

# Canadian Parliamentary review



*Unpacking Gender's Role  
in Political Representation  
in Canada... p. 22*

*Volume 38, No. 2*



# Know Your Mace

The current Mace of the Northwest Territories (NWT) was unveiled in January 2000. It was constructed by three artists – Bill Nasogaluak, Dolphus Cadieux and Allyson M. Simmie – who were dubbed ‘the snowflake team’. Sitting on the top of the Mace is a northern diamond. This 1.31 karat diamond rests on two ulus forming the shape of a tipi and within this shape is a cutout of a house. The ulu, tipi, and house represent all aboriginal and non-aboriginal peoples in the NWT. Beneath these symbols rests a band of silver engraved with the words “One Land, Many Voices” in 10 of the official languages of the NWT. The most distinctive feature of this Mace is its sound. Within the language band, shaft, and the foot are tiny pebbles collected from the 33 communities in the NWT.



Continued on page 2



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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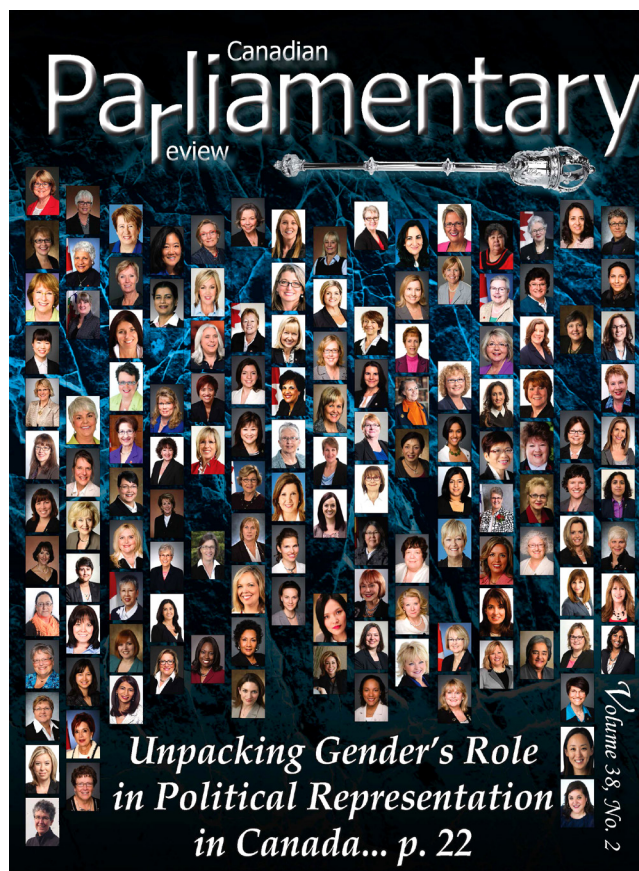
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When moved, the shifting of the pebbles creates a magical sound similar to a rainstick, representing the united voices of the people and a firm reminder that we live on one land with many distinct voices. The original Northwest Territories Mace (left) was fashioned in 1955 by nine aboriginal artists from Cape Dorset, who worked with well-known artist, James Houston. The Mace included materials such as whalebone, muskox horns, narwhale tusk, copper, and oak salvaged from Sir William Parry's ship, the HMS Fury. After only three short years of service, the original Mace began to deteriorate and was replaced by a replica in 1959.

*Kaitlyn Vician*

*Public Affairs and Communications Advisor  
Northwest Territories Legislative Assembly*



Bill Nasogaluak, Dolphus Cadieux  
and Allyson M. Simmie



# The Canadian Scene

## Passing of Speaker Pierre Claude Nolin

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The CPA-CR is very sad to report that Senate Speaker Pierre Claude Nolin passed away on April 23, 2015 after a five-year long battle with a rare form of cancer. Named to the Senate in 1993 by Prime Minister Brian Mulroney, who remembered Speaker Nolin as a man with “great personal integrity” who served Canada “with dignity and honour at all times,” Nolin had been appointed Speaker of the Senate by Governor General David Johnston on the advice of Prime Minister Stephen Harper on November 26, 2014. He had served as Speaker *pro tempore* for a year previously.

“Thanks to his courage and patriotism, this affable and cultured man was able to exercise his talents as a unifying and enlightened guide to his colleagues up to the end lot of his life, in spite of a cruel illness,” Prime Minister Harper said.



**Pierre Claude Nolin**

Senator James Cowan, Leader of the Opposition in the Senate called Speaker Nolin “a great parliamentarian who had a deep understanding of, and respect for, our Canadian parliamentary democracy. His appointment as Speaker was universally applauded and during his too-short term of office he had taken positive steps towards improving the operations of our institution.”



**Leo Housakos**

## New Senate Speaker

---

Prime Minister Stephen Harper appointed Quebec Conservative Senator Leo Housakos as the 44<sup>th</sup> Speaker of the upper chamber on May 4, 2015. He had been serving as Speaker *pro tempore* since December 2014.

Appointed to the Senate in 2008 by Prime Minister Harper, he has served in numerous roles on a variety of Senate standing committees and currently chairs the Standing Committee on Internal Economy, Budgets and Administration.

Housakos has pledged to continue to work of Speaker Nolin and his predecessor, Noël Kinsella, on modernizing the institution.

“To me, the Speaker of the Senate acts as a barometer of consensus,” Housakos said, speaking to his colleagues in the Chamber. “I will take my cue from Speaker Nolin and undertake to work with each of you in order to modernize the Senate, where openness and transparency are essential to carrying out our parliamentary duties for the good of all Canadians.”



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**Francis (Buck) Watts**

#### **New Prince Edward Island Speaker**

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For the first time in 18 years Prince Edward Island's Legislature had a contested Speaker's election. Following two ballots, Liberal MLA Francis (Buck) Watts, assumed the Speaker's chair, replacing Carolyn Bertram who did not seek re-election to the Assembly.

First elected to the legislature in 2007, Speaker Watts has been a member of the Standing Committee on Agriculture, Environment, Energy and Forestry and the Standing Committee on Fisheries, Transportation and Rural Development. He also served as Vice Chair of the Standing Committee on Public Accounts.

"Conscious as I am of my comparative inexperience in parliamentary procedure, I would have hesitated in accepting a position involving so much responsibility were it not for the fact that I know I shall be, at all times, to rely with confidence upon the courtesy, forbearance and kindness of every member of the assembly," Watts said.



**Robert Wanner**

#### **New Alberta Speaker**

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NDP MLA Robert Wanner of Medicine Hat was elected Speaker of Alberta's legislative assembly at the start of the 29th session of the legislature. Wanner replaced former MLA Gene Zwozdesky.

Newly elected in 2015, Wanner is a small-business owner who holds a bachelor of arts degree from the University of Saskatchewan, a master's degree in social policy at McMaster University and an MBA from the University of Calgary.

Wanner told his fellow MLAs: "The building that we are in now, in all its splendour, is simply a symbol of what well-intentioned people can do when they decide to work together to make a better world. We must find new ways to set aside our positions and focus on our collective interests."



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# *Some Editing Required: Producing Canada's Hansards*

As producers of the official transcripts of parliamentary debates, Canada's Hansards are responsible for ensuring parliamentarians and Canadians have a fair and accurate report of what happened on any given day on the floor of a legislature. In this roundtable, four directors/editors of Canadian Hansards discuss how their teams work to make the transition from "the colourful theatre of debate to the black and white specifics of text."

**Deborah Caruso, Lenni Frohman, Robert Kinsman and Robert Sutherland**

**CPR:** I'm sure some outsiders think of Hansard as a verbatim record of parliamentary debates, but there's a lot more to it than that. What are some of the biggest misconceptions of your work that you've encountered from parliamentarians or other parliamentary observers?

**LF:** I think the biggest misconception is that there's no editing required in making the transition from the colourful theatre of debate to the black and white specifics of text.

**RK:** People think it just magically appears at the end of the day. That it's just there. I have people who call me five minutes after a one-hour speech and they ask, "Can I have a copy of that, please?" (*Laughter*). They don't realize that we have to research all the names of the constituents and companies they mention as well trying to figure out what they were saying in their different languages... which are all English!

**RS:** I think most people are surprised by the amount of labour that's involved in actually turning out a

product at the end of the day. We have a staff of about 30 people. When Members come to our office and see the number of people typing away, they're just blown away that there are so many people. I think they only see the tip of the iceberg with a few people in the chamber or around the building. There is a large, and in our case, part-time staff which is required to turn that transcript out by the end of the day, as Bob said, or in our case to get a draft up within about an hour.

**DC:** We have a Hansard reporter at every session, whether it's the legislature or committee, and they're just at a laptop taking very brief notes to help with the transcript. I think most of the MPPs in the room are under the impression that the Hansard reporter is simply there typing live and that's what will become the transcript. I know a few committee chairs have turned to the reporter and asked, "Can you read that back to us, please?" (*Laughter*). I think they've seen too many courtroom movies. It takes a huge team effort. Most days our legislature starts at 9 a.m. and ends at 6 p.m. All those hours of debates are posted to the website the same night. There are committees meeting at the same time, so it's a huge team effort.

**CPR:** Are there many differences among the Hansards in jurisdictions across Canada?

**DC:** The short answer is yes. There are 10 provincial Hansards, three territorial Hansards and then the House of Commons and the Senate in Ottawa. Depending on how many annual sitting days there are, and if Hansards of committees are produced as well as

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*Deborah Caruso recently retired as Director of Hansard, Interpretation and Reporting Services at the Legislative Assembly of Ontario. Lenni Frohman is Director, Parliamentary Publications at Legislative Assembly of Saskatchewan. Robert Kinsman is Manager/Editor of Hansard at the Nova Scotia Legislature. Robert Sutherland is Director of Hansard Services at the Legislative Assembly of British Columbia.*





**Deborah Caruso**

debates in the legislature, you'll have either a full-time staff, or a hybrid with full-time staff supplemented with a lot of sessional staff. The territorial Hansards are all contracted out. They're all private sector. Some legislatures have more than one language that can be spoken. As far as I know, New Brunswick and the House of Commons and Senate are the only ones that do translations into the other language spoken. Others might report in whichever language was spoken.

**RK:** I think the main difference is numbers. When Robert was mentioning up to 30 members of staff during the sessions, that just makes me cry – with envy. *(Laughter)*. We have seven full-time staff and lately we've been moving from building to building because our former office building was condemned. As a result of space constraints in our temporary location we're down to about 14 for the session and have to complete the transcript that day. We also have committees, but those transcripts aren't completed on the same day. It takes maybe two to three days. I think we pretty much do the same things in terms of production, it's just the numbers and the hours that are different.

**RS:** I agree. There are a lot of common issues in the nuts and bolts of how we assemble the document. At a certain level, we all have people transcribing, people editing and we're all dealing with language problems and problems understanding what a Member said or what they're trying to say. But the workload does vary from jurisdiction to jurisdiction. For over two-thirds of our year we have two houses that we're reporting at the same time, so that's why we need 30 people.

**LF:** In Saskatchewan we have about 36 part-time editors at Hansard and three full-time people – the managing editor, the production manager and the indexer. That is a large staff to manage concurrently sitting committees. I think that local labour market conditions can also really affect how Hansards are staffed. If you're working, let's say in Yellowknife, and you have to produce in French, how you're going to staff that position really does depend on the availability of people.

**RK:** Another issue when staffing is when you mention the hours when you're interviewing. You have people leave that room so fast! *(Laughter)* Today we might sit from 2 p.m. to 10 p.m. and then from 12:01 a.m. to 11:59 p.m., but we won't know until 10 p.m. People aren't prepared to give up their lives for that like the rest of us old fogies.

**LF:** That's very true Bob. I'm finding there are many intelligent young people who refuse to have their lives totally hijacked by their work schedule. I definitely see a change in mindset with our people.

**RS:** One thing I'll add is that as you go from jurisdiction to jurisdiction, some legislatures have longer calendars with sessions in the Spring and in the Fall while others are really compressed into a single period of time in a year. Here we have a Spring session and sometimes a Fall session, though we never really know. So when it comes to staffing, it's difficult to know whether to get a full-time person or part-time staff. I think it would be difficult trying to manage a situation where your House sat for 12 weeks in the Spring and then didn't sit again for another year.

**DC:** I think that's why they can have private contractors take over in the North – they have very abbreviated sessions. They have language professionals doing other things for the rest of the year who can be applied to Hansard when it needs to be produced.

**CPR:** What are some of the ways Hansard (in your jurisdiction and in general) has changed over the years?



Has technology, such as speech recognition software, made your work easier and more efficient?

**DC:** A lot of people ask that question. We investigate that carefully every couple of years. The only way we've been able to use speech recognition software was when one of our staff developed a repetitive stress injury. They used speech recognition software to get them through the period where their wrist was healing. It gets more accurate all the time under very controlled conditions. It performs with a really high rate of accuracy when someone is sitting in front of a microphone dictating at a fairly even pace, tone and volume and they've spent some time interacting with the software and training it...

**LF:** Not everyone interrupting and heckling you, Deborah?

**RK:** That's what I was going to say! (*Laughter*).

**DC:** Yes, but in a chamber like Ontario we have 107 different MPPs with different accents and voices. They turn away from the microphone. Sometimes there are 107 people speaking at the same time. The accuracy rate plunges so dramatically under those circumstances that it's more productive just to begin from scratch. Or, in Ontario and in a few other jurisdictions, we capture the closed captioning to use as our initial text input and then edit the closed-captioning because there can be some issues with accuracy. That is the classic courtroom transcriber scenario where the MPPs have seen the movies and think that's how Hansard is produced. With Hansard it's important that people's verbatim speech get tidied up. And this discussion is a perfect example. If you were to print my contribution verbatim I would be mortified! (*Laughter*) We insert ourselves into the copy just as much as we need to translate speech to text and to help make it make sense in black and white on the page. And it's very minimal intervention; just enough for it to make sense. Sorry, that was a bit of a sidebar. What a mess I'm making talking off the top of my head! (*Laughter*)

**RK:** To get back to speech recognition, we could never use it in Nova Scotia. I sit in the chamber most of the day and I don't think I've ever been there when there's just one person speaking. Seriously! The two people beside him are helping him out, and someone across the way is ranting and people are pounding their desks. We've never tried it for budget reasons, but it would just never work. We were excited when technology changed from five-minute audiocassette tapes that were run across the street by legislative



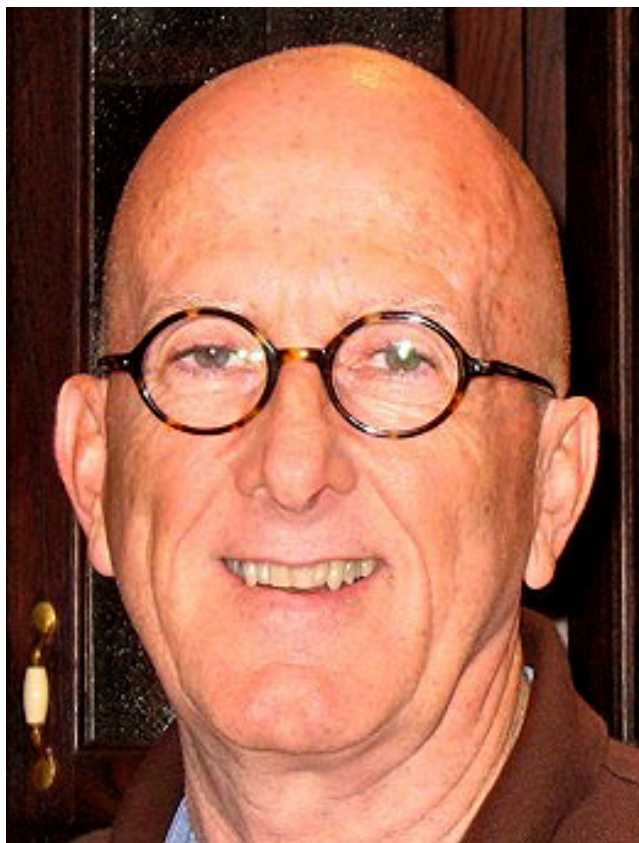
**Lenni Frohman**

pages to second-generation digital audio equipment! That's in the last six or eight years.

**LF:** That has been the big change: technology. Although speech recognition software's contributions aren't significant yet, other types of technology have helped. Computers, for example; back when I started we had a Wang! We had word processors! Now, we have 24 networked editors who can live-time share annotated research. Now dual monitors can create a large virtual workspace where research can be accessed so much more quickly and consistently. Now the whole Hansard is transcribed, edited, and posted to the Internet about two to three hours after the House rises.

**RK:** I have to ask if anyone knows what a Mag Card machines is? That's what they used when I first started. We aren't using years here, just technology. (*Laughter*) But we still did it by the end of the day before we left the office, even if it was three or four o'clock in the morning. There were these massive machines with cards with little holes punched through them.





**Robert Kinsman**

**DC:** I've seen those in the movies, Bob! (*Laughter*).

**RK:** I know! So, technology has made our lives easier, but we're still only ahead of our deadline by a few hours. Within an hour we give excerpts to Members if they request it, but we don't put any of the rough draft on the Internet.

**CPR:** While we're on the subject of speeches, many Members seem to read from prepared remarks. Do they often provide you with copies in advance or afterwards?

**RK:** Many of our Members deny they're using a speech, even if they're standing with a page in front of them. (*Laughter*). But, actually, there was a new government in 2013, and about 30 new Members came to an orientation we call Members' University where each division describes what they need to make their lives and the Members' lives easier. Some of these people were obviously listening because we do have Members that send over remarks in advance or when they're finished, and most will send them if you request it. Our big new problem has been people reading from iPads. They either can't print

it, or don't. That's a new wrinkle this past sitting. But most people will send their speeches. There is a telephone near the chamber where our staff can call to request it. A number of years ago, Ruth, a woman working in our office, called to ask for a note to be sent to a Member giving a Speech, requesting a copy. The Member received the note, turned to the camera mid-speech and said "No Ruth, I won't send it!" (*Laughter*). You have to be a little discreet.

**DC:** We do receive copies of virtually everything that's prepared, but only after it's delivered in the House or committee, never before. Our staff have a table in the Chamber, but they are what's known as "strangers in the chamber." They aren't allowed to walk around, so they have to use the legislative pages as their couriers. We get a steady stream of the printed remarks all day, every day. I would love to get them in advance, because that would be so helpful for our interpreters. I think the Ontario Hansard is the only one where the interpretation is part of the service. Our interpreters have learned over the years to wing it. We'll get them in advance when we can, but we don't hold our breath.

**RS:** In BC we have a couple of procedures. One is known as two-minute statements. They're before Question Period every day. Six Members are allowed to stand up and they each have two minutes to make a statement about something going on in their constituency. Those are always prepared remarks and the Members are almost always reading from a prepared text. We have a pretty good success rate in having those sent to us either in advance or after. And for the Budget Speech or the Throne Speech, Members will often have prepared remarks. They are less likely to send those to us unless we request them because they're half hour speeches. But it's a bit of a double-edged sword. They can depart from their text, so you could never just take the text and assume that's what the Member will say. You would have to do a line by line comparison between the prepared speech and the transcript. And if you have to do that, you might as well just do the transcript. We're not going to make the record conform to what they want it to say. The record has to report what they actually said. You can use the text to see where they might have run off the rails a bit, or for names or titles that are printed within it that will help from a research perspective, but the job of reporting what they said is ultimately the job of the person listening the first time they transcribed it. We have a number of Members whose first language is not English and they will very often send us their remarks in



advance and that's very helpful because in those cases you actually do a line-by-line comparison just to make sure if there are problems with diction or noun-verb agreement.

**RK:** I'd just like to add one thing about Member statements. We used to have something called Notices of Motion and it was the same thing. It was sent to us by the caucus office each day before the House sat. They tabled it with the Clerk and then we got a refined copy later. It was wonderful. But the new procedure allows each Member to read two one-minute statements about whatever they want for up to one hour. They don't have to table them so most don't. We've had quite the time with this! I'm meeting with the Clerk and Speaker before the next sitting and I'm hoping to have them tabled as they were before, even if they aren't registered by the Clerk. It's an hour of one-minute statements with constituents' names. It's murder! I'm not kidding. *(Laughter)*

**CPR:** Earlier in our discussion the common idea that Hansard is verbatim was brought up, but in many cases it's "essentially verbatim." A few years ago in Manitoba, Hansard became embroiled in a political news story where an editing decision was deemed to have cleaned up a minister's remarks in a way the opposition argued was unacceptable.. *[The minister referred to porcupines having 'pines' before correcting himself to say quills. Hansard removed the reference to 'pines' - the Speaker ordered the omission to be reinstated and for Hansard to report speech verbatim.]* What kind of editing procedures do you have? Do you have any notable stories about issues that have arisen when editorial decisions have been made?

**DC:** We do have policies and new staff are trained thoroughly. We are "substantially verbatim." Our policies allow us to make tweaks, but we never put words in anyone's mouth. While there are some variations, most of the Hansards adhere to the same policy which was drawn from the mother of all parliaments, Westminster. For example, if someone is saying "million, million, million" all the way through a speech then stumbles and says billion at some point, unless it's referred to and becomes a political thing we would probably just change it to conform. It was a verbal stumble that everyone listening understood as an error. We will also edit false starts. No one speaking off the cuff speaks very smoothly. If a person starts with a couple of words and then immediately restarts in a different direction we would drop those first few words to



**Robert Sutherland**

tidy it up a bit. We have a good training program and people ask when they're not sure. Where it's erupted into controversy, if I can use that word, would be when someone applies an editing decision that corrects an error in speech by a minister. It was never partisan, but if a minister of the Crown made a stumble and someone just corrected it according to the usual policy applied, an opposition member might stand up and allege that Hansard fixed it because the government asked us to do something. *(Laughing)* That happens all the time, I get a call from the minister saying "Oh, can you please fix that!" And that's another point, you can't read sarcasm into print. *(Laughter)*. I was being totally sarcastic just then. But it's so rare. I don't recall having to deal with a situation like that except for perhaps once during the last seven and half years. I think my predecessor had to deal with a couple of instances when someone was alleging that we were tweaking the copy in favour of a government minister or to make the government look better. Like I care whether the government looks good or not. By the way, I'm retiring shortly so I'm being more candid than I would have if we had this interview a year ago. *(Laughter)*



**RS:** I can't recall anything during my tenure as manager or director where there's been a controversy like that. Years ago, in the 1990s there was a case when an editorial change was made at a very basic level. In retrospect it wasn't a very good editorial decision and it just so happened it concerned the man who became the premier when he was answering a question from the Leader of the Opposition. It wasn't widely reported in public, but I know the organization was deeply embarrassed about it. That was a point where we changed from some fairly substantial editing to a much more verbatim style. We realized there was a pretty big risk if you started doing those things. The funny thing is, I don't ever feel like I'm pressured by the Government or the Opposition Members to correct an embarrassment. I'll get requests to tidy things up a bit, but I never get the sense that it's a case of them saying something they'd like to take back. I think that's because they actually respect the work that we do. They trust the quality of the work they're getting from us. We smooth things over, but we don't fix substantive mistakes that they've made. If they said something embarrassing, they're going to have to live with that. Once it's on the record and out there, we won't change it. If they really feel strongly about it they'll have to rise in the House and correct their remark. The issue you refer to in Manitoba – we make that kind of change in the transcript almost every day. We fix those minor errors or slips of the tongue as a part of the process and no one questions it. I have to say, it boggles my mind how that turned into an issue in Manitoba.

**DC:** I think it might have been a lack of understanding of the editing process by the Speaker. When the Speaker made the ruling stating Hansard must be 100 per cent verbatim he probably was thinking that it was already almost 100 per cent verbatim.

**RS:** I actually read a comment by Members saying they were surprised to learn that Hansard had done any editing. That's what blows my mind. I can't imagine anyone reading a Hansard transcript and thinking, "yes, that's exactly how I sound when I talk."

**DC:** The only time we've made an exception was when a Member was standing to pay tribute to a constituent who had passed away. The Member had either made a mistake with that person's name or that person's spouse's name and was mortified afterwards. They called us to ask us to correct it. That was completely non-political and I know that copies of the Hansard go to the family of the person who died, so we made an exception. But it's very rare.

**RK:** I think Nova Scotia is similar. Someone used the term "virtually verbatim," but our Clerk says we're an *in extenso* report which is a full report with repetitions and redundancies omitted. When I took over my position the former editor had been from the UK. Everyone sounded like Winston Churchill. *(Laughter)* We have members from all across Nova Scotia, but they just don't speak like that. One of my little maxims to the people here was: "You should be able to know who's speaking without seeing their name." We had one Member who said, "Thank God Hansard is here. You make me sound good by taking out the ums and the ehs." But we had one Member who was a former teacher, very well spoken, who decided one day to start mixing with the people by dropping his "I-N-G's" and "goin' fishin' with the boys." It appeared in Hansard as "going fishing." He complained the next day that we made him sound too good. *(Laughter)*.

