

Canadian Parliamentary Review



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Ontario Legislative Library p. 28*

Know Your Mace

Manitoba's original Mace was carved out of the hub of a Red River cart wheel by a soldier with the Wolseley Expedition Force (sent out to deal with the Riel Rebellion in 1869). This Mace was used for a period of 13 years between March 15, 1871 and March 12, 1884.

In December 1873, when a fire destroyed the first home of the Legislature, the Mace was the only object to survive the flames. It remains on display in the Speaker's office to this day.

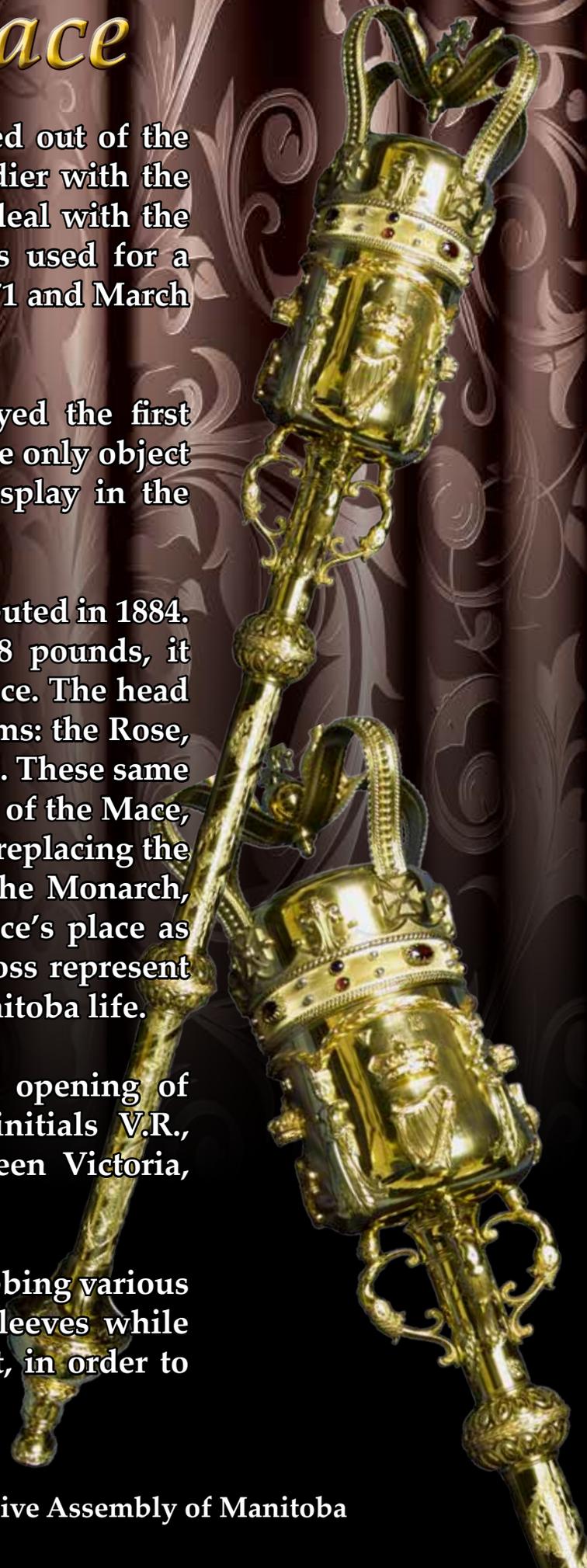
Manitoba's current gold-plated Mace debuted in 1884. Standing five feet tall and weighing 28 pounds, it repeats themes found on the original Mace. The head of the current Mace displays four emblems: the Rose, the Thistle, the Harp, and the Fleur-de-lis. These same emblems are found engraved on the staff of the Mace, with the exception of an Irish Shamrock replacing the Harp. On the top, a crown symbolizes the Monarch, while four beavers represent the province's place as part of Canada. Finally, an orb and a cross represent the spiritual and religious aspects of Manitoba life.

This Mace was made to celebrate the opening of the second Legislative building. The initials V.R., representing the reigning Monarch Queen Victoria, are engraved on its head.

The Table Officers have a tradition of rubbing various symbols on the Mace with their robe sleeves while waiting for the Speaker's Parade to start, in order to summon good luck for the sitting day.

Andrea Signorelli

Clerk Assistant / Clerk of Committees, Legislative Assembly of Manitoba



The *Canadian Parliamentary Review* was founded in 1978 to inform Canadian legislators about activities of the federal, provincial and territorial branches of the Canadian Region of the Commonwealth Parliamentary Association and to promote the study of and interest in Canadian parliamentary institutions. Contributions from legislators, former members, staff and all other persons interested in the objectives of the Review are welcome.

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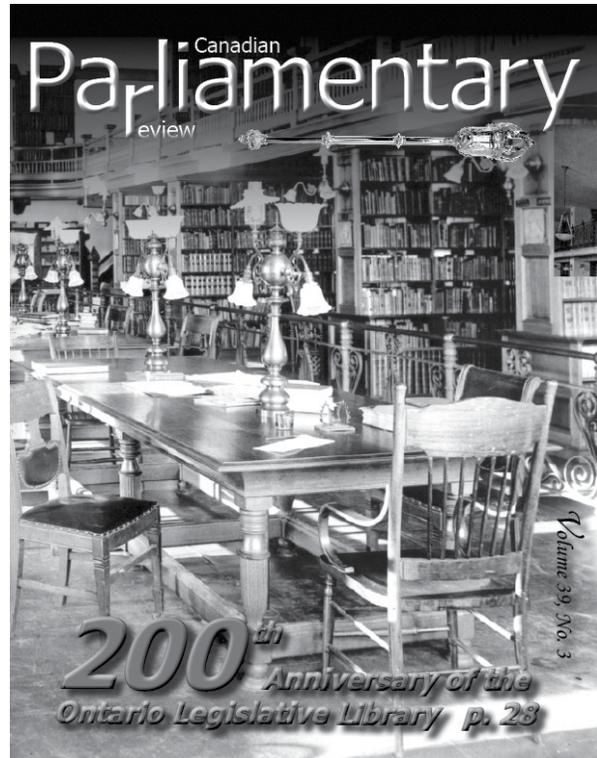
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Ontario Legislative Library, c.1900s.



Back cover: Fragment of the Library's ironwork with the provincial crest.

Civic engagement in a digital age

Chelsea Scherer2

Reconsidering Constructive Non-Confidence for Canada: Experiences from Six European Countries

Elsa Piersig5

Current vs. Envisioned Parliamentary System in Hong Kong Special Administrative Region

Rosette Gagnon-Bélanger16

Saskatchewan Teachers Observe Parliamentary Process in Action

Eric Neudorf22

Celebrating the 200th Anniversary of the Ontario Legislative Library

Monica Cop28

CPA Activities: The Canadian Scene32

Parliamentary Bookshelf: Reviews40

New and Notable Titles43

Legislative Reports45

Sketches of Parliament and Parliamentarians Past: Ontario's Speaker's Chair

Susanne Hynes.....68

Civic Engagement in a Digital Age

Political knowledge – there’s an app for that. In fact, there are many. But are they a truly effective way of engaging prospective voters? In this article, the author explores the trend towards creating digital applications designed to raise interest and understanding of our democratic systems. Commentators suggest that these applications will be most effective when widely promoted, and are only one part of broader engagement strategies which will focus on open data initiatives and fostering two-way communication between politicians, governments and the public.

