

Canadian Parliamentary review



***The House of Commons' Ad Hoc
Process to Review Supreme Court
Candidates p. 35***

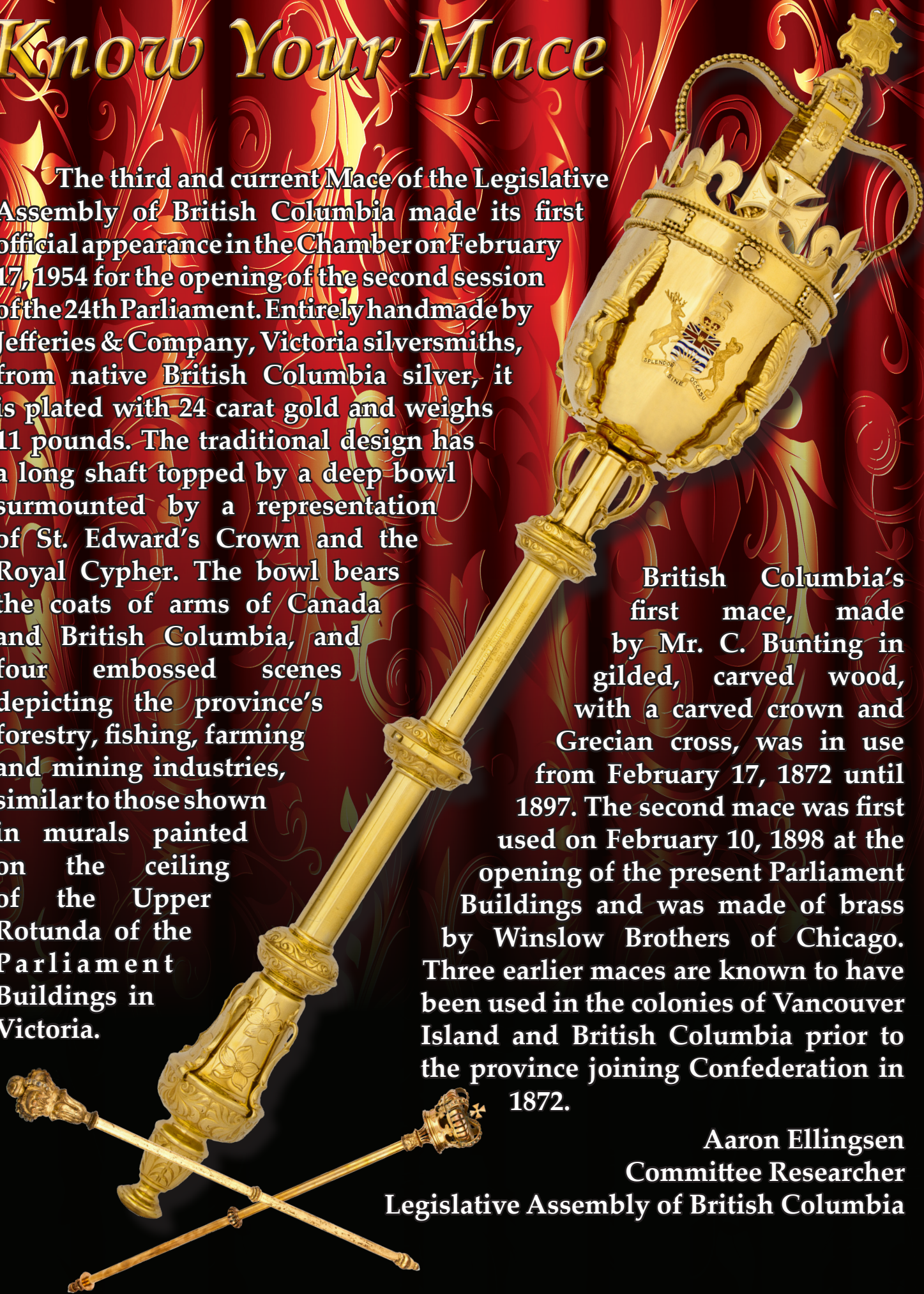
Volume 38, No. 4

Know Your Mace

The third and current Mace of the Legislative Assembly of British Columbia made its first official appearance in the Chamber on February 17, 1954 for the opening of the second session of the 24th Parliament. Entirely handmade by Jefferies & Company, Victoria silversmiths, from native British Columbia silver, it is plated with 24 carat gold and weighs 11 pounds. The traditional design has a long shaft topped by a deep bowl surmounted by a representation of St. Edward's Crown and the Royal Cypher. The bowl bears the coats of arms of Canada and British Columbia, and four embossed scenes depicting the province's forestry, fishing, farming and mining industries, similar to those shown in murals painted on the ceiling of the Upper Rotunda of the Parliament Buildings in Victoria.

British Columbia's first mace, made by Mr. C. Bunting in gilded, carved wood, with a carved crown and Grecian cross, was in use from February 17, 1872 until 1897. The second mace was first used on February 10, 1898 at the opening of the present Parliament Buildings and was made of brass by Winslow Brothers of Chicago. Three earlier maces are known to have been used in the colonies of Vancouver Island and British Columbia prior to the province joining Confederation in 1872.

Aaron Ellingsen
Committee Researcher
Legislative Assembly of British Columbia



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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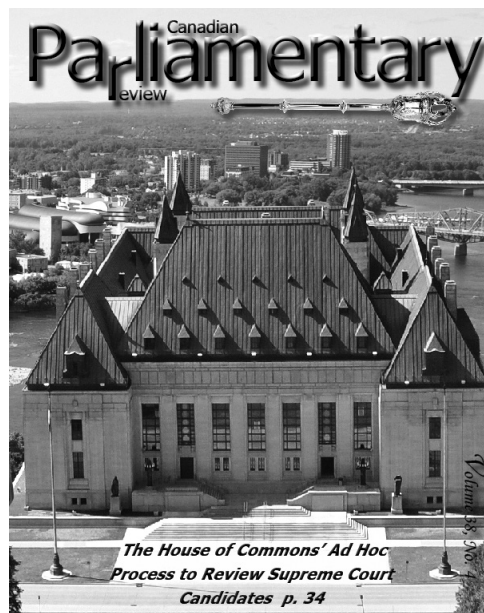
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*As of December 15, 2015

The Canadian Scene

New Senate Speaker

On December 3, Governor General **David Johnston** appointed **George Furey** as Speaker of the Senate, replacing Conservative Senator **Leo Housakos**.



George Furey

Furey, who sits as an independent Senate Liberal, is a lawyer from St. John's who was appointed to the Senate in 1999 to represent Newfoundland and Labrador on the advice of Prime Minister **Jean Chretien**.

Earning a B.A., a B.Ed. and a Masters of Education from Memorial, he became a school teacher

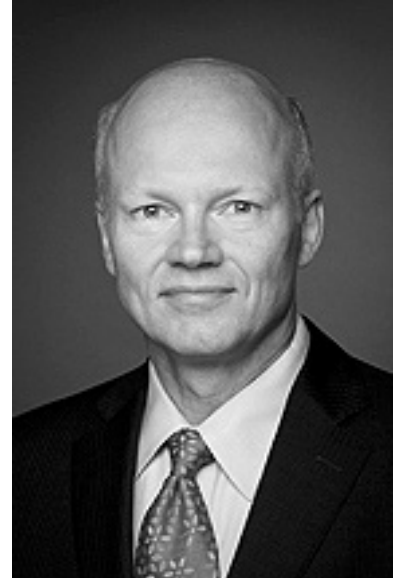
and administrator before attending Dalhousie Law School. A respected community leader and frequent volunteer, Furey has also been a member of many professional boards and provincial commissions, including Newfoundland and Labrador's Provincial Police Complaints Commission.

Furey has served on many Senate committees during his tenure in the upper chamber and is a past chair of the Budget Sub-committee of Internal Economy, the Senate Standing Committee on Legal and Constitutional Affairs and the Senate Standing Committee of Internal Economy, Budgets and Administration.

Addressing his colleagues, Furey noted the Senate was "entering uncharted waters, in which we are invited by the government to reinvent ourselves in a less partisan way and fulfil our roles as envisioned under the constitution as an independent chamber of sober second thought. I know uncertainty can be unsettling, but I have confidence that working together, with respect and commitment to this institution, we can meet the challenges ahead."

New House of Commons Speaker

Also on December 3, Members of Parliament elected Halifax West Liberal MP **Geoff Regan** as the new Speaker of the House of Commons and Chair of the Board of Internal Economy. Liberal MPs **Denis Paradis** and **Yasmin Ratansi**, and Conservative MP **Bruce Stanton** also stood for election, which was the first to use a ranked ballot over the previous system of rounds of voting. Regan replaces Conservative MP **Andrew Scheer** in the role.



Geoff Regan

Prior to his parliamentary career, Regan completed a B.A.

at St. Francis Xavier University and a law degree at Dalhousie University. In addition to practicing law, he volunteered within his community and held leadership roles at the Bedford Board of Trade, the Metro Food Bank and Beacon House.

First elected as an MP in 1993, Regan lost his bid for re-election in 1997, before returning to the House of Commons in 2000. He has been re-elected in each subsequent general election and has served as Parliamentary Secretary to the Government House Leader, Minister of Fisheries and Oceans and Regional Minister for Nova Scotia.

"My role as your Speaker is to be fair," Regan said upon taking the Speaker's Chair. "I want to tell you I will be fair, and I will be firm." Regan also spoke of the Canadians who lost their lives in two World Wars defending a system that allows parliamentarians and all Canadians to "speak freely and express our different opinions."

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Members' Assistance Programs: Working In a Job Like No Other

It's sometimes easy to forget that politicians are people too and must deal with many types of personal issues while serving the public in a job with particular stresses on them and their families. Members' assistance programs offer support to parliamentarians and their families and it would be a good practise for legislatures to routinely review them to ensure they are effective.

Hon. Jackie Jacobson, MLA

Parliamentarians don't often speak about the personal costs that a political life can have, or what we can or should do about it. In all our legislatures, Members devote a lot of time and energy to our jobs as we desire to make positive changes and are passionate to make the world a better place for our people and their children and grandchildren.

What the public, the media, and even we, ourselves, sometimes forget is that we're not just politicians – we're people too. Like any human beings we don't just bring our drive and commitment to work. We also bring our personal lives. And while this can include a lot of happiness and support from our families and friends, it can also include experiences that make it hard for us to stay healthy and focus on our work.

There are plenty of experiences and issues that can weigh on us as we do the work our constituents have entrusted us to do. Marital problems, grief, stress, anger, depression, addictions, and trauma from residential schools or other kinds of abuse are things we as politicians and human beings can experience in our day to day lives. And whether those things affect us directly or our family members, we can't just put them aside when we come to our jobs.



Jackie Jacobson

As Speaker of the North West Territories' Assembly, I feel like I have some responsibility to look out for the well-being of Members and it really concerns me when I hear some of the things Members are going through in their personal lives. I see the effects on them, on their work, and on the work of the Assembly as a whole.

Jackie Jacobson is Speaker of the Legislative Assembly of the Northwest Territories. This article is a revised version of a presentation he gave to the 2014 Canadian Presiding Officers' Conference in Ottawa.

Furthermore, a lot of people who could be good leaders are discouraged from running to become an MLA because they see the immense personal costs involved in holding the position. There is stress from long hours and high expectations of us. Those of us who represent small communities never get away from it. It's 24/7. You can't go to the grocery store or the post office or the gas station without someone wanting to talk to you about something, and usually they're not happy. People aren't shy to come knocking on our doors or call us at home.

Public life, and all the criticism that goes with that is also tough. As politicians, we probably all knew what we were signing up for as part of the job, but that's not necessarily the case for our families. The worst is when it affects our children on the playground, or our spouses in their workplaces or social lives.

Finally, I think many of us know what a strain the long periods away from home can put on a family. Our spouses become single parents for weeks at a time. Our children get frustrated that mom or dad is not around and start acting out and getting into trouble. Some of us also have aging parents or others that depend on us for care and support, and it's difficult for them too when we're away so much. It's easy to feel like we're pulled in too many directions.

What can we do about it?

Like most other legislatures across the country, the NWT Legislative Assembly offers Members a service that is similar to many employee assistance programs. There is a toll-free 24-hour number Members can call to arrange for counselling. Often the counselling will be over the phone, as counsellors are not available in all of our communities. This set-up can be a problem. Culturally, it's uncomfortable for some of our Members or their families to talk to a stranger about their concerns, especially someone in another province over the phone. It is a good program for some issues, but not adequate for others.

For these reasons, our Members' Assistance Policy also allows Members and their families to seek additional services through the Clerk. These can be more specialized or intensive therapies than are available through the counselling service, including residential treatment programs where needed.

We've recently noted a couple of concerns with this approach. The main one is that the scope of services that can be approved by the Clerk is not well defined. Most Clerks aren't trained psychologists or counsellors, so they should have some guidance about the best places to refer Members for help.

To improve the policy, our Board of Management has recently instructed the Clerk to work with our Department of Health and Social Services to come up with a list that we can work within. Still, we think it is very important that we continue to offer services that go beyond the basic counselling program.

“

Members need to be able to do their work, and serve the public without having their personal lives fall apart or sacrificing the well-being of their spouses and children. Access to programs like these helps to make that possible. This benefits not only Members and their families, but the public we serve, and the health of our legislatures.

”

A necessary service

Outsiders might think Members or their families are getting special treatment by being able to access services like this beyond a regular employee assistance program. I have to respectfully disagree. I've mentioned some of the ways the stresses of political life affect our personal lives beyond what other workplaces entail. This is no ordinary job. Most jobs don't involve so much public attention, so little downtime, or so much time away from home.

Members need to be able to do their work, and serve the public without having their personal lives fall apart or sacrificing the well-being of their spouses and children. Access to programs like these helps to make that possible. This benefits not only Members and their families, but the public we serve, and the health of our legislatures.

We're not just politicians, we're people too.

Members' Assistance Plans

A brief look at the types of Members' Assistance Plans available to parliamentarians across the country based on information provided through an inquiry to the Clerks-at-the-Table listserv (November, 2015).

House of Commons: The House of Commons provides access to an Employee and Family Assistance Program (EFAP). This program provides confidential and voluntary counselling services on a broad range of topics such as personal, family, financial, legal, professional, lifestyle, nutrition, health and wellness matters. Members of Parliament and their immediate family (as defined in the employee benefit plan) can receive support over the telephone, in person, online and through a variety of self-guided resources. Members have access to immediate, relevant support in a way that is most suited to their preferences, learning approach and lifestyle. Highly qualified, experienced and caring professionals help with the selection of a support option that works best for the individual. The EFAP provides short term counseling and will arrange for referrals if long term treatment is necessary. In some cases, the additional counseling and treatment programs may be eligible for partial coverage under the Public Service Health Care plan.

Senate: Senators have access to the same Employee Assistance Program (EAP) used by senators' staff and employees of the Senate Administration. While the Senate enters into its own contract for EAP services, the services offered are the same as or comparable to what is provided elsewhere in the public service. Senators do not benefit from any additional coverage over and above what is offered under the EAP.

British Columbia: Members are provided with the same basic coverage as Assembly and public service employees. The Speaker may approve additional treatment as required by individual circumstances. The Speaker has exercised this prerogative over

the years to facilitate treatments and alternative services. To protect the privacy of the Member requiring assistance, the request is not sent to the Legislative Assembly Management Committee or any other committee for consideration. Typically, the Caucus Chairs and/or House Leaders would be informed depending upon the sensitivity of the treatment or alternative medical service.

Saskatchewan: Members and their family have access to brief short term assistance from a service provider through an Employee and Family Assistance Plan. The service provider may explore options to assist the individual in transitioning to other services.

Manitoba: Members have a separate Employee Assistance Plan from what is provided for Legislative Assembly employees to provide confidentiality to members. The plan provides for a short-term counselling model and will refer out to community resources for long-term or specialized circumstances like residential treatment programs, but these programs are not covered under the plan. Members have standard insurance coverage from a provider that is covered by the EAP and have the option of paying additional premiums to receive extended coverage.

Ontario: The Legislative Assembly of Ontario provides an "Employee Assistance Program" to Members and their dependents which continues while they are in office and for an additional six months after leaving office. The program, offered by Shepell-fgi, is paid for by the Legislative Assembly of Ontario with no cost to the Member or their dependents. If the individual requires more specialized or longer-term support, the provider will assist in the selection of an appropriate specialist or service that can provide the assistance required. The fees for these additional services are not covered by the Legislative Assembly and Members do not have the option to request approval for coverage through the Assembly.

There is no dollar amount limit on coverage under the Assembly's plan. There is not a residential treatment program and, as stated above, the provider would assist in the selection of a treatment program (if requested), however it would be the individual's financial responsibility and they would not have the option to have the treatment/service covered by the Assembly.

The types of services provided under the EAP plan are: Achieve Personal Well-Being; Manage Relationships and Family; Address Workplace Challenges; Tackle Addictions; Research Child and Elder Care Resources; Get Legal Clarity; Get Financial Clarity; Understand Nutrition and Focus on Your Health. There is no defined list of professional services covered under EAP. Under our Group benefit plan, there are only “standard” services covered with limited expenses (i.e. Chiropractor, osteopath, chiropodist, naturopath, podiatrist, speech therapist, acupuncturist, massage therapist, or physiotherapist.)

Quebec: The Employee Assistance Program applies equally to administrative and political employees and Members of the National Assembly. The Assembly offers up to \$600 annually for registered professional counseling services and the group insurance plan covers 100 per cent of the cost of these services up to a maximum of \$3000 per calendar year.

New Brunswick: Members use the same plan as the public service. Members must select from a list of approved service providers for therapeutic sessions based on a defined list of services covered. While there is no specific dollar amount limit for these sessions, there is a limit on the number of allotted sessions.

Nova Scotia: Members use the same plan as the public service.

Prince Edward Island: Members do not have access to a member/employee assistance program.

Newfoundland and Labrador: Members use the same plan as the public service.

Yukon: Members do not have access to their own plan or the public service employee assistance plan. The Assembly deals with situations where therapeutic sessions may be required on a case-by-case basis. The Director of Administration, Finance and Systems would work with the Member and the Member’s leader to determine the program and length of treatment. No specific dollar amount or preapproved list of providers is set provided there are funds available. If funds are not available, the Director would discuss the situation with the Clerk. The Members’ Services Board would not be advised.

Northwest Territories: Members have access to the public service employee assistance plan and are encouraged to seek help there first, but if they feel the plan does not meet their needs they can request the plan pay for additional treatment options.

Nunavut: Members have access to the same basic coverage as Assembly and public service employees. The Management and Services Board has the authority to approve additional treatment as required by individual circumstances, including residential treatment programs, but these provisions would be co-ordinated outside of the current public service plan.

Campaign School for Women: Sharing Political Knowledge Across the North

The Commonwealth Women Parliamentarians (CWP) – Canadian Region has been engaged in a number of outreach projects to foster interest among women in the political process, including campaign schools for women. The authors outline their participation in a recent Northwest Territories’ campaign school and note that despite differing styles of government (consensus versus party system) across Canada’s territories and northern areas of provinces, there are many similarities in the kinds of relationships parliamentarians create with constituents in largely rural northern communities.

Wendy Bisaro and Lisa Dempster, MHA

As members of the Commonwealth Women Parliamentarians’ Canadian Region steering committee, we were delighted to take part in a recent campaign school for aspiring women parliamentarians in the Northwest Territories.

In February, 2015, 45 very interested and engaged women from all over the vast territory (though especially from the Yellowknife area) took part in the third campaign school organized by the Northwest Territories’ Status of Women Council. The event was held in preparation for the territory’s general election in November 2015.

Representing the CWP, we joined Jane Groenewegen on a panel to discuss the role of MLAs, managing people’s expectations and maintaining a work/life balance in public service. (Bisaro and Groenewegen were the only two women elected in the NWT at the time). The panel was followed by a lively question and answer period.

In another session, we were able to have a discussion about how to set up and effectively run a campaign. Fundraising appeared to be a particular concern

among attendees, but we also explored varied topics, including working in male dominated environments, the challenges of public life and understanding basic campaigning information.

Bisaro: As an NWT MLA, I was thrilled to welcome Lisa Dempster to our territory. Her expenses were covered by CWP - Canadian Region as part of its ongoing outreach commitment. As noted in the CWP Canada’s Outreach Program Framework document: “The importance of creating awareness and sharing information with women and girls about the role of parliamentarians, the parliamentary system and the political process is key to increasing engagement of women in politics. Outreach programs provide an invaluable opportunity to encourage involvement and to de-mystify the political world.”

The CWP-Canadian Region also participates in many campaign schools across the country – sharing insights and experiences – in the hopes of inspiring women to take that step into politics.”

Lisa’s attendance provided a valuable, similar yet different perspective on the job of an MLA/MHA to the school participants. The NWT and Labrador may be at opposite ends of the country, but they have similar geography – vast unpopulated spaces with small communities and little infrastructure to connect them. Although most of the campaign school participants were from Yellowknife, a connected community of about 20,000 people, hearing from Lisa about her work in her large constituency was very enlightening.

Wendy Bisaro was MLA for Frame Lake in the Northwest Territories from 2007 to 2015. Lisa Dempster has been a Liberal MHA for Cartwright - L’Anse au Clair in Newfoundland and Labrador since 2013.



Wendy Bisaro

Lisa is on a first name basis with the majority of her constituents, much the same as NWT MLAs are with their constituents. It was that personal, one-on-one interaction that resonated with NWT Campaign School participants; the North operates in much the same way.

In spite of NWT and Newfoundland & Labrador being very different politically (consensus government vs party system of government) Lisa and school participants were able to discuss the many aspects of an election campaign, and the barriers and roadblocks faced by female leaders and how they can be overcome. Regardless of jurisdiction, the work of a candidate, before or after the election is the same!

I truly appreciated Lisa's obvious commitment to her job and her constituents, her professionalism and openness and I was thrilled to see how the participants soaked up the campaign topics and left feeling empowered.

Dempster: I left the event noting that there are many challenges to campaigning in the remote north. Those challenges include not only getting elected, but once elected, being effective in your role. Towns are very spread out, air travel is costly and often smaller areas speak a language that may require an interpreter at



Lisa Dempster

the door. Because of the vast geography, door to door campaigning isn't always possible, so the importance of signage with a brief but clear message that voters will remember is essential.

These challenges are heightened when you are a female; gender issues and old boys' clubs are still alive and well in many parts. With just two women MLAs in a legislature of 19, it's a glaring statement of just how under represented women are at this level and a reminder of how much work we still have left to do. However, I was encouraged that an impressive number of women are considering running in the general election (at least six) and I hope they will be encouraged and supported. I offered my assistance in the future to any woman who moves forward with an election plan.

It's imperative that we continue to see female representation grow in the legislatures across our country. Women do bring a different perspective to the table. Politics can be a viable and rewarding career for women and those of us involved have an important responsibility to encourage and support those interested in pursuing this worthy vocation. I am very thankful to Wendy and our hosts for organizing this wonderful event and allowing me to be a part of it.

New Parliamentarians Share Their Initial Thoughts About A Job Like No Other

At some point in their career, all parliamentarians are new parliamentarians. They come from diverse walks of life and assume their role with different levels of familiarity with parliament and expectations about their new roles. In this roundtable discussion, the Canadian Parliamentary Review spoke with seven recently elected MLAs from Alberta and Prince Edward Island to ask about their initial impressions of parliamentary life and how they were able to learn about the many facets of their work.

Peter Bevan-Baker, MLA, Jordan Brown, MLA, Greg Clark, MLA, Estefania Cortes-Vargas, MLA, Thomas Dang, MLA, Sidney MacEwen, MLA, Angela Pitt, MLA

CPR: How did you first become interested in running for office and what road led you to becoming a parliamentarian?

AP: I grew up in a very politically-charged family – actually opinionated is the better term – and the stage was always set to be very involved in government. I have always been involved in politics at some level, whether it was sign crews or stuffing envelopes, or being a board member. More recently I was a board member with the Wildrose Party for the past couple of years, and lastly the president of the local riding association. Winning a race to become an MLA is probably a political junkie's dream-come-true.

E-CV: I immigrated to Canada when I was about 7 years old and since then my parents have been active community members. Both of them brought me into community-building and policy from a young age and I loved it. I spent a lot of time setting up groups for at-risk youth in the Columbian community and advocating for student mental health. And that brought me towards wanting to do something to help society in a major way, so I decided to pursue social work. My first practicum was in (NDP MLA) Rachel Notley's office. It was there that I saw the integration of politics and policy and the integrity of the work that was being done for the community. Even outside of my practicum I was volunteering extra hours there, probably cutting into my sleep hours! So based on my childhood and what I was witnessing in her office, it was then that I knew that this is what I wanted to do – I just didn't expect to do it so soon. The likelihood of me winning this last election appeared fairly low and I thought it might take two or three runs before it happened, but there was a general mood for change.

Greg Clark is an Alberta Party MLA for Calgary-Elbow. Estefania Cortes-Vargas is a New Democratic Party MLA for Strathcona-Sherwood Park. Thomas Dang is a New Democratic Party MLA for Edmonton-South West. Angela Pitt is a Wildrose Party MLA for Airdrie. Peter Bevan-Baker is a Green Party MLA for Kellys Cross – Cumberland. Jordan Brown is a Liberal Party MLA for Charlottetown – Brighton. Sidney MacEwen is a Progressive Conservative Party MLA for Morell – Mermaid. All of these MLAs were elected for the first time in 2015.

GC: My journey into politics has really come full circle. I did a political science degree and graduated in 1993, which was the year of the Ralph Klein-Lawrence Decore election. I ended up working for Lawrence Decore as a part of the Official Opposition doing media and communications. I realized after three years that was no way to make a living,



Peter Bevan-Baker

so I went into the private sector in IT, went back to get my MBA, and then started an information management company within oil and gas. I did that for decade and very much enjoyed growing a start-up to a company that employed about 45 people and was living the Alberta entrepreneurial dream. But I kept getting pulled back into politics. I ran for the Alberta Party for first time in 2012 against Allison Redford, became leader in late 2013 because I saw some of the entrepreneurial spirit was missing from government and I wanted to bring it back. So here I am! I won the election in 2015 and have been an MLA for six months or so and it's been a really enjoyable experience.

