

# Canadian Parliamentary Review



*A Consideration  
of Cabinet Size  
p. 14*

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# Know Your Mace

On April 1, 1999, the Legislative Assembly of Nunavut sat for the first time. Six artists collaborated on the design and creation of Nunavut's Heritage Mace and Working Mace: the late Mariano Aupilardjuk (Rankin Inlet), Inuk Charlie (Cambridge Bay), Paul Malliki (Nauyasat), Mathew Nuqingaq (Iqaluit), the late Simata Pitsualak (Kimmirut) and Joseph Suqslaq (Gjoa Haven). The Heritage Mace is kept on permanent display in the Legislative Assembly Precinct. The Working Mace sees daily service during sittings of the House and other occasions requiring its presence. Both Maces are 150cm in length. A narwhal tusk forms the shaft of the Heritage Mace. A synthetic material forms the shaft of the Working Mace. A quartz crystal is set into the tip of the Heritage Mace. A 2.25-carat diamond is set into the tip of the Working Mace. Materials that are common to both Maces include amethyst,



black quartz, citrine, garnet, granite, lapis lazuli, silver, soapstone, quartz and white marble. One of the ongoing outreach initiatives of the Office of the Speaker of the Legislative Assembly is the biennial Mace Tour, during which the Speaker visits schools and other facilities across Nunavut's 25 communities to display the Mace and to discuss the work of the institution that it helps to safeguard. Earlier this year, the Speaker and the Mace paid visits to the communities of Baker Lake and Gjoa Haven.

Office of the Legislative  
Assembly of Nunavut

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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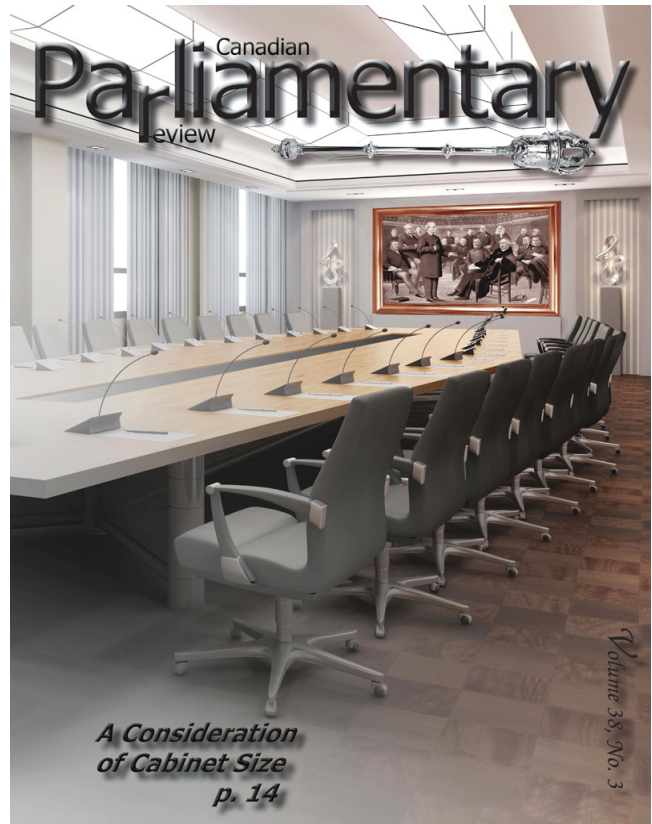
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# Community Outreach: Bringing Parliament to Life

The Community Outreach program offered by the Parliamentary Protocol and Public Relations Branch of the Legislative Assembly of Ontario brings the experience of Queen's Park to communities and schools in a way that transcends financial and distance barriers. Participants get a hands-on experience learning about how Ontario's parliament works, the responsibilities of the three levels of government, and civic engagement.

**Chelsea Scherer**

Learning the responsibilities of government and how the electoral and legislative process works is something every Ontarian should be familiar with. Unfortunately, travel costs preclude every resident from travelling to their federal, provincial and territorial assemblies to get a first-hand look at legislatures in action. To bridge this distance, the Legislative Assembly of Ontario has created the Community Outreach Program. Groups of children, young adults and ESL (English as a second language) learners have all gained an opportunity to learn the basics of parliamentary processes through this service. Shaped around the participating group's existing knowledge, the program aims to fill the gaps of what they don't know in an informative and entertaining way.

Since the first pilot project in December 2012, the program has travelled to cities big and small, visiting more than 2,300 Ontarians around the province. The program has especially picked up its pace within the last year, as more schools, community groups and organizations like the Ontario Public Service have become aware of this free service. Heather Tulipano, a grade six teacher from Orillia, wasn't aware the program existed until she attended the Teacher's Forum – a professional development opportunity designed for elementary and secondary teachers – at Queen's Park in Toronto in 2014. "Cost is a huge factor now with bussing," she says "When I found out they did Outreach [and] it didn't cost us anything - That's a goldmine for us."

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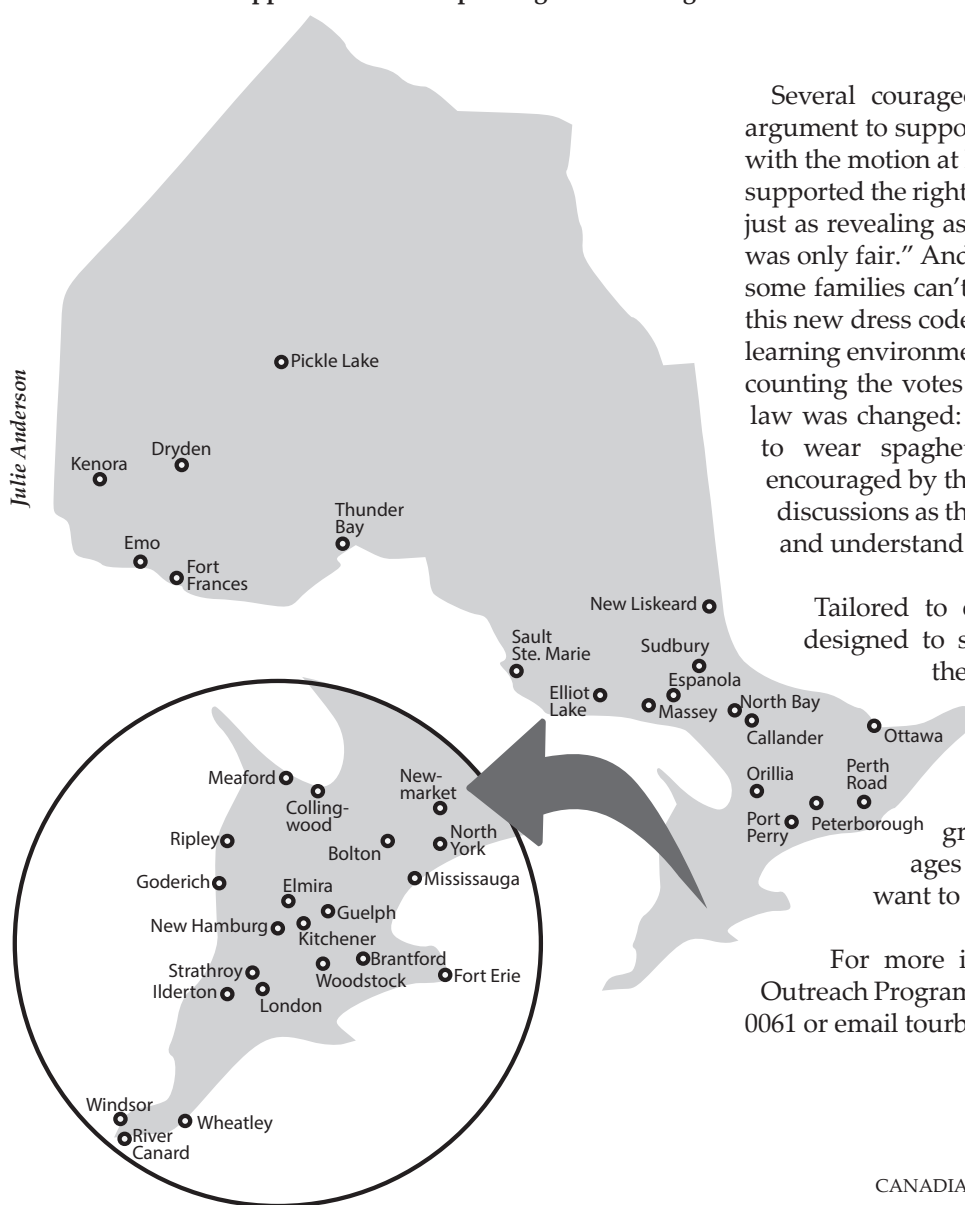
*Chelsea Scherer is a Bachelor of Journalism student at Humber College. She is the editorial intern for the Canadian Parliamentary Review for Summer 2015.*

The Outreach program captures the experience of a visit to Queen's Park for participants without them actually having to take a trip there. In addition to saving the time and cost involved in travel, patrons can also feel more comfortable asking questions in a less intimidating setting. Tulipano's grade six class, for example, welcomed the program to their school in June 2015. The class learned the responsibilities of the three levels of government in Canada. Led by two information officers, the group of about 30 students began their session by playing a matching game to identify the role and duties of the municipal, provincial and federal tiers of government. Afterwards, the class watched their local MPP Garfield Dunlop (Simcoe North) make statements in a recorded broadcast of a recent Question Period. For every school and community session, local MPPs are notified when the two-hour program will be visiting so they have the opportunity to sit-in if their schedules allow. The students' programme concluded when they participated in a mock debate similar to one they might see in the Legislative Assembly of Ontario.

The topic of debate, chosen by the grade six class was whether or not the students should alter their school's dress code. Being an issue all of the students could relate to, they were asked to fully support the side to which they were assigned. With the Speaker, Sergeant-at-arms and Clerk dressed in their role-play costumes provided by Outreach – a few black silk robes, tri-cornered hats – the cardboard mace was carried into the classroom to signal the beginning of their debate. Their faces lit up particularly as they watched their peers act out the roles of parliamentary officers. Facilitators suggest it is a fun and interactive way for students to become engaged and learn about how parliament functions. When selected to speak, both students in the government and the Official Opposition were required to start their point with, "Mr. Speaker" – just as the Members of Provincial Parliament do in their debates.



A member of the Opposition makes a point against revising the school's dress code in a mock debate.



Several courageous students stood to make their argument to support whether they agreed or disagreed with the motion at hand. The government side strongly supported the right for female students to wear clothing just as revealing as their male counterparts because "it was only fair." And the Official Opposition argued that some families can't afford to buy new clothes and that this new dress code would be "too inappropriate" for a learning environment. The debate ended with the Clerk counting the votes for both sides and the hypothetical law was changed: female students were now allowed to wear spaghetti-strings to school. Students are encouraged by the facilitators to take the lead in these discussions as they debate topics that they care about and understand.

Tailored to each group, program sessions are designed to support the school curriculum and the particular interests of the patrons.

The program is ideal for junior and intermediate students, newcomers, ESL learners, adult organizations and community groups. Outreach is available for all ages and communities in Ontario that want to learn more about parliament.

For more information about the Community Outreach Program, contact Tour Bookings at (416) 325-0061 or email [tourbookings@ola.org](mailto:tourbookings@ola.org).

# Life After Parliament: The Role of Associations of Former Parliamentarians

At some point in time every current parliamentarian will become a former parliamentarian. In recent decades associations representing former parliamentarians have formed to provide transitional assistance to and maintain and foster social links that developed among these men and women during their time in legislatures. In this roundtable the Canadian Parliamentary Review brought together members of several provincial associations of former members who spoke of their organizations' work and how they might be able to offer their wealth of parliamentary experience to assist current research and outreach projects of legislatures.

**Linda Asper, Rita Dionne-Marsolais, Clif Evans, Karen Haslam, Gilles Morin, Derwyn Shea and David Warner**

**CPR:** When and why did your organizations form?

**RDM:** We date back to 1994. There was a big change in government and former parliamentarians wanted to keep in touch with each other. The purpose of the association is really to bring together former colleagues in a non-partisan entity where they can keep in touch and share experiences. And we also have recreated committees. We have a communications committee that publishes a bulletin twice a year. We also have a committee we call Objects of Memory that focuses on getting all the artifacts and all the documentation of former parliamentarians. The objective is to create archives that will allow research and will keep the

memories of these former members of the assembly. That's a pretty active committee. Since 1792, more than two thousand Quebec parliamentarians have participated in parliament. In 2002, when the committee was formed, there were only 180 archives. To fill that gap and to document the past of the history of the Quebecois parliamentarians Marcel Masse created a committee. It now contacts the parliamentarians when they leave office. Whether they're defeated or they just leave. They've increased the archives substantially. We also have a committee which developed an internet site where our members can send articles or comments and have access to information. We also have a confidential assistance program for former parliamentarians who might find themselves in difficulty. It exists for current parliamentarians but for the last five or six years it's been available for retired parliamentarians as well and it has proved helpful. And we have a committee that I chair called the parliamentarianism and democracy committee that keeps a relationship with other associations, including French-speaking associations in France and Belgium, and of course our Canadian counterparts.

**CE:** In 2001, the speaker contacted some former parliamentarians and put us together in a group. We organized at large kind of and made some appointments within ourselves. From 2001 until 2006, when we were legislated, we basically were trying

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*Rita Dionne-Marsolais represented the riding of Rosemont (Quebec) in the National Assembly for the Parti Québécois from 1994 to 2008. Clif Evans served as a New Democratic Party MLA for Interlake (Manitoba) from 1990 to 1999. Representing the constituency of Riel (Manitoba), Linda Asper served as an NDP MLA from 1999 to 2003. Derwyn Shea\* represented High Park—Swansea (Ontario) as a Progressive Conservative MPP from 1995 to 1999. From 1985 to 1999 Gilles Morin served as a Liberal MPP for the riding of Carleton East (Ontario). Former NDP MPP David Warner represented the riding of Scarborough—Ellesmere (Ontario) for four non-consecutive terms from 1975 to 1995. Karen Haslam served as an NDP MPP for Perth (Ontario) from 1990-1995. \*Sadly, Derwyn Shea passed away on August 15, 2015.*



**Linda Asper**

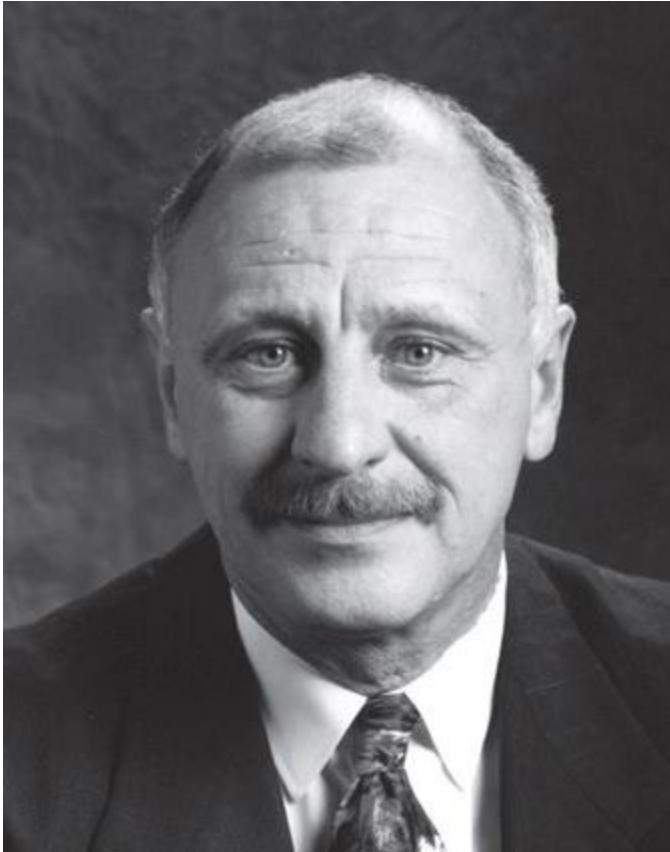
to get everybody involved. We sent out surveys and letters asking for input from former legislators about what they wanted to see in the organization. We were successful enough by 2006 to put everything together and we were legislated in 2006. There was an outreach around 2010 and that's when we came together with the other two provinces in 2011 for the first tripartite session. We developed a speakers program and a youth parliament program. I think since we became part of this tripartite group we've picked up many of our ideas from Quebec and Ontario: the legacy and service awards and a few others. Right now I think we're trying to promote more involvement among our former members.

**LA:** I wasn't involved in the beginning in a way Cliff was, but the law that was developed as a part of our creation included an item about liaison with current MLAs. In that light we invite them to everything we can and try to maintain a contact. We don't have any hostility that could exist. I remember when I was in caucus and the bill was first being discussed there was a feeling that this would be a rival group, but none



**Rita Dionne-Marsolais**

of that materialized so there's a good relationship there. And then, of course, promoting democracy in our province and programs, we thought of youth parliament. We also decided to have associate members who are the former members of parliament and that was very strategic in terms of increasing our membership because we don't have a large group the way you do in your two provinces (Ontario and Quebec). And it struck me last year, at one of the lunches; former MP Bill Blaikie remarked that this was such a wonderful group. It was his first time there and he said it made him feel like he was wanted. I think since he left politics he hadn't always felt that way. And that's true with other former members. It's very disconcerting when you phone one of these young staff members at the legislature and they don't know who you are. You used to be one of them. As Cliff mentioned, the distinguished service award is something we've done for two years in a row. The lunches that we organize are very popular and we're planning a legacy project and currently working to obtain funding.



**Clif Evans**

**CE:** We're in a difficult situation with Manitoba right now. Like Linda says with the funding...

**LA:** ...our budget is \$5000.

**CE:** Exactly, and we try to do all these things. It's tough because of the demographics of the province. Really, it's difficult to get people to come to our group sessions or our AGM or events. We have a good group of executive members and members at large, but because of our financial situation we can't reach out as well as we'd like.

**LA:** We're trying one outreach program and we were going to do it this past week but we postponed it to the spring to Brandon, which is a city about two and a half hours away. And we are going to have a program in Brandon once a year to try and do some outreach with our rural members. And hope that that will succeed.



**Karen Haslam**

**DS:** Your question was what got you started? Back in about 1995 or 1996 there had been a provincial election and a member of one of the parties was defeated and, in despair afterwards, committed suicide. I was outraged that there was no place where he could've gone for help. There was no support system. So I began to meet with various members in the house. In the course of these conversations, I began to realize that this was really something we needed to do – to find a place where former members could have a place where they could feel accepted and were identified and cared for – some kind of verbal and physical support. And so we began to work towards that end. Eventually legislation was established around the year 2000. It was sponsored by all three parties so it went through very quickly in the house. I think this might have been the first time all three parties have agreed on one piece legislation. The OAFP ensures that services will be provided and will respond to people who are having some challenges. Case and point, there was a member of one party who called me at three in the morning and was on the verge of suicide. I simply had

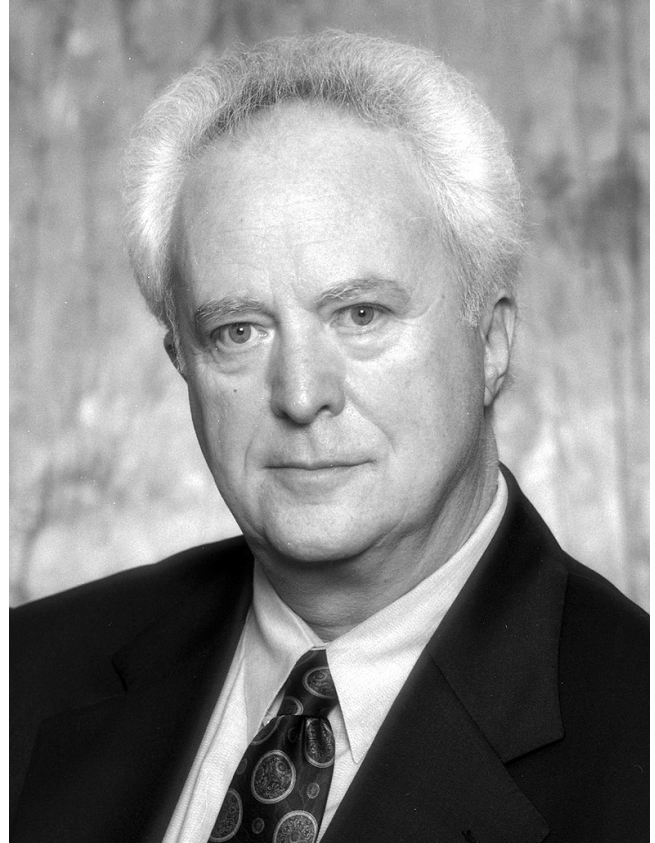


**Gilles Morin**

to get up and get in the car and drive 85 miles to meet him at a Tim Hortons so we could talk and give him a new direction. I know I'm not the only one who's responded. Other members of our initial group were prepared to respond to those needs as well because it does happen. So with that taking place we began to develop programs that did the same type of thing but that's the reason why we started. It was to provide a place for former members to relate.

**CPR:** Do you find it difficult to reach out to certain members? Some have voluntarily retired while others have been defeated. Some may have had positive experiences as parliamentarians while others may want to leave their experience in the position behind.

**CE:** We have a bear pit session – a Q&A and reception – with our youth parliament program and we try to get former MPs, MLAs, cabinet ministers or whoever to be part of pit. In Manitoba right now we don't find there is any really strong desire from the former members to come. There doesn't seem to be



**Derwyn Shea**

a real urgency from all three parties to get together again. They move on. They go back into private businesses or whatever and that takes up their time. So we do have a bit of a problem but we're working on it.

**LA:** I don't think the issue is whether they lost the election or not, it's more that they have to go back to work because the benefits are not that good if you're not 65. It's more an issue of needing to make a living. And because they're at work they can't necessarily come to our activities during the day. But, as far as being defeated or not, we have a mixture of all sorts of situations.

**GM:** There was a professor from McMaster University who wrote a wonderful article on how Members of Parliament react to defeat. You have to read that. When you're a member everyone knows you, when you're defeated, you're gone. You're a hero today and you're gone tomorrow – a nobody. Who will take care of you? And that's why I like the association –



**David Warner**

we can really help members who are having difficulty transitioning out of parliamentary life. And we don't hesitate and it doesn't cost you anything. But at least they have an ear. And it's so important that it's non-partisan. David was the speaker of the house; we became good friends, lifetime friends. Derwin is the same. There is a fraternity that exists, we don't call it a fraternity, but it's a unique group. It's a privilege to be in the house, it's a privilege to express yourself. So these are the things that we understand.

**KH:** It's camaraderie when we have our annual meeting or our Christmas soiree. They do want to come and see each other and talk and recognize the different people they sat in the house with. And I was also a deputy speaker so it's not a fraternity thank you very much! (Laughter) But the three of us, we did work together and kept that work in this particular association but this one started because there was a sad situation. The party seems to go to the wayside and you're left out there. When you've lost a job, it's not that you lost it to someone else you lose it by 30,000

votes or 20,000 votes. It's a lot different than one or two in a company and you do flounder for a while. The information and the job search put together by the legislature are okay, but it doesn't last long. And you're still on your own and you still don't have a job. And for a gentleman with a family that's very hard. In my party people went back to the line in the factory. You're an MPP one day and you're out on the line in the factory the next. So they do need us and we look after human resource issues and we look after a lot of those issues that are very important.

**RDM:** I would like to add that there's also, in my opinion, a democracy crisis right now. It's coming, anyway, if you look at the voting rate. A lot of people feel – and I'm one of them – when you say that I am a member of parliament or the national assembly, it's like (in a disdainful voice) “oh my God!” And that's very tough on some people. And I think that some of the work that we try to do in our jurisdiction is to bring a little attention, thought and added value to the fact that when you've run for office you've contributed to society specifically. And we want this to be communicated. We have a program we call it “Mémoires de députés” on a public channel on Sunday nights. It's funded by the national assembly. There's a retired journalist of the press gallery who interviews former members and that person talks about his or her life in the assembly. There are a lot of people who have been interviewed on a continuous basis and that brings a little bit more attention to the role that the members of the assembly play in society. And I think that there's a great need for that right now because there's a devaluation of the role of an elected official at all levels of government and that's not healthy for democracy. The other point I wanted to make was that it is true that when you leave political life, whether you're forced to leave or whether you leave by your own choice, the environment is totally different and as Karen said you are a nobody. If you've been there for more than two or three mandates, everybody forgot what you did before. Your family is the other members of the assembly and you feel a need to share with them. “So, what are you doing and how did you do this? How did you reintegrate your old life?” So there's a dynamic there and the non-partisanship is extremely important because it allows people to alleviate the tensions of regular partisanship. So you can joke about how you did and how you fought in the assembly. But outside, partisanship is one thing, but your real life is the relationship with your colleagues, it's a bit like a private college. You know, it's a network. It's your friends, they've lived through the same difficulties you have in different ways. It

gives the person who has left office a sense that he or she is not left in the middle of nowhere, with no relationship, with no friends. We all know that when you run for office you have no place for your friends. If you're in government it's even worse, to talk to a friend that's a judge you're in trouble. But it's all the same dynamic so there's isolation in the responsibility of being a member. You sort of let it go when you retire, whatever the reason, from that assembly. You still share with your colleagues great souvenirs and it's a pleasure to talk with them and share with them what they've achieved, and the sharing of experiences whether good or bad it's very good for the mind. Our assembly also has a speaker program for schools. We have members all over the province and have offered them as potential speakers if a current member of the assembly is unavailable. I feel that educating young people to the role of democracy is one of my jobs. I think I'm very committed to that, I think it's very important because I personally believe that democracy is in trouble.

**CPR:** You are non-partisan groups that represent (formerly) partisan members. Does this ever cause difficulties?

**KH:** We joke about it.

**CE:** There's a bit of a history to the partisan angle as well. When I go to gatherings with colleagues that were in the house when I was there in the 70s, the atmosphere is really no different because we joked around and enjoyed each other's company, then, when we were elected. When we were in committee and out of town, all of us would have dinner together in the evening to enjoy each other's company. When the house was sitting, you had night sittings; you'd go out and have dinner together. You could have really tough heated debates in the chamber and you'd walk out there'd be a bar down the North-wing and it'd be about 10:30 and we would go down there and watch the end of the hockey game...and that was all partisan. That joking and camaraderie was part of my life when I was elected. So that doesn't change when I meet former colleagues that I haven't seen for a long time. We just pick up where we left off. I think some of the members who are joining our organization as of this past election may have had a different experience than what I had. So there's a gap. And maybe for them it'll be a bit more of a challenge.