Chelsea Scherer

A growing number of digital developers are using their skills to create applications to foster greater engagement in politics among Canadians, and particularly among youth. Yet, while citizen engagement advocates agree that social media and emerging digital technologies can play an important role in reversing a decades-long decline in Canadians’ interest and involvement the country’s formal political institutions, it hasn’t happened yet and may not happen for quite some time.

This hasn’t deterred aspiring application inventors such as Allendria Brunjes, the co-founder of the Electr app, pitched as the “Tinder app of government quotes.” (Tinder is primarily used as a dating app where people within close geographic proximity are connected in conversation if they both express mutual interest in each other’s profile). Electr allows for users to agree or disagree with a quote unattributed but uttered by a federal, provincial or municipal politician; in this way they can achieve a better understanding of what their political stance is. After agreeing or disagreeing with the quote, users will have the option to see who said the quote and view when and where it was recorded. The app will also give users the ability to read the full speech or view the full interview from where the quote was taken to get more context.

“We would like to get youth engaged in political process in a format that they would recognize,” says Brunjes, who left her full-time job in April 2015 to pursue the app’s development. The main idea behind Electr is to make political statements easy to understand and access because, as she puts it, “there’s a lack of easily accessible information out there.” (*See the side bar for a list of other apps that want to promote civic engagement*).

Political scientist Tamara Small disagrees; she says that political information is ubiquitous on the Web but people within the 18 to 24 age bracket lack interest in it. According to Small, there are two significant issues political apps face. First, some app creators assume that just because they put information out there in a familiar and usable interface, younger people will notice it and gravitate towards it. Second, she suggests a younger generation will ultimately choose activities like watching cat videos over playing around on a political app. Brunjes responds saying that there’s still potential for this younger age bracket to be interested in politics regardless of what they choose to entertain themselves with recreationally. To her, the main issue this 18 to 24 age bracket faces is that people segregate this group from the main voting demographic. “When people are talking about young people, they often say ‘they’ instead of [referring to] them as ‘us,’” she says. “By including them we can engage them.”

Small and other experts contend these types of apps, while well-intentioned, often miss the mark. Unless they have access to advertising on a major platform they tend to get lost and even if they can be found, the people who search them out would likely already have a genuine appetite for the content and not be completely disengaged from formal politics.

Chelsea Scherer is the Social Media Manager at AsapSCIENCE, an educational science YouTube channel in Toronto. She was the editorial intern for the Canadian Parliamentary Review for Summer 2015.

Democracy Apps

TABS

<http://tabstoronto.com/>

A volunteer-run civic engagement tool made from the Toronto Public Space Initiative. TABS stands for Transparent Accessible Bulletin System and is a tool that helps users monitor issues and actions within the City of Toronto. The tool makes searching through government records easy and accessible to anyone.

Vote Note

<http://www.voternote.ca/>

The voting app uses GPS to find riding districts for voters. It provides them with candidate information and where the closest polling station locations are. Vote Note has even teamed up with Uber, the car-sharing service, to get people to the voting station. Designed by a team of students from across Canada, the app aims to give younger people the tools they need during election time.

Politifact

<http://www.politifact.com/>

A Pulitzer Prize winner – this app uses a “Truth-O-Meter” to show whether the statements made by elected candidates and other well-known people who regularly voice their opinion on American politics are true or false.

One interface that did find a wide degree of success was CBC’s Vote Compass app for the 2011 federal election. In collaboration with Vox Pop Labs, Vote Compass was a useful tool for comparing party platforms at a basic level. Jane Hilderman, Samara Canada’s Executive Director, cautions that the people who were taking the time to fill out the Vote Compass questionnaire were, on average, more engaged than the general population; however, she argues that a national media organization like CBC was a great platform for such a comparison tool because its main website drew in tens of thousands of visitors for a variety of reasons. It found a large and ready potential audience – something smaller political apps struggle to find.

Small suggests that prospective political app-makers should play to the strengths of the medium by focusing less on text-heavy policy and instead push to be more interactive in a multimedia sense. Even then, a superbly-designed app may only be effective on a large scale if it receives promotion on platforms like television, radio and popular news websites in addition to social media exposure.

But there is another fundamental question experts are asking that concerns the initiatives of apps: does becoming more informed about politics necessarily make someone more engaged? Jean-Noé Landry, a director at Open North and a promoter of government transparency and public participation, says an interface like Vote Compass can be a fun and useful tool to compare political parties but contends that it’s still very difficult to measure the success of it. Furthermore, taking a quiz may help someone map where they are in the political spectrum but it may not directly influence their likelihood of voting.

Open North, Canada’s leading open data nonprofit, is a large part of the open data movement that focuses on making government data available and reusable for developers. Open North’s own Citizen Budget¹ online tool provides a way for residents to have greater involvement in how their municipal government spends their money. With about 50 different municipalities already using the budget calculator, Landry says they are effectively changing the way people look at citizen engagement. By harnessing social media, the tool encourages residents to share proposals online and view the effects in real-time. “It puts citizens and residents in their leaders’ shoes,” says Landry.

The difference between this type of tool and the current generation of political apps is measurable. Connecting governments with non-voters – what some political awareness apps strive to do – is only one step.

Landry says he believes political apps will be most effective once there is a more fundamental cultural change and modernization of political institutions themselves. “We need movement building,” he says. “To form a community of like-minded people and promote their values.” It’s a notion of building with, not for. Landry explains that with more transparent and accountable governments, citizens are more likely to become interested and involved. From there, leaders can start to utilize social media tools and apps to ask the questions that really matter to the citizens they represent and make genuine connections with citizens.

“Data literacy is the future because it cuts through interpretation and opinion,” Landry says. “Data should be a public utility that is free and available.” And while political apps are attempting to facilitate this information dispersal, Hilderman, who is contacted at Samara Canada by app creators once or twice a month, suggests that “it’s more challenging than just releasing data and waiting for engagement to happen.” Like Landry, she stresses that citizens need to have the capability to comment in order to get them participating in the conversation. They also need to be advised when there is change happening. This way, citizens can actively participate and not be left out of policy making.