SM: I had been involved with politics before having worked in the Opposition office, but was never really interested in making the transition to elected office. After much discussion with family, supporters convinced me to put my name forward. Having been heavily involved in the community anyway, it seemed natural to take on that type of a role full time.

JB: I've been involved in political organization for a number of years. That would extend back to my grandfather being an MLA before I was born. That sparked a real interest in me and I pursued elected politics as something I thought I would be well-suited to do and I way I could serve the people in my district while doing it.

PB-B: I got involved in politics over 25 years ago when I established a local organization of the federal Green Party in rural Ontario where I was living at the time. When nobody else came forward to run in the federal election in 1993, by default I became the Green Party candidate - the first of what would be 9 successive failed attempts (both provincial and federal) to be elected. Apparently, tenth time was a charm, and I was elected in May of this year as the MLA for Kellys Cross - Cumberland on PEI. I remained steadfast in my commitment to politics because of my children. I want to be able to look them in the eyes some time in the future, when the problems that are maturing today grow worse, and be able to tell them that I did my utmost to secure a prosperous, healthy and safe future for them.

CPR: There was a large turnover among parliamentarians in Alberta this year and the outgoing speaker held a rather novel, informal mock parliament. Did any of the Alberta MLAs here attend, and if so, did you find it useful?

GC: I did attend and it was incredibly useful! Seventy of 87 MLAs were new, and as far as I can recall every one of the new MLAs attended. To Speaker Zwozdesky's great credit, he made it as real as he possibly could. We had the sergeant-at-arms come in with a mock mace and call everyone to order. He then ran us through the orders of the day and took us through Question Period. He would take us through a portion of each procedure, stop and explain. He had the New Democrats positioned as government and asked the Wildrose Official Opposition to ask questions – and the questions they asked were real questions. They asked pretty pointed questions, so at one point when the Minister rose to respond and

was answering the question, the Wildrose started to heckle. And the Minister stopped and asked if the Wildrose member had anything he wanted to say or wanted to provide some input. The Speaker said, "No, no! Stop! If you do that in Question Period you're going to get creamed. It's not the way it works. You talk to me and you keep talking until you're finished or I stop you. You ignore however loud it gets in the legislature and you just keep on going." That was quite an interesting insight. But it was very interesting from a procedural standpoint to be seated and called to order and then do a mock Question Period. It was a unique experience to have that many new members and Speaker Zwozdesky did some great work to make sure we were all up to speed and even to allow us to jump ahead further than what it might have been otherwise.

AP: The mock parliament was only the second time we had ever been in the chamber, so it was still a very awe-inspiring experience in itself, but it was such a helpful experience. All but three of my caucus mates are brand new. Our House leader is a former staffer, so he's quite familiar with the rules, but the mock parliament was really quite interesting. We had some heckling going on and lots of questions. I think it also gave some hint as to the ideologies of various members of the House, so it gave us an idea of the lines of argument people would use in real debates.

E-CV: It was completely worthwhile. While you can watch Question Period, to be in it is another experience all together. I think what the mock parliament helped us do was see how we could be involved in the various aspects of parliamentary proceedings, but also showed us what types of procedural rules we needed to know. To go back to the part where there was heckling and the minister stopped to ask what the opposition member said – it's a shift from the normal culture. I don't think a lot of Albertans or Canadians spend much time interrupting each other on a routine basis. So it was also helpful to know what the culture of parliament is like. Even if it's not the kind of decorum we're trying to pursue, it does happen. People do heckle, and you need to know how to address it. Knowing that you have to speak to and through the Speaker was really important for everyone to realize. And because it was so well-attended, it helped us to get to know our colleagues in opposition and to set the tone. It gave us an opportunity to talk to one another about what we're going to build in the legislature. I remember during the mock parliament I was asked



Jordan Brown

to cause a point of order by insulting someone. I come from a social work background, so I don't normally insult people. So the opposition was helping me by giving me examples of how to insult them! I don't think media was there for most of this, so it was a very good and safe learning opportunity.

GC: There's quite a lot of work that goes on behind the scenes that's very cordial and professional. We're trying to get the business of the Legislative Assembly of Alberta done. We tend to do that in a reasonably collaborative manner; of course, not everyone agrees on everything all the time. But it is quite collaborative and from my perspective it's been quite a good experience so far.



Greg Clark

CPR: Alberta had a very large contingent of newly elected parliamentarians. Would something like their experiment with a mock parliament be useful elsewhere where turnover is not as high?

SM: We had our own version of a mock parliament within our own caucus, including a government and opposition and did a run through of the day including Question Period and all of the different functions. That was very helpful, but we were also lucky to have a number of experienced MLAs to help guide us through that.

JB: I do certainly think a mock parliament session would be helpful. Our rotary club puts on a youth parliament each year at the legislature and I've been involved with that over the years. When you think

about all the steps involved in bringing forward and debating legislation and other issues in a typical week, there's a logic to it and there's certainly a learning curve to it. Beyond that, in PEI we had about one month between the election and the return to the assembly. There was a very quick ramp up and we were thrown right into things. There have been a few comments about government or House leaders being an important resource and that was certainly true for us. It was important for my own education to have someone you could turn to as questions arose. I remember the first time a standing division was called for. I was sitting in my chair thinking to myself, 'what do I do now?' My government House leader came over and asked if I knew how to handle this and told me what I needed to do. There's a great confidence to be gained in being able to rely on those who have done all this before if you're able to do that from the cast of one election to the next.

CPR: That leads to another question. Some of you have been able to rely on members of your party caucuses who have had prior experience serving as parliamentarians. What type of advice did they offer? And for Mr. Clark and Mr. Bevan-Baker, as the sole members of your party in your respective legislatures, were there experienced colleagues in other parties who offered to help or were there other people you could turn to?

GC: We did have an Alberta Party MLA in an earlier parliament who was a floor-crosser, but I am the first elected Alberta Party MLA. I hired very experienced people for my legislative staff and they're very good at providing me with briefing binders, with an explanation of what the heck the committee of the whole is and what I'm expected to do. As I mentioned earlier, the House leaders from the other parties have been quite helpful in bringing me up to speed, but having had some experience working in the legislature previously and having sat on committees and boards of directors previously – although the structure is different – it's not wildly different from that experience. I've relied on a combination of experience from my professional life, my experience working in the legislature 25 years ago and my staff as well as just reading the standing orders. Each experience is unique – we still haven't gone through budget estimates – we're about to do that here. So it is a tremendous learning curve in terms of both the diversity and volume of work, but it is wonderful to experience and I really have enjoyed it very much.

PB-B: I was under particular scrutiny because I was the first ever Green MLA elected to the PEI assembly and there was a certain novelty to that. I certainly felt I was being watched very closely. The House had to make a decision about whether we would be granted official party status and whether I would have staffing. Until all that was done, which of course could not be discussed until the House sat, I was all by myself. But I have to say I had a great deal of support, kindness, and there was a real collegial atmosphere in the House from people like Jordie and Sid and everyone else. Though I was alone in a caucus, I did not feel unsupported. The legislature in PEI is an intimate place – there are only 27 of us and many of us know each other outside of politics. It's an unusual legislature in that respect. But I can't stress enough that there was a collaborative attitude that was brought to the house and that helped me tremendously.

CPR: And those of you who did have partisan colleagues to consult? What advice or support did they provide?

EC-V: The first piece of advice was to take things one step at a time. But I remember Brian Mason telling me that I should sleep with my standing orders in the sense that you should get to know them because these are your best friends. I remember in preparing for a session every morning he would go through important parts of the standing orders. His experience and knowledge of them is incredible. At the end of the first session we in the caucus were all really in awe of how his leadership really helped us to work together, to figure out what we didn't know, how to ask questions, how to know when we should be talking and when we shouldn't be saying anything at all. I remember I was also presenting a private member's bill in the first session, and all this was one month after the election – it was all happening very quickly. Having that caucus support for key messaging and tying that back into our own communities was important. Another piece of advice was to read through old transcripts of previous sessions. That was really helpful as well.

AP: One of the outstanding pieces of advice I received was 'say yes to everything and commit to nothing.' Being a new MLA is a learning process and you have to get every piece of information you can to help inform you and then somehow turn it off and sleep at night.



Estefania Cortes-Vargas

JB: One of the pieces of advice I heard from many people was to get to know the rules of procedure inside and out and to bring along a guide like Robert's Rules of Order so you have a comfort about the general rules in which you'll operate. It gives you a bit of backing if you're ever put on the spot. I come from the background of being a lawyer, so that's in my bailiwick anyway, but any parliamentarian would do well to know the rules of the game inside and out so that they can use them to their advantage.

SM: We've had some small oppositions in the past number of House sessions, but the main opposition party went from three to eight members this time. One of the nice advantages of that is we don't have to be up on our feet all the time. As Peter mentioned,



Thomas Dang

PEI has a small legislature and with only two or three opposition members you have to be on your feet all the time speaking to motions and handling the bulk of Question Period. It's nice now that you don't have to carry as much of that load and you have more time to watch and learn with a bigger team.

TD: Having a good working relationship with experienced members is very important. They're a sounding board if you're unsure or want to get an opinion about something you're considering. It's very useful and productive. And, of course, we have friends among our federal colleagues as well who offer advice. One of the things I was told which has been valuable is to always find time for yourself at the end of the day. You all want to do good work

and everyone wants to change the world, but you can't do that if you burn out after six months.

CPR: How quickly were you able to get your constituency offices and/or legislative offices off the ground? Some of you mentioned you hired experienced staff, but were there training sessions for new staff or assistance to help them establish themselves quickly?

TD: My office was lucky; we were hired up in June, right before our first mini Spring session. In terms of training opportunities, the Legislative Assembly of Alberta did provide a couple days of constituency training for our staff. The funny thing was, since we haven't had such a large transition in the legislature in so many years in Alberta, they only schedule two of those sessions per year. If you miss the first one you'd have to wait about eight months to get into the next one. I hired early enough to get into the first training session, but some of my colleagues who didn't might have staff who missed those. But there are other opportunities with our caucus to offer support, and certainly the Legislative Assembly is willing to work with our staff to make sure we get the job we need done.

GC: Staff hiring was a priority for me. We were hired up within about two weeks following the election. It was important to get to work on constituency files. I did hire rookie staff for my constituency office, because they had been on the ground and knew the issues in the constituency, but I hired experienced staff in the legislative office. And the assembly staff has been a great help to both my staffs.

PB-B: My situation is rather unique, but as I said earlier I could not begin to think about starting to hire staff until we knew if we would have funding. Thankfully, my campaign manager for the election was available. He has a degree in political science and is a wonderful man and there was no real training required for him.

EC-V: In Alberta we had so many new MLAs and at the same time the legislative offices were moving buildings – so it was interesting to see them all packing boxes at the same time as trying to get us ready for the session, processing leases and getting phones connected. I was able to train my staff because I did have constituency experience myself, so that was one of the simpler tasks for me. I had templates that we had used and procedures

for answering different questions. I remember even before I had hired staff my office was being used for setting up meetings. It was quite a whirlwind as the first sessions was also taking place.

CPR: Most, if not all, of you have had the opportunity to speak in the legislature. Can you describe what you were feeling the first time you spoke in that setting? Have you found that you're developing a particular niche or specialty in the legislature?

AP: I was the first member of my caucus to speak in the House and it was during the process to nominate a new Speaker in the House. That was quite interesting and a very overwhelming experience. But it was my maiden speech that was particular special for me because you get a chance to speak about your community and where you are coming from. That meant so much to me and it was a humbling experience. I might be a little bit addicted to standing up and speaking in the house now!

TD: I had the opportunity to speak in a couple of committees and in the committee of the whole. The first thing that came to mind was, 'Wow, there are 86 other people here looking at me and television cameras pointed at me, and every word I say will be recorded in Hansard forever.' So there were definitely some butterflies in my stomach even though I had done some public speaking in the past. It's humbling, because you realize, 'I'm not speaking as Thomas Dang, I'm speaking as the Member for Edmonton – South West.' You have the opportunity to speak for your constituents and to bring about change for your constituents. That experience didn't go away as I spoke a few more times, and I am going to hold onto it. That's what we were elected to do and it's work that has a meaningful impact back home.

SM: I was quite nervous the first time I stood to speak, but it all went well. One of the advantages of our legislature is that it's small with 27 members and you have the opportunity to speak on a numbers of matters each day if you so choose. You get used to speaking on the floor of the House very quickly.

JB: I had an interesting first time on my feet in the house. I had quite a bit of public-speaking experience in the courtroom setting during the first five years of my legal practice, but my first duty in the legislature was to move the Speech from the Throne. The honourable leader of the Opposition is



Sidney MacEwen

a gregarious fellow and when we came in knowing that would be on the agenda for the evening he gave me a bit of a heads up that he was going to be coming for me. He proceeded to chide me for the first 10 to 20 minutes of my speech. I felt pretty comfortable that once I made it through that part I could handle pretty much anything else on my feet.

PB-B: Just to finish off the PEI trio, I was thrilled and nervous and felt a great weight on my shoulders because it was not just me speaking for the first time, but also the first time an MLA from my party spoke to the legislature. But, in part of my other life I have been a musician and an actor so the idea of being able to deliver a line was not foreign to me. I felt very focused. One of the great privileges of being in



Angela Pitt

the PEI legislature, as Sidney said, is that you have the opportunity to speak frequently. As leader of a party here I get the opportunity to ask a series of questions every day and a chance to respond to all ministers' statements. Very quickly you begin to feel like an experienced parliamentarian. And, again, the intimacy and support throughout the legislature is quite evident here.

EC-V: I remember the first time I stood up to speak was to present a private member's bill. I was really nervous, but it was also a very proud moment because I like to think of myself as a very action-based person and it was great to think that my first words would be about a bill I was presenting. It was really humbling.

CPR: Both of your legislatures have majority governments, so aside from by-elections, it will be a number of years before a fresh crop of new parliamentarians are elected. Thinking ahead, what type of advice would you offer to them based on your experience so far? And are there additional steps legislatures could take to help you transition into this new role more easily?

EC-V: I think it would be the same advice given to me – read the standing orders and get to know the rules of the game and everyday procedures. You'll know what to do and how to react when something new happens, you'll know what a division is and what to do at that point. Even reading transcripts and having attended Question Period before – that is very helpful.

TD: I mentioned earlier that everyone running for office wants to do all of this great work and bring about change, but as a new parliamentarian – and I know this and struggle with this myself – find time for yourself. Find time, even if it's one night a week, where you take time to go for a walk in the river valley, or watch something on Netflix. Find some time to relax because you're going to be sitting for a lot of nights in that legislature, you're going to be doing a lot of work when you're not in the legislature, and you need to be rested enough so that you're at the top of your game to do the best job for your constituents.

PB-B: I'd like to echo what Thomas just said. Taking time for yourself is just critical. Surrounding yourself with good people is also enormously important, especially for someone like me who was starting from scratch. And trusting your instincts is very important, because you're always second-guessing yourself – especially if you're in a caucus of one. You don't have anyone to bounce ideas off. Developing the ability to trust myself and my instincts was an important lesson for me.

JB: If you can, it's great if you can find someone with experience that you can trust to bounce ideas off of. I was fortunate to have Rob Young, an experienced MLA, who was working in our office during the first legislative sitting. It's wonderful to have someone like this to answer questions you may otherwise be afraid to ask. It helps build confidence when you have the ability to confer with someone who has done it before.

CPR: No one really knows what the job of an MP really entails until they step into the role. With that in mind, is there any question I should have posed or any aspect of your new role we didn't discuss that you'd like to touch upon?

GC: I think all of us are in this for the right reasons – we're working for and serving our constituents. You get yelled at a fair bit. And especially with social media, it's become quite easy to hide behind a screen while you berate someone and say some reasonably impolite things. Maintaining perspective is challenging. As a solo MLA, I think it's perhaps even more challenging, because you don't have a caucus to go back to commiserate with. I think the hardest thing is – and I hope Angela, Estefania and Thomas won't use this against me – when you make a mistake. You listen to the criticism you're receiving and you say to yourself, 'They've got a good point, I did mess that up a bit.' It's different if someone's a wide-eyed yahoo with whom you just simply disagree politically, but if you mess up publically and people are yelling at you on Twitter – that's tough. But, if you surround yourself with good people and do your best to maintain a strong connection to family and friends, hopefully you succeed. But, I've only been at this for six months, so it's still very much a learning process. You have

to be committed to the job. It's more than a full-time job and you have to see it as doing a public service. That's how I reconcile all of this – I'm doing this work to make my community a better place.

JB: Speaking to Greg's point and Thomas's point before that, one of the key things relating to my decision-making process to run and right through my experience today was to have an early conversation with my wife. We have two very young children – one is two and a half and the other is eight months. Our youngest was born a month before my nomination took place. And I could not have done this without a partner who supported me every step along the way. There's more to that than just helping out around the house and taking care of kids – you're whole family has to be on board for the life you are undertaking. They have to be prepared for criticisms, they have to be prepared for the highs and lows, and they have to be prepared for the fact that your life is no longer just your own going forward. They have to be on board every step of the way – mentally, physically, everything. If I didn't have that support, I don't think I would have been able to do this job nearly as effectively.

CPR: Thank you all so much for your time.

Grandfathers and Grandchildren in the Parliament of Canada

Building on an earlier study of Canadian parliamentarians who were part of the same nuclear families, the author explores grandfathers and grandchildren who served as parliamentarians.

Jacques P. Gagnon

In an earlier article, I presented a comparative study of Canadian parliamentarians who lived under the same roof (spouses, parents–children, brothers).¹ In this study, I looked at grandfather–grandchild relationships in Parliament. When reporters ask Justin Trudeau how his father influenced his own political career, he tells them that they should not overlook the influence of his maternal grandfather, James Sinclair. Born in Scotland in 1908, Sinclair was a trained civil engineer. He served as a squadron leader in the Royal Canadian Air Force during the Second World War, and he was elected as the Liberal Member for Vancouver North in 1940 and then for Coast-Capilano in 1949. From 1949 to 1952 he was the Parliamentary Assistant to the Minister of Finance, and then from 1952 to 1957 he served as the Minister of Fisheries. His political career ended nine months later with the second election of John D. Diefenbaker's Conservative government. He died in 1984 at the age of 75.²

The younger Trudeau credits his people skills and the ease with which he works a crowd to his grandfather. It is a commonly held belief that grandparents can pass on physical features and even personality traits to their

grandchildren. Although I did not go that far with my research, I did look at whether there are any political constants to be found in the family ties in Canada's Parliament since 1867. I first looked at the nine three-generation families of parliamentarians (grandfathers, sons or sons-in-law, grandchildren) separately from the 23 two-generation families (grandfathers and grandchildren). I did not see any major differences between the two sub-groups, so I continued my analysis of the 32 families together.³

As expected, there is a generation gap between when grandfathers entered politics and when their grandchildren did. Most grandfathers began their political careers before 1935, and most grandchildren after 1935.

Periods during which the 32 grandfathers and 33 grandchildren became parliamentarians, by historical period

First we will look at how many grandchildren were able to know their grandfathers. If a grandchild was born at least five years before the death of his or her grandfather, then the grandchild would have likely

Period	Grandfathers	Grandchildren
1867-1896 Virtual back-to-back Conservative governments	9	0
1896-1935 Alternating Liberal–Conservative governments	20	3
1935-1968 Virtual back-to-back Liberal governments	3	15
1968-2008 Alternating Liberal–Conservative governments	0	15

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had the opportunity to have some memory of him. This was the case for two-thirds of grandchildren (23 out of 33), although this does not appear to have had any influence on their political careers: 19 grandchildren

entered Parliament at a later age than did their grandfathers; only six grandchildren represented the same riding as their grandfathers; and 10 were affiliated with a different party.⁴ Moreover, only four grandchildren experienced a political career of the same duration as their grandfather (with a gap of one or two years).⁵

Quebec is the province with the most grandfathers and grandchildren as parliamentarians, and more grandfathers and grandchildren were affiliated with the Liberals than with the Conservatives.

32 grandfathers and 33 grandchildren by province and by party

Province	Grandfathers	Grandchildren
Quebec	13	16
Ontario	9	9
Nova Scotia	4	4
New Brunswick	2	1
P.E.I.	1	1
Manitoba	1	1
Saskatchewan	1	—
B.C.	1	1

Party	Grandfathers	Grandchildren
Liberal Party	20	17
Conservative Party	10	15
Unionist	2	-
NDP	-	1

The main finding is that there is less continuity between the political careers of parliamentarian grandfathers and their grandchildren than within nuclear families (spouses, parents–children, brothers) in a number of respects: age at entry into Parliament, representation of the same riding or senatorial district, or political affiliation. However, this does not in any way detract from Justin Trudeau’s opinion about how much he was influenced by his grandfather, James Sinclair.

Nine families with three generations of parliamentarians

Parliamentarian / Chamber / Province or Territory / Riding or Senatorial Division / Party / Start of Term (Age)

1. Beaubien, Louis (d.1915), Commons, Quebec, Hochelaga, Conservative, 1872 (35 years)

2. Beaubien, Charles-Philippe, Senate, Quebec, Montarville, Conservative, 1915

3. Beaubien, Louis-Philippe (b.1903), Senate, Quebec, Bedford, Conservative, 1960 (57 years)

1. Belleau, Isidore-Noël (d.1936), Commons, Quebec, Lévis, Conservative, 1883 (35 years)

2. Fortin, Émile, Commons, Quebec, Lévis, Conservative, 1930

3. Fortin, Louis (b.1920), Commons, Quebec, Montmagny-L’Islet, Conservative, 1958 (38 years)

1. David, Laurent-Olivier (d.1926), Senate, Quebec, Mille Isles, Liberal, 1903 (63 years)

2. David, Louis-Athanase, Senate, Quebec, Saurel, Liberal, 1940

3. David, Paul (b.1919), Senate, Quebec, Bedford, Conservative, 1985 (66 years)

1. Harrison, John Hornby (d.1964), Commons, Saskatchewan, Meadow Lake, Liberal, 1949 (41 years)

2. Regan, Gerald Augustine, Commons, Nova Scotia, Halifax, Liberal, 1963

3. Regan, Geoff (b. 1959), Commons, Nova Scotia, Halifax West, Liberal, 1993 (34 years)

1. Mercier, Honoré (d.1894), Commons, Quebec, Rouville, Liberal, 1872 (32 years)

2. Gouin, Jean Lomer, Commons, Quebec, Laurier-Outremont, Liberal, 1921 (60 years)

3. Gouin, Léon Mercier (b.1891), Senate, Quebec, De Salaberry, Liberal, 1940 (49 years)

1. Pouliot, Jean-Baptiste (d.1888), Commons, Quebec, Témiscouata, Liberal, 1874 (58 years)

2. Pouliot, Charles-Eugène, Commons, Quebec, Témiscouata, Liberal, 1896

3. Pouliot, Jean-François (b.1890), Commons, Quebec, Témiscouata, Liberal, 1924 (34 years)

1. Power, William (d.1920), Commons, Quebec, Quebec West, Liberal, 1902 (53 years)

2. Power, Charles Gavan, Commons, Quebec, Quebec South, Liberal, 1917

3. Power, Francis Gavan (b.1918), Commons, Quebec, Quebec South, Liberal, 1955 (37 years)

1. Rowell, Newton Wesley (d.1941), Commons, Ontario, Durham, Unionist, 1917 (50 years)

2. Jackman, Harry Rutherford, Commons, Ontario, Rosedale, National Government (Conservative), 1940

3. Nancy Ruth (b.1942), Senate, Ontario, Cluny, Conservative, 2005, (63 years)

1. Sinclair, James (d.1984), Commons, British Columbia, Vancouver North, Liberal, 1940 (32 years).

2. Trudeau, Pierre Elliott, Commons, Quebec, Mount Royal, Liberal, 1965

3. Trudeau, Justin (b.1971), Commons, Quebec, Papineau, Liberal, 2008 (37 years)

23 families with two generations of parliamentarians

Parliamentarian / Chamber / Province or Territory / Riding or Senatorial Division / Party / Start of Term (Age)

