial statute. On the matter of an assembly's duration, the relative provision in the *Legislative Assembly and Executive Council Act* begins conditionally: "Subject to the power of the Commissioner to dissolve the Legislative Assembly under subsection 11(1) of the Northwest Territories Act..." This, we argue, affords an assembly the right and the power to seek early dissolution.

The power of dissolution is preserved for good reason. In the case of an ungovernable assembly, where no government, however comprised, could command sustained confidence and pass legislation, it would be in the best interest of the people to go to the polls. In the case of an assembly that ignored the fixed date and sat for longer than the maximum duration of an assembly, it would be in the best interest of the people for the Governor in Council to instruct the Commissioner to use his power to dissolve.<sup>26</sup>

Whereas some may see the power of dissolution and its application as an abuse of executive authority over democratic process, preserving the power of the formal executive to dissolve an assembly actually protects responsible government by ensuring that, under extraordinary circumstances, decisions about representation inevitably go back to the people.

## Conclusion

The confidence convention is the foundation of responsible government.<sup>27</sup> The evolution of responsible government in the Northwest Territories is reflected in changes over time to legislation, systems of representation, machinery of government, jurisdiction, and procedure.

Even so, institutions require time to implement practical tests in order to better understand how generally accepted conventions are appropriately applied. The application of conventions is further complicated when there is also uncertainty elsewhere, as there is with the confidence convention, and when institutions of government are designed to reflect cultures both foreign and indigenous, as is the case in the Northwest Territories.

There has been legitimate uncertainty as to whether and how the confidence convention applies in the northern system of consensus government. Absent clear autonomous powers to appoint members to the Executive Council and dissolve the legislature, as was the case in the Northwest Territories before April 1, 2014, it is understandable why the convention may have been deemed wholly inapplicable.

With recent changes to the *Northwest Territories Act*, as well as emerging conventions regarding the removal of members of the Executive Council, one may now safely argue that the confidence convention could be applied in the Northwest Territories in a manner similar to the application found in party systems. However, the prerogative of the House, emphasized and codified in consensus government, limits the discretion of the first minister and mitigates the power of the executive so routinely criticized in other legislatures in Canada.

## Notes

- 1 John Duncan. Letter from the Minister of Indian Affairs and Northern Development to George Tuccaro, Commissioner, October 6, 2010 p. 1.
- 2 The first general election held in the Northwest Territories in accordance with fixed date legislation was in October 2007.
- 3 Lewis Herbert Thomas. *The Struggle for Responsible Government in the North-West Territories: 1870 – 1897*, Toronto: University of Toronto Press, 1956.
- 4 Mark O. Dickerson. *Whose North? Political Change, Political Development, and Self-Government in the Northwest Territories*, Vancouver: UBC Press, 1992.
- 5 Duncan, op. cit., p. 2.
- 6 Ailsa Henderson, *Nunavut: Rethinking Political Culture*, Vancouver: UBC Press, 2007, chapter 5; Jerald Sabin, "Contested Colonialism: Responsible Government and Political Development in Yukon," *Canadian Journal of Political Science*, forthcoming, 2014.
- 7 Duncan, op. cit., p. 1.
- 8 This appears in keeping with Canadian traditions of responsible government (see: David E. Smith. *The Invisible Crown: The First Principle of Canadian Government*, Toronto: University of Toronto Press, 1991); although, more recently, some scholars have argued that these relationships should be codified (see: Peter Aucoin, et al. *Democratizing the Constitution: Reforming Responsible Government*, Toronto: Emond Montgomery, 2011).
- 9 Duncan, op. cit., p. 2.
- 10 *Legislative Assembly and Executive Council Act*, SNWT 1999, c.22, s.61(1) (hereafter, the 'LAEC Act').
- 11 Duncan, op. cit., p. 2. Letters of instruction to previous Commissioners convey the same message.
- 12 *Northwest Territories Act*, SC 2014, c. 2.

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- 13 *Northwest Territories Act*, RSC 1985, c. N-27, s. 6.
- 14 It is interesting that prior to 2011 there was no provision for a member to resign; see, SNWT 2011, c.11, which came into force on October 3, 2011 (polling day for the general election).
- 15 However, government records indicate that in 2001 (Groenewegen) and 2008 (Yakeleya), the Commissioner did issue an order of revocation acting on the advice of the Legislative Assembly and referencing the *LAEC Act*.
- 16 *Supreme Court Act*, RSC 1985, c. S-26, ss. 4(2) & 9.
- 17 *LAEC Act*, op cit., s. 61(2).
- 18 Graham White. *Cabinets and First Ministers*, Vancouver: UBC Press, 2005, p. 61.
- 19 Jane Groenewegen, MLA (Hay River South). Motion 8-16(3): Revocation of Appointments of the Premier and Executive Council, Legislative Assembly of the Northwest Territories.
- 20 Ted Hughes. *Disposition Report of Sole Adjudicator*, TB 35-16(4), October 30, 2009, p. 10.
- 21 Andrew Heard. *Canadian Constitutional Conventions: The Marriage of Law and Politics*, Toronto: Oxford University Press, 1991, p. 69.
- 22 *Conacher v. Canada (Prime Minister)*, 2009 FC 920, [2010] 3 F.C.R. 411, at 59; also see Donald Desserud. "The Confidence Convention under the Canadian Parliamentary System," *Parliamentary Perspectives* #7, Canadian Study of Parliament Group, 2006, pp. 13 – 14.
- 23 Fixed-date elections are established by *LAEC Act*, op. cit., s. 3, and *Elections and Plebiscites Act*, SNWT 2006, c. 15, s. 39(5).
- 24 For example, the federal general election in 2011 was held prior to a fixed date; and several provincial legislatures, during periods of minority government, have held general elections before a fixed date.
- 25 *Conacher v. Canada (Prime Minister)*, 2010 FCA 131, [2011] 4 F.C.R. 22.
- 26 The concept of a rogue legislature is raised in: Doug Stolz. "Fixed Date Elections, Parliamentary Dissolutions and the Court," *Canadian Parliamentary Review*, 33:1, 2010, pp. 15-20.
- 27 Heard, op. cit., at 68; Eugene Forsey. "The Question of Confidence in Responsible Government," in Christian Leuprecht and Peter H. Russell (eds.), *Essential Readings in Canadian Constitutional Politics*. Toronto: University of Toronto Press, 2011, p. 33.

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# Executive Decision-Making: Challenges, Strategies, and Resources

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Adam Moscoe

*Executive branches of government are exercising increased control over decision-making, using a wide range of strategies to develop policy preferences and oversee their implementation. Canada, for instance, has seen a steady presidentialization of its parliamentary system, characterized by a heightened centralization of decision-making in the Prime Minister's Office. The first part of this paper identifies a number of the cognitive biases that impede sound decision-making by the executive and examines two demanding, yet effective, strategies – multiple advocacy and the use of honest brokers – for mitigating subsequent distortions. The second part of the paper discusses challenges to effective policy implementation in light of the systematic disconnections between the executive and the public service. Finally, the merits of political patronage appointments as a means of mitigating these challenges are discussed.*

Executive branches of government are exercising increased control over decision-making, using a wide range of strategies to develop policy preferences and oversee their implementation. Canada, for instance, has seen a steady presidentialization of its parliamentary system, characterized by a heightened centralization of decision-making in the Prime Minister's Office (PMO).<sup>1</sup> In a democracy, decisions are not made in a vacuum, and the executive must work to overcome numerous political and institutional challenges in order for decisions to be fully and properly implemented. As decisions are increasingly attributed to a single elected official, it is more important than ever to identify, and develop ways to mitigate, the cognitive biases and distortions that are likely to influence heads of governments by sheer virtue of their human fallibility. Absent some form of intentional intervention, democratic systems do not naturally allow for the exact implementation of executive decisions due to communication breakdowns – familiar to anyone who has ever played a game of 'telephone' – and indirect reporting structures between elected officials and bureaucrats. This paper will address the challenges presented by

decision-making biases, particularly with respect to the implementation of executive decisions, and will enumerate potential strategies for resolving these challenges.

## Cognitive Biases Impeding Sound Decision-making by the Executive

When complex policy decisions are made by individuals, regardless of the strength of their mandate from the electorate, biases are likely to cloud deliberations and impede logical reasoning. Biases are defined as "cognitive and motivational phenomena that lead individuals to systematically make sub-optimal decisions in terms of their experienced utility."<sup>2</sup> The implications of these sub-optimal decisions can be grave, particularly when the domestic agenda is filled, as it typically is, with issues of critical importance to the lives of citizens, such as health, security, and environmental protection.

In addition, the biases that affect a decision-maker are not just internally determined, but are also influenced by multiple stakeholders, who work simultaneously to advance their own interests. Decision-makers must negotiate these often competing agendas. They cannot make a decision that reflects some aggregate or average calculation of these interests, but rather they "must make distributional judgments that promote some people's welfare at the expense of others."<sup>3</sup>

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Moreover, unlike weather reporters who make repetitive predictions and receive timely feedback on their precision and reliability, policy-makers must constantly make new decisions in an environment of incomplete information and inconsistent feedback, qualitatively and quantitatively speaking.<sup>4</sup> Decision-making occurs on multiple cognitive planes, ranging from a reliance on “intuitive, unconscious, automatic, fast” decision-making to a full engagement of analytic, conscious, and relatively slow decision-making.<sup>5</sup> The latter system requires a set of skills, such as statistical analysis, that many decision-makers lack. Cabinet ministers may have at their disposal statistics experts within the public service, but when these experts deliver conflicting, yet, equally valid recommendations, the leader is ill-equipped to decide which recommendation to endorse.

As a result, many leaders resort to intuitive decision-making. This leaves them vulnerable to the following distortions:

- First, the affect heuristic applies when “judgments of risk are often based more on intuition than on dispassionate analysis.”<sup>6</sup> President George W. Bush, for instance, referred to himself as a “gut player” who follows his instincts in making decisions.<sup>7</sup>
- Second, leaders may be unwilling to consider divergent opinions or options due to a combination of the following proclivities: (a) overconfidence; (b) motivated skepticism – the tendency not to criticize arguments that support one’s existing beliefs; (c) the “gravitational force of prior commitments” made to allies, interest groups, and the like; and (d) the confirmation bias – the tendency to seek information that reaffirms one’s beliefs or justifies their preferences.<sup>8</sup>
- Third, leaders may make sub-optimal decisions when presented with too many options. Having too few options can produce similarly poor results. A careful balance is thus required between too many and too few options.<sup>9</sup> In addition, these options must be feasible, and must not be the sort of options that a leader would likely dismiss at first glance due to potential political quagmires or difficulties in ‘selling’ the policy to constituents in the public sphere. When the United States military presented President Barack Obama with a set of options with respect to the proposed troop surge in Afghanistan, he responded: “You guys just presented me four options, two of which are not realistic... That’s not good enough... You have essentially given me one option.”<sup>10</sup>
- Fourth, present bias, is the tendency to make decisions based solely on short-term considerations. These decisions are often related to election cycles, the semi-regular periods wherein all leaders in democratic societies are held accountable for the decisions made during their term. A related tendency is to opt for

inaction due to the immediate costs associated with the contrary. Here the decision-maker neglects considerations of “future benefits or the future costs of inaction.”<sup>11</sup> The question is how much long-term visioning the decision-maker and his or her political clock can bear with respect to a given policy issue.

- The fifth distortion is of a social rather than cognitive nature. Commonly termed “groupthink,” it is characterized by a “group’s premature convergence around a course of action without adequate analysis... a disorder of highly cohesive groups, exacerbated by ideological homogeneity, authoritarian leadership, and insulation from outside influences.”<sup>12</sup> Groupthink is a growing concern in the context of such phenomena as the presidentialization of the parliamentary system, a system wherein the prime minister’s closest advisors are those most loyal to – and most likely to express agreement with – their leader.

### Combating Decision-making Biases Through Multiple Advocacy and Honest Brokers

Unless measures are taken to mitigate their effects, these five distortions may cause leaders to endorse a policy that is attractive in the short run, but that fails to consider alternatives which may more adequately meet the needs of various stakeholders in the long run. A plethora of solutions are available to address these fallibilities and guide policy-makers towards more rigorous forms of analysis to make their recommendations. In order to overcome initial barriers, decision-makers and their loyalists must engage in an open dialogue surrounding “their factual assumptions and the complexity of their values.”<sup>13</sup> Only then is it possible to make decisions using “debiasing” strategies that replace intuition with rational analysis. The strategy of multiple advocacy most effectively mitigates the five fallibilities, and the use of honest brokers is one way to manage the resulting deluge of conflicting information. A system of multiple advocacy is designed such that advisers to decision-makers representing different points of view, or advocating different policy options, are given fairly equal opportunities to make their recommendations. As Mel Cappe, former Clerk of the Privy Council, suggests, the best source for this range of ideas is the public service, which not only produces ideas, but also filters ideas emanating from the private sector, civil society, and the international arena. The challenge is to compel the executive to be “demanders of ideas” in an increasingly centralized system.<sup>14</sup> After all, lending an ear to multiple advocates does not require decision-makers to thoughtfully consider each alternative presented.

Multiple advocacy effectively integrates several



Mel Cappe (left), pictured here with former Prime Minister Joe Clark at the McGill Institute for the Study of Canada's event "Public Policy in Crisis?", suggests the public service is best placed to provide executive decision-makers with a range of policy options and to filter ideas emanating from the private sector, civil society and the international arena.

debiasing strategies, including "awareness of biases; knowledge of probability, statistics, and empirical methods; [and] formal procedures that require considering opposite viewpoints and justifying one's conclusion."<sup>15</sup> With multiple advocacy, it is not sufficient for a decision-maker to be presented with a set of alternatives. Rather, the executive must be "consciously structured so that the representatives of different alternatives [possess] similar intellectual and bureaucratic resources."<sup>16</sup>

Yet, the systems that currently develop and funnel policy advice in the U.S. and Canada do not meet the above requirement, since Cabinet secretaries and White House staff do not have equal access to the president, just as deputy ministers and PMO staff do not have equal access to the prime minister. Furthermore, there are hierarchies within the executive staff, and the chief of staff does not typically present to the leader dissenting views from among his employees. According to Ralph Heintzman, a former Assistant Secretary to Cabinet, the same may be said of the Clerk of the Privy Council, whose briefings to the prime minister are rarely balanced displays of impartiality and do not typically encompass the full range of views expressed by leaders and advisors throughout the public service.<sup>17</sup>

Presidents Barack Obama and Dwight Eisenhower are unique in demanding multiple advocacy and resisted groupthink by encouraging "devil's advocates" to voice their opposition to an emerging

consensus, and by approaching advisors individually to solicit their independent opinions in confidence.<sup>18</sup> Eisenhower recognized that even if his staff spoke freely, they would not present the full range of alternatives due to their ideological synchronicity. As such, he encouraged debate between "all of the people who have partial and definable responsibility" in relation to the subject of the decision.<sup>19</sup> Such debates would often play out in front of the president, a practice continued by Obama. For example, in deciding whether to try alleged terrorists in civilian courts, Obama observed a debate between his advisors and the attorney general and his Justice Department staff.<sup>20</sup> In that case, the politically sensitive advisors were victorious over their legally-bound colleagues.

Multiple opinions are to be given equal consideration, but eventually the executive will engage in reason-based and value-based decision making, giving weights to the interests at stake, and selecting the option that optimizes these values.<sup>21</sup> In a demonstration of how multiple advocacy succeeds as a debiasing strategy consistent with analytic and conscious decision-making, it is helpful to contrast Obama's approach to decision-making with that of Bush, who, as noted above, relied on his "gut." In the Bush White House, a small number of like-minded individuals, loyal to the president, considered a narrow range of alternatives, leading to rampant groupthink.<sup>22</sup> It is important to emphasize that in spite of the utility of multiple advocacy with respect to wise decision-making, it represents a significant shift for

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executive offices, where political staff are accustomed – “through the selective release and withholding of information” – to controlling the options that are presented to elected officials and to the public.<sup>23</sup>

Since multiple advocacy is time-intensive and can produce an overwhelming amount of conflicting information, some executives utilize honest brokers to sustain this approach to decision-making. An honest broker ensures that not only is a comprehensive range of options presented to his superior, but also that advisors have an equal degree of power and resources with respect to articulating their perspectives. Honest brokers do not act purely as liaisons between government departments and the executive – as do Deputy Ministers in the Canadian public service – but rather they “promote a genuine competition of ideas, identifying viewpoints not adequately represented or that require qualification...and augmenting the resources of one side or the other so that a balanced presentation results” and so that advisors have confidence their views will reach the executive, even if the political staff finds them less than palatable.<sup>24</sup>

Interestingly, Obama has chosen not to engage honest brokers, instead investing personal time and energy in assessing divergent opinions.<sup>25</sup> Intensive involvement by the leader will bring about the best results when using multiple advocacy, but it requires the leader to develop a detailed understanding of policy debates and to invest considerable time, thereby decreasing his availability for other tasks relevant to the leader’s mandate, not to mention the never-ending pursuit of reelection. Obama’s deep involvement contrasts with Bush’s approach, which saw Vice President Dick Cheney – a powerful advocate, rather than an honest broker – steer policy-making.

An important question is whether it is possible to find a truly honest broker, someone whose personal agendas or loyalties will not skew decision-making. Chiefs of Staff are too concerned with loyalty and patronage, while Cabinet secretaries are too focused on advocating for their own line departments, and they rarely offer the cross-cutting advice needed to resolve

issues that engage multiple parts of government.<sup>26</sup> In Canada, one could argue that the top advisors in the Privy Council Office – that is, those not competing for the top job as Clerk – would be best suited to serve as the prime minister’s honest brokers, since they are senior, non-partisan public servants with experience in, and the ability to influence the work of, multiple government departments.

In sum, the social and cognitive distortions and biases to which humans are generally subject present significant challenges in a system wherein the political executive has increasing control over decision-making. Multiple advocacy, with optional support provided by honest brokers, represents the best strategy for overcoming these fallibilities.

### **From Decision-making to Policy Implementation: Broken Telephone**

Once a policy decision has been made, a leader faces the challenge of ensuring his decision will be implemented by the public service. Though the public service is mandated to carry out the will of the executive, there is generally a significant schism between the political arena – the PMO and the ministers’ offices it directs – and the permanent, non-partisan public service staffed by civil servants who often remain in their capacities regardless of the political party in power. This results in varying degrees of distance between policy-making and policy implementation – from frontline immigration officers exercising surprisingly bold discretion at the border,<sup>27</sup>

to Crown corporation employees functioning without the direct oversight of the executive.

Leaders are therefore under pressure to ensure that the ‘wish lists’ of individual government departments do not inhibit sufficient implementation of executive decisions that affect multiple departments.<sup>28</sup> The prime minister and the appropriate cabinet ministers can articulate their government’s positions on international trade priorities or the monitoring of telecommunications metadata by the Canadian Security Intelligence Service; however, the executive is unable to supervise the precise implementation of its policy directions. Leaders of governments throughout

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*Eisenhower recognized that even if his staff spoke freely, they would not present the full range of alternatives due to their ideological synchronicity. As such, he encouraged debate between “all of the people who have partial and definable responsibility” in relation to the subject of the decision.*

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the world address this implementation challenge by appointing individuals to certain positions in the public service, often on the basis of their historic loyalty to the governing party. Political appointments – made through the Governor in Council in Canada – are a critical element of democratic systems and they are the “main patronage powers available to the prime minister.”<sup>29</sup> These appointments often serve as a reward for years of partisan involvement, and therefore they attract talented individuals to become involved in the growth and professionalization of political parties, to the benefit of healthy democratic development.<sup>30</sup> However, patronage appointments are rarely without challenges of their own, especially when experienced public servants – subject matter experts and those possessing technical expertise in everything from tracking terrorist financing to administering biodiversity protection programs – find themselves reporting to new leaders who may lack familiarity with the policy issues or whose management styles or ideological orientations, may be vastly different from those who previously held these positions.

