

Canadian Parliamentary Review



*Laws Affecting a Move
Between Elected Offices*
p. 23

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Know Your Mace

In 1964, 55 years after its creation as a wholly-elected body, the Yukon Territorial Council (now the Legislative Assembly) established a competition for the design of a Yukon Mace. In 1966, a design submitted by RCMP Corporal James Ballantyne was chosen. However, funding the Mace's creation took some time.

In 1971, the Government of Canada agreed to finance the project. Henry Birks & Sons of Montreal created the Mace at a cost of \$8,300. On March 6, 1972, at a ceremony in Whitehorse, Governor General Roland Michener presented the Mace to Ronald Rivett, Speaker of the Territorial Council, as a gift from the people of Canada.

Yukon's Mace is made of gold-plated sterling silver. A crown tops the head of the Mace. Beneath the crown is a topographical cross section of Yukon. The coats of arms of Canada and Yukon are on the head of the Mace. The five-kilogram Mace also features fireweed, Yukon's floral emblem; the figures of a miner, a trapper and a First Nations person; as well as etchings of Yukon scenery and other armorial bearings.

In 2014, the Mace was refurbished. As part of this process, the coats of arms were plated in white gold, providing a two-tone effect.

Floyd McCormick
Clerk of the Yukon
Legislative Assembly



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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Celebrating BC's First 100 Women Members of the Legislative Assembly
Hon. Linda Reid, MLA.....2

Disability in Parliamentary Politics.
Hon. Steven Fletcher, MP, Jennifer Howard, MLA, Mario Levesque, Hon. Kevin Murphy, MLA, and Hon. David Onley.....6

Constituency Office Security: A Best Practices Guide for Parliamentarians
Dennis Clark.....14

Harper's New Rules Revisited: A Reply to Knopff and Snow
David Schneiderman.....17

Changing House: The Law Affecting A Move Between Elected Offices
Heather Webb.....23

CPA Activities: The Canadian Scene.....29

One House Leads to Another: By The Numbers
Jacques Gagnon/Julie Anderson.....32

Parliamentary Bookshelf: Reviews.....35

New and Notable Titles.....38

Legislative Reports.....40

Sketches of Parliament and Parliamentarians Past
Susanne Hynes.....64

Celebrating BC's First 100 Women Members of the Legislative Assembly



Approaching the 100th anniversary of the election of BC's first woman Member of the Legislative Assembly in 1918, the author reflects on some of the achievements of the first 100 women MLAs elected in the province. She notes that these women have often proven to be excellent role models for young people aspiring to a career in politics and public service.

Hon. Linda Reid, MLA

In 2013 British Columbia achieved an important milestone with the election of its 100th woman Member of the Legislative Assembly. We are also approaching the 100th anniversary of the by-election victory of Mary Ellen Smith, the first woman elected to BC's Legislative Assembly, in 1918.

Between 1891 and 1914, 16 women's suffrage bills were introduced and defeated in British Columbia's Legislative Assembly. In April 1917, following a referendum on the issue undertaken in conjunction with the province's 1916 general election, British Columbia became the fourth province in Canada to grant women who qualified as British subjects the right to vote in provincial elections and to stand for provincial office. While this legislation heralded a great step forward for women's rights, the voting franchise would not become universal in BC until 1949, when it was finally broadened to include First Nations women and men, and women and men of Japanese background.



Mary Ellen Smith

I would like to take this milestone as an opportunity to celebrate the strength, character, and contributions of some of these remarkable provincial leaders.

Mary Ellen Smith

Born and raised in England, Mary Ellen Smith immigrated to British Columbia with her husband in 1891. Smith had been a passionate activist on the drive for women's suffrage in the province in the decades leading up to the successful 1916 referendum, so it was perhaps fitting when she was called upon to run in her husband's vacated seat following his sudden death in 1917. First elected as an "Independent Liberal," she was re-elected in 1920 and 1924 under the banner of the Liberal party of the day.

As an MLA, Smith continued her advocacy work on behalf of women, children and the underprivileged, introducing a bill calling for a minimum wage for women that remained in effect until 1972. She is additionally recognized as the first female member of cabinet and the first woman to preside over parliamentary proceedings as an acting Speaker anywhere in the British Empire.

The Hon. Linda Reid is Speaker of the BC Legislative Assembly. She is chair of the Canadian Regional branch of Commonwealth Women Parliamentarians.

Nancy Hodges

In 1950 British Columbia marked another first when Nancy Hodges was appointed as Speaker of the House — the first woman Speaker in any jurisdiction in the Commonwealth. Hodges grew up in London, England, before relocating to Kamloops, BC, in 1912 to facilitate her husband's tuberculosis convalescence. The couple moved to Victoria in 1916, where she served as women's editor for the *Victoria Times* newspaper and developed a strong reputation as a women's rights advocate.

Hodges won a seat in the Legislative Assembly in 1941, and served as a Liberal member of the Liberal-Conservative coalition that governed the province until 1951. She campaigned for the rights of women workers and women's property rights before her appointment as Speaker. After losing her seat in the 1953 provincial general election, Hodges was appointed to the Senate of Canada, becoming the first BC woman to sit in Canada's upper chamber.



Nancy Hodges

In addition to being recognized as the first visible minority woman elected to the BC Legislative Assembly, Brown was also the first African-Canadian woman — and only the second woman, after Mary Walker-Sawka in 1967 — to run for the leadership of a national party in Canada, finishing second in the 1975 New Democratic Party leadership campaign. In 1986, after serving three terms as an MLA, Brown left provincial politics, returning to work in academia, with international aid organizations, and as head of the Ontario Human Rights Commission.

Jenny Wai Ching Kwan and Ida Chong

MLAs Jenny Wai Ching Kwan and Ida Chong were both first elected in BC's 1996 general election, almost 50 years after a 1947 law extended the voting franchise to women and men of Chinese and South Asian backgrounds. Kwan and Chong became the first Chinese-Canadians elected to BC's Legislative Assembly, as well as the first and second Chinese-Canadian cabinet ministers in the province.

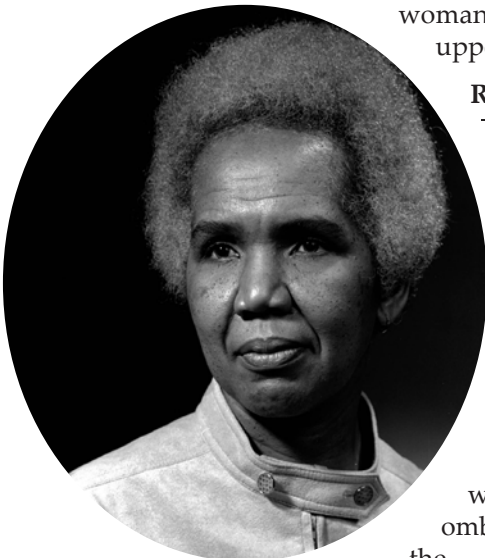
Born in Hong Kong in 1967, Jenny Wai Ching Kwan moved to Vancouver with her family when she was nine years old. She became Vancouver's youngest city councillor in 1993 before campaigning to become the New Democratic Party MLA for Vancouver-Mount Pleasant in 1996. During her first term in office, Kwan became BC's first Chinese-Canadian cabinet minister, holding portfolios in Municipal Affairs; Women's Equality; and Community Development, Cooperatives and Volunteers.



Jenny Wai Ching Kwan

Rosemary Brown

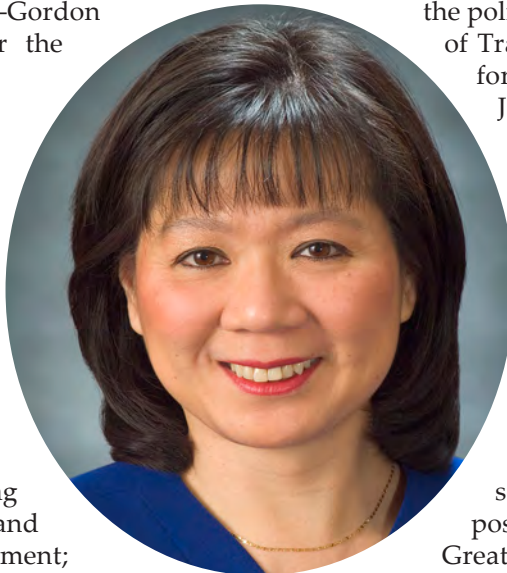
A generation later, another pioneering immigrant arrived in Montreal. Rosemary Brown emigrated from Jamaica to attend McGill University in 1951. After moving west, she served as ombudswoman for the Vancouver Status of Women Council before becoming the first African-Canadian woman elected to a provincial legislature in Canada, as the New Democratic Party MLA for Burrard in 1972.



Rosemary Brown

A daughter of a Chinese immigrant mother and second-generation Chinese-Canadian father, Ida Chong grew up in Victoria, BC. She spent close to 20 years as senior partner in an accounting practice and one term as a municipal councillor prior to her successful 1996 campaign to represent Oak Bay–Gordon Head as an MLA for the Liberal party.

The novice MLA was appointed Official Opposition critic for Small Business and deputy critic for Finance during her first term. After the 2001 general election resulted in a Liberal government, Chong held a variety of cabinet positions, including Community, Sport and Cultural Development; Science and Universities; Healthy Living and Sport; and Small Business.



Ida Chong

In recent decades BC women have proven themselves as leaders in virtually all of the province's top posts. Women have led all of the province's major provincial parties. Four women have been elected Speaker of the House, two have been appointed Lieutenant Governor, and two have served as Premier of the province, with women also maintaining a substantial and increasing presence at the cabinet table.

Rita Johnston

Canada's first woman premier, Rita Johnston, was born in Saskatchewan and raised in BC's Lower Mainland. Prior to entering politics, she spent years operating a successful small business in Surrey, BC, and served two terms as a



Rita Johnston

Surrey municipal councillor — experience she would later put to good use as Minister of Municipal Affairs. Johnston was first elected as a Social Credit party MLA for Surrey in 1983. In addition to serving as Minister of Municipal Affairs, where she received plaudits for her competent administration from colleagues across the political spectrum, she also spent time as Minister of Transportation and Highways, Minister of State for the Kootenay Region, and Deputy Premier. Johnston was appointed Premier on April 2, 1991, after the Social Credit caucus selected her to succeed Bill Vander Zalm.

Carole James

In 2003 the BC New Democratic Party elected its first woman leader, Carole James, who also made history by being the first woman to serve as provincial Leader of the Official Opposition. James has dedicated much of her life to public service, holding positions with the Greater Victoria School Board and as vice-president of the Canadian School Boards Association, and she also served an unprecedented five terms as President of the BC School Trustees Association. She was Director of Child Care Policy in the BC



Carole James

government for two years, and served on the Greater Victoria Region Social Planning Council, the City of Victoria Parks and Recreation Committee, and the Task Force on Violence prevention.

- Photo Credits: Mary Ellen Smith (B-01563), Nancy Hodges (I-32485), and Rosemary Brown (1-32427) courtesy of the Royal BC Museum, BC Archives. All other photos courtesy of the Legislative Assembly of British Columbia.

Christy Clark

British Columbia's current Premier Christy Clark was first elected to the BC Legislative Assembly on May 28, 1996 as a Liberal MLA. Following the 2001 general election, she was appointed Deputy Premier and held portfolios in Education, and Children and Family Development, before deciding to take time away from public life to focus on her family. In 2011 she returned to politics to successfully contest the Liberal Party leadership race following the departure of Premier Gordon Campbell. Clark was sworn in as Premier on March 14, 2011. In 2013 she achieved another milestone, becoming the first woman in BC to lead a party to victory in a provincial general election. She currently serves as BC's second and longest-serving woman Premier.



Christy Clark

As of the time of writing, 31 of BC's 85 MLAs are women, including eight of 20 cabinet ministers. At the Legislative Assembly, four of eight active committees (including the Legislative Assembly Management Committee) are chaired by women. I am honoured to serve as Speaker, and the longest-serving current MLA, at a time when the Speaker, the Lieutenant Governor and the Premier are women, and when both parties with official status in the Legislative Assembly have been led by women.

One of my greatest privileges as an elected MLA is to meet with students and young people and speak with them about how they can contribute to making BC a more prosperous and secure province. Our first 100 woman MLAs provide a rich diversity of role models and leaders who have worked hard to make BC a better place. Their record and achievements serve to inspire young people – and all of us – to continue their work to make a positive difference in our communities.

Disability in Parliamentary Politics

Although parliamentarians and public figures with disabilities have attained a heightened profile in Canada over the past decade, new research suggests that people who identify as having a disability are not seeking public office in numbers representative of their place in the general population. In this roundtable the Canadian Parliamentary Review gathered scholars, parliamentarians and public officer holders who have an interest in disability and politics to discuss the state of parliamentary politics for persons with disabilities and strategies for making political life more accessible to Canadians.

Hon. Steven Fletcher, MP, Jennifer Howard, MLA, Mario Levesque, Hon. Kevin Murphy, MLA, and Hon. David Onley

CPR: Prof. Levesque, your recent research suggests persons with disabilities are not seeking elected office in numbers representative of their place in the general population. Why is participation in elected politics among persons with disabilities so low?

ML: I first became interested in this topic by wondering if we elect people with disabilities, or women, or Aboriginals or other identifiable groups to political office in numbers equivalent to their place in the overall population; and, once elected to office, if members of these groups make a difference in policy relating to the particular issues they face.

To begin, I tried to get a sense of the numbers by distributing a survey to all the presidents of the provincial political parties. My focus is the provincial

level because there's little existing material on it. I asked them: 1) if they sought out candidates with disabilities, 2) whether there were specific mechanisms they used to attract people such as funding, and 3) to list the candidates with disabilities who had run in the past three elections. I also asked for their ridings because there's a body of literature that suggests political parties tend to run marginal or minority candidates in ridings they have little chance of winning just to achieve a quota faster.

I received about 21 responses and they suggested that only about one per cent of the candidates who ran provincially in the last three general elections were persons with disabilities. This is really, really low when anywhere from 15 to 21 per cent of the population identifies as having a disability. Also, none of the parties that responded stated that they have any particular recruitment strategies to identify and encourage these potential candidates to run. Instead they look for the best candidate for the riding in order to win the riding. In one case a party approached a person with a disability to run, not because they were actively seeking to be representative of the population, but because they already knew the person from their work within the party and they considered them a strong candidate.

DO: What's your definition of disability, by the way?

ML: It was broad. It could be a physical disability; it could be a learning disability; it could be an intellectual disability. I tried to be as inclusive as possible on that front.

The Hon. Steven Fletcher is Conservative MP for Charleswood — St. James — Assiniboia (Manitoba). He is a former Minister of State for Transport and for Democratic Reform. Jennifer Howard is a New Democratic Party MLA for Fort Rouge (Manitoba). She is a former Minister of Finance and Minister responsible for Persons with Disabilities and the Status of Women. The Hon. David Onley is a former Lieutenant Governor of Ontario. A former journalist, he was one of the first on-air media personalities in Canada with a visible disability. The Hon. Kevin Murphy is Speaker of the Nova Scotia Assembly. Elected as a Liberal MLA for Eastern Shore (Nova Scotia), he is the first Speaker in a Canadian jurisdiction with a permanent, long-term physical disability. Mario Levesque is an Assistant professor at Mount Allison University who specializes in public policy analysis and public administration. His recent research explores disability policy and politicians with disabilities at the provincial level.



Steven Fletcher

DO: What's interesting is there is an *a priori* assumption that the best candidate would not be someone within that 15 per cent of the population, therefore they didn't look there.

ML: It did puzzle me though. I looked at this data and I wondered if persons with disabilities who may consider running didn't identify with the political parties. So, I dug up all the party constitutions I could find across Canada and I found there were no specific provisions in the constitutions. There was only one party constitution which had any sort of language dealing with disability and that was the Ontario New Democratic Party. They have a disability rights committee as a part of their party. And that's interesting because a number of other parties have committees for particular groups, like the Saskatchewan NDP's Rainbow Pride Committee or its Aboriginal Committee. The Ontario NDP also has a policy to get three-quarters of their non-incumbent targeted seats

to have candidates from affirmative action target groups, including people with disabilities.

CPR: Perhaps we can ask the politicians if they can speak to the mechanisms, or lack of mechanisms, to encourage candidates with disabilities to run. And are their roadblocks which dissuade these people from running?

KM: We held an event concerning disability, policy and political party recruiters here in Nova Scotia called Forum 29 with the hope of getting people with disabilities involved with democracy. As the first Speaker of a legislature in Canada with a disability, I related my own personal story about how I was introduced and groomed and got to the point where I actually put my name on the ballot. Our end goal was to inspire people to put their name on a ballot at some point in time, and although we had a good turnout I found there was a lot of misinformation out there, at least among the people who attended. There was not a great understanding of the political system and how it works in Canada and there was not a great understanding of the difference between parties.

To be frank, although we're slowly growing out of it, I think there's a history of people with disabilities not being encouraged to become involved with these sorts of things. And it's for a host of reasons – traditional unemployment levels are higher, there are socio-economic barriers, the day-to-day reality of living with a disability and worrying about your own personal circumstances. Getting involved in politics is so far off most persons with disabilities' radars, that I think it's contributed to the small numbers that were alluded to earlier.

CPR: On the other side of that equation, there are philosophical differences among parties about recruiting candidates based on a group identity.

SF: I am absolutely opposed to affirmative action, particularly for me. I think if you're going to go into politics it can be pretty rough. Federally I had to go through two contested nominations, one for the Canadian Alliance and when the parties merged one for the Conservatives, and then run against a man named Glen Murray, who was a well-known and popular mayor in Winnipeg. Now there was a challenge during the nomination when some people were passing around notes saying "Fletcher is a cripple and just wouldn't be able to do the job." But the vast majority of the people in the party ignored that.



Jennifer Howard

I also found that when I was door-knocking, people were very surprised to see that I was in a wheelchair. And I was aware of that. When I first ran in 2004 and we did the campaign literature there would have been difficulty seeing that because at the time there were some very powerful stereotypes of persons with physical disabilities. People often think if you're in a wheelchair there may be a cognitive problem. People will speak to you louder thinking for some reason that being in a wheelchair affects your hearing. Rather than combating these stereotypes one by one, I thought it best to demonstrate through action that, yes I can door-knock and do all the things that an MP needs to do and I can do it very well. I'm blessed to have a very good education with an engineering degree before my accident and an MBA after my accident.

So when it came down to the politics, I had to demonstrate that I could do it. I couldn't just ask for a waiver. That would just be inconceivable to me. You

have to demonstrate that you can get through the nomination process to prove that you can get through and election.

That said, I did face some substantial barriers. Even things like road cuts and pot holes. I became convinced that Glen Murray had planned this for a decade and had tried to stymie me by keeping the streets full of potholes throughout the riding. (*Laughter*). But the other real challenge I had was with my insurance company. Manitoba Public Insurance did not want me involved in politics. In fact I still have the note saying "If Fletcher were ever to become a Member of Parliament we would have no way of mitigating our expenses." What's the point of having insurance? I was going to live as normal as life as possible and they were, at least initially, very hard to that idea.

CPR: Actually, this might be an opportunity to ask about Manitoba, which I believe is currently the only province to refund additional expenses incurred by candidates with disabilities if they reach a certain threshold of the popular vote.

JH: I didn't actually know that we're the only ones with it. I think it is something that should be done elsewhere. In my campaign, one of the ways we used that was with door-knocking. My disability is mobility-related in that I have difficulty walking long distances. It was actually Steven who inspired me to use a scooter while door-knocking. We were at an event and he said "I can see twice as many people while door-knocking in my chair with my team." I wondered why I was trying to do it like everyone else, but for me it caused pain and it meant that I was grumpy by the time I got to someone's door, which is never good for a politician. So I began using a scooter and had extra staff with me to go to the door if it wasn't accessible and I was able to claim these extra expenses.

And just to touch on an earlier point in the discussion about candidate search, in my party, when doing a candidate search, we have to actively seek out people with disabilities and women and other minority groups. I'm sure every party wants to ensure they have the best candidate, but sometimes we already have an image in our minds of who the best candidate is. I think one of the ways to ensure we don't exclude people with disabilities is to ensure they're on the list of people to think about and to ask. One of the things I have often found is that people who don't live with disabilities have preconceptions. During my nomination there were certainly some



Mario Levesque

people among the NDP supporters who said “maybe they should have picked someone else who would have been physically able to do more door-knocking” before I did the Steven Fletcher version of door-knocking. That plays into people’s perceptions of what we’re capable of. One of the things we must do during candidate selection and recruitment is to pause and think, “Are we approaching everyone who might be a good candidate or are we automatically striking someone off the list by thinking it would be so hard for someone who is blind to run, so we obviously just won’t ask them.”

And then we learn from each other. Being a woman in politics I find this is true. If we have women with small children, or men with small children, we ask “How do I balance running for office and taking care of the kids?” They learn from others who have faced that question. I think having events where you have people who have run, and who have run successfully,

with disabilities talking to other people who might be interested and wondering “what are some of the tricks of the trade?” “How do you fit into a world that wasn’t designed for you?” And people with disabilities are experts at that because we do it every day.

CPR: A number of you have been either elected or appointed to positions in a parliamentary democracy and have had a high-profile. Is that visibility in itself helping to break down barriers?

SF: I’d say yes. Before I tried to hide because of the systemic stereotypes, I had been worried about that. But any questions that people may have had about how I would do the work have been answered. And this has created awareness on Parliament Hill. There are more ramps around and they’re rebuilding the parliamentary precinct and I think it’s going to be more accessible than it might have been otherwise.

What I notice in Ottawa politics is that very few people have ever met and gotten to know someone in a wheelchair, let alone be a colleague of that individual. So they’re not familiar. The people who report on the laws and the lawmakers – the media – I’ve found they haven’t really dealt with people with disabilities before. Just look at how they angle the camera or take the picture or how they talk. And then we wonder why we have bad laws around disability in Canada.

