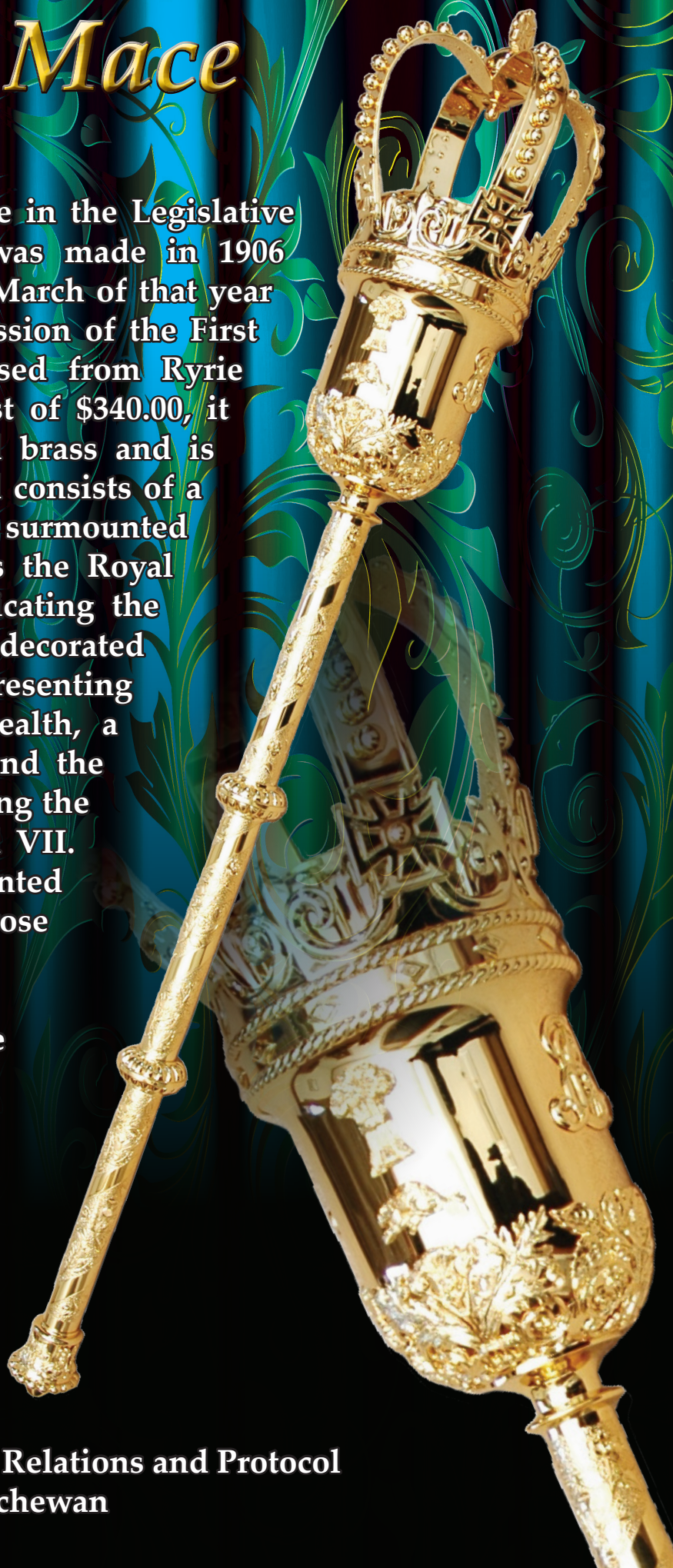*Moving Forward Together:*
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Know Your Mace

The Mace currently in use in the Legislative Assembly of Saskatchewan was made in 1906 and used for the first time in March of that year at the opening of the First Session of the First Legislative Assembly. Purchased from Ryrie Bros. Ltd. of Toronto at a cost of $340.00, it is made of heavy gold-plated brass and is about four feet long. The head consists of a Royal Crown with the arches surmounted by a Maltese cross and bears the Royal Coat-of-Arms on the top indicating the Royal Authority. Each side is decorated with a sheaf of wheat, representing the province's agricultural wealth, a beaver representing Canada and the monogram E.R. VII, representing the sovereign at the time, Edward VII. The shaft and base are ornamented with a shamrock, thistle and rose intertwined.

A Latin inscription around the Royal Coat of Arms reads in English, "Edward the Seventh, by the Grace of God of British Isles and Lands beyond the sea which are under British rule, King, Defender of the Faith, Emperor of India".

Monique Lovett
Manager of Interparliamentary Relations and Protocol
Legislative Assembly of Saskatchewan

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Workplace Harassment Policy in a Parliamentary Context

Creating and implementing guidelines that directly affect working relationships in a context where there are many separate employers, like Quebec's National Assembly, presents some unique challenges. In this article, the author outlines how a multi-party Working Group examined best practices for preventing and managing situations involving workplace harassment and adapted them to suit the parliamentary context. In-depth, methodical deliberations by the Working Group resulted in a consensus policy that was proactively communicated to stakeholders.

Maryse Gaudreault, MNA

Maryse Gaudreault

Maryse Gaudreault is the MNA for Hull. She was a member of a multi-party Working Group that developed a policy to prevent and manage situations involving harassment in the workplace for MNAs, their staff and all administrative staff at Quebec's National Assembly.

In November 2014, the President of the National Assembly, Jacques Chagnon, mandated me to draw up recommendations on how best to prevent and manage harassment in our organization. As a result, a Working Group, composed of nine elected officials,[1] including both men and women from all parties represented in the House, developed a policy reflecting the political and administrative authorities' will to ensure that the National Assembly constitute a healthy, harmonious, harassment-free work environment for Members of the National Assembly (MNAs), their staff and all of its administrative employees. While the Assembly had already adopted a harassment policy several years earlier, it was restricted to administrative staff. And, although Québec's legal framework offers victims of harassment (employees and others) various recourses,[2] no specific tools or mechanisms existed to prevent or manage situations involving harassment which MNAs and political staff might face in the course of their duties.

When the Office of the National Assembly adopted its *Policy on Preventing and Managing Situations Involving Harassment in the Workplace*[3] on June 4, 2015, for the first time in its history, our institution sent the clear, unequivocal message that no form of harassment is tolerated at the National Assembly, regardless of the perpetrator. This message was reiterated in the House in a motion hailing the Policy's coming into force.

Based on Best Practices and Adapted to the Parliamentary Context

The Working Group met several times. After analyzing the National Assembly's existing policy

covering administrative employees as well as policies developed by other similar institutions, we consulted various legal and community professionals to better grasp the current legal status of situations involving psychological harassment and the case law governing them. Our goal was to identify the main elements of an effective policy and to better understand what the individuals involved in such situations experience. Throughout the information sessions, we agreed that, first and foremost, a policy tailored to the National Assembly context should serve as a tool for prevention and providing information, not just as a means of resolving situations involving harassment.

From the outset, the Working Group had to keep certain realities in mind to guide us throughout the policy development process. Our starting point was the principle that the parliamentarians themselves entrenched in Québec legislation in 2004, namely that "Every employee has a right to a work environment free from psychological harassment".[4] This underscores employers' responsibility to "take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it."[5] Our Policy adopted in June 2015 is based on the will of all MNAs and the National Assembly administration, as employers in their own right, to ensure that the National Assembly remains a healthy, harmonious work environment free from harassment.

Moreover, we could not ignore the reality of a Parliament. The Policy is also adapted to the unique features of the National Assembly as a work environment. For example, not everyone in the Assembly is governed by an employment relationship in their workplace interactions. The Assembly has numerous employers, since, as holders of public office, MNAs cannot be considered employees, but rather, employers of their staff: the *Act respecting the National Assembly* gives them the power to hire personnel to assist them in carrying out their duties. Most Assembly administrative employees are hired under the *Public Service Act*, with the Secretary General representing the employer.

Despite these different employment relationships, we felt that preventing harassment and maintaining a culture of civility is everyone's business. We firmly intended to ensure that the Policy would apply to MNAs, their office staff[6] and the Assembly's administrative personnel, and offer them all the same resources and mechanisms to prevent and, if necessary, stop harassment and restore a safe work environment. The Policy applies to the relations between these three groups in the course of their duties, regardless of the location or the perpetrator. The desire for uniformity, consistency and fairness marked our work throughout the Policy's development. Indeed, this is one of its greatest strengths.

Québec's Legal Framework Governing Psychological Harassment in the Workplace

Definition of psychological harassment

The *Act respecting labour standards* applies to all employers falling under provincial jurisdiction. When the *Act* was reformed, in 2004, Québec legislators adopted a unique definition of psychological harassment to which the courts refer to ensure uniform application in all harassment cases. Psychological harassment means:

> Any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that undermines a person's dignity or psychological or physical integrity and that results in a harmful work environment for the person.

> A single serious incidence of such behaviour that has a lasting harmful effect on a person may also constitute psychological harassment.

The definition of psychological harassment in the *Act respecting labour standards* includes sexual harassment in the workplace and harassment based on any of the grounds listed in the Québec *Charter of Human Rights and Freedoms*, namely: race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap. In an avant-garde initiative, the Working Group chose to include harassment on the grounds of gender identity and expression in the Policy's definition.

Employer responsibilities

To meet their obligation under the *Act respecting labour standards* to provide their employees with a harassment-free workplace, employers must use reasonable means and act quickly to resolve problem situations brought to their attention, and manage the work environment so as to prevent harassment. More specifically, they must implement an internal procedure to deal with such problems objectively and rapidly.

As employers in their own right, all MNAs as well as the National Assembly administration have these obligations.

Given our intention that all MNAs be able to avail themselves of this Policy should a situation involving harassment arise in the course of their duties, even though they are not considered employees, the Policy stipulates that the responsibilities normally reserved for a superior be assigned to the party Whip.[7] As the person responsible for cohesion within a parliamentary group, the Whip must support a culture of prevention and civility, in particular by setting an example and being sensitive to inappropriate situations.

Because of the unique features marking employment relationships at the National Assembly, the standard term "superior" or "employer" was not always fitting. For the purposes of the Policy, the term "person in authority" was considered more appropriate.

Policy Highlights

As mentioned, our goal was to propose a simple, accessible Policy adapted to the Parliamentary workplace to the National Assembly authorities. However, we also wanted to set an example by including all of the different elements recognized to be part of an effective policy drafted to facilitate its application.

Broad scope ensuring greater fairness

The Policy applies to all MNAs, their employees and all National Assembly of Québec administrative personnel who feel they are victims of harassment in the course of their duties, regardless of where the event occurs or who the perpetrator is. The Policy's broad scope clearly shows that when it comes to harassment, zero tolerance applies.

Commitment of all involved

As employers, the National Assembly administration and all MNAs recognize that it is their responsibility under this Policy to employ healthy management practices to prevent and stop psychological harassment of their employees, if applicable. They also recognize that conflictual situations can harm the work atmosphere and people's health, directly affecting their ability to carry out their respective missions.

The Policy not only outlines the employer's role, but also highlights the commitment of all concerned to espousing the values of civility and respect emerging from it.

Definitions promoting prevention

With some minor differences in wording, our Policy uses the definition of psychological harassment given in the *Act respecting labour standards*, as presented above.

To ensure a better understanding and encourage better analysis of the situations encountered, the Policy also sets out other inappropriate behaviours that can impact the work environment, but that do not in themselves constitute harassment. Adding these definitions reflects the will of the MNAs and the National Assembly administration to promote a work environment that is not only harassment-free and but that is marked by respect and civility, as well as raising everyone's awareness that situations involving harassment are often the result of incivility or unresolved conflicts.

Informal and formal resolution processes

The National Assembly's Policy favours informal resolution of situations involving harassment through means that encourage communication between the parties involved.

However, the Policy also includes a formal complaint mechanism. While its use is optional, this formal process is a tool, over and above other legal remedies, available to persons who feel they have been victims of harassment. This mechanism may be better adapted to the workplace and to maintaining maximum confidentiality.

The Policy also emphasizes that complaint-related information will be treated as confidential by all involved, including those processing the file. The Policy clearly states that measures may be imposed on anyone who harasses another person, files a complaint in bad faith or tries to prevent a complaint's settlement through threats, intimidation or retaliation.

In the interest of fairness, the steps in the complaint process are the same, regardless of the complainant. The only difference is the person in authority, depending on whether the complainant is an MNA, an MNA's employee or an administrative employee.

FORMAL PROCESS

Situation

If the informal process is impossible or fails

Informal process

Complaint filed with reference person

Acknowledgement of receipt

- Complainant
- Person in authority (complainant)

Informs

External resource person analyzes complaint's admissibility

Inadmissible

Informs

- Complainant
- Person in authority (complainant)
- Respondent

Admissible

Informs

- Complainant
- Person in authority (complainant)
- Respondent
- Person in authority (respondent)
- Reference person

Mediation proposed

If mediation is impossible

If mediation fails

If mediation succeeds

Conduct investigation

End of process

Conclusion (complaint substantiated, unsubstantiated or in bad faith)

Informs

- Complainant
- Person in authority (complainant)
- Respondent
- Person in authority (respondent)
- Reference person

Decide on measures to take, if any

Responsibilities

External resource person

Complainant

Reference person for harassment cases

Employers/persons in authority

Information provided

INFORMAL PROCESS

Responsibilities

Complainant

Employer/person in authority

Reference person for harassment cases

Information provided

Situation

If the informal process is impossible or fails → Formal process

Informal process

Help the parties, if necessary

Contact the respondent

If the process is impossible or fails

Inform the person in authority

Resolve the situation

Thus, someone wishing to file a complaint knows exactly who to contact and who will be informed in the complaint process. The Working Group felt it was important that the Policy be worded so that all involved in such situations clearly understand the process involved in filing a complaint.

Specialized resources

For complaint processing, the Policy identifies two harassment specialists, who play complementary roles. One is the reference person for harassment cases, a Human Resources Directorate employee designated by the Secretary General, a resource that the National Assembly already had. This reference person offers support to people involved in the informal process, answers questions related to the Policy and, if applicable, ensures application of and follow-up to

the formal complaint process. To offer complainants a neutral process and ensure monitoring (in particular with respect to the potential number of complaints to be filed against a respondent), complaints are filed with a single individual.

The reference person for harassment cases automatically forwards the complaints to an external resource person for analysis, and, if applicable, investigation. This way, the reference person ensures follow-up, without getting involved in the formal complaint process.

The external services are carried out by a specialized, impartial resource person from outside the organization to whom the reference person systematically forwards all harassment-related complaints, regardless of who is involved. The

external resource person determines whether a complaint is admissible and, if necessary, refers the parties to mediation or conducts an investigation. When the investigation is finished, the external resource person drafts a report, which is confidential and contains an analysis, findings related to the complaint and recommendations for measures to be implemented.

A Policy Against Harassment: One Way To Raise Awareness and Encourage Prevention

The aim of a harassment policy is not solely to establish whether harassment has occurred and decide who is right or wrong, but also to promote harmonious workplace relations. Consequently, the Policy is, first and foremost, a tool for communication and awareness-raising. Throughout the Policy development process, we felt it crucial to opt for a proactive approach to head off problems rather than employing reactive management strategies when faced with potential harassment situations. Developing a prevention-based mindset by encouraging a culture of civility in the workplace is the Policy's ultimate goal.

We also recommended that the Policy be easily accessible. As soon as it was adopted, it was widely distributed to current employees and MNAs. Information sessions will also be offered to MNAs, immediate superiors and employees. Various educational tools (checklists, FAQ sheets) are being developed for employees.

Conclusion

This article sheds light on the challenges inherent in a unique workplace like the National Assembly, in particular for implementing guidelines that directly affect working relationships in a context marked by many separate employers.

The consensus needed to adopt such a Policy was made possible through the in-depth, methodical deliberations of the Working Group, whose members, as mentioned, hailed from all of the political parties represented in the National Assembly. The will of all involved to set an example in terms of preventing workplace harassment also fueled this common effort.

The Policy's adoption is definitely not the end of the road but the beginning of more far-reaching reflection, both individual and collective, on how we act and interact as employers, superiors and colleagues.

Notes

1   Working Group members: Maryse Gaudreault (Hull), Sylvie D'Amours (Mirabel), Françoise David (Gouin), Manon Massé (Sainte-Marie–Saint-Jacques), Marie Montpetit (Crémazie) and Carole Poirier (Hochelaga-Maisonneuve), Simon Jolin-Barrette (Borduas), Harold LeBel (Rimouski) and Marc H. Plante (Maskinongé). The Working Group enjoyed the support of National Assembly administrative personnel.

2   Possible avenues of recourse and protection include the Commission des normes du travail, Commission de la santé et de la sécurité du travail and Commission de la fonction publique and exist under the law (Civil Code of Québec, Charter of Human Rights and Freedoms, Act respecting occupational health and safety, Criminal Code and Act respecting assistance for victims of crime).

3   The Policy is available for consultation on the National Assembly website: assnat.qc.ca/PolitiqueHP (French only).

4   *Act respecting labour standards* (chapter N1.1), section 81.19.

5   Ibid.

6   Here, we are referring to MNAs' employees hired under the Act respecting the National Assembly. Staff members in Ministers' offices (i.e., Ministers' employees, including in the ridings) are hired under the Executive Power Act.

7   Or the Leader, if the Whip is the complainant or respondent.

Organizing the Halls of Power: Federal Parliamentary Staffers and Members of Parliament's Offices

This article attempts to define the work of federal parliamentarians' staffers so that their position, responsibilities, and ultimately their role can be better understood by parliamentary observers and the public at large. The author first discusses the role of an MP's staff member in order to build a job description of common tasks and responsibilities. Then he explores and defines some possible organizational structures of Members of Parliament's offices based on his own observations.

Daniel Dickin

Much has been written about the roles of Members of Parliament and the operations of Canada's Parliament in order to better understand how Canada is governed. *Tragedy in the Commons*, for example, endeavored to conduct "exit interviews" with Members of Parliament to discuss how they experienced elections, governing, party politics, dealing with constituents' issues, and ultimately defeat or retirement from public life. But while the role of Members of Parliaments may be becoming more well known, the same cannot be said for their right-hand men and women: Canada's political staffers.

Surprisingly little is publicly known or discussed about staffers. The varied nature of their work in support of Members of Parliament – who are much more accessible to the media and the public – provides a wide degree of latitude in defining what a staffer does. At best, this means a staffer's job is shrouded in a degree of mystery. At worst, it can lead to a full-on slandering of a group of committed public servants. Recent years have seen the pejorative moniker "the boys in short pants"[1] used to describe some staffers while others have been labeled "ruthless, cutthroat psychopaths."[2] Such negative statements come from a misunderstanding and misinterpretation of the role of staffers.

Daniel Dickin is an author, columnist, and political staffer. He works on Parliament Hill as a Conservative staffer and has experience in the public, private, and non-profit sectors. He has a Bachelors degree in law and political science and a Masters degree in public administration. This essay is his opinion only and not the opinion of any political party.

This essay attempts to define what staffers do so that their position, responsibilities, and ultimate role can be better understood by parliamentary observers and the public at large. First, I will discuss the role of an MP's staff member in order to build a job description of common tasks and responsibilities. Second, I will explore and define some possible organizational structures of Members of Parliament's offices. This essay should be understood as one person's observations of how staffers and offices operate. It cannot be applied as a one-size-fits-all doctrine, since each Member of Parliament is given wide latitude to organize an office as he or she sees fit. There also may be common trends and differences between offices of the same political party and between different political parties or between federal and provincial staffers. While those trends and differences are not the subject of this essay, I welcome submissions from other staffers on these same topics to expand our collective knowledge. This essay will contribute to the public's understanding of who staffers are, what they do, and how their office structures them to operate within Canada's Parliamentary government.

Part One: The Role of MP's staff

Generally speaking, there are three types of staffers: staffers in an MP's constituency office, ministerial staffers, and staffers in an MP's Ottawa office. Much has already been written about the work done by constituency staffers thanks to Peter MacLeod's two-year research study on the topic.[3] Likewise, Ian Brodie has written of the job descriptions and necessities of ministerial staffers, clarifying their role in navigating the bureaucracy and advising and serving their minister.[4] The roles of these two types of staffers

Behind every Member of Parliament there is a hard working staff based at Parliament Hill and within a constituency office.

are relatively well known, but the same cannot be said for an MP's Ottawa staffers. While I do touch on constituency staffers' work and how they are positioned in a hierarchy in part two, the focus of this paper is Members of Parliament's Ottawa office staffers (referred to here as "Parliamentary staffers" or "Ottawa staffers"). Together these three essays can be used to begin to paint a broader picture of staffers.

Parliamentary staffers are some of Canada's most important, influential, committed, and hardest-working public servants. Jenni Byrne, a senior adviser and organizer to Prime Minister Stephen Harper, was known as "the other woman behind Harper"[5] (the first of course being his wife Laureen), and Gerry Butts, a senior adviser and long-time friend to Prime Minister

Justin Trudeau, has been called "Prime Minister Butts" for the strong gatekeeping influence he exerts over Trudeau and his office.[6] But despite their significant influence and incredible workload, there are hundreds of other staffers whose roles are not well known or discussed. This section focuses on the hiring, training, and working conditions of staffers.

The Need For a Staffer

Members of Parliament did not always have staff. As Peter MacLeod notes, before cheap air travel, the Parliamentary calendar revolved around the agricultural cycle: in the fall MPs would take the train from their constituencies to Ottawa, stay in Ottawa for the winter, and spend the majority of the

spring, summer, and part of the fall back in their constituencies.[7] MPs would speak directly with their constituents, personally respond to letters and phone calls, and coordinate their own schedules. Prior to 1968, a secretarial pool would dispatch a secretary to assist an MP for a few days at a time, however they were laid off during periods of recess and dissolution.[8] In 1958, secretaries were dedicated to individual MPs, and a decade later the MP was authorized to hire one full-time secretary. In 1974, a second full-time secretary was authorized and some constituency offices were created. By the 1999-2000 fiscal year, an MP was given a budget of $190,000 for the purpose of staffing his or her office. Today an MP may have about six to eight staffers between their Ottawa and constituency offices.

The introduction and proliferation of political staffers mirrors the increasing size and responsibility of the federal government and the explosion of mass and electronic media. The election of Liberal Prime Minister Pierre Elliott Trudeau in 1968 marked a significant milestone for large, activist, interventionist governments; the growth of these governments strongly correlates with the increase in MPs' office budgets and number of staff to handle the increased workload. Today's MPs simply could not perform their jobs without the work of their staffers.

MPs are assigned national roles, such as a critic position, a ministerial portfolio, or a committee assignment. They also serve the residents of their constituencies by inquiring about citizenship applications, helping to access government funding for businesses or citizens, or requesting that a department take a second look at a government decision. There are also the multitude of media platforms and the 24/7 news cycle; MPs are expected to be present and available to their local media, as well as the national media if their portfolio or interests relate to current affairs. They are also generally expected to be on all Internet platforms, including having a personal website, and Twitter, Facebook, and Youtube accounts. The federal government is too large, and its topics too broad and complex, for everything to be managed by one person. Today's parliamentary offices require a team of people to perform the work of an effective MP.

Hiring

Parliamentary staffers may become involved and hired into a political office through numerous avenues. They are almost always members of the political party for which they work. Considering the highly sensitive nature of the work they perform, it would be difficult to trust someone who is not on the same team. The House of Commons recognizes a staffer's position as one that "requires [the] utmost trust, particularly because of the politically sensitive and partisan environment in which their duties are carried out."[9] There are a few exceptions to this, for example some employees who continue working for an MP because of his or her district, regardless of the MP's party.

Initial exposure to a political office may come through an internship organized by the party or through a Parliamentary program, through volunteering with an electoral district association (EDA), or through knowing someone already working for a Member of Parliament. Many staffers volunteer on Parliament Hill before being hired into a paid position.

MPs are given wide discretion to manage their offices as they see fit. As the House of Commons *Procedure and Practice* notes:

> Each Member is the employer of all his or her employees and each Member has the prerogative to recruit, hire, promote and release employees. A Member is allowed full discretion in the direction and control of the work performed on his or her behalf by employees and is subject only to the authority of the Board of Internal Economy and the House of Commons in the exercise of that discretion. Members determine the duties to be performed, hours of work, job classifications and salaries, and are responsible for employee relations. Subject to specific terms and conditions, Members may enter into contracts for services with individuals, agencies or organizations and use a portion of the Member's Office Budget for the payment of these contractors.[10]

This gives individual Members of Parliament incredibly wide latitude to manage their offices as they see fit.

Parliamentary staffers are also in a unique position as public servants. They are assigned public service employee ID numbers and they pay into the public servants' pension plan. They are employees of the Government of Canada, yet they are also exempt from certain benefits and policies that apply to other public servants. For example, there is no job security beyond what the individual Member of Parliament offers (and for as long as they remain in office), and Parliamentary staff are allowed (and required) to execute their jobs through a partisan lens with a view to benefiting their MP and his or her party.

There are many parallels that can be drawn between the officer-noncommissioned member (NCM) relationship of the military and the Member of Parliament-staffer relationship. In the military, officers *set* broad policy objectives and define the ideal end-state. It is largely the NCMs who *implement* the procedures and policies that will achieve their commanders' objectives. Parliament is strikingly similar: MPs will define a broad stance on an issue or a policy they wish to advance ("We need to lower taxes for families," "we need to get more people into the skilled trades"). Staffers are the ones who research the issue, liaise with stakeholders, gain supporters, and package everything together to make the strongest possible case for that policy stance. As well, if in government, it is largely staffers (working with public servants) who will write and implement the policies so that their MP's or minister's end-state is achieved. Staffers are Parliament's soldiers: the doers, the foot soldiers who do the ground work to achieve their MP's objectives.