In examining the use of patronage appointments by the executive to gain control over policy implementation, the benefits and drawbacks of this strategy become more clear. Due to editorial space limitations, the internal dynamics within executive and ministerial offices, as well as the relationship between political staff and political appointees in the public service, will not be examined.

The norms underpinning political appointments processes in democratic societies vary widely. In Canada, during the 50 years following Confederation, incoming governments would commonly dismiss the majority of public servants hired by the previous government, and would offer these positions “to their own relatives, friends, and supporters.”<sup>31</sup> While innovations like the Public Service Commission have overseen the establishment of a merit-based process for hiring the majority of public servants, there remains a cadre of senior public servants, as well as the heads of Crown corporations and regulatory agencies, whose appointment remains the government’s prerogative.

Patronage gives democratically elected decision-makers greater confidence that executive decisions made in the fulfillment of their mandate will be properly implemented. Leaders have a right to ensure that public institutions are managed by competent individuals ideologically aligned with the elected government.<sup>32</sup> It is unlikely that a government department will exactly mirror the mindset of

the executive; therefore, decision-makers have an interest in controlling the degree of discretion that can be exercised by civil servants. Four factors influence the degree of discretion utilized during policy implementation, including a lack of clarity in policy directions, the need for flexibility to deal with unique situations, a lack of monitoring leading policy-makers to be unaware of how a previously-authorized policy or program is being implemented, and a lack of direct control by policy-makers of policy implementers.<sup>33</sup> The political appointments process arguably addresses all of these concerns.

Research in the U.S. attributes the need for political appointments – and an increasingly sophisticated process for their coordination – to the fact that voters hold presidents accountable for the performance of the entire government.<sup>34</sup> Increases in the number of appointments tend to occur when an incoming government distrusts the public service and sees it “as a potential impediment to the implementation of its agenda.”<sup>35</sup> Political appointees can impose changes that affect how career civil servants function, distancing government agencies from the status quo of a previous government. However, executives do not have an unfettered ability to increase the number of political appointments. Rather, this ability is stronger when legislators are unified – that is, when there is consensus between the executive and the legislature regarding how agencies should perform.<sup>36</sup>

Researchers are divided with respect to whether U.S. presidents tend to appoint loyalists to the government agencies most ideologically dissimilar from the president, or rather to those most aligned with the president’s priorities.<sup>37</sup> Either way, political appointees improve the implementation of executive decisions and give leaders “an important source of leverage in the political system,” allowing them to maintain partisan unity and attract the support of key constituencies and interest groups.<sup>38</sup>

However, there are disadvantages associated with a reliance on political appointees to ensure the implementation of executive decisions. First, they conflict with the third – and sometimes the second – of the fundamental principles underpinning the public service: loyalty, competence, political impartiality and independence.<sup>39</sup> Furthermore, an influx of political appointees serving for short terms inhibits the professionalization of the public service and hinders long-term efficiency.<sup>40</sup> Political appointees are also increasingly scrutinized by the public, and this causes disruptions to policy implementation.

The most important disadvantage of patronage is the trade-off decision-makers face between agency performance and control over policy outputs. There is a negative correlation between agency performance and increases in political appointees, and this is likely the main reason why most government employees are not political appointees.<sup>41</sup>

Even if an appointee is fully aligned with the executive's view, he or she may lack the competence to oversee policy implementation "in a complex management environment."<sup>42</sup> Appointees may, for instance, lack public management skills and the experience needed to engage in long-term planning while maintaining professional service and operational standards.<sup>43</sup> Even if they are well-educated and have amassed significant experience in the private sector, the aforementioned deficiencies will often prevent the successful implementation of executive decisions, which, as has been discussed, is the primary motivation for political appointments in the first place.

Fortunately for leaders, the increasingly educated and experienced workforce in places like Canada and the U.S. makes it easier to find loyal partisans qualified to lead government agencies.<sup>44</sup> Nevertheless, one reason why Canada, compared to the U.S., has a smaller ratio of political appointees to career civil servants is "the difficulty of the work, coupled with a relatively poor compensation package."<sup>45</sup> Research is beginning to shed light on appointment practices, yet much of this research is American-centric and also does not explain the circumstances in which certain factors guide specific appointments. After all, it is probably impossible for an appointee to be at the same time "loyal, competent, politically connected, representative of geographic and demographic diversity, and satisfying to important presidential constituencies."<sup>46</sup>

Some qualities will certainly triumph over others, depending on political factors and the relationship between the executive and the government agency in question. Moreover, how leaders choose to define competence and how they might weigh political experience against relevant experience in public management remain unanswered questions.

The appointment of political loyalists to government agencies is a time-honoured and often very effective strategy for ensuring executive decisions are implemented as intended. Patronage may, however, significantly weaken government performance, and thus decision-makers must strike an appropriate balance between ideological affinity and competence.

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# *“Tremendous Assets”: Co-op students at the Legislative Assembly of Ontario*

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Susanne Hynes

*Canadian legislatures provide paid employment for students in a variety of programs that benefit both students and legislatures. Hired as pages, interns, tour guides, summer staff, and in co-op programs, students assist regular staff in providing services to Members, other legislative staff, and the public. Through these programs young people earn money to help finance their education while learning first-hand about the institution at the heart of democratic government in their jurisdiction. This paper looks briefly at co-op programs in selected jurisdictions across the country and explores the Legislative Learner program in Ontario in some depth.<sup>1</sup>*

## **Co-op Programs in Canada**

Currently six Canadian jurisdictions provide positions for co-op students: British Columbia, New Brunswick, Newfoundland and Labrador, Ontario, Prince Edward Island, and the Parliament of Canada. They provide opportunities for undergraduate students from accredited universities to work full-time in offices such as the Clerk's, Human Resources, or the Legislative Library. Placements usually last four months, reflecting university semesters, and occur whether the respective Legislatures are in session or not. Co-ops provide full-time work that is conducted in concert with permanent staff and also earns co-op credits at universities. While there are many shared features there are some notable differences in the programs offered.

The Senate of Canada offers both co-op and page programs to full-time students in accredited institutions and the Library of Parliament hires co-op students from university library and information science programs for four-month work terms.

New Brunswick has periodically employed students from universities under their co-operative education

programs. For the past five years Newfoundland and Labrador has worked with Memorial University's Department of Political Science to host one co-op student per year who works in Communications/Policy Development with the House of Assembly or in the Legislative Library for a three-month term.

Since 2008, two third- or fourth-year students in Prince Edward Island, usually majoring in political science or history, are recruited by the University of Prince Edward Island for placement at the Legislative Assembly. Students work as members of the Assembly's permanent staff performing various tasks and assuming job duties as assigned. The bulk of their work, however, is responding to research requests from internal staff, MLAs, or listservs. During their placement, students are usually required to complete a larger, independent research project that relates to legislative precedent, history, or celebrations.

## **Ontario's Legislative Learner Program**

For the past 40 years, the Legislative Assembly of Ontario has forged a strong relationship with the University of Waterloo's co-op program. Known as *Legislative Learners* since 2003, these students work one term in an Assembly Office and another in an MPP or caucus office during their time at Queen's Park. They learn about the offices and functions of the Assembly and the legislative process as important events of the day unfold.

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Joel Le Forestier, Jacqueline Pitre and Nolan Wilson completed their first term as Legislative Learners in various Assembly offices in April, 2014. They return in September to work with an MPP or caucus office.

The Legislative Learner program has been very successful for both the Legislative Assembly of Ontario and participating students. Bright and enthusiastic, these students have brought fresh skills to the work of the Assembly. In turn, they have had a unique experience participating in the drama and the routine of offices that support the work of Ontario's legislators and in the intensely political process of an MPP or caucus office.

### Selecting the Students

A rigorous recruitment process selects students on the basis of excellent academic records, outstanding commitment to extra-curricular activities, and their interest in the issues that animate Ontario politics and politicians. They are expected to be fast learners and good writers, be very articulate, have an excellent work ethic, be able to work well with other people, show good judgment, and be knowledgeable about Ontario.

The Legislative Learner Program, which is advertised on Waterloo University's Job Mine website in early autumn, generally receives about 150 applications for what are considered to be plum placements for humanities students.

Waterloo University's undergraduate co-op program, the largest of its kind in the world, involves more than 5,000 employers and 17,300 students. The program is highly organized and administered from a purpose-built facility that houses co-op staff and provides excellent interview and waiting rooms. An electronic system tracks interviews and provides alerts for students and interviewers. A team of Assembly staff from Human Resources and the three hiring branches review resumes and interview 10 to 12 students. Although interviews are offered to third-year humanities students with high academic achievement who have completed earlier co-op placements, exceptional second-year students have also been interviewed—and hired. Students who have affiliations with political parties are not eligible for this program.

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The interviews, which are held at the University of Waterloo in October, follow a set procedure. All students are asked to attend a session where they are briefed about the kind of work they will be doing in their placements. In recent years, the winter term placements have been in Procedural Services, the Legislative Research Service, and the Parliamentary Protocol and Public Relations Branch; fall term placements have been in a Member's or a caucus office. Scripted questions focus the half-hour interviews that follow and each applicant is asked to indicate a preferred office.

The offer of three positions (and their acceptance) occurs by early November.

### **Working at Queen's Park**

Legislative Learners begin their first term in January in an Assembly Office placement. They swear the same oath of confidentiality as other Assembly staff because they will be providing information services to MPPs and their staff. Most are quickly assimilated into their respective offices and learn that in a fast-paced environment their work has to be accurate and on point. Students travel with committees, attend meetings, and are expected to observe in the House. Special projects have involved creating databases, writing papers, arranging events, contacting people in other Canadian legislatures or governments, helping to schedule witnesses, or posting information to the Assembly's intranet site.

Legislative Learners learn the importance of keeping up with political news and are taught the importance of being non-partisan in the highly political environment of the Legislative Assembly. They are also encouraged to participate in tours, lectures, and other Assembly programs such as the Assembly's Mentorship Program and lunchtime French classes; in short, they are to learn as much as possible about the functions and people of the Assembly and its issues. Their university also requires them to write a paper about their placement. When the term finishes at the end of April, it is followed by a University of Waterloo study term.

Students return to Queen's Park in September to work in MPP or caucus offices. What they learned the previous winter provides a good grounding for what is often an intense deadline-driven four months. This term puts them in a highly partisan environment where they learn about the give and take in a political office. They work directly with MPPs and perform a range of duties that include making deliveries, attending political briefings, writing press releases or statements,

researching issues, and accompanying their MPP to scrums. In more than one case, MPPs have shown their appreciation in the House, describing their co-op students as "tremendous assets" and thanking them for "excellent work" and doing "a fantastic job."

### **History of the Legislative Learner Program**

The Waterloo University/Legislative Assembly of Ontario co-op program began in the 1970s shortly after the Office of the Legislative Assembly was formed. In its early days students worked for three or four terms in Assembly Offices. Co-op students were less integrated into Assembly work and much of their time was spent on their own research. They rotated more frequently and also spent time working in the Ontario Elections Commission and other offices.

In the late 1980s it was decided that the second term at the Legislature would be in a caucus or MPP office. Students requested the change because they felt that their experience in the Legislature would be enhanced by participating in the political environment.

In 1996, the program ceased because of budget constraints. It was reinstated in 2002-03.

### **Legislative Learner Alumni**

During the preparation of this paper, several former Legislative Learners, among them lawyers, civil servants, the Deputy Clerk of the Legislative Assembly of Ontario, the Poet Laureate of the City of Toronto, and the CEO of a large Ontario healthcare organization, were asked what their time at the Assembly had meant to them. They indicated that the program had given them a sense of empowerment, built their confidence, provided them with unique skills and insights and, as a result, it had been a major influence on their careers. A selection of their comments below, in chronological order, speaks volumes:

#### **1981-82**

I remember that I did a lot of running around Queen's Park. I remember the excitement of Budget Day, and how pleased I was to have my very own copy. I remember that sidewalk vendors were unhappy with some tax provisions, and there was a noisy, horn-honking demonstration of their vehicles circling the legislature. I did enjoy working in the Provincial Parliament itself—and running into Roy McMurtry, Susan Fish, Bob Rae, Bill Davis (himself), etc., as I made my way around the back stairwells of the building or handed out papers in Committee rooms. The experience affected my career path decisively.



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### 1981-83

As for memories—the day I learned I had been selected as a Legislative Learner was definitely one of the best of my life. Among the political science students at University of Waterloo, being selected to work at the Legislative Assembly was the very hottest ticket of all the available co-op placements. To be one of the three who got in was amazing to me.

### 1984-86

Working at the Legislative Assembly was a fork in the road for me; a huge skill- and confidence-building experience. I wrote papers on filibusters and on voting initiatives. In the Clerk's Office my job included posting the Order Paper and Notices and I was available to do research as requested. I was urged to attend in the House and felt very much a part of the office. Later I worked in the Liberal Members Service Bureau where I answered letters and wrote members' statements. I would never have considered a career in the government if I hadn't been at Queen's Park as a student. I learned what government is all about; the difference between the government and the political process.

### 1985-86

It was very exciting to feel a part of the operations of the Legislative Assembly. A fairly formal and historic building became quite familiar to us. At the same time that the experience demystified such a monolithic institution, it also engendered a different kind of respect for the Assembly's operations because of an astute awareness of the various steps and the detailed work by so many people behind the scenes, especially people passionate about their work and committed to the important functioning of the legislature.

### 2007-08

When I was working with the Legislative Research Service, my work was acknowledged by the late MPP Peter Kormos, and my name appears in Hansard as a result. The time I spent with the NDP Caucus was full of action. Each morning I was included in the morning strategy meetings, which included MPPs and staff. I was often among reporters in the media scrum that followed Question Period each day.

### 2007-08

I was immediately impressed by how many MPPs were lawyers by training, and this probably helped put the law on my radar as a career option. Working at the legislature helped give me a sort of bedrock familiarity with the structure of this province's legislation, which was undoubtedly an advantage when I began attending law school.

### 2008-09

I was able to talk one-on-one with MPPs from all parties during the long bus rides we took, which provided me with a wealth of information about political processes as well as insight into the day-to-day life of an MPP. Deadlines are usually in terms of hours and minutes; long-term projects are a couple of days, at most, with most other matters having to be resolved in a few hours and the most pressing ones in minutes.

### 2010

I had never been to Queen's Park before, so I remember sitting in on my first Question Period, taking in the ornate details of the Chamber, and getting to see the politicians in action. A few months later, I got to participate in a Model Parliament, and actually got to sit in those green chairs and participate in my own Question Period! I credit my position as a Legislative Learner as the first step in my career. I worked with wonderful people who encouraged me to take in all these new experiences, and shared their knowledge of the political process, the Legislature and all of its history.

### 2014

During my time with Procedural Services I have had amazing opportunities to become acquainted with the legislative process. It has been an incredible learning experience that I'm sure I will take with me going forward into the rest of my academic career and further into my professional life.

### Notes

1. Many people connected with the Ontario program were contacted in the preparation of this paper, including former and current Legislative Learners; Human Resources staff; the program co-ordinator at the University of Waterloo; and several people who supervised or mentored students. Information was also received from other Canadian Legislatures through the APLIC listserv.

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# Same But Different: The 2013 Liberal Intra-Party Transition in Ontario

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Connor Bays

*Kathleen Wynne's ascension to the head of the Ontario Liberal party in January, 2013 automatically made her the province's newest premier. Although the Liberals' status as governing party remained unchanged, her victory necessitated the planning and execution of a transfer of power from old party leadership to new. Scholarly studies of transition in Canada and Ontario have generally focused on instances where one party takes power from another. This paper examines the Wynne transition and traces how its intra-party characteristics shaped its features and evolution. It is based on research conducted between February and May 2013 and primarily reflects 15 not-for-attribution interviews with public servants and political figures.*

David Lindsay, one of the architects of Premier Mike Harris' widely praised transition to government in 1995, suggests that all modern transition leaders' efforts centre on four key elements: people; processes; policies; and public relations. The individuals conducting Kathleen Wynne's transition saw their priorities and actions in these areas significantly shaped by the transition's intra-party nature.

First, a turnover in senior personnel – the most significant element in the practical mechanics of the transition – occurred almost exclusively within the Premier's Office, leaving the rest of government offices relatively unchanged. Second, the basic processes and structures of government were kept largely the same, but one major aspect of the transition was a shift towards a more collaborative approach in existing operations. In terms of policy, Wynne's transition priorities were narrow and focussed on stabilizing the province's relationship with its teachers (this particular policy area will not be dealt with in this article). Finally, the overarching public relations goal in transition was to differentiate Wynne's government from her predecessor's. Communicating the government's new

collaborative style and approach early in the transition was important for reinforcing this differentiation.

## Political Preparations

Dalton McGuinty's surprise resignation from the premiership on October 15, 2012 significantly compressed the time period in which contenders for the Liberal leadership could conduct transition planning. However, the ultimately victorious Wynne campaign did conduct advance preparations, spearheaded by "transition lead" and former cabinet minister Monique Smith. One expert was first contacted about a transition role "well, well before the convention" for his advice on policy and relationships with the public service, furnishing Wynne's campaign with materials he had written on the general subject. According to this expert, this first point of contact came from "a group of people who were thinking about (Wynne's) policy framework and what her priorities should be," and who were trying to establish what positions the potential new premier would take on certain issues she would be inheriting should she win the leadership.

The team that spearheaded the transition period in the weeks after Wynne's victory on January 25 included both core campaign supporters and less partisan advisors recruited for their particular skillsets. Transition lead Monique Smith was involved in the Wynne campaign from its earliest days, while other key transition figures – for example, Deputy Chief of Staff Tom Allison, Chief of Staff Andrew Bevan and Human Resources Chief Shelley Potter – were similarly

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*Connor Bays was an Ontario Legislative Intern in 2012-2013. This is a revised version of a paper presented to the Canadian Political Science Association Conference in June 2013. The author wishes to thank the individuals interviewed for their time, interest and candour.*

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instrumental in Wynne's campaign for leadership. In the words of a senior staffer involved in the transition, these individuals "came off the campaign bus" and set to work during the transition period. In addition to this core group of political supporters, the transition team included individuals who had a minimal role in the leadership campaign, but whose expertise made them valuable in establishing the Wynne government in its early days. This category included former Queen's Park journalist John McGrath and, in a more advisory role in the early planning stages, ex-civil servant Tony Dean.

In the weeks leading up to the Liberal convention, Wynne supporters consulted advisors on the basics of sound transition planning. The advice solicited from such advisors provides a glimpse of a list of priorities and considerations that would be familiar to most *inter-party* transition planners, centering on public administration as opposed to political issues. Wynne transition planners asked questions about the appropriate time to approach the Cabinet Secretary regarding Cabinet Office transition plans, whether any immediate changes should be made in the current Deputy Minister roster, and about whether to change the existing ministry structure. An individual involved summarized these conversations as "advice on immediate changes to architecture and people," compiling a checklist of goals the transition team needed to accomplish in the first 24 hours and first week of the transition, respectively.