**KH:** And that was before, when we were elected, it was the first time they had so many women, women don't go to bars. Women do not say "Meet you down

*"I was outraged that there was no place where he could've gone for help. There was no support system... I began to realize that this was really something we needed to do – to find a place where former members could have a place where they could feel accepted and were identified and cared for – some kind of verbal and physical support."*

*~ Derwyn Shea  
on the suicide of a former MPP  
and the impetus for the Ontario  
Association of Former  
Parliamentarians*

at Joe's". Women had difficulty in being part of the good old boy network and going to watch the hockey game. And so when our government was elected and we elected so many women it changed a bit and it's harder for us to gather together as females because we simply didn't have that atmosphere, that we weren't used to that atmosphere of going out. But the non-partisanship was there in various ways. And David is right; in our committee here (with the former parliamentarians) partisanship is not a problem. We all served, we all served our constituents, and we are here to serve our members, our past members. And that is not a partisan question. We are here to serve all of them because no one else is. When you ask about our relationship with the legislative assembly each one is different but we continue to struggle. I know in the Canadian association (the Canadian Association of Former Parliamentarians) they're well supported by financial giving. We continue to struggle with that. Our membership pays for our organization for the most part. We do receive funding but I don't think they realize how much it takes to run an office and

all we have is one part-time person. So we all take on portfolios and work on those portfolios because it's the right thing to do, but we struggle.

**DW:** I just want to add on the subject of partisanship, I always got along with everybody when I was elected. Everywhere in our association you don't see people as Conservatives, Liberals, or NDP. After it's over, it's over. You're a former member and let's work on that. Don't worry about the fact that it's an NDP government, or a Conservative government or whatever; it's none of our business. Really, our business is to look after former members and our association. And make it better and stronger by being non-partisan.

**CPR:** Not all provinces have these organizations but you've found value in them in your jurisdictions. Are former members being utilized for the kind of knowledge that they have? If not, what else can be done to tap into that knowledge?

**KH:** I don't think the members are used to their full advantage and I don't think any of the legislatures of any of us realize that they could work through us and we would have that number of members. I think that there are certain individuals who certainly are chosen to lead a commission or to do research. But it would be easier for the legislature to work closer with us because we know the members we have and how they might work on behalf of the government in some research areas. We could handle things that do not fit within a legislative assembly but need to be done because we have the knowledge and we'd know what to do with something like that. No, I don't think any particular government is using us to the fullest capacity that we could be used.

**DS:** The US Congress has developed a very fine system of developing committees, tours, connections with foreign governments that particularly embrace the experience and participation of former members. Whether they were senators or members of the House of Representatives. And certainly, in Ontario, this is something we need to develop so that we can begin to provide value added for current members without them feeling like we are trying to be members. The bottom line to remember is that the key word is former. We need to show that we can provide studies and research, as we are beginning to do now in Ontario. And I think that will become self-evident over a period of time. It'll take a while to get there. When you try to start one of these organizations, current members are somewhat perplexed and bemused. They might say, "Well, who the hell do you think you are? Who are you trying to be? Get out of here; you had it, get lost!" And we understand that – it is a natural reaction. We do that even with seniors in our society: "Get out! You're old!" And I see that because I care for many seniors. The fact is, there's a tremendous amount of experience and wisdom in these former members that I value. And we don't need to rush in and to push ourselves on current governments, parliaments, or assemblies. Over a period of time if we do our job it will happen naturally. This is why, tripartite meetings are very important because it allows us to see what's happening with each other in Quebec City, in Winnipeg, and in Toronto. We can learn from each other.

**KH:** But without champions to do it, without a strong chair, without two or three strong people to take that on, it doesn't happen.

# Senate Reform: An Incremental Option

Although constitutional barriers to major Senate reform make the task appear daunting, significant change can be achieved through deliberate evolution which is shaped by consistent objectives. In this article the author identifies an incoherence about the defining purpose of the Senate as a central reason for the failure of past reform initiatives. Outlining the incremental reform option, he suggests practical steps, notably introducing a “job description” and particular qualifications required of Senate appointees. This could improve both appointments and accountability, and also support future nomination committees or other mechanisms.

**Jack Stilborn**

Canada is once again experiencing a cycle of media attention to alleged Senate scandals and opinion polls showing wide support for change. Unless public emotion about the Senate can be connected to practical solutions and action, however, history suggests that today’s intensity will merely be the prelude to tomorrow’s fatigue and collective indifference. This article explores an approach to reform that does not rely upon constitutional change and could thus be initiated immediately. The Senate today is a very different institution from the Upper House created in 1867 and will continue to evolve, either by default or as a result of deliberate effort. If its evolution is shaped by consistent objectives, significant reform of the Senate can be accomplished incrementally.

## The Underlying Problem

Dissatisfaction with the status quo Senate is widely shared among Canadians, but disagreement about what specifically needs to be done dates back at least to 1874, when a reform proposal was inconclusively debated in the House of Commons. A distinctively Canadian Senate reform cottage industry produced a wide range of detailed proposals during the 1970’s, 1980’s and early 1990’s. In retrospect, however, the ephemeral character of the interest these proposals generated is perhaps their most striking feature. Why have none

among the reformed appointed, abolition, Bundesrat-model or variations on elected Upper Houses, however ingeniously stocked with double-majority voting procedures and other novelties, translated persistent dissatisfaction with the Senate into durable public support for a specific reform? An answer to this question is needed to avoid further cycles of infatuation and disillusionment.

The multitude of reform proposals developed over the years are conspicuously laconic about the purpose of the Senate and precisely how proposed reforms would contribute, and how much. Starting in the 1980s, proposals typically made passing mention of the need for better “regional representation,” and moved directly to discussion of processes and mechanisms. Furthermore, they frequently avoided clear renunciation of any of the competing roles and aspirations most commonly associated with the Senate over the years: non-partisanship and independence, elected legitimacy and political responsiveness, regional representation, long-term committee studies and sober second thought, and the representation of an expanding range of ethnic, linguistic and demographic minorities.<sup>1</sup>

Incoherence about the defining purpose of the Senate may well be the central explanation of why reform advocates have not yet achieved success. Without a specific connection to a central institutional purpose, recommended institutional mechanisms and processes may capture momentary public and political attention but are unlikely to mobilize sustained support. A clear statement providing a plausible purpose for the Senate within the contemporary institutional universe,

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*Jack Stilborn, PhD., teaches, writes and does consulting on parliamentary institutions and democratic governance issues. Before retiring in 2008, he was a Principal Analyst in the Parliamentary Information and Research Service, Library of Parliament.*

and clearly explaining how proposed reform would improve the Senate's performance, may now be the most important precondition for consensus and progress.

### **The Incremental Reform Option**

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Incremental change starts from the recognition that Canada already has a Senate. Accumulated experience is therefore available as a basis for identifying Senate activities that are useful and could be improved. This offers an alternative to the labyrinthine intergovernmental processes associated with constitutional change and to the often speculative proposals that have provided their substance. While the progress offered by incrementalism may be modest, it would be immediate and easily demonstrable to sceptics. Incrementalism thus addresses resistance to change and public distrust – perennial challenges of constitutional politics – by lowering the stakes and allowing unexpected problems to be identified early, before they are codified or constitutionalized. It also provides an alternative to reliance upon abstract argument or the attraction of novel institutional remedies – neither of which has worked in Canada – as a basis for the resolution of diverging views among Senate abolitionists, proponents of the status quo, and sectarian groups of reformers who often disagree fervently with one another. By focusing on improvements to the existing appointed Senate, it would also respond to the concerns about unilateral alterations to the “architecture” of the Constitution expressed in the April 2014 Decision of the Supreme Court of Canada.<sup>2</sup>

The missing ingredient needed to turn incremental change into Senate reform is a consistent direction, building on activities of demonstrated usefulness and reflecting a vision of the role appropriate to an appointed second chamber in the 21<sup>st</sup> century. Substantial policy studies by Senate committees are an obvious candidate for this approach. They are widely recognized as a valuable, if somewhat intermittent, contribution by the Senate to national debate and policy development. Also, Senate studies of government legislation are often praised as less partisan and more rigorous than the legislative work of the House, and sometimes result in better legislation. These activities provide a contemporary version of the sober second thought function. They illustrate the evolution of the Senate, no longer relying on the ownership of significant property that the Fathers of Confederation viewed as a key qualification for a senator's work. However, modern sober second thought activities

continue to enable the Senate to complement the work of the House of Commons instead of merely repeating it without elected legitimacy.

The regional representation role routinely ascribed to the Senate is a less convincing contender for significant incremental enhancement. In the absence of elected status, the residency qualification is less and less credible as a basis for effective regional representation in a geographically mobile society. Furthermore, deference to the elected House must now be seen as an inevitable characteristic of any appointed legislative body in a democratic age. This limits the capacity of any appointed Senate to meet modern expectations for regional protection (e.g. Alberta's quest for a capacity to prevent national energy initiatives akin to those of the 1980s). In its modern sense, regional representation has become a form of advocacy reflecting the highly-politicized arena of federal-provincial relations and the central role of provincial governments. It is now disconnected from the sober second thought role envisioned by the Fathers of Confederation and potentially in tension with it.

Similarly, the role of representing demographic minorities sometimes attributed to the Senate is unconvincing as a central purpose. The Senate is becoming less and less distinctive, as changing conditions in the House of Commons ridings are reflected in a growing presence of women, visible minorities and aboriginal peoples as MPs. The work of a policy and legislative review chamber does not preclude contributions to regional or demographic representation. A Senate composed of people with consistently strong policy skills might well prove to be a more effective champion of regional and minority rights and interests than a body formally dedicated to politicized regional advocacy or symbolic minority representation. However, these activities need to be disavowed as central to the purpose of a modernized appointed Senate, or significant considerations in selecting senators. Competing institutional objectives may be politically appealing but the resulting incoherence is a major contributor to the shortcomings of the existing Senate.

### **Practical Steps**

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The issue of Senate appointments, where the need for reform appears to be most urgent, illustrates how incremental Senate reform could work. Consistent appointment of strongly qualified people is the key to effectiveness for any form of appointed Senate. A defining institutional purpose, focusing on policy



studies and legislative review by committees, would broadly indicate what is needed from individual senators. It would also provide the basis for a Senate “job description” stating relatively specific competencies that could provide further guidance.

Many of the senators who have contributed centrally in the existing Senate display a competency profile that could be applied to appointment decisions systematically. Typically these senators combine specialized knowledge and interests relating to public policy, demonstrated achievement and political and/or governmental experience. In many cases, these competencies reflect experience as legislators (federal or provincial), chiefs of staff or other senior party ‘back-roomers,’ policy advocates or commentators, or senior public service executives. While a wide combination of individual qualifications could meet requirements, a senators’ job description spelling out responsibilities and related competencies would provide a relatively specific basis for selecting senators in place of the open-ended discretion exercised by prime ministers since 1867. Its consistent use as a basis for selecting senators would also contribute to meaningful accountability concerning appointment decisions.

Purpose-based selection criteria would, furthermore, provide a needed starting point for process reforms,

such as formalized appointment consultations (all-party, provincial or otherwise). Unless such reforms reflect clarity about what is needed from senators, appointment committees or similar mechanisms are more likely to perpetuate incoherence than improve the Senate.

Canadians now face an abundance of evidence that something needs to be done about the Senate. Incremental improvement could begin the process of reform. Canada needs to establish a constructive and progressive status quo, enhancing the legitimacy of the Senate and its contribution to effective governance. The alternative is passive acceptance of continuing decline.

## Notes

- 1 For a detailed analysis supporting this argument, see Jack Stilborn, “Forty Years of Not Reforming the Senate – Taking Stock,” in Serge Joyal, (ed.), *Protecting Canadian Democracy: The Senate You Never Knew*, Canadian Centre for Management Development and McGill-Queen’s University Press: Montreal and Kingston, 2003, pp. 31-66.
- 2 Supreme Court of Canada Reference, Re: Senate Reform, 2014 SCC 32, [53]: <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13614/index.do>.

# A Consideration of Cabinet Size

Cabinet size has fluctuated in Canadian legislatures over the past century. Beginning in 1993, two federal governments introduced “roll back” cabinets which sought to significantly reduce the number of ministers. The author, focusing especially on the years 1993 to 2014, asks if Canadian governments have a “cabinet size problem.” He notes that since 1993 two trends have emerged: 1) cabinets are more likely to expand during government and more likely to consolidate between governments and 2) cabinet size is more likely to increase during government under centre-left parties than centre or centre-right parties. Although arguments for a reduction of cabinet size tend to focus on financial costs, the author highlights the political cost of having a large cabinet relative to the size of the legislature, as there are fewer private members to keep the government accountable.

**J.P. Lewis**

Following a January 2014 cabinet shuffle, Prime Minister Stephen Harper’s 40-member federal ministry tied Brian Mulroney’s 1984 cabinet as the largest in Canadian history.<sup>1</sup> Compared to other Westminster systems, Canadian cabinets have been noted for their large membership.<sup>2</sup> Does Canada have a cabinet size problem? As Graham White wrote in 1990, “foreign visitors to Canada are frequently bewildered by the size of Canadian cabinets”.<sup>3</sup> Beyond the institutional differences identified by political scientists between Westminster states, the size of the ministries in Canadian federal and provincial governments is subject to domestic scrutiny after each cabinet shuffle. On occasions of cabinet expansion, critics express austerity-themed worries of the cost of government and populist-based concerns of “too many politicians”. On occasions of cabinet reduction, first ministers are praised for “streamlining government” or “doing more with less”. Not surprisingly, Canadian politicians have been quick to pursue the positive responses to cabinet reduction, promising to appoint fewer ministers to cabinet.

While politicians have focused on the financial savings of cabinet reduction, others have focused on the institutional impact of cabinet reduction. In 2011,

Aucoin et al. argued that large cabinets had considerable negative consequences including decreasing the number of private members to hold the government to account and creating more positions to which private members can aspire, thereby contributing to the culture of strict party discipline.<sup>4</sup> While Aucoin et al.’s arguments are important – their claims mostly reflect the normative nature of the debate around cabinet size. In fact, most of the political discussion about cabinet size is also based in a normative frame with smaller cabinets acting as a symbol of smaller governments.

Instead of addressing the financial or institutional costs of cabinet size, this article endeavours to introduce an empirical approach to the understanding of cabinet size in Canadian federal and provincial governments by attempting to answer the question: Do Canadian governments have a cabinet size “problem”? To consider this question, three hypotheses are tested: 1) Cabinet size has increased at both the federal and provincial levels of government in Canada, 2) Cabinet size has increased during government and decreased upon dissolution and swearing in of a new government, 3) Cabinet size has increased under governments formed by left-of-centre parties, remained the same under governments formed by centre parties and decreased under governments formed by right-of-centre parties. This study focuses on the period from 1993 to 2014, based on the notion that the 1993 cabinets of Kim Campbell and Jean Chretien represented the first attempt at what I call the “roll-back” cabinet: smaller executives that were mostly symbolic creations

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to reflect governments' adoption of neo-liberal approaches to the growth and role of the state.

In determining if Canada has a cabinet size problem, I first describe the Canadian case in more detail, and review the academic literature and a sample of the Canadian political narrative on cabinet size. I then present analysis from data collected on cabinet size, including a newly created dataset based on cabinet size changes in the federal and provincial governments from 1993 to 2014.

Before discussing the relevant literature it is important to explain why the Canadian case is unique when examining the issue of cabinet size. Canada's federal system provides two types of jurisdictions with varying sizes of legislatures to observe cabinet reduction and expansion – the federal and provincial levels of government. As well, Canada's lack of coalition governments provides a different perspective than most of the international research that focuses on cabinet size in states with coalition governments – a variable that

has a major impact on increasing the ministry size.

In comparing Canada's federal cabinet size with other similar states such as the United Kingdom, Australia and New Zealand, Canada falls in the middle of the pack. As *Table 1* indicates, regardless of the political attention paid to cabinet size, comparatively Canada's federal cabinet size is moderate in both proportion of the lower house and ministers per capita.

When we consider Canada's provincial level of government, we find larger cabinet sizes. As *Table 2* shows, cabinets take up a large proportion of the legislature in most Canadian provinces.

The provincial numbers help to explain why cabinet size might be of concern. Moreover, they provide good reason to examine if large provincial cabinets are a recent development and what types of variables, such as timing and type of government, lead to cabinet reduction or expansion.

**Table 1: Comparative Cabinet Size: Canada, UK, Australia, New Zealand**

	<b>Ministers as of December 2014*</b>	<b>Proportion of Lower House</b>	<b>Minister per capita</b>
Canada	39	12.7%	923,076
UK	33	5.1%	1,942,424
Australia	28	18.7%	845,046
New Zealand	28	23.1%	162,038

\*Includes ministers of state, ministers without portfolios and ministers outside cabinet

**Table 2: Comparative Cabinet Size: Canadian Provinces**

	<b>Ministers as of December 2014</b>	<b>Proportion of Lower House</b>	<b>Minister per capita</b>
British Columbia	20	23.5%	231,565
Alberta	20	23.0%	206,085
Saskatchewan	18	31.0%	62,500
Manitoba	19	33.3%	67,473
Ontario	27	25.2%	506,618
Quebec	27	21.6%	304,248
New Brunswick	13	26.5%	57,992
Nova Scotia	16	31.4%	58,918
Prince Edward Island	11	40.7%	13,300
Newfoundland	15	31.3%	35,133

## Literature Review

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Much of the international literature on cabinet size focuses on cabinet formation in jurisdictions where parties are working in coalitions to form government.<sup>5</sup> When considering cabinet formation in coalition governments, both intra-party politics (which applies to single-party governments) and inter-party politics (relationships and dynamics between parties) are considered. Scholars in this area believe inter-party politics help shape and influence size of cabinet in coalition governments.<sup>6</sup> Other research has stressed the conundrums that large cabinets present; while a larger ministry provides greater opportunity for representation in the political executive, the larger membership presents challenges for its ability to function effectively.<sup>7</sup> Other studies have found that the size of cabinet can influence the size of government and increase levels of spending and deficits.<sup>8</sup>

Cabinet size has been a topic of discussion in Canadian political science literature since the 1960s but more rigorous examination of trends did not emerge until the 1990s.<sup>9</sup> In 1990, Graham White argued that size of Canadian political institutions mattered more than what had previously been understood. White described a number of implications of larger cabinets including: cabinet size's impact on decision making; the power of the first minister; representation in cabinet; and the influence of private members in the legislature.<sup>10</sup> A notable study that specifically focused on cabinet size in Canada was Peter Aucoin and Herman Bakvis' 1993 article "Consolidating Cabinet Portfolios: Australian Lessons for Canada." As the title suggests, the authors compare the Australian experience of reducing cabinet size and the Canadian consolidation of cabinet in 1993 under the two new prime ministers who held the office that year, Progressive Conservative Kim Campbell and Liberal Jean Chretien. As Aucoin and Bakvis noted, "The appeal of cabinet consolidations derives from several sources. At a symbolic level, it speaks to the perceived need to reduce government waste. Given the low level of public esteem for politicians, reducing the size of cabinet is seen to constitute an especially appropriate reform measure".<sup>11</sup> However, Aucoin and Bakvis suggested that too much focus on the number of ministers detracts from what the real concern should - the organization of the portfolios.

Much of the recent Canadian literature on cabinet size has focused on the implication for democratic practices in the country's legislatures. David Docherty has pointed out the provincial trend toward weak ratios of backbenchers to cabinet ministers and the

negative impact on members being able to hold ministers to account. Docherty also noted the impact a large cabinet has on the presence of party discipline stating that "Canadian assemblies lack a critical mass of parliamentarians...the rows of government backbenchers are filled with members hoping for an eventual cabinet seat...across the floor, the ambitions are very similar: most opposition members assume they are only a victory away from a car with driver and the ability to initiate legislation".<sup>12</sup> In Aucoin et al.'s *Democratizing the Constitution*, the authors criticized the ever common practice of increasing the number of ministers, ministers of state and parliamentary secretaries at the federal level of government. Aucoin et al. proposed adopting legislation that would limit the size of ministries to 25 ministers. Echoing Docherty's concerns, the authors contended the legislation "should also increase the likelihood that backbench MPs will act as something other than trained seals clamouring to benefit from the prime minister's power of appointment, and will perhaps even take seriously their role in scrutinizing and holding the government to account".<sup>13</sup> The increase in government members provides the prime minister with more power through the cabinet solidarity that comes with ministerial positions and party discipline that comes with the possibility of being appointed to a larger pool of ministerial positions.

While academic attention to federal cabinet size has been scant, even less attention has been paid to provincial cabinet size. Jennifer Smith took note of the growing cabinets in the Atlantic provinces beginning in the 1970s in her 1988 chapter "Ruling Small Worlds" from *Prime Ministers and Premiers: Political Leadership and Public Policy in Canada*. Smith noted "by strengthening their executives in ways that the institutions of responsible government permit...the premiers in Atlantic Canada have benefitted from the fact that their provinces, however small, are endowed with the full array of the institutions of responsible government".<sup>14</sup> Christopher Dunn noted that provincial cabinets can account for 20 to 40 percent of the legislative caucus and the significant degree of power and control this gives the premier and government over "backbenchers on both sides of the House".<sup>15</sup> One explanation for large provincial cabinets is that premiers are pressured by similar representation concerns as the prime minister but with smaller elected chambers.<sup>16</sup> Still, regardless of which level of cabinet government scholars have studied, the majority of approaches have been based in a normative framework without explicit attention on empirical questions of rate of cabinet growth and variables that may influence cabinet growth. White's

comments on larger cabinets illustrated the normative conundrums that exist due to the difficulty of measuring cabinet structure effectiveness. He said, “large cabinets clearly involve more people directly in government decision making. In turn this can only widen the range of interests and perspectives brought to bear.” White remarked, “to the extent that reducing the constraints on the first minister’s power is undemocratic, larger cabinets can represent a diminution of democracy”.<sup>17</sup>

### **A Brief History of the Issue of Cabinet Size in Canada to 1993**

While cabinet composition and size is currently the prime minister’s prerogative, most forget that the size of the original 1867 federal cabinet was a group decision, made by members of the Fathers of Confederation. As noted Canadian historian W.L. Morton wrote, “It was both acceptable policy and quite practicable to keep government in all its activities, and the cabinet in number of members, quite small. This disposition explains why the leading politicians of Confederation so readily agreed that the cabinet of the Dominion should be no more than 13...the leading politicians unanimously and steadfastly held that a larger cabinet would be ‘unworkable’”.<sup>18</sup> The delegates to the Westminster constitutional conference in London agreed to the size and composition of cabinet: Ontario (five), Quebec (four), New Brunswick (two) and Nova Scotia (two).<sup>19</sup> Significantly, the total number in cabinet was only one more than the previous cabinet of the Province of Canada (future Ontario and Quebec) even though Confederation added Nova Scotia and New Brunswick.

Based on Canada’s population in 1867, the 13-member cabinet meant one minister for every 250,000 people/citizens.<sup>20</sup> As of July 2014, the ratio of federal ministers to Canadians citizen was roughly one minister for every 900,000 citizens. In Canada’s first 50 years, federal cabinet size slowly grew until 1921 when Liberal Prime Minister Mackenzie King reduced cabinet to 16 members (from the previous government’s 21) and made cabinet’s regional representation based on the number of parliamentary seats from each province.<sup>21</sup> King’s cabinet soon increased to 19, which as a ratio of minister to population in 1921 became 1:463,000.<sup>22</sup>

In Canada, cabinet growth has been tied to the entrenchment of cabinet committee systems since the 1960s, representational concerns in Quebec, representation of politically significant groups and simply the growth of government responsibilities.<sup>23</sup> A significant development in the history of cabinet size in Canada was the passage of *The Ministries and*

*Ministers of State Act* in 1970. The act established two new types of ministers of state: one type oversaw a Ministry of State and a second type was assigned to assist a minister or ministers in their duties. While the introduction of a new type of minister was seen as a natural result of the increased role of government in Canadian society, some concerns were expressed about control and accountability in the new arrangements created by ministers of state.<sup>24</sup> Federal cabinet size went from about 20 under Louis St. Laurent to almost 30 by the time John Diefenbaker left office in 1963.<sup>25</sup> One clear outcome was that the legislation provided for much larger ministries under Pierre Trudeau and Brian Mulroney in the 1970s and 1980s. By the 1980s, concern over expanding cabinets emerged. The Mulroney cabinet, which expanded to 40 ministers, was referred to as a “mini-caucus” of Progressive Conservative members of parliament.<sup>26</sup>

In 1993, Aucoin and Bakvis argued that “the consolidation of cabinet portfolios in order to reduce the size of the Canadian cabinet has become a theme in vogue”.<sup>27</sup> The authors cited attention to cabinet consolidation made by politicians and bureaucrats. Preston Manning (Reform leader), Jean Charest and Kim Campbell (Progressive Conservative leadership candidates), Robert de Cotret (former Treasury Board president) and Gordon Osbaldeston (former clerk of the Privy Council) all advocated for cabinet reduction. During the 1993 federal election, a few months after Campbell had made the initial reduction to cabinet, the new, upstart, populist Reform Party pledged to reduce the federal cabinet even more, down to 16 ministers. While the Reform Party did not form the government, the new Liberal Prime Minister, Jean Chretien, continued with the momentum of cabinet consolidation by introducing a relatively small first cabinet composed of 31 ministers. Along with heightened attention to cabinet consolidation at the federal level, provincial leaders began to discuss smaller ministries.

Since 1993 a long list of candidates for provincial premierships and party leaderships have promised to reduce cabinet size including: Glen Clark (BC), Gordon Campbell (BC), Ralph Klein (AB), Ed Stelmach (AB), Jim Prentice (AB), Lorne Calvert (SK), Mike Harris (ON), Tim Hudak (ON), Bernard Lord (NB), Dominic Cardy (NB), John Hamm (NS), and Roger Grimes (NF). Provincial leaders who cut cabinet regularly cited financial reasons. After their respective cabinet consolidations, New Brunswick Premiers Bernard Lord (1999-2006) and David Alward (2010-2014) noted that “[it] really means better respect for your

tax dollars” and “we have reduced our spending by literally thousands of dollars because we have made a decision to have fewer ministers, other political staff, and staff who go with those ministers”.<sup>28</sup> In 1999, when Nova Scotia Premier John Hamm introduced a cabinet of 11 ministers he argued, “This is a province that can’t afford more government”.<sup>29</sup>

As well, negative financially-based criticisms emerged in response to cabinet growth. When Alberta Premier Alison Redford increased the province’s cabinet size by one in 2013, opposition leader Danielle Smith contended, “I am exceedingly disappointed by the new cabinet’s size, as cabinet ministers now outnumber private members in the Progressive Conservative caucus. Increasing the payroll of cabinet-level politicians and staff does not support the premier’s supposed commitment to living within our means”.<sup>30</sup> Premiers have been quick to justify any cabinet increases, focusing on political reasons. Alberta Premier Ralph Klein argued his larger cabinet was due to an expanded caucus and regional representation pressures stating that “We have 74 members, and in order to give Edmonton greater representation, we’re going to have to expand it”.<sup>31</sup> In 2004, when Gordon Campbell appointed the largest BC cabinet ever, (28) he defended his move arguing that “We have to find a way to establish political accountability. You hold me to account for those things. If I can establish that with cabinet, I think that’s important”.<sup>32</sup>

Given the list of Canadian politicians who have decided to include cabinet reduction as part of party or leadership platforms, it is apparent that since Campbell and Chretien’s 1993 federal cabinet consolidations, cabinet size has become a common idea identified when discussing reform of federal and provincial institutions. While the discourse may have increased in the last two decades of Canadian politics, there is still little discussion around the empirical aspects of cabinet size, especially at the provincial level of government.