This is the aim of the Transparent Accessible Bulletin System (TABS), a tool for monitoring issues and actions in the City of Toronto. TABS enables engaged residents, policy experts, journalists, and busy bureaucrats the ability to search through government records. It was created in response to the growing demand of open government data. At its core, the website scans public records and presents them in a way that is easily understood. “TABS makes it easier for citizens, small non-profits, and those who may not have insider knowledge, or the time and resources to keep track of everything happening at City Hall, to keep track of their issues and engage the City,” says Jayme Turney, Project Director of TABS. In short, TABS helps to simplify the complexity of government agenda items for citizens so that they can further discuss their concerns and questions at council meetings or with local councilors.

Fostering two-way communication is a particular challenge when one group – prospective voters – is increasingly suspicious of the other – politicians and candidates for office. Hilderman says that when Samara Canada launched the Democracy 360² research project, the goal was to find out what Canadians thought of when they heard the word democracy. On the whole, the word had a much more positive connotation compared to the word politics, which was more associated with liars, broken promises, and corruption.

“Thirty to 40 years ago, politicians [were] always at the bottom of the ranking of different careers that you think you want your kids to go into or that you would trust,” she says. “But I think it is important that we don’t just accept it as a foregone conclusion that some politicians are just never going to change or be seen as valuable.”

Hilderman says the negative impressions of these political leaders may have something to do with their social media presence. She says there is a lot of unevenness even between Members of Parliament utilizing their websites. A handful of the websites will have a comprehensive amount of information and contact capabilities whereas others are the bare minimum with limited interaction. Samara Canada found that 63 per cent of Canadians report being contacted by a politician or party within the last year compared with 31 per cent of Canadians who actively sought out an elected official. This may be because six out of 10 Canadians think parties are only after their votes and not their opinions. If more communities adopted tools which foster two-way communication, similar to Citizen Budget, then Canadians may be more likely to get involved.

Advancing civic technology may be the missing puzzle piece in solving a great civic engagement picture. Devising two-way communication possibilities may prove to be an incentive for voters who want to influence future governmental policy making. In addition to cultivating more interactive ways of accessing different levels of government, spreading the word about the kinds of civic resources available is crucial in the encouragement of citizen participation.

Notes

1 <http://www.opennorth.ca/>

2 <http://www.samaracanada.com/research/samara-democracy-360>

Reconsidering Constructive Non-Confidence for Canada: Experiences from Six European Countries

Canada's recent run of hung parliaments (2004-2011) gave rise to a number of proposals intended to stabilize minority government. One such proposal recommends fixing the confidence convention by adopting a constructive vote of non-confidence that requires non-confidence votes to simultaneously elect a new head of government. Aucoin, Jarvis and Turnbull suggest that constructive non-confidence will increase parliamentary stability, legitimize mid-term transitions and reduce executive dominance. Yet, a cursory investigation of research on the constructive non-confidence votes demonstrates a dearth of evidence on the rule's effects. This article fills this gap by reviewing other jurisdictions' experiences with constructive non-confidence in order to unpack how the rule might work within the Canadian context. The comparative research demonstrates that though constructive non-confidence will enhance parliamentary stability, it will do so at the cost of decreasing the legitimacy of mid-term transitions and bolstering executive dominance over parliament.

Elsa Piersig

The election of a minority government in 2004 was seen as a positive result by commentators across Canada, who believed that minority government would provide a healthy check on executive dominance and prime ministerial power. However, as the period of minority government unfolded between 2004 and 2011, several controversial uses of the confidence convention gave rise to reform proposals, including replacing Canada's tradition of "negative" non-confidence votes with more "constructive" votes. Whereas negative votes simply withdraw confidence and generally trigger new elections, constructive non-confidence votes not only deconstruct a government but designate who should form a new one from the existing parliament (i.e., without new elections).

Constructive non-confidence votes exist in a number of countries, including Germany, Spain, Belgium, Poland, Slovenia, and Hungary. Peter Russell mentions this model as a possibility for Canada, and Peter Aucoin, Mark Jarvis and Lori Turnbull incorporate

it into their constitutional reform package, alongside fixed election dates and the transfer of the prerogative power of dissolution from the governor general to parliament.¹ These commentators believe that this constructive non-confidence package will enhance parliamentary stability by reducing brinkmanship, re-legitimize the ability of parliament to make and break governments, and reduce executive dominance.²

But would a constructive non-confidence reform package live up to these expectations? Would it truly enhance parliamentary stability and the importance of parliament, and if so, at what cost? This paper addresses these questions by examining the history of the constructive non-confidence confidence and its use in six European countries. Experiences with constructive non-confidence in these countries have been overlooked by Canadian academics despite their relevance for understanding the potential effects of such a reform in Canada. The evidence from this comparative review will be used to analyze whether constructive non-confidence would live up to the expectations placed upon it by its Canadian proponents. Drawing primarily on evidence from Spain and Germany, I conclude that adopting constructive non-confidence in Canada will increase parliamentary stability at the cost of greater executive dominance and the furthered delegitimatization of mid-term government transitions.

Elsa Piersig is a doctoral candidate at Carleton University. This article is based on a presentation to the Atlantic Provinces Political Science Association's Annual General Conference in St. John's, Newfoundland, October 3-5, 2014.

Constructing Confidence by the Half Dozen: Experiences from Six Countries

The constructive vote of non-confidence has received very little scholarly attention from both Canadian and comparative scholars. Within literature on government formation and resignation, it is generally covered only in passing.³ One notable exception is Diermeier, Eraslan and Merlo's study, which measures the impact of constructive non-confidence on government stability. Beyond this literature, the most substantial coverage is featured in the literature on the development of the German Federal Republic's Basic Law⁴ and in the literature on "chancellor democracy"/German executive dominance.⁵

Constructive non-confidence is the German response to the extreme parliamentary instability that undermined the Weimar Republic. The Weimar constitution had adopted a proportional representation electoral system that resulted in highly fragmented parliaments. Extremist parties capitalized on this fragmentation by uniting as negative majorities within the system – regardless of whether they had any other common ground, they agreed to undermine the chancellor and his cabinet, and thus the regime. This led to successive negative non-confidence votes and a diet of dissolutions which the Weimar president eventually tried to control by bypassing the parliament and appointing emergency chancellors. Since they generally lacked parliamentary support, these chancellors proved ineffective.

To address these problems, the German Parliamentary Council tasked with drafting a new constitution in the late 1940s sought rules that would allow the democratic regime to defend itself against radical elements, anti-democratic ideas, and alternative regimes.⁶ Known as the principle of military democracy, the drafters wanted the new constitution to protect the executive from "irresponsible" parliamentary behaviour and presidential interference and guard against destabilizing dissolutions.⁷ The Parliamentary Council found the solution in Baden-Württemberg where politicians had designed a constructive vote of non-confidence in conjunction with their American military advisors to secure the parliamentary executive.⁸ Constructive non-confidence was seen as a promising solution because it ensures that parties unable to agree on a new government cannot force new elections by withdrawing confidence from the incumbent government. The Parliamentary Council chose to combine the constructive vote of non-

confidence with a fixed parliamentary term of four years and a safety valve needed for an early election if confidence was unattainable for all government options.