The Wynne transition team enjoyed one advantage not widely available to leaders assuming power from the opposition benches: a relatively high degree of assistance from some quarters in the outgoing Premier's Office. Senior McGuinty staff met the day after their boss' resignation announcement to discuss transition planning. According to one McGuinty staffer, the office "did a lot of preparing for what (the incoming team) might need", for example, drawing up a list of potential announcements that the new premier's senior communications staff might need to make in their first week and making notes on key files. Similarly, the Premier's Office staff considered what policy initiatives a new government might want to include in its imminent speech from the throne, while maintaining an awareness that the new premier would not want to simply continue her predecessor's initiatives.

During the transition itself, the relationship between the outgoing and incoming staff complement was initially largely confined to McGuinty Chief of Staff David Livingston and Wynne transition lead Monique

Smith. As the specific roles of those entering the office became clearer, the communication channels between the two groups diversified. A senior McGuinty staffer described these interactions as "fairly informal," with the outgoing group providing advice and assistance. Commenting on their relationship with Wynne's staff, one McGuinty communications aide noted, "it was very simple to work with them... because I knew them from before and there was no confusion about what they needed from us."

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### Timing

An underlying force shaping the Wynne transition was the short time period between her victory in the contest for the Liberal leadership and the return of parliament for a new legislative session. Most government transitions are framed by some sense of time limits and compelled by the urgency that such limits produce. However, veterans of previous transitions, in both bureaucratic and political roles, noted that the Wynne example was characterized by unusually intense time pressure. Between Wynne's swearing-in and her speech from the throne, her staff had only eight days to prepare. This compressed timeline was largely self-imposed: part of Wynne's support in the leadership contest rested on her pledge to end the prorogation instigated by her predecessor.

Staff felt this time pressure keenly. As one staff member related, "I just kept my head down for the first month and a half... (the priority was to) just get the product out and hit the points we needed to." Less immediate transition priorities, for example, ensuring the Premier's Office met with the wider civil service, took a backseat to the urgent priorities centered on the throne speech, staffing and cabinet selection. Adding to the pressure, the former premier's agenda remained active even until the eve of transition, including a highly-publicized trip to China only days before the January leadership convention. These activities limited the amount of time his staff and the bureaucracy could spend in preparation for transition. One Wynne staffer succinctly captured the hectic pace, remarking that, with the tempo and volume of work to be accomplished, the foremost priority was "not screwing up."

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### People

A dramatic turnover in senior personnel in the Premier's Office was the most significant element in the practical mechanics of Wynne's transition to power. In an intra-party transition such as Wynne's, one might expect that personnel considerations would be much less prominent, given that the governing party remains in power. However, participants agreed that staffing



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changes – focussed on the Premier’s Office – were the most significant tangible feature of the transition. One senior Wynne aide described taking over a Premier’s Office that was “gutted” from a senior personnel point of view. Essentially none of the senior manager-level staffers returned to the new Premier’s Office.

The departure of such senior figures came as no surprise to several transition insiders. Many departing senior staff had worked closely with Dalton McGuinty for years, in some cases even before the Liberals had formed government under his leadership. The retirement of their long-time boss provided a convenient juncture for senior McGuinty staff to pursue other opportunities after years in high-stress and relatively low-paying jobs. As is normal practice, the premier’s departure also triggered the payment of severance packages for his newly unemployed staff, providing a “soft landing” for staff transitioning outside of political life.

In contrast to the new senior echelon in the Premier’s Office, much of the lower level Liberal political office corps was ultimately left intact. One junior Premier’s Office staffer expressed surprise at the degree of continuity in personnel at levels below senior management. Many junior staff were simply re-hired into the positions they had occupied on McGuinty’s last day in office. The eventual high degree of continuity in lower echelon staff roles was an expedient answer to the pressures created by a compressed transition timeframe and, due to the minority in the legislature, the threat of an imminent election. A senior bureaucrat who dealt with the incoming policy branch commented that this continuity provided useful context for the new senior staff and observed that Wynne’s transition was able to preserve “political memory” within the party that proved particularly valuable to individuals assuming senior roles in the Premier’s Office for the first time. Another bureaucrat commented on the rapidity at which many staff could be briefed about key files. In more comprehensive inter-party transitions, every level of personnel “starts from scratch” in getting up to speed on key issues. The advantage gained by keeping existing personnel intact perhaps also explains the absence of any overhaul of senior positions in the bureaucracy.

The body of senior political staff who replaced those departing with the outgoing premier were united by their close previous association with Wynne, and absence of ties to McGuinty. Most of the people who eventually filled key roles in the Wynne Premier’s Office had worked on her leadership campaign. For example, key leadership campaign staffers Tom

Allison and Brian Clow quickly assumed central roles in the Premier’s Office. Many of the staff who filled senior positions also shared a history of working for Wynne in her capacity as a Cabinet Minister in the McGuinty years. Incoming Chief of Staff Tom Teahen, Strategic Communications Manager Siri Agrell and Director of Human Resources Shelley Potter all served the new premier in her earlier ministerial capacities. One individual observed that, in their shared past connections with the premier, several top aides represented a “Don Valley crowd” – referring to Wynne’s first campaign for provincial office.

The time constraints facing Wynne’s transition team compelled the new office to begin substantial work on cabinet selection, the speech from the throne, and other key objectives, before many staff roles could be filled. Achieving these objectives took precedence over establishing the exact composition and structure of the new staff complement. In the early weeks between Wynne’s leadership victory and swearing-in, the less senior staff who had opted not to depart of their own accord were still present, but lacked defined roles or certainty that they would be re-hired into the new regime. The continued presence of these individuals was extremely valuable to the Wynne transition team, who faced tight deadlines and overwhelming amounts of work. As an example, several transition participants highlighted the contributions of Karim Bardeesy, formerly McGuinty’s Executive Director of Policy, who was able to begin work on the throne speech in the transition’s earliest days, before it was clear whether that job would remain his in the new regime. It was only later that Bardeesy was officially re-hired into that role.

Wynne’s most publicized personnel decision was the composition of her cabinet. Her selection of a new executive team represented a high-profile opportunity to signal the complexion and priorities of her government. One consideration that seemed to guide her choices was the need to reward loyalty. All 10 Liberal MPPs who had supported her leadership bid joined her executive council, but so too did almost all of her former leadership rivals. Projecting an aura of party unity and inclusivity was key to her government’s overall tone and approach. The dual pressures of a need for fence-mending as well as a need to reward early backers, could also explain why the new cabinet grew by five members despite media and opposition criticism.

### **Processes**

Wynne’s transition team did not substantially alter most government processes and structures. As was the case with other aspects of the transition, changes that

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did take place occurred primarily in the organization of the Premier's Office. Even in that context, most fundamental processes remained largely unaltered. From a staff organizational point of view, the previous arrangement of a single Chief of Staff in the Premier's Office was altered to split the responsibilities of that role between a Principal Secretary and a Chief of Staff. As with personnel changes, several political staff noted that widespread change in the organization of processes, roles and responsibilities in the government would have been incompatible with the need to quickly put the new government on its feet.

The Wynne transition was more innovative in establishing an official and widely publicized 'transition advisory council'. Seeking the counsel of advisors in setting a direction for an incoming government was not a new phenomenon. However, Wynne's transition advisory council represented an innovative formalization and publicizing of this advice-seeking process. On this council – misleadingly described as a "transition team" in media reports – sat many renowned figures from all spheres of Ontario political and public life, ranging from economist Don Drummond to former NDP Cabinet Minister Frances Lankin to Liberal party heavyweight Greg Sorbara.

The transition advisory council convened in the very first week after Wynne's convention victory, and held several meetings dealing exclusively with issues related to the upcoming speech from the throne. A participant described these meetings as wide-ranging, sometimes lasting several hours, with the premier in "full-blown listening mode," asking members for their opinions on the government's handling of particular issues as well as seeking a "temperature check" and discussion forum to help set the government's general direction. The council's suggestions and feedback were high-level and focussed on broad themes rather than details. The council continued to meet after the throne speech, turning its attention to the next major political milestone: the budget. A senior bureaucrat involved with the throne speech saw this advisory council as an efficient source of direction and means of generating ideas. The group continued to meet well after what might be generally considered the transition period.

While Wynne's transition leaders did not substantially alter the mechanics, processes or structures of government, the government's general approach was made more collaborative. Towards the end of his tenure, McGuinty had stopped producing "mandate letters," in which Premiers had for years previously outlined their expectations and goals for their ministers. Wynne not only resurrected mandate

letters, but made the process more collaborative by asking ministers to provide input on their initial mandate letters before the Premier's office created a final draft. Seeking dialogue in this way contrasted with her predecessor's more top-down approach to his cabinet. Similarly, staff working on the throne speech spent more time consulting ministers directly, than had been general practice, when determining specific details with which to flesh out the broader policy framework. One Liberal insider points to the Premier's Office decision to establish an 8:30 a.m. senior staff meeting as another example of a regime instituting more collaboration in its transition to government. The premier's presence at these meetings was also notable to staff accustomed to the more hands-off approach of her predecessor. A newcomer to the Premier's Office recalled trying to convince colleagues that Wynne's presence (either in person or by phone) at these meetings was not a waste of the premier's time.

One transition leader described a key transition task as changing the relationship between the Premier's Office and ministry offices to reflect the new administration's collaborative methods. Surprisingly, ministry staff, when asked for their opinions, were not initially forthcoming; previously, contacts from the central apparatus would provide direction. There were some downsides to this consultation and hands-on involvement, however. One civil servant commented that, from a bureaucratic perspective, "sometimes... you just want to be told what (the political staff) want."

### **Public Relations**

Wynne's emphasis on collaboration in government processes points to the key public relations message of the transition: differentiation. Delineating a clear break from the previous government is more difficult for those leading intra-party transitions, as a new leader cannot easily repudiate the decisions of her predecessor when she is a member of the same party and, as in Wynne's case, sat at the Cabinet table during its major decisions.

A Wynne transition team member noted that, had McGuinty "gone out on a ray of sunshine" the transition team would have been looking to balance continuity in areas of strength while only making small adjustments to areas of perceived weakness. Instead, the Wynne transition team was searching for ways to show that the new leader was as different as possible from the leadership she was replacing. In the words of one senior staffer, the question facing Wynne's transition team was "how to take credit for the good and push away the bad" by, for example, taking a different perspective on gas plants and labour

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issues. The intense public focus on these issues made differentiation and re-branding in transition key for the Wynne government's survival during its first weeks and months in office.

The speech from the throne was a particularly crucial communication tool. A senior Liberal involved in writing the speech described the process as "introducing the new premier and signalling her differences from Dalton McGuinty." The throne speech was an opportunity to "establish the narrative" of what the new government wanted to say about itself, and its authors wanted this narrative to be noticeably different from what the government had been saying four months earlier. A focus on differentiation was also partly responsible for changing the senior members of McGuinty Premier's Office staff. Keeping "McGuinty people" in key posts would not have fit the narrative of a new government trying to signal a change in direction.

A new tone and style was an integral aspect of the new government's effort to demonstrate its differences from the previous leadership. A senior transition advisor noted that, from the new leader's convention-night acceptance speech onwards, every public appearance was critical for demonstrating her "accessibility, openness, honesty... that she was listening and learning." Several transition team members emphasized that the new leadership style was rooted in the premier's personality, flowing down from her through the levels of government beneath. However, the team also consciously tried to demonstrate this different approach. A senior Premier's Office staffer noted numerous examples – obvious and subtle – of these efforts, describing them as "dog whistles blown to signal (the new style) to provincial politicians." A widely cited example was the premier's practice of beginning public addresses with an acknowledgement that the ground beneath her was traditional native territory.

The new Premier's team also wanted to communicate its new style with the wider bureaucratic and political apparatus. During the transition, Wynne's team arranged a meeting of all Premier's Office and ministerial political communications staff to, in the

words of one staffer, "talk about what we wanted to do, what our approach would be and to take questions." The meeting aimed to signal to government offices outside the centre that the new government sought to take a different approach than the predecessor.

The announcement of Wynne's transition advisory council itself was also a clear attempt to communicate the premier's new approach. An individual involved described that body's unveiling as the key transition "announcable," which, through its non-partisan and diverse composition had the desired effect of signalling the government's new approach. The inclusion of John McGrath on the premier's transition team was itself partially an exercise in media relations. One team member suggested that his status as a former president of the Queen's Park press gallery could bolster the government's relationship with the press. The central bureaucracy was quick to adopt the premier's new style and ensure its emulation at the government's furthest reaches. Cabinet Office went so far as to disseminate a (subsequently leaked) guide for public servants on how to model public communications on the premier's example. A senior civil servant reported that senior political staff were unperturbed by the leak, as it simply affirmed their desired change in the government's communication style.

## Conclusion

The Wynne transition's intra-party nature significantly shaped the priorities and actions of those conducting its activities. Few changes and little transition activity occurred beyond the Premier's Office, leaving most processes and personnel largely intact. However, the new premier did effect a significant change in style and approach, partially driven by her need to create distance from her predecessor. Ultimately, leadership transitions are only the second (after winning power) hurdle of many that governments inevitably face. However, they can be important for starting a government on the right – or wrong – foot. The strengths and weaknesses of the Wynne government's transition model will undoubtedly be studied by teams leading future intra-party transitions.



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# Observations on Youth Engagement in Parliamentary Politics

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Maya Fernandez, Rebecca Whitmore, Vanesa Tomasino Rodriguez and Kate Russell

*Low levels of youth voter turnout in recent elections have caused public concern about the disengagement of young people's interest in parliamentary politics. In this article, the authors argue that legislative internship programmes and the presence of young legislators are both counter-examples to the trend of youth disengagement and evidence that some young people are actively involved in parliamentary politics. Drawing upon their experience as legislative interns in British Columbia, they offer a few strategies for youth engagement.*

In recent years, parliamentarians and the public alike have decried the decline of youth engagement in parliamentary politics. This disengagement is most clearly evident in low youth voter turnout for provincial and federal elections.<sup>1</sup> For example, in the 2011 federal election 38.8 per cent of eligible voters aged 18-24 years cast a ballot.<sup>2</sup> In the 2009 British Columbia provincial election, only 26.9 per cent of eligible voters aged 18-24 years voted and 33.69 per cent of eligible voters aged 25-34 voted.<sup>3</sup> Many young people are not voting which threatens the representative nature of our democratic institutions.

Although low youth voter turnout indicates disengagement, counter-examples to this trend exist. As current legislative interns in B.C., we contend that some young people are meaningfully engaged in learning about and participating in parliamentary politics. In addition to the existence of legislative internship programmes across the country, there are youth who are actively involved in parliamentary politics as federal and provincial legislators. The purpose of this article is two-fold: first, to discuss the role of legislative internship programmes in engaging youth in federal and provincial politics; and, second, to document the presence of young legislators in Ottawa and B.C. We conclude by offering a few suggestions for youth engagement strategies inspired by our experiences as legislative interns.

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## Internship Programmes as a Path to Engagement

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Legislative internship programmes give recent university graduates the opportunity to participate in the provincial or federal legislative process. For example, during the six-month B.C. Legislative Internship Programme (BCLIP), interns are assigned to a caucus, either Government or Opposition, while the House is in session. In addition to working with a Caucus, interns take on a placement in a provincial Ministry. Legislative internship programmes across Canada have competitive application processes and attract a significant number of applications. In the past three years, the BCLIP has received 196 applications for 30 positions (10 each year). David Mitchell, a former B.C. legislative intern writing in the *Canadian Parliamentary Review*, said that internship programmes in Canada “provide long-term benefits to the country by educating a knowledgeable group of young people about the parliamentary process.”<sup>4</sup> In effect, legislative internship programmes create parliamentary ambassadors.

During the BCLIP, interns engage with other federal and provincial interns through educational visits that provide an opportunity to gain a deeper understanding of other parliamentary jurisdictions. This year the B.C. interns were fortunate to travel to Ottawa and Olympia, Washington to visit with Parliamentary Internship Programme interns and the Washington State legislative interns, respectively. In addition, the BCLIP hosted the Washington State interns, and the Ontario Legislative Internship Programme (OLIP) interns in Victoria.

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*At the time this article was written, Maya Fernandez, Rebecca Whitmore, Vanesa Tomasino Rodriguez, and Kate Russell were interns with the Legislative Assembly of British Columbia.*

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Travelling to other jurisdictions and hosting interns in Victoria presented an opportunity to compare internship programmes and share stories about different programme experiences. For example, the Ontario interns were interested in learning about the BCLIP's unique Ministry placements, and as such we were able to share our thoughts on the differences between caucus and Ministry work. Accordingly, we were able to learn about presenting academic papers at the Canadian Political Science Association annual conference, which is a programme component unique to the OLIP.

In addition to engaging in discussion, visiting and hosting interns also provided an opportunity to compare parliamentary practices in other jurisdictions. While in Ottawa, we attended federal Question Period and noted how it differs from Question Period in B.C., most obviously in its scale. In Washington State we were able to observe a bicameral system at the state level, which contrasts the unicameral system in B.C. Overall, internship exchanges provide important opportunities for interns to network with other politically engaged youth, including young legislators, and to broaden their knowledge of parliamentary politics.

The number of BCLIP alumni who continue to participate in parliamentary politics throughout their careers is a testament to the value of the programme. Former BCLIP interns have held cabinet positions in B.C., and become Deputy Ministers, assistant Deputy Ministers, communications directors, and government and opposition research officers. Although employment data on former BCLIP interns is incomplete, it is clear that many programme graduates work at legislatures or in the public sector. Mitchell described legislative internship programmes as a "unique Canadian success story."<sup>5</sup> Perhaps, the greatest indicator of their impact has been their ability to inspire youth to pursue careers in which they continue to be engaged in parliamentary politics.

### **Young Legislators in Canada and B.C.**

In addition to legislative internship programmes, the presence of young representatives in federal and provincial legislatures is convincing evidence of youth engagement and has the potential to inspire greater youth interest in politics. Young parliamentarians have a role to play in mentoring and advocating for youth. For the purpose of this paper, we borrow Lewis' definition of young legislators as those aged 40 and under.<sup>6</sup> As legislative interns, we had the opportunity to meet and work with young parliamentarians both in Ottawa and at the B.C. Legislative Assembly.

The 2011 federal election saw an increase in the number of young MPs. The average age of parliamentarians dropped from 52 in the 40<sup>th</sup> Parliament to 51 in the 41<sup>st</sup> Parliament and there are currently 51 MPs under the age of 40 representing various regions of Canada at the federal level.

During our visit to Ottawa, we had the opportunity to meet with some of these young MPs. For example, we met with NDP MP Pierre-Luc Dusseault who was 19 years of age on election day, making him the youngest MP ever elected in Canada. We also met with NDP MP Laurin Liu who was elected at the age of 20. Both Dusseault and Liu spoke about the challenges of sitting in the House as a young Member, including media scrutiny. The 'Orange Wave' of newly elected NDP MPs, who formed the Official Opposition, has also created a youth caucus where young MPs meet to discuss issues relevant to Canadian youth.

The federal Liberals did not share the same boost of youthful representation in the 2011 federal election; however, the party elected Justin Trudeau, 42, as their new leader in 2013, making him the second youngest leader in the party's history. At our meeting with Trudeau in Ottawa, he described engaging with youth as a priority for the Liberal Party under his leadership. He said he sees youth as an integral part of Canada's future and their participation and voice as necessary in Canadian politics.