Training

Once a staffer has been hired, they need to be trained. Staffers may have already been trained through their prior volunteer experience, however, since each individual MP hires his or her own staff, their job position and responsibility can vary greatly.

Training is particularly difficult in this environment for three reasons. First, the exceptionally quick news cycle and demand for quick responses to issues leave little time to take stock and "learn" the right way to deal with an issue. Embarrassing mistakes and political problems are often solved by cutting the responsible staffer loose. Andrew MacDougall, the former Director of Communications to Prime Minister Stephen Harper, referred to this as "the dark cloud of knowing that your next mistake could end up being your last."[11] Second, there is large turnover of staffers leaving for other MP's offices, a job in the public service, a job in the private sector, or returning to school. Because of this, there is usually little time (perhaps a few days) to learn the job and get up to speed on its requirements. Finally, a large part of being a staffer is reading, analyzing, and synthesizing large amounts of information. There is no training to learn how to read multiple news reports or provide your MP with a summary of the latest Auditor General's report, although there are tools available to help fulfill these responsibilities. There is no training manual one can read to learn how to be a staffer.

For those topics for which training can be provided, there are two types of training. One is training provided by Parliament's non-partisan public servants, for common purposes necessary for the operations of Parliament and MPs' offices at large. For example, parliamentary employees may provide training for how to use the internal pay system, or how to access the Library of Parliament for research requests or technical support. The second type of training is provided through the staffer's political party or parliamentary caucus. This training is understandably more partisan and more results-focused. For example, a senior critic, Member of Parliament, or senior staffer may organize a conference or training session on creating better editorial pieces, writing better speeches, or how to use Facebook or Twitter for constituent engagement more effectively.

Working Conditions

Staffers are known for working grueling hours. While they technically sign contracts indicating a 37.5-hour work week (eight hours, five days a week, with 30 minutes for lunch), it would be exceptionally difficult to fulfill the job's requirements in so few hours. When the House of Commons is sitting it is not uncommon to work from 8:00am until 8:00pm, and those hours are easily extended earlier and later. However, a "normal" day (as far as any day can be considered normal) is probably from 8:00 or 8:30am until 6:00pm or 6:30pm. During non-sitting weeks ("break weeks" or constituency weeks, when the MP is in their riding) it is much more common to work a standard eight-hour day. To compensate for these periods of intensity, the House of Commons allows MPs to grant "compensatory leave" or a performance award.[12]

The long hours are largely a necessity of running the government. Issues and crises happen at all hours of the day and night, and the 24/7 news cycle requires that MPs be available to respond to questions or comments very quickly. Take the following as an illustrative but simplified example: the event that drives the day's agenda (and therefore a staffer's work schedule) is Question Period, where the Opposition gets 45 minutes each sitting day (from 2:15 pm to 3:00 pm) to hold the government to account. The Opposition attempts to ask questions and solicit responses that will make the evening news cycle showing the government in a negative light, while the government attempts to keep that from happening. Preparations for Question Period by MPs and ministers usually happen from 1:00pm to 2:00pm. That means the ministers need answers and solutions by 12:30pm, and the Opposition MPs asking the questions need to finalize their lines of questioning. That means staffers have likely given an initial briefing to their MP by 8:30am or 9:00am and spent most of the morning researching, analyzing, and consulting with stakeholders and public servants on the issue. If the event

broke on the previous evening's news, it was surely also the topic of the daily 7:00am issues management conference call, attended by the staffers of senior critics or government ministers. Finally, if the issue was particularly close to or specifically affected an MP or his or her portfolio, a staffer was almost certainly in the office even earlier, preparing for that 7:00am conference call. Using this example, it becomes easy to appreciate how quickly a staffer's 12-hour day can be extended. Andrew MacDougall, Prime Minister Stephen Harper's former Director of Communications, is the only staffer I am aware of who has publicly confirmed this grueling schedule. An average day in his life usually started at 5:30am and ended at 11:00pm, normally six days a week, for weeks on end without a break.[13]

Many staffers become very close with their Members of Parliament and other staffers in the same office, largely because of the long hours they put in together, their shared hardships, and the drive towards a common goal. Staffers travel regularly with their MPs and spend hours together briefing the MP on a topic or issue before an event or meeting. When budgets are tight it is not uncommon for staffers to stay in their MP's personal residences rather than a hotel. When an MP retires, staffers are sometimes known to pursue the MP's office and emulate or change the way the MP did business. Staffers become close with the MP's family and often come to be considered members of the extended family. Perhaps the most well-known recent example is that Ray Novak, who rose through the ranks to become Prime Minister Stephen Harper's Chief of Staff. He stayed in an apartment above Harper's garage while he was the Leader of the Official Opposition.[14] This not only demonstrates the close working environment between MP and staffer, but also that the grueling work hours made this arrangement beneficial for Novak and Harper. To put in such intense hours of work requires a commitment to the cause of governing and a personal respect for the MP.

Part Two: Organizational Structure

The first part of this essay examined the role of a staffer and his or her working conditions. I will now discuss the organizational structure of an MP's office and how staff duties and responsibilities are divided. At the top of the hierarchy is the MP.

However, he or she reports to people in the party leader's office, senior critic or ministerial offices, and of course, voters. Since this essay discusses the organizational structure of an MP's office, the MP is shown as the highest-ranking person.

Budget

An MP's budget is publicly available and updated quarterly through the Speaker of the House of Commons.[15] Staffers are paid from the Member's Office Budget (MOB), which is a category of funding from the MP's total budget "to pay for employee salaries, service contracts, hospitality and advertising expenses, other printing services, constituency office leases, office operating costs, transportation expenses (when no travel points are used), as well as other travel-related expenses." The MOB varies depending on the population of an MP's constituency and its geographic location.[16] For 2015, the riding of Nepean was given the base MOB of $288,450 plus $17,400 as an "elector's supplement" because of the riding's population, while the riding of Miramichi-Grand Lake was given the base $288,450 plus $19,230 as a "geographic supplement."[17]

Because the MOB is not only used to pay staff salaries, it is not possible to determine precisely how much a staffer is paid simply by looking at the total budget figures. This is important to note because costs of living vary greatly across Canada. For example, constituency office leases are significantly more expensive in large metropolitan areas like Toronto or Vancouver, leaving less money available in the budget to hire staff. Similarly, the cost of living may be lower in a rural riding, meaning cheaper leases and more money to be allocated to staff salaries. Irrespective of these factors, Parliament capped the 2015 annual maximum salary of a staffer at $82,800.[18]

It bears repeating that the following job descriptions are guidelines only. Each MP has the authority to organize her office as she sees fit, meaning there will be differences from one MP to another. In my experience these descriptions are accurate, however the salaries and job descriptions are presented with this context in mind.

Positions and Job Descriptions

Chief of Staff – full-time – salary range: $65,000-$82,800: the Chief of Staff is the senior staffer, reporting directly to the MP. Working closely with the MP to achieve his or her objectives, the Chief of Staff manages both the Ottawa- and constituency-based staffers. The Chief of Staff is also most commonly the person responsible for filing the MP's travel expenses and reimbursements. Often also assigned the role of Legislative Assistant, this staffer is responsible for tracking legislation through the House of Commons, and may assist in the drafting of Private Members' Bills. Chiefs of Staff are commonly lawyers or have some legal training and education.

Parliamentary Assistant – full-time – salary range: $35,000-$65,000: the Parliamentary Assistant is the second person in the Ottawa office. This person primarily manages the office, which includes ordering office supplies, greeting guests as they arrive, coordinating the MP's schedule, answering phones, and responding to email and letter mail inquiries. The Parliamentary Assistant is commonly also the Communications Assistant, with the additional responsibilities of writing press releases and editorials, managing the MP's website and social media, and coordinating local and national media requests. Finally, this is commonly the person who "staffs the MP" while in Ottawa. As versatile personal assistants they: attend meetings and events with the MP; carry money to pay for tickets, food, or drinks; take photos when appropriate; collect business cards and take notes of follow up meetings or inquiries; and have a contingency plan with the MP ahead of time if an event goes sideways – whatever tedious administration is required to keep the MP focused on shaking hands and talking to people. (There is also commonly a constituency staffer who staffs the MP at constituency events.)

Scheduling Assistant – part-time – salary range: $10,000-$25,000: the Ottawa office may hire a part-time person to help manage the MP's schedule. This person is responsible for updating the MP's calendar with events taking place in Ottawa, such as Parliamentary votes, House duty, receptions, and meetings. The Scheduling Assistant on Parliament Hill works closely with the constituency's Scheduling Assistant to minimize conflict and ensure the schedule is as clear as possible.

Correspondence Assistant – part-time – salary range: $10,000-$25,000: While the Communications Assistant is primarily responsible for communications, the office may hire a part-time staffer to assist with correspondence. MPs receive enormous amounts of mail every day, commonly from constituents asking an MP to support or oppose a government bill or decision. The Correspondence Assistant gathers facts and information, liaises with the necessary critics or government ministers, and drafts the letter for the MP to sign.

Constituency Manager – full-time – salary range: $30,000-$60,000: the Constituency Manager is the MP's senior staffer in the constituency. He or she manages the staffers in the constituency and manages constituents' issues (known as "casework"). As noted earlier, this may include asking a government department to review one of its decisions, asking for an update on a

citizenship application, helping a business fill out an application for government funding, or directing the constituent to the right place to answer a question they have.

Constituency Assistant – full-time – salary range: $25,000-$45,000: the full-time Constituency Assistant is usually responsible for managing casework, as described above, and may also be the person who staffs the MP at constituency events.

Constituency Assistant – part-time – salary range: $10,000-$20,000: the part-time Constituency Assistant assists one of the full-time constituency staffers, usually with casework or data entry. This person may also have the responsibility of sending "greetings" from the MP: a certificate celebrating a significant milestone like a birthday or marriage or a short note congratulating a community organization on a significant event.

Scheduling Assistant (Constituency) – part-time – salary range: $10,000-$20,000: like the Scheduling Assistant in Ottawa, this person is responsible for managing the MP's schedule in the constituency. MPs are commonly invited to speak to local Chambers of Commerce, schools, and local community stakeholders, and this staffer organizes the MP's schedule in the riding. This person may also organize drop-in events at the constituency office, where the public is invited to stop by, visit, and have a coffee with their MP.

The above-noted salaries present a range of a total staff budget between $195,000 and $342,800. Where staff are placed within this range is a decision left to the MP and is dependent on the MP's riding, total budget, and the staff member's experience.

Considering the positions outlined above, the figures on the next two pages show a few of the potential organization structures for Members of Parliament's offices. This too is highly dependent upon the MP's personal preference and the competence of the staff members working for him or her.

Conclusion

In this article I have discussed the duties of a Parliamentary staffer and the organization and structure of Members of Parliament's Parliamentary offices. First, I examined the role of a Member of Parliament's staff, from the growth of the need for Parliamentary staffers from secretarial pools in the first half of the 20th century to full-fledged political advisers of the 21st century. The hiring, training, and working conditions of staffers demonstrate a unique position within the federal

Figure 1: Typical Staff Organization

This organization follows the structure and positions noted above.

Member of Parliament

Chief of Staff (Legislative Assistant)

Parliamentary Assistant (Comms. Assistant)

Scheduling Assistant

Constituency Manager

Correspondence Assistant

Constituency Assistant (Casework)

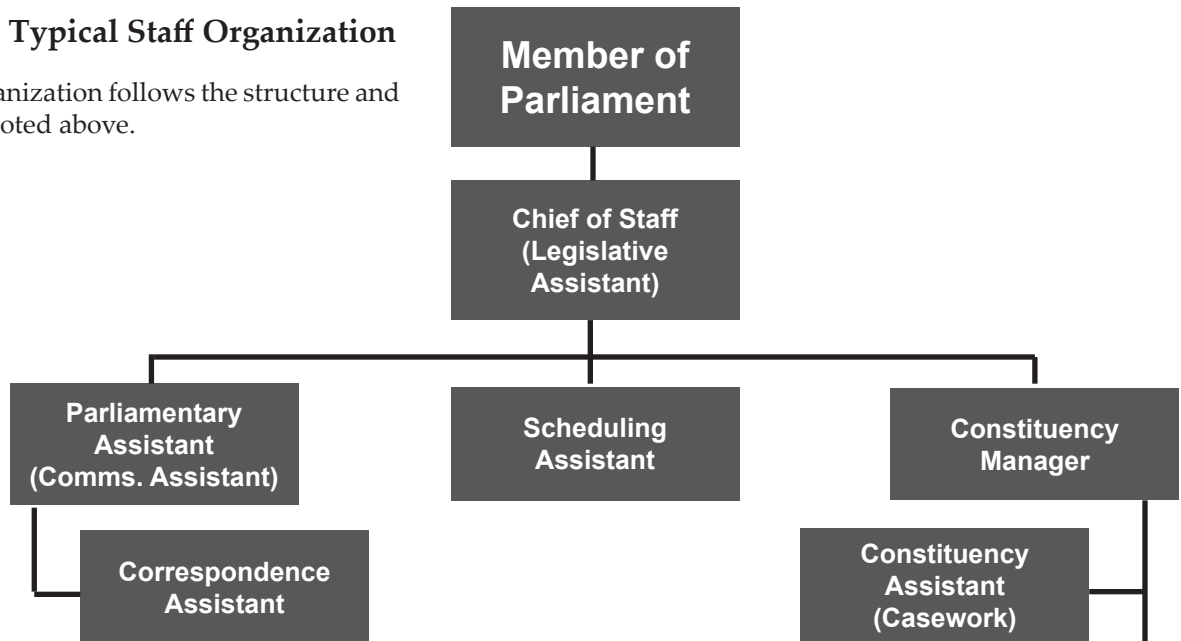**Constituency Assistant**

Scheduling Assistant

Figure 2: Constituency-Focused Organization

In this organization, the majority of the MP's work is done through his or her constituency office. This includes the Chief of Staff being located in the constituency and also coordinating the casework, communications, and correspondence from the constituency. Because of this, staffers in Ottawa become more of an Executive Assistant: coordinating the MP's schedule while in Ottawa, attending meetings with the MP, and answering phone calls and emails.

Member of Parliament

Parliamentary Assistant (Exec. Assistant)

Chief of Staff (Constituency Manager)

Scheduling Assistant

Constituency Assistant (Casework)

Communications Assistant

Scheduling Assistant

Constituency Assistant
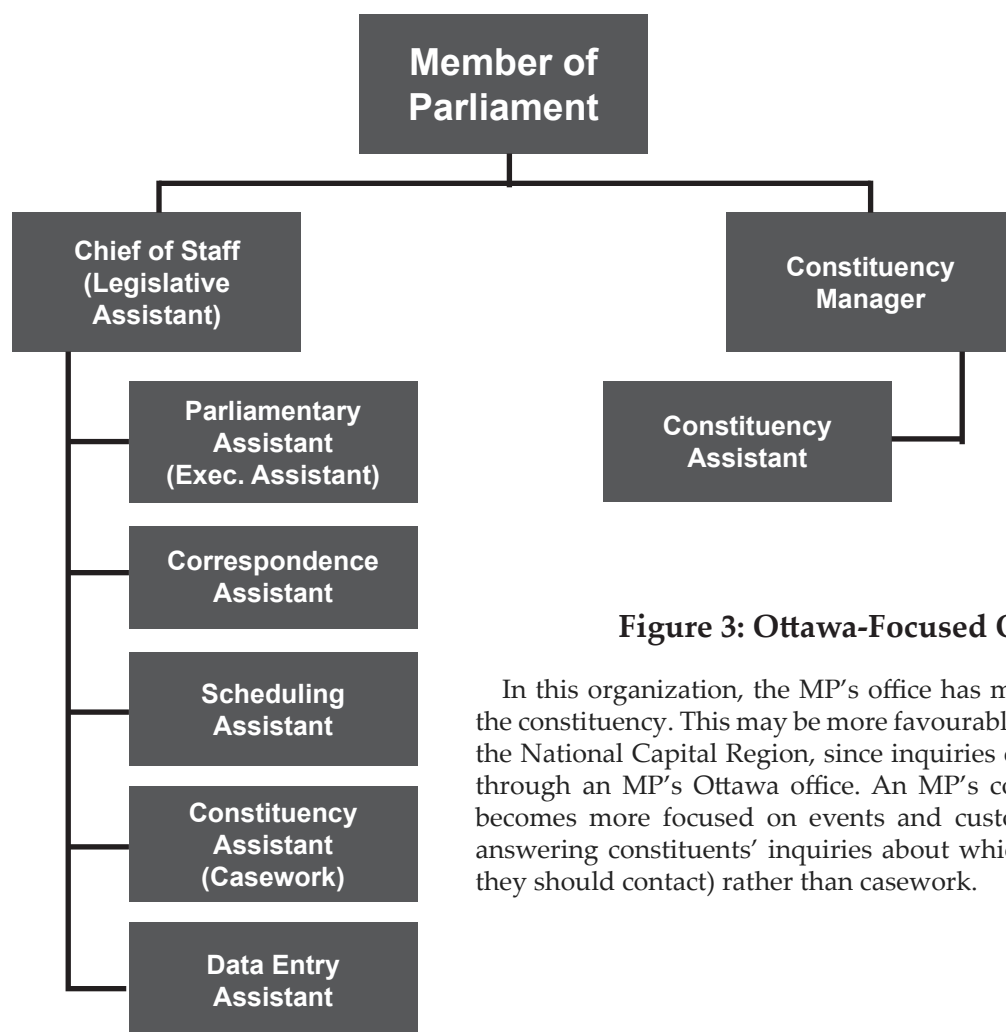
Correspondence Assistant
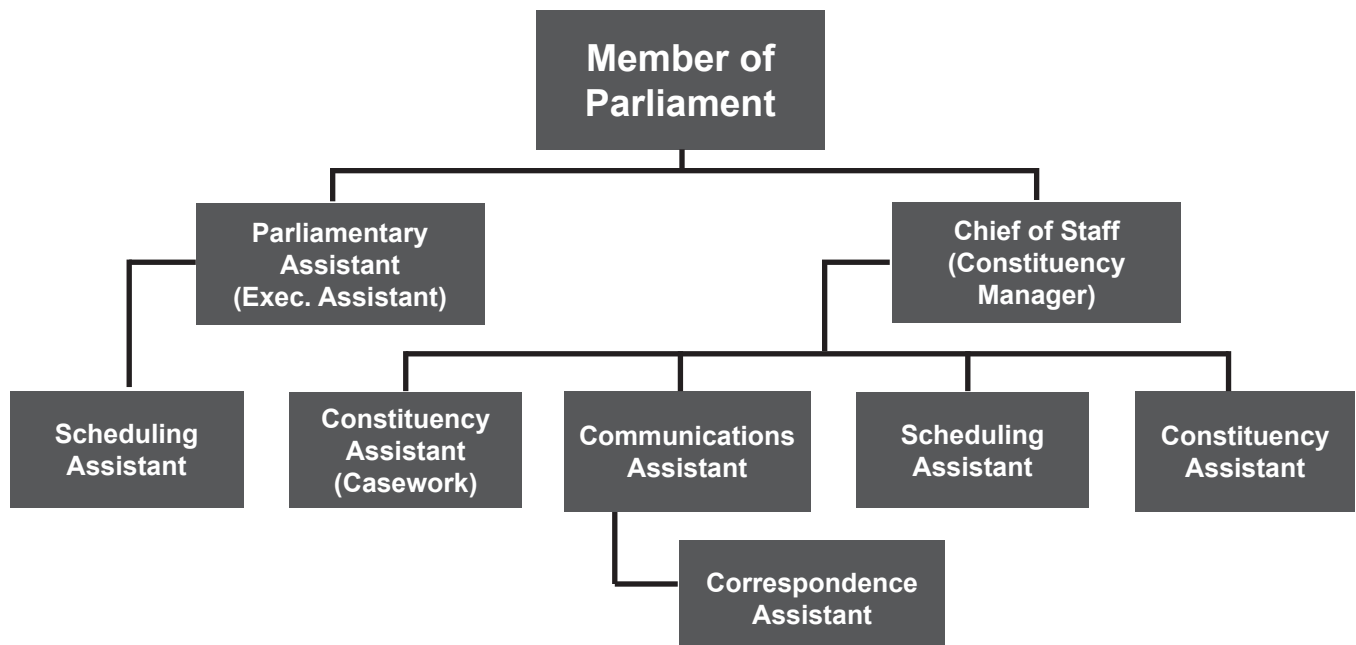
Figure 3: Ottawa-Focused Organization

In this organization, the MP's office has more staff in Ottawa than in the constituency. This may be more favourable when the MP's riding is in the National Capital Region, since inquiries could be easily coordinated through an MP's Ottawa office. An MP's constituency office therefore becomes more focused on events and customer service (for example, answering constituents' inquiries about which government department they should contact) rather than casework.

Figure 4: Horizontal Hierarchy
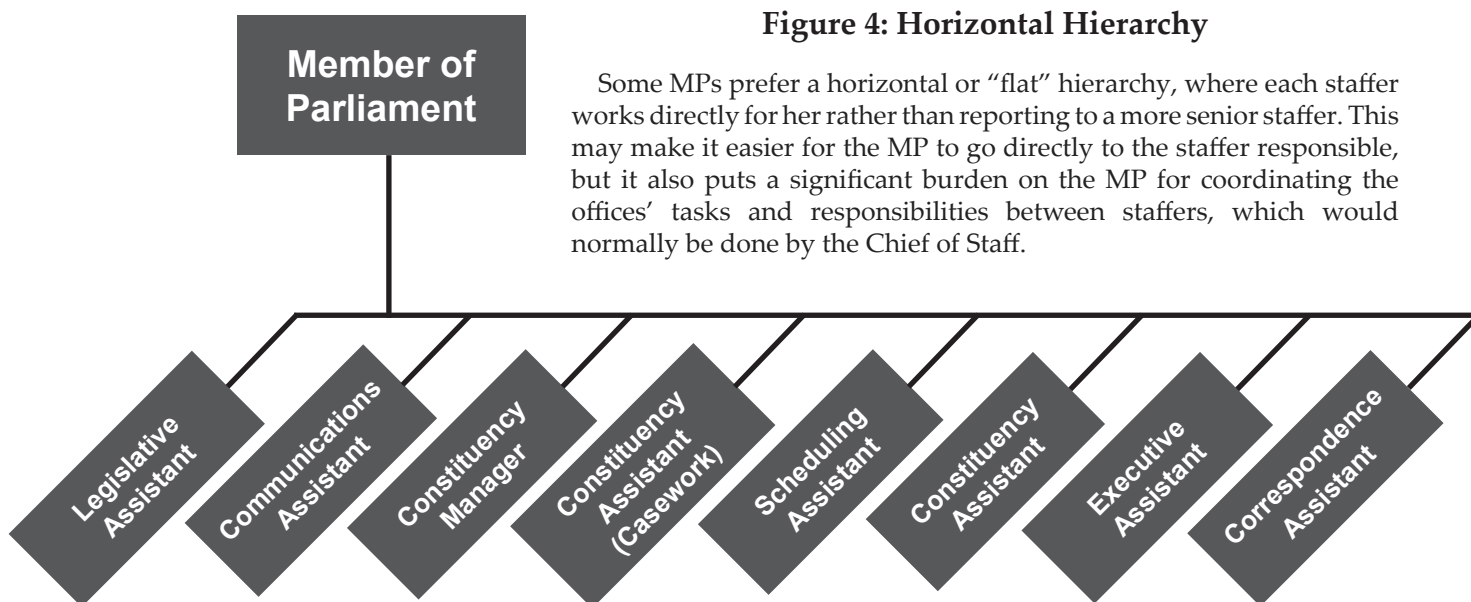
Some MPs prefer a horizontal or "flat" hierarchy, where each staffer works directly for her rather than reporting to a more senior staffer. This may make it easier for the MP to go directly to the staffer responsible, but it also puts a significant burden on the MP for coordinating the offices' tasks and responsibilities between staffers, which would normally be done by the Chief of Staff.

public service that is not well known or understood. Second, I explored the organizational structures of Members of Parliament's offices. With an annual budget in 2015 of $288,450 (plus a potential geographic or elector supplement), this section proposed ways that MP's offices may be organized with approximately six to eight staffers. They hold titles such as Chief of Staff, Parliamentary Assistant, Correspondence Assistant, Ottawa and constituency Scheduling Assistants, Constituency Manager, Constituency (Casework) Assistant, and additional Ottawa- or constituency-based staffers. Together, staffers in MP's offices form a cohesive team that provides exceptional, well-rounded service and advice to their Members of Parliament.

As I noted earlier, MPs have exceptional latitude to organize their offices in the ways that they see fit. If the information contained in this essay differs between offices – especially between different political parties or provincial legislatures – then I would encourage my fellow staffers to publish their experiences. Providing first-hand accounts will establish a public dialogue to see the similarities and differences between provincial and federal legislatures and between different political parties. The growth of this dialogue should produce a better understanding of staffers' roles in Parliamentary offices, and therefore yield a greater respect for some of Canada's hardest-working public servants.

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The Crown and Prime Ministerial Power

This article elaborates on the relationship between the Crown and prime ministerial power through the lenses of the confidence convention and royal prerogatives. The article highlights how the prime minister's status as the Crown's first councilor complicates the operation of the confidence convention, the means which the House ultimately determines who heads the governing ministry. The article then outlines how the prime minister's discretionary authority to exercise key royal prerogatives serves as the foundation of the centralization of government around the first minister. Rather than seeing the centralization of power in the prime minister as a form of 'presidentialisation', the article argues that it is more accurately understood as a form of 'regalisation', owing to its source in royal authority.