**RS:** Deborah mentioned before that we have a huge style guide that our staff have to go through. It includes sections about when someone is being folksy or using common parlance. We have thought about all these things for decades, and, as a result, we now have this bible in front of us. When someone comes across speech like that they alert a managing editor to ask how they would deal with it in the copy. For those areas of the text that could be a problem, we put our collective minds to it and it will likely work its way up to my desk so that I know how an editorial decision was made. We really make an effort to show that we're faithful to our guidelines and established procedures to make sure we're treating all Members fairly. But we definitely have more latitude for tributes and non-political statements by Members. It's with Question Period and Debates that the Members are especially responsible for what they say and we take a very light hand there.

**LF:** Rob, you had said that members trust the quality of the work they're getting from us, within the nature of the Hansard office as non-partisan and apolitical. I very much agree with that. But the wild card is politics. For example, there was a time once where an Opposition Member had said something about a Minister. She was about to say, "That Minister ought to be taken out to the back shed and given a horrr...." The member started to stop herself just as the place erupted. We didn't put in the word because she clearly didn't get out a word. She got out a syllable before she was interrupted. But everybody in the room had psychologically finished that sentence for her. Of course, Hansard editors are trained not to finish thoughts, so that statement would have been published without the word, but with an



ellipsis, and then an indication of all hell breaking loose in the chamber and the Speaker shouting for order. But it just so happened that the government of the day was so desperate to shift the debate regarding some scandals that they chose to complain that Hansard had been sanitized. The issue did not get picked up by the media, but the complaint went from the government caucus to the Speaker saying “Can we not trust our Hansard anymore? Here was a verbal threat and Hansard has taken it out of the record.” I’d say the benefit we had compared to what happened in Manitoba was that the complainant was from the Speaker’s own party. It was easier for the Speaker to tell his caucus to let it go. I had the support of our Clerk, so the most I had to do was to meet with the Speaker and explain our procedures. The Speaker was supportive. In my opinion, our experience emphasized the need for good communication with Clerks about the kinds of editing we do because the Clerks are best placed to prevent problems from escalating.

**RK:** We’re very lucky. We work closely with both our Clerk and our Speaker, because we are very small. The Clerk once called me to ask, “Is that what you do? Should I have done this?” He’s very open and supportive, as is the Speaker.

**LF:** I agree, Bob. I think it helps to explain why our small situation really didn’t get any bigger. The Speaker asked to hear what our perspective was. When the situation in Manitoba happened I consciously made a point to meet with our Clerks to talk about our editorial policy and what was similar and different about what we were doing here. We don’t often get a chance to make that kind of intervention at the right time. It’s the Clerk that has the first ability to respond.

**RK:** And that was actually brought up at a subsequent Clerk’s conference. The Clerk explained the situation so there was some cross-pollination across Canada and that helped to ensure that the various Hansards and Clerks were briefed and better understood the issue.

**RS:** Members will say things using unparliamentary language. There are a number of celebrated clips of that. But you really have to be careful reporting it. If Members caught on to the fact that they could say whatever they wanted and we would report it, the debate could turn pretty ugly. If someone is heckling and accusing a Member of lying and there’s a way to argue that it’s not reportable, I’ll do that. You do want to be careful because you don’t want to open a back door for them to circumvent the Speaker.

**RK:** We have a policy of not including heckling unless the Member who has the floor responds to it and identifies the heckler.

**LF:** Our rule is similar.

**RS:** Ours is similar as well.

**CPR:** I asked about what’s changed over the years. Now if I can ask you to speculate about the future, have you noticed any trends in recent years about Hansard reporting? For example, a number of legislatures are exploring the concept of open government. Would that affect Hansard’s operations?

*If they said something embarrassing, they’re going to have to live with that. Once it’s on the record and out there, we won’t change it. If they really feel strongly about it they’ll have to rise in the House and correct their remark.*

*~Robert Sutherland*

**RK:** As far as open government, we’ve had some discussions about that. The Speaker had a request for what they refer to as a “raw data dump” of our initial audio that would be transferred to a private company before it was posted anywhere. They would then begin harvesting the information. They’ve been doing it with screen scraping. That’s something that the control freak in me frets about. But the Speaker and the Clerk have been looking at those kinds of requests for some time.

**RS:** Are you referring to text or audio?

**RK:** Text. I think once we put it on the Internet people can do with it what they wish, but there should be some measure of control somewhere.

**RS:** We don’t have a policy on open data yet. We do release our data but it’s not in a format that these organizations would like in order to manipulate with

scripts. We've started publishing in XML as a part of our process. We haven't started releasing that yet. The other issue is that we only have that format for the past two or three years. It's not a large historical database that you could use to make long-term comparisons and analysis. It's also very expensive to set these types of systems up and I think that's something these jurisdictions are looking at. What would be the cost of trying to overlay that XML format over old files and would it be worth it?

**LF:** In Saskatchewan we do not have an open data policy yet. We do have a strategic communication plan that states we want to make the work of the Assembly visible and accessible, to make it more understandable, and to provide information which supports public engagement.

**RS:** I think the challenge for us is that we tend to be protective of these resources and we have to get out of that mindset and realize these are resources for the public to use. But the way some people use them leads to some strange comparisons. They say that the number of words a Member says is a measure of their efficacy. We know that's not the case, but it's really not our place to control that. I think we're still at a place where we think it's our responsibility to protect our Members; but at a certain point we'll have to take a deep breath, put it out there and let people make those kinds of comparisons.

**RK:** Another question would be, which copy of the data are they using? Our printed copy is now our official copy.

**LF:** I think, to reframe what Robert said, Hansard works so hard to establish itself as dependable and non-partisan – that you can depend on Hansard to be a fair representation of what actually happened. We're protective of that reputation, that the Assembly's publications are the gold standard record of what truly happened and was said in the Assembly. It remains to be seen how open data will aid or hinder the public's understanding and confidence.

**DC:** I'm not sure that open data and open government are the same thing. Open data might be a part of open government, but when I look at some

of the things they're doing at the House of Commons, it's the way that they're packaging the information on the website so that you can click on a place in the Hansard text and it will take you to the voting record, for example, or to information about the Member, or their constituency, or the index or information about that day's debate. We would love to do some of those things, but it's all dependent on the amount of resources you have available.

**RS:** The worry is that they're using the data to make some sort of editorial comment; but I think we need to get over that worry. Ultimately, we aren't making that editorial comment. The onus on us is to make sure that our products and websites – the authentic source – are accessible and not buried somewhere where no one will find it. It does put pressure on us.

**RK:** I think a lot of the people extracting data are doing it for general research purposes. As it gets more available there are going to be fewer people abusing it... once they pry it out of my cold, dead hands. *(Laughter)*.

**CPR:** Are there any other final remarks before we finish off?

**DC:** If I could just take the opportunity, since I'm retiring, to say how proud I am of having been a part of this institution, about our staff and about what we do and how well they do it. We recruit carefully and these people are dedicated. Contrary to this common misconception that it's one person sitting at a desk typing up a transcript, it takes a hard-working, smart team. And it's a miracle every day. It doesn't matter how many people called in sick, it doesn't matter if there are network issues, it doesn't matter what the issue is. Not a day goes by that the team doesn't put its shoulder to the wheel and gets it done so well and so accurately. It's a thing of beauty.

**LF:** Hear! Hear!

**CPR:** Thank you so much for taking part. Now, are there any offers to transcribe this?

**All:** Laughter.



# *Cinderella at the Ball: Legislative Intent in Canadian Courts*

This article explores a very specific kind of legal research - finding the intent of a legislature or parliament. Following a review of the history of legislative intent in Canadian courts, the exclusionary rule and an important Canadian case, *Rizzo & Rizzo Shoes Ltd*, the authors explore what developments in this area of law, statutory interpretation and, legislative intent research, might mean for parliamentary and legislative libraries in Canada. Based on research for their forthcoming Irwin Law book *Researching Legislative Intent: A Practical Guide*, this revised article was first presented to the Association of Parliamentary Libraries in Canada/L'Association des bibliothèques parlementaires au Canada (APLIC/ABPAC) on July 4, 2013, in Ottawa, Ontario.

**Susan Barker and Erica Anderson**

American statutory interpretation guru William Eskridge once referred to statutory interpretation as “the Cinderella of legal scholarship. Once scorned and neglected, confined to the kitchen, it now dances in the ballroom.”<sup>1</sup> Cited in a 1999 article by Stephen Ross, an American law professor who encourages Canadian legal scholars to devote more time to teaching statutory interpretation,<sup>2</sup> this quote perfectly captures the explosion of statutory interpretation scholarship that Ross sees happening in Canada. A fascinating area of legal research – which includes legislative intent – statutory interpretation also has a very important and practical use in courts. When the outcome of a case hinges on the meaning of a few words in a statute, interpreting the meaning of those few words will affect someone’s life and rights, one way or another.

## **What is legislative intent research?**

Our interest in legislative intent stems from our experience in law and legislative libraries. In our law and legislative libraries finding the intent behind a statute it is a source of many substantial research questions. Let’s look at an example of a question often posed to legislative researchers:

Question: I would like you to search Hansard, policy papers, and committee Hansard for all discussion surrounding the Act X dating all the way back in time when the predecessor of this legislation was introduced which I believe was prior to 1900. We are interested in determining the meaning of “Y” and if it includes “A and B.”

The kinds of questions that law librarians get that require researching legislative intent include: Can I have the Hansard and committee debate on this bill and the predecessor bills? What did the legislature mean by this phrase? Why and when was this section added to the statute?

These questions can be time consuming and finding the answers can be like finding a needle in a haystack. Discovering the intent of a legislature involves piecing together how the legislation evolved over time, if and how the enactment changed, and what legislators said about this change in Hansard and committee. It can also involve material that inspired the legislation such as reports from law commissions, government policy papers, or Commissions of Inquiry.

Researching legislative intent can feel like Cinderella, pre-ball – all work, confined to the stacks in the library. Paul Michel, writing about statutory interpretation in the *McGill Law Journal* in 1996, agrees; he said that “the process of statutory interpretation is the unsung workhorse of the law. All but ignored by the law

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schools, lacking the high profile of constitutional interpretation, the interpretation of statutes is, nevertheless, the most common task of the courts and administrative tribunals. Common, yes; but essential, too.”<sup>3</sup>

Parliamentary, law firm and academic law libraries all get these questions and provide the materials to help with this research. In parliamentary libraries, librarians have to be careful to find out if the question is part of a legal matter before court. In these cases we cannot assist with it, so it is often a delicate dance deciding what information we can provide. Still, even in that context we may be able to point clients in the right direction by providing bill reading dates and Hansard materials without any analysis of a particular phrase.

There are many terms used to describe this type of research and it helps to define some terms we use in researching legislative intent. Librarians, judges and lawyers all use the term legislative history, but they use it to mean different things. People also use the term “backtracking” to describe the research process. Relying on the definitions that Ruth Sullivan uses in her book, *The Construction of Statutes*, legislative evolution

consists of successive enacted versions from inception to current formulation or to its displacement or repeal.<sup>4</sup>

#### Legislative History

includes everything that relates to [a statute’s] conception, preparation and passage... from the earliest proposals to royal assent. This includes reports of law reform commissions, ...; departmental and committee studies and recommendations; proposals and memoranda submitted to Cabinet; the remarks of the minister responsible for the bill; materials tabled or otherwise brought to the attention of the legislature during the legislative process including explanatory notes; materials published by the government during the legislative process, such as explanatory papers or press releases; legislative committee hearings and reports; debates...; the records of motions to amend the bill; regulatory impact analysis statements; and more.<sup>5</sup>

Put simply, legislative evolution is the statute and its changes. Legislative history is everything surrounding

those changes. Both evolution and history are used by lawyers and judges to determine the intent of Parliament.

*“The Cinderella of legal scholarship. Once scorned and neglected, confined to the kitchen, it now dances in the ballroom.”*

*~ William Eskridge on statutory interpretation*

It is from these questions, that we began to see a research opportunity here. We felt that these types of questions, looking for the intent of parliament, were being posed more frequently in law and legislative libraries. We also wanted to peek on the other side of these questions to see why and how legislative history materials are used in the courts. Though not trained lawyers, we would like to share some of what we have learned so far. By looking deeper into these questions we help our clients become better at answering them and, in turn, we get better ourselves. Like Cinderella we are excited to “go to the ball,” as it were, and bring to light the details, processes and places for researching legislative intent to aid legal researchers.

#### Why researching legislative intent is important

Legislative intent questions are both frequent and important. As librarians, knowing that a judge’s decision can turn on the meaning of the legislation, we must leave no stone unturned when finding out what the legislature intended.

Identifying the original meaning behind legislation was not always such a crucial matter for the courts, however. Prior to the 20<sup>th</sup> century, judges would not look at legislative intent or legislative history to interpret a statute before the court. Under the exclusionary rule, “the legislative history of an enactment was not admissible to assist in interpretation...as direct evidence of legislative intent.”<sup>6</sup>

When this rule was lifted, first in Britain and then in Canada, it meant that, to refer back to our Cinderella quote again, legislative intent research was no longer



“scorned and neglected” by the courts. Rather, it became a legitimate research technique of growing importance.

There are, however, multiple facets of statutory interpretation including other rules and analysis. The rules, which are more like techniques, principles or approaches, include ordinary meaning, technical meaning, plausible interpretation, entire context (the Act as a whole), textual analysis, purposive analysis, and consequential analysis.<sup>7</sup> Judges rely on this toolkit to interpret a statute, most often when confronted by an ambiguous phrase, but not necessarily always. Employing a different rule often results in different answers for judges. Over time different rules have tended to be in favour. For instance, when the exclusionary rule was operating, judges generally preferred to use the ordinary meaning rule.

One of our key discoveries has been that the exclusionary rule has given way to Driedger’s Modern Principle of Statutory Interpretation. As Driedger wrote:

Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context, in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.<sup>8</sup>

This approach, while fitting into a larger body of statutory interpretation rules, was affirmed in the Supreme Court of Canada in *Rizzo & Rizzo Shoes Ltd* in 1998 and is now the Canadian courts’ preferred method of interpreting legislation. Researching legislative history and legislative intent are now standard practice for legal research.

### **The Story of the exclusionary rule**

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Even though this article deals with legislative intent in *Canadian* courts, we have to begin our Cinderella story with the emergence of the exclusionary rule in England wherein our judicial system has its roots.

The exclusionary rule was born out of an age in England known to some as the “Battle of the Booksellers.” The case of *Millar v Taylor* was the culmination of many years of litigation all hinging on the meaning of certain provisions of the 1710 *Statute of Anne*.

Under the 1710 *Statute of Anne*, copyright expired after a period of 14 or 21 years, depending on the

circumstances. Despite these explicitly defined copyright terms, London booksellers claimed that copyright was a common law right that pre-existed the statute and consequently could not be limited by legislation. On the other hand, there were a number of Scottish printers who argued that these works would be in the public domain and could be reprinted at will once the defined term of copyright expired.

The arguments were put to a legal test when London bookseller named Andrew Millar sued Scottish publisher Robert Taylor for selling cheap reprints of a work for which Millar had previously held copyright, after the period of copyright had expired. The court found in Millar’s favour and the common law right of copyright in perpetuity was confirmed. This, of course, did not last long. In 1774 the common law right to copyright in perpetuity was extinguished by the Court of Appeal. What did last, however, was the far reaching and perhaps unintended consequence of one part of the judge’s decision – the exclusionary rule.

### ***How did a copyright dispute influence statutory interpretation in such significant and far reaching way?***

During the court proceedings, Taylor’s lawyers argued that during the process of the passage of the Copyright Bill there were a number of amendments at the committee stage, including changes to the preamble and even the title of the bill, which showed that Parliament intended to either take away or declare the absence of property in copyright at the common law. The presiding judge would not allow that argument, declaring:

The sense and the meaning of an Act of Parliament must be collected from what it says when passed into law; and not from the history of changes it underwent in the house where it took its rise.<sup>9</sup>

That single and simple statement became the foundation for the exclusionary rule, profoundly influencing statutory interpretation for two centuries.

The judge’s fundamental reasoning – “*This history is not known to the other house or to the sovereign*”<sup>10</sup> – was practical; there was no legal or reliable record of the debates at the time and no way of telling what Parliament meant when it made those changes to the bill. In the United Kingdom, up to 1771, publication of the debates in England was considered to be a breach of parliamentary privilege. It was even banned by an official resolution in 1738.



In 1998, the exclusionary rule was dismissed, not just for Charter and Constitutional cases, but for ordinary statutory interpretation as well when the Supreme Court of Canada ruled on *Rizzo & Rizzo Shoes Ltd.*

Once the ban was lifted, reports of Parliamentary proceedings were often published in newspapers. At the beginning, reporters were prohibited from taking notes and had to produce their reports from memory but this restriction was lifted in the Commons in 1780s. In 1803 William Cobbett began publishing of the debates as a standalone volume cobbled together from newspaper reports and other sources. When Thomas Hansard took over the publication, the debates became known colloquially as Hansard – a name that has persisted even after the Commons assumed responsibility and renamed the publication the ‘*Official Report*’.

The history of the Parliamentary debates in Canada was less dramatic. Although there was some initial resistance to having the reports of the debates published in Upper Canada prior to Confederation, they were reported in the newspapers of the time. These were sometimes collected and published as the “*Scrapbook Hansards*.” Post Confederation, in 1880, *Hansard* became an official publication of the federal

government with a team of reporters responsible for accurately recording the debates in Parliament.<sup>11</sup>

*Why was the exclusionary rule upheld for so many years after official and reliable records of the debates were being published?*

The courts upheld and expanded the reasons for the Exclusionary Rule from 1769 to the mid-20<sup>th</sup> century in both England and Canada. There were a number of reasons given for supporting the Exclusionary Rule in case law and in academic commentary, some procedural and some more practical.

Since the Debates were transcripts of discussions in Parliament, the parole evidence rule maintained that to admit them into evidence would give priority to spoken evidence over that of the formal records of the legislature – that is statutes, which are considered to be “authentic beyond all matter of contradiction.”<sup>12</sup>

Another argument against the inclusion of legislative history in case law was that it could be considered



contrary “rule of law” principles. In particular, citizens should be able to rely on the text of a statute which is readily available rather than needing to consult with additional “less accessible texts”<sup>13</sup> in order to understand the meaning of the law. Even with modern advances in technology, this objection seems most valid; legislative intent is hard to locate and understand even if a person is well-trained in research methods.

### ***What changed after 200 years of the exclusionary rule?***

The end of the exclusionary rule in the UK was rather sudden. In the 1992 case of *Pepper v Hart*, the House of Lords chose to admit legislative intent in cases where the text of the legislation is ambiguous.

Canada’s rejection of the rule was more gradual. Canadian jurists and academics supported the Exclusionary Rule in their rulings and writing. As recently as 1961, the Supreme Court cited *Millar v Taylor* and invoked the Exclusionary Rule in order to disallow the use of extrinsic evidence in a case concerning statutory interpretation.

The trend away from the exclusionary rule in Canada began with Constitutional cases. In 1976, the Supreme Court was asked to determine whether the *Anti-Inflation Act* was *ultra vires* under the *Constitution Act of 1867*. In order to discern the answer, Chief Justice Laskin considered a variety of government documents including Hansard; in his judgment, he argued in favour of the adoption of this type of extrinsic evidence in cases when constitutional questions were on the table. Having opened the door, it was only a matter of time before other judges began to step through it. Finally with the *Morgentaler* case of 1993, Justice Sopinka explicitly stated that “Hansard evidence... should be admitted as relevant to both the background and the purpose of legislation in constitutional cases.”<sup>14</sup>

Since the passage of the *Charter of Rights and Freedoms* in 1984, there have been a number of cases where legislative history and other extrinsic aids were employed to interpret the meaning of legislation within the context of the *Charter*, as well as the language of the *Charter* itself.

In 1998, the exclusionary rule was dismissed, not just for *Charter* and *Constitutional* cases, but for ordinary statutory interpretation as well. It all started with a bankruptcy. *Rizzo & Rizzo Shoes* was a chain of shoe stores in Ontario that filed for bankruptcy and

closed in 1989. All the employees were terminated immediately and were paid all the monies owed to them as of the date of the bankruptcy. The employees argued that they were owed appropriate termination pay in addition to the pay they received. The trustees argued the employees were not entitled to any sort of severance under the *Employment Standards Act* since bankruptcy was not the same as dismissal. When the case made its way to the Supreme Court of Canada, Justice Iacobucci looked very closely at the termination provisions of the *Employment Standards Act* in finding for the employees.

To quote Justice Iacobucci:

At the heart of this conflict is an issue of statutory interpretation. Consistent with the findings of the Court of Appeal, the plain meaning of the words of the provisions here in question appears to restrict the obligation to pay termination and severance pay to those employers who have actively terminated the employment of their employees. At first blush, bankruptcy does not fit comfortably into this interpretation. However, with respect, I believe this analysis is incomplete.<sup>15</sup>

Quoting Driedger’s modern principle, he noted:

Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and *the intention of Parliament*.<sup>16</sup>

Citing Sopinka in the *Morgentaler* case as his justification, Iacobucci then went on to examine statements made by the Minister of Labour recorded in Ontario’s Hansard specifically on the termination provisions of the *Employment Standards Act*.

And thus the exclusionary rule was put to bed forever. *Rizzo & Rizzo Shoes* is now the leading case on statutory interpretation in Canada, but the concept of legislative history is fluid and broad and will continue to evolve.

### **A Common Task**

Researching the intent of parliament as an aid to statutory interpretation is a daily task for lawyers, librarians and legal researchers. Legislative history, which includes examination of white papers, policy papers, law commission reports, bills, Hansard,

committee reports, and witness submissions are used to determine the intent of a parliament. In statutory interpretation, these materials are called extrinsic aids. Aids to interpreting legislative intent can also be found in intrinsic aids, such as the preamble, marginal notes, and headings in the statute.

*“Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.”*

*~ Driedger’s modern principle*

It is not always clear on which extrinsic or intrinsic aids the court will rely, as the courts still have yet to clarify the limits of use of each aid; nevertheless, these aids are clearly accepted and lawyers are pushing the boundaries for more aids to be accepted.

A recent article we discovered in our research, which studies the use of Hansard in 2010 Supreme Court of Canada cases, clarified that the use of Hansard has matured in courts.<sup>17</sup> John James Magyar found that Hansard is no longer regarded as a second class interpretive tool, and that it was often used by the court as a standalone interpretive aid even in the absence of ambiguity about a legislative provision. This same study found that litigators were making greater effort to dig into the knowledge available to them, including law reform commission and legislative committee reports. Employing a technique Magyar described as “shoehorning,” Canadian lawyers are using Hansard to introduce other extrinsic aids to assist with determining legislative intent for the purposes of statutory interpretation.<sup>18</sup> He found that when a speech in Hansard discusses a particular report, the report is seen to have a more substantial link to the argument. This phenomenon speaks to Hansard itself having more weight as an aid to interpret legislative intent as well as a tool used to expand horizons of what

may be considered a part of legislative history. With the Supreme Court now clearly accepting Hansard as an interpretive tool, this study proves that it is more important than ever to know how to research legislative intent.

#### Further Resources Needed

More resources and manuals are needed to help deepen and broaden people’s understanding of researching legislative intent and working with statutes. Understanding the process of legislative amendments and how to build a legislative history would help law students become better lawyers. In addition, there is an expectation that the public can access all the information surrounding a statute. If researching legislative intent is accepted by the courts, it should be a known process and resource available to everyone in a democracy. This is another reason for more resources and manuals on this topic.

A recent *Canadian Law Library Review* article points out that LEGISinfo <<http://www.parl.gc.ca/Default.aspx?Language=E>>, the federal bills website, is an ideal source for researching legislative intent.<sup>19</sup> The author calls LEGISinfo the standard for legislative history information because it has all the materials surrounding the enactment of a bill: bill status, links to debates and committee and then the extra step of background materials like press releases, reports, legislative summaries and background documents. It even links to previous versions of a bill. It is a portal geared towards the legal researcher researching legislative intent that is accessible to public and specialist alike. It is clear, cleanly designed and a single point of entry for everything. The most obvious drawback is that it does not cover historical material.

It may not be possible for every jurisdiction to have such portal and, technically, bringing historical information into LEGISinfo would present challenges; but, there are other legislative library projects which do fill these gaps, including the new Historical Debates of the Parliament of Canada (Library of Parliament in collaboration with Canadiana.org); scanned historical copies of Ontario debates, bills, journals, regulations, statutes in the Internet Archive; access to materials like government publications, legislative journals and a wide array of other information through the Canadian legislative library catalogs; Alberta’s comprehensive “Historical Alberta Law Collection Online”; the B.C. legislature website’s html conversion of historical Hansard; and online historical journals in P.E.I. and Newfoundland and Labrador.



## GALLOP: Government and Legislative Libraries Online Publications Portal

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Recently, the Association of Parliamentary Libraries in Canada/ L'Association des bibliothèques parlementaires au Canada (APLIC/ABPAC) collaborated to produce a portal called Government and Legislative Libraries Online Publications Portal, or "GALLOP" <<http://aplicportal.ola.org>>. This portal provides access to provincial and federal legislative library catalogue holdings and contains mostly full text electronic access to government policy papers, some committee reports, and news releases – all important materials for the legislative intent legal researcher. Resources like GALLOP should be applauded and supported as they aid in the research of legislative intent. We look forward to seeing them develop and expand.

Law and legislative librarians will also need to monitor the case law as future developments will likely define which parliamentary papers or background materials carry more weight and can be used in court as lawyers push the boundaries of legislative intent research.