Trudeau's recent win in the Liberal leadership race has provided a Canadian example of harnessing the power of social media to engage young Canadians. During the leadership campaign, Trudeau had more Twitter followers than the other five candidates combined. Trudeau now has over 230,000 followers on Twitter, many of whom are youth, and connects with Canadians on an almost daily basis via social media tools including Facebook and Instagram.

Conservative MP Andrew Scheer became the youngest Speaker of the House in Canadian history at age 32 following the 2011 election. During a meeting with the BCLIP in Ottawa, he spoke about the honour of the role and the challenges associated with managing a House of 308 members. Both Trudeau (despite being slightly older than our definition of young politicians) and Speaker Scheer represent young people with positions of great political importance.

In contrast to the federal parliament, the B.C. legislature has seen fewer young legislators elected in recent years; however, in a similar light to the federal level, young MLAs in B.C. do hold important positions within the Legislative Assembly. For example, B.C.





The 2013 B.C. Legislative Interns (left to right): Vanesa Tomasino Rodriguez, Braeden Wiens, Thomas Lattimer, Emma Fraser, Jared Marley, Rebecca Whitmore, Stephen Satterfield, Maya Fernandez and Kate Russell.

Liberal Michelle Stilwell, elected in 2013, currently holds the position of Government Caucus chair. Across the aisle, both Michelle Mungall and Spencer Chandra Herbert of the B.C. NDP are responsible for significant critic portfolios. Mungall, who was first elected in 2009 when she was 31, currently serves as Opposition Critic for Social Development and previously served as chair of the NDP's Women's Caucus. Chandra Herbert, 33, has held a number of critic portfolios and was appointed Opposition Critic for the Environment during the first session of the 40<sup>th</sup> Parliament. In the wake of the 2013 election, Jennifer Rice, 38, and Jane Shin, 34, joined Mungall and Chandra Herbert as young NDP MLAs. Participants in the 2014 BCLIP will have the opportunity to work with and learn from these young legislators.

As the debate on youth apathy in parliamentary politics continues, Canada and B.C. have seen a strong contingent of young representatives emerge. By prioritizing meetings with legislative interns and

other youth, young legislators can help counter the stereotype of youth disengagement.

### Recommendations for Enhancing Youth Engagement

A majority of young Canadians are not voting, and youth in general are often disengaged from the electoral process and parliamentary politics. This is a serious concern because it threatens the political representation of youth and stalls progress on issues that impact young people. While Canada and B.C. have young legislators, more work on the issue of youth engagement needs to happen.

As engaged youth who have gained parliamentary knowledge from our internship experience, we propose three recommendations for increasing youth engagement in parliamentary politics:

1. We recommend that legislative internship programmes continue at both the provincial and federal level. These programmes give youth opportunities to work in parliamentary politics and to learn about the systems



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through which policy decisions are made. The expansion of these programmes to all provinces and territories would provide a means to encourage young people across Canada to become parliamentary ambassadors.

2. More opportunities for young legislators to meet with and mentor young people could inspire greater youth engagement in parliamentary politics. Young legislators bring issues that are important to youth into the political sphere. They also act as role models, allowing young people to see their contemporaries working in parliamentary roles.

3. Continued use of social media to publicize the workings of parliamentary democracy would be beneficial as a means to capture the attention of digitally engaged youth. Legislative assemblies and political parties across Canada have been incorporating social media into their work, and they should continue to learn about new technologies to assist them in communicating with youth.

Unfortunately, young people continue to lag behind older cohorts when it comes to voter turnout and being card-carrying members of political parties, both of which are central to the traditional sense of political engagement. Nevertheless, political parties, advocacy groups and legislatures are increasingly developing non-traditional strategies to engage youth, including the use of social media. As new attempts to engage youth are being explored, there is still value in acknowledging the ongoing success of internship

programmes such as the BCLIP. For decades, legislative internship programmes across the country have provided an effective means to connect politically engaged youth with parliamentarians and with each other. We suggest these programmes be continued and, where possible, expanded.

## Notes

- 1 Amanda, Clarke, "A Dialogue on Youth and Democracy," *Canadian Parliamentary Review*, 33:2, Summer 2010, p. 25.
- 2 Elections Canada, *Estimation of Voter Turnout by Age Group and Gender at the 2011 Federal General Election*, June 23, 2013, accessed online at: <http://www.elections.ca/content.aspx?section=res&dir=rec/part/estim&document=index&lang=e>
- 3 Elections BC, *Report of the Chief Electoral Officer on the 39th Provincial General Election and Referendum on Electoral Reform*, May 2009, p. 39.
- 4 David Mitchell, "A Most Important Experiment: Parliamentary Internship Programmes in Canada", *Canadian Parliamentary Review*, 5:1, 1982, p. 12.
- 5 *Ibid.*
- 6 J.P., Lewis, "Identities and Ideas: Participation of Young Legislators in the Canadian House of Commons," *Canadian Parliamentary Review*, 29:2, Summer 2006, p. 12.



# CPA Activities: The Canadian Scene



Will Stos

Delegates to the CPA - Canadian Regional conference, held in Fredericton from July 20-26, listen to Nova Scotia Speaker Kevin Murphy's presentation about democratic engagement of people with disabilities.

More than 120 delegates and accompanying persons enjoyed some balmy New Brunswick weather and legendary East Coast hospitality as the 52<sup>nd</sup> Commonwealth Parliamentary Association – Canadian Region Conference was held in Fredericton from July 20-26.

## Commonwealth Women Parliamentarians' (CWP) Meeting

Prior to the beginning of the Regional Conference, CWP steering committee members and delegates gathered for two days of business meetings

and guest presentations in the New Brunswick Legislative Assembly's Legislative Council Chamber on July 20 and 21. CWP-Canadian Region Chair **Myrna Driedger** opened the business meeting by noting that she would be presiding over the meeting with a mixture of joy and sadness – joy for witnessing and/or taking part in the CWP's many accomplishments as it has grown and sadness as this conference would be the last she would attend before completing her term as chair. **Linda Reid**, Speaker of the Legislative Assembly of British Columbia,

will replace Driedger as Chair, while Saskatchewan MLA **Laura Ross** was elected as Deputy Chair.

The meeting then welcomed CPA Chair **Alan Haselhurst** and CWP International Chair **Rebecca Kadaga** to offer introductory remarks. Haselhurst, who is also completing his own term as chair this year, said that when he was elected three years earlier he hoped the CWP would be stronger as an organization by the time he left, which it is. He also noted the particularly strength of CWP networks in Africa and Canada and suggested





CWP delegates met in the Legislative Council Chamber of New Brunswick's Legislative Assembly to discuss plans for the coming year.

that they can serve as models of what active CPA organizations and chapters can accomplish. Kadaga detailed the busy travel schedule she has maintained as she has attempted to attend as many CWP regional meetings as possible. While highlighting some success stories of countries where women parliamentarians are making great strides towards equality and full participation, she reminded delegates that much work remains to be done by active chapters such as Canada's.

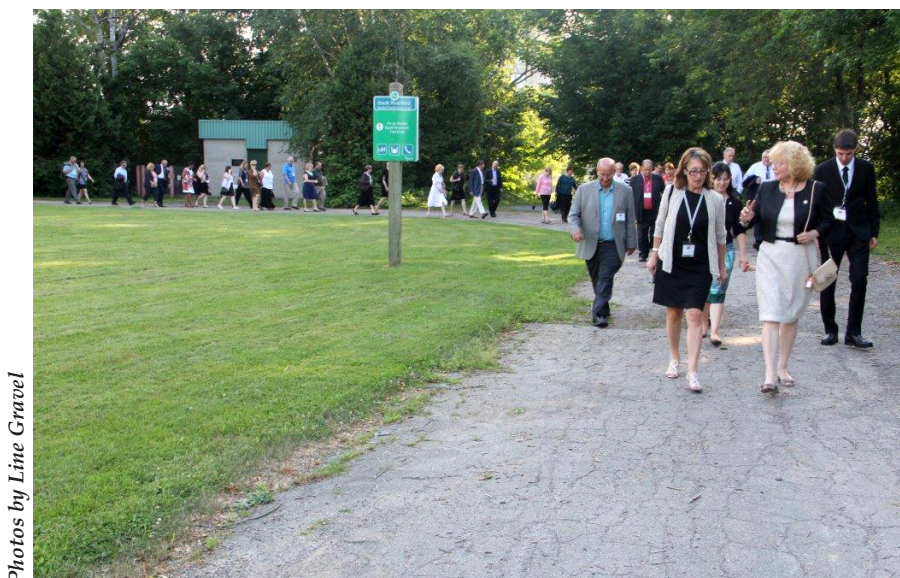
The CWP steering committee agreed that it would strive for less email communication and more in-person communication and outreach, steering committee meetings in every province, and additional distribution of promotional items. The steering committee also developed terms of reference and discussed future nominees for its Women of Inspiration speaker series.

**Elizabeth Weir**, a former New Brunswick MLA and provincial NDP leader, addressed the gathering as this year's Woman of

Inspiration. Weir, who has served as CEO of the Energy Efficiency and Conservation Agency of New Brunswick and become an internationally renowned consultant on parliamentary strengthening since leaving the New Brunswick Assembly, spoke of the many challenges women politicians face in an increasingly toxic media environment. This

negativity, combined with the intense personal demands of parliamentarians (such as being tethered to a Blackberry), make it difficult to convince women to become involved in public life.

**Anne Bertrand**, New Brunswick's Access to Information and Privacy Commissioner, spoke of her pride at being appointed to her position based on merit and not gender, noting that when she was thrown into the commissioner role she had "no time to be a woman." Nevertheless, in introducing six young women who worked with her, she said she was proud to stand in front of the audience as a woman and stressed the benefits of the collaborative approach her office has strived to use for dispute resolutions. During a question and answer period Bertrand noted that after 30 years in public service, some of the issues women face have not entirely changed and today's problems are often couched in safety words. She said that politically correct language often hides the insidiousness still present.



Photos by Line Gravel

Attendees walk along the grounds of the Lieutenant Governor's residence.



CWP delegates then departed for a tour of the Muriel McQueen Fergusson Centre for Family Violence Research and a subsequent speech from [Acting Director] **Nancy Nason-Clark**. In her scholarly work, she has explored how religious faith influences the journey towards healing for survivors, the challenges facing religious leaders who are called upon to respond to families dealing with domestic violence, and how secular society and religious groups cooperate in the fight to end intimate partner abuse and other forms of family violence.

Upon returning to the Chamber, **Susanne Alexander**, Publisher of Goose Lane Editions, discussed how in her post-government career she has helped to transform a tiny local poetry press, operated largely by volunteers, into a publishing company of regional and national significance.

#### CPA-CR Business Sessions

Conference organizers presented a diverse line-up of

Photos by Line Gravel



British Columbia MP Russ Hiebert speaks with Alan Haselhurst, Chair of the CPA International Executive Committee at the Lieutenant Governor's residence.

eight sessions which covered a variety of issues before Canadian parliaments as well as situations which parliamentarians may encounter in their roles as public representatives.

Newfoundland MHA and Deputy Speaker **Wade Verge** shared a personal story about the challenges of being a

government backbencher who must decide whether to defend a government decision that is unpopular among constituents or publicly break with his colleagues. In the discussion which followed, participants spoke of the power of party leadership in the Canadian system and contemporary reform initiatives which seek to reassert parliamentarians' independence.

National Assembly President **Jacques Chagnon** detailed Quebec's debate over end-of-life legislation as part of an argument for the need to debate social issues in parliament. Chagnon contended that parliaments create an exceptional forum in which to conduct the in-depth examination of social issues in a calm manner. Furthermore, he suggested they enhance the image of Parliament, which is too often seen as an arena for partisan debate. One option to facilitate these types of discussions would be to form a committee, similar to ones in France and Finland, which concentrate specifically on major social issues.



From left: Myrna Driedger, Manitoba MLA and CWP-Canadian Region Chair; Brigadier-General Greg Loos, Commander of the Joint Task Force (North), Elaine Taylor, Deputy Premier of Yukon.

**Leonard Lee-White**, Assistant Deputy Minister in New Brunswick's Department of Finance, shared lessons learned from the host province's public sector pension plan reforms. Noting New Brunswick had both an aging and declining population which put stress on the system, Lee-White detailed how the province opted for a shared-risk pension plan which offered an alternative to the more traditional defined benefit and defined contribution funds.

**Elaine Taylor**, Yukon's Deputy Premier, and Brigadier-General **Greg Loos**, Commander of the Joint Task Force (North), co-presented a session on Department of National Defence Aid to Civil Authorities. Outlining the success of the annual Operation NANOOK in the three northern territories, Taylor recounted her government's experience with the 2013 operation where a mock-wildfire threatened Whitehorse's city limits. In addition to promoting citizen-interest in disaster preparedness, the operation's scale provided a boost to the territories' economies.

Speaker Reid reported on her legislature's successful Speaker in the Schools Program and revealed some key findings about which grades and ages were most receptive to the series. In post-presentation discussion, other delegates shared anecdotes about children who, though previously quiet and reserved in the classroom, would come out of their shells when selected for key roles in mock parliamentary activities.

Speaker of the Senate **Noël Kinsella's** presentation on what the recent Supreme Court of Canada reference means for

possible Senate reform prompted much debate from delegates across the political and regional spectrum. The Senate Speaker noted the provincial and territorial interest in a strong, functioning Senate. He suggested that the provincial and territorial speakers could facilitate a dialogue amongst Senators and their respective provincial legislators concerning reforms that would best serve the given provinces and territories.

Nova Scotia Speaker **Kevin Murphy** delivered his very personal story about how he suffered a debilitating injury while playing hockey as a youth. Recalling the accessibility issues he faced in school and later in business and political life, Murphy stressed that he realized early on that self-advocacy was going to be an important life skill for him to learn. Nevertheless, he was adamant that "the world

is available to people with disabilities. And they are just that – people first."

The conference concluded with a roundtable discussion with Saskatchewan Speaker **Dan D'Autremont**, and Manitoba MLAs **Cliff Cullen** and **Melanie Wight** on the recent flooding in the Prairie provinces. The parliamentarians noted the tremendous difficulties that arise when decisions are made to divert water that will damage some communities in order to spare others. The presenters also lauded the improvements to infrastructure various governments have made over the years to better protect communities, while cautioning that supposedly once-in-100-year-floods are occurring with greater frequency and more pre-emptive work needs to be done.



Will Stos

As host for the CPA-CR meeting, New Brunswick offered many interesting attractions and destinations to explore. The bridge leading to Le Pays de la Sagouine.





## Parliamentary Book Shelf

**Conservatism in Canada**, edited by James Farney and David Rayside, University of Toronto Press, Toronto, 2013, 400 pp.

Following three consecutive Liberal Party majority victories in 1993, 1997, and 2000, there was a sense among many that the Liberal domination of Canadian politics might be indefinite. Sure, Jean Chrétien may not have been beloved exactly, but when his superstar Finance Minister Paul Martin inevitably took over the party's leadership, its majority would only expand.

So went the narrative in the aftermath of the 2000 election in which the Liberals, after two terms in government, picked up seats, securing yet another victory against a divided Right without breaking a sweat. The dread this inspired on the part of Canadian conservatives was perhaps best captured in a 2001 book written by two rightists entitled *Gritlock: Are the Liberals in Forever?* It was a serious question.

Yet by 2004, the Liberals found themselves rocked by the Sponsorship scandal, while the once seemingly intractable divisions which separated the Canadian Alliance and the Progressive Conservatives had been resolved in the form of a new Conservative Party of Canada. Led by Stephen Harper, it reduced the Liberals to a minority in the 2004, won its own minority in 2006, and increased its seat counts in 2008 and 2011 – winning a long-coveted majority

mandate in the latter election.

While these developments provoked a great deal of media commentary, a comprehensive scholarly study of the rise of both small “c” and big “C” Canadian conservatism had proven elusive until now. *Conservatism in Canada* is a perceptive and provocative collection of essays which insightfully identifies Canadian conservatism as a multifarious, complex, and sometimes conflicting, body of ideas, values, and policy commitments, rather than treating it as a monolith.

Edited by James Farney and David Rayside, the collection skillfully explores the diverse strains of conservative ideology within both federal and provincial politics. It aims to address the roles of each branch of government and, the relationship between them, while simultaneously seeking to determine to what extent Canadian conservatives can be regarded as distinct from their American and European counterparts.

Ambitious in scope, *Conservatism in Canada* offers an in-depth discussion of both domestic economic and cultural questions, as well as foreign policy. While some of the collection's essays advance their arguments more persuasively than others, nearly all of the contributions prove to be highly engaging, scrupulously balanced, and deeply revealing.

In their introduction,

Conservatism

in

Canada

Edited by James Farney and David Rayside

Farney and Rayside argue that conservatism is best understood as encompassing four major ideological currents: neoliberalism, moral and social traditionalism, populism, and nationalism. To what extent do these four currents find or fail to find expression in conservative political parties? The editors submit that, in the Canadian context, neoliberalism exerts a dominant role with moral and social traditionalism and populism taking a back seat, though still possessing a considerable measure of influence. Nationalism persists in efforts to construct citizenship along traditionalist lines, but the sort of feverish xenophobia



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common in European and, increasingly, American conservatism is judged to be largely absent in Canada, given broad public acceptance of immigration.

*Conservatism in Canada* presents essays in three different sections: the first section explores the philosophical, religious, and attitudinal dimensions of Canadian conservatism, while the second and third focus on the federal Conservative Party and provincial conservatism, respectively.

The first section begins with a richly informative essay by Christopher Cochrane which analyzes public opinion and the conceptual divisions that shape and structure policy disagreements, not only between those on the Right and those on the Left, but also between different schools within conservatism. A final essay by Steve Patten is less persuasive, however. It advances the plausible claim that neoliberalism has triumphed within partisan conservatism in Canada but fails to support the claim effectively.

The Harper Conservatives have no doubt employed neoliberal rhetoric in calling for smaller government and freer markets and embraced certain neoliberal policies, such as tax cuts and free trade agreements. However, they also contributed to bailing out General Motors and Chrysler and increased corporate subsidies/corporate welfare programs, two moves widely repudiated by neoliberal purists. Moreover, some of the policies cited as evidence of the Conservatives' neoliberalism – their preference for targeted tax breaks and refusal to address climate change – bear no clear relationship to

neoliberal ideology, even by Patten's definition. Targeted tax breaks have been met with contempt in neoliberal quarters while prominent neoliberal economists have acknowledged the dangers of climate change and championed initiatives such as a Dion-like carbon shift on standard externality grounds.

For those most interested in the radical reconfiguration of party politics brought about by the creation of the Conservative Party in 2003, the second section of *Conservatism in Canada* has much to offer. An analysis of the organizational structure of the Conservative Party by Tom Flanagan, the University of Calgary political scientist who managed the 2004 Conservative campaign, is helpfully informed by an insider's perspective. Flanagan argues persuasively that the Conservative Party has become wedded to a permanent campaign model centered on national control, message discipline, and pre-written attack ads. He sees the opposition moving in this direction as well, creating a "Darwinian world of electoral competition" driven by an "arms race logic" which threatens the ability of political parties to serve as vehicles for policy development and member representation.

Recent years have seen the development of major new conservative political parties in Quebec, Alberta, and, most notably, Saskatchewan with the right-of-centre Saskatchewan Party currently in government. *Conservatism in Canada's* final section ably addresses these developments while discussing the evolution of the more established Progressive Conservative parties, as well as provincial public opinion trends.

It opens up with an illuminating and historically grounded analysis of how differing social, religious, and economic dynamics have determined which type of conservatism takes greatest hold in a particular province. This general survey is followed by a number of pieces which discuss conservatism in individual provinces.