I think having accessible housing, accessible transit, home care support and financial support allows more people with disabilities to get out into the community and the more normal and familiar it becomes. And it’s not just politics. We want to see people with disabilities as CEOs, or warehouse managers, or working at Best Buy. Why can’t a person with a disability work at a retail store? I’ve never encountered a person with a disability, at least in a wheelchair, working at a retail store. Why not?

KM: Just to speak briefly in support of what Steven said, visibility is the best thing we have in terms of recruitment of people with disabilities who are capable of fitting the job description. I don’t agree with affirmative action either in its traditional sense. I’m not looking for any free rides. I don’t think anyone based on their race, background, disability, or whatever should get a free pass. They should pass the test that any party or elected office would have. If you can do the job, manage the demands of the job, and are qualified, then we have to encourage these people to consider politics as a viable choice for them.



Kevin Murphy

In Nova Scotia I'd been kicking around the Liberal Party for 15 years as a volunteer. I worked my way up to the policy table. And I can tell you – and I'm not suggesting this as a boast – since I've been sitting around the government caucus table there have been more things happening with regard to people with disabilities, disability policy, the locations of meetings, accessibility of meeting places and accommodations because where I can't go in my wheelchair neither do my colleagues. My colleagues now approach their way of doing business a little bit differently because the level of awareness has increased.

There are people out there who are very good candidates who for whatever reason have not given consideration to entering public life. And certainly with my Speaker's hat on, I've made a point to reach out to all parties and encouraged them to consider people with disabilities and also to encourage their local ridings associations to look at the entire

population and to make sure they're not missing any good candidates just because they may have a disability or some other circumstance.

DO: After being in the position of Lieutenant Governor for seven years – an apolitical and unelected office that has allowed me to observe things in an apolitical way – I really felt and I still believe that people with disabilities are the final group in our society yet to achieve full civil rights. It's a term that tends to grab people's attention and I've phrased it deliberately that way. But I go back to the *a priori* assumption I mentioned earlier. You could just not fathom in Canada today that any political party would opt not to look for a woman to be a candidate because they looking for the "best" candidate and the "best" candidate wouldn't be a woman. You can't conceive that any party would say "well, we haven't look for any persons of colour to run for office because we're just looking for the best candidates." It's just not part of the thinking process. And yet, it still is part of the thinking process as it pertains to people with disabilities. And until that changes, people like us in this conference call, who have a range of disabilities, are going to the exceptions.

And yet, having said that, friends and acquaintances on Parliament Hill have told me that Steven has done more to change the physical reality on Parliament Hill than the previous five decades of legislation such as it was. The same I think applies for the Queen's Park complex in Toronto where the office of the lieutenant governor is housed. More was done to make the building accessible to all of the citizens of Ontario who happen to have mobility issues because I became lieutenant governor than even in the previous years when the already in-place and very good *Ontarians With Disabilities Act* was being enforced. It took the appointment of a person who uses an electric scooter to get around before the issue was addressed.

Until we get to a point where the parties don't blink an eye when considering a candidate with a disability in the same way as they wouldn't when thinking about a person or colour or with a different sexual orientation, that one per cent figure we heard about at the start of our conversation won't budge much. And yet, the longer that people who have a disability have a high profile in the political realm, the more it's going to encourage other people with disabilities to seek public office.

CPR: Two questions come to mind as follow-ups based on some of what was said. First, people have



David Onley

said that visibility of persons with disability in public offices tends to spur change. Do you find yourselves becoming the *de facto* representative for people with disabilities or the specialist in debates, and is that a role you're happy to take on? And second, and somewhat related, I wanted to ask about non-visible disabilities. Would people with these kinds of disabilities be at a disadvantage in terms of raising their profile and combating stereotypes?

JH: I was lucky enough to be appointed as the minister responsible for people with disabilities, so I was both officially and unofficially the spokesperson. But I was always conscious in that role about not becoming tapped as the expert on accessibility. What I've found is that I may be the expert on what I need in order for the world to be accessible for me, but I don't know, beyond what I've been able to learn through experience, about what someone who is deaf needs or someone whose disability is mental illness. I think

it's natural that people will want to put you into that position so they can say they've got the advice or the blessing of the minister responsible for persons with disabilities and therefore they must be fine. I was always clear with people that there are experts who can help you design accessible events and accessible spaces and I can give you some advice and point you in the right direction, but that's not my expertise. I think it's important to remember that people with disabilities are incredibly diverse, have different experiences and different needs in the world.

I was the minister in Manitoba who brought in the *Manitobans With Disabilities Act*, modelled after Ontario's act but also different. Whenever you waded into that area you get the sense that people become nervous because they expect to be judged based on perfection and if they don't measure up they'll be treated harshly. When we brought it in I said we would try to be the model for the legislation, but I was up front that we were not going to hit the mark every time. We're not going to the perfect. But we're going to listen and when we don't get it right we're going to change the way we do things. Breaking down barriers and making the world a more accessible place is a journey. I don't believe that you get to a destination where everything is fine. Every time a new technology is developed, every time there's a new architectural fad, we have to revisit how to make these things accessible to all. I was conscious in my time as minister not to let perfection be the enemy of good policy. I think that acknowledgement of the learning process brought on board some other people who might not have otherwise been part of that discussion.

In constructing that legislation we had a great process where we had people with disabilities, people who worked with people with disabilities and representatives from the business and public sector who came together to talk about how to make Manitoba a more accessible province, and we learned together and from each other. We came out of that process with a piece of legislation that not only had the support of all the parties in the legislature, but also all of those groups. It probably took longer than most people who have liked, but I would not have short-changed that journey because I think it made the legislation stronger and it will stand the test of time. And, moreover, the discussions between the groups and business led to greater understanding that will ultimately benefit them all.

SF: Behind the scenes I do a lot to make sure the issue of accessibility is considered. When I was

minister of state for transport I was responsible for the Marine Atlantic ferry service and I wanted to make sure they had accessible accommodations. The new ships are very good and have accessible rooms. VIA Rail has some accessible cars now. But it was always behind the scenes. I declined an invitation to be the honorary chair of a standing committee on disability because I don't want to be "the disability guy." That's not what my constituents elected me for. They wanted me to focus on things around taxation, immigration and the economy.

If I could share one of my pet peeves; I think Speaker Murphy mentioned it – your colleagues not going to places which you can't access. I'm constantly invited to places for receptions or dinners that are not wheelchair accessible. I find it so rude. It would be like me and David and Speaker Murphy inviting Jennifer out to dinner and when you get there you find out it's a men-only club.

CPR: Prof. Levesque, you mentioned at the start of this discussion that in your research you used a very broad definition of disability including several non-visible disabilities such as mental disabilities or intellectual disabilities. These kinds of disabilities tend not to be disclosed as often in politics. What has your research uncovered about this?

ML: That's the fun thing about research. You're often left with more questions than answers. From my perspective, I'm not advocating issues but rather trying to unpack things all the time. My survey was voluntary, so perhaps that one per cent figure is lower than what it is currently. And it also did not compel them to identify people with disabilities nor do all people with disabilities have to self-identify publicly. And some people may not consider themselves to be a person with a disability.

I'll give you an example, when I was at Forum 29 in Nova Scotia a couple of people came up to me. They were MLAs and they had heard I was doing this research. They said "I'd like to identify to you that I do have a disability, but please do not identify it or me in any of your research because even my political party does not know. I have not identified to them because I'm afraid it will mean I won't get certain positions within the party." I heard this from people across party stripes at that session and also elsewhere across Canada. The stigma and discrimination is a huge factor and barrier. Trying to break that down, I think it's important to have leaders who are elected and are visible.

To give you an example, research by one of my students examined BC after the last election because a number of people with disabilities were elected. MLAs Stephanie Cadieux and Michelle Stillwell were interviewed and asked what prompted them to get involved in politics and they answered that one factor was Sam Sullivan. They both said "if he could do it, then I can do it and I want to do it. I want to make a difference too." So the people with disabilities who are elected to office and become well-known – their reach goes far beyond what they could imagine or know. I applaud all of them for their work for their constituents as with any MLA, but I think beyond that their impact and influence on people with disabilities goes far beyond what many might think.

And, for example, Sam Sullivan when interviewed was asked if being at the table makes a difference. He said that it absolutely does. You might not see it with specific policy options, but when you're at the table you will find people will not bring up certain policy options. It won't be discussed, it won't even be broached because he's sitting there at the table. They know it's not an option. That's power!

JH: I do want to come back to the issue of disclosure of disabilities and people being afraid to self-identify. There is still a tremendous stigma attached to disability, to varying degrees, and I think a significant portion of that stigma is attached to mental illness. It is thought of, in politics, as a liability to mention that you have any issues with depression or anxiety. Yet we know from the figures in the general population that there are people in elected life that deal with those issues. But we still have this expectation of strength and perfection from politicians that does mean that people are less likely to disclose invisible or less visible disabilities.

I remember early in my political career being asked to be on a committee dealing with disability and the woman who asked me said "You know, I don't even think of you as having a disability because you're so intelligent." And this was a good person whose moment of not thinking, or moment of ignorance, shone through. That is still something we have to break down. Some of that is the example we set in living our lives and some of that is being willing to show vulnerability which some of us have more choice in than others. I can put up with an event where the only access is up three flights of stairs. I can grumble under my breath, but I can do it. Or I can have the courage to say "You know, that's very difficult for me to do. Is it possible to move it to an accessible location?" Not

all of us have that choice. But it does mean having to reveal a certain vulnerability. And that's difficult because people have this perception that politicians are supposed to be perfect and strong; and yet at the same time they can believe we're the most imperfect and weak individuals – it's interesting. Still, there is an image of politicians and it's one that does not equate to being vulnerable. I think this is something that prevents a lot of people living with less visible disabilities from admitting in order not to appear vulnerable. It's some we need to create space for in all of our parties.

SF: Just to dovetail on what Jennifer was saying. I think if you have a disability in politics it can and will be used against you by your political competition. That often comes from within your own caucus. People will make assumptions and perpetuate these assumptions to advance their agenda. That can happen, and I've seen that happen. By in large everyone is great, but there are always a few who will hold it against you if real or imaginary issues arise.

KM: To touch on the issue of hidden disabilities, when we were doing Forum 29 last year I reached out to all parties to get involved. I have a colleague on my side of the floor who confided in me that he has dyslexia and it's been a challenge for him throughout his whole life. He was very inspired and did participate in Forum 29, but he did not, to use a phrase, "come out of the closet as it were" publicly or to the party about his personal circumstances. He plans to identify eventually, but everything about that kind of disability and the stigma about its reflection on his intelligence is a very real fear for him. If he does disclose it, he will have to come to terms with it himself and be fully aware of his feelings about it to move forward and then hope that people will continue to see him for the person he is and not for the physical condition he has.

CPR: Thank you all very much for taking part in this discussion. This topic is one we could spend much more time on.

Constituency Office Security: A Best Practices Guide for Parliamentarians

In this article, the author discusses the particular security challenges encountered when establishing and managing a constituency office. Drawing on the Legislative Assembly of Ontario's Investigative/Liaison Unit's best practices, he outlines steps constituency office staff can take proactively to secure their work places from potential disruptions.

Dennis Clark

Constituency offices are an integral part of our political infrastructure. They are friendly, open, customer-service environments that must balance security needs with the needs of the public to have access to their elected members. However, in today's world the nature of constituency offices encountering increasing security challenges must be addressed.

These challenges are not far removed from those that are present at our legislatures. Whether the threat comes from a deliberate attack, accident or naturally occurring event, the response will be significantly aided by previous undertakings to put security measures in place.

I had the pleasure of observing an excellent presentation on the security of constituency offices while attending the Canadian Sergeant-at-Arms Conference in British Columbia. Representatives from the Ontario and British Columbia legislatures focused on their respective programs, which were established to provide security assistance to constituency offices. The discussions that followed the presentations were also most informative.

These discussions fit well with many of the articles published in a recent issue of the Canadian Parliamentary Review (Volume 37, No. 2), which

explored interesting aspects of constituency life. This article focuses on another aspect of constituency life – the need for safety and security measures. Constituency offices are inherently inviting facilities that, in addition to everyday issues, must deal with persons with emotional and volatile concerns; there is also an increasing tendency for these offices to become a gathering point for demonstrators.

Ontario's System

Before becoming Ontario's Sergeant-at-Arms, I spent 30 years as a dedicated member of the Royal Canadian Mounted Police. When you spend as much time as I have in law enforcement you are apt to accept this difficult truth: what people think will never happen to them does indeed happen to someone almost every day. This reality makes a proactive approach to security an intelligent choice.

While it is not specifically the mandate of the Sergeant-at-Arms office to establish a safety and security program for constituency offices, I believe this service is an undertaking that affords protection to both the constituency office and the legislature itself. One could make a strong argument that it is, at the very least, due diligence to extend the protection afforded to Members at their respective legislatures to their constituency offices. Moreover, constituency staff who dedicate their time to our communities deserve a safe environment in which to work. This is not only a moral obligation; it is also a legal obligation in many parts of our country.

Dennis Clark has served as the Legislative Assembly of Ontario's Sergeant-at-Arms for over 17 years following a 30-year career as an RCMP officer.



Constable Rohit Sharma of the Investigative Liaison Unit and Deborah Austin-Bunyak, an office administrator for the Legislative Security Service, discuss the constituency office safety and security program.

In Ontario, we have developed a program designed to educate Members and their staff about proper security protocols and how to handle difficult or even dangerous situations. The impetus for our program came about during a provincial labour dispute in the late 1990s, when our security service was inundated with calls from MPPs and constituency staff inquiring about strike activities and general safety. Since that time, we have fielded hundreds of calls from constituency staff regarding other safety and security concerns.

Attending to the security of constituency offices can seem like a daunting task when one takes into account the distance that must be covered in a large province like Ontario. Constituency offices here are spread across 1,076,395 square kilometers of territory. Devising a plan that allows our team to visit these offices within a reasonable timeframe does take planning and resources.

While on-site visits are the preferred option, there are multiple ways to share information in a timely manner. The creation of an electronic presentation or written materials can be a great addition to a new Member's welcome package following each election.

From Constituency Office to Legislature

Issues and concerns that arise at constituency offices often follow the Member to the legislature. Being aware of these issues in advance can substantially increase security providers' ability to prepare for possible outcomes. Therefore, constituency staff are a great source of information and can assist us to better prepare for possible disruptions by alerting us to incidents.

For example, incidents such as a 2013 episode in Ontario, where four members of a militant activist group were charged with forcible confinement after

attending a constituency office and refusing to allow the Member to leave, or an early 2014 incident in Vancouver where a man entered a constituency office and allegedly assaulted an assistant to the MLA while engaging in a homophobic rant, should always be reported to the security provider in place at the respective legislature.

On-site Visits

In Ontario, members of our Investigative/Liaison Unit visit constituency offices and prepare a safety and security report. We offer viable, cost-effective, and workable solutions, acting as a resource and making recommendations that Members are at liberty to implement.

Our constituency office visits also give us the opportunity to introduce our Legislative Security Service and to explain who we are, what we do and how we can assist. These meetings allow us to forge bonds with the constituency staff that prove mutually beneficial.

A component of our program is based on the Crime Prevention Through Environmental Design (CPTED) model. This approach to deterring criminal behaviour is multi-disciplinary. We believe that most constituency offices can be made safer through the application of design principles that make it more difficult to carry out inappropriate activities. The idea is to use the structural and environmental elements of a building such as windows, doors, parking, landscaping, and lighting to minimize the opportunity for crime.

Staff Training

Constituency staff provide services in an increasingly complex and dynamic social environment with diverse constituents. It is important that a safety plan exists for front-line workers which addresses exit strategies, de-escalation techniques and risk assessment.

Basic self-defence techniques, as well as a reporting system that can assist front-line workers to evaluate the potential for elevated risks of violence, are essential to promoting a safe working environment. We field calls on a regular basis from Members and constituency staff seeking advice on how to proceed with difficult clients. Currently we are looking to expand our program to offer an annual training day for constituency staff that may not be able to avail

themselves of the individualized program. Following each election we encourage newly elected Members to contact our security service for assistance in evaluating their security needs prior to choosing an office and entering into a lease agreement.

We also act as a liaison between the constituency office and the local police service. It never ceases to amaze me how many police services do not consider the security issues of a constituency office that is located within their district or division. It has been our experience that the police services appreciate the opportunity to become acquainted with the staff and are happy to supply resources to the constituency office when they have legitimate safety concerns.

Conclusion

The prevention of workplace violence and harassment should be a top priority for all employers. A safe workplace nurtures respect, creativity, allegiance, commitment and productivity. Should any readers wish additional information on establishing or enhancing a constituency security program, beyond our best practices checklist, I would be pleased to offer my services in support of your efforts.

Best Practices Checklist
Constituency offices should have:
<ul style="list-style-type: none">○ Both front and rear entrances.○ A counter with a swing-entrance to assist with access control.○ A personal office closed in by interior walls with a separate entrance.○ A waiting area free from movable objects.○ A separate file room with locking cabinets.○ Protective coating on all glass to prevent shattering.○ Closed-circuit television (CCTV).○ An electronically controlled entrance to control access.

Harper's New Rules Revisited: A Reply to Knopff and Snow

*This article offers a response to arguments put forward by Rainer Knopff and Dave Snow in the Canadian Parliamentary Review about the 2008 prorogation controversy. In "Harper's New Rules' for Government Formation: Fact or Fiction?" (Vol. 36, No. 1), Knopff and Snow dismiss the theory that the Conservative government and its well-known supporters in the punditry believed that changes in partisan control of parliamentary government could only occur following fresh elections, thereby establishing "new rules". Instead, they suggest the arguments of government supporters at the time, most notably those of political scientist Tom Flanagan, fit within the mainstream of Canada's parliamentary tradition and engaged with an "older consensus" articulated by constitutional expert Eugene Forsey in *The Royal Power of Dissolution*. In his response to this piece, the author is critical of Flanagan's engagement with Forsey's book-length argument and suggests Forsey's conditions for dissolving parliament and holding a new election were not met in the face of the proposed coalition government in 2008.*

David Schneiderman

What constitutional sense can we make of the prorogation controversy of December 2008? Prime Minister Harper claimed that the proposed Liberal-NDP coalition could not take power without a fresh election. Anything short of a vote flouted democratic principles. Conservative talking points alleged this amounted to a 'coup d'état.' Opinion writers Tom Flanagan¹ and Michael Bliss² jumped into the fray, Flanagan alleging that the coalition's "apologists didn't pay attention in Political Science 101" and instead promoted a "head-spinning violation of democratic norms."³ The opposition's conceit, maintained Bliss, was that "they can legally succeed in what millions of Canadians see as the overturning of the outcome of the democratic election, and do it without giving Canadians the ultimate say in the matter."⁴ Could not governments change hands without fresh elections? Though coalition governments at the federal level have mostly been the exception,

one would think that this was entirely consistent with Canadian parliamentary traditions.

For this reason, Peter Russell felt the need to restate what he called the "golden rule." First, parliamentary elections "are not like hockey games." Party leaders do not "win the right to govern simply by leading the party that gets the most seats," rather, they have only the privilege of forming a government that has the confidence of a majority of the House of Commons.⁵ Second, under parliamentary rules of government, if Harper lost the confidence of the House, the governor general could call on the coalition government, led in the interim by Stéphane Dion, if it had a reasonable prospect of securing majority support. Russell coined the term "Harper's new rules" to describe these new terms of engagement.⁶ Aucoin, Jarvis and Turnbull agreed that "changing the government without an election has always been considered a possible outcome following the defeat of a government on a vote of confidence."⁷ The deep disagreement over what the constitutional rules entailed during this episode, they argued, lent credence to their view that the absence of clear rules regarding the functioning of important features of parliamentary democracy undermined the operation of responsible government in Canada.

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The problem with the views of the Prime Minister and his supporters, then, was that it seemed deeply at odds with history and tradition.⁸ Conservatives, moreover, were uncharacteristically slow to identify how their views fit within that tradition. Five years after the event, Rainer Knopff and Dave Snow attend to this deficiency by claiming that the Prime Minister intended to lay down no new rule that the defeat of a minority government always results in a new election.⁹ They respond specifically to Russell and Aucoin, Jarvis and Turnbull's characterization of "Harper's new rules": that parliamentary elections result in the election of the prime minister and that the prime minister cannot be changed without another election.¹⁰ This characterization of Conservative talking points and editorial opinion, Knopff and Snow argue, is a manufactured one.¹¹ Neither Harper nor his proxies, like Flanagan, promoted an "elections only" view of governmental transition. They made no claim that a change of government necessitates a fresh election in every case, only in *this* case. On most other occasions – what they call "normal" circumstances – no election would be warranted.¹² "Harper's new rules," they conclude, "turn out to be rather mythical."¹³

"Normally," Flanagan wrote, since "the last election was so recent, a defeated prime minister should not expect a new election, and the opposition should get a chance to govern. But this is not a normal situation."

Both Russell and Aucoin, Jarvis and Turnbull looked to (former Harper advisor) Tom Flanagan for an explanation of the 'basic tenets of the Conservative's version of the constitution.'¹⁴ Regrettably, Flanagan never laid out an explanation in any comprehensive way. Rather, all that the critics referred to was a short editorial opinion published in the *Globe and Mail* in January 2009, as the crisis was winding down.¹⁵ There, Flanagan maintained that electing the prime minister is one of the "most important decision[s] in modern politics," in which case, "a gross violation of democratic principles would be involved in handing government over to the coalition without getting approval from the voters."¹⁶ Flanagan's editorial opinion looked very

much like an insistence, without qualification, on an election whenever there is a change of government.