## Methods and Results

In their 2014 study, Indridason and Bowler tested a number of hypotheses on coalition government cabinets, two of which could be tested in single-party governments: 1) Left-wing governments are expected to have larger cabinets; 2) As the size of the legislature increases so should the size of the cabinet.

This study tests similar hypotheses in the following order:

*H1) Cabinet size has increased at both the federal and provincial levels of government in Canada;*

*H2) Cabinet size has increased during government and cabinet size has decreased between governments; and*

*H3) Cabinet size has increased under governments formed by left-of-centre parties, remained the same under governments formed by centre parties and decreased under governments formed by right-of-centre parties.*

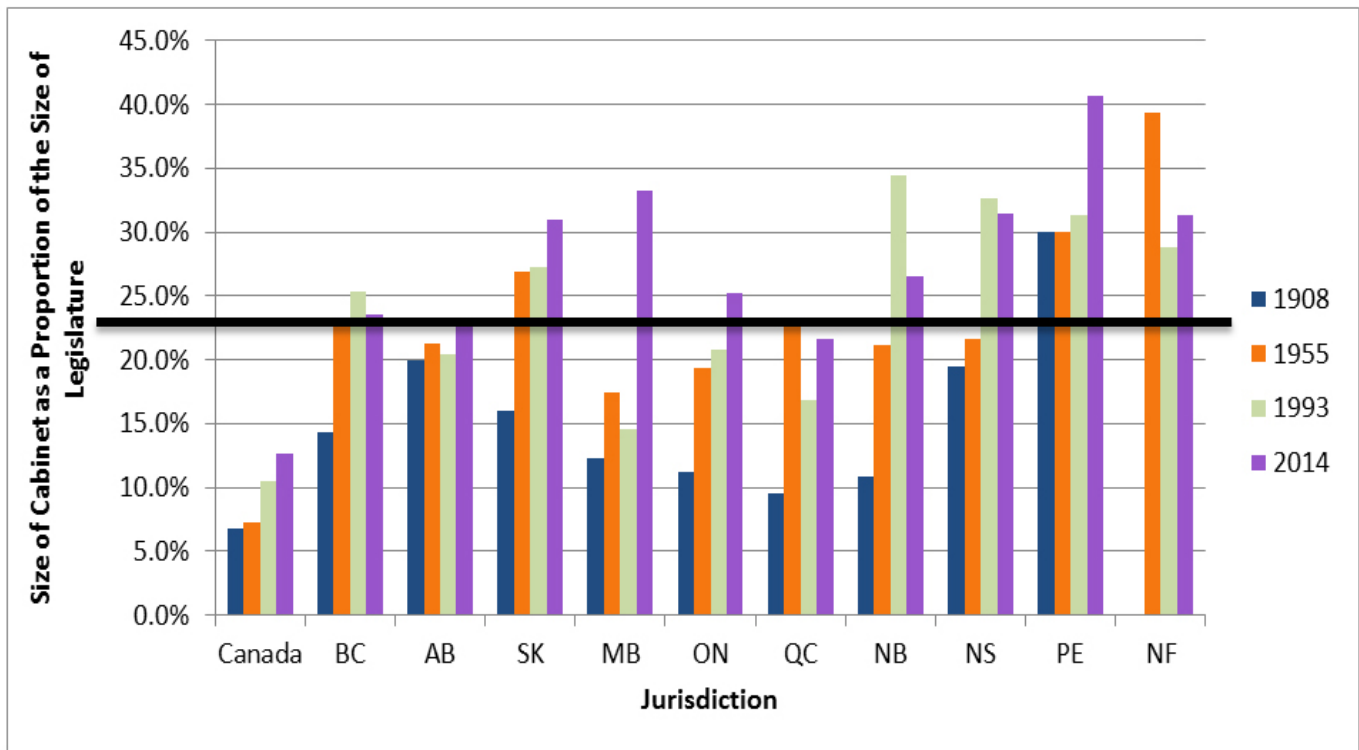
The hypotheses are tested using data on federal and provincial cabinets from 1993 to 2014. Changes in size of cabinet are determined using two types of cabinet size measures: 1) Cabinet Size before Dissolution (n=55); 2) Cabinet Size after Election (n=66). Using these numbers, two different types of changes of size of cabinet can be measured: 1) Change during government (from Swearing-in to Dissolution); 2) Change between elections (from Dissolution to Swearing-in).

***H1: Cabinet size has increased at both the federal and provincial levels of government in Canada.***

Data from 1867 to 2014 reveal that cabinets have increased in size in Canada, and that certain time periods and regions have experienced greater growth than others. As well, cabinets have increased as a proportion of the size of legislatures. While this study is concerned with the historic growth of cabinet in Canada, it is especially concerned with post-1993 cabinet size change. During the last two decades in Canada we find that eight Canadian jurisdictions (the federal government, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, PEI, Newfoundland) have seen cabinet size increase and three (British Columbia, New Brunswick, Nova Scotia) have seen cabinet size decrease.

While cabinet sizes have increased at both the federal and provincial levels, so too have federal and provincial legislatures. Therefore it makes more sense to consider growth of cabinet as a proportion of the legislature. *Figure 1* presents size of cabinet as a proportion of the size of legislature at the federal and provincial level at four selected time points. The first time point is 1908, just two years after Alberta and Saskatchewan entered Confederation. The second time point is 1955, six years after Newfoundland entered Confederation. The third time point is 1993; a turning point in the cabinet size history in Canada with Campbell and Chretien’s reductions to federal cabinet, and finally, the fourth time point is 2014, the most recent year to measure cabinet size.

Figure 1: Historic Change in Size of Cabinet as a Proportion of the Size of Legislature



As *Figure 1* shows, provinces, and especially smaller, Atlantic provinces, have the largest cabinets proportionate to legislature size. In fact, by 2014 the six provinces with the smallest population had over 25 per cent of their legislatures in cabinet: Saskatchewan – 31.0 per cent, Manitoba – 33.3 per cent, New Brunswick – 26.5 per cent, Nova Scotia – 31.4 per cent, Prince Edward Island – 40.7 per cent, Newfoundland – 31.3 per cent. The provincial proportions stand in stark contrast to the federal cabinet which is comprised of only 12.7 per cent of the House of Commons. *Figure 1* also shows that cabinets, as a proportion of the legislature, have grown over the four time points used to assess change of cabinet size. On average, cabinet size grew most, as a proportion of the legislature, between 1908 and 1955, expanding by 6.04 per cent. During the other two time periods, growth measured at 0.97 per cent (1955-1993) and 3.49 per cent (1993-2014).

In examining the 1993-2014 period more closely, *Figure 2* and *Figure 3* present cabinet size change as measured at two different points in the cycle of government – post-election and dissolution. By using these two sets of data we can answer the question of whether or not cabinet expansion is most prevalent at the beginning or end of governments.

*Figure 2* shows the change in cabinet size at the federal and provincial levels in Canada from 1993 to 2014 using post-election cabinet numbers. As the trend lines suggest, outside of the federal level, change has been quite gradual or non-existent with the exception of growth in some provinces (Alberta 17 to 24, Ontario 19-27, Quebec 20-26) and reduction, dramatic in one (New Brunswick 22 to 13).

*Figure 3* shows the change in dissolution cabinet size at the federal and provincial levels of government in Canada from 1995 to 2014. As the trend lines suggest, many provincial cabinet sizes have remained flat, while several have experienced increases (Canada - 30 to 37, Ontario - 22 to 27), decreases (New Brunswick - 21 to 17, Nova Scotia - 17 to 14) or both (Quebec - 26 to 36 to 23, British Columbia from 22 to 28 to 23).

**H2: Cabinet size has increased during government and cabinet size has decreased between governments.**

The second hypothesis tested is whether or not cabinet size has expanded during government (in between elections) and whether or not cabinet size has decreased after an election (in between governments). To test this hypothesis, pre- and post-election cabinet sizes were collected from federal and provincial governments between 1993 and 2014.

Figure 2: Size of Post-Election Cabinet (beginning of government), 1993-2014

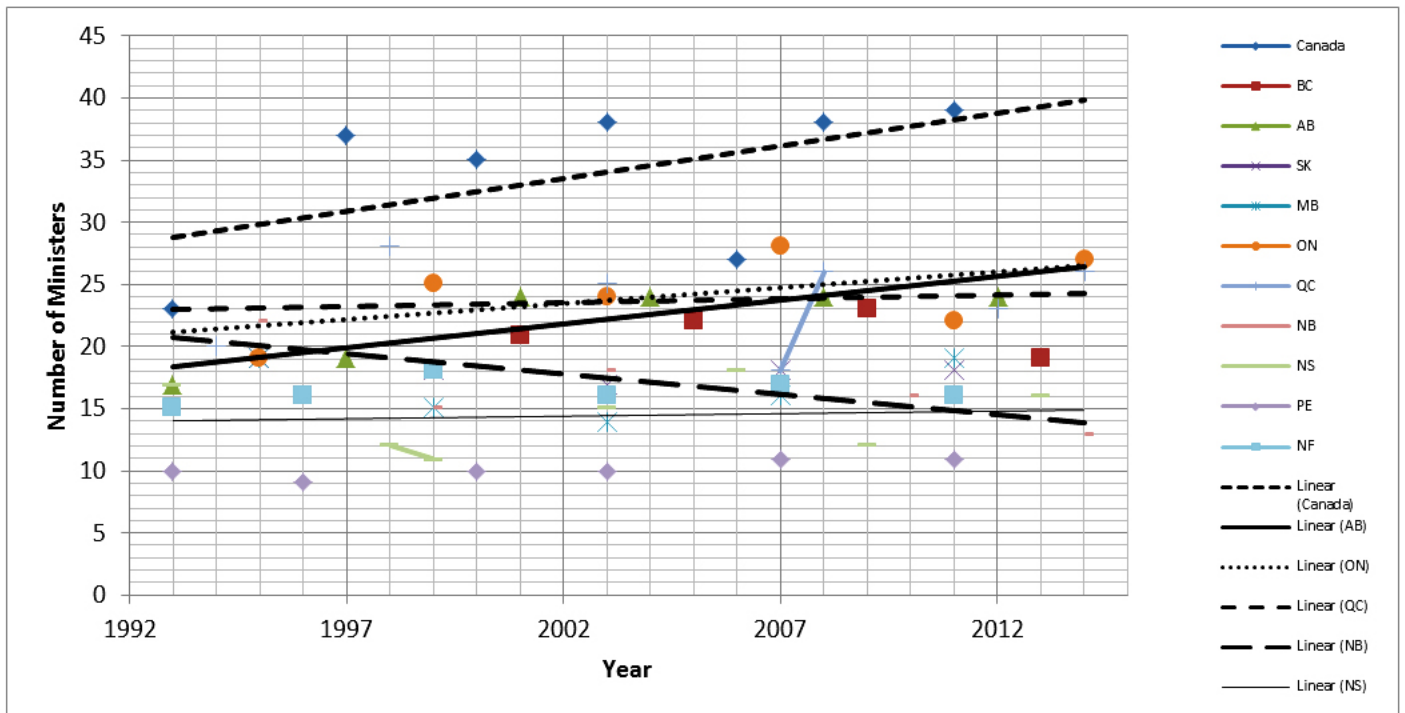
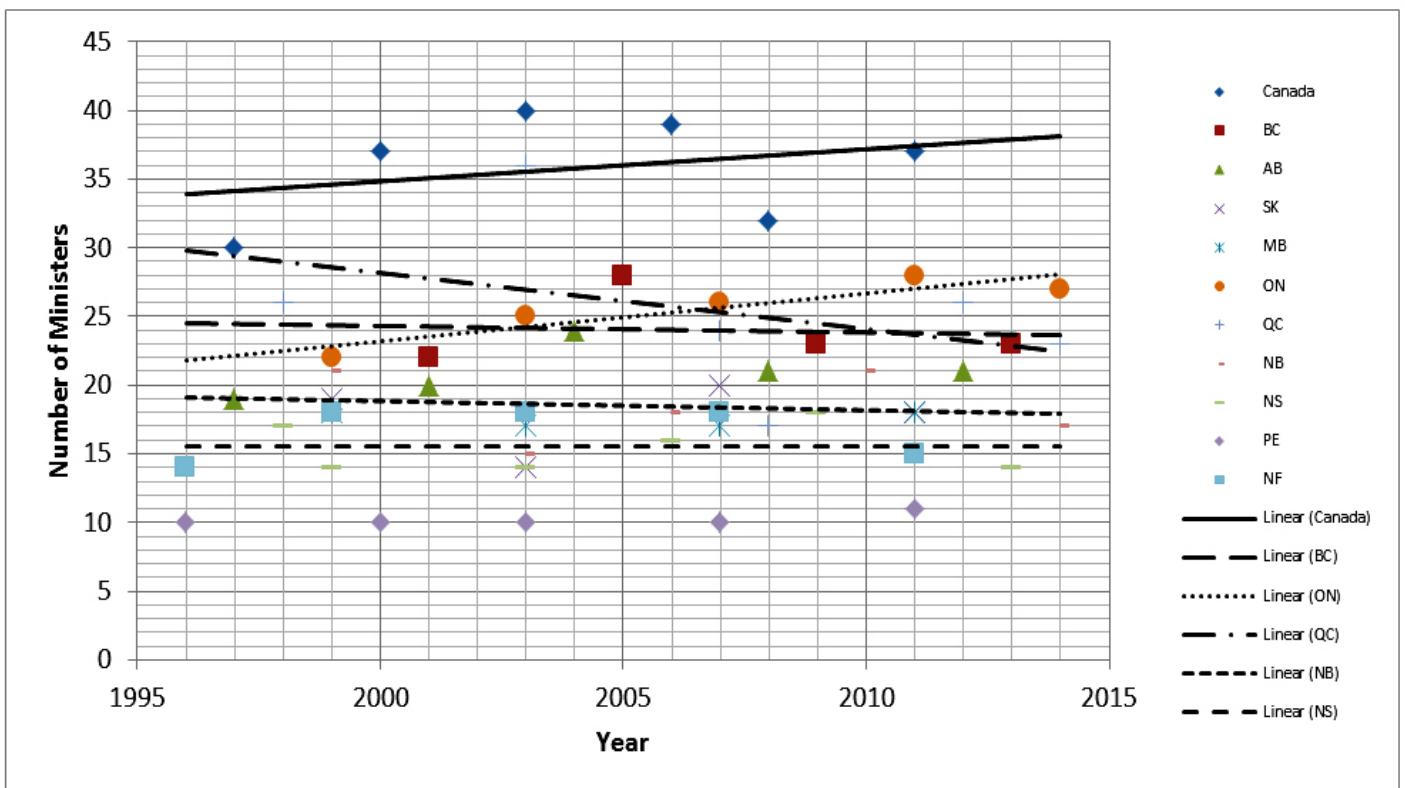


Figure 3: Size of Cabinet at Dissolution (end of government), 1995-2014



Cabinets grew by an average of seven per cent during government compared to decreasing in size by an average of three per cent between governments. When controlling for new governments with new leaders, cabinets decreased even more by an average of 10 per cent. This finding suggests that new political actors are more likely to present ideas of institutional reform. Veteran political actors may have difficulty reducing cabinet size because they have more historical connections to party members that they might reward with cabinet appointments.

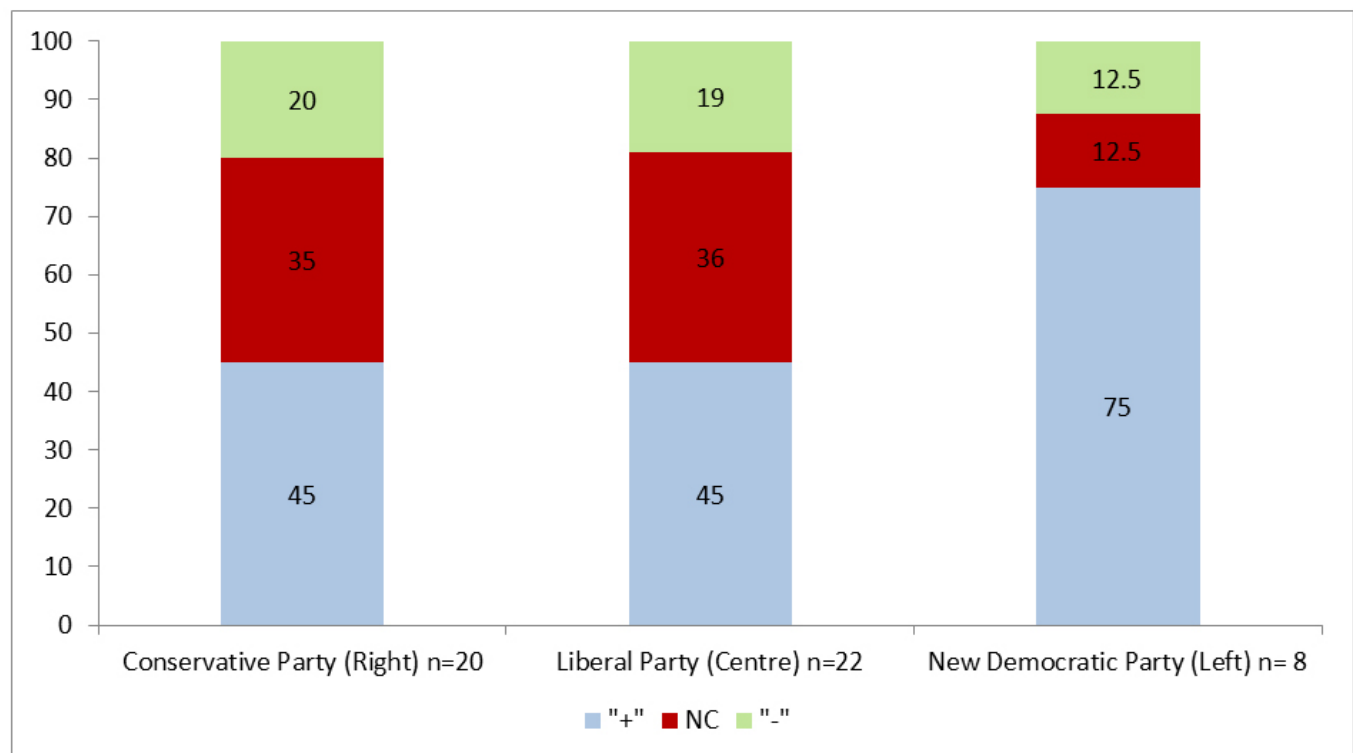
**H3: Cabinet size has expanded under governments formed by left-of-centre parties, remained the same under governments formed by centre parties and decreased under governments formed by right-of-centre parties**

Another variable that may relate to expansion or reduction in cabinet size is the party in power. It can be hypothesized that parties on the right of the political spectrum would seek to reduce the size of government while parties on the left of the political spectrum would seek to expand the size of government. In Canada's multi-party system (at both the provincial and federal level, excluding the province-specific Saskatchewan

Party and Parti Quebecois), since 1993, three different parties have won enough seats to form governments: the Progressive Conservative Party (Conservative at the federal level), the Liberal Party and the New Democratic Party. Most political observers agree that the parties fit on the political spectrum in the following manner: Progressive Conservative (right), Liberal (centre), New Democratic Party (left). *Figure 4* presents the percentage of increase, no change or decrease to cabinet size of parties in power at the federal and provincial levels from 1993 to 2014. The percentage change in size is calculated based on the change of number of ministers from swearing-in to the dissolution of government. Out of 55 governments (three Parti Quebecois and two Saskatchewan Party governments were not included in this table), 20 governments were Conservative or Progressive Conservative, 22 were Liberal and 8 were New Democratic. While the total number of governments in power (n) is especially low for the NDP, the numbers still present some interesting trends of expansion of cabinet during government by party in power.

As *Figure 4* shows, in the case of Progressive Conservative or Conservative-led governments there was an increase in cabinet size in 45 per cent of the

**Figure 4 Change in Cabinet by Party During Government (Federal and Provincial Governments), 1993-2014**



governments, no change in 35 per cent and a decrease in cabinet size in 20 per cent of the governments. Similar to Progressive Conservative or Conservative-led governments, for Liberal-led governments there was an increase in cabinet size in 45 per cent of the governments, no change in 36 per cent and a decrease in cabinet size in 19 per cent of the governments. While the centre and centre-right party-led governments made similar cabinet size changes during the course of a government, the left party led-governments in Canada were almost twice as likely to increase cabinet size. In the case of New Democratic Party-led governments, there was an increase in cabinet size for 75 per cent of the governments, no change in 12.5 per cent and a decrease in cabinet size in 12.5 per cent of the governments.

In conclusion, the main findings of this study are as follows: 1) While federal and provincial cabinets have expanded over time, as a proportion of the legislature, provinces and especially smaller, Atlantic provinces, have the largest cabinets in the proportional sense (e.g. Federal 12.7 per cent compared to PEI 40.7 per cent); 2) Federal and provincial cabinets expanded by an average of 7 percent during government mandates compared to decreasing in size by an average of 3 percent between government mandates. When controlling for new governments with new leaders, cabinet size decreased even more by an average of 10 percent; 3) Cabinets expanded during government mandates more often under centre-left parties (75 per cent of the time) than under centre (45 per cent of the time) or centre-right parties (45 per cent of the time ).

## Discussion

During the first half of the 20<sup>th</sup> century, the Canadian political executive grew and evolved without much attention. It was not until the dramatic changes introduced by Prime Minister Pierre Trudeau, and embraced by Prime Minister Brian Mulroney, that negative attention began to influence the narrative about cabinet size and the growth of the centre of Canadian government. Trudeau introduced the so-called “institutionalized cabinet”, with a myriad of new cabinet committees, and the “presidentialization” of the prime minister’s office, with an accelerated growth in PMO staff. Following Trudeau, Mulroney, contributed to the growth and evolution of the centre with additions such as American-style chiefs-of-staff to ministers’ offices. Both of these actions resulted in greater public and academic focus on the political executive and contributed to an eventual, inevitable political backlash.

By 1993, a number of factors emerged to challenge the growing centre. First, neo-liberal ideological positions on political institutions held by some parties were critical of growing government, both in its size and expense, pushing back against the growth of government that had been occurring for decades. Second, the argument of “doing politics differently” began to find a place in the political mainstream narrative as citizens and the media continued to be less deferential to political actors and question political institutions like never before. Finally, a new Canadian political force, the upstart, regional and populist Reform Party, emerged as a competitive political party with ideas that would pull the parties of the centre (Progressive Conservative, Liberal) to the right and embrace notions of smaller government. The Progressive Conservative and Liberal parties were quick in attempting to adopt Reform platform planks related to smaller government, balanced budgets and other austerity measures. Since then, there has been heightened scrutiny of the size of federal and provincial cabinets and, as listed earlier in the paper, numerous calls by political actors to consolidate ministries.

The findings support the idea that the actions of governments are often based on their age (newly elected or mid-mandate) and ideological position. However, due to the fact that cabinet construction and composition is the prerogative of the first minister, we know that the debate over cabinet size will not easily subside. First ministers are confronted with many pressures when facing cabinet construction including representation, managerial concerns and government image-making. In discussing cabinet size in Canada we should note that arguments are based on financial or political cost. The main financial argument against large cabinets is the cost of ministers’ salaries, benefits, expenses, and staff. The main political argument against large cabinets is the loss of private member scrutiny in Canadian legislatures due to backbenchers’ promotion to government.

While cabinet may be used as a symbol of the size of government, many forget cabinet is *the force* of government in the legislature. Due to high levels of party discipline in Canada it is easy to forget that all backbenchers, from the government and opposition parties, are there to hold the government (the cabinet) to account. Therefore in the legislature, a large cabinet is not just a symbol, it is a significant number contributing to control and power in the legislature. When cabinet is larger there are more government members and fewer private members to hold the cabinet to account. The political cost is much greater than the regularly overstated financial cost.

Regardless of the significance of the political costs of large cabinets, the financial cost of cabinet is the focus of the political narrative on cabinet size. During the 1993 Progressive Conservative leadership campaign, Kim Campbell's main rival, Jean Charest, pledged to reduce cabinet. Charest argued that his cabinet consolidation would save \$6 billion – a figure that was said to have puzzled government officials.<sup>33</sup> The financial cost of cabinet minister salaries is a common argument for consolidating cabinet. In 2008, it was argued that adding one more minister to cabinet would cost the federal government \$446,400 in additional salaries (out of total federal government expenses of roughly \$240 billion).<sup>34</sup> Even on a smaller scale, it is easy to challenge the cost-saving function of cutting cabinet. For example, in New Brunswick, in 2014, a new minister including additional salary, vehicle allowance and staff costs between \$116,078-\$211,296, which in New Brunswick's 2013-2014 gross expenditures would have amounted to between 0.001 per cent-0.003 per cent of total costs.

A champion of balanced budgets and cutting government waste and a former Reform MP, Prime Minister Harper, in 2011, defended his 39-minister cabinet by arguing, "I think it's important to know when you're talking about austerity, that this government has reduced ministerial budgets significantly. So the question here is not cost. The question is making sure that we have a ministry that is broad, representative of the country and tried to use people's talents to the maximum. I think it would be a mistake to try and have a smaller cabinet that would make less use of people".<sup>35</sup> Harper's argument for a larger cabinet is based in normative terms and this rationale reflects most of the discourse on cabinet size in Canada.

The normative element is significant because even at the point of the heightened focus on cabinet size in 1993, central political actors expressed skepticism about the real benefit of altering its size. In 1993, prior to the cabinet consolidation directed by Kim Campbell, former Finance Minister Donald Mazankowski noted, "You are dealing with something [cabinet size] that's essentially symbolic".<sup>36</sup> All of the attention paid to cabinet size raises the question: Is there a trend of expanding political executives in Canada? The negative reaction of the media, opposition parties and political observers to any increase in cabinet numbers implies that Canada's jurisdictions may be in the midst of a trend toward ever-growing executives. The results of this study suggest that while cabinet numbers may be trending upward slightly, the situation is more nuanced. When considering cabinet size in the future there should be a focus on three important elements:

- 1) The proportion of the cabinet to the legislature; 2) The timing of cabinet size changes; and 3) The party in power during cabinet size changes. By examining these variables, a more empirical and contextually sound discussion can take place, instead of resorting to normative arguments such as "small is better" or "government continues to grow".