While each contribution in this section is laudable, a standout piece by David K. Stewart and Anthony M. Sayers pushes back strongly against conventional wisdom in challenging the widely accepted notion of Alberta as a monolithically conservative province. Making excellent use of a wealth of polling data, it convincingly establishes that Albertans are neither adamant neoliberals nor stalwart social traditionalists. Rather, their political convictions on both economic and social issues are not far off from the national centre, though they are far more sceptical of and opposed to centralized government action than citizens of any other province save for perhaps Quebec.

*Conservatism in Canada* concludes with the editors' contention that Canadian conservatism can ultimately be regarded as distinct from European conservatism on the basis of its greater/relative acceptance of ethno-cultural diversity, and from American conservatism on the basis of its relative secularism. In commenting on the interaction between the various ideological currents outlined in the introduction, they argue again for neoliberalism's dominance, while suggesting that conservatism's "reverence for the past," expressed primarily in its support

for “traditional norms on gender and sexuality,” is in tension with its celebration of the ever-expanding individual autonomy that has undermined these very norms. This is an interesting, but underdeveloped, claim which demands further reflection.

Wide-ranging, stimulating, and brimming with insight, this work is an excellent addition to existing scholarship on the character of Canadian conservatism.

**Mathew Giroux**

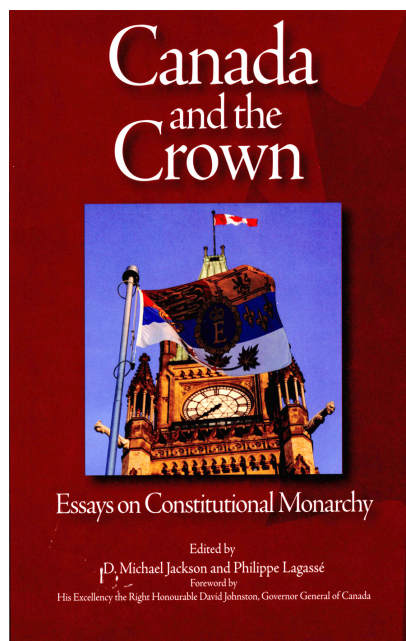
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**Canada and the Crown: Essays on Constitutional Monarchy, edited by D. Michael Jackson and Philippe Lagassé, Institute of Intergovernmental Relations, Montreal, 2013, 312 pp.**

and

**The Crown and Canadian Federalism, by D. Michael Jackson, Dundurn, Toronto, 2013, 336 pp.**

The Diamond Jubilee of Queen Elizabeth, celebrated in 2012, provided monarchists and constitutionalists alike with an opportunity to re-examine the significance and role of the Crown as a part of Canada’s identity and government in the 21st century. The task was not without its challenges. For many, there is something curious about having the person who is Queen of the United Kingdom as Canada’s Sovereign as well as the head of state of more than a dozen other realms of the Commonwealth. The fact that Elizabeth II is personally respected, admired and even revered, for her sense of duty and near faultless service over many years is not really

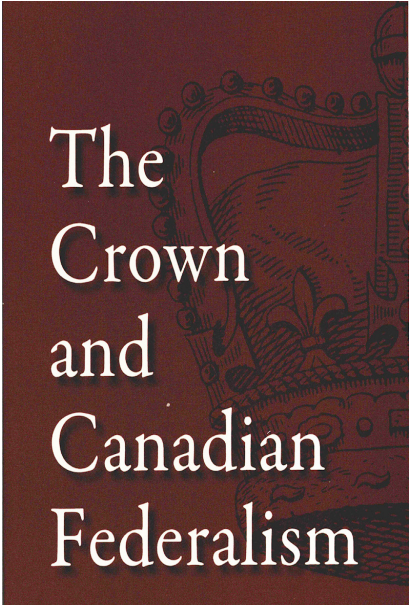


relevant to those who question the value of the Crown as an undemocratic institution and a pointed reminder of our colonial past. For others, however, the Queen’s long reign represents the best of a modern monarchy; its stability, continuity and almost mystical prestige provide a counterpoint to the leadership of government that, at its worst, is often seen as too partisan and divisive.

Explaining and defending the Crown in Canada has become the mission of a number of scholars, writers and parliamentarians. Chief among them are D. Michael Jackson, David Smith, Serge Joyal and Christopher McCreery. They and others have contributed essays to *Canada and the Crown: Essays on Constitutional Monarchy*. This is the second volume on this topic to be published in recent years by the Institute of Intergovernmental Relations of Queen’s University – the first, *The Evolving Canadian Crown*, appeared in 2010. In this new collection, a mix of history, constitutional theory, law and

practice is used to support the ongoing importance and relevance of the Crown in Canada. Contributions cover a wide range of topics including the tenure of the fourth Governor General, the Crown and Quebec, recent changes to the Law of Succession, the use of prerogative powers, and the Crown’s relations with First Nations. Overall, it is a useful collection describing how and why the Crown is still relevant in today’s Canada. For those who believe in the value of the monarchy, this book provides ample justification for their convictions.

The complex nature of the Crown in its multiple relationships involving the United Kingdom, the Commonwealth, Canada, and the provinces is currently being revealed through a legal challenge in the Quebec Superior Court. The case questions the process followed by Ottawa to accede to changes to the rules of succession implemented by statute at Westminster. Following their approval by all the Commonwealth realms, these changes will allow a first-born child, regardless of sex the right to inherit the Crown. They will also eliminate some restrictions with respect to marriage of members of the Royal Family to Catholics. The court challenge is based on the degree of consent required under the *Constitution Act, 1982* to effect these changes. The federal government insists that it has the authority, acting on its own, to give Canada’s approval to these new rules of succession. The opponents, two professors from Laval University, contend that approval requires the consent of all the provinces under the section 41 unanimity clause. The case is now scheduled to be heard next June.



# The Crown and Canadian Federalism

This court case touches upon two of the major themes raised in *Canada and the Crown*: the Crown's unambiguous British identity and its pivotal role in Canada's constitutional architecture. For many, the British reality of Canada's Sovereign recalls a time when the nation was not independent and when tolerance of anything non-British, if it existed at all, was limited to a begrudging acknowledgement of the French fact. Little of this has anything to do with the Canada of today, which openly embraces official bilingualism and celebrates the cultural diversity of its large immigrant population. In addition, the successful Canadianization of the office of the Governor General, including the popular tenure of two recent occupants who were born outside the country, also encourages some, including contributor John Whyte, to believe that the time has come to let go of the British Crown and consider an alternative model of government. Whyte contends that a hereditary monarchy is a poor reflection of Canada's social values and that civic republicanism is a better

model for the modern state. For others like David Smith and Robert Hawkins, the higher profile of the modern Governor General actually supports the need to maintain the British dimension of the Canadian Crown. The short tenure of the Governor General challenges the occupants of that office to fully comprehend and exercise their vice-regal duties. They argue that abandoning the direct connection to the Queen would risk the loss of non-partisan stability and continuity anchored in a hereditary monarchy older than Canada itself. Indeed, the British Sovereign serves as the model for the Governor General in the exercise of both its dignified and its efficient responsibilities.

Likewise, the Canadianization of the constitution raises other questions about the future sustainability of the Anglo-Canadian Crown. Originally a British statute passed by Westminster acting in its imperial capacity, the British North America Act was finally patriated as the *Constitution Act, 1867* and augmented by the *Constitution Act, 1982*, with the inclusion of a long-sought amending formula and the Charter of Rights and Freedoms. More and more, Canada has assumed, and continues to develop, its own distinct identity beyond its rich inheritance from Britain. Can the current Crown in its multiple relationships and compound capacities continue to be a meaningful focal point of executive powers, legislative functions and judicial authority? Most of the authors of *Canada and the Crown* believe that it can and should.

Nonetheless, some of these authors express their support for the Crown defensively, in a

way that acknowledges serious questions about the value or the need for the institution in the 21st century. This point is clearly underscored by the title of the book's summary essay by Philippe Lagassé, "The Contentious Canadian Crown". It is also evident in the essay by Peter Russell and his lament for an educational system that does not adequately teach an understanding of the Crown's role. Similarly, the advocacy for the use of Cabinet Manuals, by James Bowden and Nicholas MacDonald, to clarify the processes that should be followed in difficult constitutional situations implies some misgivings about the ability of government officials to deal adequately with unusual circumstances, such as the prorogation episode of 2008. The speculation that subsequently swirled around the Governor General raised concerns about the political involvement of the office in carrying out its constitutional responsibilities. This aspect of potential partisanship is also raised by Richard Berthelsen in his account of the history of the Speech from the Throne. Contrary to the tradition of Openings of Parliament at Westminster, where the speeches are invariably short, amounting to little more than a list of bills to be introduced by the Government over the session, the Speeches from the Throne delivered by the Governor General are becoming longer and more clearly partisan in flavour. Over the long term, the essential neutrality and impartiality of the Governor General is being compromised. David Smith, a staunch believer in the Crown, regretfully acknowledges this trend by noting how the position of the Queen and its Canadian surrogate has been depreciated



in every significant respect. While acknowledging how the current government has done much to elevate the status of the Sovereign, Smith also recognizes that the government is prepared to utilize the surrogate for plainly political purposes. This reality as well as other factors undermines the desirability of using the office of the Governor General to build a remedial relationship with the First Nations, a topic explored in separate essays by Stephanie Danyluk and Jim Miller.

The contributors who take a more historical perspective seem less encumbered by this defensive approach. Carolyn Harris, for example, presents an interesting assessment of the Marquis of Lorne as the fourth Governor General. In many ways, his mandate from 1878 to 1883, which was enhanced in its first years by the participation of his wife, the Princess Louise, created the template followed by many of his successors. What was striking about his tenure was the democratic, relatively egalitarian understanding that both he and his wife demonstrated while in Canada. During this time, the Crown enjoyed an immensely positive public profile. This is also reflected in the article by Serge Joyal, who writes of the long history of a favourable association of the Crown with Quebec, an association now lamentably abandoned, as Linda Cardinal points out. For his part, Christopher McCreery, who writes in separate articles of the expanding role of the Lieutenant Governors, as well as that of the vice regal secretary, presents a careful analysis of both positions in sustaining the Crown in Canada.

One of the editors of *Canada and the Crown* is also the author

of *The Crown and Canadian Federalism*. D. Michael Jackson is an unwavering champion of the Crown. His position on its value in Canada's history is exuberant throughout his well-paced account, which focuses particularly on the role and powers of the Crown's representatives in the provinces, the Lieutenant Governors. As Jackson readily admits, his text "contains modest original research" with little reliance on primary sources. Instead, his book seeks to benefit from the recent research of others and communicate their results to a wider public, "providing a readily accessible exploration and explanation of the Crown and Canadian federalism." In his view, it is clear that the Crown has played an indispensable part in fostering the development of Canada's federal system of government, its bilingual identity and its multicultural reality. His boundless admiration for the Crown is based not just on its constitutional importance but equally on its significance as the focus for the nation's "values and traditions and heritage, of loyalty, identity and ethos."

The Constitution Act, 1982 has firmly secured the position of the Crown in Canada's structure of government. Section 41 stipulates that changes to "the office of the Queen, the Governor General and the Lieutenant Governor of a province" can only be achieved through the unanimous approval of the Senate and House of Commons, as well as the legislative assembly of each province. Unless the United Kingdom embraces a republican government, Canada is likely to remain a constitutional monarchy for years to come. However, the security of the Queen's status as the nation's head of state does not

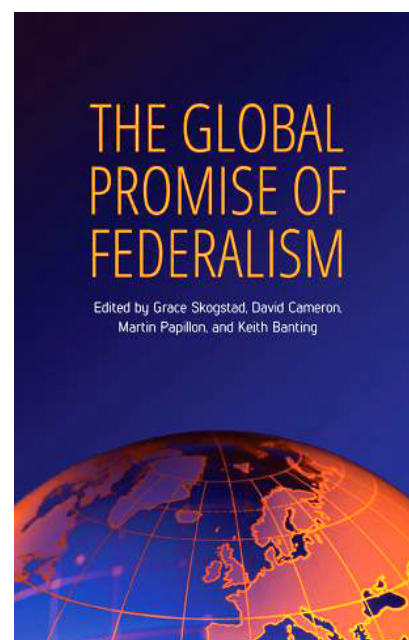
depend exclusively on the law. It relies more fundamentally on the support and consent of the people who appreciate and value the Crown in all its dimensions. This support is harder to secure, but as the publication of these two books attest, there are those who are willing to make the effort.

**Charles Robert**

Principal Clerk,  
Chamber Operations and Procedure  
at the Senate of Canada

**The Global Promise of Federalism, edited by Grace Skogstad, David Cameron, Martin Papillon and Keith Banting, University of Toronto Press, Toronto, 2013, 312 pp.**

Though its title does not indicate as such, the *Global Promise of Federalism* is a well-deserved *Festschrift* for political scientist Richard Simeon, the distinguished scholar of Canadian and broader federalisms. Simeon, whose career coincided with the great challenge to Canadian federalism



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represented by the nationalist and separatist impulses in Quebec, the rise of the New West, and the mega-constitutional politics from the 1970s to the early 1990s resulting in the Charter, patriation and failed Meech Lake and Charlottetown Accords, has been a keen scholar, advocate and critic of federalism for nearly 50 years.

Indeed, during this period, at a time when the study of Canada seemed to have existential implications, Simeon produced from his perch at Queen's, and then the University of Toronto, a steady stream of important and ground-breaking works, not the least of which were a series of studies for the 1985 Macdonald Royal Commission. Simeon also played a key role in the "comparative turn" in Canadian political science starting in the 1990s, wherein that discipline's scholarship took a much more expansive and global approach in its methodology and focus.

As a collection on federalism, this book is a useful and practical contribution. The introduction is a thoughtful overview of some of the key issues that have shaped Simeon's scholarship and driven the field in recent years: the "chicken and egg" debate over societal values vis-à-vis founding institutions as a key determinant for a federation's causation; the question of the importance of democracy and trust within a polity as a basis for whether or not federalism can root itself successfully; and, of course, federalism's capacity to evolve over time.

Many of these themes are reflected, and expounded, upon in the collection's 10 chapters, all of which are very good. Topics touch upon a broad range of fields and issues, from federalism

and democracy, and theology and identity, to case studies on Cyprus, Spain and comparative Canadian-Australian federalism. A highlight is Alain Noël's forceful argument about the importance of politics, ideology, identities and majority/minority relations within a federation; here, we have a sharp reminder that the often messy politics of a place needs to be "brought back into" studies of the state and federalism, and that the bloodless mechanisms of federalism are often shaped by people. Using the Quebec-Canada example, Noël's chapter acts as a sobering reminder of federalism's limitations.

The global perspective within the collection echoes not only Simeon's academic evolution, but that of the broader Canadian discipline, and speaks to the importance that Canadian scholars and practitioners of federalism, such as Simeon himself, have played in international debates and the evolution of federations around the world. This shift in focus is also present when one thinks of the collection as a *Festschrift*; a very interesting addendum by Simeon himself, "Reflections on a Federalist Life," personalizes some of his thinking as his scholarship (and some of his political views) evolved, and is both provocative and informative. Simeon's comments on "public engagement" and his role in the Meech Lake Accord remind readers that the scholar can be an activist as well. The anecdotes, stories, and, yes, even limericks contained in this addendum reveal a man of humour and commitment, and it is easy to see why so many scholars – both from Canada and abroad – were part of this tribute.

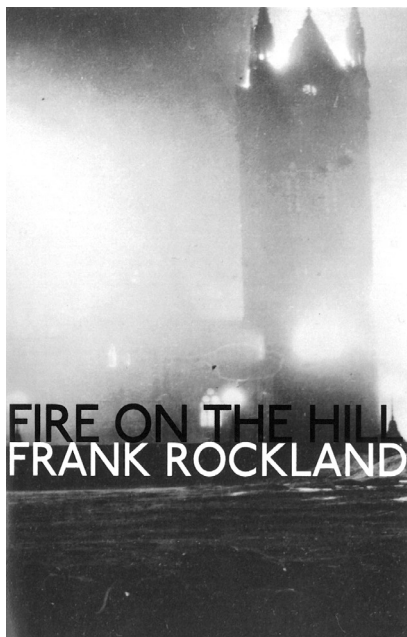
With a shift in so many disciplines in both the social sciences and humanities away from the study of Canada (though not away from Canadian-taxpayer supported funding), larger questions about the policy implications of no longer focusing solely upon Canada are salient. The broader question such a book asks, is: Where to now? Questions around Canadian federalism will continue to remain central to the evolution of this nation state, but with the retirement of so many giants of Canadian political science (along with Simeon, Peter Russell and Alan Cairns come to mind), is the discipline up to the task of exploring not only the global promise of federalism but federalism's ongoing evolution, right here at home? This collection, whose editors and contributors are ably taking up the task, suggests that the discipline, and the study of federalism – in all its forms and spaces – is indeed in good hands.

**Dimitry Anastakis**

Professor (History), Trent University

**Fire on the Hill, by Frank Rockland, Sambaise Books, Ottawa, 2013, 354 pp.**

Sitting in the Library of Parliament I am somewhat amazed at how this piece of history survived the tragic fire that consumed the Centre Block of Parliament Hill on February 6, 1916. The quick action of the clerk "Connie" MacCormac, in ordering the closing of the large iron fire doors before evacuating, saved the library and its vital contents for future generations. But what really happened that evening? Was it mere carelessness of a smoker of cigars or was there something more sinister at play? Those are the questions



that Frank Rockland explores in a thrilling fictional tale of conspiracy, politics and spies.

The plot of the novel centres on Inspector Andrew MacNutt and his wife Katherine. As head of the Dominion Secret Police, Inspector MacNutt has been attempting to keep the Canadian border secure against a network of German saboteurs run out of New York by Captains Franz von Papen and Karl Boy-Ed. After the Americans declare von Papen *persona non grata* and order him back to Europe, the Germans send Count Jaggi to replace him via Canada. Operating under the guise of

the Belgian relief effort, Count Jaggi insinuates himself into the Ottawa establishment meeting regularly with Conservative Prime Minister Sir Robert Borden, Leader of the Official Opposition Liberals, Sir Wilfrid Laurier, future Liberal Prime Minister William Lyon Mackenzie King and the Governor General. Jaggi, a womanizer with a particular fondness for those already married, grows closer to Katherine MacNutt in an attempt to learn her husband's plans against the saboteurs. The setting of the novel oscillates between Ottawa and New York and slowly builds towards the fateful night of February 6 where the Inspector, Mrs. MacNutt and the Count are all found in the reading room of the Centre Block where the fire is thought to have begun.

Rockland does an exceptional job of placing the reader in the historical Canadian context of the First World War. The reader will explore elements of the social and political changes that were underway during the period, such as the role of women in the war effort, the great divide between English and French Canadians about possible conscription, and the formation of the Royal Canadian Mounted Police. In addition, the writer

does an extraordinary job in portraying the social customs and historical elements of the piece in a thoughtful and informative manner that aficionados of history will find compelling. My only critique of the novel is that the conclusion may leave the reader less than satisfied, as it makes little effort to adequately tie up the loose threads that are spun throughout the preceding 34 chapters. However, it does leave the writer with an opening to continue the development of these characters in a subsequent book.

Overall, *Fire on the Hill* is a weighty contribution for those who are fans of historical fiction, and specifically, those who enjoy speculating about historical events from the perspective of conspiracy. It is a novel that is true to its historical underpinnings and does not sacrifice fact for plot development. The book, which will keep readers engaged chapter after chapter, leaves readers with an urge to learn more about what life was like on the home front and about the key political and social figures at a turning point in Canadian history.