1. Bell, Thomas (d.1945), Commons, New Brunswick, St. John-Albert, Conservative, 1925 (62 years)

3. Bell, Thomas Miller (b.1923), Commons, New Brunswick, St. John-Albert, Conservative, 1953 (30 years)

1. Blair, Andrew George (d. 1907), Commons, New Brunswick, Sunbury-Queen's, Liberal, 1896 (52 years)

3. Brewin, Francis Andrew (b. 1907), Commons, Ontario, Greenwood, NDP, 1962 (55 years)

1. Carroll, William F. (d. 1964), Commons, Nova Scotia, Cape Breton South, Liberal, 1911 (34 years)

3. Murphy, John (b.1937), Commons, Nova Scotia, Annapolis Valley-Hants, Liberal, 1993 (56 years)

1. Chaplin, James Dew (d.1937), Commons, Ontario, Lincoln, Unionist, 1917 (54 years)

3. Anderson, Edna (b.1922), Commons, Ontario, Simcoe Centre, Conservative, 1988 (66 years)

1. Cannon, Lucien (d.1950), Commons, Quebec, Dorchester, Liberal, 1917 (30 years)

1. Power, Charles Gavan (d.1968), Commons, Quebec, Quebec South, Liberal, 1917 (29 years)

3. Cannon, Lawrence (b.1947), Commons, Quebec, Pontiac, Conservative, 2006 (59 years)

1. Choquette, Philippe-Auguste (d. 1948), Commons, Quebec, Montmagny, Liberal, 1887 (33 years)

3. Choquette, Auguste, (b. 1932), Commons, Quebec, Lotbinière, Liberal, 1963 (31 years)

1. Comeau, Joseph Willie (d.1966), Senate, Nova Scotia, Clare, Liberal, 1948 (72 years)

3. Thibault, Robert (b.1959), Commons, Nova Scotia, West Nova, Liberal, 2000 (41 years)

1. Fitzpatrick, Charles (d.1942), Commons, Quebec County, Quebec, Liberal, 1896 (45 years).

3. Cannon, Charles-Arthur Dumoulin (b.1905), Commons, Quebec, Îles-de-la-Madeleine, Liberal, 1949 (44 years)

1. Gauthier, Louis-Philippe (d.1946), Commons, Quebec, Gaspé, Conservative, 1911 (35 years)

3. Gauthier, Jean-Robert (b.1929), Commons, Ontario, Ottawa East, Liberal, 1972 (43 years)

1. Hughes, James Joseph (d.1941), Commons, Prince Edward Island, Kings, Liberal, 1900 (44 years)

3. Rossiter, Eileen (b.1929), Senate, Prince Edward Island, Prince Edward Island, Conservative, 1986 (57 years)

1. Le Vesconte, Isaac (d.1879), Commons, Nova Scotia, Richmond, Conservative, 1869 (47 years)

3. MacDougall, Isaac Duncan (b.1897), Commons, Nova Scotia, Inverness, Conservative, 1925 (28 years)

1. Lynch-Staunton, George (d.1940), Senate, Ontario, Hamilton, Conservative, 1917 (59 years)

3. Lynch-Staunton, John (b.1930), Senate, Quebec, Granville, Conservative, 1990 (60 years)

1. McLean, Murdo Young (d. 1916), Commons, Ontario, Huron South, Liberal, 1908 (60 years)

3. McLean, Andrew Young (b. 1909), Commons, Ontario, Huron Perth, Liberal, 1949 (40 years)

1. McCool, Charles-Arthur (d.1926), Commons, Ontario, Nipissing, Liberal, 1900 (47 years)

3. McGee, Frank Charles (b.1926), Commons, Ontario, York-Scarborough, Conservative, 1957 (31 years)

1. Meighen, Arthur (d.1960), Commons, Manitoba, Portage la Prairie, Conservative, 1908 (34 years)

3. Meighen, Michael A. (b.1939), Senate, Ontario, St. Marys, Conservative, 1990 (51 years)

1. Mercier, Honoré (d.1894), Commons, Quebec, Rouville, Liberal, 1872 (32 years)

3. Fauteux, Gaspard (b.1898), Commons, Quebec, St. Mary, Liberal, 1942 (44 years)

1. Monteith, Andrew (d.1896), Commons, Ontario, Perth North, Conservative, 1874 (51 years)

3. Monteith, Jay Waldo (b.1903), Commons, Ontario, Perth, Conservative, 1953 (50 years)

1. Mulock, William (d.1944), Commons, Ontario, North York, Liberal, 1882 (39 years)

3. Mulock, William Pate (b.1897), Commons, Ontario, North York, Liberal, 1934 (37 years)

1. Osler, Edmund Boyd (d.1924), Commons, Ontario, Toronto West, Conservative, 1896 (51 years)

3. Osler, Edmund Boyd (b.1919), Commons, Manitoba, Winnipeg South Centre, Liberal, 1968 (49 years)

1. Proulx, Edmond, Communes (d.1956), Ontario, Prescott, Liberal, 1904 (29 years)

3. Proulx, Marcel (b.1946), Commons, Quebec, Hull-Aylmer, Liberal, 1999 (53 years)

1. Roberge, Eusèbe (d.1957), Commons, Quebec, Mégantic, Liberal, 1922 (48 years)

3. Roberge, Fernand (b.1940), Senate, Quebec, Saurel, Conservative, 1993 (53 years)

1. Tobin, Edmund William (d.1938), Commons, Quebec, Richmond-Wolfe, Liberal, 1900 (35 years)

3. Asselin, Edmund Tobin (b.1920), Commons, Quebec, Notre-Dame-de-Grâce, Liberal, 1962 (42 years)

3. Asselin, Joseph Patrick Tobin (b.1930), Commons, Quebec, Richmond-Wolfe, Liberal, 1963 (33 years)

1. Tupper, Charles Hibbert (d. 1927), Commons, Nova Scotia, Pictou, Conservative, 1882 (27 years)

3. Merritt, Charles Cecil Ingersoll (b. 1908), Commons, British Columbia, Vancouver-Burrard, Conservative, 1945 (37 years)

Notes

- 1 "Elementary Kinship Structures in Parliament Since 1867," *Canadian Parliamentary Review*, Vol. 34, no. 3, autumn 2011, pp. 25–28. I take this opportunity to correct an inexplicable omission concerning Liberal Senator Cairine Reay Wilson (1930), daughter of Liberal Senator Robert Mackay (1901) and the first woman named to the Senate.
- 2 Taken from PARLINFO on the Parliament of Canada website.
- 3 One grandfather (Edmund William Tobin) had two parliamentarian grandsons, and one grandson (Lawrence Cannon) had two parliamentarian grandfathers. This means that there were 32 grandchildren and 33 grandfathers in 32 families.
- 4 We considered Unionist Chaplin to be Conservative, therefore in the same party as his granddaughter Edna Anderson.
- 5 Louis Fortin, Charles-Arthur Dumoulin Cannon, Andrew McLean Young and Frank Charles McGee. In addition, two members are still working for an indefinite time: Geoff Regan, the newly elected Speaker of the House of Commons, and Justin Trudeau, the new prime minister.

Proportional Representation: The Scottish Model Applied to the 2015 Canadian Election

The purpose of this paper is to calculate what the results of the 2015 federal election in Canada might have been using a system of proportional representation based on the system in use for elections to the Scottish Parliament. The Scottish model was recommended by the Law Commission of Canada in its March 2004 report¹. This paper does not attempt to deal in any depth with the implications of a proportional representation system, such as the tendency for it to result in a minority government, or with the relative merits of the various possible systems for proportional representation. Those matters are canvassed more fully in the Law Commission report.

Ian Gray

The Scottish Model

The Scottish Parliament uses a mixed proportional representation system to elect its members. There are 129 seats (for a population of about 5 million). There are 73 constituencies where the person receiving the most votes is declared elected (termed first past the post or constituency seats). The other 56 seats are filled from slates of candidates proposed by the parties, or by individuals – 7 seats for each of 8 regions of varying population size (termed proportional or regional seats). Thus, 57 per cent of the total seats are first past the post and 43 per cent are proportional.

The constituency elections and the regional elections take place at the same time and each elector has two votes – one for a constituency candidate and one for a party or individual on a regional list. A person can be a candidate for a constituency seat as well as being on a party list for a proportional seat. This gives parties an opportunity to ensure that a particular candidate gets elected, if not as a constituency member then from the

slate. It could also facilitate the election of more women members and members from minority groups if parties chose to organize their list in such a way. In the 2011 Scottish elections, 45 out of 129 elected members were women (35 per cent) – 20 out of 73 constituency seats (27 per cent) and 25 out of 56 proportional seats (45 per cent). In the Canadian election, the percentage of women elected was 26 per cent.

The method of calculating the proportional seats is as follows: for the first proportional seat, divide the number of votes cast in the region for each party's regional slate or for each individual regional candidate by the number of constituency seats that they received in a region + 1. So for a party (say Labour) that won 10 constituency seats in a region, its total number of regional votes would be divided by 11 initially. For a party (say the Green Party), or individual, that got no constituency seats, their number of regional votes would be divided by 1. The party or individual with the highest number after the division is completed gets the first proportional seat.

For the second proportional seat, the same calculation is made - divide the number of regional votes for each party or individual by the number of constituency seats that they won + 1 + any proportional seats received. So, if Labour obtained the first proportional seat, its number of regional votes would be divided by 12. For the Green Party, its number of regional votes would again be divided by 1. And so on for all 7 proportional seats in each region.

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2011 Scottish Parliament Election Results (Figures from website – http://www.scottish.parliament.uk/msps.aspx)					
	Total Number and percentage of Seats	Number and percentage of Constituency Seats percentage	Constituency vote percentage	Number and percentage of Regional Seats	Regional vote percentage
Scottish Nationalist	69 (53.5%)	53 (72.5%)	45.4%	16 (28.5%)	44.0%
Scottish Labour	37 (28.7%)	15 (20.5%)	31.7%	22 (39.0%)	26.3%
Scottish Conservative	15 (11.6%)	3 (4.0%)	13.9%	12 (21.5%)	12.4%
Scottish Liberal Democrat	5 (3.9%)	2 (3.0%)	7.9%	3 (5.5%)	5.2%
Scottish Green	2 (1.6%)	0	0%	2 (3.5%)	4.4%
Margo MacDonald	1 (0.8%)	0	0%	1 (2.0%)	0.9%
Others	-	0	1.1%	0	6.8%
	129	73		56	

Elections for the Scottish Parliament are held on a fixed date every 4 years, except if there is a two-thirds majority vote by members for an earlier election or if Parliament cannot agree on the nomination of a First Minister. The above table shows the results of the 2011 election. (The election that should have been held in 2015 was bumped to 2016 because it would have coincided with the election for the UK Parliament in 2015).

The proportional (regional) vote for the major parties is generally less than the constituency vote, as electors take the opportunity to split their voting allegiance – a fact that some would consider a benefit of a proportional system. In the case of the Green Party, they ran no constituency candidates but gained their two seats as a result of their share of the proportional vote.

Applying the Scottish Model to Canada

Canada has 338 constituency seats. For purposes of applying the Scottish model to Canada, the number of constituency seats has been calculated as 2/3 of the total number of constituency seats, and the proportional seats 1/3 of the total number of constituency seats. This ratio is consistent with the assumption made in the 2004 Law Commission of Canada report in its simulation of the 2000 Canadian election results based on the Scottish model². There are, therefore, 225 constituency (first past the post) seats, and 113 seats to be distributed among parties in proportion to the votes they receive. Three proportional seats have been added – one for each of the territories because

otherwise they would have to share a proportional seat – making a total of 116 proportional seats. Using the present number of seats as a basis for the split between constituency and proportional seats would mean reducing the number of constituency seats through a redrawing of constituency boundaries³.

Normally there would be a separate vote for the proportional seats that would provide the basis for the proportional calculations. As there was only one vote (the constituency vote) in the 2015 Canadian election, that vote is used as the basis for the calculation of proportional seats. For simplicity, and because there were no regional slates with individual candidates or minor parties, the proportional seats have only been allocated among political parties that obtained a substantial number of votes (Liberal, Conservative, NDP, Bloc and Green).

Provinces and territories have been used as the regional unit and the figures used in the calculation of constituency and proportional seats are those reported by Elections Canada immediately after election night.

The basic steps in applying the model are: first, the total electoral seats for each province and territory are divided into 2/3 first past the post seats and 1/3 proportional seats; then the 2/3 first past the post seats are allocated among the parties in proportion to the seats they won in the actual election; finally, the 1/3 proportional seats are allocated in each province and territory in accordance with the formula described above for Scotland, using the total number of votes obtained by each party in that province or territory.

Results using the Scottish Model

Tables 1, 2 and 3 below show the actual results of the 2015 Canadian election compared with results projected using the Scottish model. Table 1 shows the results nationally. Table 2 shows the number of actual seats by province and territory compared with the number of seats using the model. Table 3 compares the vote percentage in each province and territory with the actual seat percentage and with the seat percentage using the model.

system and the model system, and the number of seats for each party reflects the popular vote under either system. (See Tables 2 and 3).

In conclusion, a mixed system of proportional representation, based on the Scottish model, would benefit parties that obtain a substantial percentage of popular support but are unable to see this support translated into seats under the present first past the post system. At the same time, it would allow the parties that have traditionally benefited from the first past the post system to maintain some of this advantage.

Table 1
Results Nationally

	2015 Actual Election Results			Model Results	
	% of Popular Vote	No. of Seats	% of Seats	No. of Seats	% of Seats
Liberal	39.5%	184	54.4%	148	43.5%
Conservative	31.9%	99	29.3%	106	31%
NDP	19.7%	44	13.0%	65	19%
Bloc Quebecois	4.7%	10	3.0%	14	4%
Green	3.4%	1	0.3%	8	2.5%
Other	0.8%	0	0%	0	0%
		338		341	

The effect of applying the model is that the percentage of seats gained by each party nationally would reflect more closely the actual number of votes they obtained (see Table 1). This is true also within each province and territory, although the difference between the vote percentage and actual seat percentage varies from province to province (see Table 3).

The Liberals would have fewer seats overall because of the high number of FPTP seats they gained, which would result in fewer proportional seats. The Conservatives would gain a few more seats, while the NDP and Green Party would be the main beneficiaries. The Bloc would also gain a few more seats in Quebec. The three main parties would have seats in every province, except for the Conservatives in Newfoundland and Labrador and the NDP in PEI, as opposed to the present shut-out of those parties in Atlantic Canada. The Liberals would increase their seat count in Alberta. In Ontario, the number of seats would reflect almost exactly the percentage of the popular vote for each party in that province. In Manitoba, the number of seats is the same under both the existing

Notes

- 1 The Law Commission of Canada was shut down following Government funding cuts in 2006. However, the report is available online at http://voices-voix.ca/sites/voices-voix.ca/files/lcc_report_-_electoral_reform_for_canada.pdf.
- 2 The split in the Scottish system is actually 57 per cent FPTP seats and 43 per cent proportional seats. The split between FPTP seats and proportional seats is the key factor that affects how closely the popular vote is reflected in the number of seats. For example, a 50/50 split would give more emphasis to the proportional allocation and would more closely reflect the popular vote. Of course, if the goal was to have the number of seats mirror the popular vote exactly, a pure proportional representation system would be used.
- 3 If the present number of constituency seats (338) were to be retained, the total number of seats would need to be increased by 50 per cent to 507 to provide for the additional one-third of proportional seats. This is probably not practicable at present, logistically and from a cost point of view. On the other hand, the cost of additional proportional seats in the Commons could be offset by abolition of the Senate (105 seats). (The question of the need for a continuing role for the Senate as representing provincial interests is a whole other topic for discussion).

Table 2
Number of Seats By Province And Territory

	LIBERAL		CONSERVATIVE		NDP		BLOC		GREEN	
	Actual Seats	Model Seats	Actual Seats	Model Seats	Actual Seats	Model Seats	Actual Seats	Model Seats	Actual Seats	Model Seats
* For the Model Seats, the first figure in brackets is for FPTP seats and the second figure is for Proportional seats..										
Nfld	7	5 (5+0)	-	-	-	2 (0+2)	-	-	-	-
PEI	4	3 (3+0)	-	1 (0+1)	-	-	-	-	-	-
NS	11	8 (8+0)	-	2 (0+2)	-	1 (0+1)	-	-	-	-
NB	10	7 (7+0)	-	2 (0+2)	-	1 (0+1)	-	-	-	-
Queb	40	33 (26+7)	12	11 (8+3)	16	18 (11+7)	10	14 (7+7)	-	2 (0+2)
Ont	80	55 (53+2)	33	43 (22+21)	8	20 (6+14)	-	-	-	3 (0+3)
Man	7	7 (5+2)	5	5 (3+2)	2	2 (1+1)	-	-	-	-
Sask	1	3 (1+2)	10	7 (7+0)	3	4 (2+2)	-	-	-	-
Alb	4	8 (3+5)	29	22 (20+2)	1	4 (1+3)	-	-	-	-
BC	17	15 (11+4)	10	13 (7+6)	14	11 (10+1)	-	-	1	3 (1+2)
YT	1	2 (1+1)	-	-	-	-	-	-	-	-
NWT	1	1 (1+0)	-	-	-	1 (0+1)	-	-	-	-
NUN	1	1 (1+0)	-	-	-	1 (0+1)	-	-	-	-
Total	184	148	99	106	44	65	10	14	1	8

Table 3
Percentage of Votes And Seats By Province And Territory

	LIBERAL			CONSERVATIVE			NDP			BLOC			GREEN		
	Vote %	Actual Seat %	Model Seat %	Vote %	Actual Seat %	Model Seat %	Vote %	Actual Seat %	Model Seat %	Vote %	Actual Seat %	Model Seat %	Vote %	Actual Seat %	Model Seat %
Nfld	64.5	100	71	10.3	0	0	21.0	0	29	-	-	-	1.1	0	0
PEI	58.3	100	75	19.3	0	25	16.0	0	0	-	-	-	6.0	0	0
NS	61.9	100	73	17.9	0	18	16.4	0	9	-	-	-	3.4	0	0
NB	51.6	100	70	25.3	0	20	18.3	0	10	-	-	-	4.6	0	0
Queb	35.7	51.3	42	16.7	15.4	14	25.4	20.5	23	19.3	12.8	18	2.3	0	3
Ont	44.8	66.1	45.5	35.0	27.3	35.5	16.6	6.6	16.5	-	-	-	2.9	0	2.5
Man	44.6	50.0	50	37.3	35.7	36	13.8	14.3	14	-	-	-	3.2	0	0
Sask	23.9	7.1	21.5	48.5	71.4	50	25.1	21.5	28.5	-	-	-	2.1	0	0
Alb	24.6	11.8	23.5	59.5	85.3	64.5	11.6	2.9	12	-	-	-	2.5	0	0
BC	35.2	40.5	36	30.0	23.8	31.0	25.9	33.3	26	-	-	-	8.2	2.4	7
YT	53.6	100	100	24.0	0	0	19.5	0	0	-	-	-	2.9	0	0
NWT	48.3	100	50	18.0	0	0	30.8	0	50	-	-	-	2.8	0	0
NUN	47.2	100	50	24.8	0	0	26.5	0	50	-	-	-	1.5	0	0

The Oldest Parliamentary Rules in Quebec and Canada

This article presents a brief history of the oldest written rules of the first “Canadian provinces” and introduces two unpublished manuscripts on the Rules of Quebec and Lower Canada.

Christian Blais¹

From the fourteenth century until the early nineteenth century, parliamentary procedure in the House of Commons was more a matter of custom and practice rather than explicit written rules.² It was not until 1810 that the Commons officially codified some of its procedures as Standing Orders.³

Much of the knowledge of parliamentary practice prior to 1810 was based on various works published from the sixteenth century onwards. Among them were *Order and Usage* by John Hooker (1572), *De Republica Anglorum* by Thomas Smith (1583), *The Manner How Statutes are Enacted in Parliament by Passing of Bills* by William Hakewill (1641), *Lex parliamentaria* attributed to George Petyt (1689) and works by John Hatsell, beginning with *A Collection of Cases of Privilege of Parliament, from the earliest records to 1628* (1776). Considered the best authorities,⁴ these publications are also known to have circulated in America. A shared British colonial administration combined with these procedural sources explains why parliamentary procedure was fundamentally the same from one colony to another.

In the eighteenth century, parliamentary business in Nova Scotia, Île Saint-Jean (Prince Edward Island), Quebec, New Brunswick, Upper Canada and Lower Canada was governed by about 10 written rules. This codification of parliamentary customs and practices in British North America actually predates that of the British House of Commons.

The purpose of this article is to present a brief history of the oldest written rules of the first “Canadian provinces”. At the same time, two unpublished manuscripts on the Rules of Quebec and Lower Canada will also be introduced.

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Rules of the House of Assembly of Nova Scotia

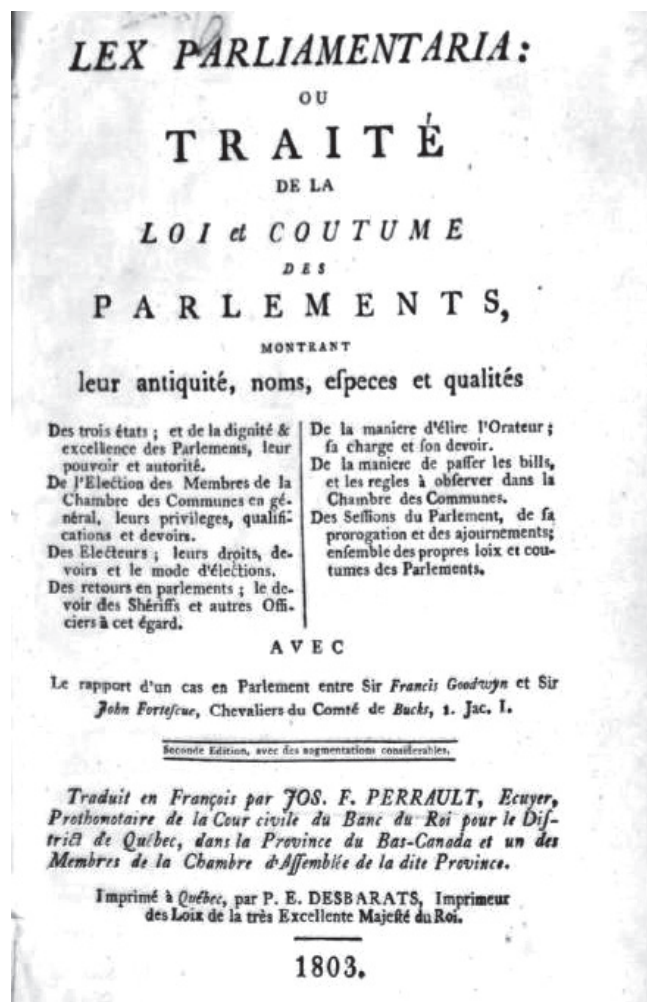
The parliamentary traditions of Nova Scotia are the oldest in Canada. From 1719 to 1758, the members of the Council of Twelve – granted legislative and executive powers to run the province – employed the elements of procedure used at Westminster.

For example, one member acts as Speaker and presides over the House, motions are introduced, minutes are prepared, and committees of the whole are created to study regulations. However, there are no formal written rules in the minutes about this “Governor in Council”.⁵

The first 22 members of the House of Assembly of Nova Scotia met on October 2, 1758. They did not consider it appropriate to immediately adopt rules to frame their business. It was not until November 5, 1763 that four resolutions were passed by the members of the 3rd Parliament to serve as rules of operation.⁶

The sole objective of these four resolutions was to reduce absenteeism. In order to promote “the better Attendance of the Members on the Service of the Public, during the sitting of the General-Assembly”, the Speaker could, subject to censure, require that an absent member be present.⁷ The seat of the member who subsequently failed to attend would be declared vacant, unless he had an excuse that was deemed valid by the Assembly. Elected representatives were also required from that time on to request leave from the Speaker.

Twenty years later, during the 1784 session, some 15 “standing rules and orders” were adopted. They concerned the recording of roll call votes and motions, distribution of the Assembly Journal, keeping attendance records for Assembly members (who were required to sit from opening to closing) and allowances.⁸ The public could request permission to attend



The *Lex parliamentaria* is a treatise on parliamentary law published in London in 1690. It was translated into French in 1803 by Member Joseph-François Perrault (1753-1844) at the request of the House of Assembly of Lower Canada.

parliamentary sittings, but the elected representatives reserved the right to meet in camera. From that time on, members who accepted a public office would lose their seat unless they were granted this privilege by House vote. Finally, members revoked the rule 14 which prohibited the taking notes of speeches of other members or talking about them outside the House.⁹

In addition, still in 1784, there was a compilation entitled *Rules and Orders agreed on by the House of Assembly*.¹⁰ This manuscript, consisting of 19 rules, bore the signature of the clerk, Richard Cunningham. None of the standing rules in force in the Lower House appeared in this document. In essence, this other set of disciplinary rules ensured the smooth running of parliamentary debates. It concerned decorum and the process surrounding the passage of bills.

These different codification exercises took place at the 17th and final session of the 5th General Assembly which was elected in 1770 and dissolved in 1785. At that time, Nova Scotia was undergoing considerable change. The province's population had doubled with the arrival of thousands of Loyalists beginning in 1783. Though much remains hypothetical, it is possible that these codification efforts were intended to ensure that future Loyalist members would act in accordance with Nova Scotia's parliamentary traditions.

Rules of the House of Assembly of Île Saint-Jean (Prince Edward Island)

Île Saint-Jean (renamed Prince Edward Island in 1798) was annexed from the French by the Nova Scotian government by the Royal Proclamation of 1763.¹¹ The 67 island lots were soon divided among some one hundred non-resident landowners. However, the original island settlers could not elect representatives to the Parliament of Nova Scotia, as voting rights were restricted to landowners who were Protestant residents.

Île Saint-Jean was detached from Nova Scotia by an order-in-council in 1769. The new governor, Walter Patterson, was instructed to establish a Legislative Assembly when circumstances allowed. The area was administered by a "governor-in-council" until 1773.

An assembly of 18 members was elected and sitting as of July 7, 1773. A committee composed of six members was soon asked "to frame a set of rules and regulations for better order and government of this House". There was no follow-up on the motion during this 10-day session. At the following session, on October 5, 1774, a resolution was passed "that Laws, regulations and orders be drawn up for the better government of this House". Despite these indications, no rule was recorded in the minutes. Another reference was made to "Rules, Orders and Regulations" on July 1, 1776, but these did not appear in the Journal either.

Finally, on February 4, 1796, Member Robert Hodgson made a motion to add a rule to the rules of the House. It was resolved that the seat of a Member who was absent for two consecutive sessions without prior permission of the House would be declared vacant.¹² This new rule entered into force on February 13 of that year in order to declare the seat of James Campbell vacant.

It should be noted that this Assembly, elected in 1790, was not dissolved until 1802 and it remained

loyal to Lieutenant-Governor Edmund Fanning. Such harmonious relationships between the legislative and executive authorities might not have warranted the development of procedure.¹³

Rules of the Legislative Council of Quebec

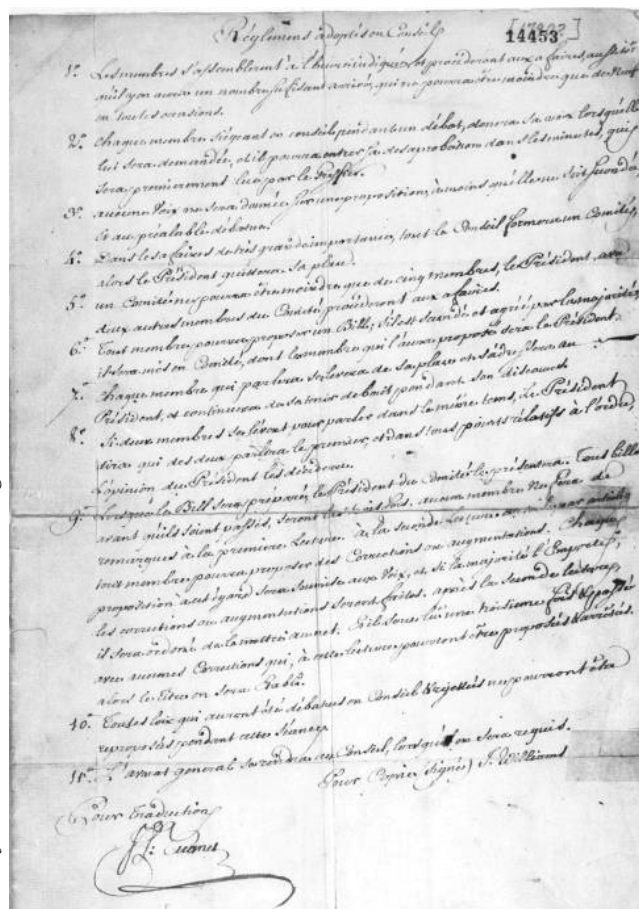
A legislative council was created pursuant to the *Quebec Act, 1774*, to see to “the Affairs of the Province of Quebec,”¹⁴ (the area encompassing southern Quebec and Ontario at that time). Until 1791, the province had a unicameral system of government in which there was no Lower House.¹⁵

The Legislative Council of Quebec is perhaps the first Upper House in all of the British North American colonies to have written rules.¹⁶ A copy of these unpublished rules was archived in the civil secretary’s correspondence.¹⁷ This French translation of the document by François-Joseph Cugnet is entitled *Règlements adoptés en Conseil*. The original document bore the signature of Jenkin Williams, Clerk of the Legislative Council.