## Notes

- 1 Independent Member of Parliament Brent Rathgeber (a former Conservative and author of the book *Irresponsible Government*) introduced a Private Member's Bill to limit the number of ministers and ministers of state to 26 in response to the news. Brent Rathgeber, "Smaller cabinet, better democracy," *National Post*, May 1, 2015.
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- 5 Indridi Indridason and Shaun Bowler, "Determinants of Cabinet Size," *European Journal of Political Research* 53, 2014.
- 6 Indridason and Bowler, "Determinants of Cabinet Size," p.382.
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- 14 Jennifer Smith, "Ruling Small Worlds: Political Leadership in Atlantic Canada," In Leslie Pal and David Taras (eds.), *Prime Ministers and Premiers: Political Leadership and Public Policy in Canada*, . Prentice-Hall Canada: Scarborough, 1988, p. 129.
- 15 Christopher Dunn, "Premiers and Cabinets," in Christopher Dunn (ed.), *Provinces: Canadian Provincial Politics* University of Toronto Press: Toronto, 2008, p. 223.
- 16 Richard Van Loon and Michael S. Whittington, *The Canadian Political System: Environment, Structure and Process*. McGraw-Hill: Toronto, 1971, p. 355
- 17 White, *Cabinets and First Ministers*, p. 145
- 18 W.L. Morton, "The Cabinet of 1867," in Frederick W. Gibson (ed.), *Cabinet Formation and Bicultural Relations*. Studies of the Royal Commission on Bilingualism and Biculturalism. Vol. 6. Queen's Printer: Ottawa, 1970. p. 2
- 19 Morton, "The Cabinet of 1867". p. 5
- 20 Morton, "The Cabinet of 1867". p. 14
- 21 Frederick W. Gibson, "The Cabinet of 1921," in Frederick W. Gibson (ed.) *Cabinet Formation and Bicultural Relations*. Studies of the Royal Commission on Bilingualism and Biculturalism. Vol. 6. Queen's Printer: Ottawa, 1970. p. 76
- 22 Morton, "The Cabinet of 1921". p. 103
- 23 Aucoin and Bakvis, "Consolidating Cabinet Portfolios"; Fred Schindeler, "The Prime Minister and the Cabinet: History and Development," in Thomas Hockin (ed.) *Apex of Power: The Prime Minister and Political Leadership in Canada*. Second Edition. Prentice-Hall of Canada: Scarborough, 1977; Matheson, *The Prime Minister and Cabinet*; Gregory Inwood, *Understanding Public Administration: An Introduction to Theory and Practice*. Prentice Hall Allyn and Bacon Canada: Toronto, 1999.
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- 32 Ian Bailey, "Monster cabinet good for B.C., says premier," *Vancouver Province*, January 28, 2004, p. A6.
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- 34 Andrew Mayeda, "New female MPs given cabinet jobs," *The Windsor Star*, October 31, 2008, p. A1.
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# Parliamentary Bookshelf: Reviews

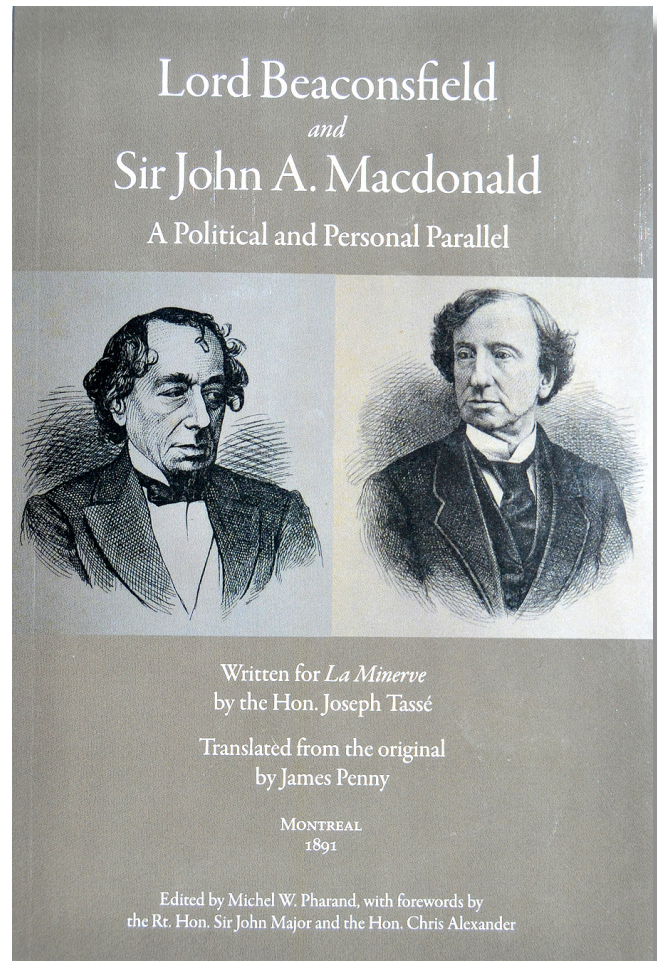
Joseph Tassé, Lord Beaconsfield and Sir John A. Macdonald: A Personal and Political Parallel (Montreal, 1891) Translated from the original in French by James Penny. Edited by Michel W. Pharand, School of Policy Studies, Queen's University and McGill-Queen's University Press, 2015, 85 p.

This is a welcome addition to the small production of books published in this year of Sir John A. Macdonald's 200<sup>th</sup> anniversary. Michel W. Pharand, the long-time director of the Disraeli project at Queen's University, brings together both the original version of Tassé's pamphlet, first published in 1880, as well as the translation produced by James Penny in 1891. Pharand brings a rigorous scholar's attention to the original text and the translation and alerts the reader to his numerous corrections. He also provides an admirably complete set of notes to establish context as well as enlightening explanations.

The revival of Joseph Tassé's study of two giants of the epoch gives today's readers an appreciation of how Macdonald was seen in his own day, although Tassé was hardly an objective observer. Born in what is today Laval, Tassé had trained as a lawyer but had no taste for its practice. He worked as a journalist until he was offered a job as translator in the House of Commons in 1872. Tassé also took on an ambitious literary project, a massive two-volume work entitled *Les Canadiens de l'ouest* which appeared a few years later.

When Tassé decided he had had enough of translating the words of politicians he sought the Conservative nomination for the riding of Ottawa and was elected in Macdonald's 1878 landslide victory. He was a 32-year-old member of caucus when he wrote this tract.

Ever the journalist at heart, Tassé knew a good story when he saw one. Macdonald was in London in the late summer of 1879 and was invited by Prime Minister Benjamin Disraeli (Lord Beaconsfield) to visit him at Hughenden Manor, his country estate some 50 kilometres west of London. On September 1, 1879, Macdonald travelled to the splendid mansion in Buckinghamshire and spent the evening in animated conversation with his British counterpart. We know very little of what was discussed, except that Disraeli



did observe that Macdonald was "gentlemanlike, agreeable and very intelligent; a considerable man." Macdonald took leave early the next day and soon thereafter returned to Canada.

Inspired by the event, Tassé wrote his 25-page essay comparing the two men and it was published by *La Minerve*, the Montreal-based Conservative newspaper, in 1880. Much of the text consists of parallel biographies, but it is striking to note how very different the two men were. Disraeli's origins, his arduous climb of the proverbial greasy pole and his literary bent made him utterly different compared to Macdonald. Indeed, there is precious little these two had in common except for a romantic vision of the British Empire. Tassé mentions Disraeli's concern for the working class but does not

mention Macdonald's signal legislation that legalized trade unions in 1872 (Gladstone had done the same in 1871). The young journalist was more successful in drawing parallels between the two men on physical likeness and the charm of their respective wives (both men had been widowers at one time, something Tassé does not mention).

Macdonald must have liked the booklet. Though re-elected in 1882, Tassé was defeated in 1887 and appointed to the Senate by Macdonald in 1891. Tassé served until his death in 1895; he was only 46.

The pamphlet was only available in French until 11 years later, literally a few days after Macdonald passed away, when Penny published it in English translation. The Macdonald reputation-building machine had already stepped up its activities and this publication heralded a wave of books that would appear in the following two years.

**Patrice Dutil**

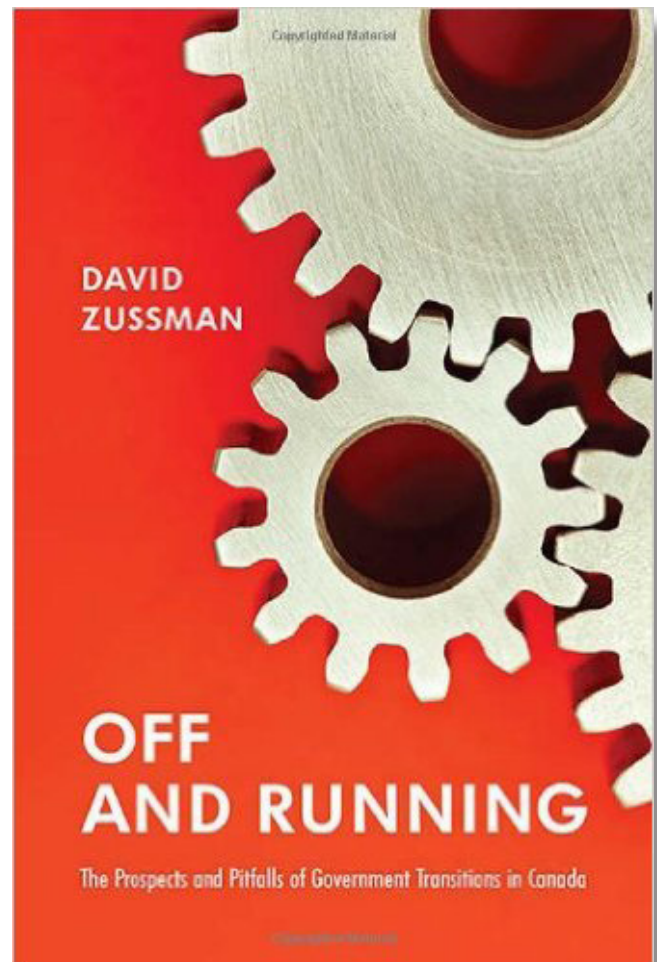
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**Off and Running: The Prospects and Pitfalls of Government Transitions in Canada, David Zussman, University of Toronto Press, 2013, 299 p.**

This autumn, 338 writs of election were issued and Canada's national political parties competed to form our next federal government. Author David Zussman advises major federal parties to commission a transition team 18 months in advance of an election, so preparations should have been well underway for some time. If you are a public servant whose work may be affected by a government transition, I advise that you start preparing by reading this book.

Perhaps no one is better placed than Zussman to have written what has already become the definitive work on government transitions in Canada. Zussman, who twice led federal transition teams, is Jarislowsky Chair at the University of Ottawa and a former president of the Public Policy Forum. In short, his networks are strong, his intelligence is deep, and his experience is unparalleled. This book reflects well on all three attributes.

More fundamentally, this book reminds us how government transitions fit into the broader machinery of Canadian government: when writs of election are issued, legislatures are dissolved, but governments continue to serve at the pleasure of the Crown until such time, perhaps, as a new group of representatives



command the confidence of the people's assembly and are appointed to govern. When that happens, a transition takes place.

Peaceful government transitions are fundamental to democracy. In less stable democracies, electoral losers may not consent to hand over power or heads of state may prove unwilling to confer power upon a new governing authority. In the most extreme of cases, the pitfalls of transition can be violence or civil war. In Canada, the more likely pitfalls include negative media coverage, disgruntled party members, a disoriented public service, and insufficient policy implementation.

Zussman emphasizes the importance of sequencing and timing in transition planning by structuring his book into four election-related phases: pre-writ, campaign period, post-election, and consolidation. Although the lessons derived from each of these periods are too numerous to summarize, I will offer a prime example. Zussman writes that "...it is unwise to monopolize the post-election period of a newly appointed minister. It is important to remember that

there are many experts and others outside the portfolio who may be helpful in providing a new minister with important information” (123).

The breadth of the author’s knowledge enables him to offer wisdom on a wide range of subjects, including the length of briefing notes, the influence of spouses, appropriate media exposure, cabinet-making, and leadership dynamics. In that sense, the practical advice proffered by Zussman is invaluable. Moreover, the wise insights that line this book are not just emanating from Zussman himself, but also from interview subjects such as Richard Dicerni, Jim Mitchell, and Mel Cappe – all who served as distinguished senior federal public servants.

It is this unparalleled level of access and honesty that makes this book a timely and also timeless work. Zussman is a trusted source in part because of his bona fides in federal departments as well as the partisan trenches; his insights are revelatory and illuminating. The best vignettes are excerpted into boxed text, but this only serves to enhance the flow of the narrative. Consider a story told by Ian Brodie, former Chief of Staff to Stephen Harper: “Everyone on staff called him ‘Stephen’ before and during the election. Then, the day after the election, I insisted everybody call him ‘Mr. Harper.’ Once he was sworn in, everyone, including myself, called him Prime Minister....His head would jolt back because it was contrary to our everyday process of calling him Stephen. People didn’t seem to appreciate the magnitude of the change that was taking place. For us, the world was changing big time” (133). The political nature of such remarks makes them no less valuable for bureaucrats. Employees of the permanent public service may have the same job, or

at least the same level of responsibility, in the weeks before and after a general election; however, they would do well to realize just how dramatically life may have just changed for a new minister, his or her family and close friends.

When done well, very few people are involved in transitions. One person who is central to the transition process and understands fully the magnitude of the act is the head of the public service. Zussman is careful to emphasize the importance of establishing and building trust between new ministers and deputy heads. Initial perceptions of trust between the government and the public service will emanate from one single event: the first meeting between the clerk and the prime minister-designate. “This is the moment,” writes Zussman, “when the notions of fearless advice and the independence of the public service are most severely tested” (141). As if the point needs underscoring, “[Nicolas] D’Ombrain advises that clerks should be pensionable” (142).

The only other major sources on government transitions in Canada are an edition of collected essays from 1993 and a more recent award-winning book on Ontario politics. Although the focus of Zussman’s book is federal, much will resonate with those involved in transitions in larger provinces. Legislative libraries in all Canadian jurisdictions should stock multiple copies of *Off and Running*.

**David M. Brock**

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Government Transition, with the Government of the  
Northwest Territories

# New and Notable Titles

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

Caldwell, Gary Gordon. "Québec's Republican Temptation." *Dorchester Review*, Spring/Summer 2015: 61-9.

- Republican thought, with its abstract and rationalist character, tends to ignore the geopolitical context – the giant, Anglophone republic to the south.

Davison, Nehal. "Supporting politicians to lead government: insights from the [UK] Institute for Government 2008-15." *The Institute for Government blog*, July 3, 2015.

- This post outlines what works when it comes to running a program to support ministers in their new roles.

Devine, Dan. "Cabinet committees, sub-committees and taskforces." *The Institute for Government blog*, June 12, 2015.

- Cabinet committees are a window into the power structure and priorities of government.

"Votes for 16-year-olds: ballots for bairns." *Economist*. June 13, 2015.

- Scotland is set to lower the voting age – and others may follow.

Every-Palmer, Susanna, Justin Barry-Walsh and Michele Pathé. "Harassment, stalking, threats and attacks targeting New Zealand politicians: a mental health issue." *Australian and New Zealand Journal of Psychiatry*, Forthcoming 2015.

- Due to the nature of their work, politicians are at greater risk of stalking, harassment and attack than the general population.

Farrington, Conor. "Lords reform: some inconvenient truths." *Political Quarterly*, April-June 2015: 297-306.

- The author suggests that political debate should focus on small-scale reforms to ensure that the Lords becomes more effective, representative and legitimate, within the constraints of its present role.

Fisher, Lucy. "The growing power and autonomy of [UK] House of Commons select committees: causes and effects." *Political Quarterly*, Forthcoming 2015: 1-8.

- The new system of electing committee chairs and members is explored as a central reform that has burnished the autonomy, independence and credibility of the committees...and which has added to the desirability of roles on committees, which now present an alternative career route to the ministerial ladder.

Gibbons, Michael. "Regulatory policy scrutiny: independent advice to government." *The Institute for Government blog*, August 3, 2015.



Josef Hamus / shutterstock.com

- The Regulatory Policy Committee [UK] has just been given a new role on monitoring progress toward the government's new £10 billion target for regulatory reduction over this Parliament. The author reflects on the RPC's impact to date and where it needs to go next.

Gold, Jen. "Are we about to see an era of experimental [UK] government?" *The Institute for Government blog*, June 25, 2015.

- The author looks at the importance of a new cross-government support service aimed at helping departments run more experimental trials.

Kennedy, Stewart. "Bringing evidence back to Parliament." *Policy Options*, July/August 2015.

- An independent parliamentary science officer would help revitalize the role of evidence in democratic debate.

Lewis, Helen. "The motherhood trap: is it easier to reach the top in politics if you don't have children?" *New Statesman*, July 17-23, 2015: 26-31.

- The article looks at women in politics in Great Britain and elsewhere, focusing on the disproportionate share of women achieving high political positions who are childless and how this reflects wider social structures of capitalism that disadvantage mothers.

McLaren, Leah. "A party for women, by women." *Maclean's*, June 29, 2015: 40-1.

- How a 'crazy idea' launched a rising star of British politics.

Newman, Warren J. "Putting one's faith in a higher power: Supreme law, the Senate Reform reference, legislative authority and the amending procedures."

*National Journal of Constitutional Law*, 34(2): 99-120 July 2015.

- This article contends that the Supreme Court's opinion in the Senate Reform Reference leaves scope for the exercise of legislative power in relation to constitutional amendments and quasi-constitutional legislation of an organic character.

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

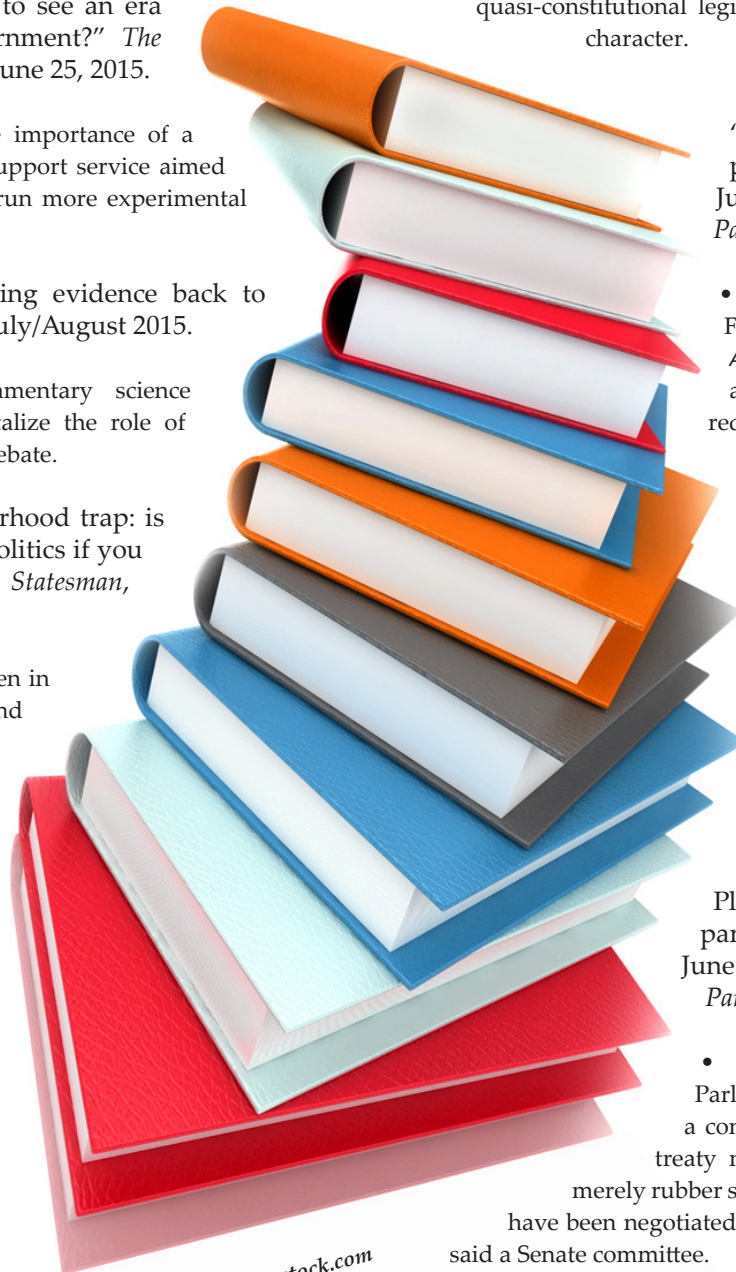
- Under the new French *Intelligence Act* intelligence agencies cannot request authorisation to conduct surveillance for intelligence purposes, on French territory using specified means, (for example, bugging or key logging of parliamentarians in relation to the exercise of their mandate.

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

- The Australian Parliament should play a constructive role during treaty negotiations, and not merely rubber stamp agreements that have been negotiated behind closed doors, said a Senate committee.

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

- Measures for strengthening the role of committees in Denmark.



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Russell, Meg. "The truth about House of Lords appointments." *Constitution Unit blog*, July 29, 2015.

- The Prime Minister gave strong indications that he intends to make yet more appointments to the Lords. In doing so, he appeared to invoke a convention that does not exist: that of bringing Lords membership in line with Commons seats.

Salembier, Paul. "Is bad grammar good policy?: legislative use of the singular *they*." *Statute Law Review*, June 2015: 175-85.

- A number of jurisdictions have adopted the use of the singular *they*, in which the pronoun 'they' is used to refer to a singular antecedent noun in order to avoid gender-specific references such as he and she.

Thornton, Daniel. "The [UK] government should give a realistic commitment to agile." *Institute for Government blog*, June 30, 2015.

- Despite the fact that the civil service adapts rapidly to overnight reshuffles and changing policy priorities, it makes little use of agile project management.

Wherry, Aaron. "Sober second thought." *Macleans*, June 22, 2015: 14-16.

- The Library of Parliament traces attempts to substantially reform the Senate to at least 1874.

White, Hannah. "Select committees under scrutiny: the impact of [UK] parliamentary inquiries on government." *Institute for Government blog*, June 9, 2015.

- This post presents new research about the impact select committees can have on government.

White, Hannah. "Being an effective [UK] select committee member." *The Institute for Government blog*, July 9, 2015.

- Who can tell MPs what makes the difference between being a really effective select committee member and simply making up the numbers?

Wilson, Paul R. "Minister's Caucus Advisory Committees under the Harper government." *Canadian Public Administration*, June 2015: 227-48.

- This article explores a move by Prime Minister Stephen Harper in 2010 to create a system of Minister's Caucus Advisory Committees requiring ministers to consult with their backbench colleagues before taking policy proposals to cabinet.

Wright, Anthony. "Recalling MPs: accountable to whom?" *Political Quarterly*, April-June 2015: 289-96.

- The legislation on the recall of MPs, introduced as a response to the parliamentary expenses scandal, was presented as filling an accountability gap.

Curtis, Bruce. "La commission d'enquête comme réflexivité gouvernementale." *Bulletin d'histoire politique*, 23:21-37, No. 3, 2015.

- Canadian law states that commissions of inquiry may be created on "any matter connected with the good government of Canada or the conduct of any part of the public business thereof." A look at the history of these commissions reveals the public problems at the heart of society since the country's formation, and even well before 1867.

France. Parliament. Senate. Comparative Studies in Law Branch. "Les mesures destinées à favoriser la participation parlementaire." January-June, 2015.

- This note is about the systems that facilitate, encourage or strengthen the participation of parliamentarians on national or federal committees in the work of these committees.

Savoie, Donald J. "La fonction publique canadienne a perdu ses repères." *Canadian Public Administration*, June 2015: 205-26.

- Some 30 years ago, in Anglo-American democracies, politicians adopted a series of measures designed to give them a dominant position in developing public policy and pushing senior public servants to become better managers.



# The Canadian Scene

## 53<sup>rd</sup> Canadian Regional Conference

More than 100 delegates were welcomed to Victoria by host jurisdiction British Columbia for the annual Commonwealth Parliamentary Association (CPA) Canadian Regional Conference from July 19-25, 2015. The conference theme focused on parliamentary security.

## CWP Meeting

Speaker of the BC Legislative Assembly and CWP Chair **Linda Reid** brought the Commonwealth Women Parliamentarians (CWP) steering committee meeting to order on the afternoon of July 19 following introductions and a reading by author **M.A.C. Farrant**. The committee discussed the CWP Canadian Chapter's various projects, including a new promotional video, and how to use special funding from CPA Headquarters to celebrate the 10<sup>th</sup> anniversary of founding of the CWP. **Meenakshi Dhar**, Director of Programs for the

CPA Secretariat, and Saskatchewan Senator **Raynell Andreychuk** spoke at a session titled "Is There a Role for CWP in Election Monitoring?" chaired by Speaker Reid. The presenters noted that in addition to bringing their parliamentary knowledge to these monitoring projects, they could play a role in fostering women's greater involvement in civil society.

On July 20, the main day of CWP meetings opened with a blessing by **Mary Anne Thomas** of the Esquimalt First Nation and reading by **Zoé Duhaime**, Victoria's Youth Poet Laureate. Following the Chair's business report, attendees listened to a thoroughly engrossing presentation by social justice advocate **Jody Paterson** titled "The Journey of a Thousand Steps: Walking with Vulnerable Women on the Road to Change," chaired by BC MLA **Jackie Tegart**. Paterson asked the women parliamentarians present to keep in mind the most vulnerable Canadians when legislating social policies. In a session chaired by Quebec MNA **Caroline Simard**, UBC PhD candidate

Photos courtesy of the Legislative Assembly of BC



Members of the CWP Steering Committee: Standing (from left) - MPP Lisa Thompson, Senator Raynell Andreychuk, MLA Linda Reid, MLA Wendy Bisaro, MHA Lisa Dempster. Seated (from left) - MLA Patricia Angnakak, MLA Jennifer Howard, MLA Laura Ross, MNA Caroline Simard, MLA Lisa Harris, MLA Jackie Tegart.



BC Speaker Linda Reid welcomes delegates to Confederation Garden Park during the opening ceremonies to the 53rd Canadian Regional Conference of the Commonwealth Parliamentary Association.

**Grace Lore** outlined research she has conducted with women parliamentarians internationally about their experiences navigating issues relating to gender in politics. Session chair **Wendy Bisaro**, a NWT MLA, introduced presenter **Janni Aragon**, a professor in the University of Victoria's Political Science Department to discuss security issues involving women, and especially women parliamentarians, using social media. In a fourth session, Chair **Laura Ross**, an MLA from Saskatchewan, introduced **Isabel Metcalfe**, a public affairs counsel, to discuss opportunities and experiences monitoring elections abroad. Panelists included Senator Andreychuk, and **Debbie Nider**

and **Linda Rubuliak** of CANADEM. A final session chaired by Speaker Reid featured BC Senator **Mobina Jaffer** who offered comments about women in conflict zones and how women's groups can help to combat radicalism within their communities and families.