As we investigate the state of researching legislative intent in Canada, and tell the story of how to research legislative intent to a wider audience, we hope to continue this discussion and, to use one final fairytale reference, get to our "happily ever after."

### Notes

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- 1 Eskridge, W. M. Jr. *Dynamic Statutory Interpretation* (Cambridge, MA: Harvard University Press, 1994) at p. 1
- 2 Stephen F. Ross, "Statutory Interpretation in the Courtroom, the Classroom, and Canadian Legal

Literature" (1999-2000) 31 *Ottawa L Rev* 39

- 3 Mitchell, Paul. "Just Do it! Eskridge's Critical Pragmatic Theory of Statutory Interpretation, Book Review of *Dynamic Statutory Interpretation* by William Eskridge" (1996) 41 *McGill LJ* 713 at p.713
- 4 Sullivan, Ruth. *Sullivan on the Construction of Statutes*. 5th ed. (Markham, Ont.: LexisNexis, 2008) at p.577 [Sullivan]
- 5 *Ibid* at p.593
- 6 *Ibid* at p.594
- 7 Sullivan, *supra* note 5
- 8 Elmer A Driedger, *The Construction of Statutes*. 2d ed. (Toronto: Butterworths) 1974 at 67.
- 9 *Millar v Taylor*, 9 (1769), 4 Burr 2303 at 2332, 98 ER 201 at 217.
- 10 *Ibid*.
- 11 Hansard Association of Canada. *Hansard History* online: <<http://www.hansard.ca/hansardincanada.html>>.
- 12 Jowitt, *Dictionary of English Law* (1st edn, 1959) p 1487 cited in Francis Bennion, "Hansard – Help or Hindrance? A Draftsmans View of *Pepper v Hart* and *Shrewsbury v Scott* (1859)" 6 CBNS 1 at 213.
- 13 Sullivan, *supra* note 4 at 597.
- 14 *R v Morgentaler*, [1993] 3 SCR 463 at 464
- 15 Rizzo, *supra* note 1 at p 40.
- 16 Driedger, *supra* note 7 at 67.
- 17 John James Magyar "Evolution of Hansard Use at the Supreme Court of Canada: A Comparative Study in Statutory Interpretation" (2012) 33(3) *Stat.L.R.* 363, and see also John James Magyar, *Hansard as an Aid to Statutory Interpretation in Canadian Courts from 1999- 2010*. Masters Thesis. University of Western Ontario, Masters of Laws 2011.
- 18 *Ibid* at p. 379
- 19 Campbell, Neil A. "Legal Research and the Exclusionary Rule" (2011) *Can L Lib Rev* 36:4 158

# Unpacking Gender's Role in Political Representation in Canada

The story of women's political representation in Canada has generally been told as one of progress. While substantial progress has been made, particularly in recent years, there have also been periods of stagnation. In this article, the author interrogates a theory of demand and supply with respect to candidate recruitment strategies. She writes that the undersupply of women candidates does not have to do with voter preferences, but rather partisan selection processes, media-influenced gender norms, and the kinds of issues which dominate political discourse. She concludes that a demand and supply model of political recruitment provides a useful framework for understanding variation in women's political underrepresentation in Canada.

**Brenda O'Neill**

In recent years much of the research into women's political representation has focussed on the tremendous growth in the number of countries, now standing at over one hundred, that have adopted gender quotas as a means of increasing the number of women in legislatures around the world.<sup>1</sup> But in the absence of such quotas, how well do women do politically? To what extent, for instance, does women's political representation vary in Canada, where there are no formal legislative requirements for ensuring minimal numbers of women candidates on the ballot? And what are the primary forces shaping when and whether women are recruited into politics in Canada, given the absence of any such formal requirements?

A starting point in any domestic examination of women's level of representation is to compare their presence in the national legislature to others around the world. On this measure, Canada's current level in the House of Commons, 25.1 percent, sits 55<sup>th</sup> amongst the 189 countries included in the Inter-Parliamentary Union's classification, behind a diverse set of countries

that includes Rwanda and Senegal (two countries with legislated gender quotas) and Sweden and New Zealand (two without).<sup>2</sup> But such a ranking tells us little about Canadian women's political recruitment over time. Conventional wisdom might suggest that women's levels of political representation have been progressing at a regular pace. *Figure 1* presents the percentage of women elected to the House of Commons since 1917. The overall trend is definitely one of progress, with a particularly strong period of growth between 1980 and 1997. But a closer look also reveals periods of stagnation, the most recent one between 1997 and 2006. So while there has been progress at some political levels, that progress has been neither consistent nor robust at all times.

A second point to underscore is that breakthroughs, when they appear, can be surprisingly short-lived. Parity in gender representation, for example, was recently achieved at the level of provincial premier. Kathleen Wynne's Liberal leadership win in Ontario in 2013 generated significant attention as it brought the number of women provincial premiers to a record high of five. The resignation or defeat of three women premiers in quick succession shortly thereafter – Kathy Dunderdale in Newfoundland and Labrador, Alison Redford in Alberta and Pauline Marois in Quebec – quickly silenced the celebrations.

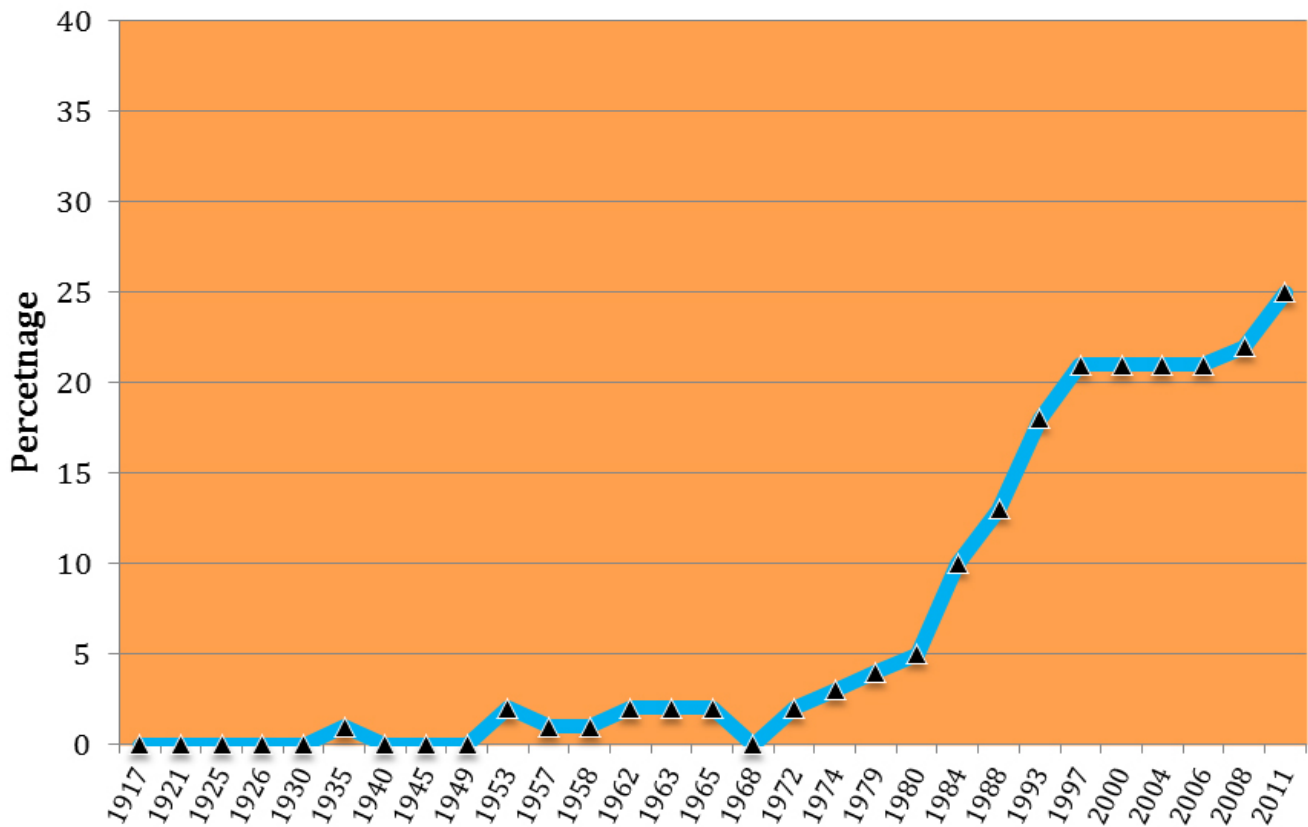
That parity was achieved at the level of premier underscores a third point regarding gender and political

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*Figure 1: Percentage of Women MPs in the House of Commons, 1917 to 2011*



Source: Lisa Young, "Slow to Change," p. 256.

representation in Canada: like focussing on the tip of an iceberg, celebrating victory at the top levels can easily blind us to the bulk of the problem that lurks beneath the water. As previously mentioned, women's level of representation in the House of Commons currently sits at one in four. If we examine the percentage of women sitting as legislators at the provincial level (as of October 2014), we find that nowhere do they make up more than 40 per cent of sitting legislators (see Figure 2). Indeed, in only two provinces is the share over 30 per cent (British Columbia and Ontario), but more importantly perhaps, in three provinces it sits at below 20 per cent (Saskatchewan, New Brunswick and Newfoundland and Labrador). In the remaining five provinces, the percentage of women legislators varies between 20 and 30 percent. Even a quick examination such as this suggests that some provinces have succeeded in ways that others have not.

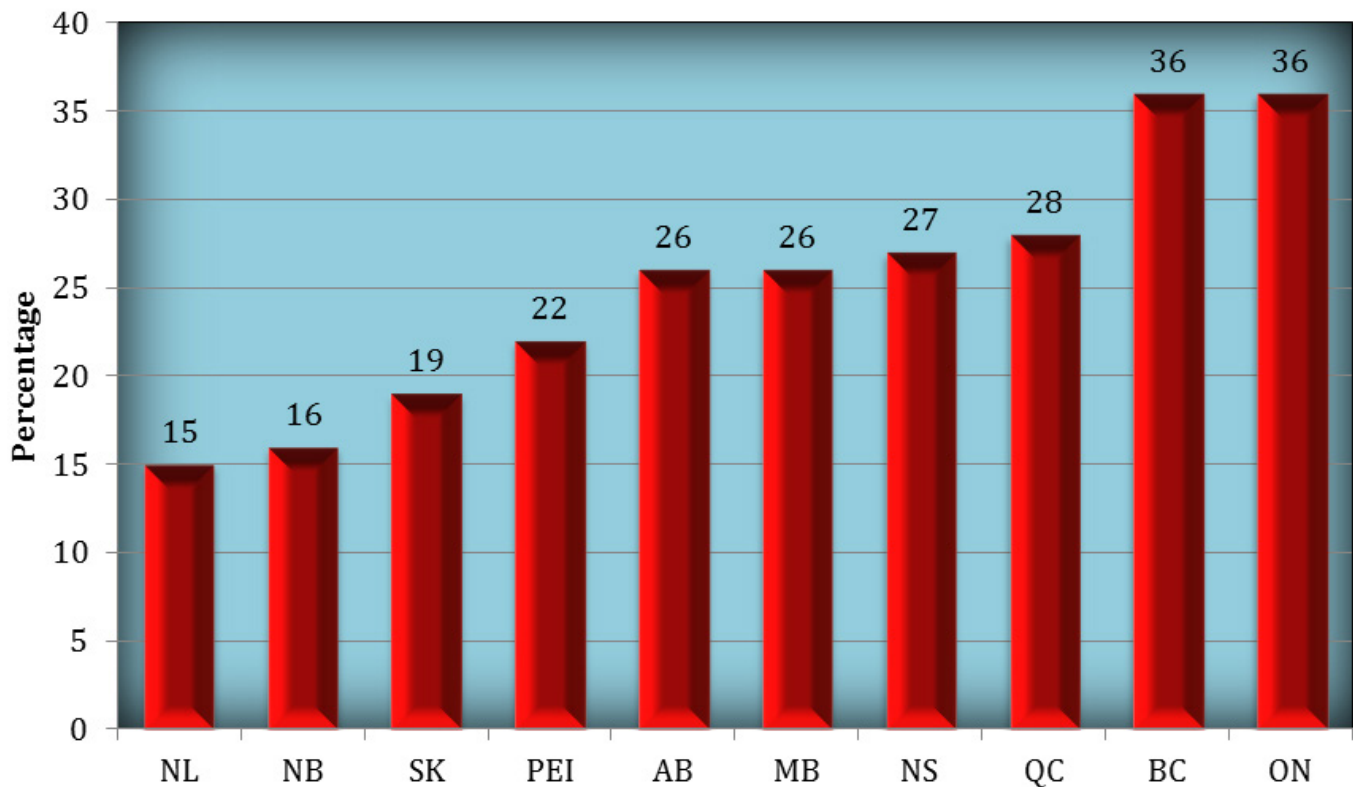
A snapshot at one point in time provides only a limited understanding of women's level of political

representation in the provinces given that fortunes can quickly change from one election to the next. Recent research on the subject reveals that in some provinces the trend has been one of a slow and steady progress (British Columbia, Manitoba, Nova Scotia and Ontario), in others it is a peak followed by a decline (Newfoundland and Labrador, Prince Edward Island, New Brunswick, Saskatchewan and Alberta), and in still others it has plateaued (Quebec).<sup>3</sup>

The fact that there is such variation in women's representation over time, between levels and across the provinces, suggests that assuming women's political representation will naturally progress is inappropriate. What then might explain why progress cannot be taken for granted?

One explanation that has been largely discredited is that women's levels of representation are due to voter preference; that is, that women are more or less likely to win office than men because voters may or may not

**Figure 2: Women's Political Representation in Provincial Legislatures, October 2014**



Source: *Equal Voice, Fundamental Facts: Elected Women in Canada By The Numbers*, June 2014, [www.equalvoice.ca](http://www.equalvoice.ca), with updates by author, B. O'Neill.

show a preference for male candidates. Studies have found that voters are as likely to support male as female candidates.<sup>4</sup> If there is an undersupply of women in Canadian legislatures, it is not due to any particular preference on the part of voters. Explanations need to be found elsewhere.

One particularly helpful framework for understanding decisions regarding the recruitment and supply of political candidates is the demand and supply framework outlined by Pippa Norris and Joni Lovenduski.<sup>5</sup> The framework depicts political recruitment outcomes as the interaction between two separate decisions: the first, the demand for political candidates by political parties, and the second, the supply of political candidates that is the result of individual decisions to stand for election. As the gatekeepers of the electoral process, parties play a particularly important role in determining who ultimately runs for office, serves as party leaders,

and indirectly, sits in cabinet. Equally important, however, is the supply of individuals willing and able to step forward to stand for office. Evidence worldwide makes clear that the process of candidate selection is such that certain groups of people are more likely to be selected as candidates, and potentially as legislators, than others, namely the well-educated, affluent, middle-aged and male. The process, then, is not neutral but rather reflects differences within these groups in their willingness to run, and in the decisions made by gatekeepers regarding their fit as the “best” candidates. Decisions made in one process also affect those made in the other: if aspirants to a political position perceive that the party is unlikely or unwilling to select them as a candidate, then they will be less likely to put themselves forward for the position.<sup>6</sup> Understanding variation in women’s representation in Canada can come from examining how those who select candidates, and how those who are willing to put themselves forward as candidates, varies.



Within the context of women's political representation, the key questions to ask are what specific factors encourage, or discourage, parties from seeking out women to run as candidates in elections (demand)? And, what encourages, or discourages, women from putting themselves forward as candidates in elections (supply)?

### **The Demand Side: The Candidates That Parties Select**

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The demand side of the political recruitment framework suggests that political parties are more likely to select candidates associated with a reduced electoral risk. The assessment of risk, that is the determination as to how likely the candidate is to win the seat, is largely one of perception given that electoral outcomes are rarely foregone conclusions. Assessing that risk provides plenty of room for assumptions to directly and indirectly shape women's chances of being selected as candidates. Who is considered a "suitable" candidate? What type of candidate "best" represents the party? Is the riding "winnable"? What are the voters looking for in their representative? Who, in short, is the "best" candidate?

One factor influencing parties' strategic calculations is the electoral system, as it provides specific incentives regarding the recruitment of candidates. Each party's electoral chances in a riding are vested in a single candidate. The winner-take-all nature of the contest means that political parties are less willing to take a chance on an unknown quantity than they might be otherwise, especially in ridings where the party is perceived to have a very good chance of winning the seat. Each party's perception regarding the "winnable candidate" is not likely to be gender blind;<sup>7</sup> existing networks and past experiences will likely guide choices towards candidates who meet the perception of who is likely to be able to win. Canadian politics continues to operate in a highly masculinized environment which privileges power and competition. For women to conform to these norms they must challenge prevailing conceptions about how women should act, that is as individuals who are compassionate, willing to compromise, and people-oriented.<sup>8</sup> Male stereotypes, on the other hand, include being assertive, active, and self-confident, which directly correspond with perceptions of the key criteria of merit and suitability for the political arena. Male candidates are more likely to fit the perceived criteria simply by conforming to the norms associated with their gender.

Although merit is often identified as the basis for candidate selection, the particular criteria associated with the concept are often difficult to pin down and as such there is plenty of opportunity for post hoc rationalization of choices. Norris and Lovenduski argue that candidate assessments often rely on group-based judgments about the candidate's characteristics (for example, sex or ethnicity) or about the voters' willingness to support the candidate at the ballot box.<sup>9</sup> Research by Cheng and Tavits confirms this important role played by party gatekeepers in the selection of candidates.<sup>10</sup> Examining the 2004 and 2006 Canadian elections, they find evidence that women are more likely to be nominated when the local constituency party president is a woman. Importantly, the effect need not be a direct one. According to Cheng and Tavits, "Even if party leaders are not directly responsible for their party's nomination process, the leadership can informally encourage preferred candidates to contest nominations or, even less directly, send signals about who would be welcome and would fit in with the existing local party elite."<sup>11</sup> In short, people are more likely to support and recruit candidates who are like themselves.<sup>12</sup>

Related to the perception of winnability is the greater likelihood of selecting candidates perceived to be more meritorious in competitive ridings, given the increased probability of electoral success. The flipside is that less competitive ridings are likely to adopt lower standards regarding merit given the decreased desirability of the nomination. The concept of sacrificial lambs – women nominated to run in ridings where the party is not competitive – has been touted as a potential explanation for the limited number of women found within Canadian legislatures. Until recently, however, little empirical support for the practice could be uncovered.<sup>13</sup> As shown by Thomas and Bodet, however, employing a more dynamic empirical measure of district competitiveness than in the past uncovers evidence of the sacrificial lamb hypothesis at the federal level in Canada; except for the Bloc, parties are more likely to nominate men than women to run in districts that they believe can be won.<sup>14</sup> If women were placed in competitive ridings in numbers equal to men, women's political representation would necessarily improve.

The propensity to select women when electoral strength is weak rests, necessarily, on predictions of the party's likelihood of winning the next election. Parties are not, however, always able to accurately predict their chances. When predictions are off, what can happen is a landslide, an unexpected electoral sweep for a party

that can result in a significant increase in women's political representation.<sup>15</sup> Canadian examples include the Liberal sweep in New Brunswick in 1987, where women's share in the legislature rose from 7 to 12 per cent.<sup>16</sup> Another is the NDP win in 1990 in Ontario, where the percentage of women legislators rose 7 percentage points in a single election to 22 per cent, a record that stood until 2007.<sup>17</sup>

The conclusion that party efforts are instrumental for the political representation of women cannot be over-emphasized. While the first-past-the-post electoral system creates incentives and disincentives, it does not vary across the provinces, and so its ability to help explain variation across the provinces is limited. But the electoral system does increase electoral volatility, and so small shifts in electoral fortune can lead to large shifts in women's representation, both up and down, if the parties in the system have very different records of nominating women as candidates. Electoral volatility also decreases the ability to determine electoral chances, which raises the stakes, and potentially decreases women's chances of being nominated if they are seen as more risky choices.

Another factor that needs to be underscored is that party systems vary across the provinces and between the federal and provincial levels. Since parties vary in the degree to which they see a perceived need for the adoption of concrete mechanisms for improving the lot of underrepresented groups such as women, variation in party systems can help to explain variation in levels of women's representation. Parties on the right of the ideological spectrum have refused to make special allowances for women to increase their numbers within party caucuses.<sup>18</sup> In the 2012 Alberta election, for example, fewer than one in five candidates (13 per cent) for the Wildrose Party were women; in the 2014 Ontario election, the corresponding percentage for the PC party was one in four (25 per cent). In contrast, the NDP has adopted multiple mechanisms specifically designed to increase women's numbers within its ranks.<sup>19</sup> In the 2012 Alberta election, almost half (47 per cent) of the NDP's candidates were women; in the 2009 BC election, this figure was 48 per cent. So while parties can act as gatekeepers to women's political representation, they can also serve as mechanisms for potentially improving the gender balance.

These mechanisms can be explicitly identified as a core element of the party's platform, or can be less structured, in the form of a "gender" champion who strongly promotes women's nominations, such as BC NDP leader Mike Harcourt in the early

1990s, and Manitoba NDP leader Howard Pawley in the early 1980s. More recently, Danny Williams is said to have largely decided that Kathy Dunderdale would be his successor as leader in the PC party in Newfoundland and Labrador.<sup>20</sup> These champions can make a significant difference by simply signalling the importance of the issue to the party. Their impact can be far more direct by explicitly choosing to parachute women candidates into ridings, for example. These tactics, however, are often strongly criticized; they butt up against a political norm that sees the local party organization as independent and political parties as private organizations.<sup>21</sup> The departure of a champion can also have an immediate and negative effect on women's political fortunes if the issue was never strongly championed by anyone else in the party.

Nominating women as candidates is only the first step to improving their political representation; the next is getting them elected. And this depends to a large extent on the relative electoral strength of the various parties in the system. The greater the electoral strength of parties on the left, the better the level of women's political representation given their increased tendency to nominate women as candidates. Provinces with electorally strong parties on the left of the political spectrum will often reveal greater gender equity in representation; British Columbia, Quebec and Manitoba, for example, have enjoyed particularly strong showings amongst parties on the left and rank among the top of the provinces for the percentage of women found in their legislatures. Tendencies are rarely certainties, however, and Saskatchewan does less well on this score in spite of the strength of the NDP in that province.

The strength of parties on the left of the spectrum can also matter more indirectly for levels of women's representation through the "contagion effect."<sup>22</sup> The contagion effect argues that one party's efforts to increase women's representation can spur other parties in the system to do the same through a desire to remain competitive.<sup>23</sup> More recent work on this effect in Scotland suggests that the conditions of the host (party) may be more important than the presence of the virus for explaining women's political representation.<sup>24</sup>

### **The Supply Side: Why Women Choose to Run**

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Understanding why the level of women's representation might vary across the country requires not only an understanding of parties and party



systems but also an understanding of what factors explain why some women choose to run for office and others not. In outlining the demand and supply framework, Norris and Lovenduski argue that one factor helping to explain the supply of women candidates is gender norms – the set of expectations regarding appropriate female and male public and private roles. Although gender norms are shifting, their influence continues to shape many aspects of women’s and men’s lives. Gender norms establish gender appropriate behaviours and attitudes, which indirectly shape everything from the education and occupations women and men choose, to the levels of political interest and knowledge that they exhibit. Along these same lines, gender expectations create beliefs that can directly discourage women from seeing themselves as feasible candidates; although perhaps less explicitly than in the past, a political candidate who is the mother of small children is still likely to raise more eyebrows among the public and some party members, than one who is the father of small children. Many women have internalized these expectations and norms, and as such, they are brought to bear on their willingness to stand for office. In equal measure, the strength of these gender norms among the political party elite can only add to women’s difficulty in breaking down these barriers.

*“...Gender expectations create beliefs that can directly discourage women from seeing themselves as feasible candidates; although perhaps less explicitly than in the past, a political candidate who is the mother of small children is still likely to raise more eyebrows among the public and some party members, than one who is the father of small children.”*

The pipeline theory of political representation posits that once women take on the same occupations, have similar levels of education, and earn similar incomes to men, their numbers as legislators would naturally increase. But while we have had dramatic changes in each of these areas in recent years, we have not seen much evidence that the pipeline theory holds much water – or, as Malinda Smith noted, “that’s a fairly *leaky pipe*.” How then are we to understand why women continue to be less willing to put themselves forward as candidates in spite of gains in these areas?

One theory for understanding political participation decisions suggests that people will participate when they can, when they want to, and when they are asked.<sup>25</sup> The theory suggests that women are less likely than men to run for office because they are less able; that is, because they do not possess the necessary resources. This argument gains traction when we recognize that women continue to earn roughly 80 cents for every dollar earned by men<sup>26</sup> and that despite their increasing numbers at colleges and universities, their training is less often in those occupations from which most politicians are drawn: business and law. The latter also means that they are less likely to find themselves in occupational networks most associated with politics. While we know that women candidates are as equally capable of raising campaign money as men,<sup>27</sup> there is still debate about whether their weaker financial position relative to men keeps them from putting themselves forward in the first place and about how this lower participation rate shapes perceptions of party elites of their financial capacity and winnability.