Philippe Lagassé

Queen Elizabeth II surpassed Queen Victoria's time on the throne on September 9, 2015. The Canadian government marked the occasion with a commemorative bank note, stamp, and coin. Monarchists celebrated the event and politicians made statements. But most Canadians probably shrugged. Polls indicate that Canadians are ambivalent toward the monarchy.[1] If we were to rewrite the Canadian constitution from scratch, it's unlikely that Canada would have a sovereign. There is no longer a deep affection for the Crown as an institution or unifying symbol of the nation. A notable number of Canadians hold these feelings, of course, but no honest monarchist can think that most people share these sentiments. The Queen herself is admired, and Will and Kate draw crowds and sell magazines, but the Crown is not revered.

Given lukewarm Canadian sentiments toward the monarchy, it is tempting to assume that the Crown itself is unimportant and that this apathy toward the monarchy captures the reality of the Crown in Canada. Such assumptions are incorrect. The Crown matters a great deal.[2] This point can be shown in a variety of ways. One can emphasize how the Crown equalizes relations between the federal state and the provinces.[3] Or one can discuss how treaties shape government obligations toward certain First Nations.[4] These are important topics. Yet if one wants to convince Canadians that the

Crown really matters, that it merits far more attention and study, we might be better off focusing on an issue that stirs passions – at least amongst those interested in politics: the power of the prime minister.

The executive's dominance in Parliament, the pre-eminence of the prime minister in Cabinet, and the ability of prime ministers to centralize control of the government in their office are grounded in his or her authority to exercise the Crown's power. Indeed, as David E. Smith has shown, when the power that this office draws from the Crown is appreciated, it is evident that the primacy of the prime minister in government and the executive's command of the House of Commons are not accidental; to a significant extent, they reflect the Crown's continuing importance in the Canadian Constitution.[5]

This article elaborates on the relationship between the Crown and prime ministerial power through the lenses of the confidence convention and royal prerogatives. The article highlights how the prime minister's status as the Crown's first councilor complicates the operation of the confidence convention, the means which the House ultimately determines who heads the governing ministry. The article then outlines how the prime minister's discretionary authority to exercise key royal prerogatives serves as the foundation of the centralization of government around the first minister. Rather than seeing the centralization of power in the prime minister as a form of 'presidentialisation', the article argues that it is more accurately understood as a form of 'regalisation', owing to its source in royal authority.

Philippe Lagassé is associate professor and the Barton Chair in International Affairs at the Norman Paterson School of International Affairs, Carleton University.

The Crown, the Prime Minister and the Confidence Convention

Canada is a parliamentary democracy. The lower house of Parliament, the House of Commons, is composed of popularly elected members. As the elected house, the Commons plays unique roles. Chief among these is the constitutional convention that most members of Cabinet - the group of ministers headed by the prime minister who run the executive - must be drawn from the lower, elected house. Equally important, Cabinet is expected to command, or potentially have, the confidence of the Commons when exercising executive power. The 'confidence convention' ensures that the elected house ultimately controls who governs. By electing those who sit in the Commons, Canadians therefore have an indirect say in who forms the executive.[6]

Based on this description of the relationship between the Commons and Cabinet, it stands to reason that the former is the master of the latter. The democratic legitimacy of the government rests with the confidence of the Commons, and the House decides who governs. When Canada is said to have a system of responsible government, we can take this to mean that the Cabinet is responsible to the Commons for the affairs of government, and that the House is the central actor in government formation. Certainly, if we want to get to the crux of the matter, this is how we would describe responsible government and executive-legislative relations in Canada.

Unfortunately, relying on this rendering alone sows confusion, particularly when we observe that the prime minister and Cabinet control the Commons much of the time. To address this confusion we must take political parties into account. Canada's strong party discipline means that a Cabinet is assured the confidence of the Commons if its party members are a majority. Because political parties elect their leader in conventions, party caucuses are loath to force prime ministers from office by ousting them as their party leader, as has happened in Australia lately. Party dynamics are necessarily part of the reason for the executive's dominance of the Commons.[7] Parties are not a sufficient explanation, however.

To complete our understanding of the executive's dominance of the Commons, the Crown's powers within and over the legislature must be appreciated. Parliament consists of the Queen, the Senate, and the House of Commons, making the Crown and the Houses of Parliament coequal and codependent parts

of the legislature. In many ways, however, the Crown is the strongest part of Parliament. The Crown retains the power to summon, prorogue, and dissolve Parliament. Bills involving the spending of money require a 'royal recommendation' (i.e. the approval of the Crown) to be passed. Legislation initiated by the Crown's ministers is deemed more important than private members' bills. Senators are appointed by the Crown, and the Queen can name additional senators to the upper house to end a legislative stalemate. No bill becomes law unless and until royal assent has been granted. In nearly all cases, the Crown acts on and in accordance with the advice of the prime minister and/or Cabinet when performing these functions. This means, in effect, that the prime minister and Cabinet benefit from the Crown's coequality and codependence within the Commons.

To balance this point, we must return to the confidence convention: ministers only get to advise the Crown when they hold the confidence of the Commons. As the Privy Council Office (PCO) states: "In Canada's Westminster form of government, convention requires that the Government command the confidence of the House of Commons at all times."[8] Yet there are a number of caveats attached to this rule that weaken it. Above all, the rule does not fully apply when a ministry loses a vote of confidence and secures a dissolution of Parliament from the Governor General. In such cases, the prime minister remains the head of government and ministers retain their offices. According to the caretaker convention, ministers are supposed to exercise restraint in these instances, but the scope of this convention and duration of the caretaker period are a matter of interpretation; a number of precedents suggest that the principle of restraint is looser than the PCO suggests in its official caretaker guidelines.[9] And as with many constitutional conventions, prime ministers are uniquely placed to shape how to these rules apply. As Patrick Weller has recently argued: "prime ministers are the principal authorities that determine what the conventions mean, whether and how they should be applied, and when even normal procedures can be relaxed or ignored because it is convenient to do so."[10]

Ministers, furthermore, hold executive office in law, while the confidence convention is a political rule. The prime minister is appointed by the Crown and advises the appointment of the remainder of the ministry. Ministerial offices are legally independent of Parliament and of the fact that ministers are usually parliamentarians. Indeed, in law, neither the prime minister nor other ministers need to be parliamentarians

when they are appointed. This arrangement allows the executive to function when Parliament is not sitting or is dissolved. It further means that the authority of ministers to govern is not *legally* affected by what happens in Parliament. Ministers remain in office until they resign or the prime minister advises their dismissal. Prime ministers remain in office until they resign or are dismissed by the Crown.

In strictly legal terms, the Commons does not decide who governs. When the House expresses non-confidence in a ministry, this is a signal to the prime minister that he or she should resign or advise a dissolution. If a prime minister refuses to resign or request a dissolution, it can also prompt the governor general to dismiss him or her. But the House does not automatically determine which prime minister can form a government or how long a ministry stays in place. The prime minister and governor general are as important in the process of government formation as the Commons, owing to their respective responsibilities as the Crown's first minister and vice-regal representative.

These realities further highlight the privileges prime ministers enjoy as the Crown's primary councillor. Government formation revolves around the prime minister.[11] It is the prime minister who is commissioned to form a government, the duration of a ministry depends on the prime minister's resignation or dismissal, and it is the prime minister who selects other ministers and decides how long they will serve. In fact, the prime minister's authority over the Crown's power of ministerial appointments is one of the levers used to buttress party discipline. One means of keeping the governing party loyal in the Commons is to dangle the prospect of a ministerial appointment in front of backbench MPs.[12] Since it is the prime minister who picks which MPs become ministers, it is he or she that often commands the loyalty of backbenchers, not the party or Cabinet per se.

The prime minister advises the Crown to summon, prorogue, or dismiss Parliament. A first minister's ability to use prorogation and dissolution to his or her advantage is well-known and far from uncommon. As the Crown's first minister, he or she also retains the right to meet the House of Commons following an election, regardless of the results. This is not a matter of convention or a courtesy extended by the House, but merely a reflection of the fact that the prime minister is still holds the office of prime minister. When these two privileges are combined, they allow an incumbent prime minister to remain in power without recalling Parliament for some time after an election, even if his or her party has fewer seats than

others. Although the caretaker convention may apply during this period, Canada's current guidelines are vague. According to PCO, when the incumbent prime minister opts to stay in office, the caretaker period ends "when an election result returning an incumbent government is clear."[13] What constitutes a clear election result is anybody's guess, though as per Weller, the prime minister would have the loudest say.

A prime minister who is asked to form a government immediately after an election, moreover, can also govern for a good deal of time before recalling Parliament, and the PCO guidelines indicate that the caretaker period comes to an end as soon as a new prime minister is named following an election. When an incumbent prime minister resigns and a new prime minister is appointed, the caretaker period "ends when a new government is sworn in."[14] Hence, the caretaker period does not end when the new government has demonstrated that it can hold the confidence of the House; the caretaker convention ceases to apply as soon as a new government is sworn in, even if it only meets the House months later.

Underlying the prime minister's unique powers over Parliament is the foundational principle of responsible government: that a ministry headed by the first minister is accountable for all acts of the Crown because it is responsible for the exercise of nearly all the Crown's powers.[15] It is only when the centrality of this facet of responsible government is recognized that the reality of Canadian government and executive-legislative relations comes to the fore. Prime ministers are the dominant actors in Parliament because they control the powers of the strongest part of the legislature, the Crown. A prime minister's right to direct the Crown rests with the executive office that they hold. The confidence convention ensures that prime ministers have the democratic legitimacy to hold this office, but a confidence vote does not begin a prime minister's tenure, nor does a vote of non-confidence necessarily end it. Rather than granting the Commons a direct role in choosing and removing governments, the confidence convention is better understood as a form of confirmation or endorsement. This leaves the Crown's first minister with an ability to exploit the tensions surrounding the confidence convention to his or her own ends.

Prime ministerial 'regalisation'

The prime minister is said to be 'first amongst equals' in Cabinet. In recent decades, however, the prime minister's importance has been elevated.

Coupled with the centrality of party leaders in election campaigns, this elevation of the prime minister has arguably 'presidentialised' the office.[16] The presidentialisation thesis aptly reflects the electoral and party leadership components of the prime minister's growing stature.[17] Few would question the increasing tendency of treating leadership races as quasi-presidential nominations and Canadian parliamentary elections as presidential campaigns. But the presidentialisation thesis explains less when accounting for the prime minister's dominance within the executive. If Canadian prime ministers look increasingly presidential within government, it is because they are more monarchical. (The American presidency, after all, was modelled on the role of the monarch in the 18th Century British constitution.)[18] This point has been noted by observers such as the authors of *Democratizing the Constitution,[19]* F.H. Buckley in *The Once and Future King: The Rise of Crown Government in America*,[20] and Donald Savoie, who describes the increased centralization of governmental authority within the Prime Minister's Office (PMO) as 'court government'.[21]

This claim may appear overwrought. Stating that prime ministers are king-like is often offered up as a lazy form of critique or an attempt to be clever. Yet stating that prime ministers have a monarchical role need not be pejorative or a facile way of lamenting the state of Canadian democracy. It can simply reflect the reality that the prime minister's ascendance within the executive is attributable to their control of key royal prerogatives – legal authorities vested in the Crown as recognized by common law.

No Crown authority has given prime ministers more control over the executive than the appointment prerogative.[22] As detailed in Smith's work, the power of appointment grants the prime minister command of Cabinet and government departments.[23] Ministers can be removed, shuffled, and demoted at the pleasure of the prime minister. This alone belies the notion that the prime minister is first among equals within Cabinet. Prime ministers stand above other ministers in that they are, for all intents and purposes, their superiors within the hierarchy of the executive. Since they hold their offices at the behest of the prime minister, ministers are expected to follow prime ministerial directives. The mandate letters that new ministers receive from the prime minister make this clear. These letters inform ministers of the policies and priorities the prime minister expects them to pursue.[24] While ministers head their departments, they manage their portfolios in accordance with the instructions of the prime minister.

Queen Elizabeth II and Prince Phillip at the opening of parliament, October 14, 1952.

Deputy ministers are appointed by the prime minister as well. Control of their appointments further cements the prime minister's ability to set departmental policies and priorities.[25] Indeed, if ever a minister should stray from their mandate letter instructions, their deputies will remind them of the prime minister's priorities. Should a minister decide to go his or her own way regardless, their deputy will inform the equivalent of the prime minister's deputy minister, the Clerk of the Privy Council. Measures can then be taken to bring the minister and department back into line, including the naming of a new minister by the prime minister.

The centralization of policy decisions and communications within the PMO and PCO was built upon the authority the prime minister wields through appointment prerogative. The appointment prerogative ensures that ministers are responsible and accountable to the prime minister for the policies and performance of their departments. This grants the prime minister ultimate responsibility for, and final accountability to the Crown and Parliament, for all departments and the affairs of his or her government as a whole.[26] With this responsibility and accountability comes the final say on policy and communications. Over the past four decades or so,

prime ministers have relied on their political staff in PMO and civil servants in their *de facto* department, PCO, to help manage and coordinate their absolute responsibility and accountability for government. We should not take this to imply that the resulting control of policy and communications in these two bodies is not pre-ordained or irreversible. Prime Minister Justin Trudeau, for instance, has promised to give his or her ministers greater leeway and autonomy.[27] But the fact that this the prime minister's choice reflects the institutional structures that facilitated the centralization: the first minister's monopoly over the Crown's power of appointment.

The appointment prerogative grants prime ministers effective control of the Crown's other prerogative powers as well. Crown prerogatives allow ministers to grant various forms of clemency for criminal offences in exceptional cases, to deploy the armed forces overseas and within Canada (including to assist law enforcement), and to negotiate, sign, and ratify treaties. As noted by then Major Alexander Bolt of the Office of the Judge Advocate General, the prime minister has particular privileges regarding the exercise of these prerogatives. As stated by Bolt: "the Prime Minister has a two-pronged legal basis for the use of the Crown prerogative. First, the legal authority that is derived from his or her position as head of government, and, second, the authority derived from the right to define the consensus of Cabinet."[28] In practical terms, therefore, the prime minister can individually decide on exceptional grants of clemency, military deployments, and Canada's signature and ratification of treaties. As PCO further notes: "the Prime Minister has special responsibilities for national security, federal-provincial- territorial relations and the conduct of international affairs."[29] The prime minister, furthermore, is free to consult with whomever he or she chooses when making these decisions, be it PMO staff and PCO secretariats and advisors in the Langevin Block (effectively a contemporary *Curia Regis)* or Cabinet ministers and their departmental officials.

The idea of cabinet government in the Westminster tradition holds that the executive shall be directed by a collective body. In many ways, this remains the case. Cabinet committees still make significant decisions and the machinery of government operates according to the principles of individual and collective ministerial responsibility. Notwithstanding the centralization of power in the PMO and PCO, ministers remain the heads of their departments and essential actors in government. However, it is equally true that prime ministers are more than the head of Cabinet. Their control of the Crown's prerogatives has given a stature within the executive not dissimilar to that of a seventeenth or eighteenth century monarch. While they are surrounded by powerful ministers, prime ministers determine the overarching policies and of their governments, and they can exercise individual discretion over matters of state. Although this description could support the notion that prime ministers have become presidential, this ignores the underlying source of the prime minister's heightened status: his or her control over the Crown's powers. Accordingly, the dominance of the prime minister is less a question of 'presidentialisation' than 'regalisation'.

Conclusion

The Crown may matter less and less to Canadians if it is merely understood as Queen Elizabeth II, her successors, and her vice-regal representatives. When the Crown is seen as the vehicle by which the executive commands Parliament and the prime minister dominates government, however, it should garner greater attention. The relationship between the governor general, the prime minister, and the House of Commons in matters of government formation complicates simplistic renderings of responsible government and the confidence convention. While the House ultimately decides who leads the government, the prime minister's ability to advise the governor general regarding the life of a Parliament, and the fact that the first minister's office is legally independent of the legislature, ensure that the Commons' role is more akin to a confirmation of democratic legitimacy than a delegation of governing authority. Within the executive, moreover, the prime minister's control of the Crown's prerogatives, notably over appointments, places the first minister above other members of Cabinet and gives him or her the ability to centralize policy and communications within the Langevin Block. Rather than seeing this as a form of presidentialisation, the royal source of the prime minister's dominance of the executive indicates a regalisation of the office. Whatever Canadians think about their monarchy, these realities suggest that they should pay greater attention to their Crown.

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Indigenizing Parliament: Time to Re-Start a Conversation

While acknowledging the deep ambivalence on the part of the Indigenous political class about the desirability of greater representation in Parliament, based on a long history of settler colonialism and formal political exclusion, the author posits that it would be a mistake to leave parliamentary reform out of the broader exploration of reconciliation that is currently underway. Without prejudicing outcomes by advocating for particular reforms, the author outlines some historic models from Canada and aboard and some of the challenges that participants will face when restarting this conversation.

Michael Morden

Indigenous peoples play an ever more central role in political life in Canada. Episodes like the Idle No More movement, or ongoing contention over resource extraction attract a new kind of attention and intellectual investment on the part of non-Indigenous peoples. The challenge of building a more consensual political community in the aftermath of settler colonialism is an entirely mainstream preoccupation, more now than ever before. But curiously, the question of reforming political institutions has rather receded from view. In particular, parliamentary reform and "decolonization" have existed in separate intellectual universes.

In previous decades, when confronted with earlier waves of Indigenous mobilization, Canadian elites had begun to explore the potential for reform of the political system to improve the representation of Indigenous peoples. "Self-government" entered common settler parlance in the 1980s, and echoed through later phases of constitutional upheaval – in the Aboriginal rights constitutional conferences of the mid-80s, and later in the Charlottetown Accord. This was largely a conversation about strengthening band governments, but reform of political institutions at the centre was also contemplated. Most notable, from a parliamentary perspective, was the *Report of the Royal Commission on Aboriginal Peoples*. Published in 1996, its call for the creation of an Indigenous third house of parliament – the House of First Peoples – reads as no less dramatic and startling a prescription to emerge from a quasi-state voice 20 years later. This is certainly an indication of how little movement in this direction, or any direction, there has been since.

There are several possible explanations for why this is the case. In the first place, Indigenous peoples in Canada have not made reform of central political institutions a priority. They have overwhelmingly focussed on their own nation-building and it is not difficult to understand why. Actually, it goes much further than that. There is broad skepticism and, in many instances, specific opposition to any project which seeks to envelop Indigenous peoples more fully in Canadian institutions. This types of projects are often seen as diminishing the nationhood of Indigenous peoples and advancing the assimilationist project which has pursued the "objective… to continue until there is not a single Indian in Canada that has not been absorbed into the body politic" (in the words of Duncan Campbell Scott, premier Indian Affairs bureaucrat of the early 20th century). Second, we have become deeply accustomed to Indigenous political expression happening – in large part – outside of formal political institutions. Setting band governance aside, the strongest articulations of Indigenous political representation at the national level come through direct action, such as Idle No More, and lobbying from peak advocacy organizations such as the Assembly of First Nations. Indigenous representation outside of Canadian institutions is the convention.

Michael Morden is a postdoctoral research fellow in the department of Political Science at Wilfrid Laurier University. His research focuses on Indigenous-non-Indigenous relations in Canada.

But it is not clear that any of this alone absolves the Canadian political community from examining seriously how to make our institutions more inclusive, representative, and reflective of the Indigenous presence. It remains the case that the policy decisions which have the largest impact on Indigenous communities are made by Canadian politicians in legislatures across the country. In very simple terms, this makes the relative absence of Indigenous peoples from federal Parliament and the provincial legislatures a live issue, and one which cannot be ignored in the broader conversation about reconciliation.

What – if anything – does "we are all treaty people" mean for parliamentary democracy? This paper addresses the question by first, providing some historical context and examining older reform proposals, focussing particularly on that which was advanced in the *Report of the Royal Commission on Aboriginal Peoples* 20 years ago; second, placing Canada in its comparative context by exploring other models for parliamentary institutional innovation in settler states with Indigenous populations; and third, offering some preliminary considerations on a possible reform agenda. I will argue that building Indigenous representation at the centre need not diminish the treaty relationship, or interfere with the project of seeking true autonomy for Indigenous governments. But there remain several critical intellectual and design challenges, which need to be accounted for to ensure that reform does not become an act of misrecognition.

The unhappy history of inclusion

Long before institutional reform was contemplated, the question of Indigenous participation rested on citizenship – inclusion of the individual Indigenous person through enfranchisement. In the 19th century, this was exclusively and explicitly an instrument of assimilation. When enfranchisement provisions were created in the *Gradual Civilization Act*, *1857*, they were the product of a shift in policy aims, from creating "civilized" and self-sustaining Indigenous communities, to erasing the Indigenous presence through absorption, one individual at a time.[1] Enfranchisement permitted an educated and debt-free Indigenous man to apply to surrender his Indian status and become a full British subject. Exactly one person took advantage of this opportunity in the following two decades, which convinced Indian Affairs policy-makers to develop a more forceful tool. Various other schemes were contemplated, including Macdonald's *Franchise Act* of 1885, which extended the franchise to property-owning Indigenous males living east

of Manitoba. The *Act* was fiercely opposed and later revoked by a Liberal government. Later, the *Indian Act* was amended to permit involuntary enfranchisement of individuals deemed suitable by Indian Affairs bureaucrats. This extraordinary power was wielded as a weapon. For example, Indian Affairs officials conspired to enfranchise Frank Loft, the founder of the League of Indians, after he proved himself a powerful critic and effective organizer in opposition to the Department. He fiercely denounced the measure, which would have stripped him of his Indian status – describing it as "denationalization." It is no wonder, then, that when Status Indians were granted the unconditional right to vote in Canadian elections in 1960, many viewed the move with supreme skepticism, and demanded to know whether this was intended to diminish their treaty relationship with the Canadian state.

Rates of Indigenous electoral participation in central institutions are routinely low and turnout amongst Indigenous voters is generally lower on average than that of non-Indigenous voters.[2] This is likely attributable in some part to principled opposition to participation in Canadian institutions, though there is also evidence to suggest that Indigenous participation is suppressed by same structural factors (education levels, political resources, age distribution, etc.) which reduce participation amongst some segments of the non-Indigenous population.[3] Anecdotally, the "to vote or not vote" question provokes a powerful and complex debate in the Indigenous public sphere. This was on display during the 2015 federal election when, for example, National Chief Perry Bellegarde of the Assembly of First Nations publicly equivocated about whether or not he would vote, while encouraging other First Nations to do so.[4] Indigenous peoples are also reliably underrepresented amongst parliamentarians. According to the Library of Parliament, prior to 2015 there had been just 34 Indigenous MPs since Confederation, along with 15 senators.[5] Indigenous representation in the current Parliament is at an historic high-water mark, with ten MPs – about 3 per cent of the House of Commons, when Indigenous peoples represent closer to 5 per cent of the population.

The history of Canada's central representative institutions vis-à-vis indigenous peoples, in sum, blends deliberate exclusion, and (sometimes forceful) inclusion in the interest of assimilation. Consequently, the history of Indigenous peoples' participation in those institutions reflects a mixture of ambivalence, distrust, and specific antipathy. These are hardly novel conclusions. Rather, they were at the genesis of several

far-reaching reform proposals formulated in response to Indigenous mobilization of the 1970s, 1980s, and 1990s, which sought to create new space for Indigenous representation in Parliament. In a short period of time, there was a relatively substantial outpouring of new thinking on this question.

Canadian Reform Models

The first proposal that commanded a significant stage came in 1989, when the Royal Commission on Electoral Reform and Party Financing (RCERPF) recommended the creation of Aboriginal constituencies to elect federal MPs, in recognition that redrawing electoral boundaries would be insufficient to create Aboriginal-majority constituencies, due to the wide geographic distribution of Indigenous peoples[6]. The report proposed a formula from which a proportion of each province's seats in the House of Commons would be reserved as Aboriginal constituencies, and Indigenous voters would have the choice to register on Aboriginal-specific or general voting rolls. The formula would be designed to ensure a slight overrepresentation of Indigenous MPs in the House of Commons.

Three years later, Canadians went to the polls to vote on the Charlottetown Accord. Charlottetown is better remembered for seeking to entrench the "inherent right of self-government" owing to Aboriginal people. But it also sought change to the model for Indigenous representation at the centre. The Accord would amend the constitution to guarantee Aboriginal representation in the Senate. Aboriginal senators would exercise the same law-making authority of non-Aboriginal senators, "plus a possible double majority power in relation to certain matters materially affecting Aboriginal people" (the details were to be worked out in subsequent consultations with the Indigenous leadership). The Accord also promised further examination of Indigenous representation in the House of Commons, to follow on the recommendations of the Royal Commission on Electoral Reform and Party Financing. Of course, it was rejected in a referendum, and the constitutional project was put to bed.

Finally, a package of reforms was proposed in the *Report of the Royal Commission on Aboriginal Peoples* (RCAP). RCAP expressed considerably more skepticism about the prospects for reforming central institutions in a way that would be amenable to or would meaningfully benefit Indigenous people. Moreover, RCAP brought attention to the possible normative and practical tensions between boosting

Artist David Neel's poster "Just Say No," depicts Manitoba MLA, Chief Elijah Harper holding an eagle feather from which he drew strength as he witheld his consent and prevented the Manitoba legislature from ratifying the Meech Lake Accord by its deadline. Harper's action is still perhaps the most notable instance of Indigenous parliamentary activism and helped pave the way for the Charlottetown Accord.