Aucoin, Jarvis and Turnbull also provide for a "safety valve" in case of unworkable parliaments. In fact, all constructive non-confidence regimes provide some kind of safety valve, and such a provision was certainly included in the pioneering German case. The German safety valve is provided for in Article 68 of the Basic Law, which allows the chancellor to call a confidence vote. Unlike non-confidence votes triggered by the opposition, an Article 68 vote called by the chancellor is not "constructive." If the chancellor's government loses the vote, he can ask for and receive new (and early) elections, which happened in 1972, 1982 and 2005.

Since the Germans put constructive non-confidence on the constitutional map in 1949, it has been picked up in five other European countries. Spain incorporated it into its 1978 post-Franco constitution for reasons similar to Germany's; it too had seen political extremism overturn parliamentary and executive instability – cabinet duration was even shorter in the Spanish Second Republic than it was in the Weimar Republic – and sought a constitution that promoted a strong and stable democratic regime. In the wake of the fall of communism, Hungary (1989), Slovenia (1991), and Poland (1992) all followed suit in order to protect their emerging democracies. Lastly, Belgium (1995) adopted the reform as a means to ensure that once a government was formed it could remain in office, thus injecting a little more stability into a highly divided parliament.

Like Germany, all of these regimes also have safety valve provision quite similar to Article 68 in order to break parliamentary gridlock. One country, Slovenia, has added an extra twist that more explicitly encourages the formation of a new government over dissolution: if the president of the government (prime minister) introduces a confidence vote, the National Assembly must attempt to respond within 30 days by either electing a new government or reaffirming confidence in the incumbent administration. If the National Assembly fails to do so, only then is an early dissolution possible. However, regardless of this grace period, the Slovenian safety valve still opens the door for a government to engineer its own defeat in order to secure new elections.

Table 1 summarizes the use of constructive non-confidence votes to date. Votes are infrequent in five of the six democracies and have yet to occur in Belgium.

Table 1: Uses of Constructive Non-Confidence in Six European Countries

Reasons for Constructive Non-Confidence Vote	Belgium	Germany	Hungary	Poland	Slovenia	Spain
1. Mid-Term Transition:						
a. Expecting Success	0	2	0	0	3	0
b. No Realistic Expectation	0	0	0	3	0	2
2. Changing Head of Government without changing governing party	0	0	1	1	0	0
Total (12)	0	2	1	4	3	2

When the rule has been used – a total of 12 occasions – it has been employed in two different ways: first, to engineer a mid-term transition involving a change in the composition of the governing parties, and second, to change the head of government without any change in the governing parties. The first category can also be sub-divided into cases where the parties moving a constructive vote actually wish to replace the government and cases where parties clearly have no expectations of success and are using the rule for some other reason such as raising their profile and gaining earned media.

The first way of using constructive non-confidence – to achieve a mid-term change in government – is the expected outcome of the resignation rule given that it was created to structure opposition behaviour so that it would be more “responsible.” As such, it is unsurprising that 10 of the 12 cases fall within this category. However, only five of the constructive non-confidence votes (two in Germany and three in Slovenia) were introduced with any expectation of success. Even in this category (1.a), success was not always achieved. In Germany, constructive non-confidence was narrowly defeated in 1972 and then successfully passed in 1982. The successful 1982 vote, however, did not result in a stable mid-term transition; it was quickly followed by early elections under the German safety valve provision. In this category, only the three Slovenian uses (1992, 2000, and 2013) actually achieved successful mid-term transitions resulting in governments that lasted between six and 15 months.⁹

The five constructive non-confidence votes in category 1.b of Table 1 – two Spanish votes (1980 and 1987) and three Polish votes (1997, 2012, and 2013) – all failed because they were triggered by parties that had no realistic expectations of success. In these cases, the confidence votes were used mainly to raise the public profile of the parties that called them.

Although constructive non-confidence was not originally conceived as a tool for removing only the leader of the governing party without actually deposing that party, Polish and Hungarian parties have successfully used the rule for this purpose in 1995 and 2009 respectfully. In both cases the rule was used by the parties that formed government to formally remove one prime minister and replace him or her with another from within their ranks, meaning that success was guaranteed.

Clearly, constructive non-confidence votes occur infrequently and result in real mid-term transitions even more infrequently. Astonishingly, only one of 12 votes (Slovenia in 2013) has resulted in a government lasting over a year. The kind of stable government transition originally contemplated by the German originators is very rare indeed under European rules of constructive non-confidence. This does not mean, however, that early elections do not occur. As we have seen in Germany, they sometimes occur under the safety valve provision.

Table 2 provides additional information on non-confidence votes in Europe situation placing both non-confidence votes and early elections in the context of the number of elections and cabinets.

Table 2: Executive Stability, Early Dissolution, and Constructive Non-Confidence in Six European Countries

	Belgium (1995-2013)	Germany (1949-2013)	Hungary (1989-2013)	Poland (1992-2013)	Slovenia (1991-2013)	Spain (1978-2013)
Elections	5	18	6	6	6	10
Cabinets ¹⁰	9	30	9	12	14	11
Early Dissolutions (under safety valves)	3	3	0	2	2 ¹¹	6
Constructive Non-Confidence Votes	0	2	1	4	3	2
Successful Constructive Non-Confidence Votes	0	1	1	1	3	0

Table 2 reiterates the rarity of constructive non-confidence votes, especially successful ones, in the six European regimes. This rarity is to be expected considering the barrier it places on members of parliament to remove a government – it is much harder to agree on who should form a new government compared to agreeing that the government must simply fall.¹² At the same time, it also shows the instances in which early dissolutions occurred despite the constructive non-confidence rules. These early dissolutions, which occur under the various safety valve provisions, generally outnumber successful mid-term transitions (except for Hungary). For instance, the Spanish prime minister’s right to advise the king to dissolve the Congreso has resulted in the early dissolution of more than half of the Spanish parliaments since 1978. A similar situation exists in Belgium, where the legislature has made use of the safety valve to end three of five parliaments early due to the complex political context and difficulty with government formation. It is perhaps for this reason that Aucoin, Jarvis and Turnbull advocate the comparatively more difficult safety valve of a two-thirds vote of the Canadian House of Commons.

Should we have Confidence in Constructive Non-Confidence?

The evidence presented above indicates that constructive non-confidence has some powerful effects. Certainly, its infrequent use demonstrates that it is difficult to hold the government accountable by

withdrawing confidence. There are high transaction costs for parties and their deputies as they need to find an absolute majority within the legislature to support a new government, not to mention come to an agreement about what party or parties will form the potential new government. In addition, the potential new government is an unknown factor, meaning that individual deputies might prefer to remain with the status quo – especially for government backbenchers.¹³ As a result, the ultimate accountability “weapon” is effectively tamed in the name of executive stability. Even when the constructive non-confidence regime includes a more relaxed safety valve, such as in Spain, constructive non-confidence delivers the increased parliamentary stability desired by its Canadian proponents.