Women’s relative absence as political aspirants may also come down to a matter of time, another resource which has been investigated. Findings, however, have failed to uncover much evidence that time constraints account for gender differences in terms of willingness to run. Investigations of leisure time availability show little difference between women and men; women’s leisure time is more likely to be consumed by child care and unpaid work in the home than men’s, but men’s leisure time is more likely to be reduced by additional time spent at work outside the home. More time at work does, however, provide increased opportunities for political networking, which might indirectly account for any apparent gender differences in political recruitment.

A second important explanation behind participatory decisions is associated with possessing a desire that can spur action. Women’s decreased levels of political interest, political efficacy, and political

knowledge, even when controlling for education and occupational differences, are important explanations for their decreased willingness to run.<sup>28</sup> Women are simply less likely to want to enter politics than men given their decreased engagement with politics.

The adversarial nature of partisan politics can also put some women off politics altogether; the polarized and adversarial nature of British Columbia politics was identified by some women in interviews as a reason for staying out of politics.<sup>29</sup> Other research has identified that the harsh treatment of women politicians – Sharon Carstairs in Manitoba, as one example – is linked to women’s unwillingness to run.<sup>30</sup>

The third explanation links participation decisions to the availability of opportunities. Jennifer Lawless and Richard Fox note that women are more likely than men to run for political office if they are directly asked to do so. The underlying explanation for this phenomenon is that women have less political ambition than men; they give less weight to their qualifications and skills, and they put off running until their qualifications actually surpass those of men. As such, political parties that establish mechanisms for explicitly identifying potential women candidates will succeed by increasing the number of women within the networks from which gatekeepers look to recruit potential candidates and by increasing the likelihood that women will be approached to run.<sup>31</sup>

An additional explanation for women’s political underrepresentation is likely linked to political parties’ varying appeal to women across the political spectrum. Research on the gender gap in attitudes and in voting tells us that women, in the aggregate, are more likely to support positions and parties that fall on the left of the ideological spectrum and to vote for parties on the left.<sup>32</sup> Women are also more likely to be chosen to lead parties on the left than men.<sup>33</sup> As such, party systems with a stronger partisan presence on the left of the spectrum are likely to see a greater supply of women political aspirants than others.

Finally, an important point to recognize is that not all women are equally marginalized: Across the country, Aboriginal, immigrant and ethnic minority women face significantly greater barriers that lead to weakened capacity and desire to engage politically. These barriers are as high, if not higher than, those faced by men from these groups, and as such, might help explain these women’s relative absence from the political arena.<sup>34</sup>

## Conclusion

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The demand and supply model of political recruitment provides a useful framework for understanding variation in women’s political underrepresentation in Canada. How parties select candidates and why some individuals decide to run for office are central pieces of information to understanding who eventually occupies seats in the legislature. Is there any sense of which matters more for women’s underrepresentation? While earlier studies pointed to the importance of women’s unwillingness to run as a key factor, more recent work by Ashe and Stewart on legislative recruitment in British Columbia suggests that demand constraints are more important for understanding outcomes.<sup>35</sup> And, as Mona Lena Krook notes, it is not necessarily an optimum outcome that is achieved at the intersection of the demand and supply curves; the gendered nature of both processes means that the outcome is likely less desirable than it might be otherwise.

The demand and supply model necessarily restricts our focus in the search for explanations. Four additional characteristics can be identified for their role in shaping women’s political representation across the country. First, the economic and cultural context can directly influence the number of women who step forward and are selected as candidates. A second characteristic of some importance is the relative strength of women’s groups in supporting women who choose to run and in putting pressure on parties and governments to address gender inequality. A third and related factor is the disappearance of gender and women’s issues from the political agenda. This phenomenon has been described as one of *gender silence*.<sup>36</sup> The last piece of the puzzle is the media. Research makes clear that the media treat women and men differently as candidates and this difference likely influences both how women are perceived by the party elite and how willing women are to run for office.<sup>37</sup> These differences are diminishing over time but have not yet disappeared.

The last word may well be given to a scholar of Canadian politics, Lisa Young. She notes that “political parties, as the primary agents of recruitment and as the gatekeepers of the political process, must change their recruitment and nomination practices if there is to be substantial change in the number of women in the House of Commons.”<sup>38</sup> Written in 1991, the conclusion still stands almost 25 years later.



## Endnotes

- 1 As an example, see Mona Lena Krook, *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide*, Oxford University Press: New York: Oxford University Press 2009.
- 2 See Inter-Parliamentary Union, *Women in National Parliaments*, October 1, 2014, at <[www.ipu.org/wmn-e/classif.htm](http://www.ipu.org/wmn-e/classif.htm)>.
- 3 Linda Trimble, Manon Tremblay and Jane Arscott, "Conclusion: A Few More Women" in Linda Trimble, Jane Arscott and Manon Tremblay (eds.), *Stalled: The Representation of Women in Canadian Governments*, University of British Columbia Press: Vancouver, 2013.
- 4 See Jerome Black and Lynda Erickson, "Women Candidates And Voter Bias: Do Women Politicians Need To Be Better?" *Electoral Studies* 22(1), 2003, pp. 81-100 and Elizabeth Goodyear-Grant, "Who Votes For Women Candidates and Why? Evidence From Recent Elections" in Cameron Anderson and Laura Stephenson (eds.), *Voting Behaviour in Canada*, University of British Columbia Press: Vancouver, 2010.
- 5 Pippa Norris and Joni Lovenduski, *Political Recruitment: Gender, Race, and Class in the British Parliament*, Cambridge University Press: Cambridge, 1995.
- 6 Mona Lena Krook, "Why Are Fewer Women Than Men Elected? Gender and the Dynamics of Candidate Selection", *Political Studies Review* 8(2), 2010, pp. 155-68.
- 7 Manon Tremblay, "Hitting a Glass Ceiling? Women in Quebec Politics" in Trimble, Arscott and Tremblay (eds.), *Stalled: The Representation of Women in Canadian Governments*, p. 209.
- 8 Jennifer Lawless and Richard Fox, *It Takes a Candidate: Why Women Don't Run for Office*, Cambridge University Press: New York, 2005.
- 9 Norris and Lovenduski, 1995.
- 10 Christine Cheng and Margit Tavits, "Informal Influences in Selecting Female Political Candidates", *Political Research Quarterly* 64(2), 2011, pp. 460-71.
- 11 Cheng and Tavits, p. 467.
- 12 See Sheri Kunovich and Pamela Paxton, "Pathways to Power: The Role of Political Parties in Women's National Political Representation", *American Journal of Sociology* 111(2), 2005, pp. 505-52 and David Niven, "Party Elites and Women Candidates: The Shape of Bias", *Women and Politics* 19(2), 1998, pp. 57-80.
- 13 See Donley Studlar and Richard Matland, "The Growth of Women's Representation in the Canadian House of Commons and the Election of 1984: A Reappraisal", *Canadian Journal of Political Science* 27(1), 1994, pp. 53-79 and Lisa Young, "Women's Representation in the Canadian House of Commons" in Marion Sawyer, Manon Tremblay and Linda Trimble (eds.), *Representing Women in Parliament: A Comparative Study*, Routledge: New York, 2006.
- 14 Melanee Thomas and Marc André Bodet, "Sacrificial Lambs, Women Candidates, and District Competitiveness in Canada", *Electoral Studies* 32(1), 2013, pp. 153-166.
- 15 Graham Murray, "Women MPPs at Queen's Park, 1981 through 2010 (4)." Working paper provided by G.P. Murray Research Limited, Toronto, 2010 as cited in Tracey Raney, "Breaking the Hold Pattern? Women in Ontario Politics" in Trimble, Arscott and Tremblay (eds.), *Stalled: The Representation of Women in Canadian Governments*.
- 16 Joanna Everitt, "A Province at the Back of the Pack: Women in New Brunswick Politics" in Trimble, Arscott and Tremblay (eds.), *Stalled: The Representation of Women in Canadian Governments*.
- 17 Raney, p. 167.
- 18 Lisa Young, *Feminists and Party Politics*, University of British Columbia Press: Vancouver, 2000.
- 19 William Cross, *Political Parties*, University of British Columbia Press: Vancouver, 2004.
- 20 Amanda Bittner and Elizabeth Goodyear-Grant. "A Laggard No More? Women in Newfoundland and Labrador Politics" in Trimble, Arscott and Tremblay (eds.), *Stalled: The Representation of Women in Canadian Governments*, p.122.
- 21 Lisa Young, "Slow to Change, Women in the House of Commons" in Trimble, Arscott and Tremblay (eds.), *Stalled: The Representation of Women in Canadian Governments*.
- 22 Petra Meier, "The Mutual Contagion Effect of Legal and Party Quotas: A Belgian Perspective", *Party Politics*, 10, 2004, pp. 583-600.
- 23 Richard E. Matland and Donley T. Studlar, "The Contagion of Women Candidates in Single-Member District and Proportional Representation Systems: Canada and Norway", *The Journal of Politics*, 58, 1996, pp. 707-733.
- 24 Meryl Kenney and Fiona Mackay, "When Is Contagion Not Very Contagious? Dynamics of Women's Political Representation in Scotland", *Parliamentary Affairs* 67(4), 2014, pp. 866-886.
- 25 Sidney Verba, Nancy Burns and Kay Lehman Schlozman, "Knowing and Caring About Politics: Gender and Political Engagement" *Journal of Politics* 59(4), 1997, pp. 1051-72.
- 26 Conference Board of Canada. 2014. *Gender Income Gap*. Online at <http://www.conferenceboard.ca/hcp/details/society/gender-income-gap.aspx>. Accessed October 19, 2014.
- 27 David Coletto, *A Matter of Quality? Candidates in Canadian Constituency Elections*. Dissertation, University of Calgary (Canada), Calgary: ProQuest/UMI, 2010. (Publication No. NR64096).
- 28 Elisabeth Gidengil et al., *Citizens*, University of British Columbia Press, Vancouver, 2004.
- 29 Jocelyne Praud, "When Numerical Gains Are Not

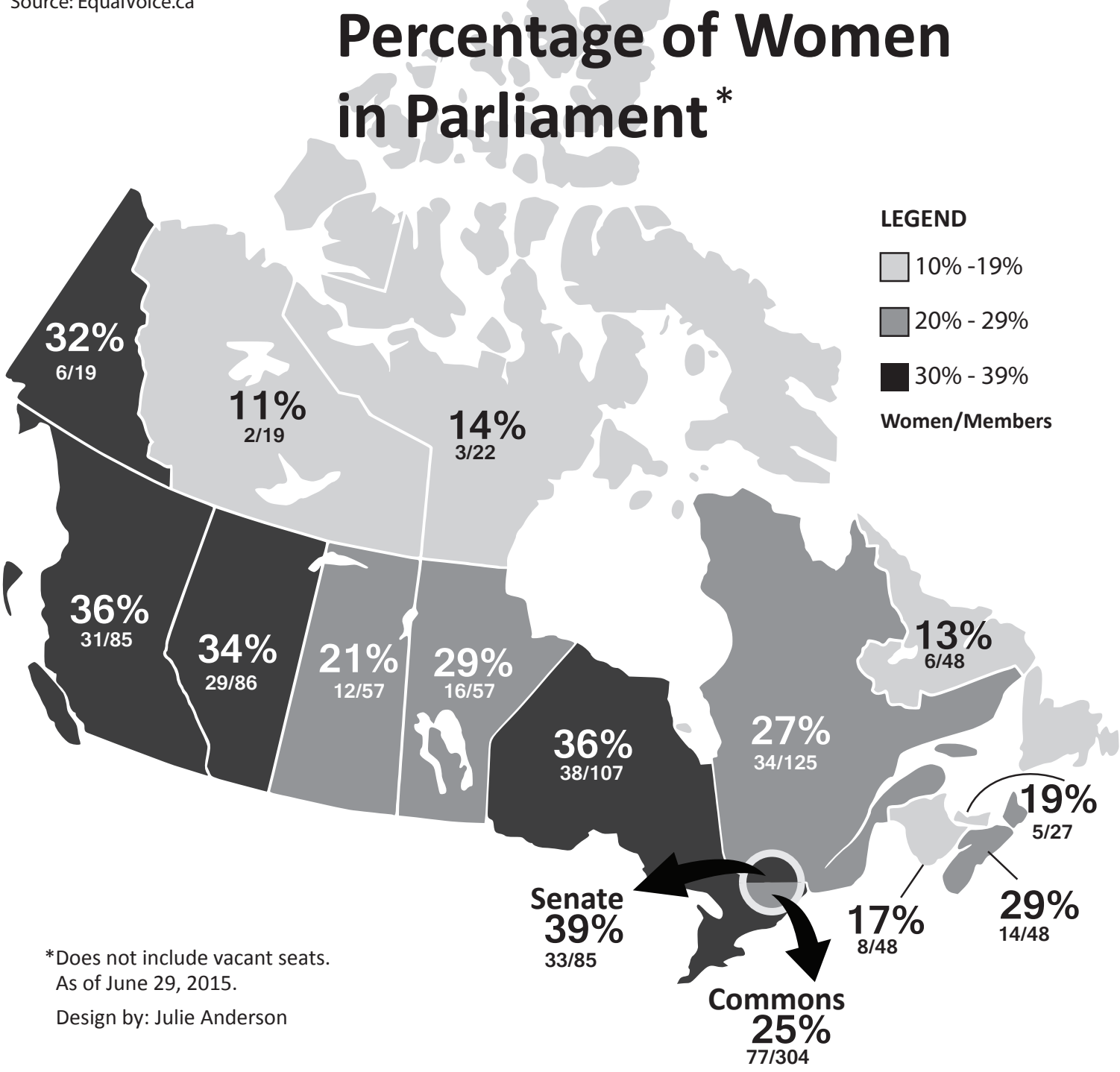
- Enough: Women in British Columbia Politics" in Trimble, Arscott and Tremblay (eds.), *Stalled: The Representation of Women in Canadian Governments*.
- 30 Shannon Sampert, "Complacency and Gender Silence: Women in Manitoba Politics" in Trimble, Arscott and Tremblay (eds.), *Stalled: The Representation of Women in Canadian Governments*.
- 31 Kathleen Dolan, *When Does Gender Matter? Women Candidates and Gender Stereotypes in American Elections*, Oxford University Press: New York, 2014 and Lawless and Fox, *It Takes a Candidate*.
- 32 Lynda Erickson and Brenda O'Neill, "The Gender Gap and the Changing Woman Voter in Canada", *International Political Science Review*, 23(4), 2002, pp. 373-92.
- 33 Brenda O'Neill and David K. Stewart, "Gender and Political Party Leadership in Canada." *Party Politics*, 15(6), 2009, pp. 737-757.
- 34 Brenda O'Neill, Elisabeth Gidengil and Lisa Young, "The Political Integration of Immigrant and Visible Minority Women", *Canadian Political Science Review*, 6(2-3), 2012, pp. 185-96.
- 35 J. Ashe and K. Stewart, "Legislative Recruitment: Using Diagnostic Testing to Explain Underrepresentation", *Party Politics* 18(5), 2012, pp. 687-707.
- 36 Shannon Sampert, "Complacency and Gender Silence".
- 37 Miki Caul Kittilson and Kim Fridkin, "Gender, Candidate Portrayals and Election Campaigns: A Comparative Perspective", *Politics & Gender* 4(3), 2008, pp. 371-392.
- 38 Lisa Young, "Legislative Turnover and the Election of Women to the Canadian House of Commons" in Kathy Megyery, (ed.) *Women in Canadian Politics: Toward Equity in Representation*. Dundurn: Toronto, 1991, p. 96.
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# By the Numbers: Women Parliamentarians

"The United Nations says that a critical mass of at least 30% women is needed before legislatures produce public policy representing women's concerns and before political institutions begin to change the way they do business."

Source: EqualVoice.ca





# *For the record...*

## *On being a woman involved in parliamentary politics*

*"If a  
forgo  
endle*

Ellen Fairclo

Source: Electing a Diver  
and Women by Car

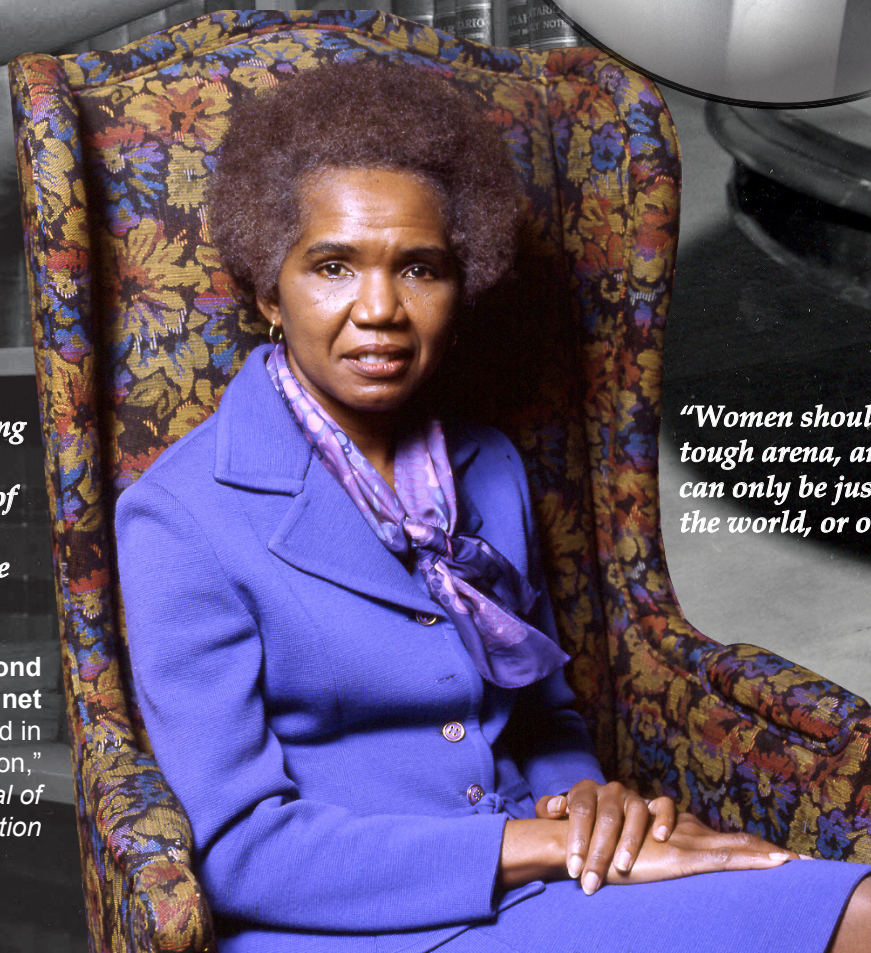


*"Columnists ask me about anything and everything except my job: my home, my cooking, my hobbies, my friends, my tastes, my likes and dislikes. All of them became public, property to a degree suffered by none of my colleagues, including the new Prime Minister."*

Judy LaMarsh, MP and the second woman to serve in the federal cabinet  
Source: Judy LaMarsh Memoirs quoted in "Wielding Political Clout: A Panel Discussion,"  
*The Electronic Journal of Communication*



*"Women should  
tough arena, and  
can only be just  
the world, or o*





*male Member of Parliament says anything foolish it is  
often the next day, but if a woman does it, it is repeated  
constantly, right across the country."*

ugh, MP and the first woman to serve in the federal cabinet  
erse Canada: The Representation of Immigrants, Minorities,  
oline Andrew, John Biles, Myer Siemiatycki and Erin Tolley



*"If politics mean... the effort to secure through legislative action better conditions of life for  
the people, greater opportunities for our children and other people's children... then it most  
assuredly is a woman's job as much as it is a man's job."*

Irene Parlby, Alberta MLA,  
second woman to serve as a cabinet minister in the British Empire  
Source: Famous5.ca

*and enter politics to bring about change. It's a  
and an unpleasant one. The sacrifices called for  
justified on the grounds that we are indeed making  
our community, a better place than it is."*

Rosemary Brown,  
British Columbia MLA  
Source: section15.ca

Ellen Fairclough: University of Saskatchewan, University Archives & Special Collections, John G. Diefenbaker  
fonds, MG01/XVII/JGD3431, John Diefenbaker and Ellen Fairclough in Prime Minister's Office, 1960.

Judy LaMarsh: Niagara Falls (Ontario) Public Library/247553, circa 1963.

Rosemary Brown: University of Saskatchewan, University Archives & Special Collections, John Reeves fonds,  
MG276/A/7, Rosemary Brown, 1975.

Irene Parlby: Glenbow Archives/NA-273-1



# Parliamentary Bookshelf: Reviews

**Les surveillants de l'État démocratique : mise en contexte**, edited by Jean Crête, Presses de l'Université Laval, Montreal, 216 p.

*Les surveillants de l'État démocratique*, edited by Jean Crête, provides an analysis of democratic accountability. More specifically, this collective work explores how institutions and mechanisms are needed to: first, ensure that leaders of democratic states do not exploit their powers, and second, identify and prevent abuse. Through empirical studies, the authors demonstrate that while constraints are an essential

element of democracy, they are not without cost. The book contains seven chapters divided into two parts. The first part consists of three chapters that address the auditing of public accounts. The four chapters in the second part revolve around the theme of structural constraints associated with oversight mechanisms. Although the majority of chapters focus on the Canadian context, two take a look beyond our borders.

In the first section, the authors explore the theme of public accountability in Canada and 27 African countries. In Chapter 1, Geneviève Tellier looks at a new oversight mechanism in Canada: the Parliamentary Budget Officer (PBO). Tellier traces the history and activities of the Office, providing an overview of how accountability works at the federal level. She concludes that although the PBO does fulfill the requirements of the Office, the Officer is nonetheless faced with numerous obstacles, including the degree of independence while performing their duties. Louis Imbeau also highlights the importance of independence in monitoring the State in the second chapter where he analyses the different types of institutional arrangements in 27 African countries. Imbeau argues that being attached to the legislature rather than another control authority promotes budgetary transparency. This transparency is enhanced when the media is independent. In Chapter 3, also comparative in nature, Crête, Diallo, Rasamimanana and Timlet examine what captures the attention of provincial auditors general in all ten Canadian provinces. Based on the comments contained in annual reports from 2000 and 2010, the authors find that the differences between provinces are minimal compared with those found within a single province over time. The information contained in the reports has also become more intelligible to the general public, which facilitates its evaluation by the media and the public. The authors conclude by emphasizing the important role of the auditor general in monitoring the State.

In the second section, dealing with structural constraints, the various authors address the following subjects: training, evaluations, institutional features and the role of citizens in monitoring the



State. In Chapter 4, Biland and Vanneuville turn their attention to France, examining the role of the Council of State in training senior officials. They argue that the Council of State ensures the prevalence of law and legal monitoring in administrative practices through training.

In Chapter 5, Jacob and Slaibi consider whether the purpose of program evaluation is to ensure the accountability and democratization of government activities, or a tool for controlling and monitoring? To address this, the authors trace the evolution and content of federal evaluation policies from their conception to the present day. They then examine how the policies are used within the federal government. Although those being monitored seem to perceive the policy objective relating to monitoring rather than management, the study shows that the evaluation is used for several purposes. The authors conclude, much like Tellier, that the results are not used to their full potential.

Chapter 6 deals with institutional characteristics in the provinces of Ontario and Québec in the areas of health, education and social services. Through a quantitative analysis of spending in these three areas, Tourigny and Bodet demonstrate the inflexibility of institutions and the advantages of the punctuated equilibrium approach to understanding long periods of stability sometimes marked by rapid change. In Chapter 7, Petry returns to a theme discussed in the introductory chapter, the citizen. He looks at how citizens evaluate election promises. His study shows how different evaluation criteria lead to different evaluations, and he observes a gap between public perceptions and expert evaluations. The collection ends with a brief conclusion.

Despite a few minor shortcomings, this book would be very useful for anyone interested in governance and oversight. Its greatest weakness is related in part to its size; adding a few chapters could have provided for better balance. Indeed, the majority of the chapters focus on Canada, with only two chapters looking elsewhere. With the addition of one or two chapters, or even a few comparative studies, the text could have provided a more comprehensive picture of democratic monitoring, which would have greatly improved the links among the various themes. This comment is not meant to question the need for this French-language work, but simply to point out that some additions would have significantly improved its usefulness to students, researchers, and officials.

It is also important to note that some chapters are rooted more in theory than others, such as that of Tourigny and Bodet, and that some studies stand out from the others, particularly those of Tellier, Petry and Crete et al. This book makes a positive contribution to the current literature dealing with governance, accountability and oversight. And as such, it would be a valuable tool for government officials, parliamentarians and others with an interest in this subject area.

**Gina S. Comeau**

Professor of Political Science, Laurentian University

**Comparative Federalism and Intergovernmental Agreements: Analyzing Australia, Canada, Germany, South Africa, Switzerland and the United States, by Jeffrey Parker, Routledge Series in Federal Studies, London and New York, 2014, 266 p.**

While federal institutional architectures furnish governments with authority to act autonomously in certain jurisdictions, they simultaneously require them to work together. In other words, federations variously combine self-rule and shared-rule. The scope and patterns of shared-rule in federations varies considerably across time and space. For example, the changing nature of the modern state in the twentieth century encouraged the emergence of a new era of cooperation in many federations. In contrast, the “new federalism” initiative in the United States, “open federalism” in Canada and “dis-entanglement” reforms in Germany and Switzerland represent efforts to restore self-rule and to trim back shared-rule arrangements. Mechanisms of shared-rule, however, not only vary depending on the historical context and the federal system, but can also take quite different forms. An extremely important, yet understudied form of shared-rule is the intergovernmental agreement (IGA), which lies at the heart of this ambitious comparative study by Jeffrey Parker.