Indigenous representation at the centre and creating more institutional autonomy for First Nations outside of Canadian institutions.[7] The commissioners wondered if "…efforts to reform the Senate and House of Commons [are] compatible with the foundations for a renewed relationship built upon the inherent right of Aboriginal self-government and nation-to-nation governmental relations."[8] These competing objectives were woven together, in a way, in the final prescription: a House of First Peoples that would participate in the legislative process outside of and in parallel to the Senate and House of Commons.

The Report notes that, just as the Senate was created, ostensibly, to represent provincial and regional interests in Parliament, so too would a House of First Peoples build Indigenous representation at

the centre[9]. The House of First Peoples would provide "an institutional link whereby Aboriginal peoples' concerns could be voiced in a formal and organized way," and "should have real power… the power to initiate legislation and to require a majority vote on matters crucial to the lives of Aboriginal peoples. This legislation would be referred to the House of Commons for mandatory debate and voting"[10]. The House would be first created by statute, with the immediate passage of an *Aboriginal Parliament Act*, and would later be entrenched via a constitutional amendment. This proposal was not necessarily stronger than those of the RCERPF or Charlottetown Accord, particularly because it is left unclear how precisely the House of First Peoples would interact with the other houses of the legislature (whereas, for example, the Charlottetown Accord's requirement of a double majority on some issues would ensure that in those instances, Indigenous representatives could not be simply out-voted). But it was bold, provocative, and would have transformed (at least) the very visage of parliamentary democracy in Canada.

This idea has resurfaced on occasion since 1996. In 2007, for example, Senator Aurélien Gill sponsored the introduction of *Assembly of the Aboriginal Peoples of Canada Act*, which would have established a tricameral assembly, consisting of separate chambers for First Nations, Inuit, and Métis. The assembly would play an apparent advisory role, and its creation would be accompanied by a statutory requirement to wind up the (then) Department of Indian Affairs and Northern Development. But apart from a Private Member's Bill and some debate in intellectual circles – and even this has largely dried up – the proposal has languished on a bookshelf, alongside the bulk of RCAP's prescriptions.

Models from Abroad

Structuring representation of Indigenous peoples into central political institutions is not a unique proposition. A number of other settler states have institutions in place to do exactly this. In some cases, these institutions are a product of relatively recent innovation, in response to contemporary political mobilization of Indigenous peoples. This is the case in Scandinavia, where Sami parliaments were established in Finland in 1973, Norway in 1987, and Sweden in 1992. In each case, representatives are elected to the parliaments by electors who voluntarily register to the Sami electoral roll. In Sweden and Norway, Sami representatives are elected from one constituency or constituencies that encompass the entire country, whereas in Finland representatives are

only elected from a region in the far north where there is a concentration of Sami people. The parliaments exist to promote "cultural autonomy," to engage with national parliaments on issues strongly effecting Sami interests, and to exercise some administrative powers over programs directed towards Sami people.[11]

How much real power is operated by the Indigenous parliaments differs somewhat from case to case and is a matter of debate. For example, a 2011 report of the UN Special Rapporteur on the rights of Indigenous peoples suggested that the Sami parliaments "represent an important model for indigenous self-governance and participation in decision-making that could inspire the development of similar institutions elsewhere in the world."[12] But the report goes on to acknowledge that the bodies mostly serve to permit structured consultation with national parliaments and hold limited mandates themselves. The Swedish Sami Parliament, for example, was originally designed to act simply as an administrative instrument of the Swedish state; Sami representatives have recently called on Sweden to provide substantially more decision-making authority to the body.[13]

In others settler states, structured representation of Indigenous people dates from the colonial period. New Zealand famously has dedicated seats set aside for Indigenous representatives in the legislature. The *Maori Representation Act* of 1867 created four seats for Maori representatives, with the country divided geographically into four large alternative constituencies. These were originally imagined to be temporary in nature, serving both to mollify Maori resistance to colonialism and to hasten assimilation,[14] but the system has persisted in an adapted form to present day. In 1993, when wide-ranging reforms were introduced to the electoral system, provision was made for the number of Maori seats to reflect the number of registrants to the Maori election roll. Consequently, in recent elections the number of Maori seats has increased to seven – which is still significantly less than proportionate to the population of Maori, because many Maori register for the general electoral roll. Predictably, views are mixed about the efficacy of this system for effectively representing Maori interests. One view, summarized by Fleras, is that "[f]ar from drawing the Maori into the policy-making channels of society, separate representation has contributed to their withdrawal from the political arena"[15] because Maori representatives have found themselves often outside of government and because Parliament has remained structurally resistant to permitting more fulsome exercise of Maori self-

determination. While their impact on parliamentary decision-making is deeply ambiguous, the dedicated seats retain immense symbolic significance, both for their opponents and supporters.[16]

A final international model also merits mention. Rather surprisingly, the legislature of the State of Maine provides for Indigenous representation, and has done so since the first half of the 19th century. There is a recorded presence of Indigenous delegations at the legislature effectively since the creation of Maine, with the exception of a 34-year span in the mid-20th century, but the model has evolved over time. In 1866, Passamaquoddy and Penobscot nations agreed to hold formal elections in accordance with state electoral practices, to select their two non-voting delegates to the Maine legislature. In 1941, Maine revoked those seats; they were restored in 1975. The tribal delegates – now one representative each for the Passamaquoddy, Penobscot, and Maliseet – remain non-voting members, but are paid as legislators, and can introduce and speak to bills and chair commissions. It bears noting that in May 2015, the Passamaquoddy and Penobscot members withdrew from the legislature over ongoing disputes with the Governor of Maine over a number of issues, including the management of fisheries. This was apparently the first time in two centuries that those nations voluntarily ceased to participate in Maine legislative affairs.[17] At present, they have expressed an unwillingness to return under the current system.

Thoughts on a Canadian approach: four challenges (to start with)

In short, there are plenty of models for us to study. But the question remains: is it necessary, desirable, or appropriate that we adapt our parliamentary institutions to create structured representation for Indigenous peoples? This seems like an auspicious moment to revisit the question. The Truth and Reconciliation Commission, in its conclusion, has been at least partly successful in initiating a broader conversation about "reconciliation." Does reconciliation reach Parliament Hill? Recall that the formal conversation began there, when, in 2008, Prime Minister Stephen Harper offered an official apology for residential schools. On that occasion, parliamentary institutions almost got in the way of a kind of representation for Indigenous leaders. For a time, the Government was unwilling to permit Indigenous leaders to speak from the floor of the House of Commons to respond the apology. A partisan conflict over the question was averted only when a New

Democrat staffer suggested that the House resolve itself into a Committee of the Whole for the apology, thereby creating the necessary procedural flexibility[18]. Since then, the conversation has migrated elsewhere.

Let us – again – set aside the frankly more pressing question of building Indigenous governments, and consider Indigenous representation in Parliament (as in New Zealand, and the proposals of RCERPF and Charlottetown), or in parallel to Parliament (as in Scandinavia, and the proposals of RCAP). There are a number of critical puzzles that need to be addressed, and I will address only four below. The first two deal more squarely with the question of whether we ought to amend institutions – whether we can build Indigenous representation in the Canadian state without violating the treaty relationship, or interfering with the project of building Indigenous autonomy. The second two deal more with how to do it – can it be done while recognizing the diversity of Indigenous peoples, and how (at a very high level) it should look.

The first issue to consider, in reflecting on the appropriateness of institutional innovation, is how formal representation in Canadian institutions aligns to the treaty relationship. It has always been the view of most First Nations in Canada that treaties are foundational constitutional documents, which provide the basis for a more just and consensual political community. In this, they are increasingly joined by non-Indigenous judges and legal scholars. A major thrust of reconciliation has therefore focused, appropriately, on re-energizing the treaty relationship – and any new institutions for Indigenous political representation should be consonant with very old ones that exist for the same purpose.

Of particular interest here are the early treaties, which sketched for the first time the broad contours of the political relationship. Perhaps the most oft-cited and fundamental treaty is the *Kaswentha*, or Two-Row Wampum. It was initially negotiated between the Haudenosaunee and Dutch settlers, later adapted to include the British crown, and then extended to other First Nations. Early treaties followed Indigenous diplomatic customs, and consequently were typically enshrined as wampum – beaded belts which depicted and symbolized the content of the agreements. The Two-Row depicts two rows of purple beads on a bed of three rows of white beads. The purple rows portrayed two vessels – a ship and a canoe – travelling on the same river. The belt represented a simple promise that neither party would attempt to steer the other party's vessel.[19] This belt is cited often

A group of Cree youth that walked 1600 kilometers to bring attention aboriginal issues as a part of Idle No More on March 25, 2013 at Parliament Hill in Ottawa, Ontario

in Indigenous scholarship and activism and ought to be reckoned with. One could argue that building Indigenous representation into Parliament appears to violate the Two-Row Wampum and associated treaties, at least according to a very strict, literal, and limited reading. But a strict reading moves us towards other positions that are plainly normatively untenable – drawing into question even the franchise for Indigenous people in Canadian elections. Moreover, some legal scholars, such as Anishinabek scholar John Borrows, warn against reading which observes only the promise of mutual autonomy but ignores the "building in"[20] elements of the treaty relationship – the interdependency it creates, and the commitment to peace, friendship, and respect.[21] A now popular interpretation of the treaties views them as having created a system of "treaty federalism," with joined political communities and some degree of shared sovereignty. This vision does not suggest an inherent conflict between honouring the treaty relationship and adapting Parliament for Indigenous peoples, as

federalism permits the coexistence of "shared rule" and "self-rule."[22] According to this understanding of the treaties, representation at the centre could be regarded simply as a form of intrastate treaty federalism.

A second challenge, which flows directly from the previous one, is normative rather than institutional. It asks a fundamental question: can we square Indigenous self-governance – the project of building Indigenous autonomy from the Canadian state – with bolstering the presence of Indigenous peoples inside the Canadian state. Will Kymlicka has argued, for example, that "the logical consequence of self-government is reduced representation, not increased representation. The right to self-government is a right against the authority of the federal government, not a right to share in the exercise of that authority…. On this view, guaranteed representation in the Commons might give the central government the sense that they can rightfully govern Indian communities."[23]

Melissa Williams examines this question extensively through the lens of political theory, arguing that it hinges on competing notions of citizenship.[24] If we anchor our understanding of citizenship in shared loyalty and identity, then acting one's Canadian citizenship (through greater participation in shared institutions) can very well be seen as conflicting with acting one's citizenship in an Indigenous nation (through nation-building and self-government). But Williams proposes an alternative conceptualization, of citizenship as "shared fate." This is a normatively minimalist vision, which emphasizes the simple fact of our interdependency as sharers of the continent. Shared citizenship is manifest in the "webs of relationship with other human beings that profoundly shape our lives, whether or not we consciously choose or voluntarily assent to be enmeshed in these webs."[25] According to this more flexible vision of citizenship, the twin goals of representation in Parliament and self-government are not inherently contradictory, but just reflect our belonging to multiple political communities at a single instance. This is, in my view, both practical and persuasive.

Moreover, increased representation in central institutions can help to resolve – at least in some small measure – a prevailing political obstacle to the realization of meaningful autonomy for Indigenous governments. This has been described as the "legitimacy trap," which holds institutions like the *Indian Act* in place despite general, long-standing repudiation in all political corners.[26] Because the federal government retains extraordinary powers over Indigenous communities – particularly those communities governed under the *Indian Act* – it must inevitably be a central player in the wind-down of the *Indian Act* regime and its replacement with some more palatable form of Indigenous self-governance. The participation of the federal government in that process is an ineluctable fact. But the federal government profoundly lacks legitimacy in Indigenous communities. Consequently, when the federal government does act – even to relinquish some of its power under the *Indian Act*, as in a 2014 bill which removed the power of the Minister to disallow band council by-laws – it encounters opposition, which is predicated on the very simple insistence that it has no right to take unilateral action to determine the governance of Indigenous communities. The legitimacy trap holds institutions in stasis, because the only actors empowered to make change lack the requisite legitimacy to exercise that power. Of course, this is only one reason why progress towards true autonomy for Indigenous governments has been so slow – but it is an important one. At the level of politics alone, then, boosting Indigenous representation at the centre can strengthen the federal government's legitimacy, and this may be necessary interim step to the building of Indigenous self-governance.

In short, I am not convinced that there is an institutional, normative, or political reason why parliamentary reform is impossible or undesirable. But the issue becomes considerably cloudier when we begin to take early steps towards imagining a model. In the first place, how would we account for the profound diversity that characterizes the Indigenous peoples of Canada? In this demographic fact we immediately encounter a reason why some of the international examples cited above do not readily apply to the Canadian case. In both New Zealand and Scandinavia, a people – the Maori in the former case, the Sami in the latter – seeks representation. In Canada, the label 'Indigenous' is a big tent, covering multiples of nations which in some cases share little beyond the experience of colonialism. What as often read as factionalism in national-level Indigenous politics – for example, in the politics of the Assembly of First Nations – is simply the articulation of some deep and organic cleavages, which should not be expected to disappear despite keenly felt solidarity.[27] Taiaiake Alfred's argument that "organizations like the AFN consistently fail because they are predicated on the notion that a single body can represent the diversity of Indigenous nations" [28] can be applied here, if in imagining institutional representation we treat Indigenous peoples as a single constituency. Indigenous politics in Canada has always maintained a distinctly nationalist orientation and attempts at articulating a "pan-Indigenous" political vision are often viewed by Indigenous activists with skepticism.[29] There is, in short, a very real danger of *misrecognition*, if a model was adopted that simply set aside space for Indigenous peoples broadly. This would likely be viewed as the next step in a centuries-old project of superimposing a single, state-crafted identity over the real demographic complexity, in the interest of creating order and legibility. To this challenge, there is no simple answer.

And finally, we cannot overlook the structure and style of representation, and the limitations it might impose on fulsome recognition of – or respect for – the Indigenous presence. This question can be asked simply: must Indigenous representation end with the simple setting of extra seats at the table of the Canadian state? Is the Two-Row Wampum, or our "shared fate" honoured appropriately if we exclude Indigenous modes of political decision-making almost

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Three teepees across the river from the Parliament buildings in Ottawa. Author Michael Morden maintains that as long as the federal government remains the primary governance presence in Indigenous communities, the under- and misrepresentation of Indigenous peoples in central institutions is an objective problem. He suggests it would be a mistake to leave discussions about parliamentary reform out of the broader exploration of reconcilliation currently underway.

entirely? To take only the most famous example, the Haudenosaunee Confederacy operates according to principles set out in the Great Law of Peace, that permit the complex functioning of a multinational federation. While there is some ambiguity,[30] the Great Law of Peace likely predates the Magna Carta, and the Confederacy was certainly in operation long before any meaningful exercise of the Westminster systems. Of course, it also has priority in time in North America by many hundreds of years. It remains in continuous operation, with a meaningful governance presence at Haudenosaunee communities throughout Ontario and Quebec.

Yet, when we imagine Indigenous representation, we reach the limits of our imagination in contemplating changes along the edges of the institutions that were imported to Canada in the act of colonization. The Westminster system is prized for its dynamism and flexibility, it's true. And researchers have examined whether its basic outline can accommodate the importation of Indigenous political culture and customs, with mixed conclusions.[31] Moreover, we should resist defaulting to primordialist assumptions about fundamental "cultural match"[32] between institutions and peoples. Nonetheless, it is essential to acknowledge the basic hierarchy represented in each model named above. In

all cases, in the cooperative political space where we are to govern our "shared fate," Indigenous peoples are invited to accommodate themselves to modestly amended institutions of "western" democracy. Here we find troubling historic parallels to the creation of the band council system under the *Indian Act* in the 19th century, when Ottawa conferred upon itself the power to supplant traditional Indigenous governance with elective councils modeled on non-Native municipalities. This was seen as an important step in hastening assimilation and creating a more receptive (or acquiescing) Indigenous political class. The result: lingering legitimacy challenges for band councils which persist to this day, and in some cases, parallel traditional and elective governments which deeply complicated Indigenous political representation. We should, at minimum, maintain a recognition of this basic limitation in any reform agenda previously advanced.

Conclusions

It bears repeating that there appears to be deep ambivalence on the part of the Indigenous political class about the desirability of greater representation in Parliament. Some of the reasons for this have been sketched out above. Consequently, one may view any discussion of reform to be both tone-deaf and premature. I maintain that as long as the federal government remains the primary governance presence in Indigenous communities, the under- and misrepresentation of Indigenous peoples in central institutions is an objective problem. I also believe it would be a mistake to leave parliamentary reform out of the broader exploration of reconciliation that is currently underway. Without prejudicing outcomes, restarting this conversation now serves some value. But as the deeply equivocal and profoundly non-exhaustive discussion above suggests, there are some large and unresolved challenges to tackle.

Our efforts to contend with some of the trickier questions can be related to what is sometimes argued to be a central preoccupation of government. James Scott famously described this as the drive to establishing "legibility": the effort by states to organize and simplify complex social dynamics.[33] The state and non-Native publics are often frustrated by the complexity and apparent chaos of Indigenous politics. But this complexity is a natural consequence: of the immense diversity internal to the broad category of "Indigenous"; of treaty and institutional relationships to the state which differ from nation to nation; of the necessity of pursuing the dual and sometimes competing objectives of exercising influence within the Canadian state and building autonomy from it; and, of operating within Indigenous and Canadian political systems simultaneously. And of course, of the genuine chaos that colonialism sowed. The temptation is to resolve much of this through a single, orderly institutional innovation – but as Scott argues, pursuit of this temptation has produced immense policy failures. The never satisfying, but sometimes wiser path is to simply keep muddling through.

Or perhaps there is a palatable interim strategy – one which carries lower stakes and therefore, does not pose the same kinds of problems as have been discussed. Perhaps there is something to be emulated in the international model that is most easily overlooked – that of the State of Maine. Sending non-voting representatives to the legislature is hardly meaningful decision-making. But it is an intriguing half-measure, which in absolutely no way threatens the treaties, or the construction of Indigenous autonomy, and which we would not need to "get right" in quite the same way. Those representatives would also be less constrained, and would hold only a single mandate – to represent the interests of their peoples. At a higher level of abstraction, this would simply constitute a permanent Indigenous presence at the centre of democratic decision-making in Canada, and a consistent and immediate reminder of the treaty relationship that our parliamentarians must honour. It could be a helpful presence as we work towards the wholesale transformation of institutions governing the Indigenous-settler relationship which – at some point – will have to take place.

Any consideration of particular models is probably premature. Starting this conversation is not.

Notes

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Political Staff in Parliamentary Government

From backbenchers, to cabinet ministers to first ministers, parliamentarians rely on the assistance of political staff to fulfill their role's many responsibilities. Yet staffers' roles in parliamentary democracy are not well understood. Noting the growing number of ministerial staffers and a similar growth in the perception of their influence over government decision-making, on March 18, 2016, the Canadian Study of Parliament Group convened a seminar featuring two panels of current and former political staff, public servants and academics to examine the role of staffers and their interactions with the public service. Panelists were also asked if they believed reforms were required to address the unique position that political staff hold in relation to parliamentary government.

Will Stos

First Panel

David Zussman, a University of Ottawa professor of public sector management and author of *Off and Running: The Prospects and Pitfalls of Government Transitions in Canada*, told the audience that previous research he had conducted for the OCED revealed other jurisdictions were having similar conversations of concern about the growing role of political staff. Calling the topic, "a legitimate and important area of study because it raises some very significant governance issues," Zussman explained that political staff play a complementary role to public servants and they are not necessarily in competition with each other.

Using a prime minister's staffing as an example, Zussman outlined three models to illustrate how this relationship can work in practice. A collaborative model would find the Prime Minister's Office (PMO) and the Privy Council Office (PCO) discussing and debating ideas together which would be presented to a prime minister. A triangular model would see the PMO and PCO work beside each other and not together to propose actions. Finally, a gatekeeper model would find the PCO working through the PMO to get advice through to a prime minister. All three models have been present in Canada, he told attendees, and no one model is better than another.

Calling political staff more knowledgeable than ever before, Zussman noted that the public service, which

used to generate ideas, is now more geared towards implementation and it no longer has a monopoly on input into policy. Turning his attention to possible reforms, the professor stated that the appointment process of political staff did bother him. Governments tended to make very quick appointments following an election – especially if they were not expecting to win. He suggested that employing something like the Public Service Commission to facilitate the process would bring some more order to hiring and ensure a public posting of job descriptions. Zussman also noted that the federal *Accountability Act* had done away with 'priority status' for former political staffers transitioning into the public service. He argued that it was a mistake to eliminate this status because many bright public servants who had started as partisan staff in the past were always hired at the appropriate levels.

Presenter Liane Benoit, Founder and Principal at Benoit and Associates, first began studying the history of political staff for the Gomery Commission and recalled that there was little to no academic literature available.

She explained that political staff are a convention, and there is no constitutional authority for them. They act as a proxy for ministers and, while they are essential, ministerial responsibility cannot be delegated to them.

Benoit offered an example of how the public service and political staffers both contribute to policy decisions. If the public service gave a minister advice about closing an air base and presented numerous options about possible locations, political staffers

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CSPG board member Carissima Mathen introduces panelists (left to right) David Zussman, Liane Benoit and Lynn Morrison at the CSPG seminar on political staffers.

might decide based on political concerns. They might say, "We can't close Goose Bay, we only won by 1,000 votes last time and it's a depressed area. Let's close Cold Lake in Alberta instead. We'll never win there and the area can recover faster."

According to Benoit, modern political staff first emerged under Lester Pearson. Benoit suggested the academic literature also begins during this period in 1964 with Prof. J.R. Mallory after the Rivard Affair ignited debate on political staff. Mallory argued these staff lacked the level of training present in the public service, were inept and wielded power clearly tainted with political motive. But political staffers rebutted these arguments.

Although Pierre Trudeau reduced their salaries to dissuade political staffers from staying in their jobs for long periods of time, their numbers grew. Brian Mulroney brought about the 'Age of the Chief of Staff' where a robust political staff was installed to counter the perceived Liberal-oriented public service. Jean Chretien swung the pendulum back and reduced chiefs of staff to executive assistants; but public servants had difficulty with the change because they were used to the increased role of the chiefs of staff. The Martin era emerged around the time of Savoie's 'court government' theory, she added.

Benoit told the audience that the old saying 'first rate ministers have first rate staff, second rate ministers have third rate staff,' does have some merit and suggested that good training and consideration of the age and experience of staff are important aspects of hiring. She contended the PCO guidelines from 2004 about what political staff can do relating to the public service are not respected in spirit and encouraged research on the doctrine of plausible deniability.

Benoit concluded with a call for a Canadian version of the White House Interview Process. Interviews with presidential aides going back six decades were put it in reports to create an institutional memory. Benoit said a 'Ministerial Staff Heritage Project,' would be a worthy undertaking.

Lynn Morrison, the final member of the first panel, recently completed her term as Ontario's Integrity Commissioner, a position which allowed her to meet with all incoming MPPs about their financial background. She told the conference that she used these meetings as an opportunity to meet and chat with MPPs about their job, obligations, transparency, etc. However, she did not have the same opportunity to meet with political staff to discuss similar issues.

During her investigations into Ontario's gas plants, she found political staff had ignored long-established procedures and put party interests ahead of public interest. This privileging of partisanship over the public good might be one reason polls have found voters have great distrust of politicians and why one 2014 poll showed 40 per cent of voters don't trust political staff.

Morrison then presented five recommendations she made as a part of her March 10, 2015 report:

- Establish one set of rules for employees in the office of all MPPs
- Provide written job descriptions and regular performance appraisals. She revealed that not one staffer she interviewed could provide a written job description. She said she does not believe the positions are so important and special that such a description could not be written and added that since her report was released, job descriptions were now available at Queen's Park.

- Provide mandatory training. She found that loyalty above all else was seen as the key when hiring. Training sets the standard, and should be done on annual basis.
- Provide clarity to the rules on political activity. She distinguished between political and partisan work – she believes too often there is a concern about optics over public interest.
- The leaders must lead. Morrison stated that ministers, MPPs must take a leadership role in ensuring staff understand and follow the rules.

She concluded by quoting former Integrity Commissioner Greg Evans' line: 'Integrity is doing the right thing even when no one is looking.'

In discussion that followed the panel, audience members asked about how ministers and MPPs might be able to lead and train staff if they had no previous experience in government or with human resources. Morrison noted that training was provided to them at Queen's Park, but it was not mandatory.

Another questioner described the two spheres at work – the permanent government/public service and the temporary government/ministers/political staff – and expressed concern that Zussman seemed to talk about the public service as just the implementers of policy. Zussman stated that the past (federal) government had a very clear policy agenda and the public service's policy agenda atrophied. Instead, the public service became very good at implementation. He said there was an imbalance struck compared to the public service's historic role that requires a rebalancing.

Second Panel

The seminar's second panel featured three current or former political staffers who shared insight into their on-the-job experiences.

A former provincial minister in Ontario who had his own political staff, John Milloy also personally experienced the job of a political staffer in the pressure-filled role "issues manager" for Prime Minister Chretien. Milloy, who is also an assistant professor of public ethics at Waterloo Lutheran Seminary, explained the positives and negatives of political staff, noting they make it possible for parliamentarians to fulfill their many responsibilities but also can become a group of unelected people who send policies forward and prevent access of others.

He also raised the question of who is actually in charge –parliamentarians or their staff. He recalled a situation during the gas plant fallout, on record in the *Toronto Star*, when it was reported that a member of the premier's office staff sent an email from to the premier's press secretary which tried to prevent him from speaking to the media.