For the Canadian reformers who advocate fixed parliamentary terms to enhance stability, constructive non-confidence and the safety valves of these European countries are not sufficient to combat the brinkmanship that has poisoned government-opposition relations in Canada. Aucoin, Jarvis and Turnbull propose a much tougher safety valve, requiring a two-thirds majority in the House of Commons. No longer would it be possible for the government to threaten an early election if defeated on legislation; nor could the opposition threaten to vote down legislation in hope of triggering an election. And, an early dissolution would most likely require the agreement of members from both the government and opposition parties.

The European evidence supports Aucoin, Jarvis and Turnbull's assertion of diminished brinkmanship. De Winter finds that between 1945 and 1990, governments in Western European countries with negative confidence rules (of the kind that exist in Canada) were more than twice as likely to be defeated on a non-confidence motion as in countries with positive rules, that is, non-confidence votes that follow either constructive or absolute (requires a majority of the total number of parliamentary deputies) rules.¹⁴ Using De Winter's data to single out constructive non-confidence regimes, I found that only 6.45 per cent of governments fell early under constructive non-confidence regimes (including dissolutions under safety valve provisions) compared to 18.35 per cent of governments removed by negative non-confidence votes. Table 2 confirms that stability of the parliamentary term and the resulting rarity of early elections. If Spain and Belgium are ignored – both have very weak safety valves – only 10.24 per cent of German, Hungarian, Polish, and Slovenian cabinets ended as a result of early elections, no mean feat considering all but one of the cabinets was either a majority coalition, minority coalition, or a single-party minority government. Including Spain and Belgium only increases this number to 21.47 per cent. There is little doubt, then, that constructive non-confidence does enhance stability during hung parliaments.

Germany illustrates and confirms the pattern found by De Winter: out of 16 parliamentary terms since 1949, only three have been dissolved early despite the fact that all but one of the country's elections has resulted in a hung parliament (see Table 2). Diermeier, Eraslan and Merlo's counterfactual analysis finds that if Germany had not included constructive non-confidence in the Basic Law, there would have been a 12 per cent reduction in the average length of the parliamentary term from 727 days to 637 days.¹⁵ Spain has had a less successful track record because its constructive non-confidence package does not bind the monarch from dissolving parliament early. Thus, out of ten parliamentary terms – seven of which were hung parliaments – six have been dissolved early. Gunther, Montero and Botella find that Spain scored well in terms of the length of the parliamentary term with the average being 42 months, the longest in Europe.¹⁶ Of a total of 40 Spanish and German governments, only 10 per cent fell due to a loss of confidence.

Clearly, Aucoin, Jarvis and Turnbull are correct in expecting enhanced parliamentary stability from constructive non-confidence. Moreover, their more difficult safety valve provision would ensure even more stability in the Canadian context than we have

seen in the European regimes. But they expect more than just parliamentary stability from their constructive non-confidence proposal. In particular, they think constructive non-confidence would 1) legitimize mid-term governmental transitions, and 2) reduce executive dominance by empowering the House of Commons vis-à-vis the executive. Yet evidence from Germany and Spain, the most useful comparator cases for Canada because they are the most similar cases with federal and bicameral institutions and have the longest experience with the reform,¹⁷ indicates that the parliamentary stability Aucoin, Jarvis and Turnbull covet might actually exacerbate executive dominance and further delegitimize mid-term transitions. Canadian proponents of constructive non-confidence have overlooked how rare mid-term transitions are in constructive non-confidence regimes and the consequences of this infrequency. This finding should not be surprising when considering that Germany originally designed the resignation rule not to stabilize parliaments, but to enhance executive stability.

The Legitimacy of Mid-Term Government Transitions

Mid-term transitions are a traditional part of responsible government. Yet, the fact that they have been so infrequent in Canada has undermined their democratic legitimacy. Most Canadians believe they choose the next prime minister and government and that a government can only be displaced by new elections.¹⁸ Polling even shows that a majority of Canadians think the prime minister is directly elected.¹⁹ According to this logic, mid-term transitions are democratically illegitimate and a loss of confidence in the government should always result in an early election that allows the people, not parliament, to choose the next prime minister.

Constructive non-confidence is supposed to reverse this trend in public opinion by insisting that the consequence of a non-confidence vote is a government transition without new elections. However, the effect of the resignation rule in Europe has been somewhat different: mid-term transitions are as rare in Germany and Spain as they are in Canada. Of these two countries, only Germany has had a successful mid-term change of government, and a careful examination of this case highlights the difference between the entrenched constitution law and how it operates in practice.

Evidence from Germany illustrates that when mid-term transitions occur, the new government must seek an early election to gain full democratic legitimacy, that is though constructive non-confidence creates a constitutionally legitimate government, the demos views the mid-term transition as an usurpation of its

ability to select the government. For example, in 1982, Helmut Kohl managed to win a constructive vote of non-confidence for the Christian Democrats (CDU) by convincing the Free Democrats (FDP) to leave their coalition with the Social Democrats (SPD). Despite this show of support, Kohl's government contrived to lose confidence and new elections were called for March 6, 1983. In the ensuing constitutional debate, Kohl argued that his government was only temporary and a new election was necessary to sanction the change.²⁰ All of the parties – even the SPD which had lost the 1982 constructive non-confidence vote – supported the early dissolution, meaning President Carstens had little issue acquiescing to the chancellor's request.²¹ The President revealed in a public statement on January 7, 1983 that the FDP, as a condition for its support in the constructive non-confidence vote, expected that the mid-term transition would be followed by new elections. Accordingly, Kohl did not have a true majority but was chancellor "subject to proviso."²²

On the public opinion side, there was strong evidence that the people viewed the early election as necessary. Polls during the 1982 confidence crisis showed that a majority of Germans felt that any change of government should be accompanied by new elections.²³ For example, a survey of 1,622 voters interviewed in November 1982 found that two-thirds of respondents were dissatisfied with the way that the government had changed hands and 58 percent thought that the FDP had committed treason by withdrawing support for the SPD, with which it had campaigned during the 1980 election.²⁴ Since German voters had come to expect parties to publicly indicate what their coalition preferences are before the election, the majority of Germans believed they had the ability to choose the government.²⁵ In fact, over the last few decades, federal elections in Germany have often been viewed as a *Kanzlerwahl* or "chancellor election," meaning that the Bundestag only had to "ratify the decision of the electorate."²⁶ This has given German democracy a plebiscitary element that undermines the constitution's parliamentary representative principles.²⁷

These opinions were drawn upon by the Constitutional Court in the 1983 *Bundestag Dissolution Case*.²⁸ The Court decided 6-2 against the position that premature dissolution was unconstitutional and should be overturned.²⁹ It refused to nullify the President's decision to dissolve the Bundestag because it determined that it had to take at face value the good faith of the President, Chancellor, and Bundestag.³⁰ That did not stop the Court from disapproving of the executive's use of Article 68 to circumvent the fixed

parliamentary term.³¹ In a concurring opinion, Justice Zeidler went even further. He pointed out that the FDP's behaviour had precipitated a crisis of legitimacy: the FDP had pledged to work in coalition with the SPD in the 1980 election so by entering into a coalition with the CDU-CSU, the FDP broke their pledge. Thus, Zeidler argued that the new coalition government had no choice but to return to the electorate for the sake of its own legitimacy.³²