This document establishing the rules of the Legislative Council consists of 11 rules. It covers voting, debates, minutes, seconded motions, committees, the Speaker and decorum. Rule 7 sets out the terms of the legislative process:

When the Bill is prepared, the Speaker of the Committee shall introduce it. All bills shall be read three times before they are passed. No member shall make any comments on first reading. On second reading, section by section, any member may propose amendments or additions. Each motion in this regard shall be subject to a vote and, if it is passed by a majority, the amendments or additions shall be made. After the second reading, an order shall be made to copy it out. And it shall be read a third time and passed without any amendment which might be proposed and ordered on this reading. The title will then be established.¹⁸ [Translation]

Unfortunately, this document was not clearly dated, nor was it recorded in the minutes of the Legislative Council. Nonetheless, we know that it had to have been written between 1777 and 1789. This is because we know that it was written after Williams was appointed clerk of the Legislative Council in 1777. We also know that the document was translated prior to November 16, 1789, the date that corresponds to the death of Cugnet, the translator.¹⁹



The *règlement du Conseil législatif du Québec* is an unpublished document. Source: Civil Secretary’s correspondence: A 1 - S Series: Quebec and Lower Canada: C-3005, image 789 (National Archives of Canada).

Aside from this manuscript, there are several references relating to the creation or use of rules in the Legislative Council minutes. For example, on February 22, 1780, Councillor Hugh Finlay proposed that the Council provide itself with rules to frame its business. A document was subsequently tabled entitled “The manner of debating and passing Bills in Parliament”, which was then read in English and French. Three days later, a seven-member committee was formed “for framing Rules and Orders to conduct the business of the Council with more Regularity in time to come”. The committee was particularly responsible for considering “the Attorney General’s Attendance thereupon”, an item corresponding to the last section of the rules document translated by Cugnet.²⁰ However, in a letter dated October 25, 1780, Governor Frederick Haldimand indicated to the Secretary of State of the colonies that “there is no kind of Form established by the Legislative Council for its proceedings.”²¹

On April 27, 1784, there was another entry, “The President recommended to the Members to deliberate between this and the next Sessions upon such addition at Rules as they may think fit to adopt in their Proceedings.” The fact that the President wished to add rules indicates that some rules already existed. On January 22, 1787, an order was finally given to “Read the Rules, heretofore agreed upon, for the business of the House, in both Languages.” In sum, the Legislative Council had some written rules prior to 1784.

The fact remains that Quebec parliamentary practices, customs and traditions predate this period. As attested by the minutes of the Quebec Council, the origins of this procedure date back to the establishment of civil government following the military regime. From 1764 to 1775, the members of this “gouverneur in council” followed the parliamentary procedure of the civil government to enact ordinances respecting the province of Quebec.²²

From 1775 to 1791, the Legislative Council established several new practices. Some were taken directly from *Lex Parliamentaria*, particularly to guide the Speaker’s casting vote in 1787.²³ That same year, Chief Justice William Smith, who presided over House business, noted that “parliamentary custom” had specific characteristics.²⁴ In this case, contrary to the Parliament of Great Britain, bills were referred to a committee for study after first rather than second reading. In short, the distinctive procedural characteristics of the Quebec provincial legislature show that it was able to adapt British parliamentary practices to meet its particular needs.²⁵

Rules of the Legislative Assembly of New Brunswick

New Brunswick was detached from Nova Scotia in 1784. Governor Thomas Carleton was authorized by the Crown to run the colony with the help of a Council, until circumstances would permit the establishment of a Legislative Assembly.²⁶ The first election of 26 Members took place in late 1785.

At the first sitting of the New Brunswick House of Assembly on January 3, 1786, a committee, consisting of Christopher Billop, Solicitor General Ward Chipman, James Campbell and Daniel Lyman was formed in order to establish parliamentary procedure.²⁷ The committee’s report was submitted and adopted by the House on January 10.

This first codification effort consisted of 10 rules. The first dealt with debate decorum. Members were

to remain sitting with bare heads in their respective places. If they wished to speak, they were to stand up and address the Speaker. The recording of votes and adoption of motions was also covered. Finally, since the House always sat in camera, instructions in this regard were given to the Sergeant-at-Arms.

A new committee responsible for drafting more rules was formed on January 20, 1786. The next day, two new rules were added. The purpose of the first rule was to take away a Member’s right to speak and vote if he was called to act as counsel for the House. The second rule provided a framework for reading petitions.

These standing rules were revised in 1797 when, in the Legislative Assembly Journal of February 3, there were a total of 17 rules. The rules adopted in 1786 were not substantially reworked. The review committee made only one addition in the third section that allowed a Member who had taken a seat in the morning to keep that seat for the rest of the day. Five additional rules related to the following: 1. non-circulation of documents tabled in the House; 2. election petitions; 3. exclusion of Members during debates on bills or items concerning them; 4. obligation of a Member to abstain during debates concerning personal matters; 5. presentation of petitions related to private bills.

In fact, the process for the study and passage of bills remained unframed in the first standing rules of the New Brunswick Legislative Assembly in the eighteenth century. The practices recorded in the House Journals indicate, however, that this procedure was the same as in the other colonies.

Rules of Parliament in Upper and Lower Canada

The *Constitutional Act, 1791* divided the province of Quebec into two political entities, namely Upper Canada and Lower Canada. Each of the colonies had a Legislative Assembly and a Legislative Council.

The Upper Canada House of Assembly drafted its first rules before the House of Assembly in Lower Canada. Two days following the opening of the sitting, on December 18, 1792, it adopted seven rules of procedure.²⁸

The first rules in the Upper Canada House of Assembly framed the adoption of bills, motions and questions, committees of the whole, petitions and quorum. The simplicity of these rules was very well-suited to this first Assembly of 16 Members. These

rules were amended further throughout the nineteenth century. Over this time, they also became more comprehensive. There were 27 rules in 1802, 47 in 1825, and 64 in 1840.²⁹

In Lower Canada, on December 20, 1792, Lieutenant-Governor Alured Clarke asked that the 50 Members adopt rules for the regular “dispatch of business” of the House of Assembly.³⁰ Two days later, a special 10-member committee was formed for this purpose.

William Grant was among the Members of this committee. He was very familiar with parliamentary procedure, as he had sat on the Legislative Council of the Province of Quebec from 1777 to 1791. In the opinion of his colleague, Joseph Papineau, “Mr. Grant from Quebec was the strongest member of the Assembly. His enlightened advice and the books he placed at the disposition of his colleagues were extremely useful to them” [Translation].³¹ From this evidence, we can believe that Grant played a leading role in drafting this first set of rules.

On January 11, 1793, the special committee tabled its report. The rules of the regulations were studied, debated and passed one by one that day and over the course of the next few sittings. It was during this exercise that the famous language debate took place. On January 23, 1793, the House ruled on the recognition of French as a parliamentary language.

The rules were compiled and published in a bilingual compendium by order of the House on March 27, 1793. This compendium for the House of Assembly of Lower Canada consisted of 14 chapters and 75 rules covering quorum, the Speaker, committees, bills, motions, et cetera.³² Other procedural rules were gradually added; there were 79 rules in 1802, 100 in 1825 and 101 in 1837.³³

Although researchers are familiar with the rules of the Assemblies of Upper and Lower Canada, they did not know until now that the Legislative Council of Lower Canada also set down 37 written rules on January 28, 1793. Although only half the number of the Lower House rules, they are more detailed than the standing rules of the Assemblies of the other British colonies at that time.

In addition to defining the Speaker’s role, meeting procedure and rules of debate, these rules established the order in which legislative councillors were to sit. The registration of divisions was codified, as well as the procedure used for passing bills in the House and

in committee. Even the times of prayer and reading of the *pro forma* bill were set out.³⁴ Other rules framed exchanges between the Upper House and Lower House.

On May 30, 1794, new rules were adopted to allow the public to attend Upper House sessions. Although the admission of “strangers” into the galleries was framed by 11 restrictive rules, only 2 were added in this regard. The first allowed Members to attend Council sessions and the second stipulated that the Speaker must empty the galleries upon the request of a single councillor.³⁵

“Although researchers are familiar with the rules of the Assemblies of Upper and Lower Canada, they did not know until now that the Legislative Council of Lower Canada also set down 37 written rules on January 28, 1793.”

Conclusion

In the eighteenth century, the legislatures of Nova Scotia, Île Saint-Jean, Quebec, New Brunswick, Upper Canada and Lower Canada codified their parliamentary procedure to govern their business. These written rules were inspired by all the customs, practices and traditions of the Parliament of Westminster.

Nova Scotia was the first of the colonies that would form Canada in 1867 to begin recording its standing rules in 1763. These were not the first parliamentary rules in North America, however. Well before the thirteen American colonies proclaimed their independence in 1776, certain Assemblies had already compiled their procedural rules.³⁶ The first to do so was the Maryland General Assembly, which had six sections of rules in the 1637-1638 session and nine in the 1647-1648 session. It was followed by the Rhode Island Court, which adopted ten rules in 1648.³⁷ Codifying parliamentary practices is, in sum, a tradition dating back to the mid-seventeenth century.

This tradition appears to have special significance in Quebec. In 1793, the House of Assembly (75 rules) and Legislative Council (37 rules) of Lower Canada adopted a set of rules that was more extensive than elsewhere in the colonies of the British Empire. Even when compared with American assemblies that had more rules prior to Independence, namely Pennsylvania (22 rules in 1767) and Virginia (28 rules in 1769), Quebec's rules were more comprehensive.³⁸

In Lower Canada, this need for more detailed procedural rules might be explained by the already present fear that its linguistic, religious and national duality might divide the members of Parliament. It could also be related to the French-Canadian civil law tradition and its natural inclination for codification (contrary to the common law tradition based on precedent).

Quebec still stands out in terms of written parliamentary rules. On May 8, 1941, a century and a half after the first rules were set down in the House of Assembly of Lower Canada, the Legislative Assembly of Quebec passed a new set including 812 rules and 89 appendices, a level unequaled in the Commonwealth.³⁹ Today the Rules in force in the National Assembly include 327 rules and 68 rules of operation. They are still the most detailed of all of the parliaments in Canada.⁴⁰

However, the current record belongs to the House of Commons in London. Its Standing Orders include 163 rules for public business and 248 rules for private business.⁴¹ It should be noted that all of the rules in force were adopted after the *Reform Act* of 1832, with the exception of rules 48 and 49 respecting the commitment of public funds (originally dating back to 1713 and 1707) and rule 81 on sunset legislation (1797). The House of Lords has 86 rules for public business and 217 rules for private business.⁴²

It should be noted that the Library of the National Assembly of Quebec strives to make the unpublished rules cited in this section available to researchers. They can be found on the Internet site « Documents politiques et parlementaires du Québec ».⁴³

Notes

1 I wish to thank historian Donald Fyson from Laval University, Martin Pelletier from the Library of the National Assembly, Anne Van Iderstine, Angie Lessard and David McDonald Library of the Legislative Assembly of Nova Scotia as well as Alexandra Barry, Laura Morrell and Ryan Reddinde from the Library of

the Legislative Assembly of Prince Edward Island, for their support in my documentary research.

- 2 Sheila Lambert, *Bills and Acts: legislative procedure in eighteenth-century England*, Cambridge, University Press, 1971, p. 53.
- 3 *Journal of the House of Commons [...] Sess. 1810-1811*, vol. 66, (Appendix), p. 682. The House of Lords has compiled its *Standing Orders* since 1621 and printed them in 1642. The orders related to private business were printed again in 1707. Frederick Clifford, *A History of Private Bill Legislation*, vol. 2, London, Butterworths, 1887, p. 753. See: "Règlement de l'Assemblée nationale," *Encyclopédie du Parlementarisme québécois* (online), National Assembly of Quebec. [no English translation]
- 4 Erskine May (1815-1886), House of Commons clerk from 1871 to 1886, would later be considered the greatest authority on the subject. His book, *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, published for the first time in 1844, is now in its 24th edition.
- 5 Archibald M. MacMechan (dir.), *Original Minutes of His Majesty's Council at Annapolis Royal, 1720-1739*, Halifax, n.d., 1908, 406 p.
- 6 Cape Breton Island was reintegrated with Nova Scotia under the Royal Proclamation of 1763. However, its inhabitants did not receive the colonial executive's agreement to elect members of parliament.
- 7 *Journal and votes of the House of Assembly for the province of Nova Scotia*, 5 November 1763, p. 155-156.
- 8 A resolution for an allowance of 10 shillings per day was passed on 21 June 1781.
- 9 Beamish Murdoch, *A History of Nova-Scotia or Acadie*, Halifax, James Barnes, 1867, vol. III, p. 36.
- 10 Rules and Orders agreed on by the House of Assembly (1784). Rules and Orders by order of Richard Cunningham, Clerk of the House of Assembly from 1783 to 1785. http://nslegislature.ca/index.php/photogallery/image_full/81/
- 11 "Proclamation royale (1763)", *Encyclopédie du Parlementarisme québécois* (online), National Assembly of Quebec, 25 September 2014. [no English translation]
- 12 *Journal of the House of Assembly of His Majesty's Island of Saint John [...] 1796*, Charlottetown, William Alexander Rind, 1796, p. 5.
- 13 *A contrario*, Henri Brun wrote that "the stiff opposition imposed by the exercise of the legislative function" [translation] among the three legislative bodies in Lower Canada was the very source of Quebec parliamentary law. Henri Brun, *La formation des institutions parlementaires québécoises, 1791-1838*, Quebec, Presses de l'Université Laval, 1970, p. 353.
- 14 "The Quebec Act," in Adam Shortt and Arthur G. Doughty (ed.), *Documents relating to the Constitutional History of Canada, 1759-1791*, Ottawa, T. Mulvey, 1921, Vol. 1, p. 559.
- 15 Michel Bonsaint (dir.), *Parliamentary Procedure in Quebec*, Quebec, National Assembly, 2013, p. 15.

- 16 We were unable to consult the minutes of the legislative councils of the other colonies; however, there is no mention of rules for these legislative councils in the historiography.
- 17 *Civil Secretary's correspondence: A 1 - S Series: Quebec and Lower Canada: C-3005*, image 789.
- 18 The practice of bills being 'read' three times is not in the *Standing Orders* of the Parliament of Westminster, but has been developed through precedent. <http://www.parliament.uk/about/how/role/customs/>
- 19 An analysis of his signature indicates that it was not the signature of his son, Jacques-François Cugnet, who succeeded him as Council translator.
- 20 Translated into French as, "L'avocat général se rendra au Conseil, lorsqu'il en sera requis."
- 21 Haldimand to Germain, Quebec, 25 October 1780, in A. Shortt and A. G. Doughty (ed.), *op. cit.*, Vol. 2, p. 714.
- 22 M. Bonsaint (ed.), *op. cit.*, p. 11.
- 23 "Lex Parliamentaria," *Encyclopédie du parlementarisme québécois* (online), National Assembly of Quebec, 23 January 2015. [no English translation]
- 24 Extracts of Council proceedings, Monday, 26 March 1787, in A. Shortt and A. G. Doughty (ed.), *op. cit.*, Vol. 2, p. 855.
- 25 It is the same in other American colonies. Peverill Squire, *The Evolution of American Legislatures Colonies, Territories, and States, 1619-2009*, Ann Arbor, University of Michigan Press, 2012, p. 59.
- 26 The Privy Council in London detached Cape Breton Island from Nova Scotia in 1784 at the same time as New Brunswick. The colony was run by a Lieutenant-Governor in Council. No Legislative Assembly was ever established. The population was considered too poor to support an Assembly; in addition the majority of the population was made up of Catholics (francophone Acadians and Gaelic Scotsmen). Finally, the Crown reintegrated the colony with Nova Scotia in 1820.
- 27 Phillip Buckner, "Chipman, Ward (1754-1824)," in *Dictionary of Canadian Biography*, Vol. VI, Université Laval/University of Toronto, 2003, consulted on 26 January 2015, http://www.biographi.ca/en/bio/chipman_ward_1754_1824_6F.html
- 28 Gary O'Brien, *Pre-Confederation Parliamentary Procedure: The Evolution of Legislative Practice in the Lower Houses of Central Canada, 1792-1866*, Ottawa, Carleton University, 1988, p. 61 and 70.
- 29 *Ibid.*
- 30 Great Britain, *Colonial Office: Canada, formerly British North America, original correspondence* (CO 42): C-11907, p. 53. http://heritage.canadiana.ca/view/oocihm.lac_reel_c11907/1142?r=0&s=1
- 31 John Hare, *Aux origines du parlementarisme québécois, 1791-1793*, Sillery, Septentrion, 1993, p. 63. [no English translation]
- 32 *Rules and Regulations of the House of Assembly, Lower-Canada / Règles et Règlements de la Chambre d'Assemblée du Bas-Canada*, Québec, John Neilson, 1793, 73 p. http://www.bibliotheque.assnat.qc.ca/DepotNumerique_v2/AffichageNotice.aspx?idn=48714
- 33 G. O'Brien, *op. cit.*, p. 61 and p. 200.
- 34 "Bill pro forma," *Encyclopédie du parlementarisme québécois* (online), Quebec National Assembly, 27 January 2015. [no English translation]
- 35 The Legislative Council compiled its standing rules on 28 January 1817. The compilation included 42 rules.
- 36 The Congress gathered together delegates from the thirteen colonies, in Philadelphia, and on 17 July 1776, passed 12 articles to form the "rules and orders for the government of this house". Article 1, rules 5 of the American constitution states that: "Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member." Thomas Jefferson, who was part of the committee in charge of drafting these regulations, also published in 1801 (and reedited in 1812) the first compendium of parliamentary procedure, entitled *A Manual of Parliamentary Practice: for the Use of the Senate of the United States*. http://works.bepress.com/cgi/viewcontent.cgi?article=1587&context=peter_aschenbrenner
- 37 P. Squire, *op. cit.*, p. 50- 52. Mention should also be made of *Virginia's House of Burgesses* which included five regulations in 1658 and the *South Carolina House of Assembly* which passed 14 rules in 1692.
- 38 *Ibid.*, p. 54-59.
- 39 Louis-Philippe Geoffrion, *Règlement annoté de l'Assemblée législative*, Québec, Legislative Assembly, 1941.
- 40 House of Commons (159 rules, plus 34 rules for the *Conflict of Interest Code for Members of the House of Commons*); Senate (170 rules); Ontario (145 rules); Nova Scotia (85 rules); New Brunswick (123 rules); Prince Edward Island (114 rules plus six chapters on procedure); British Columbia (120 rules); Manitoba (161 rules); Alberta (119 rules plus 26 rules on election of the Speaker); Saskatchewan (163 rules); Newfoundland (128 rules); Yukon (77 rules); Northwest Territories (103 rules); Nunavut (101 rules).
- 41 Standing Orders of the House of Commons: Public Business, December 19, 2013. The Stationary Office. <http://www.publications.parliament.uk/pa/cm201314/cmstords/900/900.pdf>; Standing Orders of the House of Commons, Private Business, July 21, 2005: <http://www.publications.parliament.uk/pa/cm200506/cmstords/441.pdf>
- 42 Standing Orders of the House of Lords relating to Public Business, 2013. The Stationary Office Limited. HL Paper 105 <http://www.parliament.the-stationery-office.co.uk/pa/ld/ldstords/105/105.pdf>; The Standing Orders of the House of Lords relating to Private Business, 2005. <http://www.publications.parliament.uk/pa/ld/ldstords/ldprords.htm>
- 43 Documents politiques et parlementaires du Québec. <http://bibliotheque.assnat.qc.ca/content.php?pid=282496&sid=2325933>

Courting Controversy: The House of Commons' Ad Hoc Process to Review Supreme Court Candidates

In 2006, Canadians were introduced to a new ad hoc parliamentary process to review Supreme Court candidates prior to their appointment. This article explores how the English-language news media framed this appointment and review process. The authors note the media emphasized conflict surrounding the process over its scrutiny of the candidates themselves and conclude that it remains an open question whether the process of parliamentary vetting actually provided a meaningful educative function for Canadians.

Erin Crandall and Andrea Lawlor

The Supreme Court's appointment system is the focus of frequent criticism.¹ Its historically executive-driven selection process has been heavily scrutinized, though few contest the high calibre of judges it produces. That said, a consequentialist defence of the appointment process became inadequate long ago. The Court's judges are simply too important and too powerful to be selected through a process that lacks any formal requirement for transparency or accountability on the part of those charged with the job of judicial selection – the prime minister and cabinet. Beginning in 2004, both Liberal and Conservative governments appeared to agree, and in 2006, the Conservatives introduced an ad hoc parliamentary review process where Members of Parliament interviewed Supreme Court candidates prior to their appointment. While arguably a step in the right direction, these changes may very well have been short lived: after only eight Supreme Court nominations, the Conservative government confirmed in December 2014 that the parliamentary review process would no longer be followed.

Many Canadians would have been oblivious to the Supreme Court's new appointment process and its abrupt end if it were not for its strong play in the media. As the public's most prominent source for information on governmental procedure and decision-making, news media had the ability to not only cover, but also frame the discussion surrounding the Supreme Court's appointment process. By analysing the English language media coverage of the eight judges who were nominated to the Supreme Court between 2006 and 2014, this paper considers how the media covered the appointment process, and in particular, how it portrayed the new parliamentary review process to Canadians.

In our analysis of the media coverage of the Court's appointments, we find that the media emphasized conflict surrounding the new process from the very beginning. In fact, the media's coverage of the conflicting views toward the parliamentary review process outweighed its scrutiny of the judicial candidates themselves. The media also heavily covered partisan-based conflict in the form of the Conservative Party's assertive stance against judicial activism, and the NDP's criticisms concerning a dearth of female appointees. Finally, in their coverage of the MPs who made up the parliamentary review committee, the media disproportionately covered the conflict between members over the process itself, almost ignoring their actual views on the candidates. While media's tendency toward the sensational or conflict-driven news is hardly out of step with the larger body of findings around media and politics², it remains that Canadians were

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exposed to the parliamentary review process through the lens of partisan squabbling, and may have come to learn less about the Supreme Court candidates than the objectives of the process would intend.

The next section provides a brief review of the Supreme Court's appointment process, the changes that were introduced beginning in 2004, and the events that eventually led to their retraction in 2014. From there, we elaborate on the findings of our media analysis and conclude by offering thoughts on what can be learned about recent Supreme Court appointments when considered through the lens of the media.

Appointing Supreme Court Justices

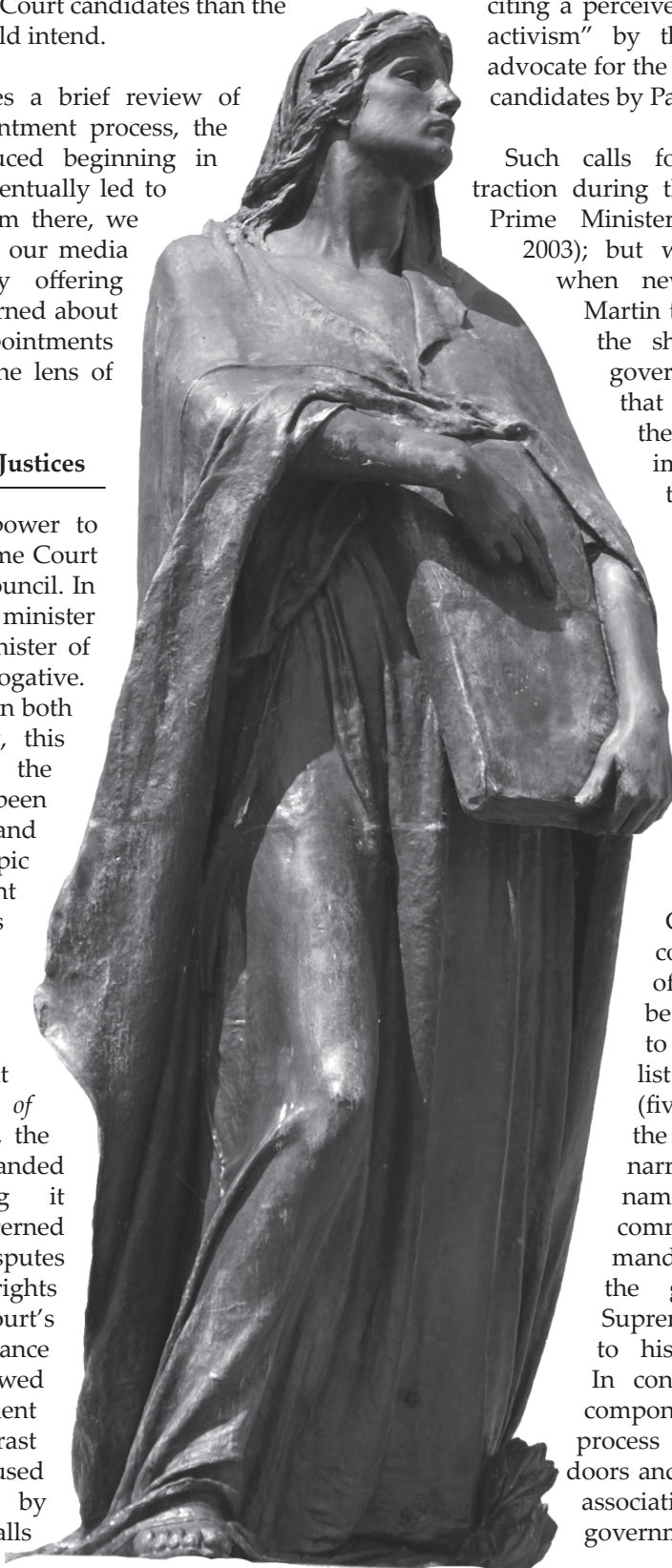
In Canada, the formal power to appoint judges to the Supreme Court rests with the governor-in-council. In practice, however, the prime minister in consultation with the minister of justice exercises this prerogative. For a court with final word on both federal and provincial law, this concentration of power in the federal executive has long been criticized by the provinces, and unsurprisingly, was a topic of debate during all recent initiatives to reform Canada's constitution from the *Victoria Charter* (1971) to the *Charlottetown Accord* (1992).