"A Gross Violation of Democratic Principle"

The problem, Knopff and Snow argue, is that the critics ignored a Flanagan editorial opinion published one month earlier¹⁷ which they claim, "thoroughly fits into the older consensus" about when dissolution (though not prorogation) should occur.¹⁸ Flanagan claimed that criteria articulated by the venerable constitutional authority, Eugene Forsey, had been satisfied by the threat of the coalition government, warranting a new election. "Normally," Flanagan wrote, since "the last election was so recent, a defeated prime minister should not expect a new election, and the opposition should get a chance to govern. But this is not a normal situation." Flanagan then cited Forsey's book-length defence of Lord Byng's refusal to grant Prime Minister Mackenzie King parliamentary dissolution in *The Royal Power of Dissolution of Parliament in the British Commonwealth*.¹⁹ Even Forsey admits, observed Flanagan, that if (quoting Forsey) "some great new issue of public policy had arisen, or there had been a major change in the political situation" the Governor General would have been required to accede to King's request. "The emergence of the opposition coalition has satisfied both those conditions for going back to voters," Flanagan concluded. This is because Liberal leader Stéphane Dion "explicitly rejected" the prospect of a coalition with the NDP during the course of the 2008 electoral campaign. Bringing in the Bloc Québécois as a "supporting partner," though not a formal coalition partner, is "an even more radical step," maintained Flanagan. This is why it is "preposterous," he wrote, "to install a Bloc-based coalition in power without giving voters a chance to discuss it."

Knopff and Snow claim that Flanagan's engagement with this "older consensus," articulated by Forsey in *The Royal Power of Dissolution*, situates Flanagan within the mainstream of Canada's parliamentary tradition. That should be sufficient, they maintain, to dispense with claims about "new rules," etc. But, did Flanagan engage with that tradition, in general, and Forsey's text, in particular? Did the circumstances of December 2008 satisfy Forsey's criteria of "a great new issue of public policy" or a "major change in the political situation"? This begs the question: what are the parameters of that "older consensus"?

It is important, before answering this question, to acknowledge that in December 2008, the Prime Minister merely was seeking prorogation of a parliamentary



The prorogation controversy of 2008-2009 prompted many Canadians to become more engaged and knowledgeable about parliamentary procedures. Above: January 23, 2010 Parliament Hill prorogation demonstration.

session and not the dissolution of Parliament. The circumstances therefore concerned a less drastic request and so lessened the stakes considerably. Yet the terrain over which there is disagreement is whether dissolution would be warranted in the case of a change of government – precisely the object of Forsey’s book. From this angle, the stakes remain quite high, hence, the need to get the extant rules right.

What Are the Parameters of the ‘Older Consensus’?

Forsey’s authoritative tome is an exhaustively researched defence (remarkably, this was Forsey’s doctorate hastily completed while teaching full-time at McGill University²⁰) of the Governor General’s refusal to dissolve Parliament in 1926 at the request of a prime minister facing an impending motion of censure.²¹ Rather than accede to Mackenzie King’s request for dissolution, Governor General Byng called upon Arthur Meighen, leader of the Conservative opposition, to form the government. That government fell in less than a week.²²

Resisting the proposition that a prime minister is entitled automatically to dissolution upon demand, Forsey acknowledged that there are circumstances in which dissolution could be granted. No government was entitled to dissolve Parliament unless, among other things, some “great new issue of public policy had arisen” or “there had been a major change in the political situation,”²³ though the precedent on this front was mixed.²⁴ Forsey tended to treat “some great new issue of public policy” and “major change in the political situation” as interchangeable.²⁵ Flanagan contended that, by proposing that which Dion explicitly rejected during the September 2008 campaign, namely a coalition government, Dion “wrought a *fundamental change* in the political situation because it involved an entire potential government, not just this or that policy” and so satisfied Forsey’s “conditions” warranting dissolution and a new election.²⁶

Let us accept, for the moment, that a “great issue of public policy” or “major change in the political situation” warrants dissolution (as mentioned,

the evidence of established practice is equivocal). Forsey's lawyerly scrutinizing of the record nowhere suggests that coalitions could not legitimately arise after an election or that such a coalition satisfied these conditions. To the contrary, Forsey considers coalition governments, both before and after elections, as a foreseeable response to political exigencies. He expressly contemplates, for instance, coalitions arising in response to repeated dissolutions.²⁷ More to the point, in his response to A.B. Keith's proposal that dissolution be granted automatically upon the Prime Minister's request,²⁸ Forsey suggests otherwise. Instead of dissolution, Forsey asks, why should the electorate not "take the consequences [of a prior election] in the form of a coalition or a series of minority Governments?"²⁹ Coalitions may be short lived, Forsey insists, in which case might "it not be the wish of the House, and also the country, that there should be a new coalition, or a new minority Government with independent support from another party, without a general election?"³⁰ Note that Forsey envisages "new" coalitions, not only those that are floated during election campaigns. Forsey expressly contemplates a scenario where two parties might join together after an election, in a passage that deserves to be quoted at length.³¹

If two Opposition parties, hitherto at issue on some great question of public policy, drop their opposition to each other and 'fuse', then it certainly seems reasonable for the minority Government to challenge the new, fused party in the country. But if the opposition 'coalition' is merely a temporary arrangement for the purposes of the division lobby; if it expresses no more than purely negative agreement that the existing Government is undesirable; then it may be questioned whether, in all circumstances, it is reasonable that a minority Government should be granted a dissolution.

The Liberals and NDP appeared to have no plans of forming a coalition – indeed, we were reminded that Liberal leader Dion expressly rejected it³² – until precipitated by the events of November 2008. In the face of a mounting global economic crisis, the government's November 27 financial statement threatened to withdraw per-vote political subsidies for all federal political parties, cap public service wages, temporarily suspend the right to strike, and remove pay equity claims from the Canadian Human Rights Commission jurisdiction.³³ As for the government's fiscal prospects, Minister of Finance Jim Flaherty predicted small budget surpluses in the coming years.³⁴ This prompted the opposition parties to immediately begin scheming in advance of a looming confidence vote. This resembled the scenario of a temporary coalition rather than one where political parties, formerly in disagreement on

some great issue of public policy, change their views and 'fuse' into a single new party. It is reasonable to question, then, whether a minority government should be granted dissolution and an election held in the circumstances of 2008 according to Forsey's own discussion of the matter.

Could it be that the role the Bloc Québécois would play in propping up the proposed coalition gave rise to some great new issue of public policy that then warranted an election?

Australian precedent in 1909 suggests that even in cases of 'fusion,' it may be reasonable not to accede to a request for dissolution. According to Justice H.E. Evatt, parties in 1909 were divided over "great questions of public policy: immigration and the land tax, and defence."³⁵ During the election campaign, there was no prospect of any cooperation forthcoming between the two non-Labour opposition parties (the Protectionists and the Free Traders). Negotiations toward a coalition (the so-called "Fusion" government) between opposition parties was made even more difficult because some members of the proposed coalition were of the view that the electorate in 1906 had been led to believe that no coalition was possible.³⁶ The threatened Labour government described the coalition as a "monstrous combination" that was "hatched in darkness."³⁷ The Governor General, Lord Dudley, however, refused Prime Minister Fisher's request for dissolution.³⁸ The governor general, Evatt concludes, "proceeded upon a principle which was not out of accord with what until then had been accepted as Australian practice."³⁹ A.B. Keith described the exercise of discretion in this case as "unwise" and "contrary to constitutional usage."⁴⁰ This was not the case, maintained Evatt, though it "may not have been wisely exercised."

"This Changes Everything"

Could it be that the role the Bloc Québécois would play in propping up the proposed coalition gave rise to some great new issue of public policy that then warranted an election?⁴¹ Flanagan, in his 2008

editorial, maintained that this was “an even more radical step” than the proposed Liberal-NDP coalition government.⁴² This is particularly awkward for Harper and his former adviser Flanagan to have argued. In a co-authored essay from late 1996, they precisely contemplated a formal pact with the Bloc after a federal election, calling for the construction of a new conservative alliance “at least of the two Anglophone sisters [the Progressive Conservative and Reform Parties] and perhaps ultimately including a third sister.”⁴³ The “third sister” is an allusion to the Bloc Québécois, whose rural supporters they describe as “voters who would not be out of place in Red Deer, except that they speak French rather than English.”⁴⁴ We also know that as Conservative opposition leader, Stephen Harper proposed some sort of arrangement with the Bloc and NDP in a September 9, 2004 joint letter to then Governor General Adrienne Clarkson during the life of the minority Liberal government of Paul Martin.⁴⁵ The letter described the opposition parties as “together constitut[ing] a majority in the House,” and as “hav[ing] been in close consultation.” The joint letter continues: “We believe that, should a request for dissolution arise this should give you cause, as constitutional practice has determined, to consult the opposition leaders and consider all of your options before exercising your constitutional authority.”⁴⁶ Documents proposing a joint speech from the throne even were circulating.⁴⁷ It is “without question,” explained then-federal NDP leader Jack Layton, that Harper was prepared to enter, if not a formal coalition, into “some kind of relationship with the Bloc.”⁴⁸ So, the Bloc’s support hardly satisfied the “great issue of public policy” or “major change in the political situation” criteria articulated by Forsey.

The second of these two events are acknowledged by Knopff and Snow for the purposes of showing that Harper did not hold to an elections-only view prior to 2008.⁴⁹ Whatever Harper’s earlier views, Knopff and Snow fail to acknowledge that the Bloc’s support of the coalition would not have satisfied Forsey’s conditions for dissolution. This, after all, was merely a ‘temporary arrangement,’ expressing ‘no more than purely negative agreement that the existing Government [was] undesirable.’

“Mythical New Rules”

Indeed, Knopff and Snow decline altogether to take a position on whether Forsey’s conditions were met in 2008.⁵⁰ They admit only that the question is “of course, contentious and debatable.”⁵¹ Instead, they argue that, by reason of Flanagan’s engagement with Forsey’s

scouring of the commonwealth record on dissolution, it was not the case that Flanagan (or those in agreement with him) held to an elections-only rule in the case of the defeat of a minority government. “Harper’s new rules,” they claim, “turn out to be mythical” – the critics have set up only “straw men” to knock down.⁵² It turns out, in fact, that Flanagan’s engagement with Forsey’s careful account was superficial and muddled. It amounted to a denial of precedent and flew in the face of Forsey’s own words on the subject. If not a “new rule,” it verges on the fanciful.

Notes

- 1 Tom Flanagan, ‘Only Voters Have the Right to Decide on the Coalition’ *The Globe and Mail* (9 January 2009) A13.
- 2 Michael Bliss, ‘Playing Footsie With the Enemy’ *National Post* (4 December 2008) A23.
- 3 Flanagan, ‘Only Voters Have the Right to Decide on the Coalition.’
- 4 Bliss, ‘Playing Footsie With the Enemy.’
- 5 Peter H. Russell ‘Learning to Live With Minority Parliaments’ in Peter Russell and Lorne Sossin, eds., *Parliamentary Democracy in Crisis* (Toronto: University of Toronto Press, 2009), pp. 136-49 at 137.
- 6 Russell, *ibid.* at 141.
- 7 Peter Aucoin, Mark D. Jarvis, and Lori Turnbull, *Democratizing the Constitution: Reforming Responsible Government* (Toronto: Emond Montgomery Publications, 2011) at 173.
- 8 Lawrence Leduc, ‘Coalition Government: When it Happens, How it Works’ in Peter Russell and Lorne Sossin, eds., *Parliamentary Democracy in Crisis* (Toronto: University of Toronto Press, 2009), pp. 123-35.
- 9 Rainer Knopff and Dave Snow, “‘Harper’s New Rules’ for Government Formation: Fact or Fiction?” *Canadian Parliamentary Review* 2013 (Spring): 18-27.
- 10 Russell, p. 141.
- 11 Knopff and Snow, “‘Harper’s New Rules’ for Government Formation,” p. 25.
- 12 Knopff and Snow, “‘Harper’s New Rules’ for Government Formation,” p. 23. In most other circumstances, they write, ‘a governor general’s refusal of early dissolution remains entirely legitimate’ (at p. 23).
- 13 Knopff and Snow, “‘Harper’s New Rules’ for Government Formation,” p. 25.
- 14 Aucoin, Jarvis, and Turnbull, p. 175.
- 15 Tom Flanagan, ‘Only Voters Have the Right to Decide on the Coalition’ *The Globe and Mail* (9 January 2009) A13.
- 16 Flanagan, *ibid.*

- 17 Tom Flanagan, 'This Coalition Changes Everything' *The Globe and Mail* (8 December 2008) A15.
- 18 Knopff and Snow, "'Harper's New Rules" for Government Formation,' p. 19.
- 19 Eugene A. Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth* (Toronto: Oxford University Press, 1943).
- 20 Helen Forsey, *Eugene Forsey: Canada's Maverick Sage* (Toronto: Dundurn, 2012), p. 37.
- 21 Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth*, pp. 132, 145.
- 22 Forsey, *ibid.*, pp. 131-39.
- 23 Forsey, *ibid.*, p. 262.
- 24 Forsey, *ibid.*, pp. 265, 266. Forsey refers to Sir Robert Peel as originating authority for the proposition, later endorsed by Lord John Russell (*ibid.*, pp. 265, 267). Todd affirms that there must be 'an important political question ... at issue.' See Alpheus Todd, *Parliamentary Government in the British Colonies*, 2nd ed. (London: Longman's, Green, and Co., 1894) pp. 773-74. See also Arthur Berriedale Keith, *The King and the Imperial Crown* (London: Longmans, 1936) p. 177 ('an important change of policy').
- 25 Forsey, *ibid.*, p. 265; cf. Eugene A. Forsey, 'Professor Angus on the British Columbia Election: A Comment' *The Canadian Journal of Economics and Political Science* (1953) 19: 226-30, p. 228.
- 26 Flanagan, 'This Coalition Changes Everything.' (emphasis added).
- 27 Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth*, p. 93.
- 28 A.B. Keith, *The Constitution of England from Victoria to George VI, Volume I* (London: Macmillan, 1940), pp. 86-87. 'Normally,' Keith writes 'the electorate should be allowed to decide, for it may be held to take the consequences of returning a dubious verdict in the previous contest.'
- 29 Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth*, p. 111.
- 30 Forsey, *ibid.*, p. 116.
- 31 Forsey, *ibid.*, p. 117.
- 32 Stephen Chase, 'Dion Rules Out Coalition' *The Globe and Mail* (23 September 2008).
- 33 Finance Canada, "Economic and Fiscal Statement" (27 November 2008) online at <http://www.fin.gc.ca/ec2008/speech/speech-eng.html> (accessed 8 August 2012).
- 34 Les Whittington and Bruce Campion-Smith, 'Showdown Looms Over "Mean" Tory Blueprint' *Toronto Star* (28 November 2008).
- 35 Herbert Vere Evatt, *The King and His Governors: A Study of the Reserve Powers of the Crown in Great Britain and the Dominions* (London: Oxford University Press, 1936), c. VI. The episode is discussed in Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth*, pp. 35-37 and in Henry Gyles Turner, *The First Decade of the Australian Commonwealth: A Chronicle of Contemporary Politics, 1901-1910* (Melbourne: Mason, Firth and McCutcheon, 1911) pp. 214-21.
- 36 Evatt, *The King and His Governors*, p. 51.
- 37 Evatt, *ibid.*
- 38 Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth*, p. 37.
- 39 Evatt, *The King and His Governors*, p. 54. Fischer was returned to government in the election one year later (at p. 53).
- 40 Arthur Berriedale Keith, *Responsible Government in the Dominions, Vol. 1* (Oxford: Clarendon Press) p. 165.
- 41 Even Michael Ignatieff, Dion's immediate successor as leader of the Liberal Party, claims that the coalition lacked 'legitimacy and stability' in his post-political reflections in *Fire and Ashes: Success and Failure in Politics* (Toronto: Random House Canada, 2013) at 112.
- 42 Flanagan, 'This Coalition Changes Everything.'
- 43 Stephen Harper and Tom Flanagan, 'Our Benign Dictatorship' *The Next City* (Winter 1996-97) 2(2): 34-39, 54-57 at 54.
- 44 Harper and Flanagan, *ibid.* at 55.
- 45 Lawrence Martin, *Harperland: The Politics of Control* (Toronto: Viking Canada, 2010) at p. 183.
- 46 Brian Topp, *How We Almost Gave the Tories the Boot: The Inside Story behind the Coalition* (Toronto: Lorimer, 2010) at p. 34.
- 47 Joanna Smith, 'Alliance, PCs eyed 2000 deal with us, says Bloc leader' *The Toronto Star* (4 December 2008).
- 48 Martin, *Harperland* at p. 183.
- 49 Knopff and Snow, "'Harper's New Rules" for Government Formation,' p. 24.
- 50 Knopff and Snow, *ibid.*, p. 23.
- 51 Knopff and Snow, *ibid.*
- 52 Knopff and Snow, *ibid.*, p. 25.

Changing House: The Law Affecting A Move Between Elected Offices

This paper identifies, by jurisdiction, statutory provisions that affect holders of elected office intending to stand as candidates for another legislative (or local) office. It is hoped this compact account of dual-office law will be of particular use to those interested in moving into or out of provincial politics.

Heather Webb

It is not surprising that legislators will pursue several goals in the course of their political lifetimes; politics is a vocation and the political life can be a strongly held taste. Many provincial legislators have become Members of Parliament (MPs) or vice versa, and some have moved from provincial party leadership—sometimes from the office of the premier—to federal party leadership. Municipal office holders of all stripes have entered provincial and federal politics, sometimes finding their way into cabinet, while members of the Ontario legislature have resigned to run for mayoral office.

The move from one political career to another is often governed by statute, although the rules vary depending on the jurisdictions and offices concerned. Legislators considering their options might care to know if they may keep their current seat if they are unsuccessful in their attempt to be elected to another legislature or council. In other words, may the cushion of their present seat be held to soften a possible fall, or must it be given up before the jump is made?¹

In some cases, candidates must resign their current seats before the new vote takes place or even before declaring their candidacy; in others they must resign only before they take a seat elsewhere. Looking at Canada's federal government and each

of its provinces and territories, this article identifies provisions that affect holders of elected office who seek candidacy for another legislative (or local) office.

The Law in Canada

From a Provincial Legislature to the House of Commons

Senators are not eligible to be elected to, or to sit or vote in, the House of Commons.² Likewise, the following two federal statutes render ineligible members of provincial legislatures from candidacy to the House of Commons:

- The *Canada Elections Act* states that members of provincial legislatures are not eligible, while members, to be candidates for election to the Commons and the election of a person declared ineligible is void.³
- The *Parliament of Canada Act* states that a person who is a member of a provincial legislature on the day of nomination for a Commons seat may not be nominated, voted, or eligible for Commons membership. If such a person is nevertheless elected, the election is void.⁴

From the House of Commons to a Provincial Legislature

In the first few years after Confederation it was possible for Members of Parliament to simultaneously sit in provincial legislatures. The first House of Commons had about 25 dually-elected members; indeed, a majority of the provincial cabinet ministers in Ontario and Quebec were also simultaneously

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federal members.⁵ Today, however, a Member of Parliament who is elected to a provincial legislature and actually takes the provincial seat will void his or her election to the House of Commons.⁶

An exception to this rule may be made where the MP (i) was elected provincially without knowing of or consenting to the election, and (ii) resigns the provincial seat within 10 days of being notified of the election.⁷ It would be impossible today to be elected without knowing about it, but when this provision was first enacted in 1873, an MP might not find out until after the fact that he had been successfully run in a provincial riding.⁸

A person declared ineligible to be an MP must forfeit \$2,000 for each day he or she sits or votes in the House of Commons.⁹

The Law in the Provinces and Territories

Even if federal statute did not preclude a person from holding a provincial and a federal seat at the same time, many provincial and territorial election statutes would narrow or eliminate the opportunities for doing so. As for provincial and territorial members becoming MPs, although the *Canada Elections Act* makes the matter moot, some jurisdictions also address the issue in statutes.

The provincial and territorial statutes also address Senate membership and local office, and are dealt with in greater detail below.

British Columbia

If a member of the British Columbia Legislative Assembly sits or votes as a member of the House of Commons of Canada, the person ceases to be a member of the Legislative Assembly and, for as long as the person is a member of the House of Commons, he or she is disqualified from being nominated as a candidate to, being elected to, or holding office as a member of the Legislative Assembly.¹⁰

There is no statutory restriction on the nomination, election, or seating of a provincial member to or on a municipal council or school board.¹¹

Alberta

A person is disqualified from membership of Alberta's Legislative Assembly if that person (i) is a

member of the House of Commons or Senate at the time of becoming a member of the Assembly, or (ii) becomes a member of either the House or Senate while a provincial member.¹² In neither scenario does the statute require resignation in order to *run* for office.

There does not appear to be any statutory restriction on the nomination, election, or seating of a provincial member to or on a municipal council or school board.¹³

Saskatchewan

No Senator, MP, or member of another provincial or territorial legislature is eligible for nomination and election to the Saskatchewan Legislative Assembly.¹⁴

Where a member of the Saskatchewan Legislative Assembly is elected to the House of Commons or another provincial or territorial legislature, or is appointed to the Senate, the member's seat in the Legislative Assembly is immediately vacated.¹⁵

It does not appear that a person's ability to hold concurrent membership in the legislature and a municipal council is restricted by statute.¹⁶

Manitoba

Members of the Senate, the House of Commons, or of another provincial legislature are not eligible for nomination as candidates for the Manitoba Legislative Assembly.¹⁷ The election of such a candidate is void, and an ineligible candidate who actually sits or votes in the legislature can be convicted of a summary conviction offence and fined \$200 for each day he or she sits.¹⁸

Members of the Senate, the House of Commons, and the Legislative Assembly are also disqualified from being nominated for, elected to, or serving as a member of municipal councils.¹⁹ Members of the Senate and the House of Commons are specifically disqualified from being nominated for, elected to, or serving as a member of Winnipeg city council.²⁰

The *Municipal Councils and School Boards Elections Act* includes no cross-disqualifications between school board or municipal council membership, on the one hand, and membership in the provincial legislature, on the other.²¹

Ontario

In Ontario no person who is a member of the House of Commons or the Senate on the day of nomination for provincial election is eligible to be a candidate for the Legislative Assembly. If such a person nevertheless runs and wins, the person with the next greatest number of votes shall be returned.²²

Further, a member of the Legislative Assembly is prohibited from holding office as a member of a municipal council,²³ while provincial members, federal MPs, and Senators are ineligible from being elected to or holding municipal office.²⁴ Likewise, provincial or federal members are disqualified from being elected to or acting as a member of a school board.²⁵

The *Municipal Elections Act, 1996* clarifies that a member of the Legislative Assembly, the House of Commons, or the Senate is not ineligible for nomination in a municipal or school board election simply by virtue of being a member of those bodies. Rather, the member will be ineligible where he or she is still a member of one of those bodies at the close of nominations on nomination day.²⁶ This proviso does not apply to members of the Executive Council of Ontario or federal Ministers of the Crown, which suggests that their resignation from ministerial office would be required before seeking nomination in a municipal or school board election.²⁷

A municipal councillor may run for and be elected to the Legislative Assembly without resigning council. The *Legislative Assembly Act* deems the individual to have resigned the council seat when his or her election to the legislature is published in the *Ontario Gazette*.²⁸ The election to the legislature of a person who is disqualified, ineligible, or incapable of being elected is void and such a person forfeits \$2,000 for each day he or she sits or votes.²⁹

Quebec

Quebec's *Election Act* provides that members of "the Parliament of Canada" (i.e., Senators and MPs) are disqualified from election to the National Assembly.³⁰ A seat in the National Assembly becomes vacant if a member is appointed to the Senate or becomes a candidate for election to the Commons or another provincial legislature.³¹

Quebec and federal cabinet ministers are disqualified from membership of municipal

councils.³² While other members of the National Assembly, the House of Commons, or the Senate may become a member of a municipal council, they must resign from the Assembly or Parliament within 31 days of taking the oath of municipal office, failing which they lose council membership.³³ A council member who becomes a member of the Assembly or a federal House is disqualified from holding office on council while the other membership is continued.³⁴ There are no corresponding cross-disqualifications for *running*.