**Michael Burke Christian**

PhD candidate (Communications and Culture), York University





# Legislative Reports



## Alberta

### Leadership Contests

**Alison Redford's** (Calgary–Elbow) resignation as Premier in March 2014 set the stage for a leadership race within the Progressive Conservative (PC) Association of Alberta. When the nomination period closed on May 30, 2014, three individuals had put their names forward for consideration as the next leader of the PC party: **Thomas Lukaszuk** (Edmonton–Castle Downs), former Minister of Jobs, Skills, Training and Labour, **Ric McIver** (Calgary–Hays), former Minister of Infrastructure, and **Jim Prentice** (former Member of Parliament for Calgary North Centre). The first leadership vote will take place on September 6, 2014. If no candidate secures a majority a second vote between the top two contenders will be held on September 20, 2014.

The Alberta New Democratic Party has also started the process for a leadership contest following the announcement by **Brian Mason** (Edmonton–

Highlands–Norwood) that he would step down as leader of the party as of October 19, 2014. Mr. Mason has indicated that he will continue to serve as a Member of the Legislative Assembly. The nomination period closed on August 5, 2014. **David Eggen** (Edmonton–Calder), **Rachel Notley** (Edmonton–Strathcona) and Rod Loyola, President of the Non-Academic Staff Association at the University of Alberta, have entered the race.

### Changes to Caucus Membership

Almost one year after resigning from the PC Caucus in July 2013, **Mike Allen** (Fort McMurray–Wood Buffalo) was accepted back into the caucus on July 7, 2014. With this membership change the composition of the Assembly is now at 59 Progressive Conservatives, 17 Wildrose, 5 Alberta Liberals, 4 New Democrats, and 2 Independents.

### Appointment of a New Ethics Commissioner

On November 15, 2013, Alberta's third Ethics Commissioner, **Neil R. Wilkinson**, announced that he would not seek reappointment when his term expired. On May 7, 2014, the Select Special Ethics Commissioner Search Committee completed its mandate and unanimously recommended **Marguerite Trussler** be appointed the next Ethics Commissioner for the Province of Alberta. The motion

to concur in the Committee's report was passed in the House unanimously and without debate. The appointment became effective on May 26, 2014, and Ms. Trussler was officially sworn in as Alberta's fourth Ethics Commissioner on June 4, 2014.

Ms. Trussler was born and raised in Alberta and served on the Alberta Court of Queen's Bench for 20 years. She holds a Bachelor of Arts and a Bachelor of Laws from the University of Alberta, a Master of Laws from the University of Melbourne and was awarded an honorary Doctorate of Laws from the University of Alberta. In 2007 she became the Chair of the Alberta Gaming and Liquor Commission and has a history of actively supporting a variety of cultural organizations and other community groups.

### Committee Activity

On March 10, 2014, the Standing Committee on Resource Stewardship tabled the final report on its study of public policy tools available to encourage broader and higher-value use of natural gas. Shortly thereafter, the Assembly referred Bill 201, *Agricultural Pests (Fusarium Head Blight) Amendment Act, 2014*, to the Committee. Bill 201, a Private Members' Public Bill, sponsored by **Maureen Kubinec** (Barrhead–Morinville–Westlock), seeks to increase the tolerance level for *Fusarium graminearum* in Alberta seed and livestock feed

to 0.5 per cent. The Committee received a presentation from the Bill sponsor, a briefing from Alberta Agriculture and Rural Development, and spent two days meeting with stakeholder panels representing various agricultural interests including experts on the issue from around western Canada.

The Standing Committee on Alberta's Economic Future completed its review on the feasibility of high-speed rail and tabled its report on May 23, 2014. The Committee recommended that the Government not invest in the development of high-speed rail along the Edmonton-Calgary corridor but instead focus resources on the development of light rail and regional transportation systems. However, the report also suggests that infrastructure planning consider accommodations for high-speed rail development in the future.

The Standing Committee on Alberta's Economic Future is now considering Bill 9, *Public Sector Pension Plans Amendment Act, 2014*, and Bill 10, *Employment Pension (Private Sector) Plans Amendment Act, 2014*. These Bills were referred to the Committee for review after they received Second Reading. Both Bills have been the subject of strong criticism in and outside of the House. The Committee, which began its review with three days of briefings from various stakeholders and pension experts, also invited the public to participate in the review process and held public meetings in seven locations around the province. Over 900 people participated in these public meetings, with particularly high attendance in Edmonton and Calgary. In total, the Committee heard over 150 presentations. The

Committee also accepted written submissions regarding Bills 9 and 10 until August 15, 2014.

On April 14, 2014, Bill 11, *Child, Youth and Family Enhancement Amendment Act, 2014*, sponsored by **Manmeet Bhullar** (Calgary-Greenway), Minister of Human Services, passed first reading. One of the more notable parts of the Bill related to removal of the existing publication ban surrounding children who die while in provincial care. Under Bill 11 a process would be developed to allow for such a ban to be requested in a court application made by specified persons, including individuals prescribed in the regulations as family members. On May 7, 2014, the Assembly agreed to an amendment to the Bill, proposed by Rachel Notley (Edmonton-Strathcona), which stipulated that no regulations could be made in this regard to this section of the legislation without "being considered by an all party committee of the Legislative Assembly."

On July 16, 2014, two months after the Bill came into force (with exceptions including the portion relating to the publication ban), the Standing Committee on Families and Communities met to consider a request from the Minister of Human Services to review a draft version of the *Publication Ban (Court Applications and Orders) Regulation*, which would provide the process for interested parties to request a publication ban following the death of a child in provincial care. The Committee initiated a review of the matter and invited the Minister and department officials to provide a technical briefing at the next Committee meeting. The Committee also identified stakeholders and invited them to

provide written submissions on the matter by August 22, 2014.

**Jody Rempel**  
Committee Clerk



## British Columbia

The spring sitting of the Legislative Assembly concluded with the adjournment of the House on May 29, 2014. The final weeks of the sitting were notable for the inauguration on May 4, 2014 of **John Horgan** as Leader of the New Democratic Party and Leader of the Official Opposition. In addition, on May 15, 2014, the Legislative Assembly unanimously adopted a historic bipartisan motion, apologizing for over 100 laws, regulations, and policies imposed by past provincial governments between 1871 and 1947 against people of Chinese descent.

On May 26, 2014, the Legislative Assembly adopted a motion authorizing meetings of the Committee of Supply in three concurrent sections to consider the Estimates. This continued a practice initially used in 2012 and again in 2013, and facilitated the consideration of ministry estimates during the spring sitting. The Committee of Supply has typically sat in two concurrent sections, and did so for the majority of the spring sitting.

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On May 27, 2014, the House adopted, on division, a government motion pursuant to Standing Order 81.1(2), providing for time allocation of the remaining stages of debate of Bill 24, *Agricultural Land Commission Amendment Act, 2014*, by 5:30 pm on May 29, 2014.

## Legislation

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By the end of the spring sitting, the government had introduced 26 bills (excluding Bill 1) since the opening of the second session of the 40<sup>th</sup> Parliament on February 11, 2014. Of these bills, 25 received Royal Assent. The one bill which was not adopted was Bill 25, the *Port Metro Vancouver Container Trucking Services Continuation Act*, which was no longer needed when the government settled the Vancouver port strike.

Notable bills which received Royal Assent in the spring sitting included:

Bill 20, *Local Elections Campaign Financing Act, 2014* and Bill 21, *Local Elections Statutes Amendment Act, 2014* – this legislation reforms campaign disclosure statements, advertising sponsorship disclosure and registration, and compliance and enforcement duties for Elections BC; the legislation also extends the terms of office for locally-elected officials from three to four years, and moves the general local elections voting day from November to October, beginning in 2018.

Bill 2, *Electoral Boundaries Commission Amendment Act, 2014* – which provides for up to 87 electoral ridings, up from the previous 85, and divides the province into regions to ensure balanced electoral representation and preserve seats in rural and northern areas.

Bill 24, *Agricultural Land Commission Amendment Act, 2014* – which implements changes to the framework for the protection of agricultural land in the province, following up on government's "core review" of agricultural land provisions aimed at improving efficiency and reducing program costs.

A total of 14 private members' bills were introduced, including bills proposing to: allow electronic petitions; move BC's fixed election date; amend conflict of interest rules; enhance the Legislative Assembly's parliamentary committee system; and provide for a fall sitting of the Legislative Assembly every year.

The Legislative Assembly adopted one private bill, Bill Pr 401, *Armstrong-Spallumcheen Student Assistance Association (Corporate Restoration) Act, 2014*, which provides for the Association's continued operation.

## Committee Activity

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On May 28, 2014, the Special Committee to Appoint an Auditor General released its report unanimously recommending the appointment of **Carol Bellringer** as Auditor General for an eight-year term. The Committee's recommendation was subsequently ratified unanimously by the House. Ms. Bellringer will take up her appointment on September 15, 2014.

On May 28, 2014 the Select Standing Committee on Children and Youth and the Select Standing Committee on Public Accounts released reports outlining their annual summary of 2012-2013 activities.

Four Committees initiated public consultations in support of their terms of reference:

The Select Standing Committee on Children and Youth launched a call for written submissions to assist with its special project examining youth mental health in BC.

The Select Standing Committee on Health began public consultations as part of its work to identify potential strategies to maintain a sustainable health care system.

The Special Committee to Review the *Personal Information Protection Act* opened public consultations to assist its comprehensive statutory review of the *Personal Information Protection Act*, which is required every six years under the terms of the Act.

The Special Committee to Review the Independent Investigations Office (IIO) started a call for written submissions to support its statutory review of the IIO's administration and general operations.

**Gordon Robinson**  
Committee Researcher



## Manitoba

The Third session of the 40<sup>th</sup> Legislature ended on June 12, 2014. A number of government



bills received Royal Assent during this spring session, including:

Bill 52 – *The Non-Smokers Health Protection Act*, which prohibits the sale or supply of flavoured tobacco products, with an exemption for menthol tobacco products, snuff and chewing tobacco. The Bill also repeals the exemption allowing a parent to provide tobacco to his or her child in a non-public place.

Bill 55 – *The Environment Amendment Act (Reducing Pesticides Exposure)*, which prohibits the use of prescribed classes or types of pesticides on lawns and on the grounds of schools, hospitals and child care centres, except in specific circumstances.

Bill 59 – *The Adoption Amendment and Vital Statistics Amendment Act (Opening Birth and Adoption Records)*, which creates a scheme that allows for more openness with respect to adoption records and pre-adoption birth records, subject to certain privacy rights.

Bill 68 – *The Child and Family Services Act*, which requires employees and others who work for, or provide services to, child and family services agencies or authorities to report critical incidents that have resulted in the death or serious injury of a child

In addition, before the end of the session, the Assembly completed consideration of the main supply bills for Budget 2014. Bill 73 – *The Budget Implementation and Tax Statutes Amendment Act, 2014*, was passed on June 10, 2014 on a recorded vote of yeas 28, nays 15.

During the Third session of the 40<sup>th</sup> Legislature, 71 government bills received Royal Assent, including 35 introduced in the

previous session and reinstated this session. In addition, five bills introduced by private members received Royal Assent on June 12, 2014.

Prior to adjourning, the House also agreed that three bills are to be sent to standing committees intersessionally for public presentations and clause by clause consideration, with these bills to be reinstated in the 4<sup>th</sup> session of the 40<sup>th</sup> Legislature. In the next session the bills are to be reported back to the House and considered for the remaining stages of the bill enactment process. The bills are:

Bill 69 – *The Technical Safety Act*

Bill 70 – *The Real Estate Services Act*

Bill 71 – *The Animal Diseases Amendment Act*

### **Opposition Day Motions**

On May 29, 2014 **Ralph Eichler** (Lakeside) moved an opposition day motion urging that “the Legislative Assembly call on the Provincial Government to respect Manitobans as the real owners of Manitoba Hydro by immediately reconsidering the plan to at least double hydro rates for Manitoba families over the next 20 years in a risky Hydro development scheme that has already cost taxpayers \$2.6 billion dollars to create power that independent experts conclude will not be required to meet domestic needs until as late as 2034, and serves only to funnel billions of dollars in additional hidden Hydro taxes and fees to the Provincial Government.” Following the debate, the motion was defeated on a vote of yeas 18, nays 30.

On June 9, 2014 **Heather Stefanson** (Tuxedo) moved another opposition day motion urging that “the Provincial

Government immediately commission an independent report with agreed upon bi-partisan research parameters to objectively evaluate the economic impact over the next five years of the \$1,600 in broken tax promises and fee hikes that have been forced on Manitobans since the imposition of the illegal PST hike on July 1, 2013.” Following the debate, the motion was defeated on a vote of yeas 17, nays 31.

### **Private Members’ Resolutions**

The Third Session of the 40<sup>th</sup> Legislature saw a higher-than-usual number of Private Members’ Resolutions that were agreed to and adopted by the House. The 12 Private Members’ Resolutions that were agreed to this past Session are as follows:

Mr. Helwer - National Military Driver’s License

Mr. Altemeyer - JUNO Awards

Mrs. Mitchelson - Habitat for Humanity

Mr. Gaudreau - Rail Safety in Manitoba

Ms. Wight - Inclusion in Schools

Mr. Martin - 20th Anniversary of Becoming an Outdoors Woman

Mr. Marcelino - Filipino Nursing

Ms. Crothers - 70<sup>th</sup> Anniversary of D-Day

Mr. Schuler - Freedom and Dignity in Syria

Mr. Goertzen - Celebrating the 50<sup>th</sup> Anniversary of the Mennonite Heritage Village Museum

Mr. Nevakshonoff - The Icelandic Festival of Manitoba “Islendingadagurinn”

Mr. Cullen - Northern Manitoba Mining Academy

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## Standing Committees

The end of Session coincided with the busiest period for Manitoba Standing Committees, with several meetings called to consider bills. Activity this quarter included the following meetings:

The Standing Committees on Justice, Human Resources, Intergovernmental Affairs and Social and Economic Development held a total of eight meetings, heard from 105 presenters and considered a total of 35 bills;

The Public Accounts Committee met on two separate occasions to consider several Chapters of the last two Auditor General's Reports – Annual Report to the Legislature.

Under the provisions of the Sessional Order, the Public Accounts Committee is required to have 10 meetings between September 11, 2013 and September 11, 2014. Currently, this committee held its sixth and seventh meetings between the end of June and the beginning of July 2014.

## Resignation

On May 16, 2014, **Frank Whitehead** resigned as the MLA for The Pas due to health and family reasons. First elected in a by-election in March 2009, Mr. Whitehead was then re-elected in the 2011 general election. He is the former Chief of Opaskwayak Cree Nation and served in several First Nation organizations prior to being elected as MLA. In the Manitoba Legislative Assembly, Mr. Whitehead served as a government backbencher and in the current legislature he was a permanent member of the Standing Committee on Public Accounts.

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## Current Party Standings

The current party standings in the Manitoba Legislature are: NDP 35, Progressive Conservatives 19, Liberal 1, Independent 1, with 1 vacancy.

**Andrea Signorelli**

Clerk Assistant/Clerk of Committee



## New Brunswick

The Fourth Session of the 57th Legislative Assembly opened on November 5, 2013, and adjourned on May 21, 2014, sitting a total of 69 days. Of note during the session was the referral of the budgetary estimates of certain government departments by the House to three separate standing committees; this occurred for only the second time. The House referred the estimates of the Department of Health to the Standing Committee on Health Care and the estimates of the Department of Education and Early Childhood Development to the Standing Committee on Education. The Standing Committee on Estimates also considered various estimates along with the Committee of Supply, which is the usual practice. A motion was adopted to extend the hours allocated for the consideration of estimates to a total of 120 hours, 40 hours

more than previous years. The extra time was allocated to the Standing Committees on Health Care and Education.

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## Legislation

During the session, 79 bills received Royal Assent. The Government House Leader and Natural Resources Minister **Paul Robichaud** introduced Bill 84, *An Act to Amend the Legislative Assembly Act*. The bill makes amendments regarding Members' expenses, creating a new reporting system for MLA and constituency office expenses. Expense reports will now be prepared by the Legislative Assembly and posted quarterly to the Assembly's website.

Finance Minister **Blaine Higgs** introduced Bill 85, *Teachers' Pension Plan Act*. The legislation formalized the agreement for pension reform between the provincial government and the New Brunswick Teachers' Federation. The new pension plan will no longer require special payments, and will eliminate the deficit facing the current plan. The public service and MLAs have also undergone pension reform this session, moving to a shared risk pension model.

**Wayne Steeves**, Member for Albert, introduced Bill 86, *An Act Respecting Floor Crossing*. The Private Member's Public Bill requires a Member who ceases to belong to the caucus of a political party to either sit as an Independent Member or resign his or her seat.

Bill 87, *Fiscal Transparency and Accountability Act*, introduced by Higgs, is intended to bring more accountability to budgeting and the costing of election promises. Governments will now be required to set out a multi-year plan to return to balanced

budgets. If a deficit is recorded, it must be reduced by at least \$125 million, and if a surplus is reported, a surplus is then required the following year. Failure to meet these objectives could result in cabinet ministers paying an administrative penalty of \$2500. Under the legislation, each registered political party will be required to either publish the estimated costs of its election promises, or publicly state that no estimate has been prepared. The mandate of the Legislative Library will be expanded to provide support to the political parties seeking information to calculate the estimated costs of their election promises. A formal access-to-information protocol will be implemented to ensure the library is able to fulfill this mandate. A political party that does not follow the requirements of the legislation will be subject to a legal process that could result in the loss of its annual operating allowance under the *Political Process Financing Act*.

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### Student Parliament

The 25th Annual Student Legislative Seminar was held April 25-27, 2014. A total of 48 students from various high schools participated, representing all areas of the province. The seminar is a non-partisan program open to Grade 11 and 12 students. The students were welcomed to the Legislative Assembly by Speaker **Dale Graham**. Throughout the weekend, the students attended various lectures which focused on the three branches of government: legislative, executive and judicial. Premier **David Alward** spoke on the role of the Premier and the challenges and responsibilities of that office. The Leader of the Official Opposition, **Brian Gallant**, spoke on the

role of the Opposition, Justice Minister **Troy Lifford** spoke on the role of Cabinet, and the Member for Victoria-Tobique, **Wes McLean**, spoke on the role of an MLA. **Julian A.G. Dickson**, Judge of the Provincial Court of New Brunswick, spoke on the role of the judicial branch.

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### Change to Caucus

On June 27, **Bev Harrison**, Member for Hampton-Kings, announced that he would be seeking the New Democratic Party's nomination in the upcoming provincial election. Since his first election in 1978, Harrison has served in the Assembly for approximately 24 years as a Progressive Conservative. A former Speaker, he now sits as an Independent Member.

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### Election

The upcoming provincial election is scheduled for September 22. Recent changes to the electoral boundaries reduced the number of ridings from 55 to 49.

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### Standings

The current House standings are 41 Progressive Conservatives, 13 Liberals and 1 Independent.

**John-Patrick McCleave**

Committee Clerk-Research Assistant



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### The Northwest Territories

The Fifth Session of the 17<sup>th</sup> Legislative Assembly reconvened on May 28, 2014. During the seven-day sitting the House considered and adopted

four pieces of legislation, including two supplementary appropriation bills dealing with both infrastructure and operations expenditures.