With the entrenchment of the Canadian *Charter of Rights and Freedoms* in 1982, the Court's jurisdiction expanded considerably, transforming it from a court primarily concerned with resolving private disputes to one of public law and rights review.³ The Supreme Court's growing political importance was accompanied by renewed attention to its appointment process. However, in contrast to earlier initiatives that focused on increased participation by the provinces, these new calls for reform often focused

on bringing Parliament into the selection process. The Reform Party (1987-2000) in particular, citing a perceived move toward "judicial activism" by the Court, was a vocal advocate for the vetting of Supreme Court candidates by Parliament.⁴

Such calls for reform gained little traction during the leadership of Liberal Prime Minister Jean Chrétien (1993-2003); but were quickly picked up when new Liberal leader Paul Martin took office in 2003. While the short tenure of Martin's government (2003-2006) meant that the reforms sought by the Liberals were not fully implemented, the initiative to reform the Supreme Court's appointment process continued under the Conservative Party when it formed government in January 2006.⁵

These reforms to the appointment process featured two additions of particular note: (1) upon a vacancy on the Court, a review committee composed of Members of Parliament would now be convened and asked to review a government list of judicial candidates (five to eight names), which the committee would then narrow to a shortlist (three names);⁶ and (2) an ad hoc committee composed of MPs mandated to publicly interview the government's proposed Supreme Court candidate prior to his or her appointment.⁷ In contrast, prior to 2004 all components of the selection process occurred behind closed doors and even the specialists and associations consulted by the government were not disclosed.⁸



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	Appointment Date	MP (Party-Seat)
Marshall Rothstein	March 2006	Chair: Hon. Vic Toews (Provencher, CPC) Diane Ablonczy (Calgary—Nose Hill, CPC) Sue Barnes (London West, LPC) Joe Comartin (Windsor—Tecumseh, NDP) Irwin Cotler (Mount Royal, LPC) Carole Freeman (Châteauguay—Saint-Constant, BQ) Daryl Kramp (Prince Edward—Hastings, CPC) Réal Ménard (Hochelaga, BQ) Rob Moore (Fundy Royal, CPC) Anita Neville (Winnipeg South Centre, LPC) Stephen Owen (Vancouver Quadra, LPC) Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC)
Thomas Cromwell	December 2008	No Committee Struck
Andromache Karakatsanis & Michael Moldaver	October 2011 (Joint hearing)	Chair: Hon. Rob Nicholson (Niagara Falls, CPC) Françoise Boivin (Gatineau, NDP) Patrick Brown (Barrie, CPC) Joe Comartin (Windsor—Tecumseh, NDP) Irwin Cotler (Mount Royal, LPC) Bob Dechert (Mississauga—Erindale, CPC) Robert Goguen (Moncton—Riverview—Dieppe, CPC) Jack Harris (St. John's East, NDP) Candice Hooppner (Portage—Lisgar, CPC) Brent Rathgeber (Edmonton—St. Albert, CPC) Jasbir Sandhu (Surrey North, NDP) Stephen Woodworth (Kitchener Centre, CPC)
Richard Wagner	October 2012	Chair: Hon. Rob Nicholson (Niagara Falls, CPC) Françoise Boivin (Gatineau, NDP) Stéphane Dion (Saint-Laurent—Cartierville, LPC) Kerry-Lynne D. Findlay (Delta—Richmond East, CPC) Robert Goguen (Moncton—Riverview—Dieppe, CPC) Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC) Pierre Jacob (Brome—Missisquoi, NDP) Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC) Greg Rickford (Kenora, CPC) Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP) Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP) John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC)
Marc Nadon	October 2013 (Voided by SCC, March 2014)	Chair: Hon. Peter MacKay (Minister of Justice) Joyce Bateman (Winnipeg South Centre, CPC) Françoise Boivin (Gatineau, NDP) Irwin Cotler (Mount Royal, LPC) Bob Dechert (Mississauga—Erindale, CPC) Shelly Glover (Saint Boniface, CPC) Robert Goguen (Moncton—Riverview—Dieppe, CPC) Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC) Pierre Jacob (Brome—Missisquoi, NDP) Matthew Kellway (Beaches—East York, NDP) Erin O'Toole (Durham, CPC) Ève Pécelet (La Pointe-de-l'Île, NDP)
Clément Gascon	June 2014	No Committee Struck
Suzanne Côté	December 2014	No Committee Struck

This new process was first used for the appointment of Justice Marshall Rothstein, who appeared with much fanfare before a public committee in February 2006. However, with no legislation or constitutional amendment passed, the informal nature of these reforms meant that the government retained full control of the appointment process. In practice, then, public criticism was the only possible penalty the government risked by deviating from these reforms. In fact, between 2006 when the hearing process was introduced and 2014 when the government announced its intention to abandon the process, only five of the government's eight judicial candidates actually participated in the committee process.

The longevity of these reforms was tested by a series of unusual events beginning in 2013. In October of that year, Prime Minister Harper announced Justice Marc Nadon as the government's choice to replace Justice Morris Fish, who had recently announced his retirement, on the Supreme Court. Less than six months later, the same court declared in *Reference re Supreme Court Act ss. 5 and 6*, [2014] that Nadon was ineligible to serve and that his appointment was void. This ruling alone was an extraordinary event; however, the outcome was especially remarkable considering the number of

supposed parliamentary checkpoints Nadon passed prior to his appointment. Not surprisingly, the rigour of the new appointment process was questioned in light of the Court's ruling.⁹ The government responded by bypassing the hearing process altogether when appointing Nadon's replacement, Justice Clément Gascon. Citing the publication of a leaked candidate shortlist by *The Globe and Mail* in May 2014 as the reason for not using the committee process, it was bypassed again with the appointment of Suzanne Côté in December 2014. With the latter appointment the Conservative government announced that it would no longer ask parliamentarians to review the candidate shortlist or interview its selected judicial candidates. Instead, the Conservative government appeared prepared to resume the pre-2006 approach, with consultation and review conducted entirely by the government itself. At the time of writing, little is known about how the new Liberal government will approach the process.

Evaluating the Parliamentary Review Committee Process

At this point of apparent transition for the Supreme Court's appointment process, looking at media coverage can help us to understand how the role of Parliament and

Figure 1. Process-Related Media Codes by Candidate

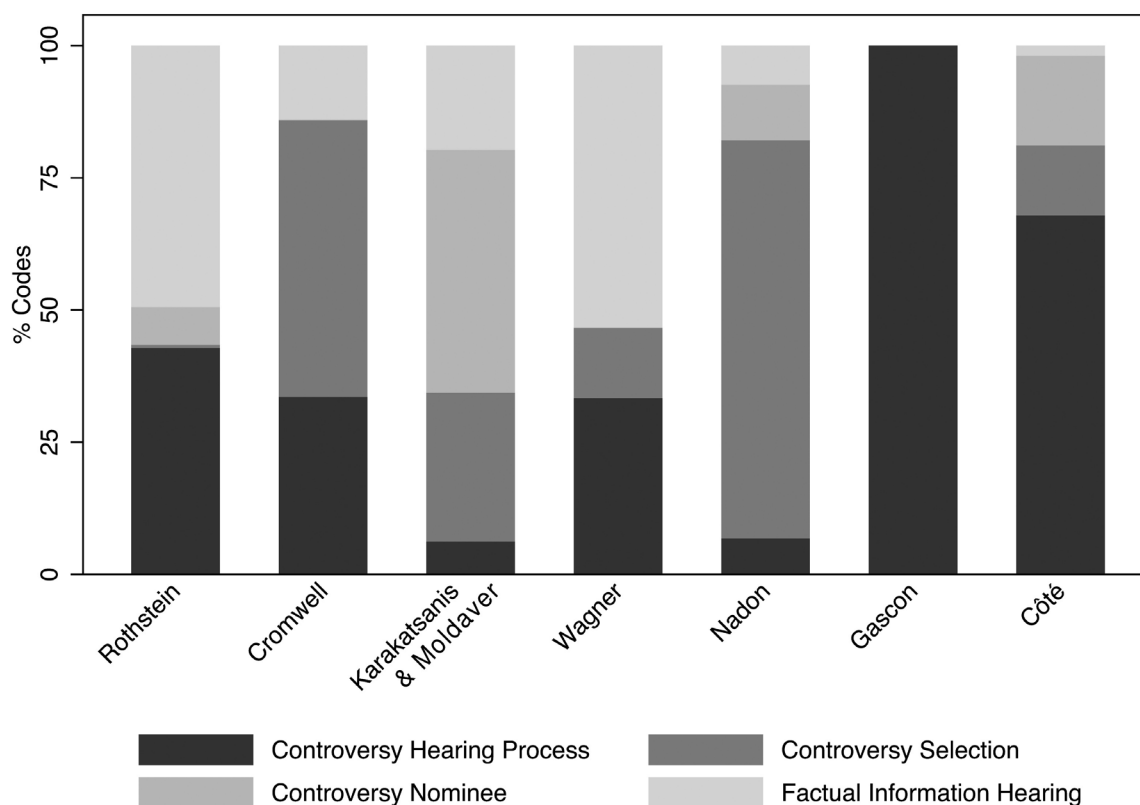
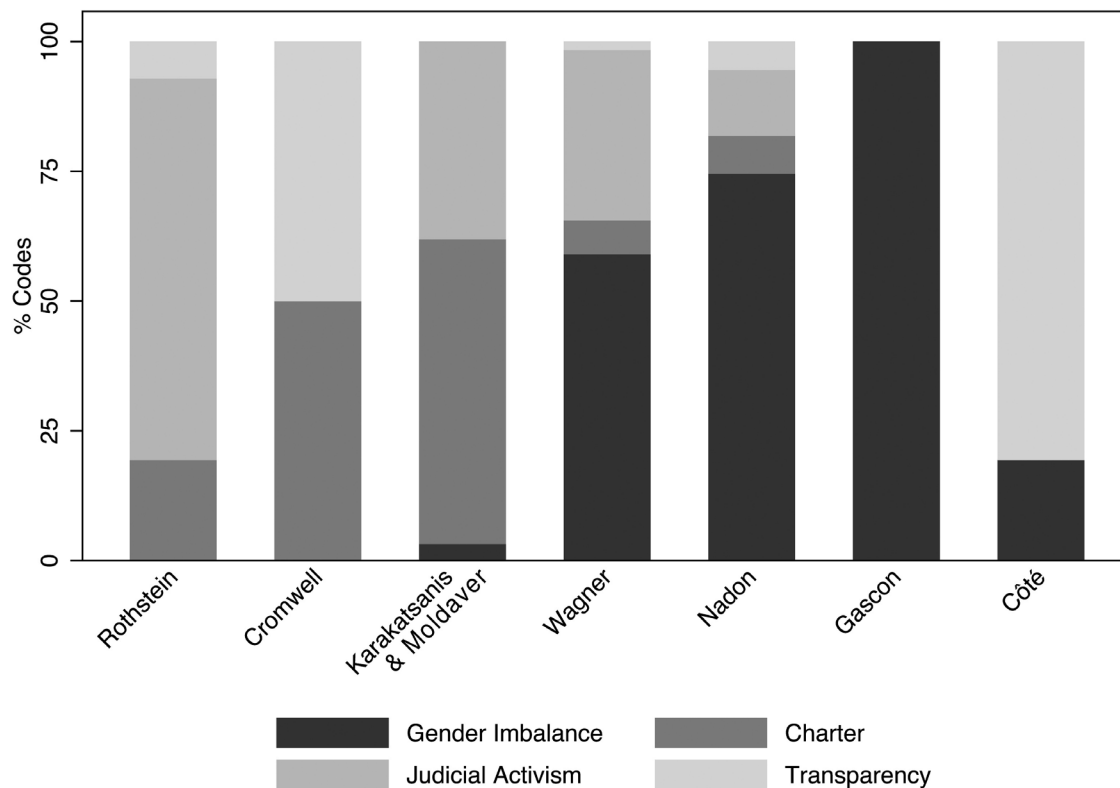


Figure 2. Hearing Content-Related Media Codes by Nominee



individual MPs involved in the appointment process were reflected to the Canadian public. By considering the English language coverage of the eight judges who were nominated to the Supreme Court between 2006 and 2014 in the *National Post*, *The Globe and Mail*, the *Ottawa Citizen*, the *Toronto Star*, as well as the *Canadian Press* (all collected from Dow Jones' Factiva), we can uncover how media portrayed the parliamentary review process to Canadians. In particular, we can illuminate how the media portrayed parliamentarians involved in the process. The former has value in that it illustrates what Canadians were likely to know about changes to the process of appointing members of the Supreme Court – who were recently voted the 'policymakers of the year' by the Macdonald-Laurier Institute.¹⁰ The latter's worth lies in evaluating the commentary that Canadians were provided about parliamentarians' participation in this process. In a system of governance where the executive is known for appointment of judges and other senior offices by fiat, the movement toward a more Parliament-centred approach to the appointment process could have suggested a wresting of power away from the centre. However, a poor review in the media could have equally reinforced the need for a swift, unencumbered executive-driven appointment process. The following content analysis of media coverage of each candidate spans the day that an appointment was

announced until one week after the confirmation of the appointment by the Prime Minister. The analysis also contains an assessment of the media's treatment of MPs during the course of the appointments by looking for all instances where specific MPs' behaviours or their commentary on the appointment process were reported.

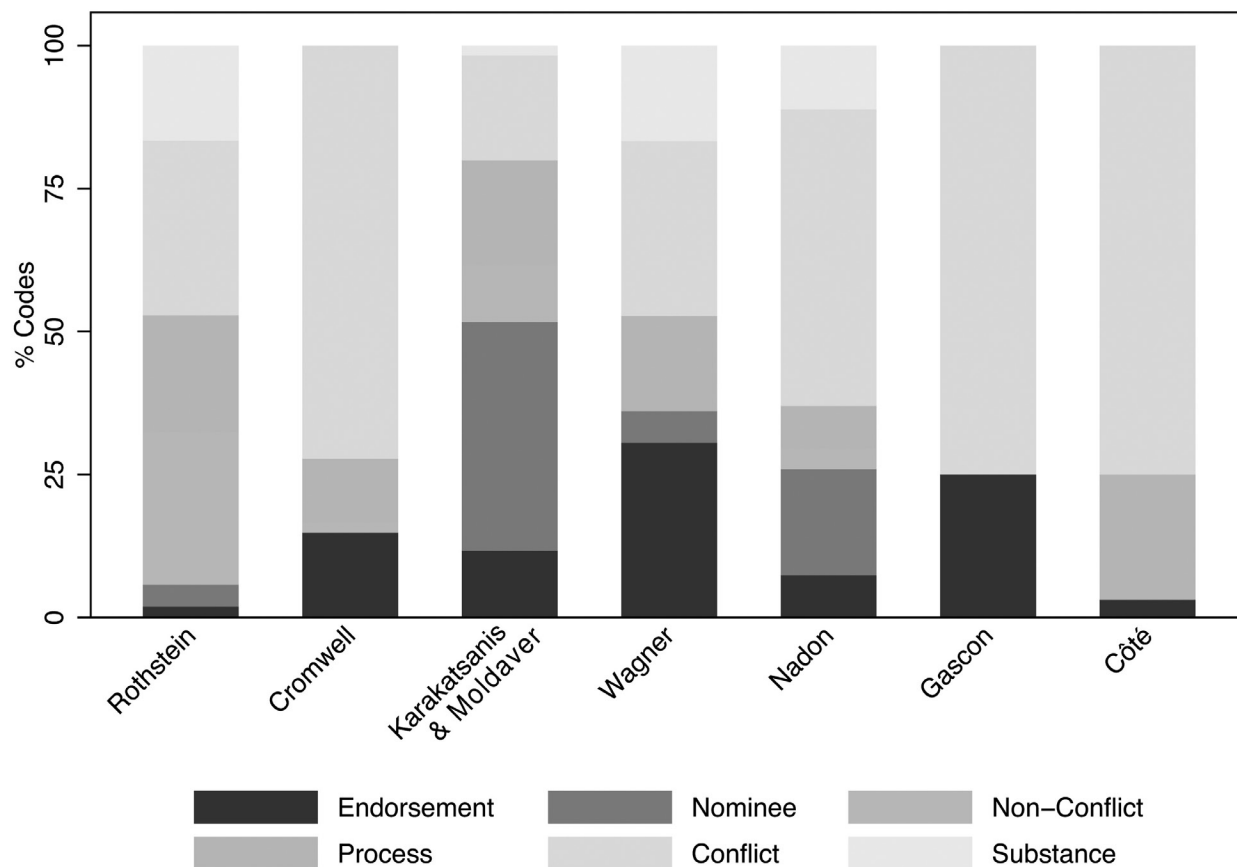
A review of the 211 articles collected shows two types of coverage of the appointments: process-related coverage (reporting that addressed the implementation of the ad hoc parliamentary review process itself), and hearing content-related coverage (reporting of the hearings' proceedings). We can further break down each of these two categories into four sub-categories. For the process coverage, we identified four sub-themes: (1) Factual information about the hearing process (e.g. "A 12-member committee will publicly scrutinize Justice Rothstein on Monday – the first such televised grilling in Canada."); (2) Contestation or controversy about the hearing process (e.g. "Harper's decision to hold such a hearing had already generated controversy and sparked fears that he was politicizing the judiciary."); (3) Contestation or controversy about the pre-hearing short-list selection process (e.g. "The nomination of Judge Cromwell means that the government has bypassed Newfoundland, which has never had a judge on the Supreme Court and has conducted a spirited lobbying

campaign.”); (4) Contestation or controversy about the nominee (e.g. “New Democrat Joe Comartin expressed concerns that Moldaver doesn’t speak French.”). Hearing coverage can also be broken down into four sub-themes: (1) Concern over gender imbalance in the Supreme Court’s composition (e.g. “Judge Wagner’s nomination alters the court’s gender balance – there will be just three female judges, instead of four, now that Madam Justice Marie Deschamps is being replaced by a man.”); (2) Charter-related considerations (e.g. “Mr. Cotler said his party may also ask about the impact of the *Charter of Rights* in Canada.”); (3) Mentions of transparency/accountability (e.g. “‘This hearing marks an unprecedented step towards the more open and accountable approach to nominations that Canadians deserve,’ concluded the Prime Minister.”); (4) Judicial activism (e.g. “[H]is government feels some things are better left to Parliament and that some judges sometimes overstep their jurisdiction.”).¹¹

Looking at the proportion of coverage dedicated to each of these themes, the data in *Figure 1* show the media’s reporting on factual information about the hearing process was more prominent in earlier

appointments. Indeed, media provided ample information for the first hearing (Rothstein), a moderate amount for Moldaver and Karakatsanis (who appeared together in a joint hearing), and again for Wagner, but little for Nadon. Understandably, little factual information about the hearing process is provided for Cromwell, Gascon and Côté who, at the prime minister’s direction, bypassed the process altogether. However, the Gascon and Côté appointments did receive ample criticism concerning the hearing process, or rather the government’s choice to omit this step altogether. The largest volume of criticism of the selection process came with the coverage of the Nadon appointment. Much of the standard coverage around what would have been the appointment of Justice Nadon was replaced by coverage of the legal challenge of his appointment. There was also substantial controversy over candidates during the Moldaver and Karakatsanis appointments. Moldaver, widely criticised for not being bilingual, received negative attention from the press after the grilling he received from NDP MP Joe Comartin, while Karakatsanis came under media fire for her lack of trial experience and her connections to the Ontario Progressive Conservative government under Mike

Figure 3. Coverage of MP responses by Nominee



Harris. There was also moderate coverage of controversy around the Côté appointment and the candidate's ties to an on-going tobacco lobby case.

Looking at reporting on the content of the hearings, *Figure 2* illustrates that two issues received prominent coverage. During the first three hearings, media increasingly focused on the discussion of *Charter* issues. However, the nature of the conversation changed from decision-making to representation when coverage turned to the gender imbalance on the Court after Justice Marie Deschamps' retirement in 2012. Media also covered concerns over judicial activism, though this was only a focus for the Rothstein appointment (spurred on by Conservative MPs' probing questions during the course of the hearings), and the Karakatsanis/Moldaver and Wagner hearings. In some sense, the Wagner hearing represented a turning point for coverage of the content of the hearing process. While the earlier hearings featured coverage of policy-oriented considerations, such as judicial interpretation of legislation and the *Charter*, this type of coverage was replaced by the partisan conflict over the failure to restore gender balance to the Court, which remained unaddressed until the Côté appointment. Coverage of the issue of transparency was intermittent, until the final appointment where the press and the legal community strongly criticized the government for reneging on their commitment to follow a more open process.

Looking at media's take on the process and content of the hearing provides us with information about the process as a whole. However, by examining coverage



of the actual committee members in the context of these hearings, we can better analyse how the media portrayed parliamentarians as either helpful or adversarial to the process. Analysing media data for mentions of the MPs who made up the respective panels suggests six themes:

- (1) Endorsements of the candidate (e.g. "Mr. Comartin stressed that Judge Cromwell 'is eminently qualified'.");
- (2) Critiques of the candidate (e.g. "The Bloc argued that Judge Rothstein's inability to speak French and lack of background in Quebec's *Civil Code* should disqualify him from the Supreme Court.");
- (3) Messages of non-conflict about the process (e.g. "But Barnes says the Liberals will be 'respectful' when asking Rothstein his opinions on various topics.");
- (4) Criticisms of the hearing process (e.g. "Comartin says the hearing won't generate much useful information.");
- (5) Factual information about the hearing (e.g. "Justice Minister Vic Toews will chair the committee and be joined on it by his Liberal predecessor Irwin Cotler.");
- (6) Substantive policy or candidate-related questions (e.g. "Mr. Menard also intends to ask broader questions about how Judge Rothstein views the evolution of Canadian law.").

Once again, the trend toward portraying conflict takes precedence in media coverage, accounting for an increasing portion of MP coverage as the hearings continued. Regrettably, from an informational perspective, there appears little by way of coverage of more substantial issues such as public policy-related questions or questions soliciting the justices' views on the role

of the courts. In other words, during the process of the hearings, media did not associate MPs with information gathering, but portrayed them as conflict-oriented partisans. While there is not much by way of open attacks on the candidates themselves – save for the Karakatsanis and Moldaver hearing where MPs flogged the issue of Moldaver’s unilingualism – there was also little in terms of praise for candidates. Similarly, while messages of non-conflict and ‘across the aisle’ cooperation were present in the Rothstein hearing, future hearings devolved into the adversarialism typically attributed to parliament. MPs are portrayed as being less interested in the candidates they are meant to review than they are in engaging in partisan conflict. In short, those who had hoped that the ad hoc parliamentary committee process might provide an opportunity for MPs to be portrayed with less partisan rancour were ultimately let down.

It has been pointed out that these parliamentary hearings provided a unique opportunity for Canadians to get to know members of the Supreme Court before they took their position on the bench.¹² However, when you consider that most people would have learnt about the process and content of these hearings through the media, the evidence supporting this laudable objective is less than convincing. The first committee hearing, with Justice Rothstein, was certainly the high water mark in terms of depth of media coverage. However, the educative value of the new process, at least as measured by media coverage, appeared to decrease over time. Admittedly, this may be a function of the weakness of the content produced by the committee process itself, where MPs tended to ask questions of little substance.¹³ The fact remains, however, that media coverage over this nearly decade of appointments was not especially notable for the information it provided on either the judicial candidates or the appointment process. Moreover, the addition of the parliamentary review process did not drastically increase media coverage of Supreme Court appointments. Using the *Globe and Mail* as a barometer for national coverage of judicial appointments from 1997 to 2014, the two judges to receive the most media hits were Justice Louise Arbour (appointed in 1999) with 40 stories and Justice Marc Nadon with 28 stories. On balance, the other appointments garnered an average of 8 stories. While the first parliamentary appearance of Justice Rothstein also garnered media coverage that was above the average of this reviewed period (13 stories), media provided the most coverage in situations of celebrity (Arbour as a high profile UN official) and sensationalism (Nadon’s constitutionally contested appointment). In other words, the new appointment process did not appear to bring the reader greater coverage of the

judges appointed to the Supreme Court. Altogether, the added educative value of the parliamentary committee process appears limited at best.

Parliamentary Control over Supreme Court Nominations: Looking to the Future

At a time when the integrity and soundness of the Supreme Court’s appointment process is being questioned, what insight does this media analysis provide? First, and unsurprising to those who already follow media coverage of the Supreme Court, controversy frequently surrounded the new appointment process. Whether it was the Court’s gender imbalance, a controversial judicial candidate, or the appointment process itself, the media tended toward frames of conflict in its coverage. Second, while the first appointment under this new system stands out for the depth of its coverage, the media did not follow this lead for later appointments. It remains an open question, then, whether the process of parliamentary vetting actually provided a meaningful educative function. Together, the findings of this article are similar to other media studies of the Supreme Court that have found “coverage begins and ends with politics”.¹⁴

On this point, the circumstances that would bring a government to publicly abandon the reforms Prime Minister Harper once referred to as “an unprecedented step towards the more open and accountable approach to nominations that Canadians deserve”¹⁵ are interesting to contemplate. Certainly, the failed Nadon appointment and leaked shortlist appear to be the catalyst, but neither can be pinned to the new appointment process alone. The motivation behind the process’s abrupt end does not appear to be on account of its failure to achieve its goals (ostensibly to create a more transparent process and ‘introduce’ the public to the incoming judge), nor because the process resulted in aggressive questioning of the candidates (a critique frequently levelled at the American approach to appointing Supreme Court judges). Rather, as the media analysis here suggests, its fall may be attributed, at least in part, to an unintended consequence: by bringing parliamentarians into the appointment process, it also brought partisanship more explicitly into the process as well, which in turn led to media coverage focussed on controversy and disagreement. That is, the new appointment process created a series of “bad news days” for the government.