Federal and provincial members are disqualified from election as school commissioners; this appears to mean that provincial and federal members would have to resign to seek election as a commissioner.³⁵

It would be impossible today to be elected without knowing about it, but when this provision was first enacted in 1873, an MP might not find out until after the fact that he had been successfully run in a provincial riding.

New Brunswick

Although legislation in New Brunswick formerly disqualified members of the House of Commons and the Senate from being elected as provincial members, this prohibition was repealed in 1993.³⁶ Currently only mayors and councillors of municipalities are ineligible to be members of the Legislative Assembly or to sit or vote in the Assembly.³⁷

There appear to be no cross-disqualifications involving school boards and the legislature.

Nova Scotia

No member of the House of Commons or the Senate, and no person holding a nomination for election to the House of Commons, may be nominated for election to the Nova Scotia legislature, or sit or vote in the legislature, until the federal membership or nomination has been resigned and the Provincial



Politicians considering a change in jurisdiction should be aware of laws which may disqualify them from certain offices.

Secretary so informed.³⁸ A provincial seat becomes vacant if the incumbent becomes a Senator or is nominated for federal election.³⁹ For further certainty, anyone ineligible under any statute for membership in the legislature is incapable of being nominated for election to the legislature.⁴⁰

Members of the House of Commons, the Senate, and the provincial legislature are disqualified from membership of a municipal council.⁴¹ A councillor who is elected to the Legislative Assembly or the House of Commons, or who is appointed to the Senate, must resign from the office of councillor within 30 days of such election or appointment.⁴² For elected officials considering a move to or from a municipal council, there does not appear to be any prohibition on retaining their current seat while *running*.

Prince Edward Island

No member of the House of Commons or the Senate is eligible as a member of the Prince Edward

Island legislature, nor shall he or she sit or vote in the legislature while a member of the House of Commons or the Senate.⁴³ The *Election Act* effectively prohibits the nomination for election to the legislature of any person who is ineligible under any statute for membership.⁴⁴

There do not appear to be any prohibitions on a provincial legislator seeking election to municipal office in Prince Edward Island. Further, any mayor or councillor of the City of Charlottetown or the Towns of Stratford and Cornwall must be granted, for the purpose of running in a federal or provincial election, a leave of absence without remuneration, beginning when the person files nomination papers and continuing until the end of the election.⁴⁵

The *School Act* has no cross-disqualifications involving school boards and the legislature.⁴⁶

Newfoundland and Labrador

Newfoundland's *Elections Act, 1991* does not say anything about the effect on provincial membership of serving municipally or federally.⁴⁷ A person is, however, disqualified from being nominated as a candidate for city councillor if he or she is a member of the House of Commons, the Senate, or another provincial legislature.⁴⁸

The *Schools Act, 1997* creates no disqualifications for school board membership based on provincial membership.⁴⁹

Yukon

No member of the House of Commons, the Senate, or the legislative assembly of any province is eligible to be a member of Yukon's legislature.⁵⁰ A Yukon member who sits and votes in the House of Commons, the Senate, or the legislative assembly of any province becomes ineligible to sit in the Yukon legislature.⁵¹

A member of council who is elected as an MP, to Yukon's Legislative Assembly, or to the legislative assembly of a province is disqualified from the council.⁵² A member of council who has been disqualified from holding office is liable for a fine of up to \$1,000.⁵³

Northwest Territories

A person is not eligible in the Northwest Territories to be a candidate for the legislature during membership in the House of Commons, the Senate, or another provincial or territorial legislature.⁵⁴

Members of the legislature are disqualified by the *Local Authorities Elections Act* from being nominated for, or running for, municipal office or school board membership.⁵⁵

Nunavut

A person is not entitled to be a candidate for an election to Nunavut's Legislative Assembly if, on the day the person files his or her declaration of candidacy, the person is a member of the House of Commons, the Senate, or the legislature of any province or of another territory.⁵⁶ The election of any person who is ineligible to be a candidate is void.⁵⁷

Nunavut has adopted the Northwest Territories' *Local Authorities Elections Act* and members of the legislature are therefore disqualified from being nominated for, or running for, municipal office or school board membership.⁵⁸

Conclusion

This paper has set out statutory provisions in Canada affecting an elected official's move toward candidacy for another legislative or local office. Other Commonwealth jurisdictions have also adopted restrictions on an elected official's ability to run for or occupy another elected position, although they vary from country to country. In Australia, for example, a member of either House of Parliament is incapable of being chosen for, or of sitting as, a member of the other House.⁵⁹ In the United Kingdom, it is possible for a member of the House of Commons to simultaneously hold a seat in the devolved bodies in Scotland, Wales, and Northern Ireland, although it appears that this practice is ending in the latter two jurisdictions.⁶⁰

While the law in Canada does not always require candidates to resign their current seat before seeking a different office, it may still be politically advisable for them to do so. Candidates may want to consider demonstrating their commitment to the new office and avoid any perception of conflict of interest by resigning their current seat.⁶¹

Notes

- 1 Running in several federal ridings in the same election—Sir John A. Macdonald once ran in three—was once a favoured method of increasing one's chances, but this is no longer possible (J. Patrick Boyer, *Election Law in Canada: the Law and Procedure of Federal, Provincial and Territorial Elections* (Toronto: Butterworths, 1987), vol. 1, p. 545). It is specifically forbidden by some—but not all—election statutes in Canada, but even where not specifically forbidden, the practice is unknown. See Boyer, *Election Law*, p. 541, and F.F. Schindeler, *Responsible Government in Ontario* (Toronto: University of Toronto Press, 1969), p. 84.
- 2 *Constitution Act, 1867* (U.K.), 30 & 31 Vict., c. 3, reprinted in R.S.C. 1985, App. II, No. 5, s. 39.
- 3 S.C. 2000, c. 9, ss. 65(c) and 76.
- 4 R.S.C. 1985, c. P-1, s. 22.
- 5 Boyer, *Election Law*, p. 541.
- 6 *Canada Elections Act*, s. 23(1).
- 7 *Ibid.*, s. 23(2).
- 8 Boyer, *Election Law*, p. 541.

- 9 *Canada Elections Act*, s. 24(1).
- 10 *Constitution Act*, R.S.B.C. 1979, c. 62, s. 32.
- 11 *Local Government Act*, R.S.B.C. 1996, c. 323; *School Act*, R.S.B.C. 1996, c. 412.
- 12 *Legislative Assembly Act*, R.S.A. 2000, c. L.9, s. 26.
- 13 *Local Authorities Election Act*, R.S.A. 2000, c. L.21.
- 14 *Legislative Assembly and Executive Council Act, 2007*, S.S. 2007, c. L-11.3, s. 11(1) (d) and (e).
- 15 *Ibid.*, s. 11(2).
- 16 See e.g., s. 26.1(1) of the *Local Government Election Act* which only disqualifies judges, as well as auditors or solicitors of a municipality, from being nominated or elected as municipal councillors (S.S. 1982-83, c. L.30.1).
- 17 *Legislative Assembly Act*, C.C.S.M., c. L110, s. 11.
- 18 *Ibid.*, ss. 19 and 21.
- 19 *Municipal Act*, C.C.S.M., c. M225, s. 91(c).
- 20 *City of Winnipeg Charter Act*, S.M. 2002, c. 39, s. 23(2)(d).
- 21 *Municipal Councils and School Boards Elections Act*, C.C.S.M., c. M257.
- 22 *Legislative Assembly Act*, R.S.O. 1990, c. L.10, s. 7(1).
- 23 *Ibid.*, s. 9(1).
- 24 *Municipal Act, 2001*, S.O. 2001, c. 25, s. 258(1)3. See also the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A, s. 203(1)3.
- 25 *Education Act*, R.S.O. 1990, c. E.2, s. 219(4)(d).
- 26 *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., s. 29(1.1).
- 27 *Ibid.*, s. 29(1.2).
- 28 *Legislative Assembly Act*, s. 9(2).
- 29 *Ibid.*, ss. 13 and 16(1).
- 30 *Election Act*, R.S.Q., c. E-3.3, s. 235(4).
- 31 *Act respecting the National Assembly*, R.S.Q., c. A-23.1, s. 17(3) and (4).
- 32 *Act respecting Elections and Referendums in Municipalities*, R.S.Q., c. E-2.2, s. 62(3).
- 33 *Ibid.*, s. 300(4).
- 34 *Ibid.*, s. 300(5).
- 35 *Act Respecting School Elections*, R.S.Q., c. E.2.3, s. 21.
- 36 *Elections Act*, R.S.N.B. 1973, c. E-3, s. 48 [repealed].
- 37 *Ibid.*, s. 48.1(1).
- 38 *House of Assembly Act*, R.S.N.S. 1989, c. 1, s. 17(1)).
- 39 *Ibid.*, s. 19.
- 40 *Elections Act*, S.N.S. 2011, c. 5, s. 63(c).
- 41 *Municipal Elections Act*, R.S.N.S. 1989, c. 300, s. 18(1)(a) and (b).
- 42 *Ibid.*, s. 18(4).
- 43 *Legislative Assembly Act*, R.S.P.E.I. 1988, c. L.7, s. 16(1).
- 44 *Election Act*, R.S.P.E.I. 1988, c. E-1, s. 36(c).
- 45 *Charlottetown Area Municipalities Act*, R.S.P.E.I. 1998, c. C-4.1, ss. 11.1 and 86.1.
- 46 *School Act*, R.S.P.E.I. 1988, c. S-2.1.
- 47 *Elections Act, 1991*, S.N.L. 1992, c. E-3.1.
- 48 *Municipal Elections Act*, S.N.L. 2001, c. M-20.2, s. 15(5).
- 49 *Schools Act, 1997*, S.N.L. 1997, c. S-12.2.
- 50 *Legislative Assembly Act*, R.S.Y. 2002, c. 136, s. 5(1).
- 51 *Ibid.*, s. 5(2).
- 52 *Municipal Act*, R.S.Y. 2002, c. 154, s. 193(4). Curiously, this section omits any reference to the Senate.
- 53 *Ibid.*, s. 200.
- 54 *Elections and Plebiscites Act*, S.N.W.T. 2006, c. 15, s. 79(4).
- 55 *Local Authorities Elections Act*, R.S.N.W.T. 1988, c. L-10, s. 18(2)(b).
- 56 *Nunavut Elections Act*, S.Nu. 2002, c.17, s. 11(2)(a).
- 57 *Ibid.*, s. 13.
- 58 *Local Authorities Elections Act*, R.S.N.W.T. 1988, c. L-10, s. 18(2)(b), as duplicated for Nunavut by s. 29 of the *Nunavut Act*, S.C. 1993, c. 28. When the territory of Nunavut was established on April 1, 1999, laws from the Northwest Territories were simply duplicated and many remain in force in Nunavut today.
- 59 *Commonwealth of Australia Constitution Act*, s. 43.
- 60 *Wales Act 2014*, c. 29, s. 3; *Northern Ireland (Miscellaneous Provisions) Act 2014*, c. 13, s. 3.
- 61 Boyer, *Election Law*, p. 533.

The Canadian Scene

New Speaker in Newfoundland and Labrador

On November 17, 2014, Lewisporte MHA **Wade Verge** was acclaimed as Speaker of Newfoundland and Labrador's House of Assembly.

Having served as acting Speaker since the resignation of former Speaker **Ross Wiseman** in September, Verge said he was very happy to assume the role and there would be no need for his colleagues to follow the tradition of dragging him into the Speaker's Chair as he "would have been willing to run to the chair." First elected in 2007 and re-elected in 2011 as a member of the Progressive Conservative Party, Verge previously worked as a teacher and school principal for 22 years.



Wade Verge

New Speaker of the Senate

Pierre Claude Nolin was appointed Speaker of the Senate by Governor General **David Johnston** on the advice of Prime Minister **Stephen Harper** on November 26, 2014. Nolin, who had served as Speaker *pro tempore* for a year, replaced former Speaker **Noël Kinsella** who resigned from the Chamber two days before mandatory retirement provisions were set to take effect.



Pierre Claude Nolin

A lawyer by training, Nolin was appointed to the Senate by Prime Minister **Brian Mulroney** in 1993 for senatorial division of De Salaberry, Québec. He chairs the Senate committee on Internal Economy, Budgets and Administration and is a member of the committee on Rules, Procedures and the Rights of Parliament.

32nd Annual Presiding Officers' Conference

From January 29 to February 1, 2015, Winnipeg, Manitoba hosted more than 50 delegates and accompanying persons at the 32nd Annual Presiding Officers' Conference.

The first day's business sessions focused around the theme of parliamentary privilege. In a session chaired by Prince Edward Island Speaker **Carolyn Bertram**, **Rob Reynolds**, a law clerk and Director of Interparliamentary Relations at the Legislative Assembly of Alberta, spoke about the essentials of parliamentary privilege in a modern context. In addition to defining privilege, Reynolds outlined its categories, internal controls and external recognition of parliament's jurisdiction and the concept of contempt of parliament before concluding with a review of debates about whether or not to codify parliamentary privilege.

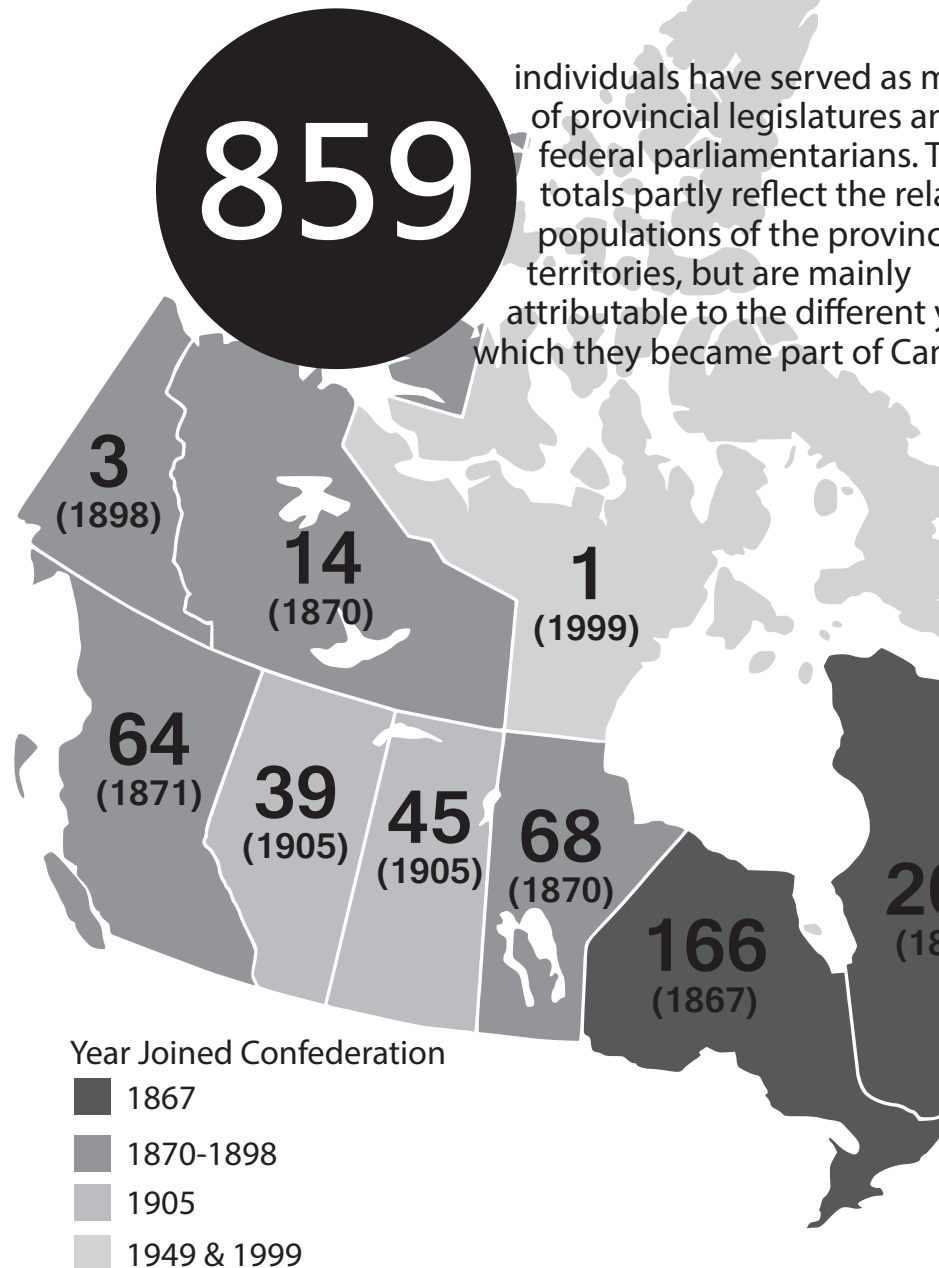
Continued on page 32

One House Leads to Another: By the Numbers

Text by Jacques P. Gagnon, Graphic Design by Julie Anderson

The Parliament of Canada's PARLINFO database provides biographical information on each of the **4,214** MPs elected to the House of Commons and **925** senators appointed to the Senate from 1867 to the time of writing (late September 2014).ⁱ In addition to the politicians' federal political experience, the biographies include their provincial or territorial political experience, if any. This material inspired this research note on their overall parliamentary experience.ⁱⁱ At the individual level, these moves from one chamber to another help explain many parliamentarians' political longevity. At the collective level, this accounting reveals a certain upward, rather than downward, mobility: many more provincial legislators have become MPs and senators than the other way around.

Serving as both federal and provincial parliamentarians



individuals have served as members of provincial legislatures and federal parliamentarians. These totals partly reflect the relative populations of the provinces and territories, but are mainly attributable to the different years in which they became part of Canada.

Footnotes:

ⁱ Sincere thanks to David Tessier, PARLINFO Coordinator, and Nicolas Moncion, who is responsible for the listing necessary for this analysis.

ⁱⁱ Note, however, that these data do not include legislative councillors from New Brunswick (1867–1892), Nova Scotia (1867–1928), Quebec (1867–1968), Manitoba (1870–1876) and Prince Edward Island (1873–1893).

Graphic credits: the footprints by Julie Steffen & Mattias Schmidt, Noun Project; the arrows by Chris Robinson, Noun Project.

79

Hat Trick

provincial legislators have become MPs and then senators. The most unusual case is that of Fabian Manning. A Progressive Conservative member of the Newfoundland and Labrador House of Assembly from 1993 to 2005, Manning resigned to be elected as a Conservative MP in 2006. After his defeat in the 2008 election, Manning was appointed as a senator in 2009. He then resigned from the Senate in 2011 to again run federally. But Manning was once more defeated in the May 2 election, only to be reappointed to the Senate 23 days later.

From Provincial Legislator to MP / Senator

27

started their political career before 1867, in the parliaments of Nova Scotia, New Brunswick, Prince Edward Island, British Columbia and the United Province of Canada (Quebec portion). Surprisingly, not one was a legislator from the future province of Ontario.

472

MPs were first provincial legislators

15

individuals were simultaneously provincial and federal legislators, a privilege that would end with the 1874 election.

141

senators have been provincial legislators before sitting in the Upper House.

22 (1949)

60 (1873)

85 (1867)

90 (1867)

From MP to Provincial Legislator

167

MPs have successfully switched to provincial politics.



Delegates of the 32nd Annual Presiding Officers' Conference pose at the entrance of the Manitoba Legislative Assembly.

Continued from page 29

Neil Ferguson, Chief Clerk of Nova Scotia's House of Assembly, offered a retrospective on an important court case dealing with parliamentary privilege that went before the Supreme Court of Canada. Chaired by Manitoba's Deputy Speaker **Tom Nevakshonoff**, the session explored the legacy of *Donahoe v. the CBC* (or *New Brunswick Broadcasting Co. v. Nova Scotia (Speaker of the House of Assembly)*) which tested a parliament's power to restrict strangers from entering the House.

Yukon Speaker **David Laxton** chaired a panel discussion on privilege and the courts featuring presentations by **André Gagnon**, Acting Deputy Clerk of the House of Commons, **Deborah Deller**, Clerk of the Legislative Assembly of Ontario, and **Tim Mercer**, Clerk of the Legislative Assembly of the Northwest Territories. The session explored the experiences of these jurisdictions when invoking protection of parliamentary privilege before the courts.

The day's final session, chaired by New Brunswick Speaker **Chris Collins**, provided an opportunity for jurisdictional updates on privilege and other issues.