### Canadian Regional Meeting

On July 21 delegates and observers gathered for an opening ceremony at Confederation Garden Park featuring Elder **Elmer George** of the Songhees First Nation which included a presentation of the talking stick and a performance by a group of First Nation Unity drummers. Sessions included a presentation on accessibility within Canadian Parliaments by Nova Scotia Speaker **Kevin Murphy** chaired by Prince Edward Island Senator **Elizabeth Hubley**; a discussion on security considerations at the Legislative Assembly of British Columbia with BC Deputy Speaker **Douglas Horne** and Sergeant-at-Arms **Gary Lenz** chaired by Saskatchewan Speaker **Dan D'Autremont**; Ms. Aragon appeared for a second time at the conference to speak about parliamentarians using social media more generally in a session chaired by Manitoba Speaker **Daryl Reid**. The day concluded with a session chaired by NWT Speaker **Jackie Jacobson** in which *Vancouver Sun* editorial cartoonist **Graham Harrop** discussed how he finds his inspiration.



Newfoundland and Labrador MHA Lisa Dempster, Northwest Territories MLA Wendy Bisaro and NWT Principal Clerk for Corporate and Interparliamentary Affairs Gail Bennett at the CWP meeting.

Morning sessions on July 22 included a panel discussion on ethics and accountability of members

chaired by Newfoundland and Labrador Speaker **Wade Verge** featuring **Sandra Barnes**, Clerk of the Newfoundland and Labrador Legislative Assembly and Senator Andreychuk. Ms. Barnes and Senator Andreychuk discussed how each of their respective jurisdictions has dealt with or is dealing with scandals involving members' expenses. In a session chaired by Ontario Speaker **Dave Levac**, **Jacques Chagnon**, President of the Quebec National Assembly, spoke about the principles and application of security standard for parliament buildings using an improvement project in Quebec as an example. The final session of the day, chaired by Alberta Speaker **Robert Wanner**, saw MPs **Joyce Murray**, **Malcolm Allen** and **Chris Charlton** offer their personal reflections on the incident on Parliament Hill on October 22, 2014 when a gunman entered the Hall of Honour. The MPs noted that social media was both informative during the event, but also potentially exposed Members to risk by identifying their locations or spreading false or unconfirmed information. They also spoke of the effects of post-traumatic stress on parliamentarians and parliamentary staff and officers who were near the incident. The day's sessions concluded with the annual regional council meeting.

On July 23, delegates were given the opportunity to board the *HMCS Vancouver* at CFB Esquimalt for a guided tour that included demonstrations and maneuvers in the Strait of Juan de Fuca. Attendees expressed great admiration for the work of the men and women on duty who were exceptional hosts.

On July 24, the conference concluded with two sessions which featured speakers from Australian state parliaments who were among more than a dozen guest delegates from the country. **Michael Sutherland**, Speaker of the Legislative Assembly of Western Australia delivered a presentation on security and access in Australian parliaments in a session chaired by PEI Speaker **Buck Watts**. Speaker Sutherland screened a dramatic and realistic video which depicted a fictional terrorist attack on his legislative assembly and how security handled the situation. A second session, chaired by Yukon Speaker **David Laxton**, found Speaker D'Autremont and **Barry House**, President of the Legislative Council of Australia, discussing the twinning arrangements made between Saskatchewan and Western Australia that have included parliamentary exchanges. Additional twinning plans were discussed between delegates from other jurisdictions.

Photos courtesy of the Legislative Assembly of BC



Delegates, guests and accompanying persons at the 53rd Canadian Regional Conference in Victoria, British Columbia at the Confederation Garden Park.

## Regional Executive Committee, CPA\*

### **PRESIDENT**

Linda Reid, British Columbia

### **FIRST VICE-PRESIDENT**

Wade Verge, Newfoundland and Labrador

### **SECOND VICE-PRESIDENT**

Joe Preston, Federal Branch

### **PAST PRESIDENT**

Chris Collins, New Brunswick

### **REGIONAL REPRESENTATIVES**

Russ Hiebert, Federal Branch

David Laxton, Yukon

Wade Verge, Newfoundland and Labrador

### **CHAIR OF THE CWP, CANADIAN SECTION**

(Commonwealth Women Parliamentarians)

Linda Reid, British Columbia

### **EXECUTIVE SECRETARY-TREASURER**

Blair Armitage

## Members of the Regional Council\*

### **HOUSE OF COMMONS**

Andrew Scheer, Speaker

Audrey O'Brien, Clerk

### **SENATE**

Leo Housakos, Speaker

Charles Robert, Clerk

### **ALBERTA**

Robert Wanner, Speaker

David McNeil, Secretary

### **NOVA SCOTIA**

Kevin Murphy, Speaker

Neil Ferguson, Secretary

### **BRITISH COLUMBIA**

Linda Reid, Speaker

Craig James, Secretary

### **ONTARIO**

Dave Levac, Speaker

Deborah Deller, Secretary

### **CANADIAN FEDERAL BRANCH**

Joe Preston, Chair

Elizabeth Kingston, Secretary

### **PRINCE EDWARD ISLAND**

Francis Watts, Speaker

Charles MacKay, Secretary

### **MANITOBA**

Daryl Reid, Speaker

Patricia Chaychuk, Secretary

### **QUÉBEC**

Jacques Chagnon, Speaker

Émilie Bevan, Secretary

### **NEW BRUNSWICK**

Chris Collins, Speaker

Donald Forestell, Secretary

### **SASKATCHEWAN**

Dan D'Autremont, Speaker

Gregory Putz, Secretary

### **NEWFOUNDLAND AND LABRADOR**

Wade Verge, Speaker

Sandra Barnes, Secretary

### **NORTHWEST TERRITORIES**

Jackie Jacobson, Speaker

Tim Mercer, Secretary

### **NUNAVUT**

George Qulaut, Speaker

John Quirke, Secretary

### **YUKON**

David Laxton, Speaker

Floyd McCormick, Secretary

\*As of September 30, 2015

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**New Brunswick**

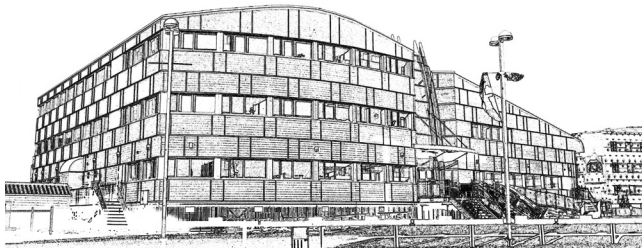
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# Nunavut

## House Proceedings

The spring 2015 sitting of the 2<sup>nd</sup> Session of the 4<sup>th</sup> Legislative Assembly convened on May 26, 2015. The 2<sup>nd</sup> Session was prorogued on June 1, 2015. The 3<sup>rd</sup> Session was opened on June 2, 2015. The Opening Address was delivered by Deputy Commissioner **Nellie Kusugak**.

Three substantive motions were adopted on the first sitting day of the 3<sup>rd</sup> Session. Quttiktuq MLA **Isaac Shooyook** moved a motion to modify the terms of reference for the Legislative Assembly's Standing Committee on Oversight of Government Operations and Public Accounts to "explicitly address the integration of Inuit Societal Values and *Inuit Qaujimajatuqangit* into the laws, policies, programs and services of the Government of Nunavut, including the holding of public hearings on the annual reports of the *Inuit Qaujimajatuqangit Katimajiit* and the annual reports on the status of Inuit culture and society that are prepared under Article 32.3.4 of the *Nunavut Land Claims Agreement*."

Iqaluit-Niaqunnguun MLA **Pat Angnakak** moved a motion to refer the first annual report tabled in the Legislative Assembly under the *Collaboration for Poverty Reduction Act* to the Committee of the Whole for detailed consideration during the upcoming fall 2015 sitting of the House. Minister of Family Services **Jeannie Ugyuk** will appear before the Committee of the Whole to respond to Members' questions and interventions.

Tununiq MLA **Joe Enook** moved a motion to refer the Nunavut Housing Corporation's *Agreement for the Management and Administration of Local Housing Organization Programs* to the Committee of the Whole for detailed consideration during the upcoming fall 2015 sitting of the House. Minister Responsible for the

Nunavut Housing Corporation **George Kuksuk** will appear before the Committee of the Whole to respond to Members' questions and interventions.

The fall 2015 sitting will convene on October 21, 2015.

## Committee activities

A number of televised hearings have been held in recent months by standing and special committees of the Legislative Assembly.

On May 5, 2015, Auditor General of Canada **Michael Ferguson** appeared before the Standing Committee on Oversight of Government Operations and Public Accounts, which is chaired by Iqaluit-Tasiluk MLA **George Hickes**, on the occasion of its consideration of the Auditor General's 2015 *Report on Corrections in Nunavut*. The Standing Committee's hearing concluded on May 7, 2015. Chairperson Hickes presented the standing committee's report on the hearing to the House at its sitting of June 1, 2015.

From June 4 to 5, 2015, following the adjournment of the spring sitting, senior representatives from Nunavut Tourism appeared before the Standing Committee on the occasion of its consideration of the association's most recent annual report and strategic plan. Nunavut Tourism receives annual contribution funding from the Government of Nunavut's Department of Economic Development and Transportation.

On June 9, 2015, the Standing Committee publicly announced its plans for televised hearings to be held in fall 2015. From September 21 to 29, 2015, the Nunavut Development Corporation, the Nunavut Business Credit Corporation, the *Inuit Qaujimajatuqangit Katimajiit* and the Office of the Information and Privacy Commissioner of Nunavut will appear before the standing committee to present their most current annual reports and business plans. The Office of the Languages Commissioner of Nunavut and the *Inuit Uqausinginnik Taiguusiliuqtiit* will appear before the Standing Committee from November 23 to 27, 2015.

From May 13 to 14, 2015, the Legislative Assembly's Special Committee to Review the *Education Act*, which is chaired by Mr. Hickes heard testimony from a number of individuals and organizations, including Nunavut Tunngavik Incorporated, the Nunavut Teachers' Association, the Department of Education and the Coalition of Nunavut District Education Authorities.

## Appointment of the new Commissioner

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On June 23, 2015, the Prime Minister of Canada announced the appointment of **Nellie Kusugak** to serve as Nunavut's fifth Commissioner for a five-year term of office. At the time of her appointment, Ms. Kusugak had been serving as Deputy Commissioner since January 14, 2010.

**Alex Baldwin**

Office of the Legislative Assembly of Nunavut



## Alberta

### Election – Spring 2015

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A general election was held in Alberta on May 5, 2015. Following a judicial recount in Calgary-Glenmore it was determined that the New Democrats (ND), under the leadership of **Rachel Notley** (Edmonton-Strathcona), had won 54 of the 87 seats in the Assembly. The Wildrose (WR) remained the Official Opposition after winning 21 seats, and, after almost 44 years in government, the Progressive Conservatives (PC) became the third-party opposition with nine Members. The only Alberta Liberal (AL) Member returned to the Assembly was **David Swann** (Calgary-Mountain View) and **Greg Clark** (Calgary-Elbow) was the first Member of the Alberta Party elected to the Assembly. Voter turnout for the election was 53.7 per cent.

On election night former premier **Jim Prentice**, who had been re-elected in Calgary-Foothills, announced he was stepping down as leader of the provincial PCs and would not continue to serve as an MLA. The Party has selected **Rick McIver** (Calgary-Hays) as interim leader. A by-election will be held to fill the vacancy in the Calgary-Foothills constituency within six months.

On May 22, 2015, the size of the ND caucus was reduced when **Deborah Drever** (Calgary-Bow) was suspended from caucus for controversial social media posts. Ms. Drever is now sitting as an independent Member, leaving the ND caucus with 53 Members.

### New Cabinet

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On May 24, 2015, Premier Notley and 11 other Members were sworn into Cabinet on the steps of the Legislature Building. With an even gender balance of six women and six men, this new Cabinet is significantly smaller than other recent Cabinets. Instead of reorganizing government departments many of the new Cabinet Ministers are responsible for overseeing multiple departments. In addition to her role as Premier and President of Executive Council, Ms. Notley is the Minister responsible for International and Intergovernmental Relations. The other 11 Ministers have been assigned the following portfolios:

**Brian Mason** (Edmonton-Highlands-Norwood) Transportation; Infrastructure; and Government House Leader

**David Eggen** (Edmonton-Calder) Education; Culture and Tourism

**Deron Bilous** (Edmonton-Beverly-Clareview) Municipal Affairs; Service Alberta; Deputy Government House Leader

**Joe Ceci** (Calgary-Fort) Treasury Board; Finance

**Marg McCuaig-Boyd** (Dunvegan-Central Peace-Notley) Energy

**Sarah Hoffman** (Edmonton-Glenora) Health; Seniors

**Kathleen Ganley** (Calgary-Buffalo) Justice and Solicitor General; Aboriginal Relations

**Lori Sigurdson** (Edmonton-Riverview) Innovation and Advanced Education; Jobs, Skills, Training and Labour

**Oneil Carlier** (Whitecourt-St. Anne) Agriculture and Forestry

**Shannon Phillips** (Lethbridge-West) Environment and Parks; the new portfolio of Minister Responsible for the Status of Women; Deputy Government House Leader

**Irfan Sabir** (Calgary-McCall) Human Services

## 1<sup>st</sup> Session of the 29<sup>th</sup> Legislature

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On June 11, 2015, the Members of the 29<sup>th</sup> Legislature elected first-time MLA **Robert E. Wanner** (Medicine Hat) as Speaker of the Legislative Assembly of Alberta. Speaker Wanner brings his professional experience as a mediator, public servant and business owner to the role. **Debbie Jabbour** (Peace River) was elected as Deputy Speaker and Chair of Committees, and **Richard Feehan** (Edmonton-Rutherford) was named the Deputy Chair of Committees.

The following day **Lois Mitchell** was installed as Alberta's 18<sup>th</sup> Lieutenant Governor. She is a respected business leader and community volunteer from Calgary who is known for her involvement in promoting sports, music and the arts.

The following week Speaker Wanner presided over the Assembly while the new Lieutenant Governor presented the first Speech from the Throne under Alberta's new government. The Speech outlined plans for a brief spring sitting that would see the introduction of three government bills including an interim supply bill. It referred to a need for stable, long-term planning for education and health care and to provincial leadership on climate change and environmental stewardship.

Bill 1, *An Act to Renew Democracy in Alberta*, introduced amendments to the *Election Finances and Contributions Disclosure Act* to provide that only persons ordinarily resident in Alberta may make contributions to political parties, constituency associations, candidates and party leadership contestants. It passed third reading with the unanimous support of the House on June 22, 2015.

The following day Bill 3, *Appropriation (Interim Supply) Act, 2015 (No.2)* passed on division. A full budget for the current fiscal year is expected to be considered during the fall sitting.

The final Government bill of the session was passed on division on June 24, 2015. Bill 2, *An Act to Restore Fairness to Public Revenue*, brought an end to Alberta's 10 per cent flat income tax. The personal income tax rate remains at 10 per cent for those earning less than \$125,000. Those making \$125,000 or more will have an increased progressive tax rate for income above that amount beginning at 12 per cent for income between \$125,000 and \$150,000 with gradual increases up to 15 per cent for incomes of \$300,000 and higher. Corporate taxes will also see a two per cent increase to 12 per cent.

## Committee Activity

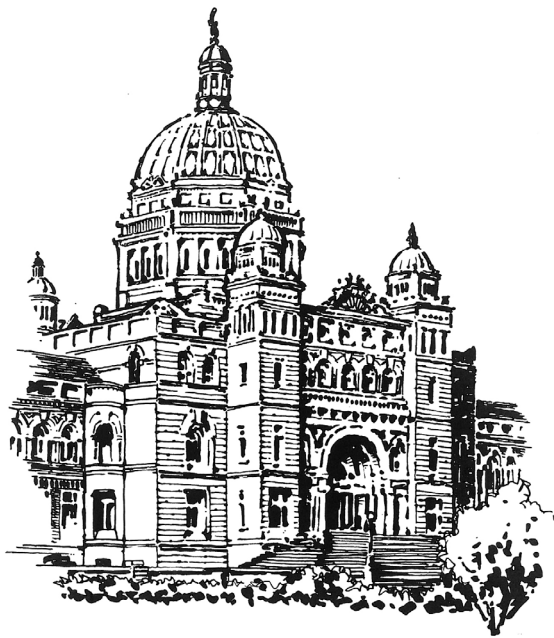
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The Standing Committee on Families and Communities has been charged with conducting a comprehensive review of the changes brought about by the *Mental Health Amendment Act, 2007*. A review of this legislation is required by law and was started in December 2014 by the previous Families and Communities Committee; however, this review was still in the early stages of the process when the provincial election was called. The new committee met on July 16, 2015, and now has one year from this date to complete the new review.

Section 63 of the *Personal Information Protection Act* requires a comprehensive review of the *Act* every five years and provides for an 18-month review period. In compliance with this legislation the Standing Committee on Alberta's Economic Future has been deemed a special committee by the Assembly for the purposes of conducting this review. The Committee began its review on July 14, 2015.

The Assembly has also appointed a 17-member Select Special Ethics and Accountability Committee comprising nine Government Members and eight Opposition Members. The Committee has been given a year to report back to the Assembly with recommendations regarding four pieces of legislation: the *Election Act*, the *Election Finances and Contributions Disclosure Act*, the *Conflicts of Interest Act*, and the *Public Interest Disclosure (Whistleblower Protection) Act (PIDA)*. A comprehensive review of *PIDA* is required by legislation while the scope of review for the remaining three acts is at the discretion of the Committee.

**Jody Rempel**  
Committee Clerk



## British Columbia

The fourth session of the 40<sup>th</sup> Parliament of the Legislative Assembly of British Columbia adjourned for the summer on May 28, 2015. While summer legislative sittings are not common in B.C., the House was recalled for July 13, 2015 and sat for an additional six days in order to consider legislation to enable project development agreements between the Province and Liquefied Natural Gas (LNG) project proponents.

### Legislation

Before adjourning on May 28, a total of 28 government bills received Royal Assent. In addition to bills summarized in the *Canadian Parliamentary Review*, Volume 38, Number 2, legislation this session included:

*Information Management Act* (Bill 5) modernizes information management practices across government with a legislative framework to specifically enable and facilitate electronic information storage. The *Act* also establishes a digital archive to provide greater online public access to government's archival information. The *Act* replaces the *Document Disposal Act*; although that act had been amended over time, it was still largely premised on maintaining paper records.

*Education Statutes Amendment Act, 2015* (Bill 11) amends several acts. The *Teachers Act* is amended to enable the Minister to establish a

more detailed framework and standards for teachers' ongoing professional development. Amendments to the *School Act* provide B.C.'s 60 school boards with clear authority to enter into shared service or alternative service delivery agreements with other boards or public sector entities, as well as granting the Minister power to require school district participation in such arrangements. The amendments also establish powers for the Minister to issue administrative directives to boards on issues such as meeting boards' *School Act* obligations. Amendments also bring the *School Act* into closer alignment with the *Freedom of Information and Protection of Privacy Act* to allow the Ministry of Education to disclose and use student data to improve the Kindergarten to Grade 12 education system (for example, by monitoring outcomes resulting from recent curriculum changes) while also protecting personal privacy.

*Election Amendment Act, 2015* (Bill 20) changes certain deadlines for voter registration and candidate nomination, and it increases the number of advance voting opportunities. Additionally, following an election, the *Act* requires the Chief Electoral Officer to provide upon request by registered political parties a list of all individuals who voted provincially, and upon request by individual candidates, a list of those who voted in the electoral district in which the person is or was a candidate. The *Act* removes the pre-campaign spending limits for political parties and constituency associations. The *Act* also exempts messages transmitted to the public for the sole purpose of encouraging voters to vote in the election from being defined as "election advertising," which is otherwise prohibited from being conducted on general voting day.

*Special Wine Store Licence Auction Act* (Bill 22) provides the government with the authority to conduct an auction under which prospective licence-holders bid on licences needed to sell B.C. wine on grocery store shelves. The opportunity to sell B.C. wine in grocery stores is part of B.C.'s liquor control modernization project. This *Act* was needed to enable the auction because revenues from the auction of licences would be considered a direct tax, requiring Legislative Assembly approval for the government to implement.

In the July sitting, two Government bills were introduced and received Royal Assent.

*Liquefied Natural Gas Projects Agreements Act* (Bill 30) - Following the July 9 public announcement that the Province and Pacific NorthWest LNG signed a project agreement to develop an LNG facility, the government introduced Bill 30 to provide authority for Cabinet to ratify LNG project agreements entered into by the Minister of Finance on behalf of the Province. The *Act* specifies four matters in relation to which the Province grants project proponents an indemnity, essentially establishing that the key conditions in existence at the initiation of the project agreement continue to apply for the term of the project agreement. The key matters relate to the *Liquefied Natural Gas Income Tax Act*, the natural gas tax credit under the *B.C. Income Tax Act*, provisions of the *Carbon Tax Act* specific to LNG, and the greenhouse gas regulatory framework that will be set out under the *Greenhouse Gas Industrial Reporting and Control Act*.

*Ombudsperson Amendment Act, 2015* (Bill 31) makes two specific changes to the *Act* to provide that non-disclosure provisions in another enactment do not apply in respect of an Ombudsperson investigation if the investigation is undertaken as a result of a referral from the Legislative Assembly or one of its committees. These amendments were introduced on July 20, only a few days after the government received correspondence from the Select Standing Committee on Finance and Government Services outlining the Committee's concerns with the *Act*. The amendments were adopted and given Royal Assent on July 21, and they would be brought into force by proclamation. See "Parliamentary Committees Activity" for additional context.

Twenty-five Private Members' Bills and one Private Bill were introduced during the Spring sitting ending on May 28, with an additional four Private Members' Bills introduced in the July sitting.

### Speaker's Ruling

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On July 13, 2015, MLA **Andrew Weaver**, the independent Member for Oak Bay-Gordon Head, sought leave to make a motion under Standing Order 35, which provides for moving adjournment of the House for the purpose of debating a "definite matter

of urgent public importance." Mr. Weaver sought to debate whether MLAs, as legislators, are acting with sufficient urgency to provide leadership in mitigating and adapting to climate change. He argued that it is matter of urgent public importance given the severity of the problem of climate change and given that it is not yet known whether the Legislature will sit in the Fall to provide an opportunity for debate on the question prior to Premier **Christy Clark** representing B.C. at the United Nations Framework Convention on Climate Change meetings in Paris, France in late 2015.

On July 13, 2015, Speaker **Linda Reid** ruled that the matter fails to qualify under Standing Order 35, noting that because a successful application of Standing Order 35 overtakes all other business of the House, there must be no other reasonable opportunity for debate. Further, there must be compelling reasons for suspending all other business for emergency debate and the words "urgent public importance" suggest a sudden or unexpected occurrence.

### Parliamentary Committees Activity

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Eight parliamentary committees and the Legislative Assembly Management Committee were active between May and July of 2015.

On May 26, 2015, the Special Committee to Appoint an Ombudsperson unanimously recommended to the House the appointment of **Jay Chalke** as Ombudsperson to replace incumbent **Kim Carter**, who had indicated she would not seek re-appointment. Mr. Chalke commenced his six-year term on July 1, 2015.

In July, the Select Standing Committee on Finance and Government Services considered a request dated July 3, 2015 from Minister of Health, **Terry Lake**, to make an unprecedented use of a committee's statutory power under the *Ombudsperson Act* to refer a matter to the Ombudsperson for investigation. The Committee held four meetings in July to establish a process and conditions under which the Committee members might agree to refer to the Ombudsperson an investigation into the 2012 termination of a number of Ministry of Health employees.

A central objective of the Committee's decision-making process was to address the Ombudsperson's concerns about his office's legal authority to conduct an effective investigation, and to mitigate other concerns regarding the referral process such that any investigation resulting from a referral on this matter engenders public trust. *Ombudsperson Act*

section 19(2) was raised as a concern since it exempts persons subject to confidentiality or nondisclosure agreements from providing information covered by such agreements to the Ombudsperson, and many or all of the affected employees are bound by various confidentiality agreements relating to their time of employment and possibly in respect of agreements made upon their termination. The government's *Ombudsperson Amendment Act, 2015* (Bill 31) addresses such circumstances under the limited condition that the investigation is being conducted upon referral by the Legislative Assembly or one of its committees. At the time of writing, the Committee's deliberations on the issue are still underway.

The Special Committee on Local Elections Expense Limits completed its second phase of work on June 26, 2015, by making recommendations to the Legislative Assembly for setting limits on what candidates and third-party advertisers can spend in local election campaigns in B.C. An analysis of spending data for more than 3,500 candidates, elector organizations and third-party advertisers was used to inform the Committee's recommendations. As an open data initiative, the Committee posted the spending data on its webpage in the form of a spreadsheet that can be downloaded and manipulated by users.

The Special Committee to Appoint a Merit Commissioner was appointed on May 27, 2015. The Committee must unanimously recommend a person to hold the position of Merit Commissioner under the *Public Service Act* for a three-year term.

The Special Committee to Review the *Freedom of Information and Protection of Privacy Act* was appointed on May 27, 2015 to undertake a comprehensive review of the *Act*, as statutorily required every six years.

Both the Select Standing Committee on Children and Youth and the Select Standing Committee on Health continued their work. In recent months, the committees focused on seeking evidence from expert witnesses on the issues of child and youth mental health services and a sustainable health care system (including improving end-of-life care and dying with dignity) respectively.

### **Commonwealth Parliamentary Association Canadian Regional Conference**

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The Legislative Assembly of British Columbia hosted the 53<sup>rd</sup> Commonwealth Parliamentary Association Canadian Regional Conference and Commonwealth

Women Parliamentarians Conference from July 19 to 24, 2015. The conference theme was *Safe Passage – Secure and Accessible Parliaments*. Approximately 100 delegates attended business sessions with topics such as accessibility within Canadian parliaments, security within parliamentary precincts, and ethics and accountability of Members.

### **Resignation of a Member of the Legislative Assembly**

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MLA **Jenny Wai Ching Kwan** resigned her seat as the Member for Vancouver-Mount Pleasant effective July 8, 2015. Ms. Kwan won the nomination to represent the New Democratic Party of Canada in the federal riding of Vancouver East on March 22, 2015. A by-election in the constituency of Vancouver-Mount Pleasant is expected in the next six months.

**Alayna van Leeuwen**  
Committee Research Analyst



## **House of Commons**

The Second Session of the Forty-First Parliament continued through the months of May and June 2015, with the House adjourning on June 19, 2015. This report covers the months of May, June and July 2015.