Where do we go from here? While all appointment processes will have their shortcomings, the Conservative government’s decision to revert back to an exclusively executive-driven process does little to address the lack

of transparency and accountability in appointments – criticisms of the system made repeatedly in the media coverage considered here and by the government itself. While the Liberals’ election promise to “work with all parties in the House of Commons to ensure that the process of appointing Supreme Court Justices is transparent, inclusive, and accountable to Canadians,” means that Supreme Court reform is likely to return to the political agenda, what form it will take remains unclear.¹⁶ Ultimately, media analysis cannot answer the question of how members of the Supreme Court should be selected; however, it does show that the media’s portrayal of the process matters in terms of what the public is likely to learn about judicial candidates, parliamentary participation, and the Supreme Court. And, as is the case with all appointed institutions in an age that increasingly cheers the benefits of direct democracy, how the media frames the Supreme Court and its appointment process matters for what the public is likely to think about it.

Notes

- 1 For a small selection of these criticisms see Irwin Cotler. “Conservatives Are Turning Back the Clock on Appointments to Supreme Court.” *Toronto Star*, June 10, 2014; Adam M. Dodek. “Supreme Court Appointments: Fix the Process or Scrap It.” *The Globe and Mail*, January 22, 2014; Editorial. “No Transparency in Côté Appointment.” *Winnipeg Free Press*, November 29, 2014; Carissima Mathen. “Supreme Court Appointments: Still More Questions Than Answers.” *The Globe and Mail*, June 4, 2014; Patrick J. Monahan and Peter W. Hogg. “We Need an Open Parliamentary Review of Court Appointments.” *National Post* April 24, 2004; Jacob Ziegel. “Jacob Ziegel: The Right Way to Pick Supreme Court Judges.” *National Post*, August 19, 2011.
- 2 Doris A. Graber. *Mass Media and American Politics*. Washington, DC: CQ Press, 2010.
- 3 See Christopher P. Manfredi. *Judicial power and the Charter: Canada and the Paradox of Liberal Constitutionalism*, 2nd ed. Don Mills: Oxford University Press, 2001; Donald R. Songer. *The Transformation of the Supreme Court of Canada*. Toronto: University of Toronto Press, 2008.
- 4 See Erin Crandall. “Intergovernmental Relations and the Supreme Court of Canada: The Changing Place of the Provinces in Judicial Selection Reform,” in Nadia Verrelli (ed.), *The Democratic Dilemma: Reforming Canada’s Supreme Court*. Montreal: McGill-Queen’s University Press, 2013, pp. 71-86; E. Preston Manning. “A ‘B’ for Prof. Russell,” *Policy Options*, 20 (3), 1999.
- 5 For a full discussion of the Liberal Party’s proposed reforms to the Supreme Court’s appointment process, see Irwin Cotler. “The Supreme Court Appointment Process: Chronology, Context, and Reform,” *University of New Brunswick Law Journal*, Vol. 58, 2008, pp. 131-46.
- 6 The first advisory committee, which was formed by Martin’s Liberal government, included MPs, members of the legal community, and the public. Subsequent advisory committees convened by the Conservatives were composed of MPs exclusively.
- 7 For further details see Adam M. Dodek. “Reforming the Supreme Court Appointment Process 2004-2014: A Ten Year Democratic Audit,” *University of Ottawa Faculty of Law Working Paper Series*, WP 2014-07, 2014.
- 8 Cotler 2008.
- 9 Irwin Cotler. “Marc Nadon’s Supreme Court Rejection was Unprecedented, but Foreseeable.” *National Post*. March 21, 2014. Sean Fine. “Committee Grilling new Supreme Court Judge Faces Severe Time Crunch.” *The Globe and Mail*, October 10, 2013; Emmett Macfarlane. “The Supreme Court’s Remarkable Rejection of Marc Nadon.” *Maclean’s*. March 21, 2014 <<http://www.macleans.ca/politics/the-supreme-courts-remarkable-rejection-of-marc-nadon/>>.
- 10 *Toronto Star*. “Harper government tosses aside openness at Supreme Court: Editorial,” *The Toronto Star*, December 1, 2014.
- 11 There was also some coverage focused on the threat that the hearing process may lead to an “Americanisation” of Canadian judicial politics (e.g. “Even with the noises about the supposed “Americanisation” of our justice system, all parliamentarians handed this historic opportunity should have eagerly made the most of it.”). There were only 29 mentions of Americanisation in the 211 articles, so it is omitted from the content analysis.
- 12 Dodek 2014, p. 50.
- 13 Andrea Lawlor and Erin Crandall. “Questioning Judges with a Questionable Process: An Analysis of Committee Appearances by Canadian Supreme Court Candidates,” *Canadian Journal of Political Science*, forthcoming.
- 14 Florian Sauvageau, David Schneiderman, and David Taras. *Last Word: Media Coverage of the Supreme Court of Canada*. Vancouver: UBC Press, 2005, p. 224.
- 15 Bill Curry. “Top-court pick praised, review process panned,” *The Globe and Mail*, February 24, 2006.
- 16 Liberal Party of Canada. “Supreme Court Appointments.” <<http://www.liberal.ca/realchange/supreme-court-appointments/>>.

Parliamentary Bookshelf: Reviews

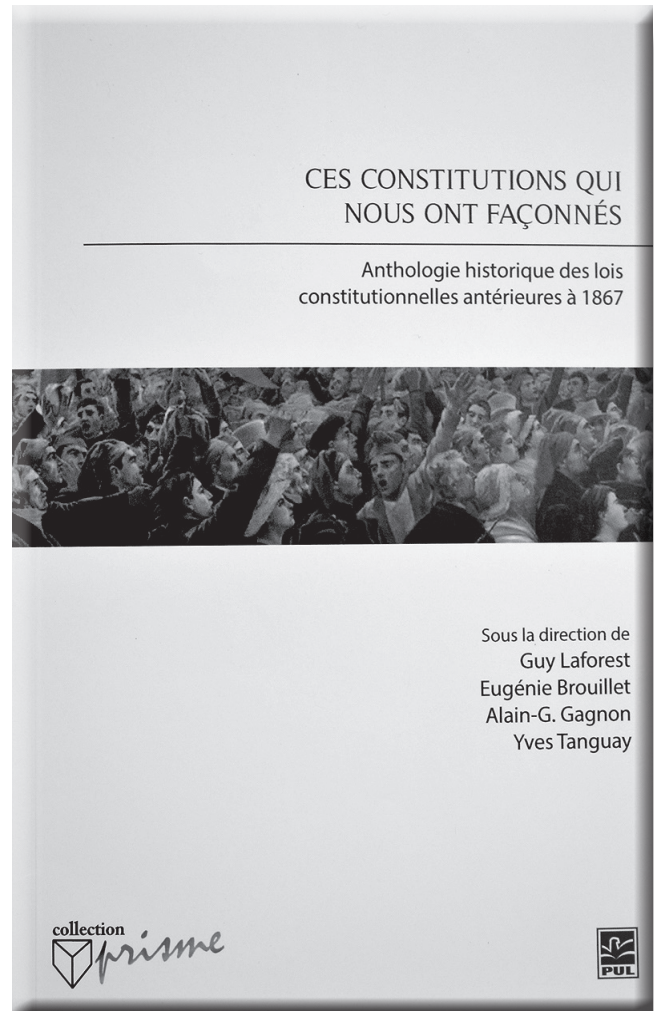
Guy Laforest Eugénie Brouillet, Alain-G. Gagnon et Yves Tanguay, *Ces constitutions qui nous ont façonnés : anthologie historique des lois constitutionnelles antérieures à 1867*, Presses de l'Université Laval, Québec, 2014, 372 pp.

Guy Laforest Eugénie Brouillet, Alain-G. Gagnon and Yves Tanguay. *The Constitutions that Shaped Us: A Historical Anthology of Pre-1867 Canadian Constitutions*, McGill-Queens University Press, Montreal, 2015, 360 pp.

When New France was conquered, did the conquered Canadians truly perceive the British invader in a negative light? Should the concessions that the British Crown made to Canadians in the *Quebec Act* of 1774 be interpreted as acts of goodwill or rather as self-serving acts? How was the *Constitutional Act* of 1791 received by the English elite in the St. Lawrence valley? What was the reaction of Canadians? The answers to these questions have long been the subject of animated debates among both Anglophone and Francophone historians and sociologists. These days, and even in hindsight, there is still a big discrepancy between their perceptions of our history, although it is a shared one.

These questions about the origins of Canadian constitutionalism are at the heart of *The Constitutions that Shaped Us: A Historical Anthology of Pre-1867 Canadian Constitutions*. The authors of this book, Guy Laforest, Eugénie Brouillet, Alain-G. Gagnon and Yves Tanguay, compile the “great successes” of pre-confederation constitutions in Canadian history. Their objective? To generate public interest in a context in which, “[Translation] gradually, but systematically, talking about constitutions in this country has almost become a taboo” (p. 3). [All pages numbers correspond to the French edition of this book.]

The texts chosen come from the last century. They include names that any Canadian history buff would know: Sir John George Bourinot, Chanoine Lionel Groulx and Séraphin Marion, to name just a few. The texts are organized in two parts. The first part contains excerpts of Francophone and Anglophone



historiographies that help paint a picture of the four main pre-confederation British constitutional systems: the *Royal Proclamation* of 1763, the *Quebec Act* of 1774, the *Constitutional Act* of 1791, and the *Act of Union* of 1841. In the second part, Francophone and Anglophone authors take turns going into specific detail on each constitutional system.

The book provides a fascinating recap of this eventful century in British North America's history, at a time when British leaders were struggling to

reconcile the interests of their own people while trying not to alienate the strong Canadian majority. This balanced approach makes it possible to clarify the different perceptions and interpretations presented by Francophone and Anglophone historiographies. For example, while the Conquest is often presented as a burden among the conquered Canadians, Pierre Brunet said that the majority of the Canadian public welcomed English rule (p. 198). Some seigneurs and businessmen even believed they could improve their lives (p. 199). Another example: the *Quebec Act* of 1774 included a number of concessions for Canadians, in particular with respect to formally restoring French law in the colony and restoring the official status of the English Roman Catholic church. Some viewed this as a generous gesture on the part of a homeland looking to respect the rights of Canadians, while others saw it as a calculated gesture in response to the threat of a potential American revolution. Thomas Chapais spoke about some heated debates that took part in the Imperial Parliament during the passage of the *Quebec Act* (pp. 51-60). Lord North, who was critical of the concessions made to the Canadians, strongly opposed the adoption of this measure. If not for the government's determination, the *Quebec Act* might never have received royal assent. Whether or not it was a calculated move, this measure was not unanimously supported by the conquerors.

The documents studied provide some perspective on the Anglophone and Francophone views as well as their differences, and they also enable the reader to understand the evolution of these two historiographies. As the authors point out in the introduction, the texts make it possible to observe the gradual change of loyalty of the Anglophone authors. As the 20th century progressed, they abandoned their imperial affiliation and took on a more Canadian identity (p. 17). Thus, they slowly stopped glorifying the homeland and became more critical.

The authors brilliantly achieve their objective of attracting the reader's interest in the so-called taboo topic of the Canadian Constitution. Furthermore, the timing of this book was right on, as it was released three years before the start of the festivities of the 150th anniversary of the Canadian Constitution. Let us hope that political players will take advantage of this anniversary to start a dialogue on these difficult issues. A book like this one gives them the opportunity to give some perspective on the impasse we appear to be in today by contrasting it with the many events in the history of the constitutions that governed the Canadian territory.

Although this book appeals to academics and history buffs, it would have been nice to have a more in-depth explanation of these texts to help guide the general public, the target audience of this anthology. It is certainly important in this type of book to let the texts speak for themselves, which is why the authors presented long excerpts of the primary source instead of simply discussing them in a monograph. That said, it would have been nice to have more information to situate the authors and their texts in their historical contexts. A comment following each text, or group of texts, containing a critical reflection and exposing the nuances would have been helpful.

Furthermore, although the authors achieved their objective—to discuss two historiographies that are largely unknown—a book aiming to break the Canadian solitudes appears to have missed its mark by not addressing the Aboriginal peoples. The constitutional laws that governed British North American colonies had a profound impact on their way of life, their loss of autonomy, and the acceleration of European colonization out west. The interaction of the Aboriginal peoples with Francophones and Anglophones was also important to the constitutional development of the colonies. However, the excerpts presented keep this important part of history on the periphery, as it was only mentioned in passing by the chosen authors. For example, it would have been worthwhile to hear more—ideally from Aboriginal authors, but also from Francophone and Anglophone authors—on how the Aboriginal peoples perceived the *Royal Proclamation* of 1763, which guaranteed them some right to autonomy and limited colonial expansion on their land. This perspective on our collective history must not be ignored.

In short, this book gives us pause for thought on many important aspects of pre-confederation history. It allows the reader to question the version of history that they may have learned—which may have been too biased—by exposing them to other perspectives. The reader's understanding of Canadian history can only be enhanced. Let us hope that other researchers will follow suit and will expand this exercise to our three founding peoples.

Marc-André Roy

Law Clerk for Justice Thomas A. Cromwell
at the Supreme Court of Canada

New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (September 2015 - November 2015)

Andreychuk, Anita Raynel. "Codes of conduct: Developing an ethics and conflict of interest code." *Parliamentarian*, (Issue 2, 2015): 112-15.

- One of the biggest challenges facing parliamentarians today is maintaining ethical standards and ensuring that public confidence in parliament is assured.

Birch, Sarah. "Voter engagement, electoral inequality and first-time compulsory voting." *Political Quarterly* Vol. 86, No. 3 (July-Sept. 2015):385-92.

- This paper reviews the problem of declining turnout and proposes as a solution a system whereby each elector would be legally obliged to vote in the first election for which they were eligible.

Campañá, Nùria González. "Book review: 'Constitutionalising Secession'". *Public Law* (October 2015): 725-28.

- A brief, positive book review of 'Constitutionalising Secession' (2014) by David Haljan which includes chapters on *Reference Re Quebec Secession* and the *Clarity Act*.

Coyne, Andrew. "The brief: Minority rule by any other name." *Walrus* Vol. 12, No. 8 (October 2015):17-18.

- The case against first past the post.

Duncan, Grant. "New Zealand's Cabinet Manual: How does it shape constitutional conventions?" *Parliamentary affairs* Vol. 68 (2015):737-56.

- This article examines the experience surrounding the New Zealand Cabinet Manual in order to address some of the critical questions that parliamentarians and academics have raised about the possible effects of such documents upon constitutional conventions.

"Britain's House of Lords: Right answer, spoken out of turn." *Economist*. October 31, 2015.

- As long as it remains unelected, the second chamber cannot be a serious check on government.

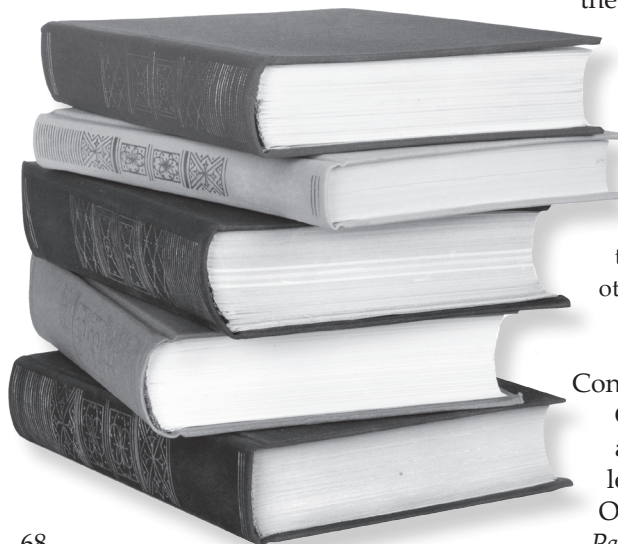
Elliot, Mark. "A tangled constitutional web: the black-spider memos and the British constitution's relational architecture." *Public Law* (October 2015): 539-50.

- This article provides an overview of a recent UK court case – regarded by the author as having constitutional-blockbuster status – involving an access to information request for Prince Charles's black-spider memos.

McCormack, Nancy. "Bills sent by mistake: Canada's Bill C-479 (2014) and the long history of sending the wrong version of a bill from one House of Parliament to the other." *Journal of Parliamentary and Political Law* Vol. 9, No. 2 (September 2015): 307-31.

- There is a long history of one House sending the wrong version of a bill to the other House.

McIsaac, Ian. "Provincial Constitutions and the Lieutenant-Governor: the Constitutional amending process and legal responses to the 2012 Ontario prorogation." *Journal of Parliamentary and Political Law* Vol. 9, No. 2 (September 2015): 345-61.



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- This paper asserts that while a Lieutenant Governor is normally obliged to follow the advice of the first minister, the fundamental nature and role of the office of Lieutenant Governor is better understood as upholding responsible government and democracy.

Muller, Damon. "A quick overview of the proposed Senate electoral system." *FlagPost* blog Australian Parliamentary Library.

- In May 2014, the Joint Standing Committee on Electoral Matters proposed what is perhaps the most radical overhaul of the electoral system used to elect the Australian Senate since 1948, when the much-criticised block system was abolished and proportional representation by Single Transferable Vote was first introduced.

Muller, Damon. "Judges and select committees: a developing UK accountability culture." *UK Constitutional Law Blog*, September 2015.

- Is a judge who chairs an inquiry acting as a judge, or acting as an inquiry chair? Judges, concerned about the implications of being drawn into disputes that are often highly politically charged, tend to believe that they are acting as judges and that their reports should speak for themselves. Parliamentary committees can find this attitude defensive and frustrating.

Murphy, Gavin and Shane Zurbrigg. "Canadian Governor in Council appointees and political activities: Has something fallen through the cracks?" *Journal of Parliamentary and Political Law* Vol. 9, No.2 (December 2015): 333-43.

- This article assesses the current provisions regarding the political activities of GiC appointees and proposes that these activities be regulated through statutory provisions.

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

- Scotland - Process for determining admissibility of petitions questioned.

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

- France - Restrictions on intelligence surveillance of members - Under the new *Intelligence Act* intelligence agencies cannot request authorisation to conduct surveillance for intelligence purposes, on French territory using specified means, e.g. bugging, keylogging, of parliamentarians in relation to their exercise of their mandate.

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

- Scotland - In response to a demand for more structured orientation and ongoing support, a new orientation programme is being planned for the start of the next Parliament.

Russell, Meg. "Is David Cameron actually seeking to destroy the Lords?" *The Constitution Unit blog*, August 2015.

- Recent peerage appointments attracted almost universal criticism for further adding to the inexorable growth in size of the House of Lords under David Cameron. But could the gradual erosion of the Lords' reputation actually benefit the government by weakening parliament?

Russell, Meg. "Lords' declining reputation: the evidence." *The Constitution Unit blog*, August 2015.

- The author reports on updated research about media representations of the Lords, and shows definitively the damaging effects that uncontrolled prime ministerial appointments have had on the chamber's reputation since 2010.

Ryan, Mark. "Bills of Steel: the House of Lords Reform Act 2014." *Public Law* (October 2015): 558-70.

- At first glance, this Act - which introduced three small-scale reforms regarding cessation of membership of the House of Lords - might

appear to stir little controversy; however, from a constitutional perspective it warrants closer examination.

Smith, David. "Canadian electoral finance in the 21st century." *The Parliamentarian* (Issue 3 2015): 160-63.

- This article provides a brief history of electoral financing in Canada.

Strong, James. "Why Parliament now decides on war: Tracing the growth of the parliamentary prerogative through Syria, Libya and Iraq." *British Journal of Politics and International Relations* Vol. 17, (November 2015): 604-22.

- Parliament now decides when Britain goes to war. While the academic community and much of the British political elite continue to focus on the free rein granted to prime ministers by the historic royal prerogative, this article argues it is critically constrained by its parliamentary counterpart.

St-Pierre, Émilie, Audrey Lapointe and Charles Maher. "Législation: entre rationalité institutionnelle et parlementarisme." *Journal of Parliamentary and Political Law*, Vol. 9, No. 2 (September 2015): 363-86.

- Omnibus bills have been part of Canada's legislative landscape for decades, if not centuries. Their usefulness is undeniable, having been employed many times during the construction of the welfare state to effectively amend countless enactments ... Parliamentarians and political pundits were especially angered by Bill C-38. With 753 amendments affecting more than 70 different pieces of legislation ... Looking beyond the media attention they attract, to what extent are parliamentary procedure and practices changing in response to this new use of omnibus bills?

Cortier, Véronique. "Vote électronique: un scrutin à sécuriser." *La Recherche*, Vol. 504 (October 2015): 70-4.

- Current e-voting systems often lack transparency. The algorithms must be improved in order to achieve the level of reliability of traditional voting procedures.



British Columbia

The Legislative Assembly of British Columbia resumed on September 28, 2015, for a continuation of the fourth session. As reported in the previous issue, the Legislative Assembly adjourned on July 21, 2015, after a rare summer sitting which lasted six days.

Legislation

In the fall sitting, 11 government bills had been introduced at the time of writing, and five bills had received Third Reading. Bills introduced in the fall included the following initiatives.

- Bill 35, the *Workers Compensation Amendment Act (No. 2), 2015*, would make workplaces safer following the accidents that occurred in Prince George and Burns Lake sawmills in 2012, including new requirements for employers to immediately report fires and explosions, participation for worker and employer representatives in employer accident investigations, a role for workplace health and safety committees to give advice to employers on equipment and machinery changes, and an increased ability for WorkSafeBC to assist health and safety committees in resolving disagreements over health and safety matters.
- Bill 38, the *Franchises Act*, proposes a framework of legal rights and remedies to the province's business owners who operate or are looking to operate a franchise business in the province.
- Building on past legislative initiatives to support government's liquefied natural gas (LNG) strategy,

Bill 40, the *Natural Gas Development Statutes Amendment Act, 2015*, would allow carbon capture and storage as a permanent solution for disposing of carbon dioxide in British Columbia, improve rules and regulations for oil and gas activities, and strengthen industrial oversight in preparation of more large-scale projects moving forward, such as the construction and operation of pipelines and LNG facilities.

- Bill 43, the *Local Elections Campaign Financing (Expense Limits) Amendment Act, 2015*, would establish a framework for setting expense limits by regulation for local government candidates, school board trustees, and third-party advertising in advance of the next local government elections in British Columbia in 2018. The legislation, introduced as an exposure bill, follows the recommendations of the Special Committee on Local Elections Expense Limits, as outlined in its June 2015 report.

Parliamentary Committees Activity

The Select Standing Committee on Finance and Government Services concluded its annual pre-budget consultations on October 15, 2015. The Committee received 572 submissions, in the form of online survey responses, written and video submissions, and presentations at 13 public hearings. The Committee is required to release its report by November 15, 2015. The Committee also met on September 15, 2015 to consider and approve a supplementary budget request to support the Office of the Ombudsperson of British Columbia in an investigation of the 2012 termination of Ministry of Health employees. The budget recommendation followed the Committee's July 29, 2015 decision to refer the investigation to the Ombudsperson, pursuant to provisions of the *Ombudsperson Act*.

The Special Committee to Review the *Freedom of Information and Protection of Privacy Act* continued the consultation stage of its statutory review of the Act, which was launched on July 29, 2015 and will conclude on January 29, 2016. The Committee is required to submit its report by May 27, 2016.

The Select Standing Committee on Health continued its work to identify potential strategies to maintain a sustainable health care system for British Columbians. A Sub-Committee established on March 26, 2015 to consider and make recommendations on the topic of dying with dignity reviewed submissions from stakeholders and presented its report to the Committee on October 21, 2015.

Changes in Deputy Speaker and Members

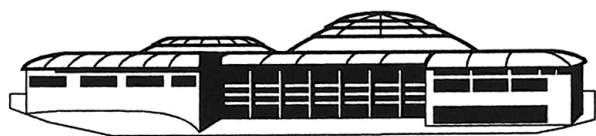
On September 28, 2015, the Legislative Assembly unanimously adopted a motion to appoint **Richard T. Lee**, Member for Burnaby North, as Deputy Speaker for the remainder of the session. He replaces **Doug Horne**, Member for Coquitlam-Burke Mountain, who resigned in the summer to run in the federal election campaign. Two by-elections, for the constituency of Coquitlam-Burke Mountain and the constituency of Vancouver-Mount Pleasant (resulting from the resignation of MLA **Jenny Wai Ching Kwan** to run in the federal riding of Vancouver East), are expected within a six-month period.

MLA **Marc Dalton** returned to the BC Liberal caucus following his announcement that he had not secured the Conservative Party of Canada nomination in the federal riding of Pitt Meadows-Maple Ridge-Mission. Mr. Dalton had resigned from the government caucus earlier in the year, and indicated that he would sit as an Independent Member while engaged in the nomination process.

The current party standings at the Legislative Assembly are: British Columbia Liberal Party – 48; New Democratic Party of British Columbia – 33; Independent – 2; and vacant – 2.

Ron Wall

Manager, Committees Research



Northwest Territories

Seminars and Conferences

The Northwest Territories Table was delighted to host the Association of Clerks-at-the-Table Professional Development Seminar in Yellowknife from July 27-31, 2015. Fifty-six delegates and accompanying persons attended the event with international delegates travelling from the United Kingdom, Australia, Isle of Man and the United States.

Delegates participated in eight very informative business sessions and conducted the Association's Annual General Meeting. There were also many opportunities provided to enjoy the beautiful northern landscape from land, water and air.