The Assembly also considered and adopted *An Act to Amend the Elections and Plebiscites Act*. The amendments contained in the bill included increased access to mobile polls and absentee ballots; changes to produce a more accurate voters' list; expanded opportunities for vouching; and general clarification of procedures and processes.

All bills received assent from the Commissioner of the Northwest Territories, **George L. Tuccaro**, on June 5, 2014.

Four additional bills were also introduced, received first and second reading and were referred to a standing committee for consideration during the summer and fall months. Committees are expected to report back on legislation when the House reconvenes on October 16, 2014.

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### Committees

**Michael Nadli**, Chair of the Standing Committee on Government Operations, presented the Committee's *Report on the Review of the 2014 Report of the Auditor General of Canada on Northwest Territories Child and Family Services*. The Committee met with the Assistant Auditor General and senior officials from the Department of Health and Social Services in late April, 2014 to consider the Auditor General's report, which was generally deemed to be extremely critical of current practices and procedures.

The Standing Committee's final report contained 30 recommendations relating



to the improvement of an accountability framework, the development of standards and procedures, and training of child protection workers. The report was considered in the House on June 2, 2014, with all 30 motions being adopted by the Assembly. The Department is required to respond to the Committee report within 120 days.

The Standing Committee on Government Operations also released its report titled *Establishing an Office of the Ombudsman for the Northwest Territories* on June 4, 2014. The report was tabled in response to an earlier motion of the Assembly which referred the matter of the establishment of an ombudsman's office to the Standing Committee for research, review and analysis. The report is available online for public comment and review over the summer and early fall and is expected to be considered by the Assembly during the October/November sitting.

**Bob Bromley**, Chair of the Standing Committee on Rules and Procedures, presented that Committee's report titled *Report on the Review of the Auxiliary Report of the Chief Electoral Officer on Issues Arising from the 2011 General Election* to the Assembly on June 4, 2014. The report contained 14 additional recommendations to amend the *Elections and Plebiscites Act*. All motions were once again adopted by the Assembly during debate on June 5, 2014. A further set of amendments to the *Elections and Plebiscites Act* is expected to be introduced in the Assembly during the fall sitting.

### **Term Extension Request**

The Prime Minister of Canada advised the Premier of the

Northwest Territories of his government's intent to introduce amendments to the *Northwest Territories Act* which would allow the 17<sup>th</sup> Assembly the authority to vary its term of office.

Currently the fixed election date is scheduled for October 5, 2015. If the proposed amendment to the *Northwest Territories Act* is adopted by the Parliament of Canada, further discussion regarding the proposed change in the Northwest Territories election date is expected to take place during the fall sitting.

### **Elders' Parliament**

**Jackie Jacobson**, Speaker of the Legislative Assembly, hosted the third biennial Elders' Parliament from May 5-9, 2014. Eighteen elders from across the territory were selected to take part in the program. Elders participated in meetings and briefings, enjoyed social events and long and lively debates. During the model parliament session, motions requesting a moratorium on hydraulic fracturing (fracking) within the Northwest Territories and addressing the high cost of living and the establishment of community-based traditional knowledge centres were introduced, debated and adopted by the elder parliamentarians.

**Gail Bennett**

Principal Clerk, Corporate and Interparliamentary Affairs



## **Ontario**

### **Budget 2014**

On May 1, 2014, Finance Minister **Charles Sousa** presented Ontario's 2014 Budget. This was the second budget presented under Premier **Kathleen Wynne** in the then-minority parliament. Following public statements in which both opposition leaders stated their parties would not be supporting the budget, the Premier met with the Lieutenant Governor to seek the dissolution of Parliament. Lieutenant Governor **David C. Onley** dissolved the 40<sup>th</sup> Parliament on May 2, 2014, and issued the writs for Ontario's 41<sup>st</sup> general election on May 7, 2014. The anomaly of issuing the writs several days following the dissolution of Parliament was a result of Ontario's fixed election date legislation. The *Election Act* states that the writs for elections must be issued on a Wednesday and that general elections must be held on a Thursday. The "early" dissolution of a parliament is not contemplated in the *Act*.

### **Election**

The Ontario general election was held on June 12, 2014. Prior to dissolution, the composition of the 107 member House was as follows: Liberals 48 seats; Progressive Conservatives 37 seats; New Democrats 21 seats; and 1 vacant seat.

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The election resulted in the Liberals gaining 10 seats and changing the composition of the House to a governing majority. The composition of the 41<sup>st</sup> Parliament is as follows: Liberals 58 seats; Progressive Conservatives 28 seats; and New Democrats 21 seats.

Following the election, the Member for Niagara West-Glanbrook, **Tim Hudak**, announced his resignation as Leader of the Progressive Conservative Party, effective July 2, 2014. The Party has appointed the Member for Simcoe-Grey, **Jim Wilson**, as the interim leader and the Speaker has recognized him as the Leader of the Official Opposition.

### Members Take Their Oath

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On July 2, 2014, during a ceremony held in the Chamber, Members took their oath simultaneously with Lieutenant Governor Onley presiding. This was the first time in Ontario's history that the Lieutenant Governor has administered the oaths this way. During the ceremony, Canadian astronaut **Chris Hadfield** led the Members in the singing of the national anthem. Members were then required to sign the roll before taking their seats later that day for the election of the Speaker.

### Election of Speaker

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The 1<sup>st</sup> Session of the 41<sup>st</sup> Parliament began on July 2, 2014, with the election of the Speaker. The five candidates nominated were: the Member for Parkdale-High Park, **Cheri DiNovo**; the Member for Brant and previous Speaker, **Dave Levac**; the Member for Hamilton East-Stoney Creek, **Paul Miller**; the Member for Chatham-Kent-Essex, **Rick Nicholls**; and the

Member for Etobicoke North, **Shafiq Qaadri**.

On the third ballot, Levac was elected Speaker for the second time. Speaker Levac has been a Member of the Assembly since 1999.

The House also appointed its other presiding officers:

- **Bas Balkissoon** as Deputy Speaker and the Chair of the Committee of the Whole House;
- **Ted Arnott** as First Deputy Chair of the Committee of the Whole House;
- **Rick Nicholls** as Second Deputy Chair of the Committee of the Whole House; and
- **Paul Miller** as Third Deputy Chair of the Committee of the Whole House.

### Throne Speech

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On July 3, 2014, Lieutenant Governor Onley delivered his last Speech from the Throne. Prior to beginning, expressed his appreciation for the support afforded to his office over the last seven years.

### New Lieutenant Governor

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On June 26, 2014, Prime Minister Stephen Harper announced the appointment of **Elizabeth Dowdeswell** as Ontario's 29<sup>th</sup> Lieutenant Governor. Ms. Dowdeswell's public service career includes positions at the provincial, federal and international levels. Her past roles have included: Deputy Minister of Culture and Youth in Saskatchewan, Assistant Deputy Minister at Environment Canada and an Executive Director of the United Nations' Environment Program.

### Budget

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On July 14, 2014, the Minister of Finance, Charles Sousa, presented Ontario's 2014 Budget

which carried by a vote of 57 to 36 two days later. The Minister of Finance also reintroduced Bill 14, *Building Opportunity and Securing Our Future Act (Budget Measures)*, 2014.

### Committees

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Ontario's nine Standing Committees were appointed on July 16, 2014. The Standing Committee on Finance and Economic Affairs met for one day of public hearings and one day of clause-by-clause consideration of the budget bill. The bill was reported to the House on July 23, 2014, without amendment, and received Third Reading and Royal Assent the following day.

The Select Committee on Developmental Services was reconstituted in order to re-adopt its final report from the previous parliament. The report, entitled *Inclusion and Opportunity: A New Path for Developmental Services in Ontario*, was tabled on July 22, 2014.

Before the House adjourned for the summer on July 24, 2014, the Standing Committee on Estimates received authorization to meet commencing on September 30, 2014. The rest of the Committees will next meet when the House reconvenes on October 20, 2014.

**Tamara Pomanski**  
Committee Clerk



## Prince Edward Island

### Fourth Session of the Sixty-Fourth General Assembly

The Fourth Session of the Sixty-fourth General Assembly adjourned to the call of the Speaker on May 14, 2013, after a spring sitting of 23 days. One bill and 65 motions remain on the Order Paper. The Assembly will reconvene on November 12, 2014, according to Prince Edward Island's parliamentary calendar.

### Rotary Youth Parliament

The annual Rotary Youth Parliament took place at Province House from May 1-2, 2014. Now in its 26<sup>th</sup> year, the long-running project is a partnership among the Speaker's and Clerk's offices, the Department of Education, District School Boards, volunteer teacher advisors and Rotary Clubs across Prince Edward Island. While debating topics of current interest, the students had the opportunity to experience the fashions of 1864, as they dressed in the style of the Fathers (and Mothers) of Confederation.

### Youth Parliament Attended by Their Royal Highnesses

On May 20, 2014, Their Royal Highnesses **The Prince of Wales** and **The Duchess of Cornwall** attended a Youth Parliament in the historic Legislative Chamber at Province House. Sixteen young people, from all

across the province, debated the motion, "Be it resolved that today's youth are prepared to build the Canada of their future, carrying on the work of the Fathers of Confederation." Their Royal Highnesses also toured the Confederation Chamber where the delegates to the Charlottetown Conference met in September, 1864.

### Play and Lecture at Province House

A number of special events are happening this year to mark the sesquicentennial of the Charlottetown Conference. To date, one of the most popular has been a dramatized lecture held in the Legislative Chamber in mid-June. While the "Fathers of Confederation" were meeting in Charlottetown in 1864, life in the countryside was going on much as it had been for decades, and the concerns of rural Islanders were very much focused issues to do with the land. The rural Islander mindset from 150 years ago was evoked in a special lecture/performance featuring **Ed MacDonald** from the University of Prince Edward Island. He spoke on a "Land of One's Own. Prince Edward Island in the Confederation Era." The talk was illustrated with vignettes – words and music – from the theatrical production of **Andrew Macphail's** classic memoir *The Master's Wife*, scheduled to be performed this summer at the Orwell Corner Village Hall. The performance played to a capacity crowd.

### 40<sup>th</sup> Annual Statistical Review

This year marks the 40<sup>th</sup> time the Annual Statistical Review has collected key data about Prince Edward Island's economy, population and social makeup. Released in early

July, the review indicates the province's population is 145,237, an increase of 0.05 per cent and the only Atlantic province to show population growth in 2013. Economic growth was recorded at 1.3 per cent and 74,100 persons were employed.



## Saskatchewan

### End of Session

The spring sitting, which concluded on May 14, 2014, saw Lieutenant Governor **Vaughn Solomon Schofield** give Royal Assent to 30 bills including an appropriation bill to defray the expenses of the public service. Throughout the sitting, the Assembly and committees spent almost 47 hours considering bills and just over 75 hours considering estimates.

### Cabinet Shuffle

Premier **Brad Wall** re-organized government and introduced a new provincial cabinet on June 5, 2014. Eight ministers retained their portfolios, six ministers changed portfolios and three members entered cabinet for the first time.

The eight ministers that remain in their current portfolios are:

- **Ken Krawetz** remains as Deputy Premier and Minister of Finance;
- **Bill Boyd** remains as Minister of the Economy, and Minister responsible for SaskPower and



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the Global Transportation Hub and adds responsibility for Energy and Resources;

- **Dustin Duncan** remains as Minister of Health;
- **Don Morgan** remains as Minister of Education, Minister of Labour Relations and Workplace Safety and Minister responsible for the Workers' Compensation Board;
- **Jim Reiter** remains as Minister of Government Relations and Minister responsible for First Nations, Métis and Northern Affairs and adds responsibility for SaskEnergy;
- **Lyle Stewart** remains as Minister of Agriculture and Minister responsible for Saskatchewan Crop Insurance Corporation;
- **Christine Tell** remains as Minister responsible for Corrections and Policing; and
- **Gordon Wyant** remains as Minister of Justice and Attorney General and adds responsibility for SaskBuilds.

The following six ministers have changed portfolios:

- **Kevin Doherty** becomes Minister of Advanced Education and Minister responsible for SaskTel;
- **Donna Harpauer** becomes Minister of Social Services and Minister responsible for Saskatchewan Housing Corporation and the Status of Women;
- **Jeremy Harrison** becomes the Associate Minister of the Economy responsible for trade, tourism, innovation and immigration;
- **Nancy Heppner** becomes Minister for Highways and Infrastructure and Minister responsible for the Saskatchewan Gaming Corporation;
- **Tim McMillan** becomes Minister responsible for Rural and Remote Health; and
- **Don McMorris** becomes Minister responsible for Crown

Investments Corporation, Saskatchewan Liquor and Gaming Authority (SLGA), Saskatchewan Government Insurance, the Public Service Commission and the government's Lean Initiative.

The three MLAs that enter cabinet for the first time are:

- **Jennifer Campeau** becomes Minister of Central Services and Minister responsible for Saskatchewan Transportation Corporation;
- **Mark Docherty** becomes Minister of Parks, Culture and Sport and Minister responsible for the Provincial Capital Commission; and
- **Scott Moe** becomes Minister of Environment and Minister responsible for SaskWater and the Water Security Agency.

**Ken Cheveldayoff** has become the Government House Leader while **Corey Tochor** becomes Deputy House Leader. **Nadine Wilson** has been named Provincial Secretary and Legislative Secretary to the Premier. **Greg Brkich, Larry Doke, Wayne Elhard, Victoria Jurgens, Warren Michelson** and **Roger Parent** have all been designated Legislative Secretaries.

### Changes to the Board of Internal Economy

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Membership on the Board of Internal Economy (BOIE) was changed on June 5, 2014. **June Draude** was removed as the Executive Council nominee and Mr. Harrison was appointed in her place. Mr. Cheveldayoff was appointed as the Government Caucus nominee.

### Changes to Committee membership

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Changes were made on June 13, 2014 to the composition of the standing committees of the Legislative Assembly of

Saskatchewan. The Standing Committee on House Services met on June 13, 2014 and adopted a number of motions to change the membership on the standing committees. Each of the four policy field committees met subsequently and elected new Chairs of their committees:

- **Herb Cox** - The Standing Committee on Crown and Central Agencies;
- **Gene Makowsky** - The Standing Committee on the Economy;
- **Greg Lawrence** - The Standing Committee on Human Services;
- **Laura Ross** - The Standing Committee on Intergovernmental Affairs and Justice.

### Lobbyist Registrar

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The *Lobbyists Act* received Royal Assent on May 14, 2014. This legislation creates a new Officer of the Legislative Assembly of Saskatchewan (LAS). The Conflict of Interest Commissioner, **Ron Barclay**, has been tasked with the new role as the Registrar for Lobbyists. The LAS is currently assisting in the recruitment process for two permanent positions in the Registrar of Lobbyists office.

### New Officer of the Assembly

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On May 13, 2014, the Assembly adopted a motion for a Humble address calling on the Lieutenant Governor to appoint **Ronald J. Kruzeniski** as the new Information and Privacy Commissioner of Saskatchewan. Mr. Kruzeniski began his five year term on July 1, 2014.

### Portrait of Lieutenant Governor Displayed

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The official portrait of **Gordon L. Barnhart** was unveiled on May 5, 2014. Mr. Barnhart served

as the 20<sup>th</sup> Lieutenant Governor of Saskatchewan from 2006 to 2012. He also served as the Clerk of the Legislative Assembly of Saskatchewan from 1968 to 1989 and the Clerk of the Senate from 1989 to 1994. The portrait, by artist **Cyril Leeper**, will be displayed permanently in the Legislative Building's Qu'Appelle Gallery which contains the portraits of all the province's past Lieutenant Governors.

### Conference

The Saskatchewan Legislative Library will host The Association of Parliamentary Libraries in Canada/ L'Association des bibliothèques parlementaires au Canada (APLIC-ABPAC) and Parliamentary Researchers Conference from September 8-12, 2014 in Regina, Saskatchewan.

**Rob Park**  
Committee Clerk



### Yukon

On May 15, the 2014 Spring Sitting of the First Session of the 33<sup>rd</sup> Legislative Assembly adjourned. The 30-day sitting, which had convened on March 25, concluded with Assent being given in the Chamber by the Commissioner of Yukon, Doug Phillips.

### Assent

Over the course of the Spring Sitting, the following 11 bills (all Government bills) received Assent:

Bill No. 12, *Third Appropriation Act, 2013-14*

Bill No. 13, *Interim Supply Appropriation Act, 2014-15*

Bill No. 15, *First Appropriation Act, 2014-15* (Premier and Finance Minister **Darrell Pasloski's** territorial budget, in excess of 1.3 billion dollars)

Bill No. 67, *Act to Amend the Income Tax Act* (reduces the small-business corporate income tax rate, and mirrors a federal amendment in the Act's administrative rules)

Bill No. 68, *Act to Amend the Employment Standards Act* (expands leave-without-pay provisions for employees with children who are either critically ill or who have, as a result of crime, died or disappeared)

Bill No. 69, *Act to Amend the Fatal Accidents Act* (expands provisions for awarding damages to family members of the deceased)

Bill No. 70, *Act to Amend the Public Utilities Act* (amends the meaning of "public utility" in the Act)

Bill No. 71, *Act to Amend the Summary Convictions Act* (improves/clarifies processing and court procedure re: tickets)

Bill No. 72, *Act to Amend the Government Organisation Act* (modernizes/consolidates provisions re: appointment of Executive Council, and makes the provisions congruent with the federal *Yukon Act*)

Bill No. 73, *Act to Amend the Environment Act* (gives certain powers to the Minister, provides for a regulatory framework for the remediation of a contaminated site, gives power to enforcement officers re: inspection)

Bill No. 74, *Act to Amend the Vital Statistics Act* (modernizes the Act in respect of recognizing the rights of same-sex parents in registering the birth of a child)

### Private Members' Bills

During the Spring Sitting, three private members' bills were introduced (all by members of the Official Opposition):

Bill No. 103, *An Act to Respect Voters and Stop Floor Crossing* (would require any MLA seeking to switch parties to either "sit as an independent, or run in a by-election")

Bill No. 104, *Paid Lobbying Act* (would establish a registry for paid lobbyists, and require members of Executive Council to file returns with the registrar)

Bill No. 105, *Act to Amend the Vital Statistics Act* (No. 2)

During Opposition Private Members' Business on May 14, Bill No. 105, standing in the name of **Lois Moorcroft**, received second reading, and some consideration in Committee of the Whole (progress was reported). The bill's intent is to facilitate the work of the Truth and Reconciliation Commission by providing exemptions to the moratorium on accessing death records.

### Auditor General's Report

On June 10, the Standing Committee on Public Accounts (chaired by Leader of the Official Opposition **Liz Hanson**) held a public hearing in the Chamber, to consider a report released in February by the Auditor General of Canada, **Michael Ferguson**. *Report of the Office of the Auditor General of Canada to the Yukon Legislative Assembly – 2014: Yukon Family and Children's Services – Department of Health*

and Social Services assessed the manner in which the Department carries out its responsibilities “for the protection and well-being of at-risk children, youth and their families.” Before the hearing, the Committee was advised by officials from the Auditor General’s Office. During the hearing, the Committee questioned witnesses from the Department of Health and Social Services, and also addressed questions to Mr. Ferguson. The Committee will prepare a report on the hearing which will be tabled in the House at a future date.

### Hydraulic Fracturing Committee

The Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing (RBHF), tasked with reporting its findings and recommendations on a policy approach to hydraulic fracturing to Yukon’s Legislative Assembly, continues to be quite active. Established in the 2013 Spring Sitting, with its membership amended that fall, the Committee was initially scheduled to report by the end of the 2014 Spring Sitting; its reporting deadline has been extended to the 2014 Fall Sitting.