The second day of the conference began with a presentation by British Columbia Speaker **Linda Reid**

on e-petitions and citizen engagement. The session, chaired by Ontario Speaker **Dave Levac**, explored the use of new technology as a practical and cost-effective method of involving more citizens in the activities of the legislatures. A version of this presentation was previously published in the *Canadian Parliamentary Review* Vol. 37, No. 4.

The sixth conference session, chaired by Newfoundland and Labrador Speaker **Wade Verge**, dealt with presiding over Oral Questions. Saskatchewan Speaker **Dan D'Autremont** reflected on situations and techniques used during Question Periods and the perennial challenge of non-relevant answers to questions. This session prompted a healthy discussion among attendees of the varying lengths of Question Periods among jurisdictions across Canada and their structure and order.

A final session, chaired by Alberta Speaker **Gene Zwozdesky**, featured a presentation by National Assembly President **Jacques Chagnon** which explored how parliamentary privileges relate to safety and security considerations. A subsequent Speakers' meeting continued to explore issues relating to this topic.

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NEWFOUNDLAND AND LABRADOR

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Jackie Jacobson, Speaker

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NUNAVUT

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*As of March 31, 2014

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Parliamentary Bookshelf: Reviews

Remaining Loyal: Social Democracy in Quebec and Saskatchewan, by David McGrane, McGill-Queen's University Press, Montreal & Kingston, 373p.

David McGrane has written an ambitious book about social democracy in Saskatchewan and Quebec. His thesis is that the CCF-NDP and PQ governments were social democratic in a traditional sense under premiers such as Tommy Douglas and Allan Blakeney in Saskatchewan, as well as René Lévesque and Jacques Parizeau in Quebec. McGrane believes that later governments evolved into third way social democracy under other premiers, including Roy Romanow and Lorne Calvert in Saskatchewan and Bernard Landry and Pauline Marois in Quebec.

An associate professor of political studies at St. Thomas More College at the University of Saskatchewan, McGrane creates a complex template in order to build his thesis. He defines the ideologies that comprise traditional social democracy and the third way and compares them to his definition of neo-liberalism. McGrane says that social democracy in both of its guises is primarily concerned with the economic inequality inherent in unfettered capitalism, while neo-liberalism frets about the welfare state and excessive public intervention in the economy. Ontario's Mike Harris, for example, fit into a neo-liberal mould when he cut taxes, privatized public organizations, introduced workfare and cut welfare rates upon his election as premier.

McGrane says that traditional social democrats focused on universal social programs and used progressive income taxes and royalty revenue from resources to help pay for them. Universal public health care in Canada, for example, was pioneered by the CCF in Saskatchewan in 1962. The Douglas government also set up Crown corporations for automobile insurance, telephones, electricity and gas distribution. Premier Allan Blakeney moved the public sector aggressively into resource development, mainly through joint ventures involving Crown corporations and private business partners. Blakeney consciously used revenues from Crown corporations, as well as increased resource rents, to pay for programs such as a provincial pharmacare plan and a children's dental program in schools.



The PQ under Lévesque created several new public enterprises and had the Caisse de dépôt, which manages public pension plans in Quebec, buy shares in francophone businesses to help them expand and consolidate their operations. Quebec's universal day care program, easily the most generous in Canada, was launched in 1997 by Pauline Marois, then a PQ cabinet minister.

McGrane says that in the 1990s and beyond NDP and PQ governments were forced by developments such as globalization and free trade agreements to shift toward the right, narrowing the political spectrum. He says that these third way social democrats were more comfortable with market capitalism and the private sector than their predecessors. They also reduced

taxes, regulation and oversight, and targeted some social programs rather than adhering to universality. He argues, however, that NDP and PQ leaders remained champions of the core tenets of social democracy. McGrane says that when those politicians are compared to premiers such as Ralph Klein and Mike Harris, the differences outweigh the overlaps.

It seems a stretch, however, to include people such as Lucien Bouchard in the social democratic tent. Bouchard had served in Brian Mulroney's government prior to launching the Bloc Québécois and later moving home to become the premier. McGrane argues, rather weakly I think, that Bouchard "was forced to cooperate with a critical mass of social democratic ministers left over from the Parizeau era." In fact, one must also ask if the PQ throughout its history has been primarily a separatist or a social democratic party. McGrane says the PQ has been both but I believe that separatism usually trumped social democracy.

I salute McGrane's scholarly reach but he does use a complex structure which makes for a dense book. There is also a lot of repetition including identical phrases reoccurring in various chapters. These weaknesses could have been overcome by good editing but they were missed. Still, McGrane gives us much to think about and he shows that social democracy has contributed much to the body politic and the public good in Saskatchewan, Quebec and Canada.

Dennis Gruending

Ottawa-based author, blogger and former Member of Parliament from Saskatchewan

Brave New Canada: Meeting the Challenge of a Changing World, by Derek H. Burney and Fen Osler Hampson, McGill-Queen's University Press, Canada, 2014, 218pp.

Participating in international events, ratifying multilateral treaties, working on economic development, and responding to global issues and crises – all of these elements are included in a country's foreign policy. It is not an easy task to balance positive and negative outcomes of each initiative and it is even more difficult to clearly take into account some of the benefits of diplomacy. As the world becomes more intertwined, it is harder to fully comprehend the extent to which an action or a partnership can help a country's economic growth and stability in the long-term. As a medium-sized country, Canada used to rely on its presence in international organizations as a means to actively influence international affairs.

Nevertheless, since the election of Prime Minister Stephen Harper's Conservatives, the government has been less oriented towards a liberal and multilateral approach and more towards a case-by-case approach influenced by Canada's values and interests.

Brave New Canada: Meeting the Challenge of a Changing World is inspired by the assertive and economically-driven position of Harper's foreign policy. Like the current government, the authors of the book stress the need to link economic agreements with security concerns. The merging of the Canadian International Development Agency (CIDA) with the Department of Foreign Affairs and International Trade (DFAIT) in 2013 demonstrates this change in mentality. Targeting a non-expert audience interested in international politics, each chapter of the book provides an overview of the theme discussed before moving into in-depth analysis. The book is designed to produce reactions and not to indicate in detail what changes have to be implemented in our foreign policy. The book supports the transition from liberal institutionalism to economic diplomacy, in which Canada establishes relations with countries that can best serve its economic interests. Hence, as power is gradually shifting towards Asia, Canada must shape its political and economic policy in order to gain from the continent's economic development.

Both authors are very knowledgeable about Canada's international interests. Burney is a former Canadian ambassador to Washington and a former chief of staff to Brian Mulroney. Additionally, he handled the transition of governments for Stephen Harper in 2006. Hampson teaches international affairs at Carleton University and is the director of Global Security for the Centre for International Governance Innovation in Waterloo. Moreover, he is an expert on Canadian foreign policy. In 2012, they co-wrote the report *Winning in a Changing World*, which was later delivered to the prime minister. *Brave New Canada: Meeting the Challenge of a Changing World* seems to be the continuation of this report, as it further addresses the challenges faced by Canada to safeguard its international position as a competitive and wealthy country.

Drawing on a comprehensive examination of recent political events and an exploration of the country's memberships in international organizations, the authors brilliantly build up their argument. In addition to analyzing how the contemporary role of international organizations and the private sector will figure into Canada's future, the text also examines



current economic relations between Canada and the rest of the world, predominantly the United States. It offers a critical assessment of the need to establish stronger relationships with other, sometimes less conventional, countries. One chapter of the book is dedicated to summarizing the current relationships that Canada has with some of these countries and the ways that Canada could further develop its economic relationship with each country. Nevertheless, the authors could have pointed out more precisely initiatives or policies which would allow Canada to build comprehensive economic and diplomatic partnerships. For example, many foreign affairs experts argue that even after signing the Foreign Investment Promotion and Protection Agreement (FIPA) with China in September 2014, Canada still needs to focus more on bilateral diplomatic relations which have become strained or deteriorated in the past decade.

When Burney and Hampson mention that “the government will have to decide whether it wants to ‘walk the talk’ on diversification and whether it seriously intends to broaden economic ties beyond traditional but sagging markets like the US and the EU” (p.49), the tone is confident, bold and compelling. The authors contend that Canada has to engage more eagerly with emerging markets, mainly Asia, but also Latin America and Europe. The arguments brought forward by the authors are based on a careful evaluation of multidimensional aspects of complex international dynamics. Furthermore, the authors suggest that the only way to remain influential through participation in international organizations is by carefully choosing which ones best align with the country’s interests. In brief, the analysis results in the recommendation of the “*Third Option with Legs.*” It is a combination of the first option, a closer relationship with the United States, and the second option, a diversification of our economy away from the United States to better suit Canadian interests. The “*Third Option with Legs*” means staying close to our southern neighbor while reaching out to new economies and increasing our participation in international initiatives which reflect Canada’s interests and values.

Brave New Canada: Meeting the Challenge of a Changing World presents well-written analysis and thoughtful examination of the key factors which influence the foreign policy of Canada. The book distinguishes itself by providing information on various aspects of the socioeconomic reality of Canada and its position internationally. Nonetheless, this book is written to support the point of view of the current government. Although the authors’ recommendations were reached after a careful review of Canada’s political standing on topics such as international trade, security, human rights and development, the book’s purpose is primarily to produce reactions among the readers and to defend the new strategic position of Canadian foreign policy to efficiently support our economic growth and development.

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Nova Scotia

The Fall sitting commenced on September 25 and lasted 34 days until November 20, 2014. During the sitting 68 Bills were introduced – 26 Government, 39 Private Member and 3 Private and Local. In addition to the Government and Private and Local Bills only one Private Member's Bill introduced by the sole Independent MLA was passed.

During the sitting there were 27 recorded votes, eight of which were held on the same day – November 7. In effect, the bells rang for 8 hours that day – one hour on each vote that being the maximum time available for bell ringing in accordance with our House of Assembly Rules.

Effective October 27, 2014, Statements by Members were added to the Daily Routine as a result of amendments to the Rules and Forms of Procedure of the House.

During the sitting, 18 points of order/privilege were raised by members. Some of these points were immediately ruled not out of order by the Speaker; however, nine were the subject of written Speaker's rulings. The subject matters of the written rulings were: unparliamentary language; misleading the House; improper use of Statements by Members and conduct of the Deputy Speaker. It is interesting to note that all of the rulings concluded that there had been no a valid point of order or point of privilege raised by the members.

Bills introduced during the sitting that sparked much debate and bell ringing were:

- 1) Bill # 6, *An Act to Amend Chapter 342 of the Revised Statutes 1989, the Petroleum Resources Act*
- 2) Bill # 51, *An Act to Amend Chapter 293 of the Revised Statutes 1989, the Motor Vehicle Act*
- 3) Bill # 60, *An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act and Chapter 14 of the Acts of 1993, the Tobacco Access Act*
- 4) Bill # 64, *An Act Respecting Limitations of Actions*

Debate on Bill # 60 in the Committee of the Whole House on Bills lasted for 20 hours, that being the maximum time permitted under the Rules and Forms of Procedure of the House of Assembly. This was the first time in recent memory that the entire time allotted for debate at this stage was used by the opposition parties

Annette M. Boucher
Assistant Clerk



Alberta

The 3rd Session of the 28th Legislature

Ending the longest period of prorogation in Alberta since 1984, the 3rd Session of the 28th Legislature began on November 17, 2014, and adjourned on December 10, 2014. Four new MLAs, including Premier **Jim Prentice**, took their seats in the Chamber having successfully contested provincial by-elections

in October. The Assembly passed 10 Government Bills and Bill 201, *Electric Utilities (Transparency in Billing) Amendment Act, 2014*, the sole Private Members' Public Bill to be passed. Bill 201, sponsored by the only Independent Member of the Assembly, **Joe Anglin** (Rimbey-Rocky Mountain House-Sundre), was passed on December 8, 2014.

Changes to Caucus Membership

On November 2, 2014, prior to session commencing, **Joe Anglin** announced he was leaving the Wildrose caucus to sit as an Independent Member of the Assembly.

On November 24, 2014, two other members of the Wildrose caucus left the caucus, this time to join the governing Progressive Conservatives. Although they crossed the floor at the same time, **Ian Donovan** (Little Bow) and **Kerry Towle** (Innisfail-Sylvan Lake) indicated they were unaware of the other's intentions.

Less than a month later, on December 17, 2014, it was announced that an additional nine MLAs were leaving the Wildrose caucus to join the Progressive Conservatives. This group included **Danielle Smith** (Highwood), Leader of the Official Opposition, and **Rob Anderson** (Airdrie), Official Opposition House Leader. Mr. Anderson previously crossed the floor in 2010 to leave the governing Progressive Conservatives and join the Wildrose Alliance opposition. Also amongst the nine Members who crossed the floor were **Gary Bikman** (Cardston-Taber-Warner), **Rod Fox** (Lacombe-Ponoka), **Jason Hale** (Strathmore-Brooks), **Bruce McAllister** (Chestermere-Rocky View), **Blake Pedersen** (Medicine Hat), **Bruce Rowe** (Olds-Didsbury-Three Hills), and **Jeff Wilson** (Calgary-Shaw).

The December 17 floor crossing left both the Wildrose caucus and the Alberta Liberal caucus with five Members each. Each caucus sent a letter to Speaker **Gene Zwozdesky** (Edmonton-Mill Creek) requesting Official Opposition status. On December 23, 2014, the Speaker ruled that the Wildrose caucus would remain the Official Opposition due, in large part, to their incumbent status.

Heather Forsyth (Calgary-Fish Creek) has been appointed interim leader of the Wildrose Party. Party rules require a new leader to be selected within three to nine months of Ms. Smith's resignation. It is anticipated that the process will be completed in March. The Party has also determined that leadership candidates must

have been Party members for at least six months prior to the beginning of the campaign period although exceptions may be made for individuals unable to hold a political party membership due to their occupation.

Duplication of Bills – Bill 202 and Bill 10

On November 20, 2014, Bill 202, *Safe and Inclusive Schools Statutes Amendment Act, 2014* sponsored by **Laurie Blakeman** (Edmonton-Centre) received First Reading. The Private Members' Public Bill proposed amendments to both the *Education Act* and the *Alberta Human Rights Act* with the goal of promoting inclusive school environments. Bill 202 proposed, among other things, to require schools to accommodate students wishing to establish gay-straight alliances.

Fewer than two weeks later, on December 1, 2014, Government Bill 10, *An Act to Amend the Alberta Bill of Rights to Protect our Children*, sponsored by **Sandra Jansen** (Calgary-North West), received First Reading. Bill 10 also proposed amendments to the *Education Act* and the *Alberta Human Rights Act*, with a focus on preventing bullying and discrimination in schools. With regard to diversity clubs, such as gay-straight alliances, Bill 10 left decisions on such matters to school boards but provided that school board decisions could be challenged on judicial review for "jurisdictional error or unreasonableness." On December 2, 2014, Bill 10 passed Second Reading on division.

While not identical, Bill 202 and Bill 10 were similar enough to require Speaker Zwozdesky to make a determination as to whether both Bills could be considered by the Assembly. On December 3, 2014, based on the principle that the Assembly should not debate the same issue twice in a session, and because Bill 10 had already received Second Reading, Speaker Zwozdesky ruled that Bill 202 would not proceed, and it was removed from the Order Paper. Later that day Bill 10 was reported by Committee of the Whole with amendments. However, on December 4, 2014, in response to concerns about Bill 10 raised by the public and on both sides of the Assembly, Premier Prentice announced that Bill 10 would be put on hold pending further consideration.

Reports from the Ethics Commissioner

In response to complaints from opposition leaders, Alberta's Ethics Commissioner **Marguerite Trussler** investigated potential breaches of the *Conflicts of Interest Act* by Progressive Conservative candidates during the October 2014 by-election campaigns. On

December 12, 2014, the Ethics Commissioner released a report concerning whether the participation of by-election candidates in well-publicized government announcements used public resources to further their private interests. The investigation focused on the premier, Health Minister **Stephen Mandel** and **Mike Ellis**. The Commissioner dismissed the complaint against Mr. Ellis noting that he was not a Member of the Assembly during the period in question and that there was no evidence he had breached the *Act*. The Ethics Commissioner went on to consider whether Mr. Prentice and Mr. Mandel, as members of Executive Council, had breached the *Act* to further their private interests by using government resources and making policy decisions while running in a by-election. Ultimately these complaints were dismissed as well.

On January 6, 2015, the Commissioner released a report in response to complaints about the conduct of Education Minister **Gordon Dirks** during his candidacy in the October 2014 by-elections. The complaints against Mr. Dirks were similar to those made against the other three Progressive Conservative by-election candidates. However, they also included concerns about Minister Dirks' role in the approval of government funding for modular classrooms to be located in the constituency in which he was contesting the by-election. Announcements regarding the new modular classrooms occurred during the campaign period and were posted on the Minister's campaign website. In her report, the Ethics Commissioner dismissed the complaints against the Minister, noting he "did not violate the letter of the *Act*" but stated that his actions with regard to the approval of modular classrooms in his own constituency "created an unfortunate perception." The Commissioner further indicated that if she had been asked for guidance she would have advised the Minister against acting on issues specific to his constituency during his by-election campaign.

Committee Activity

On November 18, 2014, the Standing Committee on Families and Communities tabled the report on its review of the draft *Publication Ban (Court Applications and Orders) Regulation*. Conducted in accordance with the *Child, Youth and Family Enhancement Act*, the review focused on the process for requesting a publication ban on the identity of children who die while receiving provincial intervention services. At the direction of the Assembly the Committee is now conducting a review of amendments made to the *Mental Health Act*

pursuant to an amending *Act* passed in 2007, mainly related to the establishment of community treatment orders. The amendments made in 2007 must be reviewed by a committee of the Assembly every five years.

On November 25, 2014, the Assembly referred consideration of the 2012 and 2013 Annual Reports of the Alberta Property Rights Advocate Office to the Standing Committee on Resource Stewardship in accordance with the *Property Rights Advocate Act*. It is anticipated that the Committee will release its report shortly after the Assembly resumes in the spring.

The Standing Committee on Legislative Offices met four times in December to review the annual budget estimates, business plans, and annual reports of the province's legislative officers. With two exceptions, the Committee revised the budget estimates for each Office to the amount approved for the previous fiscal year minus two per cent. The budget calculations for the Office of the Child and Youth Advocate took into account the amount originally approved for the previous year, as well as a supplemental amount approved by the Committee in July 2014, minus two per cent. The Office of the Chief Electoral Officer, which has a four-year budgeting cycle corresponding to the timing of general elections, received an increase.

Jody Rempel
Committee Clerk



Northwest Territories

Legislation

The Fifth Session of the 17th Legislative Assembly adjourned on November 6, 2014, with the House considering and adopting six pieces of legislation. The legislation included the 2015-2016 Capital Estimates as well as two supplementary appropriation bills.

Commissioner of the Northwest Territories, **George L. Tuccaro**, gave Assent to all six bills on November 6, 2014.

During the fall sitting, five additional bills were introduced by the Government, received First and Second Reading, and were referred to standing committees. Of note is a new *Financial Administration Act* referred to the Standing Committee on Government Operations. This bill is intended to update the current legislation, which was originally drafted in 1987.

Two motions of interest were introduced and debated during the last days of the fall sitting. The first, introduced by **Robert Hawkins**, called for the Assembly to support the Premier of the Northwest Territories in working with Aboriginal organizations toward a national inquiry and national roundtable into missing and murdered Aboriginal women and girls. The motion was adopted in a recorded vote, with 17 Members in favour and one abstention.

The second motion, moved by **Michael Nadli**, called for the establishment of an Ombudsman in the Northwest Territories. This motion was also adopted in a recorded vote with 11 Members voting in favour, six Members opposed (members of the Executive Council) and no abstentions. The Government is required to table a comprehensive response to the motion within 120 days.

Committees

The standing committees of the Assembly met in the capital during the first week of December, 2014. Committees took this opportunity to meet with Ministers and their department officials to receive updates on the Government's new and continuing initiatives.

Committees also met for two weeks in January, 2015, to consider the draft *Main Estimates 2015-2016 of the Government of the Northwest Territories*. These meetings were *in camera* sessions to allow committee input prior to the expected introduction of the 2015-2016 operations budget during the February/March sitting.

The Standing Committee on Government Operations, chaired by Mr. Nadli, conducted its review of the Public Accounts of the Government of the Northwest Territories for the year ended March 31, 2014. A public hearing was held in Yellowknife on January 23, 2015, with the Comptroller General and Assistant Comptroller General for the Government of the Northwest Territories in attendance. The Committee was very pleased with the progress

made by the office of the Comptroller General on the timeliness of the tabling of the Public Accounts.

The Fifth Session of the 17th Legislative Assembly was scheduled to resume on February 4, 2015.

Gail Bennett

Principal Clerk, Corporate and Interparliamentary Affairs



Manitoba

The Fourth Session of the 40th Legislature began on November 20, 2014 with the presentation of the NDP government's Speech from the Throne. Delivered by Lieutenant Governor **Phillip Lee**, the address highlighted a range of government commitments and proposals, including:

Offering interest free student loans;

A ban from using tanning beds for persons under the age of 18;

Cutting government costs through the reduction of office space by 9,290 square metres;

Increasing the speed limit on the Trans-Canada Highway to 110 kilometres an hour from the Saskatchewan boundary to Winnipeg;

A new bridge to be built at Morris to reduce flooding on Highway 75;

New benefits for first responders suffering from post-traumatic stress disorder;

The creation of a new agency to promote energy efficiency;

A new law that will target invasive species such as zebra mussels; and

A new potash marketing strategy to be launched to solicit interest in potash mining in western Manitoba.

Official Opposition Leader **Brian Pallister's** non-confidence amendment to the Address in Reply motion made reference to the recent resignation of five ministers and the subsequent cabinet shuffle, noting that:

Some Government and all Official Opposition members agree that Manitobans are angry and believe that the Provincial Government has broken their trust;

Some Government members have concluded that serving this Provincial Government with integrity is no longer an option and that they do not regret speaking honestly as being truthful and holding on to integrity is something that Manitobans have been raised to do;

Some Government and all Official Opposition members are gravely concerned that priorities may move up the queue based on political interest and ahead of what Manitobans consider to be their priorities and needs;

There is a genuine concern amongst some Government and all Official Opposition members that the Provincial Government has become more preoccupied with remaining in power than necessarily doing things that are in the best interest of Manitobans.