Considering the historical proliferation and omnipresence of IGAs in almost every federation, the lack of comparative research on this issue is astonishing indeed. As Parker highlights in the introduction to his book, IGAs are manifold and can serve different purposes. IGAs lay the groundwork for the introduction of new policy programs in areas such as health care or education, they establish a framework for the management or regulation of natural resources or create new institutions like the Council of Australian Governments (COAG). In



essence, Parker's comparative study seeks to shed more light on this crucial feature of federal politics by posing two questions: First, how do federations differ in the way they make use of IGAs and, second, what explains these differences?

The study compares the scope and patterns of IGA formation in six federations: Australia, Canada, Germany, South Africa, Switzerland and the United States. Parker justifies the rationale behind the selection of cases

with the institutional diversity that is represented by each federation. As this sample represents federations that contrast in important respects such as size, location, level of economic development or age, it spans a broad range of federal systems. Moreover, it also promises to produce insights that are, to a certain degree, generalizable.

Drawing on institutional theory, Parker introduces a set of seven variables that he expects to be crucial to understand why some federations produce more IGAs than others. These variables are assumed to have different effects. While most of them are conducive to IGA formation, others counteract or mitigate those effects. For example, if a federation displays a high degree of overlapping competencies, governments are more likely to create IGA in order to cope with resulting interdependencies. However, if there exists a large number of subnational governments, it is more difficult to reach an agreement and IGA formation might be inhibited. For each of his six case studies, Parker thoroughly scrutinizes the effect of each variable separately and "in concert," (how they interact within each federation).

The comparative study of the six federations yields several noteworthy insights. As for the productivity, it is interesting to see that there obviously exist profound differences in how individual federations deploy IGAs as a means of shared-rule. Australia, Canada and Germany have generated a significantly higher number of IGAs than Switzerland and the United States. South Africa is the only federation that has not yet created a single IGA, but it is also by far the youngest federation within the sample. The similarities among Australia, Canada and Germany are remarkable as those three federations differ in many other respects: Australia is usually considered as exemplifying a highly centralized federation, while Canada counts as perhaps the most decentralized one. In addition, unlike Australia and Germany, Canada is a multi-national federation. Finally, Germany sets itself apart from both Australia and Canada as it features a high degree of institutional entanglement and joint-decision-making.



As counterintuitive as these findings might be at first glance, they appear as less surprising after a closer look. First, the differences in IGA productivity among the federations are, to some extent, a consequence of deliberate conceptual and methodological decisions. With good reason, Parker focuses only on what he calls national agreements; this means IGAs that involve virtually all governments. He sets the bar very high, thereby excluding, however, bi- or multi-lateral IGAs among a smaller number of units, as long as they are not part of a larger single federal effort to coordinate one policy area (p. 8-9). Although this certainly is a wise decision to keep a complex comparative study manageable, the picture of IGA productivity might look differently had all types of IGAs been included.

Second, as the comparative investigation reveals, his set of institutional variables is well chosen in order to explain variation. Hardly surprising, he finds that the seven variables do not carry an equal weight. For example, the existence of lasting forums for intergovernmental relations turns out to be a very successful variable as it correlates with high IGA productivity in almost all cases, whereas the degree of constitutional overlap – according to Parker’s analysis – was one of the least successful variables. Also, the large number of subnational units in the United States (50) and Switzerland (26) makes it more difficult to forge an IGA than in federations such as Canada or Australia.

One can certainly pick at several aspects of Jeffrey Parker’s study. In particular, some decisions concerning the conceptual framework appear a bit flawed. For example, the degree of constitutional overlap variable is somewhat misconstrued, which becomes evident when Parker suggests that Germany

has a high degree of overlap. This is misleading, because the functional allocation of competencies in Germany (federal legislation, Lander implementation) is different from real overlap in dual federations like Australia or Canada. Likewise, the way Parker uses the welfare state as an indicator for interdependence and, hence, a variable that promotes IGA productivity, tends to be superficial. Finally, it would have been good to elaborate on the question of periodical shifts of IGA productivity within individual federations, an important aspect that Parker does not address in his study.

While some criticism is warranted, however, the study’s limitations are comparatively small and do not diminish its overall contribution to comparative federalism research. Parker very carefully explains and justifies almost every step in the formation of the concept, always demonstrating a keen awareness of each decision’s possible implications. Considering the scope and qualitative nature of the study, Parker does a remarkable job, as this type of comparative research requires a considerable level of engagement with each individual country. Throughout the study, he is very anxious to remain consistent with his framework, which – and this is the flipside in terms of style – makes this book at the same time a somewhat mechanistic read that also suffers from some redundancies. Again, however, it is important to highlight that these are rather minor quibbles in an otherwise excellent study which, for various reasons, addresses an important research gap in comparative federalism.

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Wilfrid Laurier University



# New and Notable Titles

*A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (March 2015-May 2015)*

Agarwal, Ranjan. "Where there is no remedy, there is no right: using Charter damages to compensate victims of racial profiling." *National Journal of Constitutional Law*, Vol. 34, No. 1, (April 2015), 75-98.

- In appraising the Supreme Court of Canada's decision in *Vancouver (City) v. Ward*, the authors contend it can be a powerful judicial tool used to compensate victims of racial profiling.

Bateman, Thomas M.J. "The other shoe to drop: Marc Nadon and judicial appointment politics in post-Charter Canada." *Journal of Parliamentary and Political Law*, Vol 9, (March 2015), 169-87.

- The author explores how the Nadon affair took Canadian judicial appointment politics to new heights as increasing judicial power leads to increasing attention to judicial appointment.

Bochel, Hugh. "New mechanisms of independent accountability: select committees and parliamentary scrutiny of the intelligence services." *Parliamentary Affairs*, Vol. 68, No. 2, (April 2015), 314-31.

- The article explores how select committees scrutinise intelligence issues and the impact of potential changes in status of the Intelligence and Security Committee.

Bond, Jennifer. "Failure to report: the manifestly unconstitutional nature of the *Human Smugglers Act*." *Osgoode Hall Law Journal*, Vol. 51, No. 2, (Winter 2014), 377-425.

- Using the *Human Smugglers Act* as a case study, the author explores what happens when a government tables legislation that is highly controversial not only for reasons of ideology or policy, but also because it almost certainly violates the *Charter*.

Broschek, Jörg. "Pathways of federal reform: Australia, Canada, Germany, and Switzerland." *Publius*, Vol. 45, (Winter 2015), 51-76.

- The article explores patterns of institutional reform in four countries since the early 1990s.

Brown, Eleanor. "These laws are the worst!" *Canadian Lawyer*, Vol. 39, No.2 (February 2015), 32-7.

- The author presents a selection of books full of badly written, nonsensical, and outdated laws.

Douglas, James F. "The *Human Transplantation (Wales) Act 2013*: an act of encouragement, not enforcement." *Modern Law Review*, Vol. 78, (March 2015), 324-48.

- The article reviews legislation which adopted a 'soft opt-out' system to replace a previous requirement of express 'appropriate' consent for organ donation under the *Human Tissue Act 2004*.

Eccleston, Richard. "From Calgary to Canberra: resource taxation and fiscal federalism in Canada and Australia." *Publius* Vol. 45, (Spring 2015), 216-43.

- Through a strategic comparison of resource federalism in Canada and Australia since the 1970s, the author explores intergovernmental conflict over the allocation of resource revenue in federal systems.

Finnis, John. "The Coxford lecture - Patriation and patrimony: the path to the *Charter*." *Canadian Journal of Law and Jurisprudence*, Vol. 28, (January 2015), 51-75.

- The author recalls his participation in the unique event of the patriation of the Constitution.

Hickman, Alex. "Explanatory memorandums for proposed legislation in Australia: are they fulfilling their purpose?" *Australasian Parliamentary Review*, Vol. 29, No. 2, (Spring 2014), 116-39.

Purser, Pleasance. "Overseas parliamentary news: February 2015." *New Zealand Parliamentary Library*.

- Ireland's *Central Bank (Amendment) Act 2015* gives the committee inquiring into the country's banking crisis the ability to access confidential Central Bank documents that the Bank was otherwise statutorily prohibited from disclosing.

Purser, Pleasance. "Overseas parliamentary news: March 2015." *New Zealand Parliamentary Library*.

- In Australia electronic devices in the chamber and committees must not be used to make recordings, either audio or video, of proceedings. Social media communication regarding private meetings or in camera hearings will be considered a potential breach of privilege.

Purser, Pleasance. "Overseas parliamentary news: April 2015." *New Zealand Parliamentary Library*.

- Armed police patrols in Australia's Parliament House are to be extended to the area housing the press gallery. The police will not enter media offices and will have no role in policing the rules for media activity at Parliament.

Ray, John W. "Parliamentary procedure as a means of mending our broken politics." *Parliamentary Journal*, Vol. 56, No. 2, (April 2015), 26-35.

Russell, Meg. "The [UK] Speaker election row tells us two important things about parliament." *The Constitution Unit April 2015*.

- On March 26, its final sitting day, the House of Commons rejected government proposals to reform how the Speaker is elected at the start of the new parliament.

Schleiter, Petra. "The challenge of periods of caretaker government in the UK." *Parliamentary Affairs*, Vol. 68, No. 2, (April 2015), 229-47.

- The author explains why caretaker periods are likely to become more frequent and prolonged in the UK.

Sloan, Michael. "The role of the separation of powers and the parliamentary budget setting processes." *Australasian Parliamentary Review*, Vol. 29, No.2 (Spring 2014), 140-58.

- In Westminster-derived systems of government, the executive must obtain parliamentary consent for levying taxes and the appropriation of funds. The author argues this complex division of power is fundamental to the influences of parliament over government."

Tellier, Geneviève. "Improving the relevance of parliamentary institutions: an examination of legislative pre-budget consultations in British Columbia." *Journal of Legislative Studies*, Vol. 21, No. 2, (June 2015), 192-212.

- A study examining the influence of the Select Standing Committee on Finance and Government Services in British Columbia's budgetary process."

Thomas, Lord of Cwmgiedd. "The future of [U.K.] public inquiries." *Public Law (April 2015)* 225-40.

- The author traces public inquiry origins back to 1667, when a Parliamentary Select Committee of Inquiry was appointed to investigate how Charles II and members of the Government had spent money provided for them by parliament out of taxation.

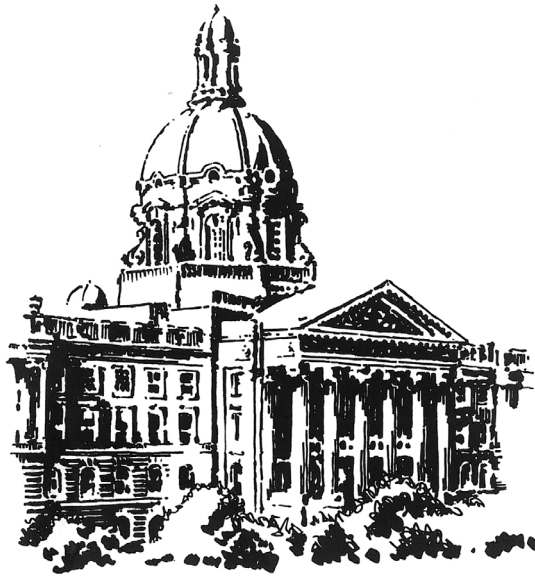
Courtois, Stéphane. « Le fédéralisme canadien peut-il encore être réformé? » *Globe Vol. 17, No. 1* (2014), 175-98.

- In this article, the author explores three reasons why a substantial reform of Canadian federalism – a reform that would constitutionally recognize Quebec as a nation as well as address Quebec's traditional demands – seems unlikely in the foreseeable future.

Monière, Denis. « Qu'ont fait les élus du Québec à Ottawa durant la 41e législature? » *Action nationale*, Vol. 105 No. 4 (April 2015), 68-97.

- The role of an MP in the Chamber is twofold: to vote on legislation that will govern Canadians and to control the government's actions. To exercise this latter function, MPs have the inalienable right to ask questions, either orally and without notice during Question Period in the House, or in writing with 48 hour notice.





### Alberta

#### Continuation of the 3<sup>rd</sup> Session of the 28<sup>th</sup> Legislature

The 3<sup>rd</sup> Session of the 28<sup>th</sup> Legislature resumed on March 10, 2015. After months of floor crossings and resignations the composition of the Assembly was at 70 Progressive Conservatives, five Wildrose members, five Liberals, four New Democrats, one Independent and two vacancies.

#### Bill 10

During the fall sitting the Assembly considered the highly controversial Bill 10, *An Act to Amend the Alberta Bill of Rights to Protect our Children*. Among other things, Bill 10 addressed the issue of Gay-Straight Alliances (GSAs) in schools. The Bill passed Committee of the Whole, with amendments, on December 3, 2014, but was put on hold by Premier **Jim Prentice** to allow for further consultation.

In March 2015, when session resumed, **Laurie Blakeman** (Edmonton-Centre) moved to have Bill 10 recommitted to Committee of the Whole, out of which it was passed with new amendments. Later that same day it received Third Reading which was followed by Royal Assent on March 19, 2015. Under this legislation all Alberta public, Catholic, and charter schools will be required to accommodate GSA clubs if students request one, and schools will no longer be required to notify parents when sexual orientation is to be discussed in the classroom. It also adds sexual orientation, gender identity and gender expression as protected grounds from discrimination under the Alberta *Bill of Rights*.

#### Standing Committee on Legislative Offices

The Standing Committee on Legislative Offices met in December 2014 to review the budget estimates of Alberta's Legislative Officers. The Committee approved these budgets at two per cent less than the previous year with two exceptions: the Office of the Chief Electoral Officer, which has a four-year budget cycle, and the Office of the Child and Youth Advocate (OCYA). In July 2014, the OCYA received additional funds following a legislated increase to its responsibilities. This pro-rated amount was added to the amount originally approved for the previous year before the two per cent reduction was applied.

On February 10, 2015, the Committee met with representatives of the Office of the Auditor General (OAG) and the OCYA to consider requests for an increase to their approved budgets for the upcoming fiscal year. The OAG requested an additional \$546,000 in order to ensure the Office would be able to fulfill its mandate and perform its work. The OCYA requested an additional \$275,000 to reflect the cost of fulfilling its expanded legislated mandate for a full 12 months. The Committee approved the additional funds for the OAG, but the request from the OCYA was denied.

The following day, Premier Prentice announced no additional funding would be provided to the OAG. When asked if he was unilaterally overruling a decision of a legislative committee the Premier confirmed he was and suggested that while the Committee could consider the budgets of Legislative Officers the final decision on the matter would reflect the economic issues facing the Government of Alberta.

Less than a week later, on February 17, 2015, the Committee met again to revisit the approval of the OAG request for an additional \$546,000 in 2015-2016. Before business could proceed, **David Eggen** (Edmonton-Calder) raised a purported question of privilege regarding interference by the Premier in the work of the Committee. The Committee Chair, **Matt Jeneroux** (Edmonton-South West), determined that the issue did touch upon privilege and Mr. Eggen proceeded with his motion that the question of privilege be reported to the Assembly. The motion was defeated and Committee did not report the matter to the Assembly. When session resumed weeks later, Mr. Eggen attempted to broach the issue again by raising a purported question of privilege in the Assembly. Speaker **Gene Zwozdesky** (Edmonton-Mill Creek) ruled the question out of order as it had already been addressed by the Committee.

The composition of the Committee was also a point of contention. Under the Standing Orders the membership of legislative committees in Alberta are determined by a resolution of the Assembly. When session adjourned on December 10, 2014, the 11-member Committee consisted of seven members of the governing Progressive Conservatives, two members from the Official Opposition, and one member each from the other two opposition parties. However, one week after session adjourned, the Committee was left without representation from the Official Opposition when nine members of the Wildrose, including the two members of the Legislative Offices Committee, crossed the floor to join the government. The Chair ruled that only the Assembly had the authority to set or change the membership of the Committee and, therefore, the business of the Committee could continue. The Committee proceeded with its agenda and the decision approving additional funding for the OAG was rescinded.

### Leadership Contests

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Following the departure of **Danielle Smith** and eight other caucus members in December 2014, **Heather Forsyth** (Calgary-Fish Creek) took over as interim leader of the Wildrose Party. At the time it was anticipated a new leader would take the helm in June 2015; however, the schedule for the leadership contest was accelerated in response to rumours of a spring election. On March 28, 2015, **Brian Jean** (former Member of Parliament for Fort McMurray-Athabasca) was named the new leader of the Wildrose Party.

The Alberta Liberal Party is also seeking a new leader following the January 26, 2015, resignation of **Raj Sherman** (Edmonton-Meadowlark). Dr. Sherman continued to serve as an MLA for the remainder of the Legislature but is not seeking re-election. On February 1, 2015, it was announced that **David Swann** (Calgary-Mountain View), who previously lead the party from 2008 until 2011, would step in as interim leader. The party plans to have a new leader in place within a year.

### Budget 2015

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On March 26, 2015, the Government of Alberta presented a proposed budget for the upcoming fiscal year; however, it was not passed due to the dropping of the writ. Under this budget the province would be expected to run a deficit of approximately \$5 billion. To address this shortfall, health care funding would see a 0.8 per cent decrease, its first reduction in years. Several “sin taxes” have already increased, including

markups on cigarettes, alcohol, and gasoline. Fees for a variety of services, such as land titles, motor vehicle registrations, and other vital statistics documents, have also increased. In addition, Alberta would no longer have a 10 per cent “flat tax”. Beginning in 2016, two new tax brackets would be created for those earning over \$100,000 and \$250,000 annually. Taxes on these two groups would be increased to 11.5 per cent and 12 per cent respectively by 2018. A new health care levy would come into effect on July 1, 2015; however, this levy will apply only to those earning \$50,000 or more annually and will increase incrementally as income rises.

### Spring Election

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On April 7, 2015, months of speculation came to an end when Premier Prentice announced a provincial election for May 5, 2015. Although Alberta has “fixed election date” legislation which anticipates the next provincial election in the spring of 2016, the Premier argued that the early election call was necessary in order to ask Albertans for the mandate needed to implement significant changes in response to both the short-term and long-term economic challenges facing the province.

**Jody Rempel**  
Committee Clerk



## House of Commons

The Second Session of the Forty-First Parliament continued through the early months of 2015. The information below covers the period from February 1, 2014, to April 30, 2015.



## Legislation

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The Legislation Section of the Department of Justice recommends, in consultation with the Standing Committee on Justice and Human Rights and as part of the Miscellaneous Statute Law Amendment (MSLA) Program, periodic legislative initiatives to correct anomalies, inconsistencies, outdated terminology or errors that are contained in the statutes. A singular example of this was Bill C-47 (*An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed or otherwise ceased to have effect*) which, by unanimous consent, was passed at all stages on December 8, 2014. The Bill was passed by the Senate on February 25, 2015 and received Royal Assent the following day. It is worthy of note that this was the first time since 2001 that Parliament has adopted a Miscellaneous Statutes Amendment Act.

## Financial Procedures

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On April 21, 2015, the Minister of Finance, **Joe Oliver**, delivered the 2015 budget.

## Points of Order, Questions of Privilege and Procedure

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### *Points of Order*

On February 19, 2015, **Royal Galipeau** (Ottawa—Orléans) rose on a point of order to question the validity of a vote by **Pat Martin** (Winnipeg Centre) who had left his seat during the vote and then returned to it in order to vote. Mr. Martin attributed his action to ill-fitting underwear. The Deputy Speaker (**Joe Comartin**) ruled that since Mr. Martin had been in his seat at the time the motion was read and at the time he voted, the Chair would allow his vote to stand. Later in the proceedings, **John Duncan** (Minister of State and Chief Government Whip), rising on a point of order, asked the Chair whether this represented a change in the procedure for voting. The Speaker ruled on March 10, 2015, that from the time the Speaker begins to put the question until the results of the vote are announced, Members are not to enter, leave or cross the House and Members must be in their assigned seats in the Chamber and have heard the motion read in order for their votes to be recorded. However, given Mr. Martin's particular circumstances, the Speaker evoked the use of Standing Order 1.1, which allows the Chair to alter

the application of any Standing or special Order or practice of the House to permit the full participation in the proceedings of the House of any Member with a disability. The Speaker therefore confirmed the Deputy Speaker's ruling.

### *Privilege*

On February 4, 2015, **François Lapointe** (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup) rose on a question of privilege arising from the fact that earlier that day he had been prevented from entering Centre Block by an RCMP officer. The following day, Mr. Lapointe advised the Chair that he had received a fully satisfactory explanation and apology from the security services. Thus, the Acting Speaker (**Bruce Stanton**) declared the matter closed.

On February 17, 2015, the Speaker ruled on the question of privilege raised on January 26, 2015, by **Lysane Blanchette-Lamothe** (Pierrefonds—Dollard) in connection with the Government's response to a 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. She alleged that departmental officials had 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. The Speaker concluded that this was not a *prima facie* breach of privilege and reminded the House that it is beyond the purview of the Speaker to judge the content of the Government's responses to written questions.

On January 28, 2015, **Jack Harris** (St. John's East) raised a question of privilege alleging that the Prime Minister had provided misleading information to the House regarding the Canadian military engagement in Iraq. The Government denied that any misrepresentation had been made, insisting that the Canadian forces' mandate to "advise and assist" included the right to defend themselves when attacked. On February 26, 2015, the Speaker ruled that disputes with respect to the accuracy of a response to an oral question are often found to be matters of debate. He concluded that Mr. Harris had failed to offer undeniable evidence of a deliberate intention of the part of the Prime Minister to mislead the House, and that there was not a *prima facie* case of privilege.

On April 2, 2015, Mr. Harris rose once again on a question of privilege regarding allegedly misleading statements made in the House by the Minister of National Defence on the use of precision-guided munitions against the Islamic State of Iraq and the Levant targets. Although the Minister of National Defence and Minister for Multiculturalism **Jason Kenney** admitted that he had unintentionally conveyed to the House inaccurate information that he had received from military officials, the Minister explained that as soon as he had been made aware of the inaccuracy, he had taken all appropriate steps to correct the record, and that he had never knowingly misled the House or concealed information material to matters being debated. At the time of writing, the Speaker has not ruled on the matter.

#### *Committees*

Since February 19, 2015, the Standing Committee on Procedure and House Affairs has undertaken to review the Conflict of Interest Code for Members of the House of Commons. On February 19, the Committee heard from Commissioner **Mary Dawson**. At the time of writing, the Committee has met eight times in pursuit of this study, and heard from the Acting Clerk and Law Clerk on April 23, 2015.

On February 27, 2015, **Peter Julian** (House Leader of the Official Opposition) rose on a point of order regarding the use of what he qualified as “the previous question” by the government majority on the Standing Committee on Public Safety and National Security during its meeting the previous day with respect to its study of Bill C-51, *An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts*. He indicated that the previous question was inadmissible in committee. Later in the sitting, **Peter Van Loan** (Leader of the Government in the House of Commons) argued that committees were masters of their own business, and that in absence of a report, the Speaker should not intervene in their proceedings. On March 23, 2015, the Speaker declined to intervene until such time as the Committee saw fit to report the matter to the House.

During Routine Proceedings on March 31, 2015, immediately after Mr. Julian had moved a motion of instruction to grant the Standing Committee on Public Safety and National Security the power to

enlarge the scope of Bill C-51 during its consideration, Mr. Van Loan rose on a point of order to argue that the motion was out of order as it required a Royal Recommendation. The Speaker ruled that the motion was in order because it was a permissive instruction; thus, were it adopted, it was possible for the Committee to accomplish the goals stated in the motion of instruction without infringing on the Royal Recommendation.

#### **Other Matters**

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##### *Members*

Effective January 5, 2015, **Glenn Thibeault** (Sudbury) resigned as a Member of Parliament.

On February 3, 2015, **John Baird**, Minister of Foreign Affairs, announced his decision to resign from Cabinet—and not to run in the next general election. Mr. Baird subsequently resigned as a Member of Parliament effective March 16, 2015.

Effective March 31, 2015, **James Lunney** (Nanaimo—Alberni) left the Conservative Party caucus to sit as an Independent Member. Rising on a point of personal privilege on April 1, 2015, Mr. Lunney attempted to explain the reasons for his decision.

##### *Statements, Resolutions, Special Debates*

On February 3, 2015, the Speaker invited Members to take note of the use of the wooden mace which is customarily used when the House sits on February 3 to mark the anniversary of the fire that destroyed the original Centre Block on February 3, 1916.

On February 16, 2015, after two days of vigorous debate and the adoption of a closure motion, the House adopted a government motion (No. 14) calling on the Speaker, in coordination with his counterpart in the Senate to invite the Royal Canadian Mounted Police to lead operational security throughout the Parliamentary precinct while respecting the privileges, immunities and powers of the respective Houses, and ensuring the continued employment Parliamentary Security staff. At the time of writing, consultations continue with respect to this new arrangement.