### **Legislation**

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Bill C-51, best known by its short title, the *Anti-terrorism Act, 2015*, was concurred in at report stage on May 4, 2015 and read the third time and passed on May 6, 2015, after defeat of a reasoned amendment proposed by **Randall Garrison** (Esquimalt—Juan de Fuca). Passed by the Senate on June 9, 2015, it received Royal Assent on June 18, 2015. The Bill was vigorously opposed by the NDP, filibustering in committee to increase the time allocated to expert witness testimony

on the Bill, and by the Green Party. Opposition to the Bill reflected concerns that the powers granted by it were excessive and the mechanisms for oversight were insufficient.

In response to the use of time allocation by the Government, the opposition parties (in particular, the Official Opposition) made use of delaying tactics such as dilatory motions and reasoned amendments. Examples of the latter are those proposed in connection with third reading of Bill C-51, the *Anti-Terrorism Act, 2015*, on May 6, 2015, with third reading of Bill S-6, *An Act to amend the Yukon Environmental and Socio-economic Assessment Act and the Nunavut Waters and Nunavut Surface Rights Tribunal Act*, on June 5, 2015, with third reading of Bill C-59, *An Act to implement certain provisions of the budget tabled in Parliament on April 21, 2015, and other measures*, on June 15, 2015, and with third reading of Bill S-4, *An Act to amend the Personal Information Protection and Electronic Documents Act and to make a consequential amendment to another Act*, on June 17, 2015.

### Financial Procedures

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On June 8, 2015, the House debated a motion, — That Vote 1, in the amount of \$57,031,359, under THE SENATE — The Senate — Program expenditures, in the Main Estimates for the fiscal year ending March 31, 2016, be concurred in. As references to the Senate are ordinarily excluded from debate in the House of Commons, the debate was punctuated by no fewer than 12 points of order and statements by the Acting Speaker, **Barry Devolin**, on the issues of relevance and the propriety of comments about the Senate.

On June 8, 2015, the Main Estimates and Supplementary Estimates (A) for the fiscal year ending March 31, 2016, were concurred in.

Bill C-59, *An Act to implement certain provisions of the budget tabled in Parliament on April 21, 2015 and other measures*, contained provisions for the establishment of a “Parliamentary Protective Service” with a view to streamlining and enhancing security arrangements in the parliamentary precinct. The Bill received Royal Assent on June 23, 2015.

### Points of Order, Questions of Privilege and Procedure

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#### *Points of Order*

On May 5, 2015, **Peter Julian** (House Leader of the Official Opposition) rose to challenge the legitimacy of

the interruption by the Speaker of two NDP Members who had attempted to ask questions. As this appeared to amount to questioning rulings by the Chair, the Speaker reiterated that the Chair did not permit questions on matters not relevant to the administration of government.

The Thursday Statement is traditionally an opportunity for the opposition to learn of the Government’s intentions regarding the agenda of the House for the coming week. In recent practice, the customary question and response have tended to stray into the expression of opinions on various political and procedural matters. On May 7, 2015, Mr. Julian interrupted **Peter Van Loan** (Leader of the Government in the House of Commons) in order to object to the length of his statement. The Acting Speaker, **Bruce Stanton**, expressed the view that Mr. Van Loan had been wrapping up his comments and was pretty much in proportion, time-wise, to Mr. Julian’s question. Mr. Van Loan pointed out that the past practice of the House had been that the Thursday Question had always been much shorter than the response which was required to list items of business for the coming week.

On May 28, 2015, during debate on the motion for third reading of Bill S-3, *An Act to amend the Coastal Fisheries Protection Act*, Mr. Van Loan proposed a motion for time allocation at report stage and second reading of Bill S-4, *An Act to amend the Personal Information Protection and Electronic Documents Act and to make a consequential amendment to another Act*. **Elizabeth May** (Saanich—Gulf Islands) rose on a point of order to object to the interruption of debate on Bill S-3, charging that the time allocation motion was not relevant to the matter under debate. The Acting Speaker, Mr. Devolin, replied that it was within the Standing Orders and he allowed the question and answer period in respect of the time allocation motion to proceed. It is worthy of note that this was the first occasion on which time allocation was moved for a bill other than the bill being debated.

On June 3, 2015, the Speaker drew attention to the presence in the gallery of His Eminence Cardinal **Raymond Burke**, Cardinal Patron of the Sovereign Order of Malta. Later in the day, **Pierre Dionne Labelle** (Rivière-du-Nord) claimed that his privileges as a parliamentarian had been breached by that recognition as he claimed that Cardinal Burke was “known for spreading homophobia and for his anti-gay campaigns.” The Acting Speaker expressed doubts as to whether this was a point of order; committing to

return to the House with a response if necessary; the Speaker did not do so.

On June 9, 2015, Ms. May rose on a point of order to ask that the Speaker find admissible two of her report stage amendments (Nos. 49 and 116) for Bill C-59. She argued that they concerned matters that had been raised in committee only after the brief opportunity afforded to her to submit amendments there. Ruling that day, the Deputy Speaker stated that, as the rationale for selection of report stage motions cannot be rooted so exclusively in anyone's particular testimony, the two report stage amendments in question should not be selected on the basis of exceptional significance.

### *Privilege*

During the reporting period, the Chair considered two questions of privilege arising from the alleged obstruction by RCMP officers of Members attempting to enter the parliamentary precinct. The first, raised by **Nathan Cullen** (Skeena—Bulkley Valley) on April 30, 2015, was opposed by the Government. A very similar question of privilege was raised by **Craig Scott** (Toronto—Danforth) on May 8, 2015. The Speaker ruled on both simultaneously on May 12, 2015, cautioning the House not to assess such matters on the sole basis of the duration of a delay or impediment as one could easily imagine a situation in which even a very brief obstruction, depending on its severity or nature, could lead a Speaker to arrive at a *prima facie* finding of privilege. Concluding that the broader subject matter of the rights of access of Members merited immediate consideration, Mr. Scott moved a motion referring the matter to the Standing Committee on Procedure and House Affairs. The question being put, the motion was negatived. It is worthy of note that the Committee had recently considered similar questions of privilege.

On May 11, 2015, **Charlie Angus** (Timmins—James Bay) rose on a question of privilege with regard to the alleged inadequacy of the government response to written question Q-1129. The Government had responded that it could not answer the question because it was *sub judice* as it concerned matters which were before the courts. In his ruling, delivered on May 26, 2015, the Speaker concluded that the invocation of the *sub judice* convention in this instance did nothing to alter the very limited role of the Speaker with regard to the answers to written questions. Accordingly, he declined to find that the matter constituted a *prima facie* case of privilege.

## **Committees**

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Although it occurred before the reporting period, it is worthy of note that the 33<sup>rd</sup> Report of the Standing Committee on Procedure and House Affairs concerning electronic petitions was concurred in by the House on March 11, 2015. The result of this was changes to Standing Orders 36, 131. (6) and 133. (4), making detailed provision for the preparation, certification, submission and presentation of electronic petitions.

On June 9, 2015, by unanimous consent, the House concurred in the 38<sup>th</sup> Report of the Standing Committee on Procedure and House Affairs (Code of Conduct for Members of the House of Commons: Sexual Harassment). The Report was the fruit of a study arising from an order of reference to the Standing Committee on Procedure and House Affairs. A Subcommittee on a Code of Conduct for Members (SCCC) was struck which recommended numerous changes to the Standing Orders with a view to appending to them a Code of Conduct for Members of the House with respect to sexual Harassment.

The 21<sup>st</sup> Report of the Standing Committee on Procedure and House Affairs, which had been presented to the House on October 3, 2014, was concurred in on June 17, 2015. The Report recommended changes to Standing Order 4 with a view to using preferential ballots in the election of Speakers and its adoption will modify the manner in which the Speaker will be elected in the 42<sup>nd</sup> Parliament.

The 39<sup>th</sup> Report of the Standing Committee on Procedure and House Affairs, concurred in by the House on June 18, 2015, summarized the Committee's review of the Conflict of Interest Code for Members of Parliament and recommended that in the 42<sup>nd</sup> Parliament, the Committee recommence a comprehensive review of the Code at its earliest opportunity. The Report also proposed a number of specific changes to the Code (e.g. with regard to reporting thresholds) which, pursuant to its adoption, have been made.

## **Private Members' Business**

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Among the private Members' bills which received Royal Assent during the reporting period was Bill C-586, *An Act to amend the Canada Elections Act and the Parliament of Canada Act (candidacy and caucus reforms)*, sponsored by Michael Chong. This enactment amends the *Canada Elections Act* to provide that the chief agent of every party is to report, in writing, to

the Chief Electoral Officer the names of the person or persons authorized by the party to endorse prospective candidates. It also amends the *Parliament of Canada Act* to establish processes for the expulsion and readmission of a caucus member, the election and removal of a caucus chair, leadership reviews, and the election of an interim leader, and to provide that these processes apply to party caucuses that vote to adopt them.

A private Member's motion (M-489) sponsored by **Scott Reid** (Lanark—Frontenac—Lennox and Addington) was adopted by the House on April 7, 2014, referring proposed changes to the Standing Orders to allow the election of Speakers by preferential ballot to the Standing Committee on Procedure and House Affairs. The concurrence of the House in the Committee's subsequent report (see above) effected these changes.

## Other Matters

### *Members*

On May 6, 2015, **Barry Devolin** (Deputy Chair of Committees of the Whole) announced his intention to resign when the House rises in June.

**Patrick Brown** (Barrie) resigned as an MP on May 13, 2015, after winning the leadership of the Ontario Progressive Conservative Party.

### *Statements, Resolutions, Special Debates*

On May 5, 2015, a take note debate was held on "Iran Accountability Week" (Government Business No. 20).

On May 15, 2015, during the time allocated under Standing Order 31 for Statements by Members, **Romeo Saganash** (Abitibi—Baie-James—Nunavik—Eeyou) spoke entirely in Cree (a translation was provided).

A take-note debate on the subject of Members not seeking re-election to the 42<sup>nd</sup> Parliament was held on June 9 and June 10, 2015.

**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**.

In the fiscal year 2015-2016, the total operating expenditure of the Manitoba Government is estimated to be \$12.8 billion, which represents an increase of 2.3 per cent from the 2013-2014 expenditure forecast. Highlights of the government's budget included:

- a new Youth Jobs Strategy and new post-secondary strategy to link advanced learning and jobs
- tax credits to cover costs for firms training young people and 200 more apprenticeship seats in Manitoba's colleges
- the opening of two new QuickCare clinics and the development of health facilities in rural Manitoba.
- investments of more than \$1 billion in projects all over Manitoba and more than \$440 million for municipal priorities
- the removal of an additional 2,000 small businesses from the tax rolls, the expansion the green energy equipment tax credit, and cooperation with the Winnipeg Airport Authority for more direct international flights
- an increase the minimum wage to \$11.00 per hour
- initiatives for families and in communities including an increase to the caregiver tax credit

by 10 per cent, a new child and youth mental health strategy, new supports for foster parents, new resources for Aboriginal-led community organizations, and the creation of 900 new childcare spaces

- the doubling of the Seniors Tax Rebate to \$470

During his contribution to the budget debate on May 1, 2015, Official Opposition Leader **Brian Pallister** moved a motion expressing non-confidence in the government, which stated that the budget neglected the priorities of Manitobans by

- failing to recognize that Manitobans are tired of broken promises such as balancing the budget by 2014 and not raising taxes, not respecting the right to vote on tax increases, and not recognizing that Manitobans want a change for the better;
- failing to recognize that Manitobans are paying more and getting less due to front-line services like health care and education being ranked last, and also due to an average family in Winnipeg having to pay \$3,200 more in provincial taxes than a comparable average family living in Regina; and
- failing to acknowledge that government waste has caused the provincial debt to double since 2008, requiring Manitobans to pay more than \$800 million in debt interest charges, which threatens Manitoba's future as that money cannot be invested to protect essential front-line services, reduce health-care wait times or improve education results for our children.

On May 12, 2015, Mr. Pallister's amendment was defeated on a recorded vote of yeas 19, nays 35, while the main budget motion carried on a recorded vote of yeas 34, nays 20.

In addition to bills introduced last fall, the spring session saw the introduction of 30 government bills addressing a variety of governance areas. Before the adjournment of the House on June 30, 17 bills received Royal Assent, including

- Bill 9 – *The Chartered Professional Accountants Act*, which amalgamated the four existing regulatory bodies for accountants as the "Chartered Professional Accountants of Manitoba"
- Bill 17 – *The Manitoba Public Insurance Corporation Amendment Act*, which permits transferring the weekly indemnity received by a person providing care for a child or an infirm adult, if such a person dies because of an accident
- Bill 22 – *The Red River College Act*, which makes

changes to the Red River College's Board of Governors

- Bill 26 – *The Adult Abuse Registry Amendment Act*, which extends the reporting requirements of the Adult Abuse Registry Committee by demanding that the Committee must report its opinion to the person whose name should be entered in the Adult Abuse Registry, to the official who referred the matter to the committee, and to the former's current or former employer and to his or her governing professional body
- Bill 35 – *The Workers Compensation Amendment Act (Presumption re Post-Traumatic Stress Disorder and Other Amendments)*, which extends applicability of the *Workers Compensation Act* to workers who are exposed to events that trigger post-traumatic stress disorder

Two other noteworthy bills also passed this past spring:

- Bill 43 – *The Independent Officers of the Assembly Appointment Act (Various Acts Amended)* expands the duties of the Manitoba Commissioner for MLA Pay, Allowances and Retirements Benefits appointed under the *Legislative Assembly Act*. The role of the Commissioner is to decide on the pay and benefits for Members of the Assembly and to make regulations to implement those decisions. The bill gives the Commissioner the power to decide on an additional allowance for Members who have a disability, and to determine funding and resources to accommodate those disabilities, as well as the circumstances in which the allowance will be paid
- Bill 42 – *The Independent Officers of the Assembly Appointment Act (Various Acts Amended)* sets time frames for the process used to appoint the independent officers of the Assembly

These two bills form part of a larger agreement between the Government, Opposition, and the independent Member that includes changes to the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba, discussed later in this article.

Finally, six private Members' bills also received Royal Assent on June 30, 2015.

### **Opposition Day Motion**

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On June 9, 2015 **Heather Stefanson** moved an opposition day motion urging that "*Provincial*

Government to request the Auditor General conduct a comprehensive audit of the Investors Group Field construction project.” Following an afternoon of debate the motion was defeated on a vote of yeas 18, nays 30.

### **Committee of Supply**

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The Committee of Supply began consideration of the Estimates of the Departmental Expenditures in May and June. During this period, resolutions to approve departmental spending for certain departments were passed, and in some departments motions to reduce ministers’ salaries were moved and defeated. After June 10, the House set aside consideration of the Estimates to deal with other business and will resume these activities after October 20.

The Committee of Supply also considered and passed supply resolutions dealing with temporary funding for operating and capital expenditures until the Assembly deals with the main supply bills later this session. As a result, Bill 44 – *The Interim Appropriation Act, 2015* received Royal Assent on June 30, 2015.

### **Standing committees**

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The Standing Committee on Legislative Affairs met in early June to consider the report of its sub-committee regarding the Auditor General hiring process and to make a recommendation. This committee also met to begin consideration of the Report and Recommendations of the Judicial Compensation Committee.

In addition, the Standing Committee on Social and Economic Development met on four occasions to hear public presentations and consider a total of 19 bills.

The Public Accounts Committee met twice since our last submission to consider Auditor General’s reports covering a variety of topics, including: the North Portage Development Corporation; issues regarding rural municipalities; the Lake Manitoba Financial Assistance Program; and a follow-up of previously issued recommendations on special audits relating to: rural municipalities; contaminated sites and landfills; and food safety.

Finally, the Standing Committee on Rules of the House met on June 26 to consider proposed amendments to the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba. Those amendments are described in a later section of this article.

### **Sessional agreement and government motion on sitting days for 2015-2016**

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On June 29, 2015, the House passed a government motion which stated that after the House rose on June 30, the session would reconvene during the following periods:

on October 20, 2015, to meet until November 5, 2015;

on November 16, 2015, to meet until December 3, 2015; and

on February 24, 2016, to meet until March 15, 2016.

Also on June 29, the Opposition House Leader tabled a sessional agreement outlining the following understandings reached by the House Leaders and the independent Member:

the business of supply, including the passage of *The Budget Implementation and Tax Statutes Amendment Act (BITSA)* must be completed by November 5, 2015;

the independent Member will be able to bring a private Member’s bill forward without requiring a seconder;

intersessional committee meetings will be held in September on government bills that passed second reading by June 30, 2015; and

standing committee meetings will be held for all Crown corporations before November 5, 2015.

### **Rule changes**

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As noted above, this session the Legislative Assembly adopted a series of changes to its Rules, Orders and Forms of Proceeding. As a result of several weeks of negotiations between all parties, a document titled *Legislative Assembly of Manitoba Rule Change Proposals – June 2015* was prepared by Clerk **Patricia Chaychuk** and Deputy Clerk **Rick Yarish**, following the directions of Members. The document was presented to the Standing Committee on the Rules of the House on June 26, and during the meeting chaired by Speaker **Daryl Reid**, members considered and passed all proposed changes.

The Committee report was presented to the House the following Monday, June 29, and by leave the House agreed to amend the report itself. Following the passage of this amendment, the Government House Leader moved by leave to concur in the Rules Committee Report as amended. With the passage of the concurrence motion the House officially adopted these changes to its rules. Some of these changes will take effect in October 2015, while others will come into effect following the next provincial general election in April 2016.

Key changes include:

- a sessional calendar that creates three distinct House sittings periods: November, spring, and fall;
- the creation of two categories of bills – specified and designated – with defined deadlines for the completion of all stages of these bills by either the end of the spring sittings or the fall sittings;
- the requirement that the government to identify the reason for an emergency recall of the House and a limit of three weeks for an emergency recall session;
- the removal of the ability of MLAs to challenge Speaker's rulings on points of order, with the same provision to apply to Chairs of Committees of the Whole and Supply;
- a prohibition on raising points of order and matters of privilege during Oral Questions;
- the introduction of question periods during debate on bills and private Members' resolutions to allow MLAs to query the sponsor;
- a reduction in the number of days of debate and speaking times for the Throne Speech and Budget debates;
- modifications to the order of the items under Routine Proceedings;
- a provision to allow the selection of certain private Members' bills to come to a vote;
- a prohibition on Standing Committees meeting intersessionally to hear public presentations on legislation during the months of January, February, June, July and August; and
- a requirement for the Public Accounts Committee to meet nine times annually and for the Rules Committee to meet twice every year.

To see the complete description of these rule changes and the verbatim transcript of the meeting of the Standing Committee on the Rules of the House, please visit:

[http://www.gov.mb.ca/legislature/hansard/40th\\_4th/hansardpdf/rh1.pdf](http://www.gov.mb.ca/legislature/hansard/40th_4th/hansardpdf/rh1.pdf)

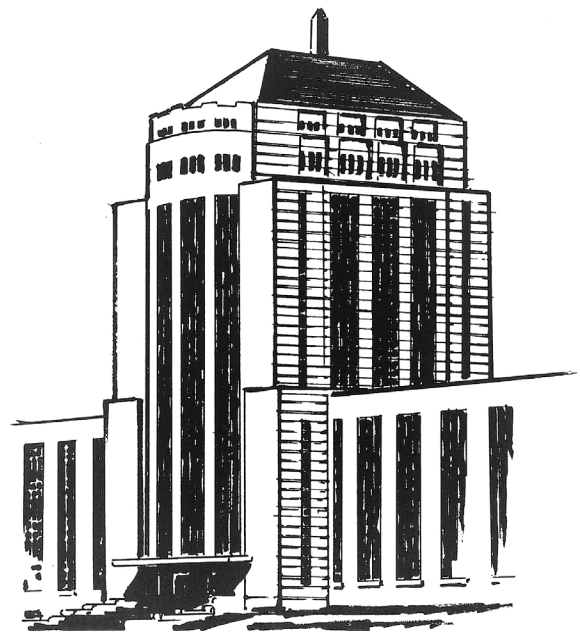
Additional discussions on further rule changes are scheduled for next September and October.

### Current party standings

The current party standings in the Manitoba Legislature are NDP 37, Progressive Conservatives 19, and one Liberal member.

**Andrea Signorelli**

Clerk Assistant/Clerk of Committees



## Newfoundland and Labrador

The Fourth Session of the Forty-Seventh General Assembly opened on April 21 with the Speech from the Throne. In the Newfoundland and Labrador House of Assembly, Bill 1 which is sometimes referred to as the "Privilege Bill," is an actual bill. In this Session it was the bill entitled *An Act To Provide The Public With Access To Information And Protection Of Privacy*.

Pursuant to section 74 of the predecessor legislation the *Access To Information And Protection Of Privacy Act*, the Minister responsible referred the legislation for review to a committee headed by former Premier Clyde K. Wells.

The Committee reported on March 3, 2015. The report included 90 recommendations and a draft bill to replace the earlier legislation. One of the recommendations, which is of interest from a procedural point of view, provides that the Information and Privacy Commissioner, appointed by the Lieutenant Governor in Council by Resolution of the House of Assembly, may be re-appointed by resolution of the House but re-appointment would require separate majorities of the Government and Opposition Members.

The new legislation received Royal Assent on June 1.

### **Electoral Boundaries Commission report**

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The Electoral Boundaries Commission, appointed on February 13 following the passage of an amendment to the *Electoral Boundaries Act* in January, reported on June 8. The amendment provided for the redistribution of the provincial electoral districts a year earlier than was mandated by the *Act*. The Commission recommended the reduction of the number of seats in the House from 48 to 40. The *House of Assembly Act* amendment introduced to give effect to the boundary changes was passed on June 18.

The amendment included provisions to set an alternative date for the fixed general election in 2015 as a result of an overlap with the federal election; to establish a mechanism for resolving future overlaps between federal and provincial elections; and to provide for an exception to the requirement to hold a by-election where a seat in the House of Assembly becomes vacant six months or less before the day a general election is required to be held.

On June 8 Premier **Paul Davis** announced that the provincial general election would take place on November 30.

### **Resignation**

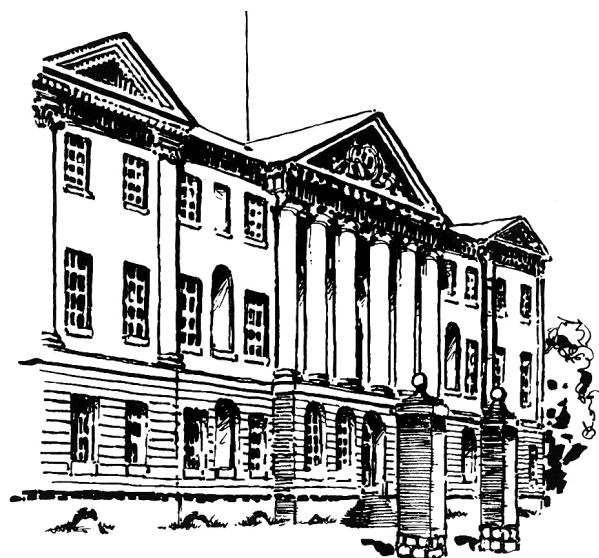
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**Kevin O'Brien**, MHA for Gander, resigned his seat on July 3 to contest the federal riding of Coast of Bays-Central-Notre Dame.

The House passed 13 bills during the spring sitting, including the main supply bill in the amount of \$4,757,760,300.

The House adjourned on June 23 *sine die*.

**Elizabeth Murphy**  
Clerk Assistant



## **Nova Scotia**

### **Spring sitting 2015**

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The spring sitting commenced on March 26, 2015 and ended on May 11, 2015.

During this sitting 29 government bills were introduced and 26 government bills received Royal Assent. The remaining three government bills were left on the Order Paper – two received second reading and one was introduced on the last day of the Spring sitting.

The *Financial Measures (2015) Act* was the subject of approximately 22 hours of debate in the House during the spring sitting. Five recorded votes were taken during the hours of debate. The debate centered on the film industry tax credit cut, a topic that the industry kept in the public eye through the media and by organized public protests during the debate.

Two private and local bills received Royal Assent during the sitting.

During the sitting, 19 private Members' bills were introduced, none was passed by the House, and they remain inscribed on the Order Paper.

### **By-elections**

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There were three vacant seats in the House of Assembly during much of the Spring sitting. On June 13

by-elections were called for July 14, 2015. The Sydney-Whitney Pier seat, previously held by **Gordie Gosse** for the NDP, was won by **Derek Mombourquette** for the Liberals. The Cape Breton Centre seat, previously held by **Frank Corbett** for the NDP, was won by **David Wilton** for the Liberals. The Dartmouth South seat, previously held by **Allan Rowe** for the Liberals, was won by **Marian Mancini** for the NDP.

The current party standings in the House are: Liberals 34, PC 10, NDP 6 and 1 Independent. There are 36 male MLAs and 15 female MLAs.

### Cabinet Shuffle

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On July 24, 2015, Premier **Stephen McNeil** announced changes to the Executive Council. This was the first Cabinet shuffle since the Liberal government was elected in October 2013.

The changes are as follows:

**Diana Whalen** is no longer Minister of Finance and Treasury Board. She became Attorney General and Minister of Justice and retains her position as Deputy Premier

**Randy Delorey** is no longer Minister of Environment. He became Minister of Finance and Treasury Board and retains his position as Minister of Gaelic Affairs

**Karen Casey** is no longer Minister responsible for Youth. She became Chair of Treasury and Policy Board and retains her position as Minister of Education and Early Childhood Development

**Kelly Regan** became Minister responsible for Youth and retains her position as Minister of Labour and Advanced Education

**Andrew Younger** returns to Cabinet as Minister of Environment

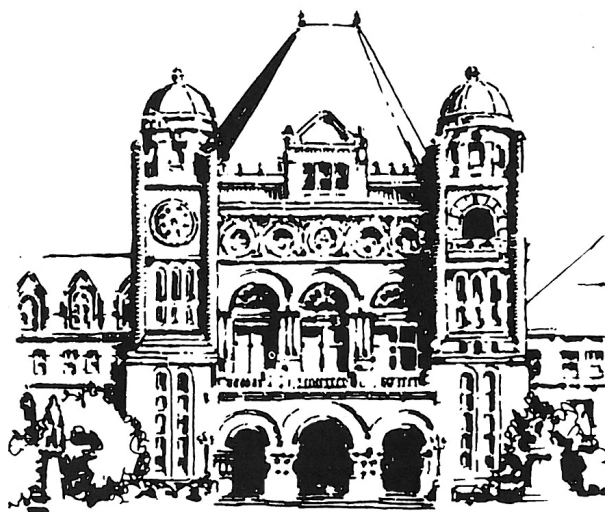
**Michel P. Samson** is no longer Minister of Communications Nova Scotia; he retains his positions as Minister of Energy and Minister of Acadian Affairs

**Zach Churchill** is no longer Minister of Natural Resources; he became Minister of Municipal Affairs and Minister of Communications Nova Scotia

**Lena Metlege Diab** is no longer Attorney General and Minister of Justice; she retains her position as Minister of Immigration

**Lloyd Hines** became a member of Cabinet as Minister of Natural Resources.

**Annette M. Boucher**  
Assistant Clerk



## Ontario

### Budget

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On April 23, 2015, Finance Minister **Charles Sousa** presented Ontario's 2015 Budget, which carried by a vote of 55 to 44 on May 12, 2015.