The Court also suggested that the infrequency of elections under the in Germany since 1949 had created a new convention. They found that the Basic Law created a representative democracy marked by general elections held at regular intervals. Therefore, the electorate expected that the government they "elected" would last for the duration of the parliamentary term and would not be replaced without new elections.³³ With this argument, the Constitutional Court set the precedent for an early election after a constructive non-confidence vote.³⁴

The convention identified by the Court removes parliament's role in making government and primes voters to believe they have taken on that government-making responsibility. As a result, any mid-term transition must – despite their constitutional legality – be popularly approved or it is otherwise democratically illegitimate. Clearly, this convention modifies the Basic Law which legally allows mid-term transitions and does not require an early election. This has important implications for constructive non-confidence in Canada. The 1982 German case demonstrates that constitutional legality does not equate to political legitimacy and parallels the 2008 prorogation and coalition crisis in Canada. Because constructive non-confidence is so effective at stabilizing the executive against the opposition, even in a hung legislature, it actually supports the expectation that the people are electing a government (rather than a parliament that then chooses – and perhaps replaces – a government). That is, constructive non-confidence in Germany seems to have contributed to the very elections-based sense of democratic legitimacy that Canadian proponents hope it will counteract. The German experience provides little support for the hope that constructive non-confidence will alter the Canadian expectation that mid-term governmental transitions should be sanctioned by elections.

Enhanced Executive Dominance

The reform agenda advanced by Aucoin, Jarvis and Turnbull targets prime ministerial power. They seek to reduce executive dominance by removing the prerogative powers from the governor general,

and thus, from the prime minister. Constructive non-confidence contributes to this goal by empowering the House of Commons to address government legislation, since non-confidence votes would be limited exclusively to constructive non-confidence votes.³⁵ Although Aucoin, Jarvis and Turnbull pair their constitutional reforms with other institutional reforms, the European evidence provides little support for the hope that constructive non-confidence could decrease executive dominance. A close study of the resignation rule's origins in Spain and Germany demonstrates the rule's potential for enhancing executive power and indicates that executive dominance would likely continue in Canada after the reform program's adoption.

The Spanish prime minister is among the most powerful in Europe. Spanish executive dominance comes from a number of factors, including a reliance on one-party governments, the d'Hondt electoral formula, which, like SMP systems, over-rewards the winning party, power over ministerial appointments, and a high degree of party discipline.³⁶ As a result, the prime minister is much less reliant on coalition partners or support parties and has significant control over his or her own party. Constructive non-confidence adds another layer to the Spanish prime minister's power because it insulates the office by making it harder for parliament to remove the government from office. It is these extra layers of protection that provide the Spanish prime minister with the strongest institutional powers in Western Europe.³⁷ As a result of these institutional and party system powers, Lijphart assigns Spain one of the highest scores (higher than Canada's) on his scale of executive dominance (see Table 3).³⁸

The German situation is more complicated than Spain's because the Bundestag was constructed as a working parliament with a far greater role in the legislative process.³⁹ This is complemented by the institutionalized consensual nature of modern German politics. Since 1949, there has been hostility towards party conflict among both German elites and voters. Parties are hesitant to push political differences beyond a certain point and tend to seek inter-party accord.⁴⁰ The separation of the office of party chairman and chancellor candidate is an example of the consensus-building and power-sharing tendencies. While it is possible for one person to hold both offices, this does not always occur and when a chancellor does not concurrently hold the party chairmanship, his or her position is relatively weaker as a result of being unable to control his parliamentary party.⁴¹

A German chancellor who does manage to hold both positions attains a very strong position that is only really checked by the political strength of the coalition partner. If the coalition partner is in a weak position, then there are even fewer checks. For example, Konrad Adenauer was able to chair the CDU and lead governments with weak coalition partners. His power was such that it led to the Federal Republic being characterized as a deviant form of parliamentary democracy entitled *Kanzlerdemokratie* ("chancellor democracy").⁴² His chancellorship was the most powerful in Europe since 1945 – more powerful than the Spanish and British prime ministers.⁴³ However, since then, no chancellor has been able to exert the same level of control and instead functions as the chief executive of policy and must oversee policy coordination between ministries and determine the general direction of government

Table 3: Index of Executive Dominance, 1945-2010

	Index of executive dominance	Average cabinet duration (years)
Belgium	2.57	2.57
Germany	3.80	3.80
Canada	8.10	8.10
UK	8.12	8.12
Spain	8.26	8.26
Australia	9.10	9.10

policy.⁴⁴ This coordination role remains important for the chancellor who takes substantial public credit for making government work.⁴⁵

All of this combines to give Germany a lower rank in Lijphart's index of executive dominance (Table 3). Lijphart finds that between 1945 and 2010, the average cabinet duration in Germany was 3.80 years, significantly lower than Spain's ranking.⁴⁶

In Canada, constructive non-confidence is more likely to operate like the Spanish model rather than the German model. This is because Canada lacks Germany's proportional electoral system and consensus-based politics, and shares Spain's tendency towards single-party majoritarian governments. In fact, it is possible that the Canadian prime minister could become more powerful than his/her Spanish counterpart under constructive non-confidence. The Canadian prime minister can draw more authority from the Canada's party system and high level of party control and discipline. According to Bergman et al., the British prime minister ranks higher than the Spanish prime minister in their party system and party cohesion ranking.⁴⁷ Since the Canadian prime minister is in a similar position to the British prime minister adding constructive non-confidence would likely give the Canadian prime minister powers similar to the institutional powers of the Spanish prime minister. Under the Aucoin, Jarvis and Turnbull proposal, the Canadian prime minister would have slightly less institutional power because of the two-thirds dissolution rule. In Spain, the prime minister does have the virtual right of dissolution.

As noted above, coalition partners serve as a check on the German chancellor's power. This is true to a lesser degree in Spain. However, when it comes to Canada, the fact that Canada has fewer competitive/effective parliamentary parties than Germany and Spain means that there are fewer possible coalition options. Between 1945 and 2010, Canada had on average 2.52 parties while Germany had 3.09 and Spain 2.66.⁴⁸ Furthermore, the fact that coalition governments are more likely when parties are ideologically connected further reduces the practical coalition options in Canada and the possibility of replacing the incumbent government through a constructive vote of non-confidence.