On February 18, 2015, the Speaker drew the attention of Members to the new flagpole and stand at the right hand of the Speaker’s chair fashioned from



wood from the silver maple tree that had inspired the song “The Maple Leaf Forever”. He noted that the remains of the tree, which had fallen during a storm in 2013, were being turned into 150 art-craft projects for public display across Canada. The Speaker also called attention to the presence in the Hall of Honour of the maple leaf flag flown at the top of the Peace Tower 50 years ago on February 15, 1965.

On February 24, 2015, a take-note debate in a Committee of the Whole was held on the subject of the troubling rise in anti-Semitism around the world, as discussed at a meeting of the United Nations General Assembly on January 22, 2015. The following day, on February 25, the House adopted a motion by unanimous consent on the same subject.

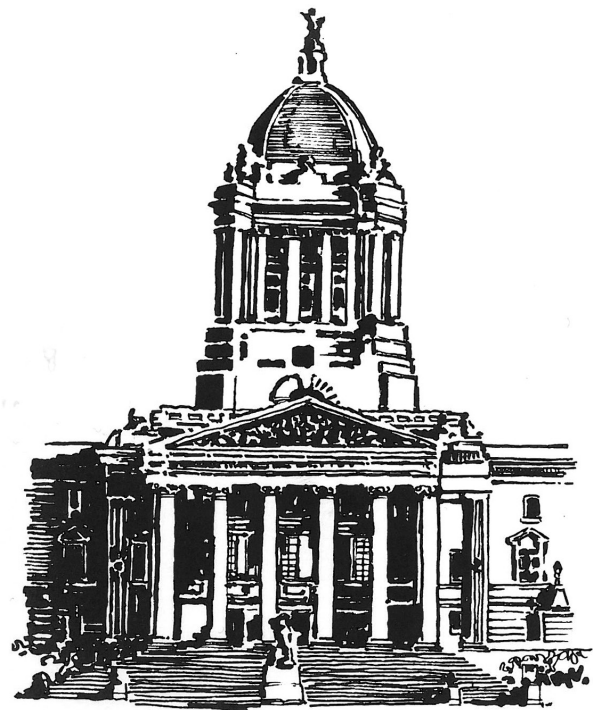
On March 24, 2015, **Stephen Harper** (Prime Minister) made a statement on the progress and proposed extension for 12 months of the Canadian military mission against the so-called “Islamic State in Iraq and the Levant”. This was followed by statements by **Thomas Mulcair** (Leader of the Opposition) and **Justin Trudeau** (Papineau) on the same subject. Following these statements, on March 30, 2015, the House adopted a government motion (No. 17) extending the Canadian military mission in Iraq and authorizing airstrikes on Syrian territory.

#### *Miscellaneous*

On March 30, 2015, **Kevin Vickers’** presence in the gallery of the House of Commons was noted by the Speaker. Mr. Vickers, former Sergeant-at-Arms of the House of Commons, had been appointed Canada’s ambassador to Ireland in January.

On February 9, 2015, **Philippe Dufresne** assumed the position of Law Clerk and Parliamentary Counsel of the House of Commons. Mr. Dufresne had previously been Senior General Counsel and Director General of the Canadian Human Rights Commission’s Protection Branch. Prior to that, he had been a legal officer responsible for international criminal tribunals with the United Nations, Human Rights and Humanitarian law division of the Department of Foreign Affairs.

**Gary Sokolyk**  
Table Research Branch



## Manitoba

The Fourth Session of the 40<sup>th</sup> Legislature resumed on April 30, 2015 with the delivery of the first budget from new Finance Minister **Greg Dewar**.

### NDP Leadership convention

During the party’s annual convention held on March 6-8, 2015, the NDP had a leadership election, with three candidates vying for the position: Premier **Greg Selinger**, **Steve Ashton**, former Minister of Infrastructure and Transportation, and **Theresa Oswald**, former Minister of Jobs and the Economy and previously Minister of Health. Following two ballots, Mr. Selinger won the leadership and continues serving as Premier of Manitoba.

### Standing Committees

Since our last submission, the Standing Committee on Public Accounts met twice, completing consideration of the Public Accounts for the fiscal year ending March 31, 2011. In addition, the Committee continued consideration of several chapters of the 2013 and 2014 Auditor General’s *Annual Reports* to the Legislature. Moreover, the Standing Committee on Legislative Affairs met in April to consider the report of its Sub-Committee for the hiring process of the Ombudsman.

## Former minister not seeking re-election

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**Jim Rondeau**, MLA for Assiniboia, announced that he will not run in the next election. First elected to the House in 1999, he served in cabinet in a variety of portfolios between 2003 and 2013. Among the many Bills he introduced as member of cabinet, Mr. Rondeau is best known for the anti-smoking bill passed in 2004, a bill banning smoking in indoor public places and workplaces.

## By-Election in The Pas

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On April 21, 2015, a by-election was held in the rural constituency of The Pas, a seat that has been vacant since May 16, 2014, following the resignation of **Frank Whitehead**, a government backbencher. NDP candidate **Amanda Lathlin** became the newly elected member for the constituency. She will be officially introduced in the House in early May. Ms. Lathlin is the daughter of former NDP MLA and cabinet minister Oscar Lathlin, who passed away in 2008. She is the first indigenous woman elected to the Manitoba Legislative Assembly.

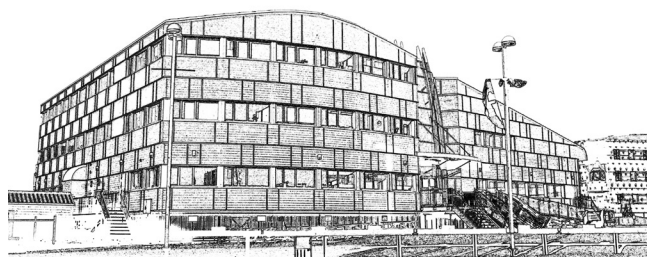
## Current Party Standings

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The current party standings in the Manitoba Legislature are: NDP 37, Progressive Conservatives 19, Liberal 1.

**Andrea Signorelli**

Clerk Assistant/Clerk of Committees



# Nunavut

## House Proceedings

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The winter 2015 sitting of the 2<sup>nd</sup> Session of the 4<sup>th</sup> Legislative Assembly convened on February 24, 2015. Finance Minister **Keith Peterson** delivered his seventh consecutive Budget Address on February 25, 2015.

The proceedings of the Committee of the Whole during the winter 2015 sitting of the House were dominated by the consideration of the Government of Nunavut's proposed 2015-2016 main estimates and departmental business plans.

On February 24, 2015, the Legislative Assembly adopted a motion to recommend the re-appointment of **Elaine Keenan Bengts** as Nunavut's Information and Privacy Commissioner under the *Access to Information and Protection of Privacy Act*. Ms. Keenan Bengts also serves as the Information and Privacy Commissioner of the Northwest Territories.

Eleven bills received Assent during the winter 2015 sitting:

Bill 1, *Northern Employee Benefits Services Pension Plan Act*;

Bill 11, *An Act to Amend the Corrections Act*;

Bill 12, *An Act to Amend the Tobacco Tax Act*;

Bill 13, *An Act to Amend the Vital Statistics Act*;

Bill 14, *Supplementary Appropriation (Capital) Act, No. 3, 2014-2015*;

Bill 15, *Supplementary Appropriation (Operations and Maintenance) Act, No. 2, 2014-2015*;

Bill 16, *Appropriation (Operations and Maintenance) Act, 2015-2016*;

Bill 17, *Write-Off of Assets Act, 2012-2013*;

Bill 18, *Supplementary Appropriation (Capital) Act, No. 1, 2015-2016* ;

Bill 19, *An Act to Amend the Workers' Compensation Act*; and

Bill 21, *An Act to Amend the Legislative Assembly and Executive Council Act, Legislative Assembly Retiring Allowances Act and the Supplementary Retiring Allowances Act*.

The *Northern Employee Benefits Services Pension Act* establishes the legislative framework for the continuation of the Northern Employee Benefits Services plan as a multi-employer, multi-jurisdictional pension plan for employees of approved public sector employers in northern

Canada. A piece of mirror legislation, Bill 12, had been introduced in the Legislative Assembly of the Northwest Territories on February 26, 2014.

On October 27, 2014, the Legislative Assembly of Nunavut adopted a motion to extend the period of time for the Standing Committee on Legislation to report Bill 1 back to the House by an additional 120 days. A similar motion was adopted by the Legislative Assembly of the Northwest Territories at its sitting of October 30, 2014. A number of substantial amendments to both bills were made during the winter 2015 sittings of both legislatures. In his opening comments to the Committee of the Whole on the occasion of its clause-by-clause consideration of Bill 1, Committee Chairperson **Joe Savikataaq** noted the high degree of co-ordination between the two legislatures' respective standing committees in developing amendments to Bills 1 and 12.

The spring 2015 sitting of the 2<sup>nd</sup> Session of the 4<sup>th</sup> Legislative Assembly will convene on May 26, 2015.

### **Uqqummiut By-Election**

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On February 9, 2015, a by-election was held in the constituency of Uqqummiut, which includes the communities of Clyde River and Qikiqtarjuaq. Newly-elected Member **Pauloosie Keyootak** took his seat on February 24, 2015.

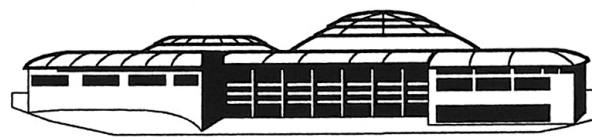
### **Speaker's Youth Parliament**

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The fifth biennial Speaker's Youth Parliament was held in the Chamber of the Legislative Assembly on November 27, 2014. The proceedings of the Youth Parliament, which were opened by Speaker **George Qulaut**, were televised live on local community cable stations and direct-to-home satellite service. Twenty-two high school students from across Nunavut were selected to represent each of the territory's 22 constituencies.

**Alex Baldwin**

Office of the Legislative Assembly of Nunavut



## **Northwest Territories**

The 17<sup>th</sup> Legislative Assembly of the Northwest Territories resumed its 5<sup>th</sup> Session on February 4, 2015, with a Sessional Statement by **Robert R. McLeod**, Premier of the Northwest Territories.

Premier McLeod outlined the government's progress with regard to the priorities as set out by the 17<sup>th</sup> Legislative Assembly at its inception. He recognized the devolution of land and water resources, the implementation of policies supporting economic growth, as well as efforts to address poverty, mental health and addictions.

Minister of Finance **J. Michael Miltenberger** delivered the Budget Address on February 5, 2015, providing details of the government's economic plans for the last year of the current Assembly.

Following the Budget Address and in keeping with the Assembly's budget procedures, the Finance Minister tabled the Northwest Territories Main Estimates 2015-2016. Further to the rules of the Legislative Assembly, the tabled document was immediately moved into Committee of the Whole for Assembly consideration. The review of the Main Estimates was conducted over a four-week period with the adoption of a Concurrence Motion by the House to further consider the Main Estimates through the form of an appropriation bill.

In a similar manner, the House also reviewed three supplementary appropriation bills. Following the motions for concurrence, all four appropriation bills were adopted by the House on March 12, 2015.

Later that day, prior to the adjournment of the spring sitting, the Commissioner of the Northwest Territories, **George L. Tuccaro**, granted assent to a total of 10 bills.

The 5<sup>th</sup> Session of the 17<sup>th</sup> Legislative Assembly was scheduled to resume May 27, 2015.



## Legislation

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Several pieces of legislation of particular note were considered during the sitting. The first of these was Bill 46: *Deline Final Self-Government Agreement Act*. This bill creates the Deline Gotine Government, the first community-based self-government in the Northwest Territories. The Bill was debated in Committee of the Whole and received third reading on March 4, 2015, following heartfelt and congratulatory words from Premier McLeod and **Norman Yakeleya**, the Member for Sahtu. Members of the team that worked on the 19-year long negotiation and residents of the Community of Deline filled the gallery to witness the historic event.

Also of note was Bill 12: *Northern Employee Benefits Services Pension Plan Act*. Bill 12 was sponsored by the Department of Finance and sets out the legislative framework for the Northern Employee Benefits Services pension plan as a multi-employer and multi-jurisdictional plan for public sector employees in the Northwest Territories and Nunavut.

The multi-jurisdictional nature of the legislation presented unique challenges as two distinct sovereign legislatures were simultaneously considering amendments to two separate but virtually identical pieces of legislation, governing a single body that conducts business in both jurisdictions.

Given the complexity of the legislation, the widespread public interest and the high degree of collaboration required between the Northwest Territories Standing Committee on Government Operations, and the Nunavut Standing Committee on Legislation, both Committees sought permission from their respective legislatures in autumn 2014 to extend the review period.

The Standing Committee on Government Operations, chaired by **Michael Nadli**, worked closely with its Nunavut counterpart to respond to the many submissions received by both Committees. A clause-by-clause review of Bill 12 took place on February 19, 2015. The Committee adopted, with the concurrence of the Minister of Finance, 12 motions to amend Bill 12. The bill, as amended and reprinted, was reported to the House where it was adopted at third reading and received assent from the Commissioner.

In its substantial report on the Review of Bill 12, the Standing Committee on Government Operations acknowledged the collaborative efforts of officials in Nunavut and the Northwest Territories, as well as the Nunavut Standing Committee on Legislation for their contributions to the successful review of this legislation.

The Spring sitting concluded on March 12, 2015, with five bills introduced and referred to Standing Committees for review.

## Establishment of a Special Committee on Transition Matters

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In preparation for the fall 2015 territorial general election, the Assembly adopted a motion to establish a Special Committee on Transition Matters to identify and report on major trends and issues for consideration by the Caucus of the 18<sup>th</sup> Legislative Assembly and to advise on the process for transition. The Committee is comprised of six Members of the Legislative Assembly, two selected from among the Members of the Executive Council and four selected from among the Regular Members.

## Rules of the Legislative Assembly of the Northwest Territories

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A motion was introduced by **Bob Bromley**, the Chair of the Standing Committee on Rules and Procedures, to repeal and replace the Rules of the Legislative Assembly effective May 27, 2015.

Mr. Bromley, in speaking to the motion, identified the two objectives of the review. The first was to modernize the rules, acknowledging changes related to technology, to update the rules to reflect current practices as adopted by the Assembly and to replace outdated or irrelevant rules. The second objective was to streamline procedures while balancing the interests of all Members and to provide a transparent and more efficient method of transacting public business. The motion was adopted by the House.

## Date of Territorial General Election

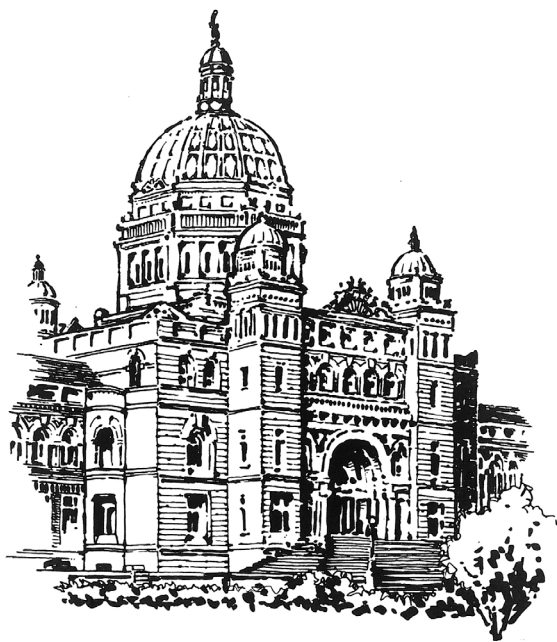
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The *2015 Polling Day Act*, adopted by the Legislative Assembly in November 2014, provided that if, as of April 1, 2015, the upcoming federal and territorial election period are scheduled to overlap, the territorial election is postponed from October 5, 2015 to November 23, 2015.

Pursuant to the Act, on April 1, 2015, the Legislative Assembly confirmed that the 2015 Territorial General Election will take place on November 23, 2015.

**Gail Bennett**

Principal Clerk, Corporate and Interparliamentary Affairs



## British Columbia

The third session of the 40<sup>th</sup> Parliament of the Legislative Assembly of British Columbia was prorogued on the morning of February 10, 2015, and the fourth session convened that afternoon with a Speech from the Throne delivered by Lieutenant Governor **Judith Guichon**. The Legislative Assembly is expected to adjourn for the summer on May 28, 2015.

### Speech from the Throne

The Speech from the Throne outlined the government's plan to build on new jobs created since 2011 by focusing on key sectors of the economy and further growing British Columbia's trading relationships in the Asia-Pacific region, while continuing to focus on encouraging development of a BC liquefied natural gas (LNG) industry. In addressing the Speech from the Throne, Official Opposition MLAs outlined their priorities, expressed concern about continued delays in construction of LNG projects, and advocated measures which in their view were not sufficiently addressed in the throne speech, including actions to reduce economic

disparities in the Province and initiatives to address health care gaps.

### Budget 2015

Finance Minister **Mike de Jong** tabled Budget 2015 in the House on February 17. In his comments on the budget, Mr. de Jong stated that BC's diverse economy and export markets have insulated the Province from the recent global economic downturn, creating the context for BC's third consecutive balanced budget. He pointed toward economic forecasts of increased provincial real GDP growth and anticipated surpluses for 2014-15 through 2017-18. In responding to Budget 2015, the Official Opposition raised concerns about the province's job creation situation and significant levels of unemployment; criticized the budget's fee and rate hikes; and called for initiatives to support employment creation through enhanced skills and training, to maintain support for education, and to ensure high standards of health care across the Province.

### Sessional Order

On February 12, 2015, the House again adopted a sessional order to amend Standing Orders 25 and 47(a) to reschedule Oral Question Period and daily Members' Statements to mornings on Tuesdays and Thursdays of each sitting week, with question period to remain in the afternoons for Mondays and Wednesdays. A similar sessional order has been adopted for each session since it was adopted for the first time on February 13, 2014.

### Legislation

At the time of writing, nine Government Bills have received Royal Assent out of a total of 27 Government Bills introduced during the 4<sup>th</sup> session of the 40<sup>th</sup> Parliament. Legislation this session includes:

Bill 14, *Tobacco Control Amendment Act* expands the scope of the existing legislation to permit regulation of e-cigarettes and associated products. Accordingly, the amendment act will change the name of the *Tobacco Control Act* to the *Tobacco and Vapour Products Control Act*.

Bill 15, *Motor Vehicle Amendment Act* strengthens the Province's strategy to combat high-risk driving behaviour on BC roads, including more certain and transparent remedial requirements for drivers who surpass established alcohol- and drug-driving-related thresholds. The bill also includes an amendment

clarifying left-lane rules for drivers, responding to provincewide consultation findings of significant public concern with slow drivers impeding traffic flow in leftmost lane, generally considered a passing lane on highways.

Bill 17, *Guide Dog and Service Dog Act* reflects advances in training and the uses of service dogs, which can be trained to assist people with many more conditions — including mobility issues, epilepsy, and hearing impairments — than in the past. The bill maintains current access and tenancy privileges for individuals with a certified guide or service dog. Additionally, the act will now provide access rights for dogs in training and extend tenancy rights to retired dogs that continue to reside with their handlers. It will also ensure that certified dogs can reside with their handlers in strata properties.

Bill 27, *Liquor Control and Licensing Act* creates a more flexible framework for regulating liquor, reducing the need for amendments in the future, as government implements recommendations stemming from BC's recent liquor policy review.

Fifteen Private Members' Bills and one Private Bill have been introduced during the spring sitting.

### **Parliamentary Committees Activity:**

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Nine parliamentary committees and the Legislative Assembly Management Committee were active between February and April, with public consultations by the Select Standing Committee on Children and Youth and the Special Committee on Local Elections Expense Limits underway during the reporting period.

On February 24 the Special Committee to Appoint an Ombudsperson was appointed to select and unanimously recommend to the House the appointment of an Ombudsperson to replace incumbent **Kim Carter**, who has announced her intention to resign prior to the 2018 conclusion of her second term of appointment in that role.

The Special Committee to Review the Independent Investigations Office completed its examination of the administration and general operations of British Columbia's Independent Investigations Office, and the Chief Civilian Director's progress toward a goal of having an office that is staffed entirely with employees and investigators who have never served as officers or members of a police or law enforcement

agency, with the release of its final report on February 12, 2015. The final report included recommendations designed to enhance the IIO's administration and general operation, and also recommended that the Ministry of Justice report publicly on actions taken to address human resources issues within one year of the release of the Committee's report and that the *Police Act* be amended to require comprehensive statutory review of the IIO by a special committee at least once every six years.

Following the conclusion of the first phase of its special project to examine children and youth mental health in the province of British Columbia, and the release of an interim report, on March 26 the Select Standing Committee on Children and Youth embarked on a second phase that will focus on the development of concrete and practical solutions for improving and integrating services for youth mental health in the province. During this reporting period the Committee also completed its statutory review of section 6(1)(b) of the *Representative for Children and Youth Act*, assessing its effectiveness in ensuring that the needs of children are met. Section 6(1)(b) provides for the Representative's monitor, review, audit and research functions. Following meetings with the Ministry of Children and Family Development and the Representative for Children and Youth, the report recommends, in accordance with the views of the Ministry and the Representative, that section 6(1)(b) not be amended at this time.

Having concluded the first phase of its inquiry, establishing principles to guide the establishment of expense limits for candidates and third party advertisers in municipal elections in BC, on February 26 the Special Committee on Local Elections Expense Limits commenced phase 2 of its mandate: to establish expense limit amounts for candidates and third party advertisers in municipal elections in BC. Principles identified by the Committee during phase 1 included fairness, neutrality, transparency, and accountability.

The Select Standing Committee on Health continued its work to identify potential strategies to maintain a sustainable health care system for British Columbians, considering the information collected through a public consultation that concluded on December 31, 2014. A Health Sub-Committee was struck on March 26 to consider and make recommendations to the Select Standing Committee on Health on the topic of dying with dignity.



## Accountability

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Continuing the Legislative Assembly's implementation of expanded disclosure on Members' compensation and expenses, October to December 2014 third quarter Members' compensation and expense reports were for the first time accompanied by copies of thousands of reimbursable receipts in support of each Member's travel and constituency office expenses. This information is available on the Assembly website's accountability portal at <http://www.leg.bc.ca/accountability/index.htm>

## Caucus resignation

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On February 12, MLA **Marc Dalton** announced his resignation from the BC Liberal caucus in order to pursue the Conservative Party of Canada nomination in the federal riding of Pitt Meadows-Maple Ridge-Mission. Mr. Dalton expressed his intention to return to the government caucus, should he fail to secure the federal riding nomination.

## Temporary Appointments

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**Rod MacArthur** returned as Sessional Law Clerk with the Legislative Assembly of BC from the opening of the 4<sup>th</sup> session of the 40<sup>th</sup> Parliament until the Easter break. Following the Easter break, **Loredana Catallisonier**, former Clerk of the Legislative Assembly of New Brunswick, joined the Assembly as Sessional Law Clerk for the remainder of the spring sitting.

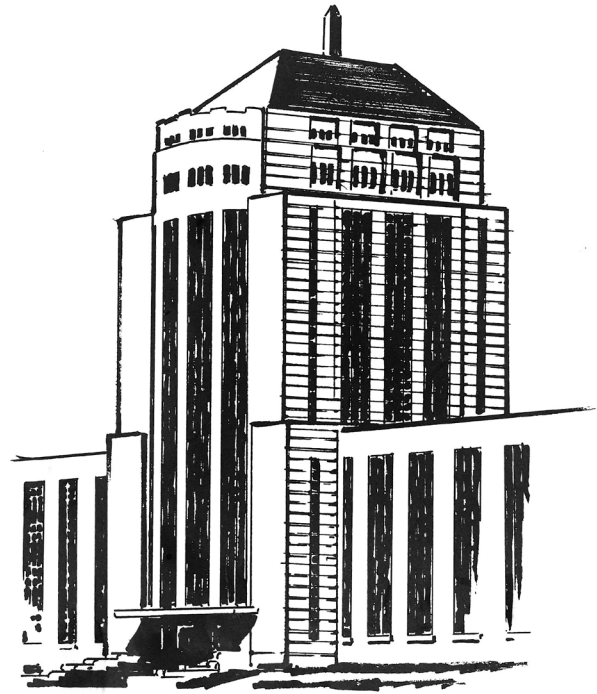
## Commonwealth Parliamentary Association Canadian Regional Conference/Commonwealth Women Parliamentarians Conference

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The Legislative Assembly of British Columbia will host the 53<sup>rd</sup> Commonwealth Parliamentary Association Canadian Regional Conference and Commonwealth Women Parliamentarians Conference from July 19 to 25, 2015.

This year's CPA Canadian Regional conference theme is *Safe Passage – Secure and Accessible Parliaments*. Business session topics will include accessibility within Canadian Parliaments, security within parliamentary precincts, and ethics and accountability of Members.