In August, the Chair of the Standing Committee on Government Operations, **Daryl Dolynny**, had the pleasure of attending the annual conference of the Canadian Council of Public Accounts Committees (CCPAC) and the Canadian Council of Legislative Auditors (CCOLA) in Winnipeg, Manitoba. Mr. Dolynny and **Michael Ferguson**, Auditor General of Canada and of the Northwest Territories, issued an invitation to the CCPAC and CCOLA members to attend the next conference, scheduled to take place in Yellowknife, from August 21-23, 2016.

Committee Activities

In advance of the final sitting of the 17th Legislative Assembly, 12 bills were before standing committees for consideration. The Standing Committee on Economic Development and Infrastructure held public hearings in Yellowknife to consider six pieces of proposed legislation. An additional six bills were under review by the Standing Committee on Social Programs.

Of particular note was Bill 55: *Mental Health Act*, a highly anticipated modernization of the current legislation. The introduction of the bill generated intense public interest and the Standing Committee, chaired by **Alfred Moses**, entered into a comprehensive public consultation process, visiting nine communities and hearing from over one hundred witnesses. During the final committee review, 27 motions to amend Bill 55 were adopted, with the concurrence of the Minister of Health and Social Services, **Glen Abernethy**. During the debate in the Assembly, both Mr. Moses and Mr. Abernethy commented on the collaboration which took place during the review process and which facilitated the passage of the legislation during the life of this Assembly. The Standing Committee on Social Programs also presented to the House a substantive report of its review of Bill 55, setting out the many concerns that were raised and providing recommendations with regard to the next steps and the actual implementation of the *Mental Health Act*.

Order of the Northwest Territories

Established in 2013 by the *Territorial Emblems and Honours Act*, the Order of the Northwest Territories is the highest honour awarded to residents of the

Northwest Territories. The inaugural investiture ceremony took place in the Chamber of the Legislative Assembly on October 7, 2015. Speaker **Jackie Jacobson** began the ceremony by presenting the first medal to the Commissioner of the Northwest Territories, **George L. Tuccaro**. The Commissioner, by virtue of his office, is a Member and Chancellor of the Order of the Northwest Territories. The Commissioner then presided over the investiture of the first six inductees. The ceremony was followed by a reception in the Great Hall.

Final Sitting of the 17th Legislative Assembly

The final sitting of the 17th Legislative Assembly reconvened on September 29, 2015, with a sessional statement by Premier **Bob McLeod**.

The sitting began with consideration of the 2016-2017 capital estimates and two supplementary appropriation documents. Following debate in Committee of the Whole, the Assembly adopted a motion concurring with the estimates in all three documents and instructed that appropriation bills based thereon be introduced in the Assembly. The three bills received first, second and third reading during the short sitting.

Several committee reports were presented to the House during the sitting. The Standing Committee on Economic Development and Infrastructure, chaired by **Robert Hawkins**, presented its *Report on Horizontal Hydraulic Fracturing*. The report outlines the work undertaken by the Committee with regard to horizontal hydraulic fracturing. The report includes studies that have been conducted, highlights areas that may need further attention, comments on the proposed regulations, and encourages the continuation of such work by a standing committee of the 18th Legislative Assembly.

The Special Committee on Transition Matters presented its report entitled *Passing the Mace: Recommendations to the 18th Legislative Assembly*. The Special Committee was part of a new and enhanced approach being undertaken to ensure a smooth transition from the 17th to the 18th Assembly.

Four Assembly standing committees also presented reports related to transition matters.

On September 29, 2015, Mr. Dolynny rose on a question of privilege related to an announcement by Premier McLeod and Minister of Finance **J. Michael Miltenberger** made during an intersessional press

conference. They announced additional funding for the territorial power corporation in order to mitigate the impact of low water levels and to prevent an increase in power rates for all NWT residents. Mr. Dolynny pointed out that this announcement was made prior to appropriation authority being granted by the Assembly, leaving the impression that there was no meaningful role for the Legislative Assembly in debating and approving such an appropriation. Speaker Jacobson allowed debate on the matter and six Members rose to comment. The Speaker rendered his decision on October 7, 2015, finding no *prima facie* case of privilege. The Speaker continued to further examine the issue of contempt, and despite finding that a relevant news release did create an improper impression regarding the role of the Assembly, he did not find it to be an act of contempt.

A motion was adopted by the House requesting the Commissioner of the Northwest Territories to dissolve the 17th Legislative Assembly on October 25, 2015, to permit polling day for a general territorial election to be held on November 23, 2015. This was the first time that the Commissioner has had the authority to dissolve the Legislative Assembly, a power previously held by the Government of Canada. This was the result of recent changes to the *Northwest Territories Act* (Canada) and is another historic first for the Northwest Territories.

On October 8, 2015, Commissioner Tuccaro gave assent to 15 bills, before proroguing the fifth and final session of the 17th Legislative Assembly.

Territorial Election

The 17th Legislative Assembly was dissolved on October 25, 2015. A general election was called for November 23, 2015.

Gail Bennett

*Principal Clerk,
Corporate and Interparliamentary Affairs*



New Brunswick

Building Restoration and Upgrades

The ongoing historic restoration of the Legislative Assembly building continued over the summer months with the installation of a new sprinkler system. Directly following the work on the sprinkler system, a new digital sound and interpretation system was installed in the chamber, replacing an antiquated and unreliable system which had begun to fail during the spring session. Other proposed upgrades to the chamber include the possible installation of two digital clocks on the chamber walls. This would allow the Speaker and Members to monitor speaking times during debates. New Brunswick is grateful for the assistance provided on this project by the staff of the National Assembly of Quebec.

Conflict of Interest Commissioner Retirement

Alfred R. Landry, the Conflict of Interest Commissioner, announced his retirement in July. Commissioner Landry's retirement closes out a remarkable career of public service and dedication to the Province of New Brunswick. Appointed judge of the Court of Queen's Bench in 1985, Landry became a supernumerary judge in 2001 and retired from the bench in 2011. On the unanimous recommendation of the Legislative Assembly, he was appointed

Commissioner under the *Members' Conflict of Interest Act*, effective September 1, 2013.

Childhood Cancer Awareness Month

In September, the Legislative Assembly building was illuminated in gold in honour of children who are fighting cancer, survived cancer, or who have lost their lives to cancer. The Speaker of the Legislative Assembly, **Chris Collins**, invited his colleagues from across Canada to recognize this event at their Legislatures, many of whom participated.

Interparliamentary Relations

In September and October, the Legislative Assembly hosted two parliamentary study groups. In conjunction with the Parliamentary Centre in Ottawa, two parliamentary staff from the Kingdom of Bhutan met with various staff and officials of the Legislative Assembly with the goal of examining the parliamentary system in New Brunswick and in particular the bilingual nature of our province. The delegation also had the opportunity to visit the Department of Political Science at St. Thomas University and participate in several classes and interact with the students. The visit culminated with a visit to Speaker Collins' constituency where they were able to experience a day in the life of an MLA.

New Brunswick was also chosen by the United Nations Development Programme to host a delegation of parliamentarians from the Republic of Fiji. The group met with staff and officials from the Legislative Assembly to discuss topics such as the parliamentary process in New Brunswick, committees, public auditing and reporting, and conflict of interest requirements for MLAs.

By-election and Swearing-in Ceremony

A by-election was held on October 5, in the electoral district of Carleton, to fill a vacancy created when former Premier **David Alward** resigned as a Member of the Legislative Assembly. **Stewart Fairgrieve** was sworn-in as the newly elected Progressive Conservative member for Carleton at a ceremony held in the Legislative Assembly chamber on October 29.

Committee Activity

The standing committees on Public Accounts and Crown Corporations have full schedules through October and November while they review various government departments and Crown corporations.

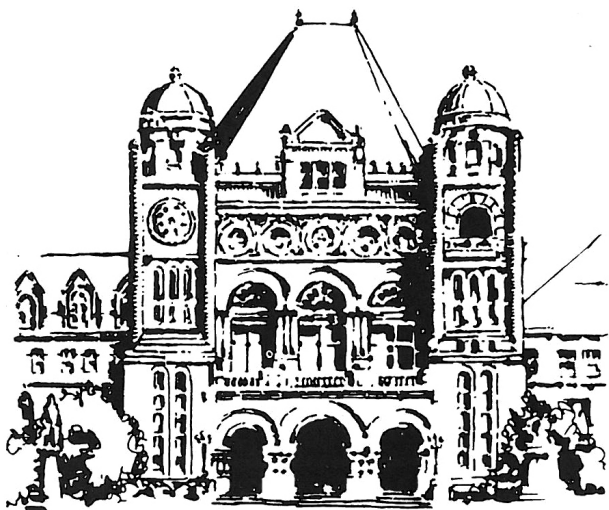
The Standing Committee on Procedure, Privileges and Legislative Officers will meet later in November to review the role and mandate of the various legislative officers of the Legislative Assembly. The Standing Committee on Law Amendments continues to study Bill 15, *An Act to Amend the Workers' Compensation Act*. The bill would allow first responders who are diagnosed with post-traumatic stress disorder to be eligible for workers compensation, as the condition would be presumed to be work-related.

Opening of Session and Standings

The second session of the 58th Legislative Assembly is scheduled to open on December 1. The current House standings are 26 Liberal Members; 22 Progressive Conservative Members; and one Green Party Member.

Shayne Davies

Clerk Assistant and Clerk of Committees



Ontario

The Legislative Assembly resumed its Fall sitting on September 14, 2015. During the Summer adjournment, two vacancies occurred with the resignations of **Garfield Dunlop**, Member for the Electoral District of Simcoe North on August 1, 2015 and **Christine Elliott**, Member for the Electoral District of Whitby-Oshawa on August 28, 2015. A by-election for the riding of Simcoe North was held on September 3, 2015. **Patrick Brown**, a former federal MP who recently won the leadership for the Progressive Conservative Party of

Ontario, emerged victorious. The new Member took his Oath and subscribed the Roll in time to take his seat in the Legislature for the first day of the Fall sitting and as such, the Speaker informed the House that Mr. Brown was recognized as Leader of Her Majesty's Loyal Opposition. The date for the by-election for the Electoral District of Whitby-Oshawa is to be determined.

On the first day of the Fall sitting, the House by unanimous consent, passed motions requesting the appointment of **Ellen Schwartzel** as the temporary Environmental Commissioner for the Province of Ontario for the period of September 14 to December 1, 2015, and **Dianne Saxe** as the permanent Environmental Commissioner for the Province of Ontario effective December 1, 2015. To fill a vacancy in the position as of September 14, **Barbara Finlay**, the Deputy Ombudsman, was also appointed temporary Ombudsman until the appointment of a permanent Ombudsman.

The House adjourned on September 21 and 22, 2015 to allow Members of Provincial Parliament to participate in the 2015 International Plowing Match which was hosted this year by the United Counties of Stormont, Dundas and Glengarry near the town of Finch in Eastern Ontario. Plowing matches have been part of the agricultural history of Ontario for well over a century. In the early days, they were sponsored by Agricultural Societies, the first farm groups to be established. The first provincial exhibition was held in the city of Toronto in 1846 which gave farmers an opportunity to display their skill in the handling of a walking plow and to show the fine teams of horses, many of which were imported or were from imported stock. Over the years, it has become a tradition that the leaders of the political parties along with their caucuses, usually decked out in jeans and boots, would participate in the opening parade which featured various floats, a mixture of old farm equipment, heritage themed entries and marching bands.

On September 23, 2015, the Speaker delivered a ruling on a question of privilege regarding the appointment of a temporary Ombudsman for the Province of Ontario. The Third Party contended that by appointing the Temporary Ombudsman by Order-in-Council without first securing a House address requesting the appointment amounted to a contempt of the House because traditionally, a House Address should precede the actual appointment of a parliamentary officer when the Legislature is sitting. The Speaker found that the process in the current case was entirely consistent

with the process used continuously on a number of occasions since 1978 with respect to the appointment of temporary Ombudsman, and therefore could not find a *prima facie* case of contempt.

On October 19, 2015, pursuant to a provision in its Standing Orders, the House adjourned for the general election of members to serve in the Canadian House of Commons.

Katch Koch
Committee Clerk



Manitoba

The Fourth session of the 40th Legislature resumed on October 20, 2015 and will sit until November 5, 2015 followed by a one week constituency break with the House to resume sitting on November 16, 2015 until December 5, 2015. The above dates were part of a House agreement related to Rule changes mentioned in our last submission.

Intersessional Standing Committees

Since our last submission, Manitoba Standing Committees held several intersessional meetings.

- The Standing Committee on Public Accounts Committee met on two separate occasions to consider several Chapters of the 2013 and 2014

Annual and 2014 Follow-up Auditor General's Reports.

- The Standing Committee on Crown Corporations met four times to consider annual reports from Manitoba Hydro, Manitoba Public Insurance, The Workers Compensation Board, and Manitoba Liquor and Lotteries Corporation.
- The Legislative Affairs Committee met to consider the Report and Recommendations of the Judicial Compensation Committee, as well as the Process for hiring a new Conflict of Interest Commissioner, Lobbyist Registrar and Information and Privacy Adjudicator
- The Standing Committee on Human Resources met on four occasions and the Social and Economic Development Committee met on two occasions to hear public presentations and conduct clause-by-clause consideration of one Bill that the House had not completed in June. The following Bills were reported to the House in October and proceeded through the remaining stages of the bill enactment process:

Bill (No. 4) – *The Farm and Food Awareness Act*

Bill (No. 10) – *The Municipal Amendment Act*

Bill (No. 13) – *The Planning Amendment Act (Special Planning Areas)*

Bill (No. 15) – *The Foreign Cultural Objects Immunity from Seizure Amendment Act*

Bill (No. 19) – *The Legal Profession Amendment Act*

Bill (No. 20) – *The Architects Amendment Act*

Bill (No. 21) – *The Engineering and Geoscientific Professions Amendment Act*

Bill (No. 23) – *The Boxing Amendment Act*

Bill (No. 24) – *The Wildlife Amendment and Fisheries Amendment Act*

Bill (No. 28) – *The Personal Property Security Amendment Act*

Bill (No. 30) – *The Non-Smokers Health Protection Amendment Act (E-Cigarettes)*

Bill (No. 31) – *The Registered Professional Planners Act*

Bill (No. 32) – *The Noxious Weeds Amendment Act*

Opposition Day Motion

On October 28, 2015 **Kelvin Goertzen** moved an opposition day motion urging “That the Legislative Assembly condemn the Provincial Government’s actions in repeatedly violating procurement rules in awaiting untendered contracts, as highlighted in the March 2014 Report from the Auditor General of Manitoba, including announcing a \$5 million contract for flood fighting equipment without tender and without Treasury Board approval on July 25, 2014.” Following an afternoon of debate the motion was defeated on a vote of yeas 18, nays 31.

Members resigning/not seeking re-election

In the previous submission, it was noted that **Leanne Rowat**, MLA for Riding Mountain, **Stu Briese**, MLA for Agassiz and **Bonnie Mitchelson**, MLA for River East would not be seeking re-election. Since that time, two more Members have resigned and one more Member indicated she would not be seeking re-election.

Peter Bjornson, MLA for Gimli, resigned on August 7, 2015. Mr. Bjornson was first elected in 2003 and served in Ministerial roles in Education, Housing and Community development and Entrepreneurship, Training and Trade during his tenure. Mr. Bjornson previously served as a councillor for the Town of Gimli from 1998 to 2002 and has 13 years of experience as a teacher. Mr. Bjornson’s teaching career was celebrated and recognized through numerous awards such as the Queen’s Jubilee Medal, the Governor General’s Award for Excellence in Teaching Canadian History (2000 and 2003) and the Prime Minister’s Award in 2001.

Erin Selby, first elected as an MLA for Southdale in 2007, resigned on September 4, 2015 to run in the recent Federal election but did not win a federal seat. Ms. Selby served in Ministerial capacity in the Advanced Education and Health. Prior to her election, Ms. Selby co-hosted Breakfast Television on City TV Winnipeg from August 4, 2005 to March 23, 2007 and has appeared in movies including the *Art of War* that starred Wesley Snipes.

Theresa Oswald, MLA for Seine River, first elected in 2003, announced on October 27, 2015 that she would not be seeking re-election in April 2016. Ms. Oswald served for several years as a minister in several portfolios. She served as Health Minister for seven years, longer than any other Health Minister in Canada, prior to her

appointment as Minister of Jobs and the Economy on October 18, 2013 where she served until November 2014. Prior to her political career, Ms. Oswald spent eleven years as a teacher and also served as a vice-principal at an exceptional needs school in the Louis Riel School Division.

Current Party Standings:

The current party standings in the Manitoba Legislature are: NDP 35, Progressive Conservatives 19, with one Liberal member and two vacancies.

Greg Recksiedler

Research Officer / Clerk Assistant



House of Commons

The Forty-First Parliament was dissolved by means of a proclamation from the Governor General issued on August 2, 2015. The general election was held on October 19, 2015, the date determined in accordance with the provisions of the *Canada Elections Act* which stipulates that a general election must be held on the third Monday in October in the fourth calendar year following polling day from the last general election.

As set forth in the *Fair Representation Act*, the number of seats in the House of Commons contested in the 42nd General Election was 338, an increase of 30 seats from the 308 seats comprising the House of Commons of the 41st Parliament at its dissolution. Additional seats based principally on population were assigned to Alberta (6), British Columbia (6), Ontario (15), and Quebec (3). Desks have been added to the Commons Chamber to accommodate the 30 additional Members. Members’ desks, which are generally arranged in pairs, have been arranged in larger sets in the two back rows on each side of the Chamber.

The general election resulted in the Liberal Party winning a majority of the seats in the House of Commons. Based on the unofficial results from Elections Canada, party standings in the House of Commons are as follows: the Liberal Party with 184 seats, the Conservative Party with 99 seats, the NDP with 44 seats, the Bloc Québécois with 10 seats and the Green Party with 1 seat. The Bloc Québécois and the Green Party are both below the 12 Member threshold required for recognized party status in the House of Commons. The complete official list of elected Members of Parliament should be available as of Monday, November 9, 2015, the last day for the return of the writs of election.

The 42nd Parliament reconvened on December 3. The first order of business of the House of Commons will be the election of a Speaker, which will be accomplished, for the first time, by means of a preferential ballot. The Speech From the Throne was read on December 4.

Gary Sokolyk
Table Research Branch



Prince Edward Island

The First Session of the Sixty-fifth General Assembly resumed on November 12, 2015. The House adjourned to the call of the Speaker on July 10, 2015.

Province House Remains Closed

Province House was closed for an extensive conservation project in January, 2015. Assessment of the building envelope and structure was carried out over summer, 2015. The project is expected to take three to five years.

The Legislative Assembly will continue to meet in the Hon. George Coles Building next door to Province

House when it resumed the session in November, 2015.

Standing Committees

The various standing committees of the Legislative Assembly met multiple times to conduct their business during the late summer and early fall, 2015. Motions passed during the spring sitting directed the Standing Committee on Education and Economic Development to review the provincial tax system and make recommendations on policy changes to improve private sector growth; and directed the Standing Committee on Health and Wellness to examine out-of-province health care expenditures. Other committees have decided to examine diverse matters according to their individual mandates. These subjects include the regulation of petroleum products, renewable energy, energy conservation, and various subjects within agriculture and fisheries.

A rule change was recently made that affects the business of committees. During the spring sitting, the Assembly accepted the recommendation of the Standing Committee on Privileges, Rules and Private Bills that the Rules of the Legislative Assembly be amended to extend the life of committees to the duration of the General Assembly. Previously committees were dissolved each time the current session was prorogued. The report notes that "...these changes will align, more closely, the practice in Prince Edward Island concerning the lifespan of standing committees with the majority of Legislative Assemblies across the country. They will allow the committees to enjoy more continuity, and perhaps undertake more lengthy and in-depth studies on behalf of residents of the province." The Assembly also accepted the committee's recommendation that members be permitted to use electronic devices within the Chamber, with certain limitations. The June 18, 2015 report of the Standing Committee on Privileges, Rules and Private Bills can be read at <http://www.assembly.pe.ca/reports>.

Special Committee on Democratic Renewal

During the spring sitting, Government released the *White Paper on Democratic Renewal*. The White Paper encourages all Islanders to engage in a discussion on how to best strengthen democracy in the province, specifically by examining PEI's voting system, election laws, and legislature composition. The White Paper calls for a plebiscite on PEI's voting system, suggesting that Islanders should choose between the current first-past-the-post system, a proportional representation system or a preferential balloting system.

Subsequent to the tabling of the White Paper a special committee composed of MLAs from the three parties represented in the legislature was struck to guide public engagement and make recommendations in response to the White Paper. Chief among the committee's duties is the formulation of a question to put to Islanders in a voting system plebiscite. The committee is expected to present this question in an interim report during the fall legislative sitting, and then carry on with further public engagement activities in the lead-up to its final report in the spring 2016 sitting. PEI's electoral boundaries are also due to be reviewed by commission in early 2016.

The special committee met multiple times in August and September to plan its activities. In October the committee held several public consultations in communities across the Island to discuss voting systems with Islanders and receive input on their preferences. Details of the special committee's activities and the *White Paper on Democratic Renewal* can be found at www.assembly.pe.ca/democraticrenewal/.

Leader of the Official Opposition & Progressive Conservative Party Leadership

Rob Lantz won the leadership of the Progressive Conservative Party at a convention in February, 2015 and unsuccessfully offered for a seat in the Legislative Assembly during the May 4 general election. Election results confirmed that the Progressive Conservative Party would form the Official Opposition. Given that Mr. Lantz did not have a seat in the House, the Official Opposition Caucus selected MLA **Steven Myers** to serve as Leader of the Official Opposition while Mr. Lantz continued to lead the Progressive Conservative Party from outside the rail until his resignation on September 23, 2015. On October 15, 2015 the Progressive Conservative Party Executive and Opposition Caucus selected MLA **Jamie Fox** as interim party leader and the Opposition Caucus confirmed that Mr. Fox would also serve as Leader of the Official Opposition in the Legislative Assembly. Mr. Fox stated publicly that he does not intend to seek permanent leadership of the party. A permanent leader will be chosen at a future party convention (date to be determined). MLA **Darlene Compton** also sought the position of interim party leader.

Government Mandate Letters

In October, ministerial mandate letters outlining the strategic priorities of departments were posted online. The government indicates that this is the first time such letters have been released. The letters outline the

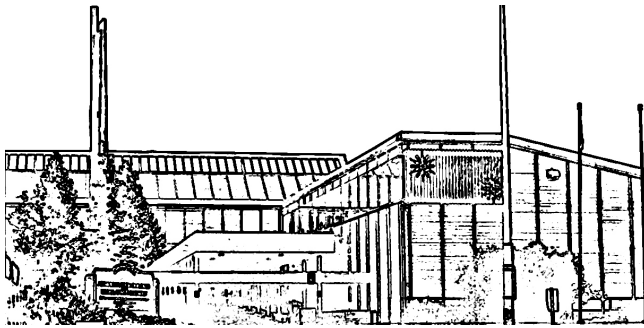
specific priorities of each minister and department, as directed by Premier Wade MacLauchlan. They emphasize the need for departments to work together; the requirement for departments to conduct themselves in an accountable, transparent, and ethical manner; and government's commitment to fiscal responsibility. Several departments are new, bringing together areas of government that were previously organized differently. The letters can be read at www.gov.pe.ca/premier/mandate-letters.

Government Whistleblower Policy

In October, the government also released a whistleblower policy. The policy provides a procedure for reporting wrongdoing as well as protection from reprisal for public sector employees who, in good faith, report wrongdoing they believe has been committed or is about to be committed. The policy states that an employee may make a disclosure to a supervisor, deputy minister, or the Ethics and Integrity Commissioner on a confidential basis. The Commissioner will take appropriate steps to help resolve the matter, including referring it for investigation or conducting an investigation. The policy applies to employees of entities listed in the schedules to the *Financial Administration Act*, with the exception of the Legislative Assembly, the Office of the Auditor General, the Island Regulatory and Appeals Commission and the Human Rights Commission. The policy supplements the existing Conflict of Interest, and Fraud Awareness and Reporting policies. The Whistleblower Policy can be read at www.gov.pe.ca/photos/original/whistleblower.pdf.

Ryan Reddin

Research Officer and Committee Clerk



Yukon

Fall Sitting

On October 1, 2015, Premier **Darrell Pasloski** advised Speaker **David Laxton** that the public interest required that Legislative Assembly reconvene. The Premier identified October 22 as the start date for the 2015 Fall Sitting of the First Session of the 33rd Legislative Assembly. Pursuant to Standing Order 75(1), the Assembly sits for a maximum of 60 days per calendar year. The House sat for 31 days during the 2015 Spring Sitting, leaving a maximum of 29 days for the Fall Sitting. The House will not sit on Remembrance Day. On October 27, **Brad Cathers**, the deputy Government House Leader, gave notice of a motion which would also have the House not sit on November 12. Should Mr. Cathers' motion be adopted the final sitting day of the Fall Sitting will be December 15.

Bills introduced

The following government bills were introduced by October 29; the fifth sitting day (pursuant to Standing Order 74, this is the deadline for the introduction of government legislation to be dealt with during a Sitting):

Bill No. 19, *Fourth Appropriation Act, 2014-15*

Bill No. 20, *Second Appropriation Act, 2015-16*

Bill No. 89, *Act to Amend the Municipal Act*

Bill No. 90, *Land Titles Act, 2015*

Bill No. 91, *Act to Amend the Elections Act and the Electoral District Boundaries Act*

Bill No. 92, *Act to Amend the Travel for Medical Treatment Act*

Bill No. 93, *Act to Amend the Oil and Gas Act*

Bill No. 94, *Act to Amend the Education Act*

No private members' bills have been introduced so far during the 2015 Fall Sitting.

Elections Act and Electoral District Boundaries Act amendments

Bill No. 91 seeks to implement a major revision of key aspects of Yukon's electoral law. This revision is based on recommendations contained in a report of the Chief Electoral Officer, **Lori McKee**, that was tabled in the Legislative Assembly in December 2014. The bill's explanatory note outlines that:

"The main improvements included in the Bill are:

- More accessible and efficient voter registration, including a permanent register of electors;
- A single, simplified special ballot process that allows absentee electors and others with special needs an extended opportunity to vote;
- Better recognition of the role of modern communications technology, and the opportunity to apply innovative methods in electoral operations where appropriate; and
- The codification of the independence of Elections Yukon and more consistency in how election officers are appointed.