Following the defeat of Mr. Pallister's amendment on December 1, 2014 by a vote of yeas 20, nays 34; on December 2 the main motion carried on a vote of yeas 35, nays 20.

The fall session saw the introduction of a number of bills, addressing various areas including:

Bill 2 – *The Public Schools Amendment Act (Small Classes for K to 3)*, which designates that 90 per cent

of the kindergarten and Grade 1 to 3 classes within a school division or school district have 20 or fewer pupils, with class size not to exceed 23 students.

Bill 5 – *The Police Services Amendment Act (First Nation Safety Officers)*, with the goal of amending *The Police Services Act* and enabling a First Nation safety officer program to be established by a First Nation or an entity that represents a group of First Nations.

Bill 11 – *The Public Health Amendment Act (Prohibiting Children's Use of Tanning Equipment and Other Amendments)*, which amends *The Public Health Act* to prohibit children from using ultraviolet tanning equipment in a commercial tanning operation, except when there is a prescription from a designated health professional.

Bill 12 – *The Water Protection Amendment Act (Aquatic Invasive Species)*, a bill that prohibits the possession, release and transportation of aquatic invasive species, except in specified circumstances. The bill's goal is to address aquatic invasive species that threaten Manitoba's aquatic ecosystems.

Bill 203 – *The Public Schools Amendment Act (Pedestrian Safety at New Schools)*, which requires pedestrian safety to be taken into account when the site for a new school is being selected and during all stages of the design process of a new school.

Bill 204 – *The Cyberbullying Prevention Act*, which enables a protection order to be made when a judicial justice of the peace has determined that a person has engaged in cyberbullying. This Bill also creates the new tort of cyberbullying. The victim may sue the person engaging in cyberbullying.

All bills introduced, including three bills re-instated from the 3rd Session are carried over to the spring session in order to proceed through the rest of the legislative process.

The House sat until December 4, 2014 before recessing for the holidays. No specific date has been set for the resumption of the spring session as of the time of writing.

Cabinet Shuffle

On November 3, 2014, Premier **Greg Selinger** announced a re-organization of the current Cabinet following the resignation of five Ministers. On December 23, 2014, the Premier announced another

Cabinet change as a result of another Minister stepping down in order to be a candidate in the upcoming leadership election. The new Cabinet is set out as follows:

Dave Chomiak – remained as Minister of Mineral Resources and will now also serve as Government House Leader.

Eric Robison – remained as Minister of Aboriginal and Northern Affairs and Deputy Premier.

Gordon Mackintosh – remained as Minister of Conservation and Water Stewardship.

Drew Caldwell – newly appointed to Cabinet as Minister of Municipal Government.

Ron Lemieux – remained Minister of Tourism, Culture, Sport and Consumer Protection.

Peter Bjornson – new Minister of Education and Advanced Learning.

Kerri Irvin-Ross – remained Minister of Family Services, also became Minister of Housing and Community Development and is now responsible for Persons with Disabilities.

Florina Marcelino – remained Minister of Multiculturalism and Literacy.

Kevin Chief – became the new Minister of Jobs and the Economy, and is still Minister responsible for City of Winnipeg relations.

Ron Kostyshyn – remained Minister of Agriculture, Food and Rural Development, and also became Minister of Infrastructure and Transportation and Minister responsible for Emergency Measures

Sharon Blady – became the new Minister of Health

Erna Braun – remained Minister of Labour and Immigration.

James Allum – became the new Minister of Justice and Attorney General.

Greg Dewar – newly appointed to Cabinet as Minister of Finance.

Deanne Crothers – newly appointed to

Cabinet as Minister of Healthy Living and Seniors.

Melanie Wight – newly appointed to Cabinet as Minister of Children and Youth Opportunities.

NDP Leadership convention

On November 15th, the NDP party executive announced a leadership election to be held during the party's annual convention on March 6-8, 2015. Nominations were filed and the candidates are:

Greg Selinger, current party leader and Premier of Manitoba since October 2009, and formerly Minister of Finance, a position he held for ten years.

Steve Ashton, who resigned as Minister of Infrastructure and Transportation, a position he held since 2009, prior to entering the election contest. Since 1999, he has served in several cabinet positions, including Minister of Highways and Government Services, Conservation, Water Stewardship, Labour and Immigration, and Intergovernmental Affairs.

Theresa Oswald, former Minister of Jobs and the Economy, from October 2013 until November 2014, and previously Minister of Health between 2006 and 2013.

Standing Committees

Manitoba Standing Committee activity this quarter included a meeting of the Public Accounts Committee – to consider reports from the Auditor General on the Operations of the Office and the Follow-up of Previously Issued Recommendations – as well as two meetings of the Legislative Affairs Committee – to consider the Annual Reports of the Children's Advocate and Elections Manitoba. Finally, the Standing Committee on Social and Economic Development undertook consideration of the Annual Reports of the Manitoba Poverty Reduction and Social Inclusion Strategy.

Current Party Standings

The current party standings in the Manitoba Legislature are: 36 NDP, 19 Progressive Conservatives, one Liberal, with one vacancy.

Andrea Signorelli
Clerk Assistant/Clerk of Committees



New Brunswick

Throne Speech

Lieutenant-Governor **Jocelyne Roy Vienneau** opened the First Session of the Fifty-eighth Legislature on December 3, delivering the first Speech from the Throne of Premier Brian Gallant's Liberal government. The major theme of the speech was moving New Brunswick forward with a plan to create the right conditions for job growth, a plan to achieve fiscal balance, and a plan that will put families and communities back to work.

Highlights included the establishment of a New Brunswick Jobs Board; the establishment of a new Crown corporation called Opportunities New Brunswick to lead the way in job creation and economic growth; the creation of infrastructure investment, economic development, and youth employment funds; the development of a 10-year plan for education; an innovation agenda; responsible development of energy and natural resource opportunities; centralization of common government functions and a comprehensive review of all government programmes; home energy retrofit programmes; and changes to various taxes and fees.

Reply to Throne Speech

On December 5, Official Opposition Leader **Bruce Fitch** gave his reply to the Speech from the Throne. Fitch spoke about the potential of the shale gas industry to increase employment and economic activity in New Brunswick, stating the Opposition's disagreement with the Government's proposed moratorium on hydraulic fracturing. He expressed the concern that the Government may seek to reverse the previous government's gains in such areas as programme review, job creation, the promotion of energy efficiency, the forest industry, and shale gas exploration.

Mr. Fitch noted various economic sectors that had not been discussed in the Speech from the Throne, including fisheries and aquaculture, tourism, agriculture, health, and social programmes. He conveyed the Opposition's concern about the combination of various departments under single ministers, and the financial implications of the Government's proposed infrastructure programme.

Capital Budget

On December 17, Minister of Finance **Roger Melanson** introduced the *2015-16 Capital Budget*. Of the \$597.1-million capital budget, \$409.5 million was allocated to the Department of Transportation and Infrastructure, mainly for the maintenance and repair of transportation infrastructure through full implementation of the province's asset management system. The Government will also invest \$95.9 million in schools, \$60.2 million in health-care facilities, \$5.6 million in universities and community colleges, and \$11.8 million in energy retrofits and renewable energy projects for public buildings.

A new Strategic Infrastructure Initiative will include investments of almost \$600 million over the next four years, creating up to 1,750 jobs per year and contributing \$120 million annually to the provincial economy. The investment from this fund will total \$114.6 million for 2015-16, with a possibility for further investment if funds can be leveraged from other sources.

Following the capital budget speech, Finance Critic **Blaine Higgs** spoke on behalf of the Opposition. The main theme of his speech was the use of defined and transparent standards and performance measures to inform decision-making. Mr. Higgs discussed decisions to repair or replace infrastructure and

cautioned against investing in infrastructure and equipment that would become redundant over time. He suggested that there is a history of building infrastructure in excess of needs, and emphasized the importance of determining the right level of infrastructure to provide on the basis of engineering and service requirements. Mr. Higgs also discussed the role of the civil service in delivering results, and encouraged the Government to engage with the leaders within the civil service, seek their opinions, and obtain the facts behind their advice.

Legislation

Ten bills were introduced during the fall session. Legislation introduced by the Government included:

– Bill 6, *Opportunities New Brunswick Act*, introduced by Premier Gallant, establishes Opportunities New Brunswick, a Crown corporation intended to lead the way in job creation and economic growth in the province.

– Bill 9, *An Act to Amend the Oil and Natural Gas Act*, introduced by Minister of Energy and Mines **Donald Arseneault**, enables the Lieutenant-Governor in Council to make regulations prohibiting hydraulic fracturing of a well, regulating the materials and techniques used in hydraulic fracturing, and respecting activities to be undertaken before, during, and after a hydraulic fracturing programme. Additional provisions of the Bill relate to licensing and leases. Bill 9 enables the Government to introduce its proposed moratorium on hydraulic fracturing.

The Green Party introduced its first bill: Bill 10, *An Act to Amend the Elections Act*. The Bill, introduced by Green Party leader **David Coon**, proposes to change the voting age for provincial elections from 18 to 16 years.

Proposed Rule Changes

The Standing Committee on Procedure, chaired by Government House Leader **Hédard Albert**, presented a report to the House on December 10. The report recommended several revisions to the Standing Rules, which included allowing a private Member to undertake the responsibilities of the Government House Leader; revising the order of consideration of routine proceedings to allow Oral Question Period to occur earlier in the day; requiring Statements by Members to relate to matters within the constituency of a Member; placing time limits on other items of

routine proceedings or delaying their consideration until the end of the day; providing the government with the option to defer recorded votes; changing the structure and mandate of certain standing committees to facilitate the referral of legislation and estimates; and allowing Ministers of the Crown to sit as participating members of the standing committees that consider their legislation or departmental estimates.

A motion to adopt the recommendations in the report is expected to be debated in the House when the Legislature resumes sitting.

Committees

On January 20, the Standing Committees on Public Accounts and Crown Corporations met in a joint orientation session, held by Auditor General **Kim MacPherson**. Topics included the role of the Auditor General, the role of the Public Accounts and Crown Corporations Committees, and approaching accountability through effective questioning.

On January 22, the Standing Committees on Public Accounts and Crown Corporations held a second joint session for the release of the *2014 Report of the Auditor General of New Brunswick, Volumes I and II*. The report included the following topics: observations on pension plans; Point Lepreau generating station refurbishment - phase II; and the data centre power interruption.

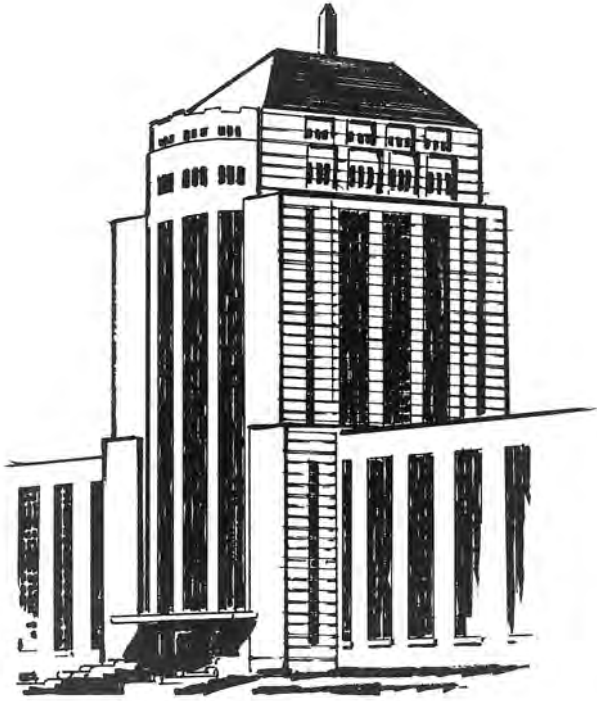
By-election

Following the resignation of a newly elected Liberal MLA on October 14, less than a month after the September 22 provincial election, a by-election was held on November 17. **Glen Savoie**, the Progressive Conservative candidate who had been elected as the Member for Saint John-Fundy in 2010, was re-elected in the by-election to represent the new riding of Saint John East. Mr. Savoie had initially lost in the September 22 election by a margin of less than 10 votes.

Standings

The Legislature adjourned on December 19 and was expected to resume sitting on February 10. The standings in the House are 26 Liberals, 22 Progressive Conservatives, and 1 Green.

Neill McKay
Research Officer



Newfoundland and Labrador

Resignations

On January 6 the Leader of the Third Party, **Lorraine Michael** announced that she would step down as NDP leader but will contest the District of Signal Hill - Quidi Vidi at the next general election. The party has announced that it will hold a leadership convention on March 7, 2015.

By-elections

On November 25, 2014 **Stelman Flynn** was elected in the District of Humber East succeeding former Premier **Tom Marshall**. **Steve Crocker** was elected in the District of Trinity – Bay de Verde succeeding former Minister of Finance **Charlene Johnson**. Both Members, who ran as Liberals, were sworn and took their seats in the House on December 11, 2014.

Member named

On December 9, 2014 the Member for Cartwright – L’Anse au Clair was named by Speaker **Wade Verge** for disregarding the authority of the Chair in refusing to withdraw an unparliamentary remark. The Member

was ordered to withdraw from the House for the remainder of the sitting day.

House reconvenes

On January 19, 2015 the House reconvened to debate Bill 42, *An Act To Amend The Electoral Boundaries Act*. Under the current legislation, the next provincial electoral boundaries review is scheduled for 2016.

The Government is seeking to amend the legislation to enable the review to commence this year, and have the new boundaries in place for the upcoming provincial general election. The legislation as amended is intended to reduce the number of seats in the House from 48 to 38.

Elizabeth Murphy
Clerk Assistant



Ontario

On October 20, 2014, the fall sitting period of the 41st Parliament commenced. The Government largely devoted the sitting to dealing with a number of bills that had been introduced in the previous parliament, all of which died on the Order Paper when the Legislature was dissolved on May 2, 2014. Arguing that the bills had all received substantial debate only a few months earlier, the government committed itself

to ensuring these bills would see their way through the legislative process by the end of the fall sitting. In order to achieve this calendar, each of the bills was time-allocated. The time allocation motions sent each bill to a Standing Committee for public hearings and clause-by-clause consideration. All seven bills received Royal Assent before the conclusion of the fall sitting period on December 11.

The bills were:

- Bill 15, *Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014*.

The bill amended a number of statutes in order to, among other things, regulate consumer transactions involving tow and storage services; add administrative penalties in the area of regulation of commercial motor vehicles and tow trucks; and to change how disputes relating to statutory accident benefits will be resolved;

- Bill 18, *Stronger Workplaces for a Stronger Economy Act, 2014*.

The bill amended five statutes relating to employment and labour relations. The Committee considered upwards of 400 amendments to the bill, before reporting it back to the House;

- Bill 10, *Child Care Modernization Act, 2014*.

The bill amended a number of statutes with the goal of strengthening oversight of the province's unlicensed child care sector while increasing access to licensed child care options for families;

- Bill 7, *Better Business Climate Act, 2014*.

The bill enacted two new statutes designed to reduce burdens of time, money or resources on businesses and to foster the development of business clusters;

- Bill 8, *Public Sector and MPP Accountability and Transparency Act, 2014*.

This bill introduced new legislation to grant the Lieutenant Governor in Council authority to establish compensation frameworks governing the compensation of certain executives in the broader public sector; and amended about a dozen existing acts. A previous version of the bill was introduced in the 40th Parliament but had not been referred to a Committee. The Committee held two days of public hearings on the bill, which attracted the attention

of several Officers of the Legislative Assembly, whose mandates were affected by the bill. **Bonnie Lysyk**, Auditor General of Ontario; **André Marin**, Ombudsman of Ontario; and **Irwin Elman**, Provincial Advocate for Children and Youth, all appeared before the Committee;

- Bill 21, *Safeguarding Health Care Integrity Act, 2014*.

The bill enacts the *Voluntary Blood Donations Act, 2014* to prohibit paid compensation for blood donations, and amends certain statutes with respect to the regulation of pharmacies and other matters concerning regulated health professions; and

- Bill 35, *Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act, 2014*.

Among other things, the bill sets out powers that may be exercised by authorized persons relating to security for courts and for nuclear and electricity generating facilities. An earlier version of this bill was previously introduced but not yet referred to Committee. Bill 35 was reported to the House without amendment.

Moment of Silence

Like all Canadians, Members of the Ontario Legislature were shocked and saddened by the violent and deadly attack at the National War Memorial and on Parliament Hill on October 22. On that day, the House observed a minute of silence. On October 23, the House directed that a Book of Condolence be put out in the main lobby of the Legislative Building, and began that day's Question Period by singing "O Canada".

MPP Resignation

Joe Cimino, the Member for Sudbury, first elected in the general election of June, 2014, resigned suddenly on November 20. Mr. Cimino was a member of the NDP Caucus. Premier **Kathleen Wynne** has called a by-election for February 5, 2015.

Select Committee on Sexual Violence and Harassment

A number of high-profile incidents and allegations shone a very bright light on the issue of sexual harassment during 2014. All parties expressed alarm at the growing number of reported incidents and agreed

to strike a Select Committee on Sexual Violence and Harassment, which was appointed on the final day of the fall sitting. The Committee's mandate asks for an Interim Report to be presented by June 4, 2015 and a Final Report with recommendations presented by December 10, 2015.

Standing Committees

The Standing Committee on Regulations and Private Bills

The Standing Committee on Regulations and Private Bills considered 12 private bills during this period. The Committee also began consideration of its draft report on regulations made in 2013.

The Standing Committee on Justice Policy

During the fall of 2014, the Standing Committee on Justice Policy spent the majority of its time report writing in closed session. The Committee established two self-directed studies under Standing Order 111 comprising of the following matters: a) to report its observations and recommendations on the record keeping practices of the Ontario Government; and b) to report its observations and recommendations concerning the tendering, planning, commissioning, cancellation and relocation of the Mississauga and Oakville gas plants. The Committee agreed to consider both studies concurrently and combine its findings into a single report to the House. The Committee also agreed to consider the applicable oral and written submissions made to the Standing Committee on Justice Policy in the 40th Parliament during the report writing phase. It was also decided that if a report was not approved by the Committee by December 11, 2014, the Committee would proceed to consider other matters before it.

The Standing Committee on Public Accounts

The Standing Committee on Public Accounts re-adopted the Committee's Report on Ornge Air Ambulance and Related Services, which had been prepared prior to the dissolution of the House on May 2, 2014. The Committee tabled the report in the House on October 30, 2014. The Committee considered the following sections of the *2013 Annual Report of the Office of the Auditor General*: Section 3.02 Health Human Resources, Section 3.05 Ontario Power Generation Human Resources, and Section 3.10 Violence Against Women. The Committee received the *2014 Annual Report of the Office of the Auditor General* and

will be considering the following sections when the House resumes in February: Section 3.03 Financial Services Commission of Ontario - Pension Plan and Financial Service Regulatory Oversight, Section 3.05 Infrastructure Ontario - Alternative Financing and Procurement, and Section 4.11 University Undergraduate Teaching Quality.

William Short
Committee Clerk



Yukon

2014 Fall Sitting

The 2014 Fall Sitting of the First Session of the 33rd Legislative Assembly, which commenced on October 23, adjourned on December 18, after 30 sitting days. All 10 government bills introduced in the House during the Sitting were passed by the Legislative Assembly and received Assent from Yukon Commissioner Doug Phillips. The government bills to receive Assent were:

Bill No. 15, *Second Appropriation Act, 2014-15*, authorizes a government appropriation of \$37.535 million, bringing the total appropriation for the current fiscal year to over \$1.3 billion.

Bill No. 75, *Public Interest Disclosure of Wrongdoing Act*, establishes whistle-blower protection legislation in Yukon.

Bill No. 76, *Act to Amend the Fuel Oil Tax Act*, extends the existing permit-based tax exemptions for fuel used in certain applications to all otherwise taxable fuels, rather than for gasoline and diesel fuel only; clarifies the process for obtaining authorizations (permits, licences and emblems) under the *Act*; gives the Minister the authority to suspend or cancel any authorization for cause; increases the maximum fine amount for offences under the *Act*; makes an administrative penalty under the *Act* applicable in any case of non-compliance, whether or not tax

is owing; and simplifies several of the *Act's* other provisions.

Bill No. 77, *Act to Amend the Financial Administration Act and Other Enactments*, is intended to improve the management of public-sector borrowing by increasing the limits on several revolving funds and updating and simplifying other aspects of Yukon's public financial administration.

Bill No. 78, *Act to Amend the Marriage Act*, allows the Minister to appoint marriage commissioners, rather than requiring the appointments to be made by Order-in-Council, clarifies the criteria that a person must meet in order to be appointed as a marriage commissioner, and provides for application fees.

Bill No. 79, *Pioneer Utility Grant Act*, replaces the current *Pioneer Utility Grant Act* in order to provide more flexibility and accountability in respect of payments of grants under the *Act*.

Bill No. 80, *Domestic Water Well Program Amendments Act*, amends the *Assessment and Taxation Act* and the *Municipal Act* to facilitate the expansion of the Government of Yukon's program for domestic water wells.

Bill No. 81, *Court Security Act*, provides legislative authority to make and enforce security measures in courthouses and other places where court proceedings take place.

Bill No. 82, *Act to Amend the Motor Vehicles Act*, regulates the use of snowmobiles and off-road vehicles, including licensing and registration, the use of helmets, etc.

Bill No. 83, *Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act, 2007*, permits the investment of amounts appropriated for the MLA pension plan (for making severance payments and supplementary retirement benefit payments) in those investments allowed under the *Pension Benefits Standards Act, 1985* (Canada).

No private members' bills were introduced or debated this fall.