**Aaron Ellingsen**  
Committee Researcher



## Newfoundland and Labrador

### Electoral Boundaries Commission appointed

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Following a short sitting in January convened to amend the *Electoral Boundaries Act*, an Electoral Boundaries Commission was appointed to review the electoral boundaries with a view to reducing the number of seats in the House from 48 to 40. The House sat from January 19 to 22, the latter day extending from 1:30 p.m. to the next calendar day at 8:30 a.m.. The Commission released the proposed new electoral boundaries on April 10. Public hearings on the proposed electoral districts have been scheduled for the period April 22 to May 1. The Commission's final report is due June 9.

### Party Leadership

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On March 7, **Earl McCurdy** was elected leader of the New Democratic Party, succeeding **Lorraine Michael** who had been leader since 2006. Mr. McCurdy is not a Member of the House of Assembly. Ms. Michael continues as the Member of the House of Assembly for the District of Signal Hill-Quidi Vidi.

## Cabinet

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On March 12 the Premier shuffled his Cabinet, reassigning portfolios and reducing Cabinet size from 16 to 14 ministers.

The House reconvened on March 17, passed Interim Supply on March 26 and adjourned to April 21 when the Third Session of the 47th General Assembly will prorogue in the morning. The Fourth Session will open with the Speech from the Throne in the afternoon.

**Elizabeth Murphy**

Clerk Assistant



## New Brunswick

### Standing Rules

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The Legislative Assembly resumed the first session of the fifty-eighth Legislature on February 10, 2015. One of the items for the House's consideration upon its return was the proposed changes to the Standing Rules. On December 10, 2014, the Standing Committee on Procedure, chaired by the Government House Leader, **Hédard Albert**, presented a report to the House recommending various revisions to the Standing Rules. A motion to adopt the Report's recommendations was

passed by the House on March 10, after several days of debate.

### Legislation

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*An Act to Amend the Oil and Natural Gas Act*, introduced by the Minister of Energy and Mines, **Donald Arseneault**, was debated in the House over the course of several days. The *Act* enables the government to impose a moratorium on hydraulic fracturing in New Brunswick and received Royal Assent on March 27.

*An Act to Amend the Elections Act*, introduced by the Member for Fredericton South and the Leader of the Green Party, **David Coon**, proposes to lower the voting age from 18 to 16 and would, according to Coon, "give young people a voice in the future of our province." The bill passed second reading and is currently in Committee of the Whole.

**Ross Wetmore**, Member for Gagetown-Peticodiac, introduced a bill entitled *An Act to Amend the Workers' Compensation Act*. The bill would allow first responders who are diagnosed with Post Traumatic Stress Disorder to be eligible for workers' compensation, as the condition would be presumed to be work-related. The Bill received second reading on March 19 and is currently in Committee of the Whole.

### Committees

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A joint meeting of the Standing Committee on Public Accounts and the Standing Committee on Crown Corporations was held on March 24. The purpose of the meeting was the consideration of a report presented by Auditor General **Kim MacPherson** entitled *Report of the Auditor General of New Brunswick 2015 Volume 1 Performance Audit*. In June 2013 the Legislative Assembly requested, by way of unanimous motion, that Ms. MacPherson conduct an audit into the matter of financial assistance given to Atcon Holdings Inc. The focus of the audit was on events surrounding government's decision making process in granting financial assistance to Atcon for the period from 2008 to 2010.

### Budget

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On March 31, Minister of Finance **Roger Melanson** tabled the 2015-2016 Budget, the first for the government of Premier **Brian Gallant**. The Budget focused on three of the government's priorities: establishing the conditions for job creation, dealing with fiscal challenges and helping families.

For 2015-16, the provincial government is projecting a deficit of \$476.8 million. This is higher than the 2014-15 projected deficit due largely to one-time revenues in 2014-15 that will not recur, and includes a \$150 million contingency reserve in 2015-16 that will protect against unforeseen circumstances. If the reserve is not required, the deficit will be \$326.8 million.

An improving economy combined with a number of new measures will result in revenues reaching \$8.308 billion in 2015-16, a 0.6 per cent increase over revised 2014-15 estimates. Expenses will grow by 1.5 per cent, an increase of \$125 million over revised 2014-15 estimates.

Job creation initiatives include increasing the Small Business Investor Tax Credit, investments in the Miramichi Regional and Northern New Brunswick Economic Development and Innovation Funds, lowering the small business corporate income tax rate and imposing a tuition freeze on public universities in New Brunswick in order to make university more affordable.

Spending reduction initiatives in the Budget include increasing fuel taxes, removing the maximum daily amount for nursing home care, closing courthouses that are no longer required, the creation of a new tax bracket for high-income earners, reducing the number of teaching positions to reflect reduced enrolment and keeping 2014-2015 funding levels for Officers of the Legislative Assembly.

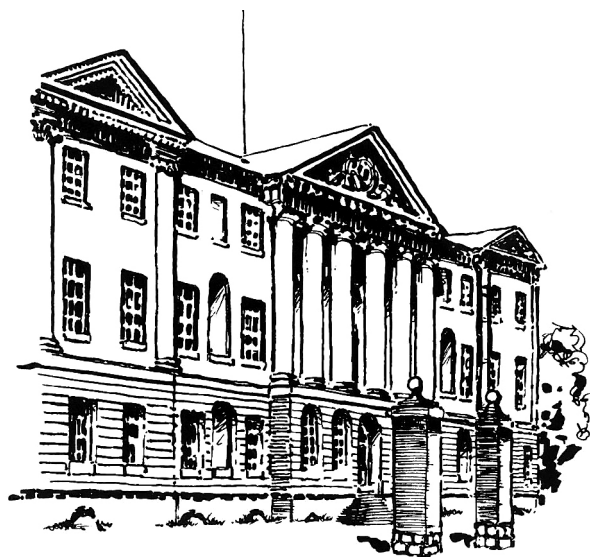
On April 2, **Blaine Higgs**, Opposition Finance Critic, delivered the Official Opposition's reply to the Budget. Higgs spoke on the government's changes to programs respecting the education system, senior care and efforts to reduce the provincial deficit. Higgs stated "We need a government focused on actually reducing the deficit, a government that chooses to move toward a balanced budget so that we can begin to pay down our debt and stop mortgaging our children's and grandchildren's futures. Instead, the debt is growing more rapidly. The government is borrowing even more money—money that we cannot afford."

### Standings

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The standings in the House remain 26 Liberals, 22 Progressive Conservatives, and one Green.

**Rose Campbell**  
Clerk Assistant



## Nova Scotia

### Spring sitting 2015

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The 2<sup>nd</sup> session of the 62<sup>nd</sup> General Assembly continued on March 26, 2015 with the first day of the Spring sitting.

### Resignations and Vacancies

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On April 2, 2015 **Frank Corbett** and **Gordie Gosse**, two of the seven NDP members, resigned their seats effective that day. At present there are three vacant seats in the House of Assembly as on March 16, 2015 Liberal MLA **Allan Rowe** died at the age of 58 after suffering an aneurysm. The *House of Assembly Act* requires the calling of a by-election within six months after the seat vacancy occurs and the election must be held within twelve months after the vacancy occurs.

### Budget

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In the weeks leading up to the Budget Speech on April 9, 2015, the Premier and the Finance Minister both indicated there would be important measures taken to reduce spending. A few days before the budget the Government announced that non-unionized civil servant salaries were to be frozen for three years. On April 7, 2015 the Minister of Finance introduced Bill # 80 – *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, this bill freezes MLA salaries until at least January 1, 2018. The bill received third reading on April 16, 2015.



The budget eliminated the Department of Economic and Rural Development and Tourism. The Minister who had been responsible for that Department, **Michel Samson**, is now Minister of Energy, having assumed that portfolio on March 25, 2015 upon **Andrew Younger**'s resignation from cabinet. He also holds the following portfolios: Minister of Communications Nova Scotia, Minister of Acadian Affairs and Minister responsible for Part 1 of the *Gaming Control Act*. A new Department of Business was created on budget day with the following mandate: "The Mandate of the Department is to lead and align all government efforts to expand business and social enterprise growth in Nova Scotia. The Department provides strategic direction and leadership to all provincial Government Departments, Crown Corporations and Agencies to achieve alignment on strategy and operations for business and social enterprise growth." **Mark Furey** was named Minister of Business. His other cabinet responsibilities are Municipal Affairs, Service Nova Scotia, Nova Scotia Business Incorporated, the *Innovation Corporation Act*, Part 2 of the *Gaming Control Act* and the *Residential Tenancies Act*.

One budget item which has generated much public interest is the reduction of the film industry tax credit from 100 per cent refundable to 25 per cent refundable as of July 1, 2015 and the elimination of Film and Creative Industries Nova Scotia. On April 15, 2015 a day-long protest was held at the House of Assembly with an estimated crowd of over 2,000 people that made national media headlines.

### House Procedures

The Rules of Procedure as amended on October 15, 2014, provide that the House does not sit on Mondays. Pursuant to Rule 5C, however, the House may sit on a day and for the hours determined by the House on the motion of the Government House Leader. The House has thus been sitting on Monday evenings and into extended evening hours since the budget was delivered to consider the estimates. Rule 62DA(2) and 62DB provide for a maximum of four hours on any day for supply to a maximum of 40 hours in each of the main Chamber and the Red Chamber (subcommittee) for the consideration of Estimates.

### Legislation

Two bills that received Royal Assent at the end of the Fall sitting 2014 are the subject of amending bills this sitting:

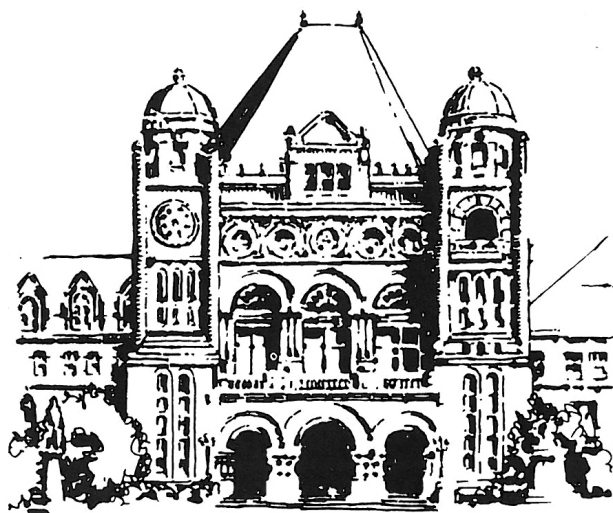
Bill # 69, amending the *Health Authorities Act*, was introduced, received second reading and was referred to the Law Amendments Committee on March 26, 2015 – the first day of the Spring sitting. On March 31, 2015 the Bill was reported back to the House and proceeded to Committee of the Whole House on Bills where not one MLA spoke to the Bill. That day the Bill also received third reading and Royal Assent was given to the bill on April 1, 2015.

Bill # 71, amending the *Limitation of Actions Act*, was introduced on March 27, 2015, the second day of the Spring sitting and with unanimous consent on the same day proceeded to second reading. The referral to the Law Amendments Committee was dispensed with and again not one MLA spoke to the Bill in Committee of the Whole House on Bills. A recorded vote on third reading was held and the Bill passed on the same day.

### Assembly Staff

On April 13, 2015 the House of Assembly welcomed Nicole Arsenault, an additional Assistant Clerk to the Nova Scotia table. There are now three table officers in Nova Scotia.

**Annette M. Boucher**  
Assistant Clerk



## Ontario

Prior to the adjournment of the House for the Christmas Holidays, **Joseph Cimino** resigned as a Member of Provincial Parliament which triggered a

by-election for the Electoral District of Sudbury on February 5, 2015. After a month-long campaign, **Glenn Thibeault** was returned as the new representative for Sudbury. The new MPP took the Oath and subscribed to the Roll just in time to take his seat in the Legislature for the resumption of the First Session of the 41<sup>st</sup> Parliament on February 17, 2015.

On February 19, 2015, **Greg Essensa**, Chief Electoral Officer of Ontario, responded to two complaints received from the Opposition Parties alleging that certain individuals had contravened subsection 96.1(e) of the *Election Act* in the February 5 Sudbury by-election. This subsection of the Act deals with bribery in connection with inducing a person to become, to refrain from becoming, or to withdraw from being a candidate. In his report to the Legislative Assembly, Mr. Essensa concluded that there were apparent contraventions of the *Election Act* relating to the selection of the Liberal Party candidate and reported the matter to the Attorney General of Ontario as mandated by the *Election Act*. An investigation is currently underway.

During the session, the House considered a number of bills, held concurrence debate on the spending estimates of certain ministries reported from the Standing Committee on Estimates; and gave Second and Third Reading to the Supply Bill which ultimately received Royal Assent before the end of the 2014-2015 fiscal year. In addition, the Legislative Assembly also unanimously approved the appointments of two new Parliamentary Officers, **Brian Beamish** as the Information and Privacy Commissioner; and **Stephen LeClair** as the Financial Accountability Officer, both individuals for a term of five years each.

### Committees

On December 11, 2014, a Select Committee on Sexual Violence and Harassment was appointed to make recommendations to the Legislature with respect to the prevention of sexual violence and harassment and to improve response to Ontarians who have experienced sexual violence and harassment. The Committee held its inaugural meeting at the Legislative Assembly on March 4, 2015 and is scheduled to hold future public hearings across the province in Sudbury, Thunder Bay, Sioux Lookout, Ottawa, Kingston, Kitchener-Waterloo and Windsor. An interim report is expected no later than June 24, 2015.

During the winter adjournment, the Standing Committee on Finance and Economic Affairs held its annual pre-budget consultations in Fort Frances,

Sudbury, Ottawa, Cornwall, Fort Erie, London and Toronto and presented its findings to the House.

Bill 31, *An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act* was considered by the Standing Committee on General Government. The provisions of the bill relate to various aspects of road safety, including impaired driving, bicycling, pedestrian safety, and the creation of a new vehicle inspection centre system.

In the minority 40<sup>th</sup> Parliament, the Standing Committee on Justice Policy was tasked with the review of the Speaker's finding of a *prima facie* case of privilege with respect to the production of documents; the tendering, planning, commissioning, cancellation and relocation of gas-fired electrical generating plants in Mississauga and Oakville. The review was never completed due to the dissolution of the 40<sup>th</sup> Parliament but when the standing committees were struck following the election of 2014, the Standing Committee on Justice Policy self-initiated two studies: one to examine the record keeping practices of the Ontario Government and the other on the relocation of the Mississauga and Oakville gas plants. Both studies were considered concurrently by the Committee and the findings were combined into a single report presented to the House.

The Standing Committee on Public Accounts tabled a report on the 2013 value-for-money audit conducted by the Auditor General on programs provided by the government with respect to services and supports to women and their children fleeing violence. The Committee also examined two other value-for-money audits as well as a follow-up audit from the 2014 annual report of the Auditor General.

Public hearings were held by the Standing Committee on Social Policy on Bill 56, *An Act to require the establishment of the Ontario Retirement Pension Plan*. The bill sets out the framework for the creation of the plan and requires its establishment by January 1, 2017. The bill was reported as amended to the House and is awaiting Third Reading debate.

**Katch Koch**  
Committee Clerk



## Saskatchewan

The fourth session of the 27<sup>th</sup> Legislative Assembly resumed on March 2, 2015.

### Budget Presentation

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On March 18, 2015, Finance Minister **Ken Krawetz** presented the province's budget for 2015-2016. He indicated in his budget speech that this was his fifth and final budget. The budget entitled *Keeping Saskatchewan Strong* focused on keeping taxes low, investing in infrastructure, controlling spending and providing new incentives that will help create jobs. The government cited significant planned expenditures in health, education and social services.

Opposition Finance Critic **Trent Wotherspoon** criticized the government for having record revenues but not passing the savings along to everyday families. On March 19, 2015, Mr. Wotherspoon moved an amendment to the budget debate motion that opposed the government's contention of record level spending as being full of waste and failing to deliver opportunities for young people, fairness and affordability for families, and dignity and security for seniors.

On March 26, 2015 the budget motion was passed in the Assembly and under the *Rules and Procedures of the Legislative Assembly of Saskatchewan*, the Estimates were automatically deemed referred to their respective standing committees. The rules provide for a vote to be taken on any remaining Estimates on the

second last day of session provided the cumulative total time for debate on the Estimates is no less than 75 hours of debate.

The government identified one budget related bill in the Estimates book, Bill No. 178 – *The Income Tax Amendment Act, 2015*. The Saskatchewan standing orders require that any new legislation required for the passage of the provincial budget must be identified by title in the government's financial plan, including details on the purpose of the bill and an explicit link to the Subvote or spending Allocation in the Estimates book. Any bills identified as "Budget Bills" are required to be voted as part of the estimates process as long as they receive five hours or more of debate. Bill No.178 made amendments to the Act in response to changes made to the federal Income Tax Act resulting from initiatives announced in the 2013 federal Budget and as such received a considerable amount of attention but was passed in time for the introduction and passage of the final Appropriation Bill on second last day of the Spring sitting.

### Saskatchewan Teachers' Institute on Parliamentary Democracy

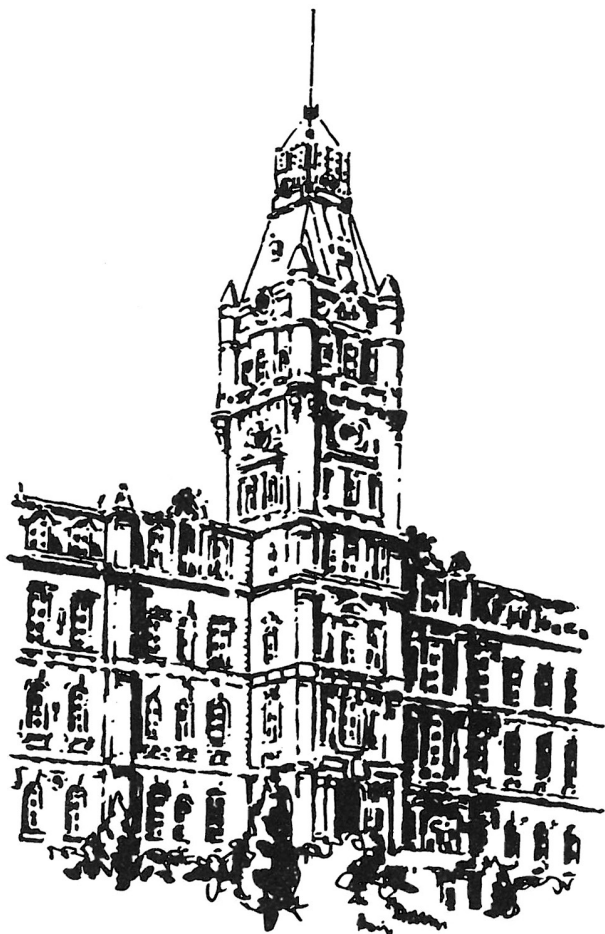
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Speaker **Dan D'Autremont** welcomed 17 teachers from across the province to the Saskatchewan Teachers' Institute that was held from April 18-22, 2015.

The first Saskatchewan Teachers' Institute on Parliamentary Democracy was held in 1999, with the aim of developing a strategy to enhance the understanding of parliamentary democracy in the classroom. Since then, over 200 teachers from across Saskatchewan have participated in the institute. During the five-day institute teacher participants receive a behind the scenes look at democracy at work. Participants have the opportunity to meet with the Lieutenant Governor, the Speaker, the Premier, cabinet ministers, caucus leaders, Whips and Chairs, as well as with private members, the Clerk and other members of the Legislative Assembly Service, Officers of the Assembly, the press gallery association and the judiciary.

**Rob Park**  
Committee Clerk





## National Assembly

### Extraordinary sitting

On February 6, 2015, at the request of Premier **Philippe Couillard**, the Assembly held an extraordinary sitting to complete the examination of 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 bill was passed on the following division: Yeas 62, Nays 50, no abstentions.

### Composition of the National Assembly

The Member for Jean-Talon and Minister of Education, Recreation and Sports, **Yves Bolduc**, handed in his resignation on February 26, 2015. **François Blais**, who had been Minister of Employment and Social Solidarity, replaced Mr. Bolduc as Minister of Education, Higher Education and Research. **Sam Hamad**, Minister of Labour, now holds the combined offices of Minister of Labour, Employment and

Social Solidarity, while **Pierre Arcand**, Minister of Energy and Natural Resources, was named Minister responsible for the Côte-Nord region.

On March 9, 2015, **Sylvain Rochon**, the Parti Québécois candidate, won the by-election in the electoral division of Richelieu.

The composition of the National Assembly now stands as follows: 69 Members of the Québec Liberal Party, 30 Members of the Parti Québécois, 22 Members of the Coalition Avenir Québec, three Members under the banner of Québec Solidaire, and one vacant riding.

### Estimates of expenditure and passage of Appropriation Act No. 1, 2015-2016

On March 31, 2015, the Members concurred in Interim Supply for the year 2015-2016 and passed Bill 40, *Appropriation Act No. 1, 2015-2016*. During this sitting, the Assembly entered upon the debate on the budget speech.

### Bills passed

For the period from January to March, the Assembly passed five bills:

Bill 10, *An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies*;

Bill 30, *An Act respecting mainly the suspension of payment of bonuses in the context of budget-balancing measures*;

Bill 19, *An Act to amend the Cooperatives Act and other legislative provisions*;

Bill 25, *An Act to transfer the responsibility for issuing road vehicle dealer's and recycler's licences to the president of the Office de la protection du consommateur*;

Bill 40, *Appropriation Act No. 1, 2015-2016*.

### Ruling from the Chair

Among the decisions rendered by the Chair, the ruling of March 19, 2015 on a point of privilege or contempt raised by the Official Opposition House Leader should be noted. In her notice, she alleged that the Minister of Municipal Affairs and Land Occupancy and the Minister's department were in contempt of

Parliament for having invoked two sections of a bill that was still under consideration, which constitutes contempt of Parliament. As provided in the Standing Orders, she also announced her intention to move a motion relating to a breach of privilege or contempt to impugn the conduct of the Minister acting in his official capacity.

According to the Chair, for a Minister to be liable for actions carried out by a body that invoked legislative provisions which had not yet been passed, there must be a sufficiently strong link between these actions and the Minister's involvement. Pursuant to parliamentary jurisprudence, advertising or communication of information must include an explicit reference to the legislative process and properly acknowledge the role of the Assembly and its Members in the consideration and passage of bills. Furthermore, in regard to the role of the government departments, the Chair understood their needed to be able to plan, in good faith, the implementation of measures that would result from the passage of a bill as well as their concern for efficiency and good governance. However, the Chair concluded that there was, *prima facie*, a connection between the facts submitted and the two sections of the bill, and that the information communicated to the organizations concerned by this bill and their resulting actions appeared to be connected. Although the Chair ruled that this point of privilege was in order, it specified that a more thorough investigation of the matter would be conducted at a later stage.

Following this ruling, the Official Opposition House Leader moved a motion relating to a breach of privilege or contempt in pursuance of the Standing Orders, which stipulate that the Assembly must rule on the alleged offence by voting on a report from the Committee on the National Assembly, which shall previously have inquired into the matter without special reference. The Committee on the National Assembly will therefore be convened for its inquiry into this matter.

### **Standing committee proceedings**

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Following a very busy fall owing to the work 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*, the Committee on Health and Social Services resumed work in 2015 with another important round of special consultations, this time on Bill 20, *An Act to enact the Act to promote access to family medicine and specialized medicine services*

and to amend various legislative provisions relating to assisted procreation. Some 50 groups came before the Committee to present their positions on this bill and 66 briefs were submitted. The consultations ended on March 25, 2015.

Bill 28, *An Act mainly to implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015-2016*, tabled in November 2014, continued to work its way through the legislative process with special consultations and public hearings being held in the Committee on Public Finance. Within the framework of these consultations, which took place from January 23 to 11 February 11, 2015, the Committee members received a total of 74 briefs and held nine sittings to hear 47 groups. On March 19, 2015, they began the clause-by-clause consideration of this massive piece of legislation containing 337 sections.

In December 2014, the Committee on Agriculture, Fisheries, Energy and Natural Resources carried out an order of initiative on the farmland grabbing phenomenon. At the beginning of March, within the framework of this mandate, the Committee held special consultations during which 19 groups were heard and 20 briefs were submitted.

Last, it should be mentioned that two committees tabled reports within the framework of orders of reference.

The Committee on Citizen Relations (CCR) was instructed by the Assembly to hold special consultations and public hearings on the 2008-2013 *Government Action Plan concerning Sexual Assault*. Within the framework of this mandate, the Committee received 26 briefs. The public hearings were held over a four-day period, from March 16-24, 2015, and allowed the Committee members to hear 18 organizations. At the request of a member, once the public hearings were over, the CCR held a deliberative meeting to draft its conclusions. These conclusions state that the Committee will make its recommendations after forums on this topic have been held.

For its part, the Committee on Transportation and the Environment (CTE) held special consultations and public hearings on the revised *Government Sustainable Development Strategy 2015-2020*. Forty-one groups were heard during the seven public hearing sessions. A total of 57 groups expressed their opinions by submitting briefs. Here too, the members met at

the end of the public hearings to discuss whether observations, conclusions or recommendations would be made. On this occasion, the Committee members agreed unanimously that each parliamentary group could make their own observations, as well as the independent Member who took part in the proceedings.