Milloy sympathized with staffers who now struggle to find employment in related fields. He said it has been a mistake create lengthy cooling off periods for these staffers because potential staffers must now worry about what they can and can't do following their employment. He also noted that politics is about power and survival and reform initiatives don't necessarily appreciate this. He suggested that centralization of messaging/policy in the premier's office is necessary to keep things afloat, particularly since the permanent campaign is now a fact of life in politics.

Will Stos

Paul Wilson the CSPG audience from the podium as (left to right) CSPG board member and moderator Anna L. Esselment, John Milloy and Theresa Kavanagh listen.

Milloy argued that the best way to combat concerns about the power of political staffers would be to curb the permanent campaign by potentially banning partisan advertising on TV and radio during non-writ periods, setting stricter spending limits and reducing the need for party fundraising required to fund these activities.

He concluded that while political staffers do play an important role, and he gained lots of experience while working as a staffer, ultimately the inexperience of many staffers shows through and in no other workplace would such employees get so much power so quickly.

Paul Wilson, a professor at Carleton University's Clayton Riddell School of Political Management and former Conservative staffer, began his presentation by picking up on a point made by Morrison earlier in the morning – most people don't trust political staffers. "Why would they trust them?" he asked, listing examples of negative media portrayals of political staffers.

Nonetheless, Wilson argued political staffers are legitimate and essential support for ministers. He also noted that there had been a lack of differentiation of political staff in the presentations thus far with a focus on ministerial staff instead of members' staff and suggested we might benefit from a "Hinterland's Who's Who of staffers."

Wilson told the audience that there are clear differences between policy staffers who operate as marathon runners and explore grey areas versus issues management staffers who might only be concerned with how to get through the day or even Question Period and only want the main lines to get across, not all of the detail. Meanwhile, MPs' staffers don't have the resources they really need to handle the heavy lobbying individual parliamentarians now face. MPs' staff are almost totally ignored in the scholarly literature, he added

Wilson concluded that without political staffers ministers would cede their ability to make policy decisions to the public service. These staffers act as a necessary triage.

The final presenter, Theresa Kavanagh, a logistics officer for NDP Whip's office and long-time Hill staffer, expressed her support for Benoit's Heritage Project idea, noting that every new government reinvents the wheel.

Kavanagh had initially entered politics as an NDP candidate in 1988, but she became a staffer for an MP. She said a good staffer is observant and needs a good core of ethics, not necessarily training with course work. However, she mentioned the Library of Parliament offers very good training programs for new staffers. Although an earlier presenter highlighted the lack of written job descriptions for staffers, Kavanagh told the audience that the NDP, with a unionized workforce, has job descriptions and seniority which provides some job security for staffers.

Although ministers' staffers tend to have more of a role in policy development, she suggested that MPs' staffers work on Private Member's bills that often plant seeds for future government legislation.

Kavanagh concluded by repeating an earlier point about political staffers having a gatekeeping role, sometimes concerning the public service, but also with respect to managing the media.

In discussion following the second panel, Milloy was asked about changing political staff behaviour by changing the incentives. Milloy said the incentive is always to win and tombstones of political careers won't say "they did the right thing." He said that while most political staffers talk about leaving for other fields, they tend to stay on, so there is a need to win to stay employed. Milloy said his idea of getting rid of political fundraising might be radical but it would dramatically shift the culture. He suggested that when you "follow the money," fundraising is at the heart of many political scandals.

Kavanagh was asked if unions for political staff impede need for occasional change in culture and youth enthusiasm in politics. She responded by stating that turnover is going to happen regardless and in her office, and in other parties without unions, there's always a mix of experience and youth. Unions simply offer a different form of workplace protection, she contended.

Milloy and Wilson, who worked as ministerial staffers, were asked they had a positive relationship with public servants? Wilson, who often worked with senior public servants, said that when he started in the Justice ministry, the Conservatives were skeptical about public servants being Liberal; but he was very impressed with the quality of advice. While the public service is bringing forth analysis and advice, Wilson said political staff has a job to make sure the best advice is coming up to ministers.

The Canadian Scene

New Saskatchewan Speaker

After two rounds of voting, on May 17, the 28th Session of the Legislative Assembly of Saskatchewan elected Saskatoon Eastview MLA **Corey Tochor**, as its new Speaker. Tochor defeated incumbent **Dan D'Autremont** who had held the role since 2011 and **Gregory Brkich**, MLA for Arm River.

As deputy chair of committees, Tochor had worked closely with D'Autrement, asking many questions about procedural issues. "That kind of sparked my interest in becoming speaker," he said. Although considering the former Speaker a mentor, Tochor said: "I am going to be a different Speaker. I'm going to take each issue as they rise. I come from probably a different space as a Speaker."

Born and raised in Esterhazy, Saskatchewan, Tochor owned and operated Health Conveyance Inc., a communications company that provides electronic messaging in health facilities across the province prior to his election as an MLA in the 2011 provincial election.

New Manitoba Speaker

On May 16, Manitoba's MLAs elected **Myrna Driedger** as the new Speaker of the Assembly. Driedger succeeds former Speaker **Daryl Reid** who opted not to run in the most recent provincial election.

"I wish to thank the members for the high honour the House has conferred on me," she said to the Assembly upon her election. "I leave the floor of this House to take the Speaker's Chair. I leave behind all political and partisan feelings, and I intend to carry out the important duties of the Speaker of the Legislative Assembly with impartiality and to the best of my ability."

Born in Benito, Manitoba, prior to her election as a Progressive Conservative MLA for the riding of Charleswood in 1998 by-election, Driedger enjoyed a career as a registered nurse and served as President and Executive Director of Child Find Manitoba.

Driedger has also held several roles in the Commonwealth Parliamentary Association, including a three-year term as Chair of the Canadian Region of Commonwealth Women Parliamentarians beginning in 2011, and vice-chair of CWP International.

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Canadian Region
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Alberta
Office of the Clerk
3rd Floor, 9820-107 Street
Edmonton, Alberta T5K 1E7
780 427-2478 (tel)
780 427-5688 (fax)

British Columbia
Office of the Clerk
Parliament Buildings
Room 221
Victoria, BC V8V 1X4
250 387-3785 (tel)
250 387-0942 (fax)
ClerkHouse@leg.bc.ca

Federal Branch
Executive Secretary
131 Queen Street, 5th Floor
House of Commons
Ottawa, ON K1A 0A6
613 993-0330 (tel)
613 995-0212 (fax)
cpa@parl.gc.ca

Manitoba
Office of the Clerk
Legislative Building
Room 237
Winnipeg, MB R3C 0V8
204 945-3636 (tel)
204 948-2507 (fax)
patricia.chaychuk@leg.gov.mb.ca

New Brunswick
Office of the Clerk
Legislative Building
P.O. Box 6000
Fredericton, NB E3B 5H1
506 453-2506 (tel)
506 453-7154 (fax)
don.forestell@gnb.ca

Newfoundland & Labrador
Office of the Clerk
Confederation Building
P.O. Box 8700
St John's, NL A1B 4J6
709 729-3405 (tel)
707 729-4820 (fax)
sbarnes@gov.nl.ca

Northwest Territories
Office of the Clerk
P.O. Box 1320
Yellowknife, NT X1A 2L9
867 669-2299 (tel)
867 873-0432 (fax)
tim_mercer@gov.nt.ca

Nova Scotia
Office of the Clerk
Province House
P.O. Box 1617
Halifax, NS B3J 2Y3
902 424-5707 (tel)
902 424-0526 (fax)
fergusnr@gov.ns.ca

Nunavut
Office of the Clerk
Legislative Assembly of Nunavut
P.O. Box 1200
Iqaluit, NU X0A 0H0
867 975-5100 (tel)
867 975-5190 (fax)

Ontario
Office of the Clerk
Room 104,
Legislative Bldg.
Toronto, ON M7A 1A2
416 325-7341 (tel)
416 325-7344 (fax)
clerks-office@ontla.ola.org

Prince Edward Island
Office of the Clerk
Province House
P.O. Box 2000
Charlottetown, PE C1A 7N8
902 368-5970 (tel)
902 368-5175 (fax)
chmackay@assembly.pe.ca

Québec
Direction des relations inter-
parlementaires
Assemblée nationale
Québec, QC G1A 1A3
418 643-7391 (tel)
418 643-1865 (fax)
EBevan@assnat.qc.ca

Saskatchewan
Office of the Clerk
Legislative Building
Room 239
Regina, SK S4S 0B3
306 787-2377 (tel)
306 787-0408 (fax)
cpa@legassembly.sk.ca

Yukon
Office of the Clerk
Legislative Building
P.O. Box 2703
Whitehorse, YT Y1A 2C6
867 667-5494 (tel)
867 393-6280 (fax)
clerk@gov.yk.ca

New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (February 2016 - April 2016)

Alford, Patrick Ryan. "War with ISIL: Should Parliament decide?" *Review of Constitutional Studies - Revue d'études constitutionnelles,* 20 (1): 118-44, (2015).

- The government of Canada presently possesses the power to commit Canadian soldiers to battle without parliamentary approval. On this basis, troops were deployed to Northern Iraq after a brief debate inaugurated by a non-binding take note motion presented in the House of Commons. This article notes that this power is anomalous in the era of responsible government, and argues that it should be reconsidered in the light of recent changes to the constitutional order of the United Kingdom.

Angus, Debra. "Legislating for parliamentary privilege: the New Zealand *Parliamentary Privilege Act 2014.*" *The Table: The Journal of the Society of Clerks-At-The-Table in Commonwealth Parliaments,* 83: 8-15, (2015).

- Parliamentary procedure may sound like a dry and academic topic, but over the past three years the New Zealand Privileges Committee has been at the cutting edge of developments in parliamentary law and procedure, culminating in the enactment of the *Parliamentary Privilege Act 2014*.

Appleby, Gabrielle. "Challenging the orthodoxy: Giving the court a role in scrutiny of delegated legislation." *Parliamentary Affairs,* 69 (2), 269-85: (April 2016).

- Australia was once a world leader in parliamentary oversight of delegated legislation. Today, parliamentary scrutiny has been undermined by a number of factors, including overly wide delegations, uncritical bi-partisan support for measures, party discipline restraining oversight, abuse of the disallowance procedure and parliamentary recesses to avoid parliamentary scrutiny, and interest-group capture within government.

Bowen, Phil. "The Parliamentary Budget Office: Supporting Australian democracy." *Papers on Parliament: Lectures in the Senate occasional Lecture Series, and other papers* 64: 73-89, (January 2016).

- For our democratic processes to work effectively, it is essential that our parliamentarians, whether in government or not, are well informed about the policy choices they are required to make. Similarly, a well-informed public is a prerequisite for a well-functioning democracy.

Christians, Allison. "While Parliament sleeps: Tax treaty practice in Canada." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique*, 10 (1), 15-38, (March 2016).

- What explains Parliament's minimal input on tax treaties despite the significant role they play in national tax policy? A plausible answer seems to be a settled history of foreign affairs being the sole prerogative of the Crown, coupled with a treaty policy that prioritizes procedural expediency in Parliament over the messy politics involved in greater deliberation.

Editorial. "Secondary legislation and the primacy of Parliament." *Statute Law Review,* 37 (1): iii-iv, (February 2016).

- In the Strathclyde Review, there is an interesting question that is not asked...the *Parliament Act of 1911*, nobody expected that subordinate legislation would come to be used so routinely to enact extremely important tranches of legislation in a way that in effect evades Parliamentary scrutiny, of both Houses, altogether.

Everett, Michael, and Danielle Nash. "The Parliamentary Oath." *UK House of Commons Library Briefing Paper*, 7515: 38p, (February 26, 2016).

- This Briefing Paper looks at the oath of allegiance or affirmation which Members of both Houses of Parliament are required to take before they can take their seat. It focuses primarily on the

Parliamentary Oath in the House of Commons, although later sections look at the oath in the House of Lords, the devolved legislatures and in certain Commonwealth countries. It also sets out some of the key stages in the history and development of the Parliamentary Oath.

Greenberg, Daniel. "The length of modern legislation means that the effectiveness of parliamentary scrutiny is often compromised." *UK Constitution Unit Blog, (April 15, 2016).*

- The author identifies a number of trends that he argues are reducing the effectiveness of parliamentary scrutiny of legislation.

Hillmer, Norman, and Philippe Lagasse. "Parliament will decide: an interplay of politics and principle." *International Journal - Canada's Journal of Global Policy Analysis,* 71 920: 1-10, (2016).

- Debates about Parliament's role in deciding military deployments are clouded by misunderstandings of the relative legal authorities of the executive and the legislature, and the mixture of political objectives and democratic obligation that inform these discussions…

Kelly, Richard. "Short money." *UK House of Commons Library Briefing Paper,* 01663: 43p, (March 11, 2016).

- Short Money – that is funding to support opposition parties – was introduced in 1975. Short Money is made available to all opposition parties in the House of Commons that secured either two seats or one seat and more than 150,000 votes at the previous General Election.

Lithwick, Dara. "Privacy and politics: Federal political parties' adherence to recognized fair information principles." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique,* 10 (1): 39-113, (March 2016).

- Canadian federal political parties collect, use, and disclose increasing amounts of Canadians' personal information, yet are not subject to either of Canada's federal privacy laws, the *Privacy Act* or the *Personal Information Protection and Electronic Documents Act*. As well, Members of Parliament obtain a significant amount of personal information in the course of their constituent work, yet no law, written rule or guideline exists to help MPs determine how best to manage, store, share and dispose of such information.

Maer, Lucinda, and Michael Everett. "The Parliamentary Ombudsman: Role and proposals for reform." *UK House of Commons Library Briefing Paper,* CBP7496: 19p, March 16, 2016.

- The Parliamentary Ombudsman can investigate complaints from members of the public who believe that they have suffered injustice because of maladministration by government departments or certain public bodies.

O'Brien, Gary W. "The background and intellectual roots of the Province of Canada's elected upper house." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique,* 10 (1) : 195-204, (March 2016).

- The former Clerk of the Senate and Clerk of Parliaments notes that pre-Confederation Central Canada had an elected upper house is a salient though often forgotten footnote in the historiography of parliamentary government. The purpose of this article is to briefly review the idea of an elected chamber, how it played out in the early years of our constitutional evolution, and the role an elected second chamber was originally expected to perform.

Purser, Pleasance. "Overseas parliamentary news: January 2016." *New Zealand Parliamentary Library* 5p, (January 2016).

- Scotland - Reforms to committees recommended - To enable members to engage fully with committee work, committee numbers and membership should be such that members generally serve on only one committee, the Standards, Procedures and Public Appointments Committee recommended. Committees should set strategic priorities at the start of each session, and give priority to areas where they are likely to have the greatest impact. The Committee also recommended that the government should be required to publish a post-legislative report on the implementation of each act within three to five years of its being granted Royal Assent.

Purser, Pleasance. "Overseas parliamentary news: February 2016." *New Zealand Parliamentary Library* 7p, (February 2016).

- Norway - Parliamentary Intelligence Oversight Committee reviewed - A review of the Committee, which is responsible for external, independent control of the intelligence services, found the fact that the Committee's members are appointed by

the Storting gives the Committee an independence that a government-appointed body would not have...

Purser, Pleasance. "Overseas parliamentary news: March 2016." *New Zealand Parliamentary Library* 7p, (March 2016).

- Australia - Press gallery journalist's phone searched - Shortly after a press gallery journalist tweeted about a senator playing a game on his iPad in the chamber, an attendant asked to see her phone and searched it...

Russell, Meg, Daniel Gover, and Kristina Wolter. "Does the executive dominate the Westminster legislative process?: Six reasons for doubt." *Parliamentary Affairs,* 69 (2): 286-308, (April 2016).

- The British Westminster parliament is frequently dismissed as a weak policy actor in the face of dominant executive power. But through analysis of 4361 amendments to 12 government bills, and over 120 interviews, the authors suggest six reasons for doubting the orthodox view.

Thompson, Louise. "Debunking the myths of bill committees in the British House of Commons." *Politics,* 36 (1): 36-48, (2016).

- Bill committees play a crucial role in the scrutiny of government legislation, yet they have traditionally been overlooked by academics and journalists in favour of the more newsworthy aspects of parliamentary scrutiny on the floor of the House of Commons chamber or by investigative select committees. This lack of interest has perpetuated a series of myths about bill committee work.

Vickers, Kevin. "Faith like a river." *Convivium,* 5 (24): 15-19, February/March 2016.

- The hero of 2014's attack on Canada's Parliament, and now our ambassador to Ireland, speaks of how religious belief has shaped his life.

Boucher, Maxime. "L'effet Westminster: les cibles et les strategies de lobbying dans le système parlementaire canadien." *Canadian Journal of Political Science / Revue canadienne de science politique*, 48 (4) : 839-61. December / décembre 2015.

- This research note tests the hypothesis that lobbying activities in Canada are primarily aimed at the members of the executive branch, owing to the particularities of the parliamentary system. It reviews data from the Canadian registry of lobbyists to determine the number of contacts between lobbyists and Canadian public office holders and politicians between the summer of 2008 and the summer of 2013. The results indicate that the majority of lobbying activities are aimed at the executive branch, and that the House of Commons is one of the most popular targets of lobbying activities. Lastly, it appears that approaches that insist too strongly on the pivotal role of parliamentary institutions do not effectively translate the reality of lobbying. In fact, empirical evidence shows that numerous Canadian lobby groups prefer integrated strategies that target both the executive and legislative branches.

Poirier, Johanne. «Souveraineté parlementaire et armes à feu : le fédéralisme cooperative dans la ligne de mire ? » *Revue de droit*, 45 (1/2) : 47-131 2015

- For a number of years, the principle of cooperative federalism has fulfilled two functions in the Supreme Court of Canada's jurisprudence. First, it has promoted de facto or de jure recognition, and acknowledged the overlap of authorities. Second, it has allowed judges to remove obstacles to normative networks. This conception of flexible and modern federalism contrasts with the dualist nature of the official Canadian federal architecture and invites the legislative and executive institutions of the different levels of government to collaborate. The Supreme Court's 2015 ruling on the abolition of the long gun registry offers fertile ground for reflecting on a third dimension of cooperative federalism, which arises when public authorities at the various levels of government do not or no longer wish to collaborate, or act unilaterally despite pre existing coordinated arrangements. In that decision, the Court refused to revisit its maximalist understanding of parliamentary sovereignty—one of the pillars of dualist federalism—in light of cooperative federalism.
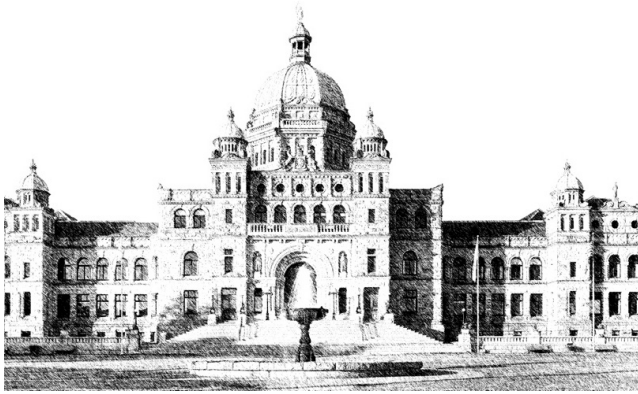
British Columbia

Speech from the Throne

The Fifth Session of the 40th Parliament opened on February 9, 2016, with the presentation of the Speech from the Throne by Lieutenant Governor **Judith Guichon**. The Speech outlined government's plan to diversify the province's economy by the expansion of new Asia-Pacific markets for energy and technology, particularly the export of liquefied natural gas (LNG). During Address in Reply debate, Official Opposition Members expressed concern about the viability of the LNG industry, the adverse impact of government policies on worker safety and the environment, and the need for more actions to address poverty and the high cost of living.

Budget 2016

On February 16, 2016, Finance Minister **Michael de Jong,** presented the provincial budget for the 2016-17 fiscal year. The Minister stated that government's fiscal discipline and focus on economic development have resulted in a fourth consecutive balanced budget, while providing funds for targeted investments to help families, and to support vulnerable communities, First Nations and the private sector in creating jobs and opportunities for workers and businesses. In responding to the budget, Official Opposition Finance Critic **Carole James** called on government to do more to address urgent challenges in the areas of education, training, health care, housing, and the environment.

Legislation

At the time of writing, five of the 21 government bills introduced during the Fifth Session had received royal assent. These include the *Budget Measures*

Implementation Act, 2016 which gives effect to budget initiatives, and the *Food and Agricultural Products Classification Act* which requires all food and beverage products marketed as "organic" to be certified under a provincial or national certification program by 2018. In addition, the Legislature adopted the *Miscellaneous Statutes (Signed Statements) Amendment Act, 2016* which replaces the need for sworn statements with a simple, signed statement where appropriate. This legislation intends to reduce costs, delays and inconvenience for British Columbians by simplifying the law and making it easier to comply with legal requirements. Nineteen private members' bills were also introduced during this spring sitting.

Government Motion

Following two days of debate, on April 14, 2016, the Legislative Assembly adopted, on division, a government motion expressing support for the Trans-Pacific Partnership (TPP) and urging the federal government to implement it. The TPP is a trade agreement signed by 12 Pacific Rim countries, including Canada, on February 4, 2016, after seven years of negotiations. The federal government has announced that it will consult with Canadians, and will support a House of Commons committee study of the TPP, prior to seeking a debate and vote in the House on ratification of the agreement. During debate on the TPP motion, Official Opposition Members moved an amendment to refer the agreement to a parliamentary committee for consultation on job creation and employment impacts for British Columbians. The amendment was defeated, on division, on April 13, 2016.

Parliamentary Committees

Eight committees of the Legislative Assembly were active during the reporting period. Highlights include:

On February 17, 2016, the Special Committee to Appoint a Merit Commissioner released its report which recommended that **Fiona Spencer** be reappointed as Merit Commissioner for a third term. An independent statutory officer of the Legislature, the Merit Commissioner monitors public service appointments to ensure the application of the merit principle in hiring and promotions in the provincial public service.

Two other appointment committees, the Special Committee to Appoint a Representative for Children and Youth and the Special Committee to Appoint an Information and Privacy Commissioner, were

established to make recommendations on the appointment of two statutory officers due to upcoming vacancies later this year.

The *Representative for Children and Youth Act* provides for the Representative to serve a maximum of two five-year terms. The current Representative, **Mary Ellen Turpel-Lafond**, was appointed in 2006 and reappointed for a second five-year term in 2011, and is therefore not eligible for reappointment. The Representative has a three-part mandate: to advocate on behalf of children, youth and young adults to improve their understanding of and access to designated services; to monitor, review audit and publicly report on designated services for children and youth; and to conduct independent reviews and investigations into the critical injuries or deaths of children receiving reviewable services.

The Information and Privacy Commissioner provides independent oversight and enforcement of BC's access and privacy laws. BC's current Commissioner is **Elizabeth Denham** who was appointed in 2010. Ms. Denham has been nominated for the position of Information Commissioner in the UK and is expected to be appointed to this new position in the coming weeks in order to take on these responsibilities following the conclusion of her term in July.

On April 13, 2016, the Select Standing Committee on Finance and Government Services began its annual spring meetings focused on receiving financial and operational updates from BC's eight statutory offices, in support of the Committee's annual mandate to consider the budget reports and estimates of the statutory offices, on an annual basis, which is a process that occurs each November. These spring meetings flow from the Committee's 2014 report, in which Members unanimously agreed to strengthen their oversight of statutory office budgets. The Committee implemented an expanded meeting schedule, including spring meetings, which has provided a broader discussion of annual reports and service plans, a better exchange of information, and increased opportunity for statutory officers to present updates and raise other matters of importance.

Women's Right to Vote

On April 5, 2016, in recognition of the 99th anniversary of adoption of legislation in BC which provided women with the right to vote in provincial elections and to seek provincial office, Speaker **Linda Reid** made a statement in the Chamber. She noted that currently 38 per cent, or 32 of the 85 Members of the Legislative Assembly, are women. This is the highest proportion in any legislative assembly in Canada's history. Speaker Reid also acknowledged **Mary Ellen Smith**, who was the first female Member elected to the Legislative Assembly of BC in 1918, and **Nancy Hodges** who, in 1949, became the first female Speaker of the Legislative Assembly of BC, and the first woman to hold that position anywhere in the Commonwealth.

Legislative Assembly Staffing Changes

Susan Sourial was appointed Clerk Assistant, Committees and Interparliamentary Relations, effective April 1, 2016. Ms. Sourial joined the Legislative Assembly of British Columbia in March 2011, after 22 years with the Legislative Assembly of Ontario.

Jennifer Arril
Committee Researcher
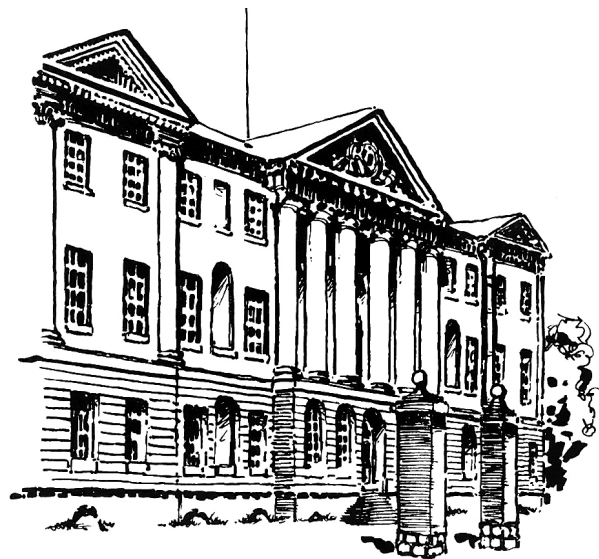
Nova Scotia

Election of Deputy Speaker

The Spring 2016 sitting began on April 14, 2016. That day a new Deputy Speaker was elected as the former Deputy Speaker **Margaret Miller** had been appointed as Minister of the Environment in January. Both the Premier and the Leader of the Official Opposition put forward candidates for the position. Following a secret ballot election, Liberal MLA **Gordon Wilson**, member for Clare-Digby, was elected as Deputy Speaker.