Cabinet Shuffle

Premier **Darrell Pasloski** announced a cabinet shuffle on January 16, 2015. The shuffle changed the responsibilities of all cabinet ministers, except Mr.

Pasloski, who retains responsibility for the Executive Council Office and the Department of Finance. The Premier also added one more member to cabinet. Cabinet now consists of nine ministers, the largest cabinet in Yukon's history.

The new cabinet minister is **Stacey Hassard**, who assumes responsibility for the Department of Economic Development, the Yukon Housing Corporation, and the Yukon Liquor Corporation. The latter portfolio includes responsibility for the Yukon Lottery Commission. The remaining cabinet ministers and their responsibilities are:

- **Elaine Taylor:** Deputy Premier, Women's Directorate, French Language Services Directorate, Tourism and Culture;
- **Brad Cathers:** Justice, Yukon Development Corporation, Yukon Energy Corporation;
- **Doug Graham:** Education;
- **Scott Kent:** Energy Mines and Resources, Highways and Public Works;
- **Currie Dixon:** Community Services, Public Service Commission;
- **Wade Istchenko:** Environment; and
- **Mike Nixon:** Health and Social Services, Workers' Compensation Health and Safety Board.

In addition to the cabinet changes, Premier Pasloski also announced that **Darius Elias** will be the new caucus chair and Government House Leader. This change marks the first time since 2000 that the Government House Leader is not a member of cabinet. Mr. Cathers will now be deputy Government House Leader.

Due to his appointment to cabinet, Mr. Hassard has resigned as Deputy Chair of Committee of the Whole. The government has indicated that it will, once the House resumes sitting, nominate Mr. Elias to take on that role.

New Child and Youth Advocate

Also on January 16, 2015 an all-party subcommittee created by the Members' Services Board recommended the appointment of **Annette King** as Yukon's next Child and Youth Advocate. The subcommittee consisted of

Jan Stick, Sandy Silver and Doug Graham.

The Child and Youth Advocate is an independent officer of the Legislative Assembly who, in accordance with the provisions of the *Child and Youth Advocate Act*, promotes the rights and interests of children and youth accessing services from the Yukon government, and other designated services, through individual advocacy, review of systemic or specific issues, provision of advice, and assistance in resolving matters related to the provision of the designated services.

The *Child and Youth Advocate Act* requires that the Child and Youth Advocate be appointed by the Commissioner in Executive Council on receipt of the recommendation of the Legislative Assembly. The Legislative Assembly will debate the required motion during the 2015 Spring Sitting. The Child and Youth Advocate is appointed to a five-year term. The previous (and first) Child and Youth Advocate, **Andrew Nieman**, was appointed in 2009.

Select Committee – Hydraulic Fracturing

On January 19, 2015 the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing presented its final report to **David Laxton**, Speaker of the Yukon Legislative Assembly. The presentation of the report to the Speaker ends a process that began when the committee was established by order of the House on May 6, 2013. The Speaker will table the report when the House next sits.

In its report the Committee said it “could not reach consensus to make recommendations on the following matters: whether or not hydraulic fracturing can be done safely; whether or not hydraulic fracturing should be allowed in Yukon; whether or not social license from the Yukon public is necessary before considering hydraulic fracturing in Yukon, and whether or not to proceed with specific regulatory development of hydraulic fracturing.”

The Committee did, however, reach consensus on 21 recommendations. These recommendations dealt with matters that, in the Committee’s view, need to be addressed prior to allowing hydraulic fracturing in Yukon. The recommendations touched on the following subjects: Public Dialogue, Economic Impacts, Water, Greenhouse Gases (GHGs) and Other Air Emissions, Land and Seismic Impacts, and Human Health and Social Impacts. Many of the recommendations address the need to acquire more information about hydraulic fracturing practices and

the effects they would have on Yukon’s water, land, people and animals. The Committee advised that its recommendations “should be addressed before hydraulic fracturing is considered.”

The Committee’s inquiry was the most extensive in the Legislative Assembly’s history. The Committee held 42 *in camera* meetings, 13 public hearings in 12 communities, four days of public proceedings in the Legislative Assembly Chamber, and a fact-finding mission to visit hydraulic fracturing operations in Alberta. During the *in camera* meetings, the Committee met with representatives of Yukon government departments, public and private non-governmental organizations and Yukon’s chief medical officer of health. During the public proceedings, the Committee took evidence from academics, industry representatives, industry regulators and others. The Committee received 435 written submissions from 383 individuals and organizations. Attendance at public hearings numbered 728 persons, though some persons attended more than one hearing. The Committee heard from 253 witnesses at the public hearings.

The Committee’s report, and other information about the Committee, can be found on the Legislative Assembly’s website at: <http://www.legassembly.gov.yk.ca/rbhf.html>

Floyd McCormick
Clerk



Saskatchewan

The fall sitting concluded on December 8, 2014. During this period, 36 government bills, four private members’ public bills and one private bill were introduced.

Lieutenant Governor **Vaughn Solomon Schofield** gave Royal Assent to three bills including an appropriation bill for supplementary estimates. The other two bills to receive Royal Assent were: Bill No. 171 - *The Saskatchewan Human Rights Code Amendment Act, 2014* and Bill No. 160 - *The Lloydminster Constituency By-election Act*. On December 8, 2014, with all-party cooperation, the Legislative Assembly passed Bill No. 171 - *The Saskatchewan Human Rights Code Amendment Act*. This bill added gender identity as an express prohibited ground for discrimination under the code.

Lloydminster Constituency By-election

On November 13, 2014, **Colleen Young**, the Saskatchewan Party candidate, was elected in a by-election for the constituency of Lloydminster. Following the passage of Bill No. 160 - *The Lloydminster Constituency By-election Act*, Ms. Young was seated in the Assembly on November 17, 2014. The act allowed Ms. Young to be seated in the Assembly before the return of the writ.

Reappointment of Conflict of Interest Commissioner

On December 2, 2014, the Assembly reappointed **Ronald L. Barclay** as the Conflict of Interest Commissioner for one additional term of five years effective April 29, 2015.

The Conflict of Interest Commissioner also serves as the Lobbyist Registrar in Saskatchewan. The creation of the lobbyist registry, a recommendation by the Standing Committee on Intergovernmental Affairs and Justice, resulted from the adoption of *The Lobbyists Act* on May 14, 2014. This new office will focus on: designing, implementing, and operating the province's lobbyist registry; promoting and educating the general public, stakeholders, and the lobbyist community about *The Lobbyist Act*; and ensuring compliance and conformity of lobbyists to *The Lobbyist Act*.

Speaker's Outreach Milestone

Recently, Speaker **Dan D'Autremont** reached a significant milestone; he surpassed 100 outreach visits for his Educational Outreach Program on Parliamentary Democracy. For his commitment to education, Speaker D'Autremont has received numerous tributes from teachers and recognition in local media and by the Saskatchewan Teacher's Federation. The program, which was first introduced by Speaker **Glenn Hagel** in the mid-1990s, aims to promote awareness and understanding of the

Legislative Assembly and the democratic process through a non-partisan approach.

Stacey Ursulescu
Committee Clerk



National Assembly

Composition of the Assembly

On October 20, 2014, a by-election was held in the electoral division of Lévis. This riding became vacant on August 15 following the resignation of **Christian Dubé**, Member of the Coalition Avenir Québec. Coalition Avenir Québec candidate **François Paradis** won the by-election and officially took his seat in the National Assembly on October 28.

The composition of the Assembly is now as follows: Québec Liberal Party, 70 Members; Parti Québécois, 29 Members; Coalition Avenir Québec, 22 Members; 3 Independent Members, all of whom sit under the banner of Québec Solidaire; and one vacant seat (electoral division of Richelieu).

Bills Passed

Seventeen bills (13 public and 4 private) were passed during the fall sessional period that ended on

December 5, 2014. Of particular note among these bills are the following:

- Bill 3, *An Act to foster the financial health and sustainability of municipal defined benefit pension plans*;
- Bill 11, *An Act respecting the Société du Plan Nord*;
- Bill 15, *An Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises*.

These three bills were extensively studied in committee prior to completing the last stages of their consideration leading to final passage.

Rulings and Directives from the Chair

Two rulings given on December 2 during Motions Without Notice were among the noteworthy rulings and directives rendered by the Chair during the 2014 fall sessional period.

The first ruling follows the Official Opposition's refusal to give its consent to debate a motion moved by the Government House Leader. The latter argued before the Chair that an agreement had been struck between the parliamentary groups and the Independent Members in order to allow the debate on this motion to take place and asked that this agreement be enforced. The Chair ruled that during Motions Without Notice, when a motion is moved, the Chair's role is limited to verifying whether there is consent to debate it. Consent is verified after the Member has read his or her motion and, in this respect, the Chair cannot take into account agreements that were struck between the parties before the motion was moved. In the present case, the Chair observed that there was no consent to debate the motion.

The Government House Leader then raised a second point of order and asked the Chair to enforce the values set out in section 6 of the *Code of Ethics and Conduct of the Members of the National Assembly*, which, among other things, urge Members to seek the truth and keep their word when carrying out their duties of office. The Chair then recalled that it is not the role of the Chair of the Assembly to see to it that that provision of the *Code of Ethics and Conduct of the Members of the National Assembly* is complied with. That responsibility falls on the Ethics Commissioner.

Special Events

On November 3, the National Assembly welcomed **François Hollande**, President of the French Republic. Mr. Hollande addressed the parliamentarians

gathered in the National Assembly Chamber on the occasion of a formal ceremony during which the Premier and the Leaders of both opposition groups also took the floor. On this occasion, the President of the National Assembly, **Jacques Chagnon**, awarded the President of the French Republic with the Québec National Assembly's highest honour, the President's Medal.

On December 4, the Assembly marked the 25th anniversary of the Polytechnique tragedy by paying a moving tribute to the victims. After the Premier and opposition party leaders addressed the Assembly in the context of a motion without notice, the Assembly's women parliamentarians each read a section of a joint statement paying tribute to the memory of the Polytechnique victims and denouncing all forms of violence against women. This emotional tribute had been prepared on the initiative of the Circle of Women Parliamentarians of the National Assembly chaired by the Second Vice-President of the Assembly and Member for Hull, **Maryse Gaudreault**.

Standing Committee Proceedings

Some 15 bills were examined by the standing committees last fall, at the stage of both public consultations and clause-by-clause consideration. Among these, the following four bills accounted for a large part of the workload of some of the standing committees.

The Committee on Health and Social Services (CHSS) held special consultations on Bill 10, *An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies*. This reform involves, among other things, the organization and governance of the health and social services network through the regional integration of health services and social services, the creation of institutions with a broader mission, and the implementation of a two-tier management structure. The CHSS members heard 64 groups during the four weeks set aside for these consultations. More than 125 briefs were submitted to the Committee. The clause-by-clause consideration of the 165 sections of this bill began December 1.

For its part, the Committee on Planning and the Public Domain (CPP) had a very busy autumn with the clause-by-clause consideration of Bill 3, *An Act to foster the financial health and sustainability of municipal defined benefit pension plans*. After having held consultations with 28 groups at the end of the summer, the CPP

began the clause-by-clause consideration of the bill's 58 sections at the beginning of October. This work was completed at the end of November, after more than 80 hours of proceedings spread over 23 sittings.

At the end of October, the Committee on Agriculture, Fisheries, Energy and Natural Resources (CAFENR) was instructed to hear some 20 groups concerned by the provisions of Bill 11, *An Act respecting the Société du Plan Nord*. This bill, which establishes the Société du Plan Nord, whose mission is to contribute to the integrated and coherent development of the area covered by the Northern Plan, was given clause-by-clause consideration over a period of 13 sittings ending on December 2. It should be noted that the CAFENR also took the initiative, at the end of the fall sessional period, to analyze the farmland grabbing phenomenon in Québec. The Committee should be organizing this mandate in upcoming months.

Finally, the Committee on Public Finance (CPF) held special consultations on Bill 15, *An Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises*, at the end of October. After having heard 14 groups, the CPF gave clause-by-clause consideration to this bill, which establishes rules to govern workforce management and control within public bodies, mainly to monitor and provide a framework for changes in the workforce. It took 13 sittings to examine this bill's 38 sections.

Regarding the composition of committees, on October 2, the members of the Committee on Public Administration (CPA) elected a new chair, following the resignation of **Élaine Zakaïb**, Member for Richelieu, who had filled this position since the beginning of this legislature. The Committee members elected the Member for Jonquière, **Sylvain Gaudreault**, as its new chair. In accepting the CPA chairmanship, Mr. Gaudreault left vacant the vice-chairmanship of the CHSS that he had been filling at the time. That Committee therefore held a second election a few days later, electing the Member for Joliette, **Véronique Hivon**, as its vice-chair.

Another noteworthy element concerning the composition of committees is the decision taken by the Independent Member of Québec Solidaire, **Amir Khadir**, to sit as a member of the CPP. No Independent Member had asked to be a member of a standing committee during this legislature. As stipulated in the agreement reached between the parliamentary

groups at the beginning of the legislature concerning the functioning of standing committees, Mr. Khadir's arrival at the CPP brought about the appointment of an additional Government member, which increased this Committee's membership to 15.

In December, the CPA tabled its 31st report on the accountability of deputy ministers and chief executive officers of public bodies. This report highlights the five public hearings held between the months of September and November 2014, three of which followed up on the Québec Auditor General's reports. Fifteen recommendations emerged from this exercise. In addition to these hearings, the CPA report also covers the Committee's examination of the annual management reports of 13 departments and agencies as well as the follow-ups to the recommendations it issued in previous reports, in collaboration with the Auditor General.

Pierre-Luc Turgeon

Parliamentary Proceedings Directorate
Committee Service

Christina Turcot

Parliamentary Proceedings Directorate
Sittings Service



Prince Edward Island

Fifth Session, Sixty-fourth General Assembly

The Fifth Session of the Sixty-fourth General Assembly adjourned to the call of the Speaker on November 27, 2014, after 10 sitting days. According to Prince Edward Island's parliamentary calendar, the session will resume during the first week of April 2015. In the intervening months, the Legislative Chamber

will be relocated to the Hon. George Coles Building prior to major conservation work to be conducted on Province House over the next number of years.

Significant Legislation

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

The Chartered Professional Accountants and Public Accounting Act (Bill No. 15) establishes the Chartered Professional Accountants of Prince Edward Island as a professional association and regulatory body to regulate the practice of chartered professional accountants and public accounting.

The *Municipal Statutes Amendment Act* (Bill No. 27) gives municipalities specific bylaw-making power respecting the application of non-domestic pesticides for the control of landscape pests.

Capital Budget

On November 19, 2014, the province issued its capital budget for 2015-16, with \$74.5 million in infrastructure investments planned for the year. Highlights of the budget included a continuation of the Manor Replacement Program, funding for a Youth Recovery Centre, renovations to the Queen Elizabeth Hospital, and an investment in a new 12-bed youth mental health unit.

Resignation of Premier Robert Ghiz

On November 13, 2014, Premier **Robert Ghiz** announced his resignation as leader of the Liberal Party of Prince Edward Island and premier of the province. He indicated that he would remain in office until a leadership convention had taken place, which was subsequently scheduled for February 20-21, 2015. At the time of his announcement, Ghiz was the longest-serving premier in the country. He became leader of the Liberal Party of Prince Edward Island in 2003 and was first elected to the Legislative Assembly to represent the district of Charlottetown-Brighton later that same year. He served as leader of the opposition until June 2007, when he was sworn in as premier following the provincial general election of May 2007. Mr. Ghiz was re-elected in the provincial general election of 2011 and was again sworn in as premier in October 2011.

MLAs Not Re-offering

Independent Progressive Conservative member **Olive Crane** announced on January 22, 2015, that she will not re-offer in the next provincial election. Crane was elected to the Legislative Assembly in a by-election in March 2006; and was subsequently re-elected in the May 2007 and October 2011 provincial general elections. She was appointed interim leader of the Progressive Conservatives in September 2007, becoming permanent leader of the party in October 2010. In December of 2012 she resigned the leadership and in October 2013 left the Opposition caucus to sit as an independent Progressive Conservative member.

On January 23, 2015, four other MLAs announced they would not be re-offering in the next provincial election: Speaker **Carolyn Bertram**, Minister of Finance and Municipal Affairs, **Wes Sheridan**; Deputy Premier and Minister of Agriculture, **George Webster**; and private member of the governing party, **Gerard Greenan**. Bertram was first elected in 2003 as a Liberal, and sat as an opposition member of the Legislative Assembly. Following the 2007 provincial general election, she was appointed to cabinet in the government of Premier Ghiz, serving as minister of health and wellness; and minister of communities, cultural affairs and labour. She was also responsible for aboriginal affairs, and Acadian and Francophone affairs. Bertram was re-elected in 2011, and was elected Speaker of the Legislative Assembly on November 1, 2011. Sheridan, Webster and Greenan were all first elected as Liberals in the general election of 2007 and re-elected in 2011.

Samuel Holland 250 Commemorations

Throughout 2015, to mark the sesquicentennial of the completion of **Samuel Holland's** map of Prince Edward Island, a series of promotional and educational activities will pay tribute to the celebrated surveyor. In 1764-65, Holland, then Surveyor General for British North America, created the first truly modern, accurate map of Prince Edward Island which shaped settlement and patterns of land ownership which continue to define the province today. Lieutenant Governor **H. Frank Lewis** will serve as the Samuel Holland 250 Commemorations Committee honorary chairperson.

Marian Johnston

Clerk Assistant and Clerk of Committees



British Columbia

The fall sitting of the third session of the Legislative Assembly of BC's 40th Parliament adjourned on November 27, 2014. The House is expected to reconvene for a spring session on February 10, 2015.

Legislation

Government introduced seven bills during the fall 2014 sitting, with all seven receiving Royal Assent on November 27, 2014. Notable legislation passed during the fall sitting addressed taxation and reporting requirements for British Columbia's emerging liquefied natural gas (LNG) industry.

Additional government legislation was introduced to facilitate participation by First Nations in LNG-related development. Bill 7, *Nisga'a Final Agreement Amendment Act, 2014*, formalizes Nisga'a Nation authority to levy property tax on non-Nisga'a citizens and businesses residing on Nisga'a Nation lands through implementation of property tax coordination between the Nisga'a Nation and the province. Bill 8, *Protected Areas of British Columbia Amendment Act (No. 2), 2014*, removes 63.5 hectares of land from the Nisga'a Memorial Lava Bed Park to allow for construction and operation of a natural gas transmission line, in keeping with an October 29 resolution by the Nisga'a Lisims Government. These two pieces of legislation reinforce Nisga'a sovereignty through formalizing Nisga'a control over taxation and land use/resource development in the First Nation's territory. Bills 7 and

8 passed with support from both Government and Opposition sides of the House.

Ten private members' bills were introduced during the fall session, on topics ranging from the proposal of a fall fixed election date, to addressing poverty and economic inclusion in the province. Bill M203, *Terry Fox Day Act*, introduced by **Linda Reimer**, was passed to establish the second Sunday after Labour Day as Terry Fox Day in BC. The *Terry Fox Day Act* met with broad support from Members on both sides of the House. Ms. Reimer's bill is the first private members' bill to receive Royal Assent in BC since Bill M204, *The Hunting and Fishing Heritage Act*, introduced in May 2002.

Legislative Assembly Management Committee

On November 6, 2014, the Legislative Assembly Management Committee released the Legislative Assembly's first annual *Accountability Report*, which includes the Assembly's first independently audited financial statements. Of significant note is the additional inclusion of an unqualified audit opinion based on a review of the statements by British Columbia's Office of the Auditor General, assuring British Columbians of the reliability and fairness of the financial statements.

The *Accountability Report* highlights departmental progress at the Assembly in priority areas including modernizing governance, transparency initiatives, enhancing financial management and administration, and ensuring accessibility and continuity preparedness. Fundamental changes have been made to governance and decision-making to support the Legislative Assembly Management Committee's work to strengthen accountability for the management of taxpayers' money. Reforms to promote openness in the Committee's decision-making include: regular public meetings to provide strategic direction over Assembly administration; deliberations on budgets to support enhanced accountability for the expenditure of public funds; and meetings structured in a manner similar to the Assembly's Select Standing Committees, with agendas, proceedings, and minutes publicly available on the Assembly's website. Openness and transparency have been strengthened to foster public trust and confidence in Assembly decisions and actions through quarterly public disclosure of Members' remuneration and expenses, the quarterly disclosure of senior Assembly executive travel expenses, and a publicly available Members' Guide to Policy and Resources .

Parliamentary Committees Activity

The Select Standing Committee on Finance and Government Services released its annual budget consultations report on November 13, containing 58 recommendations for the province's 2015 budget. On December 15, 2014, the Committee issued a report on its annual review of the budgets of BC's eight independent statutory officers. In this year's report, the Committee identified ways to enhance its oversight role through development of a more frequent and regular reporting relationship with statutory officers. Additional meetings with statutory officers throughout the year will provide a forum for broader discussion of annual reports and service plans, separate from the budget review process, enabling a better exchange of information. Further, the Committee agreed to authorize Committee staff to work with the statutory officers on development of a standardized template for financial reporting. Finally, in the interest of improving cost efficiencies, the Committee strongly urged statutory officers not currently making use of corporate shared services to re-examine joining the program and/or to move toward other service sharing options.

The Select Standing Committee on Children and Youth concluded the first phase of its special project to examine youth mental health in BC with the release of an interim report on November 27. The interim report summarizes the results of a public consultation, as well as findings from meetings with affected youth, family members, and expert witnesses on the effectiveness and availability of services through the province's youth mental health system. The Children and Youth Committee agreed to resume its work on the special project as soon as possible, with the next phase to focus on development of recommendations to address the issues and themes identified in the interim report.

In October 2014, the Legislative Assembly appointed a Special Committee on Local Elections Expense Limits with a two-part mandate: first, to examine and make recommendations on principles for local election expense limits; and second, to examine and make recommendations by June 12, 2015 on expense limit amounts for candidates and third party advertisers. On December 15, the Special Committee followed public hearings and an online submission period with the release of its first report on principles which could inform new legislation on local elections expense limits. Identified principles include fairness, neutrality, transparency, and accountability. The Committee also felt it important to emphasize that consideration of the role played by third-party advertisers should be

incorporated into any framework for local elections expense limits.

