

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- The author presents a selection of books full of badly written, nonsensical, and outdated laws.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