### New Leader of the Progressive Conservative Party

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**Patrick Brown**, federal Conservative MP from Barrie (2006-2015), was elected as the new Leader of the Progressive Conservative Party of Ontario on May 9, 2015. The Party had appointed Interim Leader **Jim Wilson** (Simcoe-Grey) following former Leader **Tim Hudak's** (Niagara West-Glanbrook) resignation last summer. After winning his party's leadership, Mr. Brown resigned his seat in the House of Commons on May 13, 2015, and has said he will seek a seat in the Ontario Legislature at the earliest opportunity. Mr. Wilson continues to serve as Leader of the Official Opposition.

## Address to the House by the Premier of Quebec

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With unanimous consent of the House, on May 11, 2015, the Speaker of the Legislative Assembly of Ontario adjourned the House during pleasure for the purpose of permitting an address to the House. **Philippe Couillard**, Premier of Quebec, addressed the Members of the Ontario Legislature from the floor of the Chamber. His address focused on the importance of the Ontario-Quebec relationship and on the value of partnership. The last time a Quebec premier addressed the Assembly was in the 1960s: **Antonio Barrette** in April 1960, followed by **Jean Lesage** in February 1964.

Each leader with recognized party status was allotted a reply. All remarks were delivered from the lectern at the head of the Clerk's Table. Mr. Brown, the new leader of the Progressive Conservative Party and who did not hold a seat in the legislature, was given unanimous consent to enter the floor of the Chamber for his remarks in reply.

## Ombudsman and Environmental Commissioner

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With unanimous consent of the House, the term of Ontario's Ombudsman, **André Marin**, was extended to September 14, 2015, or until the effective date of appointment of a permanent Ombudsman on an address of the Assembly. Mr. Marin has been the Ombudsman of Ontario since 2005.

Also, with unanimous consent, the House appointed Deputy Environmental Commissioner **Ellen Schwartzel** as the Environmental Commissioner for the summer while two all-party panels consider the selection of an Ombudsman and an Environmental Commissioner for new five-year terms.

## Timetable motion

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On June 2, 2015, the House passed a motion to apply a timetable to certain business of the House. Under this timetable motion, four government bills will be reviewed in Committee and in the House this fall.

## Royal Assent in the Chamber

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During the spring session, a total of 30 bills received Royal Assent, including 11 government bills, 10 private Members' public bills and nine private bills.

On the last day of the spring sitting, Her Honour the Lieutenant Governor of Ontario, **Elizabeth Dowdeswell**, entered the chamber for a traditional

ceremony of Royal Assent. This was the first time the newly appointed Lieutenant Governor approved the passage of bills in the Chamber.

## Committee activities

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### *Standing Committee on Finance and Economic Affairs*

The Standing Committee on Finance and Economic Affairs considered a number of bills during this Spring session, including the Budget Bill (Bill 91, *An Act to implement Budget measures and to enact and amend various Acts*) that enacted and/or amended 45 various acts. After four days of public hearings and one day of clause-by-clause consideration, the Committee reported this bill with certain amendments back to the House where it was given third reading and received Royal Assent on June 4, 2015.

### *Standing Committee on Justice Policy*

The Standing Committee on Justice Policy reviewed Bill 49, *An Act with respect to immigration to Ontario and a related amendment to the Regulated Health Professions Act, 1991*. The bill supplements Ontario's Immigration Strategy with the intention of growing a stronger economy and also amends the *Regulated Health Professions Act, 1991*, to allow for the making of regulations to require a college of a health profession to make registration decisions within a reasonable time. The bill was reported back with amendments on May 4, 2015 and received Royal Assent on May 28, 2015.

On June 3, 2015, the House passed a time-allocation motion authorizing the Committee to hold both public hearings and clause-by-clause consideration of Bill 77, *An Act to amend the Health Insurance Act and the Regulated Health Professions Act, 1991 regarding efforts to change or direct sexual orientation or gender identity*. The bill, a private Members' public bill sponsored by **Cheri DiNovo**, MPP for Parkdale – High Park, was reported back to the House on June 4, 2015, with amendments including a change to the long title to reflect changes made to the bill by the Committee. With unanimous consent, it received third reading and Royal Assent the very same day and in time for Toronto's Gay Pride celebrations. As a result of the passing of this bill, it is now prohibited to provide services that seek to change the sexual orientation or gender identity of patients less than 18 years of age, and such treatments will no longer be an insured service under the *Health Insurance Act*.

### *Standing Committee on General Government*

From May to July 2015, the Standing Committee on General Government considered Bill 6, *An Act to enact the Infrastructure for Jobs and Prosperity Act, 2015*. The bill would, among other provisions, compel the government and every broader public sector entity to consider a specified list of infrastructure planning principles when making decisions respecting infrastructure. The Committee reported the bill as amended on June 2, and the bill received Royal Assent on June 4, 2015.

On June 3, the Committee considered its first private Member's public bill of the Session: Bill 30, *An Act to require the establishment of an advisory committee to make recommendations to the Minister of Transportation and the Minister of Community Safety and Correctional Services for the improvement of highway incident management*. The bill, introduced by **Gila Martow**, MPP for Thornhill, has undergone public hearings and clause-by-clause consideration is expected to take place in the fall.

### *Standing Committee on the Legislative Assembly*

As a part of its permanent order of reference, the Standing Committee on the Legislative Assembly has the ability to review the Standing Orders without a referral from the Legislature. The Committee has been conducting a review of petition procedures at the Legislature, giving specific consideration to the possibility of implementing electronic petitions (e-petitions). To further its study, invitations to appear before the Committee were extended to several experts in the field, including **Nelson Wiseman** and representatives from Samara Canada. The Committee will be resuming consideration of petition procedures following the summer recess.

### *Standing Committee on Public Accounts*

During this period, the Standing Committee on Public Accounts tabled two reports on the following sections of the *2013 Annual Report of the Office of the Auditor General*: section 3.02 (Health Human Resources); and section 3.05 (Ontario Power Generation Human Resources).

The Committee also tabled three reports on the following sections of the *2014 Annual Report of the Office of the Auditor General*: section 3.03 (Financial Services Commission of Ontario - Pension Plan and Financial Service Regulatory Oversight), section 3.05 (Infrastructure Ontario - Alternative

Financing and Procurement) and section 4.11 (University Undergraduate Teaching Quality). The Committee considered section 3.11 (Smart Metering Initiative) of the *2014 Annual Report*.

### *Standing Committee on Social Policy*

During the months of May and June, the Standing Committee on Social Policy considered two government bills, both under time-allocation motions from the House. The Committee first considered Bill 57, *An Act to create a framework for pooled registered pension plans and to make consequential amendments to other Acts*. The bill provides a legal framework for the establishment and administration of a type of pension plan that is accessible to employees and self-employed persons and that pools the funds in Members' accounts to achieve lower costs in relation to investment management and plan administration. It was reported to the House with certain amendments, passed third reading, and received Royal Assent.

The Committee then considered Bill 80, *An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act and the Animals for Research Act with respect to the possession and breeding of orcas and administrative requirements for animal care*. Bill 80 amends the *Ontario Society for the Prevention of Cruelty to Animals Act* to prohibit the possession or breeding of orcas in Ontario. The bill provides two exceptions: persons who possess an orca on the day before the bill is introduced may continue to possess the orca; and persons who first possess an orca on or after the bill is introduced, and before it receives Royal Assent, may continue to possess the orca for six months after the bill receives Royal Assent. The bill was reported to the House without amendment, passed third reading, and received Royal Assent.

Under a timetable motion from the House, the Committee also considered Bill 27, *An Act to require a provincial framework and action plan concerning vector-borne and zoonotic diseases*. Bill 27 is a private Member's public bill introduced by **Toby Barrett**, MPP for Haldimand-Norfolk. The bill was reported to the House with certain amendments, including a title change to reflect changes made to the bill by the Committee. It requires the Minister of Health and Long-Term Care to develop a provincial framework and action plan that establishes a provincial surveillance program, standardized educational materials and guidelines regarding the prevention, identification, treatment and management of emerging vector-borne diseases.

### *Select Committee on Sexual Violence and Harassment*

The Select Committee on Sexual Violence and Harassment held public hearings in Toronto from March 4 to May 13, 2015 and travelled to Ottawa, Kingston, Kitchener-Waterloo and Windsor during the week of May 18, 2015. During the summer adjournment, the Committee tabled its *Interim Report*, which summarizes major themes the Committee received through witness testimony and written submissions. When the House resumes this fall, the Committee intends to develop recommendations for its final report which is expected to be tabled by December 10, 2015.

**Tamara Pomanski**  
Committee Clerk



## Prince Edward Island

### Provincial general election

The provincial general election was held on May 4, 2015. There were a total of 100,162 confirmed electors and 82,340 votes cast, which translates to a voter turnout of 82.2 per cent, an increase over the 2011 provincial election. In the three advance polls, a total of 28,897 people voted. Prince Edward Island typically enjoys high voter participation, ranging from a low of 76.2 per cent in the 2011 election to 87.6 per cent in the provincial general election of 1986. Several seats were won by 30 votes or fewer, and there were two judicial recounts undertaken.

The district of Charlottetown-Brighton, previously held by former Premier Robert Ghiz, was won by Jordan Brown, who held the seat for the Liberal Party. Following a recount, Provincial Court Judge **Nancy**

**Orr** determined that he received 22 votes more than Progressive Conservative Party Leader, **Rob Lantz**. Even closer was the result in District 5, Vernon River-Stratford, where just two votes separated the top two candidates. Following a judicial recount, the margin disappeared and Chief Provincial Court Judge **John Douglas** declared the number of ballots equal at 1,173 each for **Mary Ellen McInnis** and **Alan McIsaac**. As provided for in the *Elections Act*, the returning officer conducted a coin toss which was won by **Alan McIsaac**, who had held the seat at dissolution of the Sixty-fourth General Assembly.

Overall, Premier **H. Wade MacLauchlan** led the PEI Liberal Party to win a majority government with 18 seats. The Progressive Conservatives secured eight seats in the Legislative Assembly. Green Party Leader **Peter Bevan-Baker** made history by winning District 17, Kellys Cross-Cumberland.

### New Speaker

**Francis (Buck) Watts** was elected Speaker in June 2015. There were four candidates for the Speakership. The secret ballot election required two ballots, as a clear majority was not achieved on the first ballot.

Mr. Watts has represented the constituency of Tracadie-Hillsborough Park since his election in May 2007. He was subsequently re-elected in the 2011 and 2015 provincial general elections. He has served as a member of the Standing Committee on Agriculture, Environment, Energy and Forestry; Standing Committee on Fisheries, Transportation and Rural Development; and was Vice Chair of the Standing Committee on Public Accounts from 2007 until dissolution of the Sixty-fourth General Assembly in April 2015.

Mr. Watts is a lifelong resident of Grand Tracadie. He was a successful fisherman and businessman and is well known as a community volunteer. He was the co-founder and Chair of the Grand Tracadie Community Council and played an integral part in building a baseball diamond and hockey rink in his community. He helped make the PEI Fisherman's Association a stronger organization assisting and supporting fishers in the industry. He is also an honorary member of the Canadian Council of Professional Fish Harvesters.

### New Deputy Speaker

**Sonny Gallant** (Evangeline-Miscouche) was appointed, by motion of the Premier, seconded by the

Leader of the Opposition, to be Deputy Speaker of the House on June 3, 2015. Mr. Gallant was first elected to the Legislative Assembly of Prince Edward Island in the provincial election held on May 28, 2007, and was re-elected in 2011 and 2015. He served as Government House Leader from January 2010 until the dissolution of the Sixty-fourth General Assembly in April 2015. He has extensive experience serving on the standing committees of the Legislative Assembly and is currently a member of the Standing Committee on Education and Economic Development; the Standing Committee on Infrastructure and Energy; the Standing Committee on Public Accounts; and the Standing Committee on Rules, Regulations, Private Bills and Privileges.

He is a business person, community leader, and coach. He is Past Chair of the Miscouche Community Council; Past Director of the Acadian Purchase Trust; a member of the Board of Directors of the Miscouche Legion Senior Citizens Home and was a leader with the Scout Movement. He has also served on the Board of Directors of the Prince Edward Island Federation of Municipalities.

### New Cabinet

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Premier MacLauchlan was sworn in as Premier of Prince Edward Island on May 20, 2015. His nine-member cabinet is the smallest in number than in recent history and reflects a realignment of departments and responsibilities. Premier MacLauchlan said that “government departments will be better aligned to implement key policies in government’s new mandate with a focus on people, prosperity and engagement.”

The following Members were named to Executive Council:

- **H. Wade MacLauchlan**, Premier, President of the Executive Council, Minister of Justice and Public Safety and Attorney General, Minister Responsible for Intergovernmental Affairs, Minister Responsible for Aboriginal Affairs, and Minister Responsible for Acadian and Francophone Affairs
- **Richard E. Brown**, Minister of Workforce and Advanced Learning
- **Doug W. Currie**, Minister of Health and Wellness, and Minister of Family and Human Services
- **J. Alan McIsaac**, Minister of Agriculture and Fisheries
- **Allen F. Roach**, Minister of Finance
- **Paula J. Biggar**, Minister of Transportation, Infrastructure and Energy
- **Robert J. Mitchell**, Minister of Communities,

Land and Environment

- **J. Heath MacDonald**, Minister of Economic Development and Tourism
- **Tina M. Mundy**, Minister of Education, Early Learning and Culture; and Minister Responsible for the Status of Women

The following day, May 21, 2015, Ms. Mundy resigned from Executive Council, citing a personal financial matter. **Hal Perry**, MLA for Tignish-Palmer Road, was named to Executive Council as Minister of Education, Early Learning and Culture. Ms. Biggar has assumed responsibilities as Minister Responsible for the Status of Women.

### Opening of the Sixty-fifth General Assembly

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The First Session of the Sixty-fifth General Assembly opened on June 3, 2015, with the Speech from the Throne delivered by **H. Frank Lewis**, Lieutenant-Governor of Prince Edward Island. Highlights of the Speech included the government’s intention to table a white paper on democratic renewal to engage Islanders in the democratic process; other plans included improving access to medications by capping the cost of generic drugs at \$20 for uninsured Islanders under the age of 65, investing \$1 million in a rural paramedicine pilot program whereby paramedics will visit seniors in their homes, launching a new youth mental health unit, and actively advancing Prince Edward Island as “Canada’s Food Island.” As well, the government indicated that it is aiming for a balanced budget in 2016-2017.

### Recognition of the Third Party

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On June 4, 2015, Speaker Watts advised the Members of the Legislative Assembly that he was in receipt of correspondence from Mr. Bevan-Baker requesting that he be recognized as Leader of the Third Party within the Legislative Assembly and that he was prepared to do so based on the clear precedent established in 1997, when New Democrat **Herb Dickieson** was accorded third party status, and the Rules of the Legislative Assembly. The Speaker also cited that the Member had been the leader of the Green Party, a registered political party in the province, since 2012; and that the Member offered, and was elected, in the May general election as the leader of his party. Additional funding for staff, as well as specific time allotments during the Ordinary Daily Routine, and membership on the Standing Committee on Legislative Management, are accorded to the Leader of the Third Party.

## White Paper on Democratic Renewal

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On July 9, 2015, Premier MacLauchlan tabled a White Paper on Democratic Renewal encouraging all Islanders to engage in a discussion on how to best strengthen the democratic institutions of the province, following up on a commitment made in the Speech from the Throne to “initiate and support a thorough and comprehensive examination of ways in which to strengthen our electoral system, our representation, and the role and functioning of the Legislative Assembly.”

The White Paper presents three sets of topics for discussion and decision: the method of how Islanders vote; the number and distribution of seats in the Legislative Assembly; and opportunities to enhance election laws and representation in the Legislative Assembly. Most recent discussions on electoral reform on Prince Edward Island and across Canada have focused on a choice between the status quo – First Past the Post – and Proportional Representation.

The white paper presents a third option: the preferential ballot. Following extensive public engagement, a plebiscite will be held in 2016 on the three options. A special committee of the Legislative Assembly was struck on July 9, 2015, to engage with Islanders on electoral reform and has been asked to present an interim report by November 30, 2015, to clarify the question to be posed in a plebiscite. It is expected that the committee will then continue to engage Islanders and present a final report during the spring 2016 sitting.

Additionally, the paper proposes a modified return to the dual-riding format that existed in Prince Edward Island prior to 1993. Specifically, the White Paper puts forward 24 seats in the Legislative Assembly that would be elected under the existing model, and an additional four seats that would follow the boundaries of the four federal ridings. It also identifies related issues of electoral reform that may be timely for consideration, notably election spending and financing, and the representativeness of the Legislative Assembly. The White Paper on Democratic Renewal can be found at [www.gov.pe.ca/democraticrenewal](http://www.gov.pe.ca/democraticrenewal).

## Appointments of independent officers

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**Karen A. Rose** was appointed Information and Privacy Commissioner for a five-year term effective June 22, 2015. Ms. Rose has previous experience in the role as she was appointed Prince Edward Island’s

first Information and Privacy Commissioner under the *Freedom of Information and Protection of Privacy Act* on November 19, 2002, and Acting Information and Privacy Commissioner from May 2006 to May 2008. She also worked as Supernumerary Information and Privacy Commissioner in 2011. Ms. Rose was called to the Bar of Prince Edward Island in May 1994, and obtained a Master of Business Administration degree in 2010. She has practised law in the private sector in both Summerside and Charlottetown.

As previously reported, **John A. McQuaid**, retired Justice of the Prince Edward Island Court of Appeal, was appointed acting Conflict of Interest Commissioner on March 10, 2015. His appointment, for a five-year term, was made permanent on June 18, 2015. Mr. McQuaid practised law for 20 years prior to becoming justice of the Court of Appeal, a position he held from 1993 until his retirement in 2013.

## Legislative highlights

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A total of 19 bills received Royal Assent during the sitting, including amendments to the *Highway Traffic Act* that toughen penalties for those caught driving while using handheld communication devices. The penalty for operating a vehicle while using such a device is now \$500-\$1,200, and five demerit points, up from three. New drivers will have their license suspended (30 days for a first offence; and 90 days for a subsequent offence) if convicted.

## Budget

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The Minister of Finance brought down his first budget on June 19, 2015. “Islanders expect and deserve a fiscally responsible government, and we are leading by example and living within our means,” Mr. Roach said. “This budget focuses on programs and services Islanders depend on while encouraging economic growth that will raise additional revenue for these services.” Highlights included the launch of the PEI Generic Drug Program, an additional \$500,000 for enhanced home care for the elderly and an expansion of the seniors’ mental health resource team, a doubling of the funding for breakfast programs in schools, and a drop or elimination of provincial income tax for 12,000 residents by adjusting credit levels and increasing the threshold at which Islanders can keep full credits. Revenues are expended to grow in 2015-16 by 1.4 per cent while expenditures will be held to 0.5 per cent. The province’s consolidated deficit is projected to be \$20 million. Health continued to account for the largest share of provincial expenditure at just under \$600

million, followed by Education and Early Learning at almost \$236 million. Overall, the provincial budget anticipates expenditures of \$1.67 billion this fiscal year.

### Annual Statistical Review

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The 2014 Annual Statistical Review was released on June 24, 2015. It provides an important snapshot of the province's population and economy. The Island population is 146,283, an increase of 0.5 per cent; 2014 economic growth was 1.3 per cent; and employment averaged 74,000. Labour income increased by 1.7 per cent, while the consumer price index increased by 1.6 per cent. With regard to the primary industries, lobster landings reached an all-time high of 29.8 million pounds (valued at \$113.3 million) and farm cash receipts were valued at \$488 million.

### Order of Prince Edward Island

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This year's recipients of the Order of Prince Edward Island were announced on June 26, 2015, by the Chancellor of the Order, the Lieutenant Governor of Prince Edward Island, and **Charles Curley**, Chair of the Order of Prince Edward Island Advisory Council. The three Islanders selected to receive the honour were **Bill Campbell**, **Gerald Dixon** and **Charles Trainer**. A total of 51 individuals were nominated to receive this award, which is the highest honour that can be accorded to a citizen of the province. Insignia of the Order will be presented at a special investiture ceremony in September.

**Marian Johnston**

Clerk Assistant and Clerk of Committees



## National Assembly

### Extraordinary sitting

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At the request of Premier **Philippe Couillard**, the Assembly held an extraordinary sitting on April 20, 2015, to complete the examination of Bill 28, *An Act mainly to implement certain provisions of the Budget Speech of June 4, 2014 and return to a balanced budget in 2015–2016*. This bill had reached the clause-by-clause consideration stage in committee and was passed on the following recorded division: Yeas 64, Nays 43, Abstentions 0.

### Composition of the National Assembly

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On April 7, 2015, **Gérard Deltell**, of the Coalition Avenir Québec party, handed in his resignation as Member for Chauveau.

On June 8, 2015, by-elections were held in the electoral divisions of Jean-Talon and Chauveau, which had become vacant following the resignations of

**Yves Bolduc** and of Mr. Deltell. Québec Liberal Party candidate **Sébastien Proulx** was elected in Jean-Talon, and another Liberal candidate, **Véronique Tremblay**, was elected in the electoral division of Chauveau. The new Members will make their official entry into the House when the Assembly resumes on Tuesday, September 15, 2015.

The composition of the National Assembly now stands as follows: 71 Members of the Québec Liberal Party, 30 Members of the Parti Québécois, 21 Members of the Coalition Avenir Québec, and 3 Members under the banner of Québec Solidaire.

### **Parti Québécois leadership election**

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On May 15, 2015, the results of the Parti Québécois leadership election were announced. The first ballot results confirmed the election of **Pierre Karl Péladeau**, Member for Saint-Jérôme, as leader of the Parti Québécois. He became Leader of the Official Opposition, thus replacing **Stéphane Bédard**, who had been interim Leader since April 23, 2014. Mr. Bédard is now the Official Opposition House Leader.

### **Estimates of expenditure and passage of Appropriation Act No. 2, 2015-2016**

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On April 21, 2015, the Assembly concluded the debate on the budget speech and held recorded divisions on the budgetary policy of the Government and on the motions stating a grievance. On May 6 2015, the Members examined the Assembly's estimates of expenditure in committee of the whole, and on the following day they adopted the estimates of expenditure for 2015-2016 and passed Bill 45, *Appropriation Act No. 2, 2015-2016*.

### **Bills passed**

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Sixteen bills were passed between April and June 2015. It should be noted that many hours were devoted to the passage in principle and clause-by-clause consideration in committee of Bill 37, *An Act to confirm that the cement plant and maritime terminal projects in the territory of Municipalité de Port-Daniel-Gascons are subject solely to the authorizations required under section 22 of the Environment Quality Act*.

### **Special events**

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On June 2, 2015, the National Assembly suspended its regular proceedings to pay tribute to **Jacques Parizeau**, former Premier of Québec, who had passed

away the previous day. On this occasion, a motion to honour Mr. Parizeau was moved by Mr. Péladeau. This motion also recommended that the building housing the Head Office of the Caisse de dépôt et placement du Québec in Montréal henceforth be called Édifice Jacques-Parizeau to honour his memory. Several parliamentarians took the floor after the Premier and the opposition party leaders had addressed the National Assembly. The House then adjourned until the following day.

Mr. Parizeau's body lay in state in the Parliament's Legislative Council Chamber on June 7, 2015. On June 9, 2015, the Assembly immediately adjourned its proceedings following an agreement to that effect since several parliamentarians had notified the Chair that they would be absent because they would be attending the state funeral in Montréal.

### **Rulings from the Chair**

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The Chair ruled on one point of privilege or contempt during this sessional period. On May 5, 2015, the President gave a ruling on the point raised by the Official Opposition House Leader in which she alleged that four school boards had acted in contempt of Parliament by invoking the provisions of a bill in order to increase their childcare fees before the bill was passed by the Assembly.

After analyzing the provisions of the bill and the documents submitted, and in light of the arguments submitted to the Chair, the President noted that the fees for childcare at school were not established by the *Act* that was amended by the bill, but rather by a separate *Act* and budgetary rules. Therefore, in keeping with jurisprudence, the President could not conclude that the school boards that had increased their childcare fees before passage of the bill did so under its provisions. The complaint was therefore non-receivable.

Among the other rulings from the Chair, we should also note the ruling handed down on April 20, 2015 concerning the motion to introduce an exceptional legislative procedure moved by the Government House Leader, the admissibility of which had been raised by the Official Opposition House Leader and the Second Opposition Group House Leader. They alleged that this procedure was inadmissible as it concerned a bill that contained several principles. After having recalled that the Standing Orders provide that each such motion may introduce an exceptional procedure with regard to but a single matter, the Chair explained that, in other

words, a motion to introduce an exceptional procedure may not be invoked to consider more than a single matter or, in legislative matters, more than a single draft bill at once. However, the fact that a bill contains more than one principle does not render a motion to introduce an exceptional procedure inadmissible, and this has nothing to do with the number of sections a bill contains. Furthermore, the Chair underlined that it is not rare for a bill to contain several principles. It then recalled that Members should use the motion to divide if they believe a bill should be divided in order to make it possible to consider two distinct principles separately.

### **Standing committee proceedings**

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#### *Orders of initiative*

Several committees undertook or continued orders of initiative this spring. The Members of the Committee on Public Finance (CPF) had agreed last February to take a closer look at the tax havens phenomenon. In May, two deliberative meetings were held during which the Members viewed the documentary entitled “Le prix à payer” and met the co-director of the movie, **Brigitte Alepin**. Special consultations and public hearings are scheduled to be held in fall 2015. For its part, the Committee on Citizen Relations (CCR) chose to examine the mechanisms related to the resale of permits granting childcare spaces to private subsidized day care centres. The Committee heard the Ministère de la Famille’s deputy minister and tabled a report on its findings in June 2015.

Furthermore, the Committee on Agriculture, Fisheries, Energy and Natural Resources (CAFENR) continued to examine the accountability of the Commission de protection du territoire agricole du Québec (CPTAQ) by hearing 14 individuals and groups from the farming sector in May. These hearings were held after the CPTAQ appeared before the CAFENR in November 2014. The CAFENR Members are in the process of drafting a report on this mandate.