A Select Standing Committee on Health consultation on health care sustainability concluded on December 31, 2014, having received approximately 380 submissions from members of the public and stakeholder groups.

Cabinet Assignments

On December 18, Premier **Christy Clark** appointed **Andrew Wilkinson** Minister of Advanced Education, while former Advanced Education Minister **Amrik Virk** replaced Wilkinson as Minister of Technology, Innovation and Citizens' Services.

Aaron Ellingsen
Committee Researcher



House of Commons

The Second Session of the Forty-First Parliament adjourned for the winter break on December 12, 2014. The House resumed sitting on January 26, 2015. The information below covers the period from November 1, 2014, to January 31, 2015.

Legislation

In a rare occurrence, on November 24, 2014, a petition for a Private Bill (S-1001 (*An Act to amend the Eastern Synod of the Evangelical Lutheran Church in Canada Act*)) was filed by **Laurie Hawn** (Edmonton Centre). The reports of the Clerk of Petitions and the Examiner of Petitions for Private Bills were presented to the House on November 25 and 26, respectively. On November 27, 2014, by unanimous consent, the Bill was deemed adopted at all stages, and it received Royal Assent on December 9, 2014.

Points of Order, Questions of Privilege and Procedure

Questions of Privilege

On November 3, 2014, **Peter Julian** (House Leader of the Official Opposition) rose on a question of privilege in connection with the rights of **Dean Del Mastro** (Peterborough) to sit and vote given his recent conviction by the Ontario Court of Justice of several offences under the *Canada Elections Act* in relation to the 2008 general election. Mr. Julian expressed the intention of proposing a motion immediately depriving Mr. Del Mastro of the rights to sit, vote, and receive salary and benefits. **Peter Van Loan** (Leader of the Government in the House of Commons) rose, later that day, on a similar question of privilege. As had Mr. Julian, he emphasized that matters concerning its own Members were strictly for the House of Commons to decide and he expressed the intention of referring the matter to the Standing Committee on Procedure and House Affairs. The Speaker ruled, on November 4, 2014, that there was indeed a *prima facie* case of privilege; since Mr. Julian had been the first to raise the matter, the Speaker invited him to move his motion. The Government gave notice of its intention to invoke closure on debate on the motion. The next day, Mr. Del Mastro having made a statement and resigned his seat in the House of Commons, the Speaker announced that any further proceedings on the motion were now unnecessary and it was dropped from the Order Paper.

On November 17, 2014, **Nathan Cullen** (Skeena—Bulkley Valley) rose on a question of privilege alleging that the Minister of Finance's update on economic and fiscal projections delivered to a select audience of business people in Toronto on November 12, 2014, rather than in the House, was, in effect, a contempt of the House. Mr. Van Loan maintained that what the Minister had delivered in Toronto was not a Budget and, therefore not regulated by the Standing Orders. As such, the Minister was not required to deliver it in the House and, in fact, economic and fiscal updates have frequently been promulgated elsewhere. On December 4, 2014, the Speaker ruled that the Chair's authority is limited to matters related to parliamentary duties and, as there was no evidence that the Member had been impeded in fulfilling their parliamentary functions, it was not a *prima facie* case of privilege.

On November 26, 2014, the Speaker ruled on a question of privilege which had been raised by

Elizabeth May (Saanich—Gulf Islands) on September 14, 2014. Ms. May had expressed concerns about the frequent use of time allocation by the Government and had alleged that this practice had deprived Members of their ability to hold the Government to account and that it had, accordingly, obstructed them, particularly those from smaller parties, in the performance of their duties. Citing rulings by Speakers Fraser and Milliken, the Speaker affirmed that the use of time allocation was a practice consistent with the rules of the House and that a procedurally acceptable motion to limit debate does not constitute a breach of privilege.

On January 26, 2015, **Lysane Blanchette-Lamothe** (Pierrefonds—Dollard) rose on a question of privilege related to the Government's response to her written question, Q-393. Ms. Blanchette-Lamothe alleged that the office of the Minister of Citizenship and Immigration had interfered with the preparation of the answer to her question, such that departmental officials provided her with the same response as was provided to Q-359 in the name of the Member for Markham-Unionville, which was a non-response with a view to obfuscating its contents and that Department staff had, before this intervention, been preparing a full and adequate response to the question. Later in the day, **Chris Alexander** (Minister of Citizenship and Immigration) averred that, since the department would not have been able to provide an answer to the lengthy and complex question within the 45-day limit prescribed by the Standing Orders, he had decided to provide the answer that the Member received. He noted that "it is acceptable for the Government to respond that it cannot supply an answer, in response to a written question," and that there are no provisions in the Standing Orders for the Speaker to review government responses to questions. At the time of writing, the Speaker had not yet ruled on the matter.

On January 28, 2015, **Jack Harris** (St. John's East) rose on a question of privilege concerning what he alleged was misleading information that the Prime Minister had provided to the House regarding the Canadian military engagement in Iraq. The alleged misrepresentations on the part of the Prime Minister concerned the activities of the ground forces of the special operations forces in northern Iraq who are currently engaged in what was described as "an advise and assist" training mission. Mr. Harris charged that it had subsequently become apparent that the Canadian military ground troops had been involved in multiple firefights with Islamic State

of Iraq and the Levant forces, which he argued went beyond the information given to the House in September 2014. He concluded that the Prime Minister had misled the House and Canadians in a deliberate attempt to downplay Canada's level of engagement as well as the risk involved to ground troops. Mr. Van Loan maintained that the Government had been forthcoming with respect to the mission in Iraq and that the high threshold required to demonstrate that the House had been deliberately misled had not been met. He concluded that it was a question of debate and therefore not a breach of privilege. The Speaker took the matter under advisement.

Committees

The 18th *Report of the Standing Committee on Procedure and House Affairs*, confirming the lists of Members of Standing and Standing Joint Committees, was presented to the House on September 30, 2014, as is done each autumn pursuant to the Standing Orders. Numerous attempts to obtain the unanimous consent of the House for concurrence in the *Report* having been denied, on November 19, 2014, the House concurred unanimously in the 24th *Report of the Committee*, proposing additional changes to the membership of the Standing and Joint Committees as set out in the 18th *Report*, in a motion which also ordered that there be no further proceedings in relation to the Committee's 18th *Report*.

The Standing Committee on Procedure and House Affairs has been seized with the question of bringing electronic petitions to the House of Commons since the adoption of a private Member's motion (M-428) referring the matter to the Committee in January 2014. It considered the question at meetings held on November 6 and 18, 2014. At the latter meeting, **André Gagnon**, Acting Deputy Clerk, made a statement and, with **Soufiane Ben Moussa**, Chief Technology Officer, answered questions. Following their presentation, **Tim Mercer**, Clerk of the Legislative Assembly of the Northwest Territories, and **François Arsenault**, Director of Parliamentary Proceedings for the National Assembly of Quebec, appeared before the Committee, providing information regarding their assemblies' experiences with e-petitions. The Committee was given 12 months to report back to the House, which the House of Commons further extended by 30 sitting days. At the time of writing, the Committee had not yet completed its study.

The Board of Internal Economy met on November 18, 2014, to discuss the matter of harassment

complaints involving Members of the House of Commons. It requested that the Speaker write to the Standing Committee on Procedure and House Affairs, inviting it to seek an order of reference in this regard. Following the receipt of letter by the Committee, on November 27, 2014, the House agreed by unanimous consent to formally refer the issue to the Standing Committee on Procedure and House Affairs, including a request that the Committee report back to the House as soon as feasible. A sub-committee of the Standing Committee on Procedures and House Affairs was established to look at this issue within the context of parliamentary privilege and the impact on Members' conduct and disciplinary processes. At the time of writing, the Committee had not yet reported its findings to the House.

Other Matters

Members

Dean Del Mastro (Peterborough) resigned his seat in the House of Commons effective November 5, 2014. Also on November 5, 2014, **Massimo Pacetti** (Saint-Léonard—Saint-Michel) and **Scott Andrews** (Avalon) were no longer members of the Liberal Party caucus and commenced sitting as Independent Members.

In the by-elections held on November 17, 2014, **Jim Eglinski** was elected in the electoral district of Yellowhead and **Pat Perkins** was elected in the electoral district of Whitby—Oshawa. On December 9, 2014, both Members, having taken and subscribed the oath required by law, were introduced and took their seats in the House as Conservatives.

Effective January 5, 2015, **Glenn Thibeault** (Sudbury) changed political affiliation from the New Democratic Party to an Independent Member, and subsequently resigned his seat in the House of Commons.

Statements, Resolutions, Special Debates

On November 3, 2014, His Excellency, **François Hollande**, President of the French Republic, addressed both Houses of Parliament jointly assembled in the Chamber of the House of Commons. He was welcomed by the Prime Minister and by the Speakers of both Houses.

Six Members made statements on December 5 with regard to December 6, 2014, being Canada's National Day of Remembrance and Action on Violence Against

Women. These statements were followed by the observance of a moment of silence in commemoration of the victims of the tragic event that took place 25 years ago at the École Polytechnique in Montreal.

On December 11, 2014, pursuant to an order made Tuesday, December 9, 2014, the House resolved itself into a Committee of the Whole in order to thank the Security personnel of the House of Commons for the professionalism demonstrated on October 22, 2014. While the Security personnel were in the Chamber, the Speaker made a statement acknowledging, on behalf of all Members, their courage, professionalism, and dedication.

Gary Sokolyk
Table Research Branch



Senate

Speaker of the Senate

The final months of 2014 were a time of change for the Senate of Canada. On November 26, Senator **Noël A. Kinsella**, Speaker of the Senate since February 2006, resigned his seat in the Chamber two days before his 75th birthday. Senator Kinsella, who is from New Brunswick, was appointed to the Senate on September 12, 1990 on the advice of Prime Minister **Brian Mulroney**. He served in several leadership

roles in addition to his tenure as Speaker, including Opposition Whip, Deputy Leader of the Opposition and Leader of the Opposition. He also served on over 20 standing, special and joint committees, and Chaired the Standing Committee on Internal Economy, Budgets and Administration, the Standing Senate Committee on Social Affairs, Science and Technology and the Special Committee on Bill C-110, *An Act respecting constitutional amendments*. Senator Kinsella, an advocate for human rights, has been a professor of psychology, philosophy and human rights at St. Thomas University for 41 years and served as Chairman of the New Brunswick Human Rights Commission for 22 years.

With the departure of Senator Kinsella, the Prime Minister advised the Governor General to appoint Senator **Pierre-Claude Nolin** as the new Speaker, and this appointment took effect on November 26. Senator Nolin, a lawyer by trade who represents the senatorial designation of Salaberry, Quebec, had been the serving as Speaker *pro tempore* since November 2013. Senator Nolin was appointed to the Senate in June 1993 on the advice of Prime Minister Mulroney. He has been a member of numerous standing committees and currently chairs the Standing Committee on Internal Economy, Budgets and Administration. He also chaired the Senate Special Committee on Illegal Drugs, which was originally struck in 2000.

The position of Speaker *pro tempore* is now held by Senator **Leo Housakos**, who represents Wellington, Quebec. His nomination by the Committee of Selection was adopted by the Senate on December 4. Senator Housakos was appointed to the Senate in 2008 and has served as Deputy Chair of the Standing Senate Committee on Transport and Communication.

Senators

There were other departures from the Senate during this period with the retirements of Senators **Fernand Robichaud** on December 1 and **Asha Seth** on December 15. Senator Robichaud, like the former Speaker, was also from New Brunswick and served in the Senate since September 1997, when he was appointed on the advice of Prime Minister **Jean Chrétien**. He was appointed Deputy Leader of the Government in the Senate in 2001 and served in that role for three years. He was an active member of numerous committees and was most recently the Deputy Chair of Standing Senate Committee on Agriculture and Forestry. A former Member of Parliament for the ridings of Westmorland—Kent

and Beauséjour, New Brunswick, Senator Robichaud was first elected in 1984 and was re-elected in 1988 and 1993. He was Minister of State for Parliamentary Affairs, and then for Agriculture and Forestry, Fisheries and Oceans from 1993 to 1997.

Senator Seth represented the province of Ontario and was appointed to the Senate on the advice of Prime Minister **Stephen Harper** in January 2012. Senator Seth, who was born in India, was the first female Indo-Canadian Senator. She is an obstetrician and gynecologist and is the National Board Director of the Canadian National Institute for the Blind. She served on several Standing Committees, most recently the Standing Senate Committee on Social Affairs, Science and Technology and the Standing Senate Committee on National Finance.

Clerk of the Senate

After 36 years in service to Parliament and five years as Clerk of the Senate, **Gary O'Brien** announced his retirement on December 16. O'Brien began his career in Parliament with the Library of Parliament after which he worked for the House of Commons before joining the Senate in 1980. At the Senate, he was the Chief of English Journals and Director of Committees before becoming the Deputy Clerk in 1999. He was appointed as Clerk in late 2009. On January 22, 2015, the Speaker of the Senate announced that there would be a reorganization of Senate Administration, with **Charles Robert**, the current Principal Clerk of Chamber Operations and Procedure, being named as the new Clerk of the Senate. Robert has been serving Parliament for over 35 years, starting with the Library of Parliament and serving in the House of Commons before joining the Senate in 1991. He has served in his role as Principal Clerk since 2006.

As part of this reorganization, **Michel Patrice**, the Law Clerk and Parliamentary Counsel and **Nicole Proulx**, previously Director of Finance, will assume responsibility for certain aspects of the Senate Administration.

Committees

In addition to their usual scrutiny of legislation, several committees were also tasked with the pre-study of the *Budget Implementation Act* (Bill C-43). The Standing Senate Committee on National Finance and six other committees studied different provisions of

the *Act* according to their areas of study and reported to the Chamber during the month of December. The bill passed the Senate on December 16, and received Royal Assent on the same day.

The Standing Senate Committee on Energy, the Environment and Natural Resources tabled a report entitled *Digging Safely - One-call Notification Systems and the Prevention of Damage to Canada's Buried Infrastructure*. The committee made four recommendations to the government relating to the safety of Canada's networks of buried cables, wires, pipelines, water mains and sewer lines. The Standing Senate Committee on Official Languages also tabled a report relating to the impact of changes to the immigration system on official language minority communities. The report entitled *Seizing the Opportunity: The role of communities in a constantly changing immigration system*, made 9 recommendations for the Department of Citizenship and Immigration to take positive measures to enhance the vitality of Canada's two official language communities and to support and assist their development.

Some committees were conducting fact-finding missions relating to their special studies during the period under consideration. The Standing Senate Committee on Agriculture and Forestry travelled to parts of Ontario for their study on the importance of bees and bee health in the production of honey, food and seeds in Canada. In preparing the report, senators met with apiculturists and farmers. The committee began its study in November 2013 and expects to table a report this spring.

The Standing Senate Committee on Fisheries and Oceans travelled to New Brunswick, Prince Edward Island and Quebec, meeting with industry and government representatives as well as other stakeholders concerned with aspects of aquaculture. The committee is expected to table a report on aquaculture in Canada before June 2015.

Legislation

In addition to Bill C-43, 9 other government bills were passed by the Senate in November and December. Amongst them was Bill C-36, legislation drafted in response to the Supreme Court of Canada decision in *Attorney General of Canada v. Bedford*. The Bill altered the way in which the Criminal Code deals with voluntary sexwork activities involving consenting adults. Other government bills included Bill C-8, which contained amendments to the

Copyright Act and Trade-marks Act, enacting new border enforcement measures and new civil causes of action and criminal offences. In the area of foreign policy, Bill C-41 implemented a free trade agreement between Canada and the Republic of Korea. There were also five Commons Public Bills adopted by the Senate and two Senate Public Bills. One of these Senate Public Bills, Bill S-213, *An Act respecting Lincoln*

Alexander Day, was subsequently adopted in the House of Commons and was given Royal Assent in a traditional ceremony with the Governor General on December 9, with members of Mr. Alexander's family present in the gallery.

Vanessa Moss-Norbury
Procedural Clerk



Sketches of Parliament and Parliamentarians Past

This column is the first of a regular series of historical vignettes exploring Canadian parliamentary traditions, legislators and legislative buildings. Drawing on the knowledge of an established network of Canadian parliamentary librarians and researchers, we also welcome reader suggestions or questions about interesting parliamentary curiosities of the past and particular parliamentary quirks which could become the basis of future columns. Please contact revoparl@ontla.ola.org.

Susanne Hynes

In each Canadian capital many people take great pride in a building that symbolizes parliamentary democracy and government. Legislative buildings attract tourists, lobbyists, school children and demonstrators. People come to them to learn, to influence, and to take in the special ambience of a place where their elected representatives make decisions affecting them all. They also, at times, come to protest.

We begin with a turning-point story in Newfoundland's parliamentary history that illustrates the importance and the vulnerability of the most public of buildings, the Legislative Building. The story was submitted by Kimberley Hammond, Legislative Librarian for Newfoundland and Labrador, who is working on a book about the history of the Newfoundland Legislative Assembly. Her province was the first encountered by Europeans and the last to join Confederation. It has been at times very strategic, and at times almost forgotten by the larger powers most closely associated with it: Great Britain, Canada, the United States and France. The Colonial Building was its seat of government until 1956.

Notable is one short sentence in the newspaper reports for the day: a youth stole the mace during the April 5, 1932 riot – and a citizen made him bring it back!

The column closes with the story of Upper Canada's mace, which was looted more than one hundred years earlier by American troops who burned Upper Canada's "Palace of Government" during the war of 1812. It took much longer for this mace to be returned.

Susanne Hynes is the Research and Publications Librarian at the Legislative Library and Research Services branch of the Legislative Assembly of Ontario.

Demonstration at the Colonial Building

In the early 1930s the economic situation in the Dominion of Newfoundland was grim. A combination of the debt incurred through participation in the Great War, the decline in the price of fish, and the effects of the Great Depression, found the Government of the day on the verge of bankruptcy, in debt to the tune of about \$100 million dollars. To coincide, a series of political scandals left the population disenchanted with politicians and politics.

On April 5, 1932 what started as a peaceful demonstration against the government dissolved into a riot. Merchants had given their employees a half day off and a parade that grew from 2,000 to more than 3,000 men, women and youths marched along the main streets ending up at the Legislature. The building was breached and the 20 policemen inside could not stop the trouble. The newspapers the next day tell the story.



On April 5, 1932, a crowd moved towards the Colonial Building in St. John's to listen to speakers prior to the riot.

The Rooms Provincial Archives Division A 19-21



Newfoundland's old hand-painted wooden mace was gifted by the British authorities to the newly elected House of Assembly in 1833.

"Before the Speaker left the Chair and adjourned the House, the first stones were thrown through the windows downstairs and soon the battering of the doors leading to the Ryall residence, the Reporters room, Opposition rooms and those occupied by Miss Morris [Legislative Librarian] began. In less than an hour every pane of glass was broken, ... and a rush was made by the police and assistants to quench the fires. With pickets and sticks the sashes were smashed, the rooms were ransacked, and efforts were made to gain access to the Assembly room upstairs. ... Typewriters, bookcases, books and documents as well as chairs and tables were flung into the grounds and the scene this morning is likened to that of a gigantic explosion had occurred within the precincts of the Assembly building." *Evening Telegram*, 5 April 1932, p. 4

One youth, running away with the Mace, was grabbed by a spectator who compelled him to replace it. Another youth managed to get the sword of the Sergeant at Arms and advanced to the front of the building, holding it high in his hand.

The resulting damage to the Colonial Building was estimated at \$10,000 and many people were injured in the fray. The Prime Minister, Sir Richard Squires, managed to escape with the help of local clergy but resigned the next day.

The subsequent administration under Frederick Alderdice sought the help of Canada and Britain. They agreed to help with the debt so long as Newfoundland agreed to a commission of enquiry to determine a longer-term solution. After 78 years of responsible government, on December 2, 1933 the House of Assembly met for the final time, having effectively voted itself out of existence a few days prior. It was meant to be a brief arrangement, but it would last 15 years.

The Mace of Upper Canada and the War of 1812

Upper Canada's "Palace of Government" located on Palace Street in York (now Front Street in Toronto) was completed in 1796 and held sessions of the Legislature

right up until the invasion by United States forces on April 27, 1813 during the War of 1812. Among the forces defending the town was a full company of the Royal Newfoundland Regiment, part of a 750-man force that was overwhelmed by 2,650 Americans.

For 11 days the invaders, under General Henry Dearborn, flew the Stars and Stripes over the town of York. Many buildings, including the Palace of

Government, were looted and burned.

And, to crown all, before they re-embarked they set fire to the two houses erected for the accommodation of our Provincial Legislature and Courts of Justice... which had been erected and fitted up at an expense of several thousand pounds. These with the office containing all the Journals, a large collection of books and other appendages connected with such an establishment, were all consumed by the flames; and the bare walls alone remain.¹

Before they set the building aflame the invaders took the speaker's mace and the carved lion above his chair as trophies. One account maintains another trophy was taken: what the looters thought was a human scalp hanging above the speaker's chair but which was, in reality, his periwig.

The United States preserved the mace and the Royal Standard (which has not been returned) at the Naval Academy at Annapolis.²

On May 4, 1934 President Franklin D. Roosevelt sent a message to Congress suggesting the mace be returned to Canada, and was it was presented to the Lieutenant Governor in Toronto on July 4, 1934 — 121 years after it was taken.

- 1 Letter signed "Falkland", *Kingston Gazette*, August 17, 1813, in Frank A. Dieterman and Ronald F. Williamson, "Government on Fire", Toronto: eastendbooks, 2001, p. 19.
- 2 Franklin D. Roosevelt: "[Message to Congress Requesting Authority to Return a Mace to Canada](#)," May 4, 1934. Gerhard Peters and John T. Woolley, The American Presidency Project. URL: <http://www.presidency.ucsb.edu/ws/?pid=14862>