If the constructive non-confidence package was adopted in Canada, it is possible that the Canadian party system will adapt in response to the dynamics of new institutional rules.⁴⁹ This makes it difficult to predict what coalition options are possible, as does the fact that the Canadian parties – when compared to the international political spectrum – are in fact

quite close on many issues. However, if the Canadian party system remains the same, Flanagan's analysis of potential minimum connected winning coalitions helps illuminate why constructive non-confidence will restrict the possibility of replacing the incumbent government. He disregards the Bloc Québécois (BQ) because its anti-system agenda likely makes it an unacceptable coalition partner to other parties. Leaving aside the BQ, Flanagan finds that in the current Canadian party system there are only two possible ideologically connected coalitions: a Conservative-Liberal coalition and a Liberal-New Democratic Party (NDP) coalition. However, he discounts the first idea of a Liberal-Conservative coalition as both parties have led past governments and would have little incentive to enter into a grand coalition.⁵⁰ Moreover, a grand coalition between major parties violates the minimum winning coalition principle, which states that parties will seek to form the smallest possible coalition needed to hold confidence,⁵¹ and Canada, unlike Germany and its consensus-based politics, has no recent grand-coalition tradition. According to Flanagan, the second possible connected coalition of the Liberals and the NDP satisfies the minimum winning coalition principle necessary for forming a functioning government and is thus more likely.

In the present party system, the fact that the NDP tends to be ideologically to the left of the two traditionally larger parties limits the coalition options. As a result, the Conservatives have no practical coalition partner, which skews the political power struggle in favour of the Liberals during hung parliaments. Even if the Conservatives received the most seats and formed a minority government, the Liberals and the NDP could join forces and trigger a constructive non-confidence vote to remove the government from office. However, if the Liberals held a minority government, it would be virtually unimaginable that it would be removed by a constructive non-confidence vote compared to the current negative non-confidence rule. The Conservatives and the NDP might well form a "minimum winning coalition" in purely numerical terms, but they could not form a "minimum winning *connected* coalition."⁵² True, under the Aucoin, Jarvis and Turnbull proposal the Conservatives and the NDP could defeat a Liberal government and trigger "early" elections if they could muster two-thirds support in the Commons, but it is unlikely that the two parties would hold the two-thirds of the seats needed.

This could leave the NDP as the perennial junior partner in Liberal-led alliances or coalitions. Since the NDP is to the left of the Liberals, the NDP would be severely disadvantaged because it would be unable

to defect to join with the Conservatives (except in rare circumstances to trigger new elections under the two-thirds safety valve). As a result, the Liberals would have a significant advantage over the other parties and that constructive non-confidence initiated mid-term transitions would become even more difficult to achieve in Canada than in Germany or Spain where there are more coalition options or where the third party is a hinge party and located ideologically between the major parties (i.e. the German FDP).

In sum, while constructive non-confidence does rein in the prime minister's control of the crown's reserve powers, it is debatable whether it can reduce the overall phenomenon of executive dominance. In Germany, coalition government is a major check on the chancellor's power and yet, as we have just seen, the development of coalition governments in Canada seems unlikely. It seems more likely that combining constructive non-confidence with the current incarnation of the Canadian party system will serve to limit the responsiveness of the government to parliament and thus to public opinion. According to Smith, anything that disconnects "[t]he non-confidence convention ... from public opinion or the appraisal of public opinion by the political actors"⁵³ should be avoided. In her view, such a disconnect would result if the non-confidence convention "were to be ... completely formalized," as it certainly would be under a constructive non-confidence requirement. In that case,

the system as a whole would lose a major inter-election link with the electorate. Specifically, the electorate would lose the energy and efforts of an ambitious opposition seeking government-defeating opportunities, and the energy and efforts of a tenacious government seeking parliamentary strategies and procedures designed to fit a fractured public opinion.⁵⁴

For Smith, maintaining the fluidity of the convention is necessary to maintain the essential inter-election link between the government and the electorate. From this perspective, European-style constructive non-confidence curbs the flexibility of responsible government and makes the system less responsive for the opposition will be less able to remove the government from office.

The potential for constructive non-confidence to increase executive stability, delegitimize mid-term transitions, and increase executive dominance should cause significant concern for Canadians. It could fundamentally alter the practice of responsible government in Canada by codifying constitutional convention so that it is no longer incumbent upon

citizens, but rather the constitution, to enforce the rules of the game. This is the reality of militant democracy: government is responsible to the people only when there is no threat to the regime. This is a perversion of responsible government; an overpowering of it by militant democracy.

Conclusion

Constructive non-confidence is a result of the desire to democratize the unwritten constitution by setting down the rules of the game in the formal constitution. However, adopting a reform package that includes constructive non-confidence could lead to institutional contradictions in the future. Constructive non-confidence comes from a very different type of parliamentary system that is based on consensus politics and a philosophy of militant democracy in response to past historical events. It is a poor fit for the Canadian system of responsible government that is premised on different principles. As such, constructive non-confidence will not operate in the same way as it does in Germany. It is thus both curious and regrettable that the Canadian proponents of constructive non-confidence have paid so little attention to how it has worked abroad and why it might work differently here. I have sought to cover these oversights by examining European uses of constructive non-confidence and how it might function in Canada. It is clear that constructive non-confidence does not deliver on all of its promises and would be a poor fit for Canada.

Constructive non-confidence would generate real change in three areas of concern to the reformers, just not always in the predicted manner. In fact, it is more likely to dash some of the reformers' hopes than fulfill them. While parliamentary terms have certainly been stabilized in Europe, this has come at the cost of insulating the executive and increasing its dominance. Moreover, while mid-term transitions are clearly *constitutionally* legitimate, they have over time suffered a loss of *democratic* legitimacy. Thus, true mid-term transitions from an incumbent government to a lasting alternative administration are rare. The few mid-term transitions that do occur tend to be part of a strategy to engineer an early election. Constructive non-confidence's ability to reduce prime ministerial power is, after considering the cases of Spain and Germany, unlikely in the long run. Indeed, greater executive stability and the democratic illegitimacy of mid-term transitions actually bolster executive dominance. Consequently, constructive non-confidence seems counterproductive to the hopes pinned upon it by its Canadian proponents and is likely to undermine key features of Canada's system of responsible government.