**Pierre-Luc Turgeon**

Parliamentary Proceedings Directorate  
Committees Service

**Nicole Bolduc**

Parliamentary Proceedings Directorate  
Sittings Service



## Prince Edward Island

### Sixty-fourth General Assembly

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The Sixty-fourth General Assembly was dissolved on April 6, 2015, with a provincial general election scheduled for May 4, 2015. According to the Rules of the Legislative Assembly, the new General Assembly must commence within 60 days after declaration day, May 20, 2015, in order to elect a Speaker. The Assembly will meet in the new chamber of the Hon. George Coles Building, the first time a sitting has been held outside of Province House since the building was completed in 1847.

### MLA retirement

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**Ron MacKinley**, the longest-serving member of the Legislative Assembly at the time of dissolution of the Sixty-fourth General Assembly, announced his retirement from public life in February 2015. He was first elected as member of the Legislative Assembly in a by-election in December 1985, and was subsequently

re-elected in every general election since 1986. In April 2000, as the sole member elected from the Liberal Party, he became Leader of the Opposition, a position he held until the 2003 provincial general election when he was replaced by **Robert Ghiz**. Following the 2007 provincial general election, which returned a Liberal majority, he was appointed Minister of Transportation and Infrastructure Renewal in the Ghiz government. His most recent appointment was on October 18, 2011, when he became Minister of Fisheries, Aquaculture and Rural Development. His decision not to re-offer in the 2015 provincial general election marks the end of an era in Prince Edward Island politics.

### New Leaders for the Major Political Parties

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**Wade MacLauchlan** became leader of the Liberal Party of Prince Edward Island on February 21, 2015. He had announced his candidacy for the position in late November, following the announcement by Premier Ghiz on November 15, 2014, of his resignation. Mr. MacLauchlan was the sole candidate for the position. Prior to entering provincial politics, he served as president of the University of Prince Edward Island from 1999 to 2011. Earlier he was Dean of Law at the University of New Brunswick and a professor of law at Dalhousie University. Mr. MacLauchlan was made a Member of the Order of Canada in 2008 and was awarded the Order of Prince Edward Island in 2014. He was sworn in as premier on February 23, 2015.

The Progressive Conservative Party of Prince Edward Island also selected a new leader. On February 28, 2015, former Charlottetown City Councillor, **Rob Lantz**, was elected, replacing **Steven Myers**, who held the position on an interim basis following the January 2013 resignation of **Olive Crane**. Mr. Lantz has worked at DeltaWare, a Canadian-based IT company, for the past 16 years, in a broad range of roles, including business analyst, software consultant and account manager. He was elected to Charlottetown City Council in 2006, and re-elected in 2010. The Progressive Conservatives have been the Official Opposition in the Legislative Assembly of Prince Edward Island since June 2007.

### New Cabinet

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Premier MacLauchlan reduced the number of cabinet positions from 11 to 8, naming the following members to Executive Council: Wade MacLauchlan, Premier, President of the Executive Council, Minister of Finance and Energy, Minister Responsible for Aboriginal Affairs, Minister Responsible for Acadian and Francophone Affairs, and Minister of



Intergovernmental Affairs; **George T. Webster**, Deputy Premier and Minister of Agriculture and Forestry; **Doug W. Currie**, Minister of Health and Wellness and Minister Responsible for Municipal Affairs; **Valerie E. Docherty**, Minister of Community Services and Seniors, and Minister Responsible for the Status of Women; **Janice A. Sherry**, Minister of Environment, Labour and Justice, and Attorney General; **Robert L. Henderson**, Minister of Tourism and Culture; **J. Alan McIsaac**, Minister of Education and Early Childhood Development, and Minister of Transportation and Infrastructure Renewal; **Allen F. Roach**, Minister of Innovation and Advanced Learning and Minister of Fisheries, Aquaculture and Rural Development.

### **New Restrictions on Deputy Minister and Senior Advisors**

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On March 2, 2015, Premier MacLauchlan announced that he will introduce new conflict of interest requirements, similar to those in place for ministers, for deputy ministers and senior political advisors as part of an enhanced emphasis on openness and transparency within government. In addition, there will be an extension of post-employment restrictions for deputy ministers and senior advisors. He indicated he intends to confirm these measures during the next sitting of the Legislative Assembly.

### **Ethics and Integrity Commissioner**

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Premier MacLauchlan announced the appointment of **Shauna Sullivan-Curley** as the province's first Ethics and Integrity Commissioner on March 31, 2015. Her key areas of responsibility will include expense disclosure, conflict of interest disclosure within the public service, strengthening the Code of Conduct and Oath of Office, and identifying and overseeing the implementation of new provisions to maintain and strengthen public confidence in the work of government. Ms. Sullivan-Curley began her public service career in 1989 with the provincial Department of Justice and Attorney General. She has been involved at the senior management level with a variety of departments, serving as Deputy Minister of Provincial Affairs and Deputy Attorney General, Secretary to the Legislative Review Committee and Counsel to Executive Council, Deputy Minister of Education, and Deputy Minister of Environment, Labour and Justice.

### **Forecasted Change to Government Departments**

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In late March, Premier MacLauchlan forecast a number of changes to government departments, to take

effect with the formation of a cabinet following the May 4, 2015, election. He plans a department responsible for communities, land and environment; and a department responsible for workforce and advanced learning. The current department of innovation and advanced learning will become responsible for economic development. The current department of environment, labour and justice will be responsible for justice and public safety. No increase in the number of government departments is foreseen. "There will be a unique opportunity during the election writ period for senior officials to refine and prepare for all aspects of the transition," said MacLauchlan.

### **Auditor General to Review E-gaming**

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Auditor General **Jane MacAdam** will be undertaking a review of the government's dealings with number of companies in relation to on-line gaming and financial services. The file has been the source of community and media comment in recent months, and the announcement came in the wake of an article published in the *Globe and Mail* on February 27, 2015, detailing the province's exploration of the possibility of entering the business of on-line gaming regulation. The Auditor General's remit includes the conduct of current or former elected officials and staff with regard to their investments in specific companies involved in the industry.

### **Conflict of Interest Commissioner**

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**Neil Robinson**, Prince Edward Island's Conflict of Interest Commissioner, resigned on March 8, 2015. He had been in the position since 1999. His departure was triggered by public comments made by the Leader of the Opposition, and demands from the leader of the Progressive Conservative Party for an emergency sitting of the Legislative Assembly to debate an assertion of conflict of interest. Although the allegations were denied by Mr. Robinson, he subsequently released a statement indicating he felt he did not have the necessary confidence of the Assembly to continue as province's Conflict of Interest Commissioner.

**John A. McQuaid**, retired Justice of the Prince Edward Court of Appeal, was appointed acting Conflict of Interest Commissioner on March 10, 2015. Mr. McQuaid practiced law for 20 years prior to becoming justice of the Court of Appeal, a position he held from 1993 to his retirement in 2013. Pursuant to the *Conflict of Interest Act*, Mr. McQuaid will serve as acting commissioner until the Legislative Assembly appoints a new commissioner.

## Accountability Requirements for MLAs

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In mid-March, Premier MacLauchlan announced his plans for new requirements for cabinet ministers and all elected officials to publicly release detailed copies of their travel and hospitality expenses. Similar requirements are already in place for deputy ministers, chief executive officers and senior advisors within government. Premier MacLauchlan indicated he would be asking the Legislative Management Committee to take steps to require members of the Legislative Assembly to adhere to the same standards.

**Marian Johnston**

Clerk Assistant and Clerk of Committees



## Senate

### The Passing of the Speaker of the Senate

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On April 23, 2015, **Pierre Claude Nolin**, Speaker of the Senate, lost his battle with cancer at the age of 64. He was appointed to the Senate in 1993 on the advice of Prime Minister Brian Mulroney and represented the senatorial district of De Salaberry, Quebec. A lawyer by trade, Senator Nolin was an active member of several Senate committees, including the Standing Senate Committee on Legal and Constitutional

Affairs; the Standing Senate Committee on National Security and Defence; the Standing Joint Committee for the Scrutiny of Regulations; the Standing Senate Committee on Energy, the Environment and Natural Resources; the Standing Senate Committee on Foreign Affairs and International Trade; Standing Committee on Rules, Procedures and the Rights of Parliament and the Special Senate Committee on Anti-terrorism. From 2000 to 2002, he chaired the Special Senate Committee on Illegal Drugs and, most recently, he was the Chair of the Standing Committee on Internal Economy, Budgets and Administration. He was unanimously elected as Speaker *pro tempore*, a role he served in from November 2013 to November 2014 when he was named Speaker of the Senate on the advice of Prime Minister Harper. Speaker Nolin lay in repose in the Senate Chamber on April 28 and his funeral took place in Montreal at Notre-Dame Basilica on April 30.

## Legislation

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The Senate reconvened after the winter adjournment on January 27 and during the late winter period of sittings, 10 government bills, three Senate Public Bills and one Commons Public bill received Royal Assent. Among the government bills was Bill C-32, *An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts*. This bill creates a federal bill of rights for victims of crime; amends the *Criminal Code* to enhance the rights of victims to information and protection and provide victims with increased opportunities for participation in the criminal trial and sentencing processes; creates a general rule of competency and compellability with respect to the testimony of the accused's spouse in criminal proceedings under the *Canada Evidence Act*; and amends the *Corrections and Conditional Release Act* to increase victims' access to information about the offender who harmed them.

Bill C-27, the *Veterans Hiring Act*, amended the *Public Service Employment Act* to grant priority for appointment in the federal public service to members of the Canadian Armed Forces who are released from military service for medical reasons attributable to service. Another bill that received Royal Assent was Bill S-221, *An Act to amend the Criminal Code (assaults against public transit operators)* which amended the *Criminal Code* to require a court to consider the fact that the victim of an assault is a public transit operator to be an aggravating circumstance for the purposes of sentencing.

Though not yet before the Senate, the Standing Senate Committee on National Security and Defence

began a pre-study on Bill C-51 whose short title is the *Anti-terrorism Act, 2015*. The Committee began hearing from Ministers and departmental witnesses on March 30 and has been continuing its pre-study into the spring, hearing from stakeholders and academics.

### Committees

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In addition to the pre-study of Bill C-51, the Senate's committees continued their examination of other legislation as well as their ongoing special studies. On February 17, the Standing Senate Committee on Aboriginal Peoples tabled an interim report entitled *Housing on First Nation Reserves: Challenges and Successes*. The committee is conducting its study in two phases, with this first interim report focusing on housing. It plans to issue another report, dealing with community infrastructure, before the Senate rises for the summer. Another report of note is the final report of the Standing Senate Committee on Social Affairs, Science and Technology, on prescription pharmaceuticals in Canada, tabled in March. The committee had previously issued four interim reports on the subject since the study began in November, 2011. Throughout the course of the study, the committee made a total of 79 recommendations to address some of the challenges facing prescription drugs that have an impact on the health and safety of Canadians. Many of these recommendations called for the Minister of Health to foster greater collaboration between the provinces on standardized approaches to electronic data collection to facilitate research and policy decisions. All committee reports can be accessed at <http://www.parl.gc.ca/SenCommitteeBusiness/default.aspx?parl=41&ses=2&Language=E>

### Speaker's Rulings

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On February 3, Speaker Nolin delivered a ruling on a point of order raised by **Wilfred P. Moore** in December 2014, concerning the use of omnibus legislation. The point of order had been specifically raised about the *Budget Implementation Act*; however, Mr. Moore was also interested in speaking about the use of omnibus legislation in general. He argued that it was "improper to put senators in the position of having to vote once on many unrelated issues". The Speaker determined that omnibus bills are procedurally in order, but the Senate may nevertheless wish to review options as to how it can best study such bills and better ensure government accountability, particularly in relation to public finances and expenditures. He discussed a number of options the Senate could consider in the future, but emphasized any changes would be for the

chamber itself to decide, not for the Speaker to impose.

Following the October 22 attack at the war memorial and Parliament Hill, the government moved a motion respecting security arrangements on Parliament Hill. The motion called on the Senate to recognize the necessity for integrated security throughout Parliament Hill and invited the RCMP to take the lead on the initiative. Senator **James S. Cowan** raised a point of order as to the acceptability of the motion and raised concerns that the motion attempts to delegate power to the Royal Canadian Mounted Police in a way that is not permissible under the *Parliament of Canada Act*. In his ruling on the matter, Speaker Nolin pointed out that there was nothing in the rules and procedure of the Senate to block consideration of the motion, that the motion was in order and debate could continue. At that time, he assured senators that, if the motion passed, he would, in discussions and negotiations, take his role as custodian of the rights and privileges of the Senate and individual senators most seriously.

### Senators

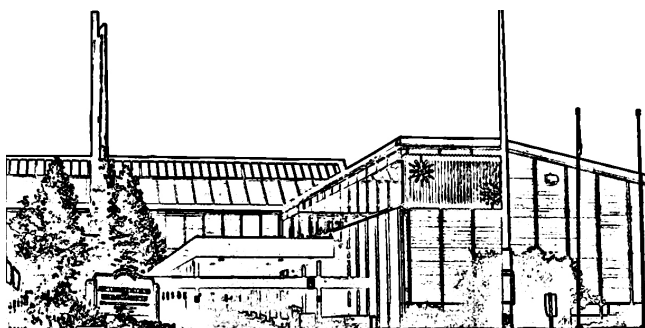
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There were two departures from the Senate during this period with the resignations of **Jean-Claude Rivest** on January 31 and **Marie Charette-Poulin** on April 17. Mr. Rivest was appointed to the Senate on the advice of Prime Minister Mulroney in 1993, representing the Quebec senatorial division of Stadacona. Prior to his appointment, he was a lawyer and political assistant before being elected to the Quebec National Assembly twice in 1979 and 1981. Most recently, he served on many Senate committees and was at one time, the Deputy Chair of the Standing Senate Committee on Official Languages. Most recently, he was a member of the Standing Senate Committee on Legal and Constitutional Affairs.

Ms. Charette-Poulin was appointed to the Senate in 1995 on the advice of Prime Minister Chrétien. A Franco-Ontarian, she represented Northern Ontario and had worked as a program producer, researcher and university lecturer before serving in the Senate. She was a member of the Standing Committee on Internal Economy, Budgets and Administration, and the Standing Senate Committee on National Security and Defence. She was also a past member of the committee on Banking, Trade and Commerce and past chair of the Standing Senate Committee on Transport and Communications.

**Vanessa Moss-Norbury**  
Procedural Clerk





## Yukon

### Spring Sitting

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On March 5, 2015, Premier **Darrell Pasloski** advised Speaker **David Laxton** that the public interest required that Legislative Assembly reconvene. The Premier identified April 2 as the start date for the 2015 Spring Sitting of the First Session of the 33<sup>rd</sup> Legislative Assembly. This was the first time since 2007 that the Spring Sitting had begun after the start of a new fiscal year.

The Legislative Assembly does not have a fixed calendar for sittings. Standing Order 73(2) requires the Premier to give the Speaker at least two weeks' notice of the date on which he would like the House to reconvene. This year's four-week notice period was unusual, as the Speaker is normally given the minimum two-weeks' notice. Having received the Premier's advice, the Speaker, pursuant to Standing Order 73, informed the Members that the House would reconvene on April 2.

On April 2, Government House Leader **Darius Elias** informed the House, pursuant to Standing Order 75(4), that after conferring with opposition House Leaders it was agreed that the Spring Sitting would be a maximum of 31 sitting days, with the 31<sup>st</sup> sitting day being May 28. This was also unusual. The Government House Leader's report on the length of the Sitting is, by practice, given only after the Government has introduced all its legislation for that Sitting. This is the first time the report was given on the first sitting day of a Spring or Fall Sitting.

### Budget Day

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The first day of the Spring Sitting is traditionally the day the budget is introduced. In keeping with that tradition, the Premier, who is also the Minister of Finance, introduced Bill No. 18, *First Appropriation Act, 2015-16*. Once the House moved to Orders of the

Day, the Premier moved second reading of Bill No. 18 and then delivered his 2015-16 budget address. For the coming fiscal year the government sought approval to appropriate \$1.367 billion, the largest budget in Yukon's history. The motion for second reading of Bill No. 18 carried on April 7 and Committee of the Whole consideration of the bill commenced on April 20. Much of the remainder of the 2015 Spring Sitting was devoted to Committee of the Whole consideration of departmental estimates. The bill was passed and assented to on May 28.

### Government Bills

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The other government bills introduced, passed and assented to during the 2015 Spring Sitting were:

Bill No. 16, *Third Appropriation Act, 2014-15*, which finalizes government expenditures for the 2014-15 fiscal year.

Bill No. 17, *Interim Supply Appropriation Act, 2015-16*, which authorizes the appropriation of \$353.979 million to cover government expenditures from April 1 to June 4, 2015.

Bill No. 84, *An Act to Amend the Public Lotteries Act and Related Enactments*. The *Public Lotteries Act* (PLA) currently authorizes the Government of Yukon to conduct and manage only interjurisdictional lotteries. This bill amends the PLA to enable the Government also to conduct and manage a single "government gaming establishment". The purpose is to provide a better statutory basis for the existing gaming activities at Diamond Tooth Gerties Gambling Hall in Dawson City.

Bill No. 85, *Condominium Act, 2015*, provides a comprehensive update of matters affecting the development, ownership and governance of condominiums in Yukon.

Bill No. 86, *Act to Amend the Income Tax Act and the Yukon Child Benefit Regulation*, amends the *Income Tax Act* to revise the personal income tax rate structure. The bill also amends provisions relating to the administration of the Yukon Small Business Investment Tax Credit. Other amendments harmonize Yukon's income tax legislation with federal legislation, including those relating to credits for political contributions and the now refundable Yukon Children's Fitness Tax Credit.

Bill No. 87, *Personal Property Security Registry (Electronic) Amendments Act*, amends the *Personal Property Security Act*. This will enable conversion from the existing personal property security registry system, which is a document-based registry and operated by government, to the electronic Atlantic Canada Online registry system (referred to as the “new registry system”), which will be operated by an agent of government.

Bill No. 88, *Pharmacy and Drug Act*, provides for the licensing of pharmacies and rural dispensaries; establishes the obligations of licensees and proprietors; provides for inspections of pharmacies and rural dispensaries; provides for the investigation of complaints and for the discipline of licensees and proprietors; and amends other statutes to ensure that the Act is properly integrated with existing law relating to health professions. The bill also repeals the *Pharmacists Act*, as part of creating a modern regulatory system for the profession under the *Health Professions Act*.

One private member’s bill was introduced during the 2015 Spring Sitting. Bill No. 106, *An Act to Amend the Workers’ Compensation Act, with Respect to Post-Traumatic Stress Disorder*, which was introduced by the **Elizabeth Hanson**, Leader of the Official Opposition on April 28, 2015. It was not brought forward for second reading.

### **Appointment of Deputy Chair of Committee of the Whole**

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As mentioned in our previous submission, on January 16, 2015 the Premier announced a cabinet shuffle. As part of the cabinet shuffle, **Stacey Hassard** was named a minister, thereby requiring his resignation as Deputy Chair of the Committee of the Whole. At that time, the government also announced its intention to nominate

Mr. Elias as Deputy Chair of Committee of the Whole once the House reconvened. On April 16, 2015 the Legislative Assembly adopted Motion No. 908, thereby appointing Mr. Elias as Deputy Chair of Committee of the Whole.

### **Appointment of Yukon Child and Youth Advocate**

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Also as mentioned in our previous submission, 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. On April 20, 2015 the Legislative Assembly adopted Motion No. 907, signifying that Ms. King’s five-year term as Child and Youth Advocate would commence on May 1, 2015. Ms. King will be sworn in on that date.

### **Auditor General’s report**

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On March 5, 2015 the Auditor General of Canada released *Report of the Auditor General of Canada to the Yukon Legislative Assembly - 2015: Corrections in Yukon - Department of Justice*. Officials from the Office of the Auditor General presented the report to Speaker Laxton that morning. The Speaker then authorized the distribution of the report to Members of the Legislative Assembly, as the House was not in session on that date. Once the report had been distributed to Members it was then made public and posted to the websites of the Auditor General of Canada and the Yukon Legislative Assembly. Later that day, officials from the Auditor General’s office met with the Standing Committee on Public Accounts. At that meeting the Public Accounts Committee indicated its intention to hold a public hearing on the report. The hearing was scheduled to be held on June 9, 2015.

**Floyd McCormick**  
Clerk

# Sketches of Parliament and Parliamentarians Past: The Exuberant Life of Emery Barnes

*The Legislative Assembly of British Columbia has had a track star, a football player, a social worker, a piano player and a nightclub owner... all rolled into one individual. Former MLA and Speaker of the House, Emery Barnes, was a man of great stature – a gentleman and a gentle giant.*

**Chris Stephenson**

Emery Oakland Barnes proudly served as a Member of the Legislative Assembly of British Columbia for over 24 years. In 1972, he and colleague Rosemary Brown were the first black politicians elected to BC's Legislative Assembly and Barnes also became the first black Speaker in Canadian history.

Born December 15, 1929 in New Orleans, and later raised in Portland, Oregon, Barnes played briefly with the Green Bay Packers after leaving the US Army and completing his B.Sc. in 1956. He came to Vancouver the following year. Although he ended his professional sports career with the BC Lions in 1964, the year they became Grey Cup champions, he was sidelined with an injury for the last few games.

In a 1987 *Canadian Parliamentary Review* interview, Barnes said, "It seems the first part of my life was more oriented toward athletics and actions. The cerebral part developed later. I began to develop a social conscience." His completion of a social work degree at the University of British Columbia and his subsequent projects with youth and also within correctional services provided evidence of this new path.

**April 26, 1975: Premier Dave Barrett after playing in an "old boys" rugby game at Brockton Point in Vancouver against a team from Japan gets his stomach rubbed by Emery Barnes. Man on left unknown.**

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*Chris Stephenson is a co-op reference librarian at the Legislative Library of British Columbia.*

Following a tough stint opening a night club called 'Emery's Plug,' Barnes eventually accepted future BC Premier Dave Barrett's encouragement and turned towards a career in politics. After an initial attempt in 1969, Barnes won the 1972 election in his Vancouver Centre riding, where he quickly gained the confidence of his community.

Barnes won every subsequent election he contested and served continually as a Member of the Legislative Assembly until 1996. He ended this segment of his career at another high point, appointed first as Deputy Speaker in 1991, and later as Speaker of the House in March of 1994.



Photograph by John Denniston





more committed than ever to those struggling. He called the experience “shocking” and concluded that doubling the monthly welfare rate was necessary to live at a basic level.

By all accounts Barnes was a hulk of a man; the staff at the Legislative Assembly still recall his towering physical presence and his deep voice. Yet despite his imposing stature, standing at a height of 6 feet 6 inches, Barnes was known as a gentle giant. He regularly welcomed visitors to his office with what long-time staff of the Legislative Library recall as “hands like baseball mitts.”

Barnes championed social justice and human rights causes. In 1986 he answered a Vancouver anti-poverty group’s challenge to demonstrate, first hand, the hardships of living on BC social assistance. He spent two months in downtown East Vancouver living on welfare, losing 15 pounds in the first three weeks, and emerged

But his were nimble fingers and Barnes was also known for his impromptu performances at the piano in the upstairs Ned DeBeck Members’ lounge. During his time at the Legislature, the Library was often filled with the sounds of Barnes’ talented jazz improvisations, as he took musical breaks from his political duties.

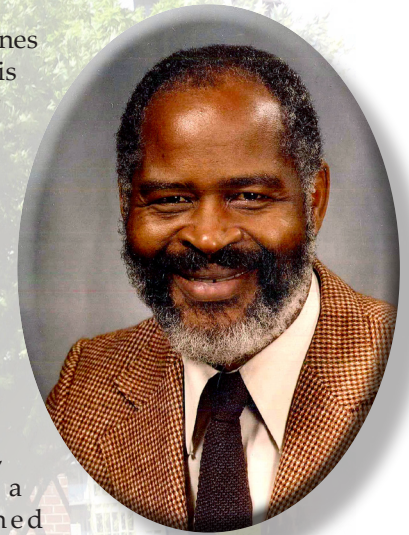
Emery Barnes died in Vancouver on July 1, 1998 at the age of 68, after a battle with cancer. Today Emery Barnes Park remains as a tribute to this remarkable renaissance man. Located at 1170 Richards Street, in his former district of Vancouver Centre, this park was a decade in the making.

In paying respects to Barnes in the House following his death, former premier Arthur Daniel (Dan) Miller said, “I speak for all members of this House but particularly for my caucus when I note that Wednesday, July 1 -- Canada Day -- was indeed a very sad day as much as it was a day of celebration

for Canadians, in that a distinguished member of this House, Emery Barnes, who was a friend to many of us, passed away.”

Gretchen Brewin, the Speaker at this time, closed the remarks by adding, “He was indeed a man with a big heart; he filled this big chair -- big shoes to fill for the current Speaker and others who have followed him.”

Emery Barnes Park, located at 1170 Richards Street in the former MLA’s Vancouver Centre riding.



Emery Barnes Park



*Drawing on the knowledge of an established network of Canadian parliamentary librarians and researchers, this column explores Canadian parliamentary traditions, legislators and legislative buildings. 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 [revparl@ontla.ola.org](mailto:revparl@ontla.ola.org).*





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