"The bill also makes many focused amendments to particular aspects of election administration and corrects minor errors in existing electoral district boundaries."

"Subject to limited transitional rules, most of the bill's provisions will apply on assent. Exceptions are the elimination of proxy voting, which will take effect only after the next general election, and improvements to the rules for parties' annual financial reporting, the application of which is generally delayed to 2016."

Yukon does not have a fixed date for the next general election. However, it is widely anticipated that the vote will take place in the fall of 2016.

Residential Landlord and Tenant Act update

On September 11, 2015, the *Residential Landlord and Tenant Act* was proclaimed and its regulations established. The *Act* had been assented to in December

2012. The *Residential Landlord and Tenant Act* and regulations will come into force on January 1, 2016.

CPA meeting

Speaker Laxton, in his role as a Canadian Regional representative, attended the meeting of the Commonwealth Parliamentary Association's Executive Committee and the 61st General Assembly in London, U.K. from October 1-5, 2015.

2015 Summit of North American Governors and Premiers

Premier Pasloski led the Canadian delegation and represented all Canadian premiers at the 2015 Summit of North American Governors and Premiers, which was held in Colorado Springs, Colorado on October 31. The National Governors Association (US), the Council of the Federation (Canada) and the National Conference of Governors of Mexico jointly hosted the conference. Premier Pasloski represented the Council of the Federation as he will take over as chair of the council in 2016. This will be the first time a territory has been given this role. As council chair the Premier will host the next annual summer meeting of Canada's premiers in Whitehorse.

Linda Kolody,
Deputy Clerk



Saskatchewan

The fourth session of the twenty-seventh legislature reconvened on October 13, 2015. This is the last sitting of the legislature expected prior to the provincial election mandated for April 4, 2016. The Saskatchewan

provincial election was to have been held on November 2, 2015 as per the election date prescribed in The Legislative Assembly Act, 2007. As the provincial election writ period would have overlapped that of the federal election, the legislation provides that the provincial election date be moved to the first Monday of the following April.

The Assembly agreed to sit 25 days and conclude at the end of the sitting day on November 26. While the opposition recorded their displeasure at the lack of a Throne Speech, they did not oppose the motion.

Premier **Brad Wall** indicated that the continuation of the 2014-15 session of the legislature would provide MLAs with more time to debate new legislation introduced by the government. In particular, the Premier said the government would be looking to pass a bill that was introduced in the spring to reduce magnetic resonance imaging (MRI) wait times by allowing private MRIs in Saskatchewan. It was also announced that legislation would be introduced to amend the province's essential services law to make it compliant with a recent Supreme Court ruling. New legislation related to farmland ownership is among other issues that the government plans to address.

Cam Broten, Leader of the Opposition, stated that his party will focus on issues that will benefit ordinary people and families. Four private members' bills remain before the Legislative Assembly from the previous sitting. They propose minimum care standards in seniors' homes, the establishment of gay-straight alliances in public schools, increased fairness for local businesses in government procurement policies, and increased transparency in regards to public-private partnerships.

Members' Code of Ethical Conduct

On October 14, 2015, the Standing Committee on House Services presented its 14th report to the Legislative Assembly with the purpose of demonstrating a commitment to the protection of personal information by MLAs. The report proposed that a model code of conduct regarding the collection, use, and disclosure of personal information be added to the Code of Ethical Conduct for Members of the Legislative Assembly.

As a result of an investigation by his office, Saskatchewan Information and Privacy Commissioner **Ronald J. Kruzeniski** presented recommendations to the committee regarding the collection, use, and disclosure of personal information by MLAs and their

staff. The investigation had been launched on April 29, 2015 following a citizen's complaint, the nature of which had been referred to in legislative proceedings. The Standing Committee on House Services recommended that the model code of conduct as proposed by the Information and Privacy Commissioner be adopted with minor amendments and added to the Code of Ethical Conduct for Members of the Legislative Assembly.

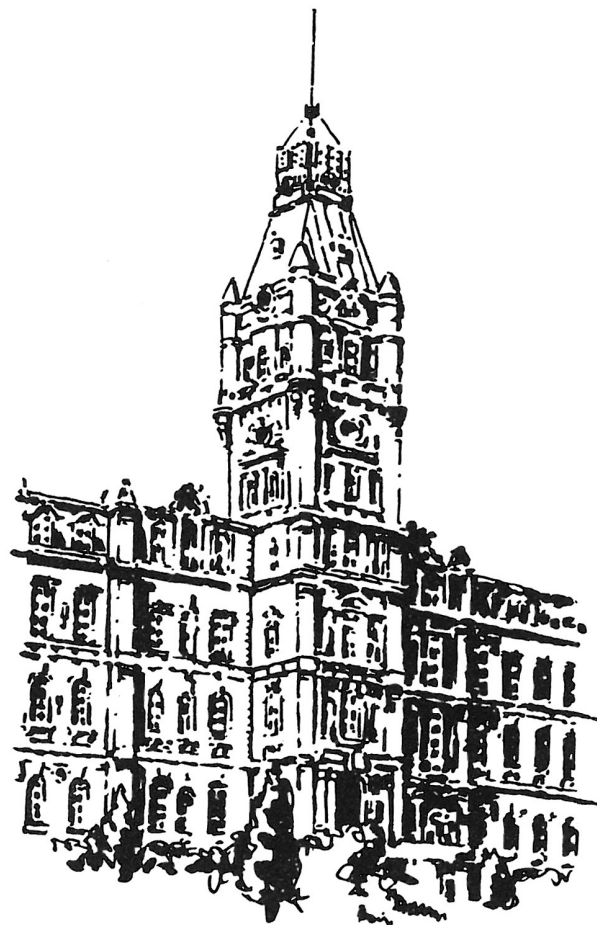
The addition to the Code of Ethical Conduct, as adopted, includes:

- Members of this Assembly must comply with *The Information and Protection of Privacy Act*, Part IV, Protection of Privacy, to the extent possible and as circumstances require.
- Members of this Assembly are committed to the protection of a citizen's personal information or personal health information which comes into their possession.
- Members of this Assembly must, when dealing with a citizen, obtain written consent to collect, use or disclose personal information or personal health information and will determine whether the citizen agrees to share in confidence or in a public way.
- Members of this Assembly must use the consent form outlined in this code with appropriate modifications.
- Members of this Assembly must provide a copy upon request of that consent to other Members of the Legislative Assembly, Ministers of the Crown or public bodies when requesting information or exchanging information.

The consent form outlines the purpose for which the private information was provided; grants consent for the disclosure of information in confidence to another MLA, a minister, their staff, or caucus staff; and provides direction on the treatment of the file upon the MLA's departure from office. Additional consent must be granted to share the information with the Legislative Assembly, the public, or the media.

The Assembly adopted the revised Code of Ethical Conduct for Members of the Legislative Assembly. The Code of Ethical Conduct for Members of the Legislative Assembly is an appendix of the Rules and Procedures of the Legislative Assembly of Saskatchewan. It can be viewed online at <http://www.legassembly.sk.ca/mlas/code-of-conduct>.

Anne Drake
Committee Clerk



National Assembly

National Assembly proceedings

The National Assembly resumed its proceedings on September 15, 2015, as provided in the Standing Orders.

Composition and parliamentary offices

Four Members handed in their resignation in recent months: **Gilles Ouimet**, Québec Liberal Party Member for the electoral division of Fabre, on August 24, 2015; **Marjolain Dufour**, Parti Québécois Member for the electoral division of René-Lévesque, on 10 September 10, 2015; **Marguerite Blais**, Québec Liberal Party Member for the electoral division of Saint-Henri-Sainte-Anne, on September 15, 2015; and **Robert Dutil**, Québec Liberal Party Member for the electoral division of Beauce-Sud, on September 26, 2015.

Sylvie Roy, Coalition Avenir Québec Member for the electoral division of Arthabaska, informed the

Chair of her decision to sit as an independent Member as of August 26, 2015.

On September 6, 2015, **Bernard Drainville**, Member for Marie-Victorin, was appointed Official Opposition House Leader. **Harold LeBel**, Member for Rimouski, was named Chief Opposition Whip, and **Nicole Léger**, Member for Pointe-aux-Trembles, was chosen as Caucus Chair of the Official Opposition.

The composition of the Assembly now stands as follows: 68 Members of the Québec Liberal Party, 29 Members of the Parti Québécois, 20 Members of the Coalition Avenir Québec, 4 independent Members, including three sitting under the banner of Québec Solidaire, and four vacant seats.

The President of the National Assembly, **Jacques Chagnon**, tabled modifications made to the distribution of measures and speaking time to reflect the changes in the composition of the Assembly. The modifications concern Oral Question Period, Statements by Members and the allocation of speaking time for certain limited debates.

Conduct of proceedings in the National Assembly

At the resumption of proceedings, the parliamentarians unanimously carried a motion moving that the National Assembly put an end to applause during Oral Questions and Answers in all sittings. The motion also asked that the resumption of Routine Proceedings of all sittings start 15 minutes after the beginning of Statements by Members so as to avoid delays for the remaining items of business. Last, the motion requested that the Standing Orders of the Assembly be amended accordingly before October 8, 2015.

Other events

In August 2015, the President of the National Assembly and of the Fondation Jean-Charles-Bonenfant, Mr. Chagnon, as well as the Chief Electoral Officer, **Pierre Reid**, jointly launched the new democracy education program: *Vox populi : Your democracy at school!* This program allows young people to acquire knowledge about the election process as well as democratic institutions and replaces, among others, the *Parlement au primaire et au secondaire* training activity.

On September 23, 2015, the President of the Assembly inaugurated a new exhibition: *Entre savoir et pouvoir*,

l'édifice Pamphile-Le May et la Bibliothèque de l'Assemblée nationale 1915 à 2015. This exhibition highlights the pivotal moments in the construction of Pamphile-Le May building as well as the history of the people who contributed to the development of the Library from 1915 to the present day.

Standing committee proceedings

Public consultations

Several committees held public consultations at the end of the summer. Close to a dozen mandates of this type were initiated before the resumption of Assembly proceedings in the fall.

On August 17, the Committee on Culture and Education (CCE) began its hearings with the heads of university-level educational institutions, within the framework of a statutory order. Thirteen of these institutions were heard by the Committee members, the last hearing having been held on September 21.

The Committee on Health and Social Services (CHSS) devoted five sittings to gathering the opinions of some 30 groups interested in Bill 44, *An Act to bolster tobacco control*. In total, over 60 briefs were submitted to the Committee within the context of this mandate.

Other extensive public consultations that had begun this summer continued in September. The Committee on Institutions (CI) held nine sittings on Bill 59, *An Act to enact the Act to prevent and combat hate speech and speech inciting violence and to amend various legislative provisions to better protect individuals*. Consultations were held from August 17 to September 23 and enabled close to 40 individuals and organizations to come before the Committee to give their point of view. The Committee on Transportation and the Environment (CTE) focussed its attention on the Green Paper on the modernization of the Environment Quality Act entitled "Moderniser le régime d'autorisation environnementale de la Loi sur la qualité de l'environnement". Hearings began on August 31 and ended on September 15, allowing some 40 groups to express their views on the issue.

Committee chairs and vice-chairs

Several committees elected their chairs and vice-chairs. The members of the CI appointed the Member for Chomedey, **Guy Ouellette**, to replace Mr. Ouimet as chair of this committee. The Committee on Citizen Relations' vice-chair vacancy occasioned by the resignation of Ms. Blais was filled by the appointment of **Michel Matte**, Member for Portneuf.

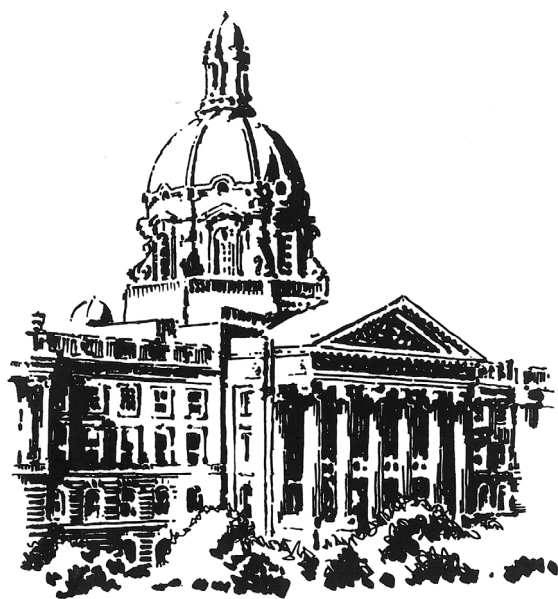
The redistribution of duties and portfolios among the Members of the Official Opposition and of the Second Opposition Group also brought about changes in the composition of the standing committees. The appointment of Mr. Drainville as Official Opposition House Leader and of Ms. Léger as Caucus Chair of this parliamentary group brought about the election of the vice-chair of the Committee on Public Finance (CPF) and the chair of the Committee on Agriculture, Fisheries, Energy and Natural Resources (CAFENR). The Member for Labelle, **Sylvain Pagé**, replaced Mr. Drainville as vice-chair of the CPF, and the Member for Chicoutimi, **Stéphane Bédard**, replaced his colleague Ms. Léger as chair of the CAFENR.

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Alberta

1st Session of the 29th Legislature – continued

The 1st session of the 29th Legislature resumed on October 26, 2015. In the first week the Government's Bill 4, *An Act to Implement Various Tax Measures and to Enact the Fiscal Planning and Transparency Act* and a Private Member's Public Bill, Bill 203, *Election (Restrictions on Government Advertising) Amendment Act, 2015*, sponsored by Rick Strankman, MLA (Drumheller-

Stettler) received First Reading. Bill 4 would repeal the *Fiscal Management Act* and create legislative requirements for the contents and coordination of the Government's financial reporting. It would also set limits on the amount of debt the Government is permitted to incur and provides how amounts in various funds may be allocated. Bill 203 seeks to legislate limits on government advertising during election campaign periods to ensure government resources are not used to support partisan interests.

2015-2016 Budget

On October 27, 2015, President of Treasury Board and Minister of Finance Joe Ceci, MLA (Calgary-Fort) released the new government's first budget. Delayed for several months by the spring provincial election the 2015-2016 budget confirms the progressive income tax model and higher corporate taxes brought in on July 1, 2015, and that Alberta will continue to have no provincial sales tax. The budget anticipates a \$6.1-billion deficit by the end of the fiscal year, which will require the Government of Alberta to borrow to cover its operational expenses for the first time in over two decades. The Government will increase infrastructure spending throughout the province with a focus on projects related to sustainable housing, flood mitigation, roads and bridges, education and health-care facilities. Other features of the budget include increased taxes on alcohol, tobacco and locomotive fuel and a two-year freeze on post-secondary tuition. A variety of services will see significant funding increases including: public home care and long-term care, childcare programs, women's shelters, a targeted school nutrition program and other education initiatives.

Changes to the Standing Orders

Government Motion 19 (GM 19), which proposed significant changes to the Standing Orders, was passed on November 5, 2015. The previous Standing Orders noted that each Ministry was scheduled for three hours of main estimates consideration with the exception of Executive Council, which received two hours of consideration. Under the amended Standing Orders beginning on January 1, 2016, the Official Opposition will now have the opportunity to designate up to four Ministries whose estimates will receive up to six hours of consideration in exchange for reducing the time allotted to three other Ministries down to two hours. Executive Council will continue to have two hours of consideration.

GM 19 has also introduced morning sittings. Previously the Assembly would sit from 1:30 p.m. to 6:00 p.m. on Monday through Wednesday, and 1:30 p.m. to 4:30 p.m. on Thursdays. The Assembly could also, upon passage of a government motion, hold evening sittings Monday through Wednesday commencing at 7:30 p.m. The amended Standing Orders now permit morning sittings, to conduct Government business, from 10:00 a.m. until noon on Tuesday and 9:00 a.m. until noon on Wednesday and Thursday. The addition of morning sittings came into effect on November 24, 2015, following the completion of main estimates consideration.

By-Election in Calgary-Foothills

On September 3, 2015, a provincial by-election was held in the constituency of Calgary-Foothills to fill the vacancy left when former Premier **Jim Prentice** resigned from politics. The successful candidate was Wildrose candidate **Prasad Panda**, a professional engineer and senior manager with Suncor. With his victory the membership of the Assembly now includes 53 New Democrats, 22 Wildrose, nine Progressive Conservatives, one Alberta Liberal, one Alberta Party and one Independent.

Cabinet Changes

On October 22, 2015, the Cabinet expanded by one, when **Danielle Larivee**, MLA (Lesser Slave Lake) was sworn in as the Minister of Municipal Affairs and the Minister of Service Alberta. **Deron Bilous**, MLA (Edmonton-Beverly-Clareview), who formerly held these two portfolios, will now oversee the new Ministry of Economic Development and Trade, which encompasses part of the previous Advanced Education and Innovation portfolio. As a result, the Ministry of Advanced Education and Innovation has been renamed "Advanced Education" but remains the responsibility of **Lori Sigurdson**, MLA (Edmonton-Riverview) who also retains the Jobs, Skills, Training and Labour portfolio.

Report by the Clerk

In response to concerns raised by the Progressive Conservative House Leader **Richard Starke**, MLA (Vermilion-Lloydminster), a review was initiated by the Clerk of the Assembly of the practices followed in the recruitment and selection of constituency staff for members of the New Democrat (ND) caucus following the spring election. It was determined that the initial advertising for these non-partisan positions developed

by the ND transition team, without the involvement of the Human Resource Services branch of the Legislative Assembly Office (LAO), raised a number of concerns. However, a report, released on September 11, 2015, concluded that although the initial advertising for constituency office assistants by the ND transition team raised a number of concerns, the timely intervention of former Speaker **Gene Zwozdesky** and the Government House Leader resulted in a recruitment and selection process consistent with the requirements of the *Financial Administration Act*, and the orders and directives of the Members' Services Committee.

Legislative Offices Committee

On September 24, 2015, the Standing Committee on Legislative Offices held its first meeting since the spring election. The Committee approved an additional \$200,000 for the Office of the Ethics Commissioner to rebuild and improve the Lobbyists Registry and database, as well as an additional \$275,000 to cover the expansion of responsibilities for the Office of the Child and Youth Advocate. In addition, the Committee authorized a compensation strategy for the Officers of the Legislature, which included a 2.25 per cent cost of living adjustment and a five-per-cent salary modifier, and approved funds to send three committee members and the Committee's Clerk to the 2015 Council on Governmental Ethics Laws (COGEL) conference in Boston, Massachusetts.

The latter two decisions faced significant criticism from opposition parties and the media, and the Committee Chair, **Denise Woollard**, MLA (Edmonton-Mill Creek), announced that another committee meeting would be scheduled to review these decisions. A meeting was held on September 29, 2015, and the Committee made unanimous decisions to rescind the increases in the Legislative Officers compensation package for 2015-2016, and also decided that the Committee would not send delegates to the 2015 COGEL Conference.

Clerk of the Assembly - Retirement

After serving as Clerk of the Legislative Assembly for over 28 years David McNeil will be retiring at the end of January 2016. Dr. McNeil is the sixth Clerk of the Legislative Assembly of Alberta and has the second longest tenure in this role. He has served during nine legislatures under five different Speakers and during the terms of seven different Premiers.

Jody Rempel
Committee Clerk

Under the Crimson Cloth: The Story of Canada's Confederation Table

Canada's historic Confederation Table has returned to the province of Quebec for the first time in more than 100 years for a special exhibit - but its home is now Saskatchewan.

Melissa K. Bennett

In 2014, after more than 100 years in Saskatchewan and 100 years in the Saskatchewan Legislative Library Reading Room, the historic Confederation Table made a long journey back to central Canada.

It was a grey but mild day in Regina on November 4, 2014. Inside the provincial Legislative Building, in the Library Reading Room, technicians carefully wrapped the renowned artifact for transportation across the country. Under the watchful eyes of custodians, options were considered for best carrying Canada's heavy and large Confederation Table from the second floor Reading Room into the fine art transport truck waiting outside.

The Saskatchewan Legislative Assembly Service had agreed to loan the Confederation Table for an exhibit at the Canadian Museum of History in Gatineau, Quebec, and historians and conservators at the Museum were eagerly awaiting its arrival. Once there, the table believed to have been used by the Fathers of Confederation at the Quebec Conference of October 1864, would take a place of honour in the exhibit *1867: Rebellion and Confederation*.

The 1864 Quebec Conference setting was vividly described by newspapers of the day – the panoramic view from the windows of the second floor reading room of Parliament House in Quebec City, and the “long narrow table, covered with a crimson cloth and littered with stationery, statutes, pamphlets, and books of reference, [running] down the centre of the room, leaving just space enough at the sides for the chairs of the delegates.” Over the course of the three week

conference, 72 resolutions regarding the constitutional provisions of Canada's confederation – which laid the foundation for Canada's democratic system of government – would be negotiated around the table.

The Confederation Table is a golden-hued oak and basswood library or refectory table constructed circa 1837 to 1864 in a Victorian Gothic Revival style. Its rectangular top, originally almost 16 feet long, has drawers on each side and rounded corners. Its feet and trestle supports are carved with Gothic arches.

Accounts indicate that the Confederation Table was among the furnishings used by the Government in Quebec City when the Quebec Conference was held. Given its shape, size, and location, it is probable that it was, indeed, the table under the crimson cloth. After the Quebec Conference, the table was chosen to be the federal Government's Cabinet table and was transferred from Quebec City to Ottawa, where it was used for that purpose for roughly two decades.

The Confederation Table began its Saskatchewan journey sometime between 1883 and 1892. Deteriorating and de-commissioned as the Cabinet table, it was brought to Regina by the Honourable Edgar Dewdney, Lieutenant Governor of the North-West Territories and Canada's Indian Commissioner. It resided in the Office of the Indian Commissioner, and was later used by the North-West Territories government, eventually becoming the House table for the Legislative Assembly. Facilities were limited and in 1908 the table was shortened by six feet in order to fit it into the space where the Legislative Assembly was meeting, prior to the completion of the Saskatchewan Legislative Building in 1912. In 1914, the table was retired as the Assembly House table and moved to the Legislative Library.

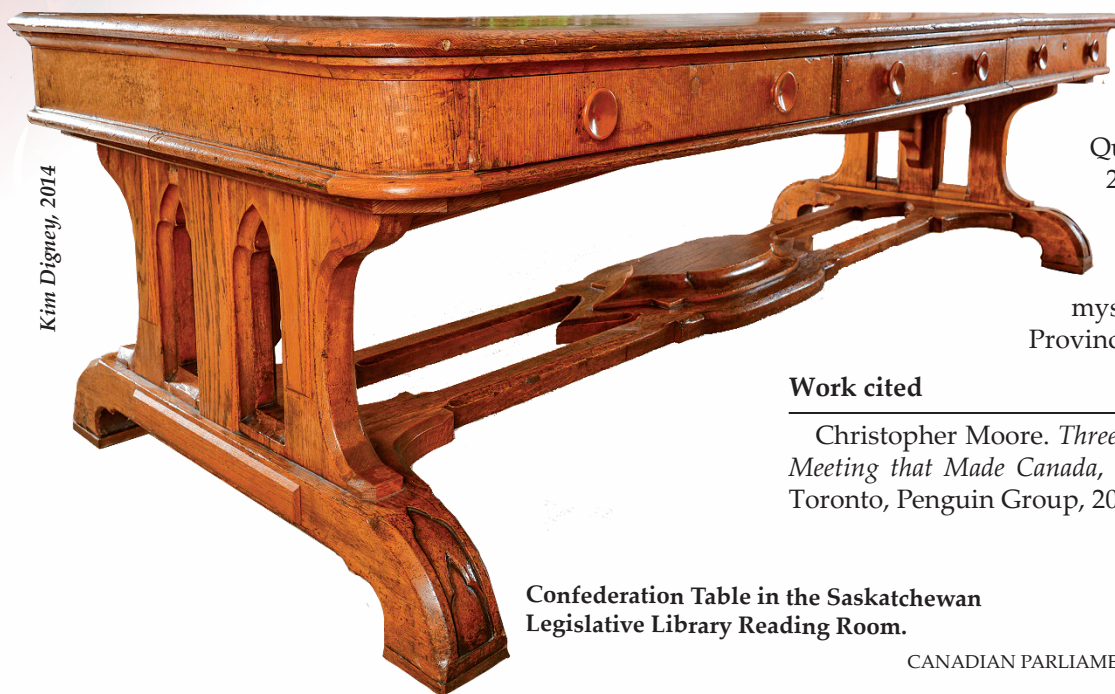
Melissa K. Bennett is Saskatchewan's Legislative Librarian.



Depiction of the 1864 Quebec Conference – delegates around the table under the crimson cloth. *The Fathers of Confederation* painting by Rex Woods, 1968. Source: © House of Commons Collection, Ottawa.

In the hundred years since arriving at the Library, the Confederation Table evolved from a working table to a valued historical artifact. Oral history about the table's significance spread and recognition of its historic and symbolic importance grew. Countless school children, tour groups, and visiting dignitaries have gathered around the table to hear its story. Saskatchewan legislators appreciate the table's representation of Canadian heritage, democratic values and governing structures.

Historians refer to the mystery of the Confederation Table because of reliance on oral tradition in tracing its story. The term also hints at the complexity of the Confederation Table as a symbol. It was a witness to so many aspects of the coming together of Confederation in both eastern and western Canada. Its abrasions and scars, yet enduring strength and beauty, are a reflection of the hard process, compromises, and achievement of Confederation. In the table, we are reminded of the fulfillment and losses held in our history.



Kim Digney, 2014

The Confederation Table is on display at the Canadian Museum of History in Gatineau, Quebec until January 3, 2016. It will then return home again to Regina and where it will continue to hold a place of honour, mystique, and heritage in the Province's house of government.

Work cited

Christopher Moore. *Three Weeks in Quebec City: The Meeting that Made Canada*, History of Canada Series, Toronto, Penguin Group, 2015, p. 43.

Confederation Table in the Saskatchewan Legislative Library Reading Room.