On June 19, the RBHF Committee issued a news release, as well as a progress report. The latter noted: the Committee had spent “over 70 hours in meetings, learning about the process of hydraulic fracturing and the context of the legislative and regulatory regime for oil and gas in Yukon”; the Committee had received briefings from numerous individuals and groups; and in January, it had travelled to Alberta to tour an active hydraulic fracturing site, and meet with industry representatives, regulators,

and community organizations. The progress report also noted the Committee had held public proceedings in the Legislative Assembly Chamber on January 31, February 1, and May 27-28, 2014, to facilitate an informed public dialogue on the Committee’s eponymous subject matter.

In order to gather input from the Yukon public, First Nations, and stakeholders, the Committee had scheduled public hearings in a number of Yukon communities on a request-driven basis in addition to the two communities expressly stipulated in the Committee’s mandate (Old Crow and Watson Lake). The first four of a total of 12 hearings were held in late June in Watson Lake, Teslin, Old Crow, and Dawson City. In July, public hearings were held in Ross River, Faro, Carmacks, Pelly Crossing and Mayo. In September, public hearings will be held in Haines Junction, Carcross and Tagish (jointly), and Whitehorse.

Information concerning the committee and its work can be found at: <http://www.legassembly.gov.yk.ca/rbhf.html>

### Speaker’s Yukoners Cancer Care Fund Reception

On April 23, Speaker **David Laxton** hosted the second annual Speaker’s Reception in Support of the *Yukoners Cancer Care Fund*. Open to all Yukoners, the reception was held in the lobby of the Yukon Government administration building which houses the Legislative Assembly Chamber. The evening raised over \$18,000 for the fund, which “provides financial support to Yukoners fighting cancer and their families that are caring for them.” The establishment of the fund in 2013, following

the closure of the territory’s Canadian Cancer Society office, had been championed by former Commissioner **Geraldine Van Bibber**.

**Linda Kolody**  
Deputy Clerk



### The House of Commons

The Second Session of the Forty-First Parliament continued and the House adjourned for the summer break on June 20, 2014. This report covers the period from May 1 to July 31, 2014.

### Legislation

On May 27, 2014, the House adopted a motion which, amongst other provisions, temporarily set the ordinary hour of daily adjournment until the summer adjournment to midnight, Monday to Thursday (with some exceptions). Accordingly, the Government succeeded in accomplishing a substantial portion of its legislative agenda. Noteworthy among the bills which received Royal Assent were Bill C-23, *An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts*, better known by its short title, the *Fair Elections Act* and Bill C-24, *An Act to amend the Citizenship Act and to make consequential amendments to other Acts*.



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**Peter Julian** (Burnaby—New Westminster) rose on a point of order on May 30, 2014, with respect to the notice of time allocation given on May 29, 2014 by **Peter Van Loan**, Leader of the Government in the House of Commons, in relation to Bill C-17, *An Act to amend the Food and Drugs Act*. Mr. Julian alleged that the Government had failed to consult with the opposition parties in the manner required before the moving of a motion pursuant to Standing Order 78(3). In a ruling delivered on June 12, 2014, the Speaker concluded that, since it was not the role of the Speaker to determine whether consultations had taken place or not, the notice of time allocation for Bill C-17 was valid when it was given.

#### Financial Procedures

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All votes related to the ministries of Transport and Finance in the Main Estimates for the fiscal year ending March 31, 2015, were considered in a Committee of the Whole, pursuant to Standing Order 81(4)(a), on May 7 and 14, 2014, respectively. Main Estimates for the fiscal year ending March 31, 2015, were concurred in on June 10, 2014.

During consideration in Committee of the Whole of Bills C-38 and C-39, based on the Main and Supplementary Estimates for the year ending March 31, 2015, **Mathieu Ravnignat** (Pontiac) asked the Chair the customary question as to whether the bills were in their usual form. Mr. Van Loan then advised the Chair that the form of the Bills had been changed to present organizations in alphabetical order, as shown in the Estimates.

#### Points of Order

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On May 6, 2014, **Elizabeth May** (Saanich—Gulf Islands) rose on a point of order pertaining to her ability as an independent Member to put forth amendments with respect to Bill C-23, the *Fair Elections Act*. Ms. May maintained that the mechanism (suggested in an earlier ruling from the Chair) permitting independent Members to submit and speak briefly to amendments in committee had failed to function appropriately in the Standing Committee on Procedure and House Affairs and that she was left with no alternative but to ask that the Speaker permit her to submit her amendments for consideration at report stage. The Speaker ruled, on May 7, 2014, that the imposition of a deadline for the end of the debate in committee did not constitute a justifiable argument for the selection of amendments at report stage that were already presented and defeated in committee, and accordingly, he declined Ms. May's request.

On May 8, 2014, **Élaine Michaud** (Portneuf—Jacques-Cartier) rose on a point of order with respect to the fact that a document distributed to all Members in the Chamber by **Peter Goldring** (Edmonton East) had been in English only. The Speaker replied that, while Members were at liberty to distribute documents and to ignore material so distributed, it was desirable that Members follow the usual protocol with respect to the distribution of documents. Chief Government Whip **John Duncan** suggested that the party whips remind their caucuses of the accepted practice in this regard.

A dispute arose on May 16, 2014, with regard to the

Government's use of Standing Order 56.1, which specifies that "in relation to any routine motion for the presentation of which unanimous consent is required and has been denied, a Minister of the Crown may request during Routine Proceedings that the Speaker propose the said question to the House." The motion is adopted unless 25 or more Members rise to object to it. The dispute, initiated by Mr. Julian, centered on the question of what constituted a "routine motion" for the purposes of the Standing Order. It is important to note that the motion in question was a motion of instruction to the Standing Committee on Procedure and House Affairs directing it to investigate allegations of the inappropriate use of House of Commons resources by the New Democratic Party and ordering Leader of the Official Opposition **Thomas Mulcair** to appear in a televised meeting of the Committee; this was a motion that it would be difficult to classify as "routine" no matter what criteria were used in this regard. Also at issue were the potential difficulties of the current requirements of the Standing Order for smaller parties. The point of order was raised after Mr. Mulcair had already appeared in front of the Committee. In his ruling, delivered on June 12, 2014, the Speaker noted that the understanding of what constitutes a routine motion had been allowed to expand over the years, a development that had caused concern to successive Speakers. He observed that the motion in question was an attempt to direct the internal affairs of a Committee, thus stepping beyond what the House had come to accept as being within the confines of Standing

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Order 56.1. He said that he would have been inclined to rule the motion out of order had the matter been raised within a reasonable delay. He encouraged Mr. Julian to take up the matter of fairness for smaller parties of a Standing Order that requires a minimum of 25 Members to stand in order for it to be withdrawn with the Standing Committee on Procedure and House Affairs.

On June 11, 2014, during Routine Proceedings, Mr. Julian moved a motion of instruction, granting the Standing Committee on Justice and Human Rights the power to divide Bill C-13, *An Act to amend the Criminal Code, the Canada Evidence Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act*, into two bills: the first related to cyberbullying; and the second bill containing all the other provisions of Bill C-13 related to other online activity. Mr. Van Loan rose on a point of order, arguing that the motion was out of order as an almost identical motion had been debated and was already on the *Order Paper*. Mr. Julian countered that the rule of anticipation was ancient and no longer strictly observed. The Speaker ruled that upon examination of the two motions, it was clear to him that they were substantially the same and, accordingly, ruled against proceeding with the motion before the House.

### Committees

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Amendments adopted in committee were challenged on a number of occasions. In a ruling delivered on May 1, 2014, on a point of order raised on April 10, 2014, by **Brent Rathgeber** (Edmonton—St. Albert), regarding the admissibility of an amendment adopted by

the Standing Committee on Agriculture and Agri-Food to Bill C-30, *An Act to amend the Canada Grain Act and the Canada Transportation Act and to provide for other measures*, the Speaker ruled that, in the case of a bill referred to a committee after second reading, an amendment is inadmissible if it proposes to amend a statute that is not before the Committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill. Accordingly, he declared null and void one new clause and the amendments to several other clauses in the bill, and ordered that they be struck from the bill as reported and that it be reprinted.

On May 2, 2014, the Speaker ruled on a point of order raised by **Wayne Easter** (Malpeque) on April 9, 2014, concerning amendments contained in the *Third Report of the Standing Committee on Public Safety and National Security on Bill C-483, An Act to amend the Corrections and Conditional Release Act (escorted temporary absence)*, presented in the House on April 2, 2014. Mr. Easter alleged the amendments had caused the bill to move significantly away from its original intent and principle. The Speaker, in his ruling, stated that he could see nothing in the Bill as amended by the Committee which would alter its aims and intent, namely the limiting of the power of institutional heads to grant escorted temporary absences and providing a role for the National Parole Board in the granting of such absences. He therefore found that the amendments adopted by the Committee were indeed in keeping with the scope and principle of the bill as adopted at second reading and were admissible.

The Standing Committee on Justice and Human Rights continued to sit during the month of July in order to complete its consideration of Bill C-36, *An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts*. This bill is the Government's response to the Supreme Court's invalidating of the existing *Criminal Code* provisions with respect to prostitution. On July 15, 2014, the Committee completed clause-by-clause consideration of the bill and ordered that the Chair report the bill, as amended, to the House.

At the time of the summer adjournment, the Standing Committee on Procedure and House Affairs was conducting a study on the use of House of Commons resources by the Official Opposition. In a televised meeting of the Committee on May 15, 2014, the Leader of the Official Opposition, Mr. Mulcair, appeared before the Committee and mounted a spirited defense of his party's conduct. In a subsequent meeting held on June 18, 2014, the Committee heard evidence from **Marc Bosc**, Deputy Clerk of the House of Commons; **Richard Denis**, Deputy Law Clerk and Parliamentary Counsel; and **Mark Watters**, Chief Financial Officer on the same subject.

### Private Members' Business

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Numerous private members' bills have been passed by the House since the last election — one of the most prolific periods for such bills ever. Since last October only, five private Members' bills have received Royal Assent. One of the private

Members' bills passed by the House during the period covered by this report — C-442, *An Act respecting a Federal Framework on Lyme Disease* — was sponsored by an independent Member of Parliament, Elizabeth May (Saanich—Gulf Islands).

## Other Matters

### Members

By-elections were held on June 30, 2014, in four federal ridings. **John Barlow** (CPC) and **David Yurdiga** (CPC) were respectively elected in Macleod and Fort McMurray—Athabasca (Alberta), while **Adam Vaughan** (LPC) and **Arnold Chan** (LPC) were elected in Trinity—Spadina and Scarborough—Agincourt (Ontario), respectively.

### *Statements, Resolutions, Special Debates*

An emergency debate was held on May 12, 2014, on the subject of the kidnapping of girls in Nigeria.

The House adopted a resolution commemorating the 100<sup>th</sup> anniversary of the birth of **Jan Karski**, on May 15, and the 25<sup>th</sup> anniversary of the Tiananmen Square events on June 4.

Motions ratifying the proposed appointment of **Daniel Therrien** to the position of Privacy Commissioner and reappointment of **Mary Elizabeth Dawson** to the position of Conflict of Interest and Ethics Commissioner were adopted on June 5 and 12, 2014.

On June 4, 2014, the House resolved itself into Committee of the Whole in order to welcome Olympic and Paralympic athletes, with the Speaker presiding over the Committee of the Whole.

**Gary Sokolyk**  
Table Research Branch



## The Senate

During the late spring session, the Senate was busy examining legislation with the passage of 13 government bills (two of which were introduced in the Senate), four Commons Public Bills and two Senate Public Bills. The government bills included the budget implementation bill, supply bills and also Bill C-24, *An Act to amend the Citizenship Act and to make consequential amendments to other Acts*, which had been sent to the Standing Senate Committee on Legal and Constitutional Affairs for pre-study prior to it coming before the Senate. C-24 changed legislative provisions relating to Canadian citizenship in the areas of eligibility requirements, security and fraud, as well as application processing and review of decisions. During these three months, 16 bills received Royal Assent which included both written declarations and one traditional ceremony.

### Committees

Just before the summer adjournment, the Standing Committee on Conflict of Interest for Senators presented a report amending the *Conflict of Interest Code for Senators*. The amendments related to the duty of a Senator and the performance

of his or her parliamentary duties and functions. The amendments also renamed the Code to the *Ethics and Conflict of Interest Code for Senators*. The report was adopted prior to the summer adjournment.

### Senators

Four Senators either resigned or reached the mandatory age of retirement during the late spring sitting. The two who resigned were Senators **Hugh Segal** and **Roméo Dallaire**. Senators **Andrée Champagne** and **Catherine Callbeck** reached the mandatory retirement age of 75.

The first to depart was Ontario Senator Segal, an Order of Canada Recipient and former Chief of Staff to Brian Mulroney. Senator Segal was named to the Senate in 2005 by Prime Minister Paul Martin and served on many committees, including as Chair of the Special Senate Committee on Anti-terrorism and the Standing Senate Committee on Foreign Affairs and International Trade. Senator Segal resigned effective June 15 to become Master of Massey College in Toronto.

Quebec Senator Dallaire resigned his seat in the Senate effective June 17. Also an Order of Canada recipient named to the Senate by Prime Minister Martin, Senator Dallaire, a retired General, had served as Major-General of the United Nations Assistance Mission for Rwanda. He served on several Senate committees, most notably on National Security and Defence, where he was Vice-Chair and the Chair of its subcommittee on Veterans' Affairs.

A third Prime Minister Martin appointee, Quebec Senator Champagne retired on July 17. An actress and Pianist, Senator Champagne had previously



been elected twice to the House of Commons where she was the first woman appointed its Deputy Speaker. Senator Champagne was most recently the Deputy Chair of the Standing Senate Committee on Official Languages.

Prince Edward Island Senator Callbeck retired from the Senate on July 25. Before becoming a Senator in 1997 on the advice of Prime Minister Jean Chrétien, Senator Callbeck had served as Premier of Prince Edward Island. She was the first woman ever to be elected as Premier in Canada. Senator Callbeck served on numerous committees and was a particularly active member of the Committee on Social Affairs, Science and Technology and its subcommittee on Population Health.

**Vanessa Moss-Norbury**  
Procedural Clerk



## National Assembly

### General election and composition of the Assembly

The composition of the National Assembly has been as follows since the general election of April 7, 2014: Québec Liberal Party, 70 seats; Parti québécois, 30 seats; Coalition avenir Québec, 22 seats; 3 independent Members were elected under the banner of Québec solidaire.

The first session of the 41<sup>st</sup> legislature began on May 20, 2014. The sole candidate

for the office of President, **Jacques Chagnon**, Member for Westmount–Saint-Louis, was declared elected for a third term of office.

### Passage of bills and debate on the budget speech

During the short sessional period which ended on June 13, 2014, the Assembly passed five bills:

Bill 52, *An Act respecting end-of-life care*, which was carried over almost in its entirety from the previous legislature;

Bill 1, *An Act respecting the inspector general of Ville de Montréal*;

Bill 4, *An Act to amend the Act authorizing the making of collective agreements with a term of more than three years in the public and parapublic sectors*;

Bill 5, *An Act to amend the Act to limit oil and gas activities and other legislative provisions*; and

Bill 7, *An Act to ratify the agreement relating to the conduct of proceedings in the National Assembly and in parliamentary committees as well as to parliamentary offices and budgetary aspects for the duration of the 41<sup>st</sup> Legislature*.

The debate on the budget speech concluded at the last sitting and, following a recorded division, the motion by the Minister of Finance for the Assembly to approve the Government's budgetary policy was carried.

### Directive and rulings by the President

On May 26, 2014, the President gave a directive on the management of oral question period and the distribution of control measures and speaking times for statements by Members,

debates upon adjournment, business standing in the name of Members in opposition and interpellations, as well as on the distribution of speaking times for adjournment debates.

On June 13, 2014, the President gave a ruling on a complaint of breach of privilege or contempt raised by the Member for Sainte-Marie–Saint-Jacques. In her notice, the Member alleged that the Member for Jean–Lesage had addressed her using an inappropriate tone of voice while making an intimidating gesture at her. The President recalled that, as established by jurisprudence, he must accept a Member's word even though the situation calls into question certain elements that he himself did not witness. However, the rules governing the Assembly require Members to act with kindness and rectitude to ensure respect for parliamentary privilege, thus allowing them to perform their duties freely, without interference. Though the question of privilege was declared admissible, there were no further consequences, since the Member for Sainte-Marie–Saint-Jacques did not state an intention to present a motion regarding the conduct of the Member for Jean–Lesage. The Member sent a letter to the President in which he explained his version of the facts and apologized to the Member for Sainte-Marie–Saint-Jacques.

During the same sitting, the President gave another ruling on a complaint of breach of privilege or contempt raised by the Official Opposition House Leader, who put forward that the Minister of Municipal Affairs and Land Occupancy had allegedly been in contempt of Parliament by releasing the content of Bill 3, *An Act to foster the financial health*

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*and sustainability of municipal defined benefit pension plans,* before it was introduced in the Assembly. She argued that there were similarities between certain provisions contained in this bill and an article published in a newspaper. In the President's opinion, although certain specific elements of the bill were included in the article, it was impossible to say that the final version of the text of the bill was disclosed before its introduction. In light of the facts and parliamentary law, the Chair could not conclude that the minister was in contempt of parliament. The President recalled that Members are the only ones who have the legitimacy to assess whether the content of a bill is in the public interest and that it is a matter of respect for the fundamental role of Members in our parliamentary democracy.

### **Committee proceedings**

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Following the general election of April 7, 2014, the parliamentary groups came to an agreement relating to the conduct of proceedings in the Assembly and in parliamentary committees. New Standing Order provisions pertaining to committees were adopted for the

duration of the 41<sup>st</sup> Legislature. In this regard, three elements are worthy of mention.

First, the composition of committees was changed, increasing from 10 to 13 members distributed as follows: seven Members from the parliamentary group forming the Government, four Members from the Official Opposition and two Members from the Second Opposition Group, including one without the right to vote. When an independent Member becomes a committee member, the Government party is allowed an additional Member. The total number of members then increases to 15.

Second, a Member from a parliamentary group who is not a committee member cannot take part in a committee's proceedings unless it is examining the estimates of expenditure. Previously, a Member who was not a committee member was allowed to take part in the proceedings of any committee regardless of mandate.

Third, a special distribution of speaking times was established for mandates in which each parliamentary group disposes of a limited time period. Total time is shared equally between

the parliamentary group forming the Government and the groups in opposition. Of the 50 per cent allocated to the latter groups, 60 per cent is allocated to the Official Opposition and 40 per cent to the Second Opposition Group.

On June 2, each committee elected its chair and vice-chair. Exceptionally, the Committee on Public Finance (CPF) and the Committee on Public Administration each elected two vice-chairs. This special feature formed part of the agreement reached between parties.

Following the 2014-2015 budget speech on June 4, and within the framework of the ensuing debate, the CPF continued the debate for a 10-hour period. After the adoption of the Government's budgetary policy, the examination of the 2014-2015 expenditure estimates by the respective parliamentary committees was carried out after the Assembly had adjourned for the summer, on June 13, which is unusual. The last time the expenditure estimates were examined during the summer holidays dates back to July 2003.

**Nicole Bolduc  
and Cédric Drouin**

Parliamentary Proceedings  
Directorate