#### *Examination of the estimates of expenditure 2015-2016 and continuation of the debate on the budget speech*

The examination of the estimates of expenditure was carried out between April 22 and May 5 this year. The nine sector-based committees studied the estimates of the departments and public agencies over a period of approximately 200 hours.

Moreover, it should be noted that, pursuant to the Standing Orders of the National Assembly, the debate on the budget speech continued for a period of 10 hours in the CPF. This portion of the debate was carried out from April 14-16 2015. This debate in committee follows a period of 13 hours and 30 minutes of exchanges in the Assembly and is followed by the reply from the Minister of Finance and the final remarks from the Finance critics of the parliamentary groups, again before the Assembly.

#### *Legislative work*

Regarding the consideration of bills, the Committee on Health and Social Services (CHSS) continued its work 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*. Following the public hearings held last March, the members began the clause-by-clause consideration of the bill in May. Twenty-five hours spread over seven sittings were devoted to this legislative work. The parliamentarians adopted 17 of the 24 sections contained in the bill and integrated a total of 19 amendments.

The two most extensive public consultations of the spring sessional period were held in the CPF and in the Committee on Labour and the Economy (CLE).

The CPF heard 18 groups during five days of hearings on Bill 38, *An Act to allow the Caisse de dépôt et placement du Québec to carry out infrastructure projects*. This bill was subsequently passed after having been given clause-by-clause consideration over a period of four sittings.

Within the framework of the examination of Bill 42, *An Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal*, the CLE held public hearings during which it heard 16 groups and individuals. Following these hearings, the members entered upon the examination of the 263 sections of the bill, which they completed on June 4 after having held five sittings thereon.

#### *Statutory order*

The Committee on Institutions (CI) is continuing its examination of the report from the Ethics Commissioner on the implementation of the Code of ethics and conduct of the Members of the National Assembly,

which covers the 2011-2014 period. The examination of the report by the competent parliamentary committee is provided for in section 114 of the Code. The parliamentarians began the examination of the 23 recommendations contained in this report by hearing the Ethics Commissioner and the juriconsult of the National Assembly. The mandate is scheduled to continue in the fall.

#### *Composition of committees*

On April 15, 2015, the Committee on Public Administration (CPA) elected a new vice-chair. The committee members appointed the Member for Deux-Montagnes, **Benoît Charrette**, to this position, which had been left vacant following the resignation of Mr. Deltell, who formerly represented the electoral division of Chauveau.

#### *Report from the Committee on Public Administration*

On June 10, 2015, at the end of the spring sessional period, the Committee on Public Administration (CPA) tabled its report on the administrative management of deputy ministers and chief executive officers of public bodies. The report contains 31 unanimous recommendations aiming to improve the governance of the public administration and the quality of services provided to citizens. These recommendations emerged at the conclusion of six public hearings. Furthermore, the CPA continued its analysis of the annual management reports by examining the reports from 17 departments and agencies and by making specific observations for each entity assessed.

**Stéphanie Labbé**

Parliamentary Proceedings Directorate Sitings Service

**Pierre-Luc Turgeon**

Parliamentary Proceedings Directorate Committees Service



## The Senate

The period before the summer adjournment was a busy one in the Senate with a federal election scheduled for the fall. The legislative agenda was active with the passage of 20 bills prior to the June 30 summer adjournment, including 13 government bills, six Commons public bills and one Senate public bill. In addition to the *Budget Implementation Act* and the usual supply bills, there were also several other bills that were the subject of particularly vigorous debate, including Bill C-51 (*Anti-terrorism Act, 2015*) and Bill C-586 (*Reform Act, 2014*). An omnibus bill, C-51 amended several acts including the *Criminal Code*, the *Canadian Security Intelligence Service Act* and the *Immigration and Refugee Protection Act* and enacted and amended other acts. Bill C-586 changed the process by which candidates for election to the House of Commons are endorsed by their political parties. It also added to the *Parliament of Canada Act* a leadership review process to endorse or replace the leader of a party.

At the end of the session, the Chamber was seized with the debate on Bill C-377, *An Act to amend the Income Tax Act (requirements for labour organizations)*. The bill changed the *Income Tax Act* to require that labour organizations provide financial information to the responsible minister for public disclosure. Debate

led to a point of order arguing that the bill required a Royal Recommendation because it appropriates public money by expanding the Canada Revenue Agency's current functions. In his ruling on the matter, the Speaker allowed debate on the bill to continue stating that the Commons had not found that a Royal Recommendation was required and that there had been assurances made to the Chamber that the provisions of the bill align with some of the work currently performed by the Canada Revenue Agency. The government eventually moved a motion to dispose of the third reading stage of the bill, and a point of order was raised arguing that the government could not attempt to curtail debate on an item of non-government business. On June 26, the Speaker agreed with the point of order, citing a ruling of a previous Speaker in 2013 stating that such a motion before the Senate did not respect the fundamental distinction between Government Business and Other Business and as such, ruled that the motion was out of order and should be discharged. The Speaker's ruling was appealed, however, and overturned on a standing vote. The motion was ultimately adopted and debate came to an end with the passage of the bill at third reading, without amendment.

### Senate committees

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In addition to their examination of legislation, a number of committees issued reports on their special studies on a wide variety of topics, including parliamentary privilege, terrorism, bee health and bilingualism, amongst others. All committee reports can be viewed at <http://www.parl.gc.ca/SenCommitteeBusiness/AllReports.aspx?parl=41&ses=2&Language=E>.

### Senators

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There were two Senators who reached the mandatory age of retirement in June and July. Senator **Suzanne Fortin-Duplessis**, who represented the senatorial district of Rougement, Quebec, retired on June 30. Appointed in 2009 on the advice of Prime Minister Harper, Senator Fortin-Duplessis had also twice been elected to the House of Commons as the Member for Louis-Hébert in 1984 and again in 1988. In the Commons, she was a Parliamentary Secretary for several different portfolios between 1987 and 1993. As a Senator, she was an active member of several standing committees, most notably with the Standing Senate Committee on Official Languages, where she served as deputy chair during the most recent session, and the Standing Senate Committee on Foreign Affairs and International Trade.

On July 4, Senator **Marjory LeBreton** retired after serving more than 22 years in the Senate, including seven years as Leader of the Government in the Senate. Appointed in 1993 on the advice of Prime Minister Mulroney and representing Ontario, Senator LeBreton was a member of Cabinet until 2013 and held the portfolio of Secretary of State and Minister of State for Seniors from 2007 to 2010. As a Minister, she sat on several Cabinet committees, most recently the Cabinet Committee on Operations and the Cabinet Committee on Priorities and Planning. She also chaired the Cabinet Committee on Social Affairs from 2007 to 2008. In the Senate, she was a Member of numerous standing and special committees and also served as Opposition Whip prior to the change in government in 2006, after which she became Leader. Prior to her appointment to the Senate, Senator LeBreton was an advisor to political leaders including **John Diefenbaker**, **Robert Stanfield**, **Joe Clark** and **Brian Mulroney**.

**Vanessa Moss-Norbury**

Procedural Clerk



## Saskatchewan

### End of session

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The spring sitting, which focused on the review of bills and the passage of the budget, concluded on May 14, 2015. The Assembly and the Committees debated and scrutinized legislation and estimates for slightly more than 150 hours. Lieutenant Governor **Vaughn Solomon Schofield** gave Royal Assent to 38 bills including an appropriation bill to defray the expenses of the public service.

Two very significant bills, Bill No. 180 - *The Legislative Assembly Amendment Act, 2015* and Bill No. 181 - *The*

*Officers of the Legislative Assembly Standardization Amendment Act, 2015* were passed into law during the spring sitting. For the first time ever, none of the offices and organizations of the legislative branch of government come under the administrative authority of executive government. The legislation also establishes the basis of an important accountability framework for the legislative arm of government including the Officers of the Legislative Assembly.

The highlights include:

- a provision that all Officers of the Assembly, including the Clerk, are appointed by the Assembly and not by Cabinet, which was the case for some Officers;
- a uniform process for the appointment, re-appointment, suspension, and remuneration of the Officers of Assembly, including the Clerk;
- direct authority for the Clerk and Officers to employ staff to exercise the powers and duties of their respective offices;
- designation of the employees of the Officers as employees of the Legislative Assembly rather than executive government (i.e. the Public Service Commission), to be consistent with the status of the Officers themselves and the long-standing status of the employees of the Legislative Assembly Service and employees of the Provincial Auditor;
- direct authority for the Clerk and Officers to set policies and processes that are best suited to the operational necessities of their particular organization;
- a requirement that the Officers and the Legislative Assembly Service must have human resource and financial administration policies and that these policies must be tabled with the Board of Internal Economy (or Standing Committee on Public Accounts [PAC] in the case of the Provincial Auditor) to ensure accountability and transparency;
- a requirement that Officers and the Legislative Assembly Service table quarterly financial forecasts with the Board (or PAC);
- a uniform process for supplementary funding and special warrant for the legislative arm of government that is separate from the procedures of executive government; and
- formal legislative recognition of the Office of the Speaker along with policy and accountability standards for that office

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## Cabinet shuffle

Premier **Brad Wall** announced a small cabinet shuffle on May 21, 2015. **Ken Krawetz**, the Deputy Premier and Finance Minister, announced in 2014 that he would not be seeking re-election in the next provincial election. Replacing Mr. Krawetz as the deputy premier is **Don McMorris**. Replacing Mr. Krawetz as the finance minister is **Kevin Doherty**. **Scott Moe** takes over the Ministry of Advanced Education from Mr. Doherty. **Herb Cox** who entered cabinet for the first time, took over the Ministry of Environment from Mr. Moe.

**Paul Merriman** replaced Mr. Cox as the Government Whip, and **Larry Doke** replaced Mr. Merriman as the Deputy Chair of the Standing Committee on Public Accounts.

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## New Officer of the Assembly

On Thursday, May 14, 2015, upon receiving a unanimous recommendation from the Standing Committee on Public Accounts the Assembly appointed **Judy Ferguson** as the Provincial Auditor of Saskatchewan.

The Provincial Auditor competition was an open competition that entailed a screening process, two interviews and a unanimous recommendation by the Standing Committee on Public Accounts (PAC). The screening panel included two external subject matter experts, the Senior Committee Clerk and the Director of Human Resources. The screening panel conducted initial interviews while the Chair and Deputy Chair observed. After considering the first interview and reference checks the short listed candidates were then interviewed by the full Committee. After careful deliberation, the Committee recommended that Ms. Ferguson be appointed to the position of Provincial Auditor.

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## Conferences

Saskatchewan will be hosting two upcoming conferences: the 37<sup>th</sup> Canadian Parliamentary Association (CPA) Canadian Region Parliamentary Seminar, and the Parliamentary Visitor Services Association Conference. The CPA Canadian Region Parliamentary Seminar will be held from November 12 to 15, 2015 and the Visitor Services conference will be held from September 1-5, 2015 in Regina, Saskatchewan.

**Stacey Ursulescu**  
Committee Clerk



## New Brunswick

### Legislation

The First Session of the 58<sup>th</sup> Legislative Assembly opened on December 3, 2014, and adjourned on June 5, 2015, sitting a total of 63 days. During the session, 51 bills received Royal Assent. Several noteworthy bills were introduced. Of particular interest was Bill 44, *An Act to Amend the Smoke Free Places Act*, introduced by Minister of Health **Victor Boudreau**. Effective July 1, smoking is no longer permitted on public patios, playgrounds, outdoor walking trails, or within the boundaries of provincial parks. The legislation also bans the use of electronic cigarettes and water pipes anywhere that traditional smoking is not allowed. Minister of Government Services **Ed Doherty** introduced the *Service New Brunswick Act*, which merges four government organizations into a new Crown Corporation. The bill combines the existing Service New Brunswick, the Department of Government Services, FacilicorpNB and the New Brunswick Internal Services Agency into a single organization.

Minister of Energy and Mines **Donald Arseneault** introduced Bill 47, *An Act to Amend the Electoral*

*Boundaries and Representation Act*, which clarifies the factors necessary to achieve effective representation of both linguistic communities.

Leader of the Official Opposition **Bruce Fitch** introduced Bill 38, *An Act to Amend the Assessment Act*, which extends the period during which a property owner may apply for a review of the assessment for the real and true value of real property from 30 to 60 days.

### Committees

Committees were active throughout the session. The adoption of the *Report of the Standing Committee on Procedure* on March 10, 2015, varied the Standing Rules of the House and modified the structure and mandate of certain committees. The revised rules allow certain bills to be considered in smaller committees rather than a committee comprised of all MLAs. The rule changes were designed to make debate on legislation more efficient. The Standing Committee on Estimates and Fiscal Policy, chaired by MLA **Bernard LeBlanc**, met 18 times throughout the session and considered the budgetary estimates. The Standing Committee on Economic Policy, chaired by MLA **Gilles LePage**, met nine times throughout the session and considered 36 bills.

A joint meeting of the Standing Committee on Public Accounts, chaired by MLA **Trevor Holder**, and the Standing Committee on Crown Corporations, chaired by Mr. LeBlanc, was held on June 23, 2015. The Committees considered Auditor General **Kim MacPherson's** report entitled *Report of the Auditor General of New Brunswick 2015 Volume 2, Performance Audit*. It detailed the Auditor General's findings on infection prevention and control in hospitals, government oversight of private wood supply, and the oversight and management of the provincial silviculture program in Crown forests.

### Student parliament

The 26<sup>th</sup> annual Student Legislative Seminar was held from April 24 to 26, 2015. A total of 49 students from various high schools participated, representing all areas of the province. This non-partisan, bilingual program is open to Grade 11 and 12 students and is designed to educate students on the legislative, executive and judicial branches of government. The students enjoyed various presentations and meeting with numerous guests including Speaker **Chris Collins**, Deputy Premier and Minister of Public Safety

**Stephen Horsman**, Deputy Speaker **Lisa Harris**, MLA **Brian Macdonald**, and Provincial Court Judge **Julian A.G. Dickson**.

### Former Premier Resigns

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On April 24, former premier and Member for Carleton **David Alward** was appointed Canada's Consul General in Boston, Massachusetts. Mr. Alward was first elected to the Legislative Assembly in 1999 as the Member for Woodstock and served for over 16 years as an MLA. He was the Minister of Agriculture, Aquaculture and Fisheries from 2003 until 2006. Mr. Alward was elected leader of the Progressive Conservative Party in 2009 and led the party to a majority government at the general election held on September 27, 2010. Following the provincial election of September 22, 2014, which saw the election of a majority Liberal government, Mr. Alward stepped down as the leader of the Progressive Conservative Party. He resigned his seat as Member for Carleton on May 22. A by-election must be called within six months of the seat becoming vacant.

### Michaëlle Jean visit

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The New Brunswick Legislature was honoured to welcome **Michaëlle Jean**, Secretary General of the Organisation Internationale de la Francophonie and former Governor General. Her Excellency began her first official Canadian visit with an address to the Legislative Assembly of New Brunswick on June 4, 2015. She was warmly welcomed to the Legislature by Premier **Brian Gallant**, Leader of the Official Opposition **Bruce Fitch** and Green Party Leader **David Coon**.

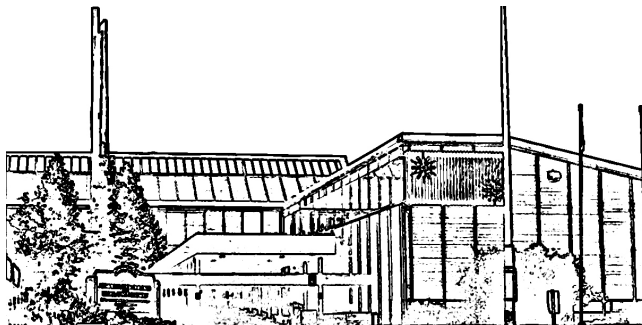
### End of session standings

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The session concluded on June 5, 2015. The current House standings are 26 Liberal Members, 21 Progressive Conservative Members, one Green Party Member and one vacant seat.

**Rose Campbell**

Clerk Assistant and Committee Clerk



## Yukon

### Standing Committee on Public Accounts

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The 2015 spring sitting of the First Session of the 33<sup>rd</sup> Legislative Assembly, which convened on April 2, adjourned on May 28 after 31 sitting days. On May 19, **Elizabeth Hanson** (Whitehorse Centre), Chair of the Standing Committee on Public Accounts (PAC), rose in the House to present the Committee's first report. The document's subject matter was a report of the Auditor General of Canada – *Yukon Health Services and Programs – 2011* – that had been released on February 15, 2011 (during the preceding Legislature). The Committee's report reviewed steps that had been taken during the current Legislature with regard to the Auditor General's 2011 report, including the public hearing the Committee held on October 17, 2012, and a July 2013 progress report submitted by the Department of Health and Social Services to the Committee, in response to a request from the Committee. The PAC's first report "reiterate[d] that the Committee may follow up on the implementation of the recommendations the Auditor General's report on Health Services. This follow-up may include holding a further public hearing."

On June 9, PAC held a public hearing in the Legislative Chamber on a report the Auditor General of Canada had released on March 5, 2015, entitled *Report of the Auditor General to the Yukon Legislative Assembly – 2015: Corrections in Yukon – Department of Justice*. At the hearing, the Committee questioned witnesses from the Department of Justice with regard to the report's findings and recommendations, which focused on offender management and facility management.

### Public Interest Disclosure Commissioner

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Bill No. 75, *Public Interest Disclosure of Wrongdoing Act*, which passed the House and was assented to in December, 2014, provides for whistle-blower protection relating to designated Yukon public entities. The *Act* came into force on June 15, 2015, thereby



Sgt Ronald Duchesne, Rideau Hall, OSGG (2015)

Commissioner Doug Phillips, Governor General David Johnston and Premier Darrell Pasloski took part in the ribbon-cutting ceremony at the dedication of Yukon's Government House.

establishing the Office of the Public Interest Disclosure Commissioner. As noted on the Public Interest Disclosure Commissioner's website ([www.yukonpidc.ca](http://www.yukonpidc.ca)) the Commissioner has the authority to "investigate wrongdoing disclosures and reprisals [and] provide confidential advice to employees who are considering making a wrongdoing disclosure."

The *Public Interest Disclosure of Wrongdoing Act* stipulates that Yukon's Ombudsman shall also serve as the Public Interest Disclosure Commissioner unless the Legislative Assembly "by resolution supported by at least two-thirds of its members, recommend[s] the appointment of an individual, other than the Ombudsman, as the Public Interest Disclosure Commissioner." At present, Yukon's Ombudsman, **Diane McLeod-McKay**, is serving as the territory's first Public Interest Disclosure Commissioner. Ms. McLeod-McKay is also Yukon's Information and Privacy Commissioner.

#### Governor General's visit

Governor General **David Johnston** was in Whitehorse from July 6 to 8 for the Annual Conference of the Governor General, Lieutenant Governors and Territorial Commissioners.

Also on July 6, Governor General Johnston, Yukon Commissioner **Doug Phillips** and Yukon Premier

**Darrell Pasloski**, dedicated Taylor House, a historic log house in downtown Whitehorse, as "Yukon's Government House", to serve as the Commissioner's new office. Constructed in 1937 for **Bill** and **Aline Taylor**, Taylor House is recognized for its architectural value and its association with the Taylor family who contributed to the early growth and economic development of Yukon. Taylor House is designated as a historic place by the City of Whitehorse.

Five previous Yukon Commissioners, Speaker **David Laxton** and many current and former members of the Legislative Assembly were among those who attended the ceremony. Members of the Taylor Family were also present to mark the occasion.

On July 8, the Governor General presided over the inaugural presentation ceremony of the newly created Polar Medal at the MacBride Museum of Yukon History. Ten individuals from the Northwest Territories, Nunavut, Ontario, Quebec and Yukon received the medal, which "celebrates Canada's northern heritage and recognizes persons who render extraordinary services in the polar regions and in Canada's North." The Polar Medal replaces the Governor General's Northern Medal, which was created in 2005.

**Linda Kolody**  
Deputy Clerk

# Sketches of Parliament and Parliamentarians Past: The Joe Howe Door and Responsible Government

This article examines how the proceedings of Nova Scotia's Legislative Council became open to the public and provides answers to a well-known legend in Province House.

David McDonald

According to a long-standing legend in Nova Scotia's Province House, future premier Joseph Howe, renowned for successfully defending himself against criminal libel, had his own door to the Legislative Council chamber installed so that he could observe the proceedings as he pleased. How and when the "Joe Howe door" came about, what its purpose may have been, and when it disappeared, however, were not entirely certain... until now.

Prior to 1838, the doors of the Legislative Council, which included the Executive branch, were closed to the public. On January 31, 1837, Lawrence O'Connor Doyle moved a resolution to open the doors of the Legislative Council to the public.<sup>1</sup> Initially the Council denied the resolution, stating that it constituted "a breach of the privilege of the Council, and a violation of Parliamentary usage, which prohibits one House from interfering with the internal regulations of the other."<sup>2</sup> However, in an attempt to be conciliatory, they did agree to look further into the matter.<sup>3</sup>

Unsatisfied with this glib response, John Young moved two more resolutions of the same ilk, but Joseph Howe took this opportunity to amend those resolutions. He introduced 12 resolutions – the tenth dealt with opening the doors of the Legislative Council – championing reform which set the stage for Responsible Government in Nova Scotia 11 years later – a jurisdictional first in the British Colonies.

Accused of corruption in one of these Resolutions, the Legislative Council threatened to stop correspondence

Mr. Doyle moved, as an amendment of the proposed Resolution, to leave out all the words thereof, except the word "Resolved," and in place of the words so left out to substitute the following, viz :—

That the practice hitherto pursued by His Majesty's Legislative Council in this Province, of excluding the People from their deliberations, is not only at variance with that of the House of Lords in England, and that of several of the Legislative Councils in the other British North American Colonies, but contrary to the spirit of the British Constitution, and injurious to the interests and liberties of this Country. Resolved, that while this House have, no desire to deny to the upper Branch of the Legislature the right enjoyed by the Representatives of the People and sanctioned by public opinion, of closing their doors during the discussion of questions of Order and Privilege, and on particular occasions when the public interests may require secret deliberation; yet they should fail in their duty if they did not express to His Majesty's Council the deliberate conviction of those they represent, that the system of invariable exclusion pursued for a series of years and still pertinaciously continued is fraught with much evil, and has a tendency to foster suspicion and distrust. Resolved, that this House

Journal and Proceedings of the House of Assembly of the Province of Nova Scotia, 1837. ([Halifax: House of Assembly: 1838]), pp.10-11.

with the House unless it was rescinded and intimated that they would not approve supply.<sup>4</sup> Howe responded by rescinding all 12 resolutions; however, "the same day ... he also gave notice of motion for the appointment of a committee to prepare an address to the Crown."<sup>5</sup> This address included all twelve of the Resolutions.

Realizing that the question of the open doors would now be presented to the Colonial Office in Britain, the Legislative Council appointed a committee on April 4 to "report such alterations in the Council Chamber as may become necessary, whenever the Council decide that Strangers shall be admitted."<sup>6</sup>

On April 21, the Committee reported back to the Legislative Council that an enclosed space in the Council Chamber could be allocated for a seating area with barricades to protect the pictures. The Committee suggested that entrance could be from the Robing Room "if it does not interfere with the arrangement of the Supreme Court,"<sup>7</sup> which it most certainly would have.

David McDonald is the Nova Scotia Legislative Librarian.



Source: Nova Scotia Legislative Library.

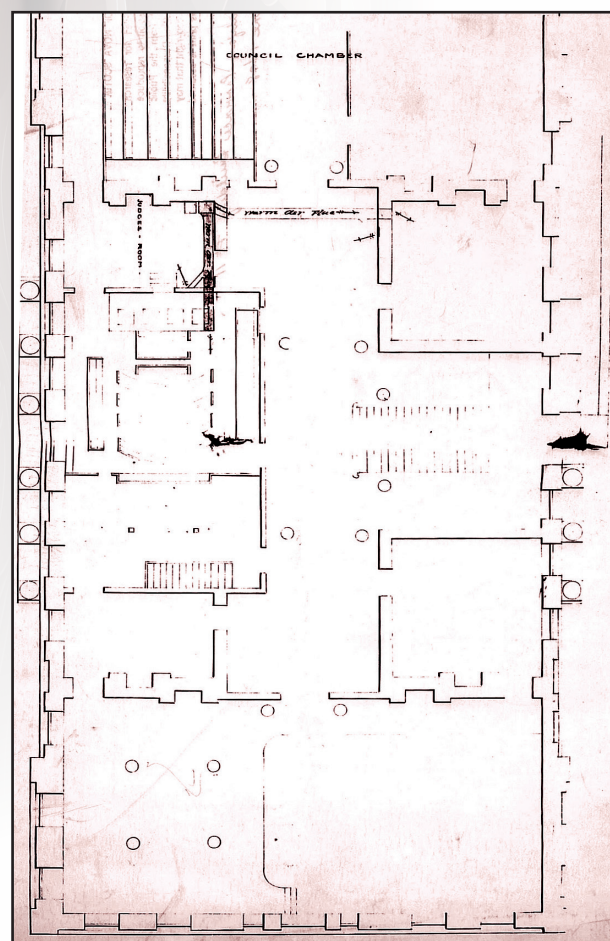
When the Council convened on January 25, 1838, it was the first time that the doors were opened to the public and the first time that it was a body independent from the Executive Council, with representatives from both the Legislative Council and the House of Assembly.

The Legislative Library recently rediscovered an architectural plan of the legislative council chamber dating from 1841 which shows the door and the barricades put in place to protect the paintings and separate the Legislative Council from the seating area. The Legislative Council was abolished in 1928.

Although the door was not specifically created for him, the "Joe Howe door"<sup>8</sup> did indeed open the door to responsible government in Nova Scotia.

#### Notes

- 1 Nova Scotia. House of Assembly. *Journal and Proceedings of the House of Assembly of the Province of Nova Scotia, 1837*. ([Halifax: House of Assembly: 1838]), pp.10-11.
- 2 Nova Scotia. Legislative Council. *Journal and Proceedings of His Majesty's Council of the Province of Nova Scotia, 1837*. ([Halifax: Legislative Council: 1838]), p. 11.
- 3 Ibid, p. 11.
- 4 Ibid, March 7, 1837, p. 34.
- 5 Beck, Murray J. *Joseph Howe : Volume 1 Conservative Reformer 1804-1848*, Montreal: McGill-Queen's University Press, 1982, p. 164.
- 6 Legislative Council Journals, p. 63.
- 7 Legislative Council Journals, p. 97.
- 8 Plans of the chamber show the door still in place in 1967. It was removed some time before 1985.



**Top: Legislative Council Chamber 1931 – Note the door to the right of the main entrance obscured by a tree. Bottom: Province House Plan – dated 1841. Drawn by Henry Hill.**

Source: Nova Scotia Archives