The Government House leader then presented Resolution 3128, a resolution that in part proposed that Mr. Wilson and **Keith Irving,** the member for Kings South, both be Deputy Speakers and that the annual salary be divided equally between these two Liberal MLAs. This resolution was called for debate on April 19, 2016. The House Leader for the Official Opposition proposed an amendment to the resolution that added a third Deputy Speaker, an MLA of the Official Opposition. Nine members spoke on the amendment and a recorded vote was taken on the amendment. The amendment was defeated. At the end of a short period of debate, the Speaker advised that in order to comply with Rule 85, two-thirds of the members present had to vote in favour of the resolution for it to pass. Rule 85 states that any vote to suspend or change a Rule requires two-thirds of Members present. A recorded vote was taken and 47 of the 51 members were present, thus 32 members voting in favour of the resolution was required to assure its passage – 33 members voted in favour and 13 voted against, therefore the resolution was carried.

Budget

On April 19 Minister of Finance **Randy Delorey** delivered his first budget. Following the replies to the budget speech, on April 21 the Committee of the Whole on Supply commenced estimates discussion and questioning for the maximum daily allotted time of four hours per day. The 40 hours were completed on May 6 with five departmental estimates being discussed: Transportation and Infrastructure Renewal, Business, Labour and Advanced Education, Health and Justice. The remaining departmental estimates were discussed in the subcommittee on supply that also met for 40 hours. The Appropriations Bill was introduced on May 6 and received all three readings that day with recorded votes on both second and third readings.

Bills

To date during this sitting 33 Bills have been introduced: 15 Government, 17 Private Member and one Private and Local Bill.

Annette M. Boucher
Assistant Clerk
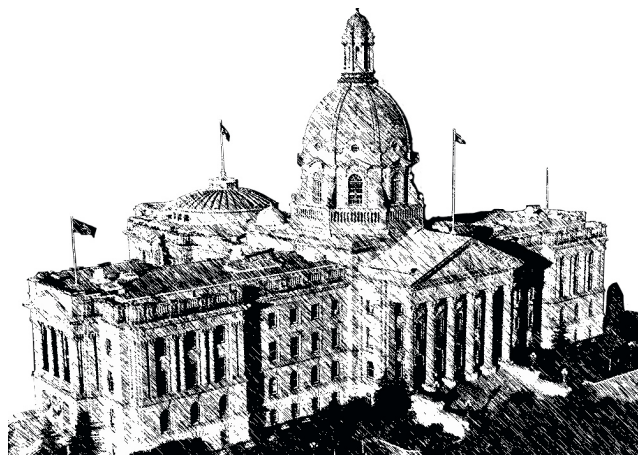
Alberta

2nd Session of the 29th Legislature

The 2nd Session of the 29th Legislature began on March 8, 2016. The Speech from the Throne, delivered Lieutenant Governor **Lois E. Mitchell**, focused on economic diversification, the environment and democratic reform. Bill 1, *Promoting Job Creation and Diversification Act*, which relates to establishing programs to create jobs, attract investment, and diversify the economy, received first reading that afternoon.

The following day the election for the Deputy Chair of Committees was held. The previous Deputy Chair of Committees, **Richard Feehan** (Edmonton-Rutherford), resigned from the position earlier in the year after being appointed to cabinet as Minister of Indigenous Relations. Two Members were nominated and allowed their names to stand for the position: **Heather Sweet** (Edmonton-Manning), and **Prasad Panda** (Calgary-Foothills). Ms. Sweet was the successful candidate having secured the minimum 50 per cent plus one majority.

Cabinet Changes

On February 2, 2016, Premier **Rachel Notley** announced a Cabinet shuffle adding six new ministers and increasing the total size of Cabinet to 19 Members. The new ministers include Mr. Feehan (Indigenous Relations), **Christina Gray** (Labour, Democratic Renewal), **Stephanie McLean** (Service Alberta, Status of Women), **Ricardo Miranda** (Culture and Tourism), **Marlin Schmidt** (Advanced Education), and **Brandy Payne** (Associate Minister of Health).

Budget 2016

Budget 2016, presented by the President of Treasury Board and Minister of Finance **Joe Ceci** on April 14, 2016, anticipates a deficit of approximately $10.4 billion for the 2016-2017 fiscal year. It also announced the planned implementation of a carbon levy, beginning in 2017, on the price of fuels that produce greenhouse gas emissions when combusted, including transportation and heating fuels such as diesel, gasoline, natural gas and propane. Low- and middle-income households will be eligible for a rebate to offset the costs of the carbon levy. The rebate will be calculated based on household income. Small business taxes will be reduced from 3 per cent to 2 per cent and a variety of tax incentives have been introduced to encourage investment, innovation, and economic diversification. Increased support for eligible households will also be available through income support, tax credits and child benefits. Infrastructure is also a budget priority with almost $35 billion designated for projects over the next five years.

As in previous years, the consideration of the main estimates has been referred to the three Legislative Policy Committees. The Standing Orders allow for variation in the amount of time scheduled for a ministry, running from two to six hours. For Budget 2016, each ministry will receive three hours of consideration with the exception of Executive Council which, under the Standing Orders, always receives two hours of consideration. Estimates consideration began on April 21, 2016, and were scheduled to carry through to May 17, 2016, when Committee of Supply will convene to vote on the budget.

By-Election for Calgary-Greenway

On March 22, 2016, a by-election in Calgary-Greenway was held to fill the vacancy created in November 2015 by the unexpected passing of Progressive Conservative (PC) MLA **Manmeet Bhullar**. Following a close race, **Prab Gill**, a businessperson with experience in the oil and real estate industries, held the seat for the PC party by a narrow margin.

Following the by-election, 54 of the 87 seats in the Assembly were held by the New Democrats, 22 by the Wildrose Party, nine seats by the PCs, and the Alberta Liberals and the Alberta Party hold one seat each.

Committee Business

On February 12, 2016, the **Stephanie McLean** (Calgary-Varsity) became the first Alberta MLA to give birth while holding office. Her son, Patrick, has since made regular appearances in the Chamber, including Oral Question Period, while his mother fulfills her responsibilities as a Member and Minister. Following a motion made by **Nathan Cooper** (Olds-Didsbury-Three Hills), House Leader for the Official Opposition, the Special Standing Committee on Members' Services, which is responsible for determining Member remuneration, has established a sub-committee to consider the feasibility of various family-friendly initiatives for the Members within the precincts of the Legislative Assembly.

On March 14, 2016, the Standing Committee on Resource Stewardship tabled its report on the review of the Alberta Property Rights Advocate Office 2014 Annual Report. Shortly after, the Standing Committee on Legislative Offices tabled reports recommending the reappointments of **Merwan Saher** as Auditor General and **Glen Resler** as Chief Electoral Officer.

The Standing Committee on Alberta's Economic Future is continuing its review of the *Personal Information Protection Act*. The Committee has until January 2017 to complete this review.

The Standing Committee on Families and Communities is working on its review of the amendments to the *Mental Health* Act made by the *Mental Health Amendment Act, 2007*. This Committee must report its findings to the Assembly before July 16, 2016. In addition, on April 11, 2016, the Assembly referred Bill 203, *Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016*, to the Committee following First Reading. The Committee will commence its work on Bill 203 after completion of its current review.

Under Standing Order 59.01(11), unless otherwise ordered by the Assembly, committees are prohibited from meeting for any other purpose during the period in which the main estimates are under consideration. On April 21, 2016, the Assembly passed a motion exempting the Select Special Ethics and Accountability Committee from Standing Order 59.01(11) to permit the Committee to continue its work on reviewing the four pieces of legislation within its mandate. The Committee must report its findings and recommendations to the Assembly before September 29, 2016, on: the *Public Information Disclosure (Whistleblower Protection) Act*,

the *Conflicts of Interest Act*, the *Election Act*, and the *Election Finances and Contributions Disclosure Act*. This is only the second time the Assembly has approved an exemption to Standing Order 59.01(11).

New Clerk

On April 4, 2016, it was announced in the Assembly that **Robert H. Reynolds**, had been appointed as the seventh Clerk of the Legislative Assembly of Alberta. Mr. Reynolds first joined the Legislative Assembly Office as Parliamentary Counsel in 1993. In 1997 he was appointed Senior Parliamentary Counsel and in 2010 he was named Law Clerk and Director of Interparliamentary Relations.

Jody Rempel
Committee Clerk

Manitoba

The Fifth Session of the 40th Legislature resumed on February 24, 2016 and continued consideration of outstanding business until March 15. The Legislature was then dissolved on March 16 and the provincial General Election was held on April 19, 2016.

At the end of this three-week sitting of the House, six Government Bills received Royal Assent:

- *Bill 8 – The Employment Standards Code Amendment Act (Leave for Victims of Domestic Violence, Leave for Serious Injury or Illness and Extension of Compassionate Care Leave)*, which enables an employee who is a victim of domestic violence to take up to 10 days of leave, either intermittently or in a continuous period, as well as a continuous leave period of up to 17 weeks, with up to five days

to be paid leave;
- *Bill 11 – The Domestic Violence and Stalking Amendment Act*, which makes a number of changes to the process for obtaining protection orders against someone who has engaged in domestic violence or stalking;
- *Bill 17 – The Manitoba Teachers' Society Act*, which gives the organization representing teachers in the province a comprehensive set of by-law powers to deal with its own governance and operations;
- *Bill 18 – The Path to Reconciliation Act*, a bill that sets out the government's commitment to advancing reconciliation;
- *Bill 22 – The Elections Amendment Act (Signatures Required for Nomination Document)*, which follows a recommendation of Manitoba's Chief Electoral Officer to reduce from 100 to 50 the number of voters required to sign a candidate's nomination document;
- *Bill 23 – The Interim Appropriation Act, 2016.*

In addition, a Private Bill, Bill 300 – *The Mount Carmel Clinic Amendment Act*, also received Royal Assent on the same day.

Standing Committees

Since our last submission, the Standing Committee on Social and Economic Development met twice and the Standing Committee on Justice met once to hear public presentations and conduct clause-by-clause consideration of several bills.

Moreover, the Standing Committee on Rules of the House met on March 9 to consider proposed amendments to the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba, described in the next section of this article.

Rule changes

As noted above, prior to the dissolution of the 40th Legislature, the Legislative Assembly adopted a series of changes to its Rules, Orders and Forms of Proceeding, continuing a rules review process initiated in June 2015.

Following several weeks of discussions between representatives of all parties and based on their agreements, Manitoba Clerk of the Assembly **Patricia Chaychuk** and Deputy Clerk **Rick Yarish** prepared a document titled *"Legislative Assembly of Manitoba Rule Change Proposals – March 2016"*. The document was presented to the Standing Committee on the Rules of the House on March 9, and during the meeting

chaired by Speaker **Daryl Reid**, members considered and passed all proposed changes with a couple of amendments.

The Committee Report was presented to the House the following day and it was concurred in by leave on the morning of March 15. The newly adopted rules came into effect April 20, the day following the General Election.

Key changes include:

- Clarifications to the rules regarding quorum, with new rules added to clarify quorum counts in the Committee of Supply;
- Modernization of the wording regarding divisions, clarification of the process requesting a recorded vote, and introduction of the requirement of formal notice for pairing;
- The number of required copies for tabled items will now be determined at the start of each Legislature;
- There is no longer a requirement for Ministers to provide written copies of Ministerial Statements, with written notice to be given to the Speaker, recognized parties and Independent Members 90 minutes prior to the start of Routine Proceedings;
- If there is no second largest Recognized Opposition Party, the Official Opposition could be entitled to all three Opposition Days;
- Private Members' Resolutions are now limited to a single "Therefore Be It Resolved" clause and a 10 minute question period on the Resolution will now be held immediately after the mover has spoken in debate;
- Private Members' Resolutions can now be filed intersessionally for consideration during resumption of a sitting period;
- Tabling provisions were changed to remove from the rules a specific number of copies to be tabled, with the required number to be determined by the Speaker and House Leaders at the start of each Legislature;
- A provision was added for answers to Written Questions tabled intersessionally;
- Bill sponsors will now be able to move Concurrence and Third Reading motions to their Bills, and have the option of speaking to the motion at the time of moving or at the end of the debate.

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

http://www.gov.mb.ca/legislature/hansard/40th_5th/hansardpdf/rh1.pdf

Also, a summary of the changes can be found here:

http://www.gov.mb.ca/legislature/business/house_rules_2016_changes.pdf

Additional discussions on further rule changes are scheduled for the next fall.

General Election

On March 16, 2016, the Legislature was dissolved and the writs were dropped marking the official start of the electoral campaign. The 41st General Election of Manitoba took place on April 19, 2016. Once the polls closed and the ballots were counted, the Progressive Conservatives won 40 seats in the 57-seat Legislature and they will form government for the first time since 1999. The New Democratic Party won 14 seats to become the Official Opposition, and the Liberals won three seats (four seats are required under Manitoba rules for status as recognized party). Of the 16 ministers seeking re-election, 12 did not win their seats. In total, 29 new members will take their seats in the Manitoba Legislature when the House meets for the first time on May 16 to elect a new Speaker.

After winning his seat in St. Boniface on election night, outgoing NDP Premier **Greg Selinger** announced that he would be stepping down as the party leader. Manitoba Liberal Party leader **Rana Bokhari** lost her bid to obtain a seat in the Legislature in the central constituency of Fort Rouge, and she indicated subsequently that she will step down as leader of her party.

New Cabinet

On May 3, 2016 new Manitoba Premier **Brian Pallister** unveiled his first Cabinet. The new Cabinet appointments are as follows:

- **Heather Stefanson** – Minister of Justice and Attorney General
- **Cameron Friesen** – Minister of Finance
- **Kelvin Goertzen** – Minister of Health, Seniors and Active Living;
- **Ian Wishart** – Minister of Education and Training
- **Scott Fielding** – Minister of Families
- **Blaine Pedersen** – Minister of Infrastructure
- **Eileen Clarke** – Minister of Indigenous and Municipal Relations;
- **Cathy Cox** – Minister of Sustainable Development
- **Cliff Cullen** – Minister of Growth, Enterprise and Trade;

- **Ralph Eichler** – Minister of Agriculture
- **Rochelle Squires** – Minister of Sport, Culture and Heritage and Minister responsible for Francophone Affairs and Status of Women
- **Ron Schuler** – Minister of Crown Services

Mr. Goertzen has also been appointed as the new Government House Leader.

Orientation Sessions for new MLAs

On May 4 and May 5, 2016, several orientation sessions for all new members were offered. On the first day, the newly elected MLAs met with Legislative Assembly Human Resources staff and Members' Allowances staff. The following day, they were offered a session on the House and Committee Procedure and Practices held by the Table Officers. After this session, staff from Hansard Branch and Visitor Tour Program were introduced, followed by another orientation session with members from the media who follow the Legislature. In the afternoon, first the new MLAs met with a panel of former members, **Bonnie Mitchelson**, **Stu Briese**, **Gord Mackintosh** and **Theresa Oswald**. The last session featured several independent officers: the Conflict of Interest Commissioner, the Children's Advocate, the Auditor General, the Chief Electoral Officer, the Ombudsman, and the Legislative Counsel.

1st Session of the 41st Legislature

At the time of submission, it was announced that the House will resume on May 16, 2016, with the 1st Session of the 41st Legislature. The first item of business will be the election of a new Speaker by secret ballot. The first Speech from the Throne from the new government will be delivered by Lieutenant-Governor of Manitoba **Janice C. Filmon**.

Retiring Speaker Daryl Reid

On February 22, **Daryl Reid,** MLA for Transcona and Speaker of the House, announced his intention to not seek re-election. First elected to the Manitoba Legislature in the 1990 General Election, Mr. Reid served as his party's critic for transportation and the Workers' Compensation Board. Following the NDP election victory in 1999, he served as the chairperson for the government's Graduated Driver Licencing Task Force and of the Manitoba Government's 2020 Manitoba Transportation Task Force. In October 2011, Mr. Reid was elected 29th Speaker of the Legislative Assembly of Manitoba, a position in which he served for the last four and a half years.

Prior to serving the constituency of Transcona for nearly 26 years, Mr. Reid was actively involved in the trade union movement and from 1986 to 1990 was the National President of his railway employee association.

Chamber accessibility

During the month of April, renovations to enhance accessibility commenced in the Chamber. The challenge with the original design of the Assembly Chamber, which dates back to 1920, is that all MLA desks and chairs are situated on a flooring level that is lower than the row that makes up the row of desks, meaning that MLAs are required to step down in order to access their desks. The design does not work for anyone using any type of accessibility device such as wheelchair or a scooter. As the first step in a multi-phase plan to enhance accessibility, six desks in the third row were removed so that the lower level of the flooring under these desks could be raised flush to the outer rim of the Chamber. Three desks near the loges on both the government and opposition sides have been removed and the floor has been raised. Once the desks are returned in place, any MLA entering the Chamber who uses an accessibility device will now be able to maneuver directly to a desk without having the impediment of uneven floor level. This is the first step in a project to make the entire Chamber more accessible.

Andrea Signorelli
Clerk Assistant/Clerk of Committees
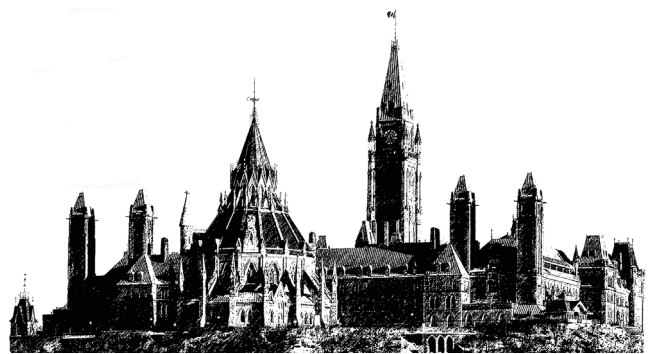
House of Commons

The First Session of the Forty-Second Parliament continued through the early months of 2016. The information below covers the period from February 3, 2016, to May 6, 2016.

Financial Procedures

On February 25, 2016 at the request of **Bill Morneau** (Minister of Finance), an Order of the Day was designated for the consideration of a Ways and Means motion for a budget presentation. On March 22, 2016, Mr. Morneau moved "[t]hat this House approve in general the budgetary policy of the government" and presented the budget speech. A special order was adopted on April 12, 2016 governing the disposition of the motion, and following the usual four days of debate, the motion was agreed to on April 19, 2016.

The following day, on April 20, 2016, **Dominic Leblanc** (Leader of the Government in the House of Commons), in the name of the Minister of Finance, introduced the first budget implementation bill, Bill C-15, *An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures*.

Points of Order, Questions of Privilege and Procedure

Procedure

On March 10, 2016, the House adopted a motion by unanimous consent to permit a Minister of the Crown to make a statement pursuant to Standing Order 31 at the next sitting of the House. On March 11, 2016, in accordance with the motion, **Lawrence MacAulay** (Minister of Agriculture and Agri-Food) rose to pay tribute to a constituent who had recently passed away during *Statements by Members*.

On April 12, 2016, extending a practice in effect since 2010, the House adopted a motion to provide that the bells to call in Members shall sound for not more than 30 minutes for recorded divisions on Tuesdays, Wednesday and Thursdays, with the exception of divisions held after Oral Questions. Due to ongoing construction on and around Parliament Hill and an expansion of the Parliamentary Precinct beyond the Parliament Hill boundaries, this practice was put into place to ensure Members have adequate time to return from offices and committee rooms to the House of Commons for a vote.

Points of Order

On April 18, 2016, **Peter Julian** (New Westminster—Burnaby) rose on a point of order concerning the admissibility of private Members' motion M-43 concerning the Taxpayer's Bill of Rights, standing in the name of **Pat Kelly** (Calgary Rocky Ridge), scheduled to

be debated that day. Mr. Julien alleged that the motion, which instructs a committee to draft and bring in a bill following which it would be added to the order of precedence in the name of Mr. Kelly, contravened Standing Order 68(4), which grants Ministers of the Crown the exclusive power to introduce such motions. He further argued that as there is no provision for private Members to do the same, the motion must be inadmissible. **Andrew Scheer** (House Leader of the Official Opposition) argued that the motion was in order given that it was the practice of the House to adopt motions to regulate its own proceedings, or to provide for mechanisms not specifically prescribed in the Standing Orders. The Speaker took the matter under advisement; however, given that the House was prepared for the debate, and in order not to penalize Mr. Kelly, he allowed the debate to begin on the motion. At the time of writing, the Speaker has not ruled on the matter.

Privilege

On April 19, 2016, the Speaker ruled on a question of privilege raised on April 14, 2016 by Mr. Scheer concerning the premature disclosure of Bill C-14, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*. Mr. Scheer alleged that the reporting of specific and detailed information contained in Bill C-14 in a newspaper article and elsewhere in the media before the bill had been introduced in the House was a serious breach of Members' privileges. In his ruling, the Speaker reiterated that due to its pre-eminent role in the legislative process, the House cannot allow precise legislative information to be distributed to others before it has been made accessible to all Members. He agreed that in this instance there appeared to be a direct contravention of the House's right to first access to legislative information, which had impeded the ability of Members to perform their parliamentary functions. Concluding that the matter constituted a *prima facie* question of privilege, he invited Mr. Scheer to move a motion. Mr. Scheer moved that the matter be referred to the Standing Committee on Procedure and House Affairs, and after a short intervention, the motion was agreed to by unanimous consent. The Standing Committee on Procedure and House Affairs began its study of the question on May 2, 2015.

On May 5, 2016, the Speaker ruled on a question of privilege raised on April 22, 2016, by **Luc Thériault** (Montcalm) alleging that **Marc Garneau** (Minister of Transport) and **Kate Young** (Parliamentary Secretary to the Minister of Transport) had deliberately misled the

House by making false statements concerning litigation involving Quebec and Air Canada, arising from the *Air Canada Public Participation Act*. He argued that the false information had led the House to misinformed votes at second reading of Bill C-10, *An Act to amend the Air Canada Public Participation Act and to provide for certain other measures* on April 20, 2016, which he believed cast doubt on the legitimacy of the votes. Mr. Garneau rose to confirm that his statements regarding the situation were accurate and that he believed this matter was not a question of privilege, but a matter of debate. In his ruling, the Speaker reminded Members that his role in the matter was not to judge the content or accuracy of the statements made, but to determine whether a Member had deliberately misled the House. The Speaker outlined that to do so it must be proven that the statement was misleading, the Member making the statement knew that the statement was incorrect when it was made, and that the Member intended to mislead the House by making the statement. After examination of the matter, he concluded that these conditions had not been met and that it was not a *prima facie* question of privilege.

Committees

On February 3, 2016, the House adopted a supply day motion moved by **Sheila Malcolmson** (Nanaimo–Ladysmith) concerning pay equity. Among other things, the motion called on the government to take action to close the wage gap between men and women and recognize pay equity as a right. The motion also instructed the House to appoint a special committee with the mandate to conduct hearings on the matter and to propose a plan to adopt a proactive federal pay equity regime. As a consequence, the Special Committee on Pay Equity was struck and the Committee has heard from more than 30 witnesses over the course of the study thus far. The Committee must report to the House by June 10, 2016.

On February 25, 2016, the Special Joint Committee on Physician-Assisted Dying presented its report, entitled *Medical Assisted Dying: A Patient-Centered Approach*, to the House. During the study, the Committee held 18 meetings and heard from over 60 witnesses. The Committee was appointed on December 11, 2015 to review the report of the External Panel on Options for a Legislative Response to Carter v. Canada and make recommendations on the framework of a federal response on physician-assisted dying. Though the Report has not been concurred in, the Government recently introduced the related Bill C-14, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*. At the time of writing, the bill had been adopted at second reading and sent to the Standing Committee on Justice and Human Rights.

On April 14, 2016, **Marc Bosc**, the Acting Clerk of the House of Commons, appeared before the Standing Committee on Procedure and House Affairs to answer questions regarding initiatives towards a family-friendly House of Commons. The Acting Clerk informed the Committee of recent improvements to facilities and services available to Members with young children, including the creation of a family room and designated parking spaces, and answered questions on various topics from daycare to potential changes to the sitting week. The Acting Clerk indicated to the Committee that the House administration would adapt to whatever changes the House might recommend. The Acting Clerk had previously appeared in relation to the Committee's study on February 2, 2016. Over the course of the study, the Committee has heard from Members of Parliament, spouses of Parliamentarians, union representatives, and other groups and individuals.

On April 21, 2016, the Eighth Report of the Standing Committee on Procedure and House Affairs was presented to the House and concurred in by unanimous consent. This resulted in an amendment to the Standing Orders which changed the name of the Standing Committee on Aboriginal Affairs and Northern Development to the Standing Committee on Indigenous and Northern Affairs.

Other Matters

Members

Prior to the start of the 42nd Parliament, **Mauril Bélanger** (Ottawa—Vanier) withdrew his candidacy for Speaker of the House of Commons after being diagnosed with Amyotrophic Lateral Sclerosis (Lou Gehrig's disease). Following this, on December 9, 2015, the House adopted a special order to have Mr. Bélanger act as honorary Chair Occupant on a day to be selected by the Speaker. On March 9, 2016, the designated day, Mr. Bélanger participated in the Speaker's Parade and was in the Chair during Statements by Members and for the beginning of Oral Questions. Mr. Bélanger used a text-to-speech device while in the Chair.

On May 6, 2016, Mr. Bélanger again used a text-to-speech device while giving a speech at second

reading of his private Members' bill C-210, *An Act to amend the National Anthem Act (gender)*.

On March 24, 2016, **Denis Paradis** (Brome—Missisquoi), Chair of the Standing Committee on Official Languages, presented the first report from the Committee, entitled "Tribute to the Honourable Mauril Bélanger," to acknowledge the significant contribution that Mr. Bélanger has made to official languages in Canada. Unusually, Mr. Paradis read the report in its entirety and referred to Mr. Bélanger by name. The Speaker noted this derivation from the normal practices of the House but added he would allow it once given the circumstances.

On March 23, 2016, news was received of the death earlier that day of **Jim Hillyer** (Medicine Hat—Cardston—Warner). It being Wednesday, the House met as usual at 2 p.m., but rather than conduct its normal business, Members proceeded directly with tributes to Mr. Hillyer and observed a moment of silence in his memory. Following the tributes, at 2:26 p.m., the House adjourned for the remainder of the day.

Statements, Resolutions, Special Debates

On February 3, 2016, the Speaker made a statement commemorating the 100th anniversary of the Centre Block fire. He paid tribute to the seven people who died in the fire and recognized the presence of some of their descendants in the galleries. He invited Members to take note of the use of the wooden mace, which is customarily used when the House sits on February 3 to mark the anniversary of the fire of 1916. The House then adopted a motion instructing the Office of the Curator to submit ideas to the Board of Internal Economy for a physical reminder, such as a stained glass window, to be installed as a permanent reminder of the tragic event.

On April 12, 2016, the House held an emergency debate regarding the suicide crisis in numerous indigenous communities. This was the first emergency debate of the 42nd Parliament.

On May 5, 2016, during Statements by Ministers, **Justin Trudeau** (Prime Minister) followed by **Rona Ambrose** (Leader of the Opposition) and **Thomas Mulcair** (Leader of the NDP) made statements regarding the fire in Fort McMurray, Alberta. By unanimous consent, **Rhéal Fortin** (Rivière-du-Nord) and **Elizabeth May** (Saanich—Gulf Islands) also made statements.

Moments of silence

On February 16, 2016, Members observed a moment of silence in memory of the victims of the shooting in Lac-Simon, Quebec, on February 13, 2016.

On April 21, 2016, Members observed a moment of silence to commemorate the National Day of Mourning and to honour the memory of workers killed or injured at work.

E-petitions

On April 11, 2016, **Kennedy Stewart** (Burnaby South) tabled the first electronic petition (concerning cruelty to animals) in the House of Commons. The House began accepting electronic petitions on December 4, 2015, following the adoption of the Thirty-Third Report of the Standing Committee on Procedure and House Affairs in the previous Parliament. The Report stemmed from a private Member's motion moved by Mr. Stewart and adopted in the House on January 29, 2014, which had instructed the Committee to provide recommendations with respect to establishing an electronic petitioning system.

Tributes

On April 13, 2016, pursuant to the order made on December 4, 2015, the Speaker welcomed **Audrey O'Brien**, Clerk Emerita, to the House of Commons to recognize her retirement. Ms. O'Brien took part in the Speaker's Parade and sat at the Table during Oral Questions. Statements of tribute were made to her by Members of each party.

On April 21, 2016, Members of Parliament marked the 90th birthday of Her Majesty Queen **Elizabeth II** on a number of occasions during the sitting. During *Statements by Members*, several Members paid tribute to Her Majesty, after which Members in the House spontaneously sang Happy Birthday and God Save the Queen. Mr. Leblanc wished Her Majesty a happy birthday during the weekly statement, as did Mr. Scheer on a point of order raised thereafter.

Julie-Anne Macdonald
Table Research Branch
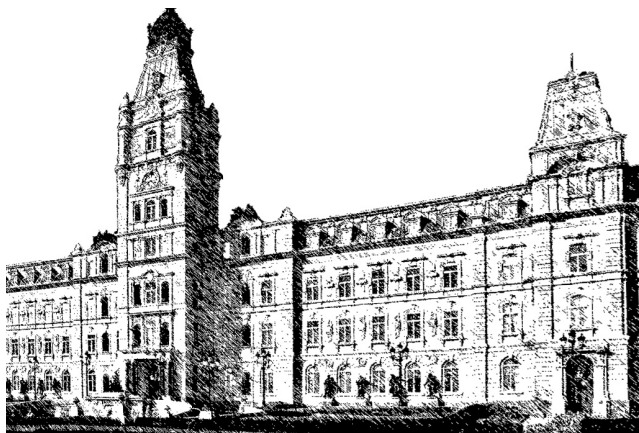
Québec

National Assembly proceedings

Composition of the Assembly

On January 28, 2016, the Premier shuffled his cabinet. There are 28 ministers that make up this new cabinet, two more than before. On this occasion, **François Blais** (Charlesbourg), **Martin Coiteux** (Nelligan), **Jacques Daoust** (Verdun), **Sam Hamad** (Louis-Hébert), **Pierre Moreau** (Châteauguay), **Lise** Thériault (Anjou–Louis-Riel) and **Dominique Vien** (Bellechasse) were given new portfolios. **Julie Boulet** (Laviolette) was also named a minister, along with four cabinet newcomers **Dominique Anglade** (Saint-Henri–Saint-Anne), **Rita Lc de Santis** (Bourassa-Sauvé), **Luc Fortin** (Sherbrooke) and **Sébastien Proulx** (Jean-Talon). A detailed description of these ministerial offices is available at the following address: http://www.assnat.qc.ca/en/deputes/fonctions-parlementaires-ministerielles/conseil-ministres.html

Owing to the health issues of **Pierre Moreau** (Châteauguay), who was appointed Minister of Education and Higher Education in the cabinet shuffle of January 28, 2016, the Premier reassigned key cabinet positions on February 22, 2016. The Minister of Families, **Sébastien Proulx** (Jean-Talon), was also given the Education, Recreation and Sports portfolio, while **Hélène David** (Outremont) became Minister of Higher Education. Mr. Fortin (Sherbrooke), then Minister for Recreation and Sports, was named Minister of Culture and Communications, a position previously held by the Member for Outremont. For her part, **Lucie Charlebois** (Soulanges), Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living, was asked to replace Mr. Moreau (Châteauguay)

as Minister responsible for the Montérégie region. Mr. Moreau will assist with the finance portfolio.

Pursuant to an order-in-council adopted by the Government of Québec on March 9, 2016, a by-election will be held on April 11, 2016, in the electoral division of Chicoutimi. This riding has been vacant since last October, following the resignation of **Stéphane Bédard**.

Bills passed

During the months of January to March 2016, the Assembly passed two bills:

Bill 66, *Funeral Operations Act*;

Bill 90, *Appropriation Act No. 1, 2016-2017*.

Budget Speech

On March 17, 2016, **Carlos Leitão**, Minister of Finance, delivered the budget speech, and the estimates of expenditure for 2016-2017 were tabled on the same day. Interim Supply was adopted on March 22, 2016 and, on March 23, 2016, the Assembly began the 25-hour debate on the budget speech.

Statements from the Chair

On March 8, 2016, **Jacques Chagnon**, the President of the National Assembly, made a statement concerning applause and unparliamentary language during Oral Questions and Answers. This statement was in response to a situation that occurred during oral question period on February 25, 2016. The Official Opposition House Leader asked a question about a Member belonging to the parliamentary group forming the Government. Following an answer from the Government House Leader, several Members belonging to the parliamentary group forming the Government stood up and applauded. After the proceedings were suspended, the House Leaders reiterated the importance of respecting the no-applause rule. The Government House Leader had also insisted that Members respect Standing Order 35, which concerns words deemed unparliamentary.

In his statement, the President recalled that both rules of procedure must be respected. However, there is no cause-and-effect link between them. Furthermore, a somewhat nuanced approach is needed as to their application.

Application of the rule prohibiting applause entails the Chair simply noting, rather than interpreting, actual fact. The Chair's role is to determine whether or not there has been applause. On February 25, this observation was unequivocal. The rule governing unparliamentary language and words inadmissible in debate, set out in Standing Order 35, requires nuancing as to its application. Unlike application of the no-applause rule, the Chair must note the facts and analyze the situation. The Chair's ruling depends on the nature of the words and, especially, the context in which they are spoken. A sensitive, well-balanced approach to applying this Standing Order is crucial in the context of parliamentary proceedings, as it provides the framework for Members to exercise their constitutional parliamentary privilege of freedom of speech. It is the Chair's role to find a way to allow vigorous and healthy democratic debate to take place. In the February 24, sitting, this issue was addressed during Oral Questions and Answers. The Chair had made a cautionary remark to avoid a Member's conduct being called into question, which did not, in fact, occur. The Chair indicated that questioning the Government about a Member is not prohibited. However, casting reflections upon the conduct of another Member is.

The President recalled that in the discussions preceding the amendments to the Standing Orders, the clear goal was to improve decorum through two specific measures: starting proceedings on time and eliminating applause during Oral Questions and Answers. The President stated that it is also important that failure to respect the no-applause rule not become a political tool used to emphasize the importance a certain group of Members accords to a subject discussed in Oral Questions and Answers. This would run contrary to the goals targeted when this rule was adopted. So that proceedings are courteous, the Chair counts on the cooperation of all Members and on their sense of commitment to ensure that this rule is respected and that the words spoken in the House comply with Standing Order 35. This way, we will achieve the goal of improving decorum in the Assembly and of projecting a better image of it.

On March 24, 2016, following a request from the Leader of the Second Opposition Group and an independent Member, the President and other presiding officers issued a joint statement on the application of Standing Order 35(3), which governs referring to matters that are under adjudication before a court of law. During the last two oral question periods, the Chair intervened several times to urge Members to exercise caution and to prohibit Members from speaking about the criminal charges laid against a former Member and minister.

The Chair recalled that in criminal and penal matters, all Chairs from 1984 on have applied Standing Order 35(3) clearly, consistently and unambiguously. It has been strictly applied because prejudice is deemed likely to occur. Strict application of the sub judice rule in criminal and penal matters ensures that the integrity of the judicial process is respected and cannot be violated under any circumstances without potentially resulting in a stay of proceedings.

Because this rule is not applied as strictly in civil matters or inquiries, under certain circumstances, Members were permitted to discuss the Charbonneau Commission in the context of debates, given that the outcome of a commission of inquiry is not the same as that of a criminal trial. Referring to an indictment opens the door to discussing the acts for which charges were laid. In a criminal case, this is the heart of the matter. When a question is asked in the House, it starts a parliamentary, and necessarily political, discussion on the subject, and a hearing that should be held before the courts takes place on the National Assembly floor. The sub judice rule codified in Standing Order 35(3) seeks to prevent this. There is no doubt that the Chair's role is to protect Members' rights to exercise oversight powers with respect to the Government's actions. However, this role must be exercised in accordance with the rules of parliamentary law unanimously adopted by the Members. In the case at hand, these rules require that the Assembly respect our system of governance and our rule of law. Just as the courts fully respect our Assembly's autonomy by refraining to intervene in its internal affairs and debates, the Assembly must refrain from broaching criminal or penal matters. This does not in any way prevent Members from questioning the Government on its actions. In this regard, the Chair specified that it is possible to question the Government on its actions and decisions other than those related to individuals subject to criminal or penal charges.

National Assembly infrastructure improvement project

On March 24, 2016, the President inaugurated the construction site of the National Assembly's hospitality pavilion. The ceremony was attended by the mayor of Québec City, **Régis Labeaume**, and the three parliamentary group whips, **Stéphane Billette**, Chief Government Whip, **Harold Lebel**, Chief Official Opposition Whip, and **Donald Martel**, Whip of the Second Opposition Group.

Let us recall that the National Assembly infrastructure improvement project, which will be completed in spring 2019, provides for the construction of an underground hospitality pavilion, substantial infrastructure upgrading work and the addition of two parliamentary committee rooms adapted to the needs of parliamentarians, the media and the public.

Committee proceedings

The standing committees began their work in mid-January. The months leading to March were very busy, with four committees often sitting simultaneously, which is the maximum that may meet when the Assembly sits under the Standing Orders. Over 300 hours of public meetings were held to carry out the various committee mandates.

Public consultations

The sectorial committees held a total of 50 public consultation hearings within the framework of their mandates. During these consultations, the committees heard approximately 260 witnesses and received 380 briefs.

Most of these consultations concerned public bills. Nine bills were referred to committees for consultations. Among these, Bill 86 involved broad consultations. The members of the Committee on Culture and Education (CCE) held eleven sittings during which persons and organizations came to express their opinion on this bill aiming to modify the organization and governance of school boards. At the conclusion of the hearings in April, the Committee will have heard over 50 organizations. The Committee on Citizen Relations (CCR), for its part, held six public meetings on Bill 77, *Québec Immigration Act*.

The National Assembly also instructed two committees to hold special consultations on matters other than the consideration of bills. The Committee on Transportation and the Environment (CTE) heard the interested parties in reference to passenger transportation by automobile for remuneration, while the Committee on Agriculture, Fisheries, Energy and Natural Resources (CAFENR) gathered the opinions of citizens and groups within the framework of the consideration of the Green Paper on social acceptability entitled "Orientations du ministère de l'Énergie et des Ressources naturelles en matière d'acceptabilité sociale."

Clause-by-clause consideration of bills

During the first three months of the year, some 40 sittings were held to give clause-by-clause consideration to six bills. The Committee on Institutions (CI) was among the busier committees, as it continued its consideration of 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.* Since January, nine sittings have been held thereon and consideration continued beyond March. For their part, the CCR and the CTE each held seven sittings to examine legislation in reference respectively to immigration and the organization and governance of shared transportation in the Montréal metropolitan area. The CCR's proceedings ended in March, but the CTE's work extended beyond March.

Other mandates

The CCR continued its order of initiative on aboriginal women's living conditions. In addition to hearing new persons and groups in the course of public hearings, certain Committee members travelled to aboriginal communities to meet stakeholders on site, in the Québec City region and in Kuujjuaq. Furthermore, at the end of March, this committee adopted an order of initiative on women's place in politics.

In March, the CAFENR tabled a report on its order of initiative on the farmland grabbing phenomenon. The Committee members included five recommendations in their report.

Composition of committees

Elections were held to fill three Committee vice-chair positions following the Cabinet shuffle carried out in January. Members **Alexandre Iracà** (Papineau), **Robert Poëti** (Marguerite-Bourgeoys) and **Jean-Denis Girard** (Trois-Rivières) were elected as vice-chair of the CAFENR, the Committee on Labour and the Economy (CLE) and the Committee on Public Administration (CPA) respectively.

Stéphanie Labbé
Parliamentary Proceedings Directorate
Sittings Service

Pierre-Luc Turgeon
Parliamentary Proceedings Directorate
Committees Service

New Brunswick

The Second Session of the 58th Legislature resumed on February 2, when Finance Minister **Roger Melanson** delivered the second budget for the Gallant government.

"This budget marks the close of the Strategic Program Review process and will set a foundation that our province can build upon so we can invest in New Brunswick's priorities and create jobs" said Mr. Melanson.

The provincial government estimated a deficit of $347 million for 2016-17. Revenues of $8.719 billion are projected, a 5.1 per cent increase over 2015-16 revised estimates. Excluding the revenue measures in the budget and prior-year adjustments, revenue growth is estimated to be 2.3 per cent. Expenses are expected to grow 3.5 per cent, an increase of $303.8 million. The budget included a multi-year plan to improve the province's bottom line and return to balanced budgets by 2020-21.

Revenue measures from the Strategic Program Review will yield $293 million once fully realized. Specific items included increasing the general corporate income tax rate from 12 to 14 per cent; increasing the provincial portion of the HST by two percentage points

with a refundable provincial HST credit designed to protect low-to-middle income households to return approximately $100 million to New Brunswickers; increasing the tobacco tax and establishing a dedicated enforcement unit to disrupt the trade of contraband tobacco; and allowing the purchase of rights to name government-owned assets such as buildings, parks, and bridges.

The Strategic Program Review will yield $296 million in expenditure reductions including $115 million in 2015-16 and $181 million announced in 2016-17. Expenditure reduction initiatives included rightsizing management and an organizational realignment of the civil service to save $46.4 million; reducing senior and middle managers by 30 per cent; and the Department of Transportation and Infrastructure shifting non-core functions to the private sector.

On February 4, Finance Critic **Blaine Higgs** delivered the Official Opposition's reply to the Budget. Mr. Higgs spoke in support of the move to an integrated pension services corporation to ensure independent and cost-effective pension administration and investment management. He raised concerns regarding the concept of privatization of services as the answer to improved efficiencies; the unfair taxation program for First Nations; spending initiatives contained in the Main Estimates without real definition or clarity; and he questioned the two per cent increase in HST coinciding with the government's new spending commitments.

Legislation

The Legislature adjourned on February 12 and resumed sitting for two weeks on March 29. Legislation considered during this period included:

Bill 21, *An Act to Amend the Judicature Act,* introduced by Justice Minister **Stephen Horsman**, requires the Chief Justice of the Court of Queen's Bench to obtain the consent of the Minister of Justice before designating the place at which a judge is to establish residence.

Bill 24, *An Act to Implement Strategic Program Review Initiatives*, introduced by the Minister of Health and the Minister responsible for the Strategic Program Review, **Victor Boudreau**, proposes changes to a variety of bills to allow the decisions made following the Strategic Program Review to move forward. Legislative changes include the establishment of an agriculture appeal board; the elimination of the Post-Secondary Student Financial Assistance Review

Board; the elimination of the Private Investigators and Security Services Commission; the dissolution of the Private Occupational Training Corporation; and the elimination of the Trail Management Trust Fund Advisory Board.

Bill 25, *Volunteer Emergency Aid Act*, introduced by Minister Boudreau, provides protection to a person who, in good faith, renders emergency medical aid to the victim of an accident or a medical emergency.

Bill 39, *An Act to Amend the Workers' Compensation Act*, introduced by Post-Secondary Education, Training and Labour Minister **Francine Landry**, creates the presumption that if an emergency response worker is diagnosed with post-traumatic stress disorder, the disorder arose in the course of the worker's employment.

Bill 38, *Vestcor Act*, a private Bill introduced by **Benoît Bourque**, provides for the incorporation of two new corporations and the continuation of the New Brunswick Investment Management Corporation as a private corporation, not a Crown corporation. The corporations would provide pension and benefits administration, investment management, and other related activities for the Public Service Shared Risk Plan and the New Brunswick Teachers' Pension Plan.

Motions

On April 7, the House adopted a motion, proposed by **Carl Urquhart**, asking the government to work on a long term strategy to better understand Lyme disease and to provide public awareness on the risks, protection, symptoms and advice on when to seek medical attention.

Committees

On April 8, the House appointed a Select Committee on Climate Change, charged with the responsibility of conducting public consultations on the issue of climate change and reporting to the House with recommendations. The committee is expected to begin the public consultation process in the summer.

Student Parliament

The 27th Annual Student Legislative Seminar was held from April 29 to May 1. The seminar is a non-partisan program open to Grade 11 and 12 students. Forty students from various high schools participated, representing all areas of the province. The students

were welcomed to the Legislative Assembly by Speaker **Chris Collins**. Throughout the weekend, the students attended lectures focused on the three branches of government: legislative, executive and judicial. Minister **Denis Landry** spoke on the role of the Premier and Cabinet; Deputy Speaker **Lisa Harris** spoke on the challenges and rewards of being a woman in politics; Oromocto-Lincoln Member **Jody Carr** spoke on the role of the Opposition; Green Party Leader **David Coon** spoke on the role of the third party in the House; and **Julian A.G. Dickson**, Judge of the Provincial Court of New Brunswick, spoke on the role of the judicial branch.

Standings

The Legislature adjourned on April 8 to resume on May 17. The current House standings are 26 Liberal Members, 22 Progressive Conservative Members, and one Green Party Member.

John-Patrick McCleave
Committee Clerk

Northwest Territories

House Proceedings

Following prorogation in December, 2015, the 18th Legislative Assembly of the Northwest Territories commenced its Second Session on February 18, 2016, with Commissioner **George L. Tuccaro** presenting the Commissioner's Opening Address on behalf of the Government of the Northwest Territories.

The opening day of the Second Session saw Finance Minister **Robert C. McLeod** table Interim Estimates for 2016-2017 as well as two supplementary appropriation estimates. In keeping with the Rules of the Legislative Assembly, the tabled documents were moved immediately into Committee of the Whole for Assembly consideration. Supplementary and Interim Appropriation bills received Third Reading in the House on February 29, 2016 and March 2, 2016, respectively.

On February 18, 2016, **R.J. Simpson**, MLA for Hay River North was appointed as Deputy Speaker and **Frederick Blake, Jr**., MLA for Mackenzie Delta, and **Danny McNeely**, MLA for Sahtu, were appointed as Deputy Chairpersons of Committee of the Whole.

February 18, 2016 also saw amendments to the Rules of the Legislative Assembly to establish the standing committees of the 18th Legislative Assembly as well as the striking of the following Committees: the Striking Committee; the Standing Committee on Economic Development and Environment; the Standing Committee on Government Operations; the Standing Committee on Rules and Procedures; and the Standing Committee on Social Development.

According to new protocol agreed upon by Members of the 18th Legislative Assembly, Premier **Robert R. McLeod** tabled the *Proposed Mandate of the Government of the Northwest Territories, 2016-2019* on the first day of the Session. By motion in the House on February 22, 2016, this document was moved into Committee of the Whole for Assembly consideration. Consideration of this document took place over three days, with 26 amendments being adopted. The revised *Mandate of the Government of the Northwest Territories, 2016-2019* was tabled by Premier McLeod on March 3, 2016, the final day of the February-March sitting.

Later that day Commissioner Tuccaro granted assent to four bills and adjourned the House to May 31, 2016.

Legislation

In addition to the supplementary and interim appropriation bills, Bill 1 *An Act to Amend the Legislative Assembly and Executive Council Act* was considered during this sitting. This bill amends the *Legislative Assembly and Executive Council Act* to establish a two-year freeze on any upward adjustment of the indemnities payable to Members.

Committees

The Standing Committee on Priorities and Planning continued its orientation and technical briefings during early February. Following the establishment of Committees, on February 18, 2016, the following Members were named Chairs and Deputy Chairs of Standing Committees:

- Striking Committee **Tom Beaulieu** (Chair).
- Standing Committee on Economic Development and Infrastructure **Herbert Nakimayak** (Chair)

and **Cory Vanthuyne** (Deputy Chair);
- Standing Committee on Government Operations **Kieron Testart** (Chair) and **R.J. Simpson** (Deputy Chair);
- Standing Committee on Rules and Procedures **Kevin O'Reilly** (Chair) and **Julie Green** (Deputy Chair); and
- Standing Committee on Social Development **Shane Thompson** (Chair) and Ms. Green (Deputy Chair).

From April 12 to 14, 2016, the Standing Committee on Government Operations, Chaired by Mr. Testart, MLA for Kam Lake, conducted its review of the Public Accounts of the Government of the Northwest Territories for the year ended March 31, 2014. This review marked the Committee's first opportunity during the term of the 18th Legislative Assembly to work directly with representatives from the Office of the Auditor General of Canada. A public hearing was held in the Legislative Assembly Building on April 14, 2016. The Committee will table its Report on the Review of the 2013-2014 Public Accounts during the upcoming sitting.

Throughout April, the Standing Committees on Economic Development and Environment, Government Operations and Social Development met to engage in strategic planning exercises, identifying priorities that will guide their work throughout the 18th Assembly.

In late April, standing committees commenced their review of the 2016-2017 Business Plans for the Government of the Northwest Territories. These meetings were *in camera* sessions, to allow Committees to provide input prior to the expected introduction of the 2016-2017 budget during the upcoming May/June sitting.

Michael Ball
Principal Clerk, Committees and Public Affairs

Ontario

The House returned from its winter adjournment on February 16, 2016. The vacancy in the membership of the House—stemming from the resignation of Progressive Conservative MPP **Christine Elliott** to assume the post of Ontario's first patient ombudsman—had been filled on February 11, when the by-election in the riding of Whitby-Oshawa returned **Lorne Coe**, a Durham Regional Councillor, to the House. Having still to be gazetted and sworn in the day of the House's return, Mr. Coe, a Progressive Conservative, took his seat in the Legislature on February 22.

Parliamentary Officers

On February 16, on the address of the Legislative Assembly of Ontario, **David Williams** was appointed Chief Medical Officer of Health for the province. Dr. Williams, formerly the Medical Officer of Health for the Thunder Bay district Board of Health, had been Ontario's Acting Chief Medical Officer of Health since July 1, 2015; and previously from November 2007 to June 2009.

Also on February 16, the Assembly presented two addresses respecting the Office of the Ombudsman for the Province of Ontario; one address requesting the re-appointment of Deputy Ombudsman **Barbara Findlay** as the temporary Ombudsman for the period March 16 to March 31; the second address requesting the appointment of **Paul Dubé** as Ombudsman for the Province of Ontario. Mr. Dubé, member of the Law Societies of Upper Canada and New Brunswick, and former federal Taxpayers' Ombudsman, was sworn in as Ontario's seventh Ombudsman on April 1, 2016.

Black History Month

On February 16, 2016, **Michael Coteau**, Minister of Tourism, Culture and Sport, introduced Bill 159, *An Act to proclaim the month of February as Black History Month*. The bill received all three Readings and Royal Assent that same day.

Ontario Budget

On February 25, Minister of Finance **Charles Sousa** presented the 2016 Budget. Highlights of his Budget speech included plans for infrastructure investment, for expanding access to post-secondary education—by providing non-repayable grants and assuring students from families with incomes of less than $50,000 of free average tuition—and for developing a low-carbon economy. To this end, the minister announced plans to move forward with a proposed cap-and-trade program.

Condolences

In the current sitting period, the House has been taking time on certain Tuesdays and Wednesdays, before the start of Question Period, to honour former MPPs who have passed away with all-party tributes. The tributes take place in the presence of the Member's family, friends and former parliamentary colleagues. Since February 16, the House expressed condolences in this manner on the death of:

- **John Twining Clement**, Member for the electoral district of Niagara Falls (1971 to 1975)
- **Hugh Patrick O'Neil**, Member for the electoral district of Quinte (1975 to 1995)
- **Wayne Wettlaufer**, Member for the electoral districts of Kitchener and Kitchener Centre (1995 to 2003)
- **Derwyn Shea**, Member for the electoral district of High Park-Swansea (1995 to 1999)
- **George Lyle Ashe**, Member for the electoral district of Durham West (1977 to 1987)
- **Lorne Howard Maeck**, Member for the electoral district of Parry Sound (1971 to 1981)
- **Robert T.S. Frankford**, Member for the electoral district of Scarborough East (1990 to 1995)
- **Frank Sheehan**, Member for the electoral district of Lincoln (1995 to 1999)
- **Gary L. Leadston**, Member for the electoral district of Kitchener-Wilmot (1995 to 1999)
- **Peter Kormos**, Member for the electoral district of Welland-Thorold (1988 to 1999), Niagara Centre (1999 to 2007) and Welland (2007 to 2011)

Speaker's Book Award

The winning entry of the 2015 Speaker's Book Award, announced at a ceremony on March 7, 2016, was *Up Ghost River: A Chief's Journey through the Turbulent Waters of Native History*, written by **Edmund Metatawabin** with **Alexandra Shimo**. **Gilles Bisson**, MPP for Timmins-James Bay, used his Member's Statement on March 9 to thank the Speaker for having inaugurated the awards, and to congratulate Mr. Matatawabin on his powerful account of the experiences and stories of the James Bay.

The Speaker's Book Award, which recognizes works by Ontario authors reflecting the diverse culture and rich history of the province and of its residents, was launched in 2012 by Speaker **Dave Levac**.

New Deputy Speaker

On March 22, 2016, **Bas Balkissoon**, Deputy Speaker and MPP for Scarborough-Rouge River, resigned his seat, creating a vacancy in the membership of the House. On April 5, 2016, **Soo Wong**, MPP for the electoral district of Scarborough-Agincourt, was appointed Deputy Speaker and Chair of the Committee of the Whole House in Mr. Balkissoon's place. She is the second woman to hold the position in Ontario since **Marilyn Churley** held it in the 36th Parliament (1995-1999).

Ms. Wong had been the Chair of the Standing Committee on Finance and Economic Affairs, and her appointment as Deputy Speaker precipitated membership changes on eight of the nine Standing Committees.

Gathering Place

Two of the Legislative Building's committee rooms – ones often also used for a variety of events or gatherings—have been transformed into a living legacy of Ontario's rich Aboriginal presence. The new permanent exhibit, titled *Gathering Place*, presents Aboriginal artwork and cultural artifacts with a view to honouring the experiences of the province's Aboriginal peoples and building understanding between Aboriginal and non-Aboriginal communities.

The two rooms housing *Gathering Place* have been renamed to reflect the two language groups of the majority of First Nations living in Ontario, the Algonquians and the Haudenosaunee (or Iroquois). One has been named *Ninoododadiwin*, meaning

"harmony" in the Ojibway language (Algonquin group), the other Ę *dwaę na ga da:t*, meaning "we will raise our voices together in unison" in the Cayuga language (Haudenosaunee group).

The art and artefacts, which include paintings, prints, canoe paddles and traditional garments, are on loan from Aboriginal communities across Ontario. The objects on display will change over time, but the *Gathering Place* will remain, a vibrant space within the Legislative Building where all those who meet will mingle with the narrative of Ontario's Aboriginal peoples.

Committees

Standing Committee on Estimates

The Standing Committee on Estimates began its consideration of the 2016-2017 Estimates of selected ministries and offices.

Standing Committee on Finance and Economic Affairs

The Standing Committee on Finance and Economic Affairs conducted its 2016 pre-budget hearings in January and February 2016 in Hamilton, Windsor, Thunder Bay, Sault Ste. Marie, Ottawa and Toronto. In total, 146 witnesses appeared before the Committee, and an additional 114 written submissions came from interested individuals and groups who did not appear before the Committee. On the last day of the public hearings in Toronto, the Minister of Finance appeared before the Committee to update Members on the Government's parallel set of pre-budget consultations. The Minister's presence afforded the Members of the Committee an opportunity to share with him what Ontarians have said to the Committee during its public hearings.

The Committee also held public hearings and clause-by-clause consideration on Bill 173, the provincial Budget bill. The bill was reported back to the House, without amendment, on April 7. The Committee recently elected MPP **Peter Milczyn** as Chair, and MPP **Yvan Baker** as Vice-Chair.

Standing Committee on General Government

The Standing Committee on General Government considered Bill 135, *An Act to amend several statutes and revoke several regulations in relation to energy conservation and long-term energy planning*. The bill, among other purposes, seeks to replace the existing structure for the

assessment of electricity resources, the development of an integrated power system plan and the development of procurement processes for matters relating to electricity with a new long-term energy planning regime. The bill received two days of public hearings and one day of clause-by-clause consideration, and was reported to the House without amendment.

The Committee is currently considering Bill 172, *An Act respecting greenhouse gas*, which establishes a framework for Ontario's cap and trade program.

Standing Committee on Justice Policy

The Standing Committee on Justice Policy held public hearings on Bill 119, *Health Information Protection Act, 2016*. The bill sets out to amend the *Personal Health Information Protection Act, 2004*, to make certain related amendments and to repeal and replace *the Quality of Care Information Protection Act, 2004*.

Standing Committee on Regulations and Private Bills

The Standing Committee on Regulations and Private Bills considered 10 private bills during this period. The Committee also tabled its First and Second Reports of 2016, containing recommendations on regulations reviewed by the Committee in 2014 and the first six months of 2015, respectively.

Standing Committee on the Legislative Assembly

The Standing Committee on the Legislative Assembly completed a 10-month study on e-petitions, and tabled its report on February 16, 2016. The Committee studied the experiences of other legislatures and received testimony from parliamentary officers, civic engagement advocates, and academics. The report contains the recommendation that an e-petition system be adopted by the Legislative Assembly of Ontario and provides a framework for its creation.

On March 3, the House adopted the recommendations contained in the Committee's report, per which the Clerk of the House will initiate a study to determine the best method of proceeding in order to bring about the proposed e-petition model.

Standing Committee on Public Accounts

During this period, the Standing Committee on Public Accounts held hearings on the following sections and chapters of the *2015 Annual Report* of the Office of the Auditor General of Ontario: ServiceOntario

(Section 4.09); Hydro One—Management of Electricity Transmission and Distribution Assets (Section 3.06); and Toward Better Accountability (Chapter 5). In addition to value-for-money audits, the 2015 *Annual Report* includes a new section – Chapter 5 – that looks at accountability, governance and/or transparency, which the Committee has chosen for review.

The Committee also tabled the following two reports on the *2014 Annual Report* of the Office of the Auditor General of Ontario: Education of Aboriginal Students (Section 4.05); and Public Accounts of the Province (Chapter 2).

Standing Committee on Social Policy

In January, the Standing Committee on Social Policy held hearings in Peterborough, London, and Toronto on Bill 132, *An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters*. The bill relates to the Ontario Government's *It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment* campaign. The Committee held clause-by-clause consideration of the bill in February and reported the bill, as amended to the House. On March 8—International Women's Day—the House passed the bill, which received Royal Assent the same day.

The Committee went on to consider Bill 163, *An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to posttraumatic stress disorder*. The bill creates a presumption, under the *Workplace Safety and Insurance Act*, that posttraumatic stress disorder in certain workers arises out of and in the course of the workers' employment. The bill was reported from Committee as amended. Pursuant to an Order of the House, the Third Reading stage of the bill—which had wide support of the House—was limited to 15 minutes apportioned equally among the three recognized parties. The bill was then passed and received Royal Assent on April 6.

Sylwia Przezdziecki
Committee Clerk

Prince Edward Island

Second Session, Sixty-fifth General Assembly

The Second Session of the Sixty-fifth General Assembly opened with a Speech from the Throne on April 5, 2016 at 2:00 p.m. in the Legislative Assembly Chamber, Hon. George Coles Building. The Speech was delivered by **Frank Lewis**, Lieutenant Governor of Prince Edward Island, and emphasized population growth in the working-age demographic, health and wellness, and modernizing government.

Budget

Minister of Finance **Allen Roach** delivered the Budget Address on April 19. Total revenue for 2016-17 is listed at $1.710 billion, and total expenditures $1.719 billion, resulting in a deficit of $9.6 million. Tax changes are prominent in the Budget: the Harmonized Sales Tax will increase by 1 per cent to become 15 per cent effective October 1, 2016, while the Real Property Transfer Tax will be eliminated for first-time homebuyers and the Basic Personal Tax Exemption will increase to $8,000.

House Business

In the month of April, Government tabled 28 bills. Notable among them are Bill No. 22, *Regulatory Accountability and Reporting Act*, which addresses cooperation among New Brunswick, Nova Scotia and Prince Edward Island on regulatory reform, and Bill No. 26, *Education Act*, which repeals the *School Act* and updates many aspects of the administration of education in the province.

The Opposition did not introduce any bills during the month of April, but tabled several motions. Opposition motions on the Cape Bear lighthouse, child advocacy services, Boys and Girls Clubs of PEI, the basic personal income tax exemption, honest and transparent debate, a population growth strategy, and broadening the home heating tax exemption were debated.

Report of the Special Committee on Democratic Renewal

The Special Committee on Democratic Renewal tabled its report on an electoral system plebiscite question on April 15. The committee recommended the following question be put to Islanders in a plebiscite in November, 2016:

"Rank the following electoral system options in your order of preference, 1 through 5 (with "1" being your most preferred):

___Dual Member Proportional Representation

___First-past-the-post (the current system)

___First-past-the-post Plus Leaders

___Mixed Member Proportional Representation

___Preferential Voting"

The committee further recommended that plebiscite voters be free to rank as many or as few options as they wish, and put forward specifications on how the First-past-the-post Plus Leaders and Mixed Member Proportional Representation would work. The committee tasked Elections PEI with communicating impartial information to Islanders on the plebiscite, and called for electronic voting to be used in the plebiscite.

As of this writing debate has commenced on the committee's report, but it has not been adopted by the House. The report can be read at http://www.assembly.pe.ca/sittings/2016spring/reports/23_1_2016-15-04-report.pdf.

Speaker's Rulings

During the first month of the session Speaker **Francis 'Buck' Watts** made four rulings on matters raised in the House. On April 5, he denied a request from **Jamie Fox**, Leader of the Opposition, to rule on whether

a *prima facie* breach of privilege had occurred when Minister **Allen Roach** had allegedly misled the House; the events to which Mr. Fox referred occurred in a standing committee and committee of whole house, in which the Speaker will not become involved without a committee report on the matter. No such report had been provided.

On April 14, the Speaker declined to retake a vote on Motion No. 27, which had been defeated in a recorded division on April 12. Opposition House Leader **Matthew MacKay** requested that the vote be retaken based on his assertion that the announced results were incorrect. After reviewing Hansard and the Journal, the Speaker confirmed that the Journal reflected the results of the vote accurately, but that he had made an error in his indication of how many members voted in favour of the motion. However, as the error did not change the outcome of the vote, the Speaker concluded that it need not be retaken.

On April 20, in response to a point of order the Leader of the Opposition had raised objecting to a recent announcement Government had made outside of the House, the Speaker reminded Government that it is well-established custom that major government announcements are to be made within the House when it is in session.

On April 26, the Speaker ruled that, contrary to the assertion of Opposition member **Steven Myers**, the Premier's recent response to a question in the House was not a deliberate attempt to mislead the House based on its perceived contradiction of a response the Premier had given in an outside organization's questionnaire during the 2015 election campaign. Therefore the Speaker did not find that a *prima facie* breach of privilege had occurred. Further, the Speaker objected to a letter the Leader of the Opposition had sent to the Chair of a standing committee and discussed in the media, in which he suggested that the Speaker's attendance at Liberal party events could lead to questions regarding his impartiality. The Speaker also raised concerns about statements by members of the media suggesting that the Opposition believes an element of partisanship may be present in the Speaker's recent rulings, suggesting that Opposition members may move a motion of non-confidence in the Speaker, and speculating that the Speaker's recent caution to the government was a reaction to the Opposition's concerns regarding his neutrality. The Speaker indicated in his ruling that

"I take these statements very seriously and see

the letter sent to the Rules Committee by the Leader of the Opposition and subsequent public reflections on the impartiality of the Speaker, and suggestions of non-confidence as a clear form of intimidation and thus a *prima facie* breach of Privilege, that cannot be allowed to be advanced unquestioned. To do so undermines the very authority of House itself, diminishes its proceedings and brings disrepute to this honourable institution."

The Speaker then requested that a member move a motion that the matter be referred to the Standing Committee on Rules, Regulations, Private Bills and Privileges for full review, including any suggested impropriety on the Speaker's part. A member did move such a motion, and it was carried unanimously. The full text of this ruling can be read in the Journal for April 26 at http://www.assembly.pe.ca/sittings/2016spring/journal/2016-04-26-journal.pdf.

Ryan Reddin
Clerk Assistant – Research, Committees and Visitor Services

Saskatchewan

Twenty-Eighth General Election

On March 8, 2016, **Vaughn Solomon Schofield**, Lieutenant Governor of Saskatchewan, dissolved the twenty-seventh legislature at the request of Premier **Brad Wall**, starting a 27-day election period. A record

268 candidates were nominated for election in 61 constituencies. Constituency boundaries have been redrawn since the previous general election in 2011, and the number of constituencies has increased by three. At dissolution the Assembly comprised 47 Saskatchewan Party MLAs, nine New Democratic MLAs, and two vacancies.

On April 4, 2016, Saskatchewan held its twenty-eighth general election. The Saskatchewan Party was elected for a third consecutive majority government, taking 51 of the 61 seats. The New Democratic Party elected 10 MLAs and will form the opposition. Seventeen new MLAs were voted into office: three for the NDP and fourteen for the Saskatchewan Party. Premier Wall announced there would not be any immediate cabinet changes given that the members of cabinet were re-elected. **Trent Wotherspoon** was designated as the Leader of the Opposition by his caucus on April 12. He succeeds **Cam Broten** who was not re-elected and stepped down as party leader on April 11.

The first session of the twenty-eighth legislature will begin on May 17 with the election of Speaker and the Speech from the Throne. Premier Wall announced that the government would present its fiscal 2016-17 budget on June 1.

Anne Drake
Committee Clerk/Coordinator
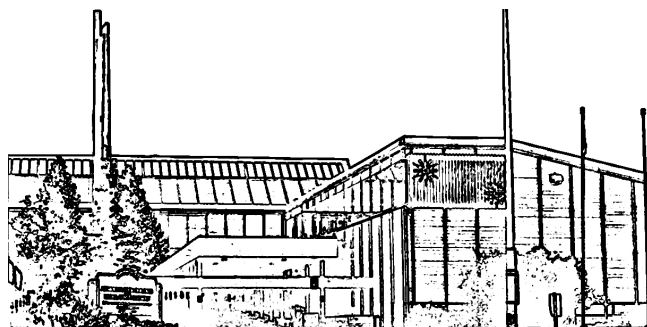
Yukon

Spring Sitting

On March 24, 2016, Premier **Darrell Pasloski** advised Speaker **David Laxton** that the Legislative Assembly would reconvene on April 7, for the 2016 Spring Sitting of the First Session of the 33rd Legislative Assembly. This is the second time since 2007 (the first

time being 2015) that the Spring Sitting has started after the start of a new fiscal year.

On April 14, Government House Leader **Darius Elias** informed the House, pursuant to Standing Order 75(4), that after conferring with opposition House Leaders it was agreed that the Spring Sitting would be a maximum of 28 sitting days, with the final sitting day being May 26.

It is anticipated that the 2016 Spring Sitting will be the last Sitting before the next general election.

Government bills

During the Sitting, the following government bills were introduced:

Bill No. 21, *Third Appropriation Act, 2015-16*

Bill No. 22, *Interim Supply Appropriation Act, 2016-17*

Bill No. 23, *First Appropriation Act, 2016-17* (requesting a record appropriation of $1.39 billion)

Bill No. 95, *Student Financial Assistance Act, 2016*

Bill No. 96, *Act to Amend the Income Tax Act, 2016*

Bill No. 97, *Chartered Professional Accountants Act*

Bill No. 98, *Miscellaneous Statute Law Amendment Act, 2016*

Bill No. 99, *Second Income Tax Amendments Act, 2016*

Bill No. 200, *Technical Amendments Act, 2016*

Bill No. 201, *Act to Amend the Placer Mining Act and the Quartz Mining Act*

Bill No. 202, *Act to Amend the Education Act*

Private member's bill – political contributions

On April 19, Official Opposition Leader **Liz Hanson** introduced Bill No. 107, *Act to Amend the Elections Act, with Respect to Political Contributions*. The bill seeks to ban corporate and union donations, to end political donations from non-Yukoners, and to cap at $1,500 annual contributions by individual donors.

On May 4 – a day on which Opposition Private Members' business had precedence – the bill

was brought forward for second reading debate. Unusually, an amendment was moved to the motion for second reading, proposing that the bill be referred to the Members' Services Board after second reading (rather than to Committee of the Whole, which is the standard practice). The amendment, moved by Minister of Justice **Brad Cathers**, was adopted on a voice-vote, and the motion for second reading of the bill, as amended, carried unanimously (18 yea, nil nay).

Motions by Third Party Leader

On April 20, a day on which private members' business had precedence, Leader of the Third Party **Sandy Silver** brought forward for debate Motion for the Production of Papers No. 13, seeking the return of all current applications for infrastructure funding that the territorial government submitted to the federal government. Mr. Silver's motion received the support of the Official Opposition, but was defeated on division. On May 4, Mr. Silver's Motion No. 1033, urging the government to explain details of the planned Dempster Highway fibre optic line, was debated and carried unanimously (18 yea, nil nay).

Intergovernmental Forum - Yukon's environmental assessment regime

The first intergovernmental forum since 2010 was held in Whitehorse on April 8. Federal Minister of Indigenous and Northern Affairs **Carolyn Bennett**, Premier Pasloski, Grand Chief of the Council of Yukon First Nations **Ruth Massie**, and chiefs of Yukon's 11 self-governing First Nations met and agreed on an approach to federal legislation concerning Yukon's environmental assessment regime. A joint news release issued that day noted that it was agreed the federal government will "work to repeal the four contentious amendments to YESAA [i.e., the *Yukon Environmental and Socio-economic Assessment Act]*. Revised legislation will be drafted in collaboration with Yukon First Nations, the Government of Yukon and other key stakeholders." Critics had characterized the contentious amendments as "moving backwards," arguing that Yukon was ceding to a federal minister some decision-making power that the Government of Canada had been previously transferred to Yukon. Critics also said that the amendments contravened the 1993 Umbrella Final Agreement, which provides the basis for First Nations land claims in Yukon. The amendments had been among those contained in Bill S-6, *An Act to amend the Yukon Environmental and Socio-economic Assessment Act and the Nunavut Waters*

and Nunavut Surface Rights Tribunal Act, which had been assented to on June 14, 2015 in the preceding Parliament.

Northern Premiers' Forum held in Yukon

On April 28-29, Premier Pasloski, Northwest Territories Premier **Robert R. McLeod**, and Nunavut Premier **Peter Taptuna** met in Yukon to discuss matters of pan-northern interest. On April 29, the premiers met in Whitehorse, then flew north to Dawson City. The following day, they continued on a northern trajectory to Old Crow, Yukon's northernmost community. Northwest Territories Deputy Premier **Robert C. McLeod** also travelled to Yukon for the forum.

Linda Kolody
Deputy Clerk

The Senate

On April 12, 2016, the Senate welcomed the seven new senators selected by the Prime Minister. They are: **V. Peter Harder**, **Raymonde Gagné**, **Frances Lankin**, **Ratna Omidvar**, **Chantal Petitclerc**, **André Pratte** and **Murray Sinclair**. Senator Harder was appointed Leader of the Government in the Senate, to be styled as Government Representative.

Senator Harder indicated that he supports the continuation of the recent Senate practice of inviting one minister per week to participate in Senate Question Period to answer questions relating to his or her ministerial responsibility. To date, four ministers have appeared.

The Senate's political landscape continues to evolve. Since our last update there have been two retirements (Senators **Irving Gerstein** and **Céline Hervieux-Payette**), one resignation (Senator **Maria Chaput**) and several changes in affiliation to independent. Also, a working group of independents has formed and its members have named a facilitator.

On February 24, 2016, the Speaker of the Senate ruled on a question of privileged raised by Senator **John Wallace** regarding the Selection Committee and its treatment of independent senators. Speaker **George Furey** determined that there had been no *prima facie* breach of privilege and that there were other means by which to resolve the situation. The leaders of the Opposition and of the Senate Liberals later proposed to change the membership of committees to allow for more participation by independent senators. This proposal is still being discussed.

Committees and Legislation

A special joint committee of the Senate and the House of Commons made recommendations to the government in February regarding the issues relating to physician-assisted dying raised in the Supreme Court's decision in *Carter*. Bill C-14 was subsequently introduced in the House of Commons. The Senate has authorized its Legal and Constitutional Affairs Committee to conduct a pre-study while this bill makes its way through the Commons.

The Senate may soon also conduct a pre-study of the government's budget implementation legislation (C-15). A notice of motion to this effect is currently on the Order Paper for consideration.

The Senate continues its study of Senate Public Bills while it awaits the arrival of government legislation. These bills cover a wide variety of topics ranging from the creation of a National Seal Products Day, to amending the *Divorce Act* to provide for shared parenting plans and to amending the *Constitution Act, 1867*. Bill S-201, An Act to prohibit and prevent genetic discrimination, was amended in committee and then read a third time before being sent to the House of Commons.

Céline Ethier
Procedural Clerk

The Wood Panelling in Québec's Parliament Building

In keeping with the motto *Je me souviens*, the Parliament Building of Québec is like an open book, presenting us with a gallery of illustrious historical figures.

Christian Blais

The Parliament Building is a fitting tribute to the women and men who shaped the history of Québec. Engraved on the wainscotting inside the building are the names of 84 historical figures.

In the Main Hall of Parliament, all the coats of arms commemorate important figures from the French Regime and are arranged symmetrically to create a harmonious flow. The shields facing each other represent similar historical figures. For example, an explorer is across from an explorer, an intendant is across from an intendant, and so on.

On the first floor, next to the National Assembly Chamber, members of the Legislative Assembly of Lower Canada are featured; beside the Legislative Council Chamber, the same is done for members of the Upper Chamber. Many of these parliamentarians were members of the first Parliament in 1792.

While the collection reflects the politics that pit the patriots against the bureaucrats, the figures who stand out are the moderate reformists, who formed a majority. They defended the interests of the French Canadian nation, while also maintaining an attachment to British parliamentary institutions. Many of them condemned the Act of Union of 1840.

The stairs showcase the Governor General of Canada at the time the building was constructed (1877–1886), the first Lieutenant-Governor of Québec, the first historians of French Canada, Canadian martyrs and renowned bishops.

Québec National Assembly collection Édouard De Blay

Eugène-Étienne Taché left empty spaces so future generations could pay tribute to individuals of their choosing. In 2013, to mark the 350th anniversary of the creation of the Sovereign Council, the names of new historical figures were inscribed into the wood panels. Bourdon, Lemire, Hertel and Taché were all elected by the people of New France as their representatives.

Christian Blais is a historian with the Research Service of the Library of the Quebec National Assembly.

Unfortunately, the archives are silent as to why Eugène-Étienne Taché, the designer who drew the Parliament Building, chose this set of individuals in particular. However, two clues seem to suggest that he drew inspiration from François-Xavier Garneau's book *Histoire du Canada* (1845). Taché mistakenly wrote the name "Verazani" instead of "Verrazzano" on the wood panels, an error Garneau also made in his book. As well, the wood panels bear the name of Sébastien Cabot instead of his father's, Jean Cabot, as Garneau's book focused more on the son than on the father.

In keeping with the motto *Je me souviens*, the Parliament Building of Québec is like an open book, presenting us with a gallery of illustrious historical figures. Both Taché's architectural masterpiece and Garneau's monumental book prove how wrong Lord Durham was when he wrote in his 1839 report that the French Canadians were "a people with no literature and no history."

If the historical figure being commemorated was a noble, the family's coat of arms was engraved in the black walnut panelling.

Found in many indigenous cultures, and particularly used during potlatch ceremonies on the west coast of British Columbia, the Talking Stick is a powerful symbol and communication tool used to foster an atmosphere of active listening and respect. A Talking Stick carved by the late James Delorme of the Songhees First Nation was recently presented to the Speaker of the Legislative Assembly of British Columbia, accompanied by an official blessing ceremony. The Talking Stick is displayed in the Chamber as a reminder that First Nations and reconciliation should be a consideration in all debates and discussions in the Assembly. It is also the focus of a new tradition—the Talking Stick will be returned to the Lieutenant Governor when the Speaker leaves office, and the Lieutenant Governor will then present it to the new Speaker, once elected.