Notes

- 1 Peter Aucoin, Mark Jarvis and Lori Turnbull, *Democratizing the Constitution: Reforming Responsible Government*, (Toronto: Emond Montgomery Press, 2011), p. 119.
- 2 It is worth noting that the constructive non-confidence package proposed by Aucoin, Jarvis and Turnbull makes the confidence relationship between the House of Commons and the government asymmetrical because only those seeking to remove the prime minister can initiate a test of confidence. It abolishes the ability for the government to ask the House of a vote of confidence, an option that remains in the German and Spanish constitutions, because of the concern that the government can use such a vote in "bad faith" as the German government did in 1972, 1982, and 2005 to engineer an early election. Such asymmetry is a unique constitutional arrangement compared to all of the current European constructive non-confidence regimes.
- 3 For example, see the following works: Torbjörn Bergman, "Constitutional Design and Government Formation: The Expected Consequences of Negative Parliamentarism," *Scandinavian Political Studies* (1993), Vol. 16, No. 4, pp. 285-304; Lieven De Winter, "The Role of Parliament in Government Formation and Resignation," in *Parliaments and Governments in Western Europe*, ed. Herberts Döring (New York: St. Martin Press, 1995), pp. 115-151; John D. Huber, "The Vote of Confidence in Parliamentary Democracies," *The American Political Science Review* (1996), Vol. 90, No. 2, pp. 269-282; Jonathan Boston, *Governing Under Proportional Representation: Lessons from Europe* (Wellington: Institute of Policy Studies, University of Wellington, 1998); Daniel Diermeier, Hulya Eraslan and Antonio Merlo, "Coalition Governments and Comparative Constitutional Design," *European Economic Review* (2002), Vol. 46, No. 4, pp. 893-907; Torbjörn Bergman, Wolfgang C. Müller, Kaare Strøm and Magnus Blomgren, "Democratic Delegation and Accountability: Cross-National Patterns," in *Delegation and Accountability in Parliamentary Democracies*, eds. Kaare Strøm, Wolfgang C. Müller and Torbjörn Bergman (Oxford: Oxford University Press, 2003), pp. 109-220; Björn Erik Rasch, Shane Martin and Jose Antonio Cheibub, eds., *Parliaments and Government Formation: Unpacking Investiture Rules* (Oxford: Oxford University Press, 2015).
- 4 Studies in this area include: John Ford Golay, *The Founding of the Federal Republic of Germany* (Chicago: University of Chicago Press, 1958); Karlheinz Niclauss, *Der Weg zum Grundgesetz: Demokratiegründung in Westdeutschland 1945-1949* (Paderborn: Uni-Taschenbuch, 1998); Michael Bernhard, *Institutions and the Fate of Democracy: Germany and Poland in the Twentieth Century* (Pittsburgh: University of Pittsburgh Press, 2005).
- 5 Good examples of this area are the following: Karlheinz Niclauss, *Kanzlerdemokratie: Regierungsführung von Konrad Adenauer bis Gerhard Schröder* (Stuttgart: Uni-Taschenbuch, 2004); David Southern, "The Chancellor and the Constitution," in *Adenauer to Kohl: The Development of the German Chancellorship*, ed. Stephen Padgett (Washington: Georgetown University Press, 1994), pp. 20-43.
- 6 Markus Theil, "Germany," in *The "Militant Democracy" Principle in Modern Democracies*, ed. Markus Theil (London: Ashgate, 2009), pp. 110-115.
- 7 Golay, p. 128.
- 8 Peter H. Merkl, *The Origin of the West German Republic* (New York: Oxford University Press, 1963), pp. 81-82.
- 9 The new governments formed in 1992 and 2000 were cut short by constitutionally required elections
- 10 A new cabinet is counted for every general election, change of party membership in cabinet, or the appointment of a new prime minister.
- 11 This number includes the 1992 early election which was provided for in Slovenia's post-independence constitution.
- 12 Bergman, Müller, Strøm and Blomgren, p. 156.
- 13 Ibid, p. 157.
- 14 De Winter, p. 140.
- 15 Diermeier, Eraslan and Merlo, p. 903.
- 16 Richard Gunther, Jose Ramon Montero and Joan Botella, *Democracy in Modern Spain* (New Haven: Yale University Press, 2005), p. 117.
- 17 I focus on the German and Spanish experiences with constructive non-confidence based on most-similar case selection. Both are federal and bicameral states with strong regional parties. As well, Spain shares majoritarianism with Canada as both countries have electoral systems that over-reward the winning party.
- 18 C. E. S. Franks, "To Prorogue or Not to Prorogue: Did the Governor General make the Right Decision?" in *Parliamentary Democracy in Crisis*, eds. Peter H. Russell and Lorne Sossin (Toronto: University of Toronto Press, 2009), p. 39.
- 19 Peter H. Russell, "The Need for Agreement on Fundamental Conventions of Parliamentary Democracy," *National Journal of Constitutional Law* (2009), Vol. 27, p. 207.
- 20 R. E. M. Irving and W. E. Paterson, *The Machtwechsel of 192-83: A Significant Landmark in the Political and Constitutional History of West Germany*, *Parliamentary Affairs* (1983), Vol. 36, No. 4, p. 417.
- 21 Donald P. Kommers, *The Constitutional Jurisprudence of the Federal Republic of Germany* (Durham: Duke University Press, 1989), p. 125.
- 22 Southern, 1994: 30.
- 23 Geoffrey Pridham, "Party Politics and Coalitions in Bonn," *The World Today* (1983), Vol. 39, No. 1, p. 25.
- 24 Max Kaase, "The West German General Election of 6 March 1983," *Electoral Studies* (1983), Vol. 2, No. 2, p. 159.

- 25 Kaase, p. 165.
- 26 Southern, p. 27.
- 27 Kaase, p. 165.
- 28 The case was brought to the Constitutional Court by a number of former members of the dissolved Bundestag. They chose to exercise their constitutional right to challenge the President's power to dissolve the Bundestag in an *Organstreit* proceeding in which the Federal Constitutional Court settles disagreements between different organs of government (Kommers, p. 124). The members argued that the Chancellor and President violated the constitution by dissolving the Bundestag because the successful constructive vote of non-confidence had clearly demonstrated that Kohl had the support of a parliamentary majority. Therefore, "the premature dissolution arose out of deception, and was thus unconstitutional" (Geoffrey Roberts, *German Politics Today* (Manchester: Manchester University Press, 2009), p. 222).
- 29 Irving and Paterson, p. 418.
- 30 Roberts, p. 222.
- 31 The Court found that due to the presence of Article 39 in the Basic Law there was in fact no general power to dissolve the Bundestag in the mid-term, even with the use of constructive non-confidence (Southern, p. 31).
- 32 Kommers, p. 128.
- 33 Kommers, p. 128.
- 34 Roberts, p. 222.
- 35 Aucoin, Jarvis and Turnbull, p. 223.
- 36 Gunther, Montero and Botella, pp. 116-118.
- 37 Bergman, Müller, Strøm and Blomgren, p. 191.
- 38 Arend Lijphart, *Patterns of Democracy; Government Forms and Performance in Thirty-Six Countries*, 2nd ed (New Haven: Yale University Press, 2012), pp. 120-121.
- 39 Thomas Saalfeld, "The German Bundestag: Influence and Accountability in a Complex Environment," in *Parliaments and Governments in Western Europe*, ed. Philip Norton (London: Frank Cass & Co., 1998), p. 53.
- 40 Southern, p. 38.
- 41 Padgett, pp. 49-50.
- 42 Padgett, p. 18.
- 43 Bergman, Müller, Strøm and Blomgren, p. 191.
- 44 Southern, p. 79.
- 45 Niclauss, 2000, pp. 70-71.
- 46 Lijphart, p. 120.
- 47 Bergman, Müller, Strøm and Blomgren, pp. 191-192.
- 48 Lijphart, pp. 74-76.
- 49 It is worth noting that there are other possible institutional changes that could greatly affect the Canadian party system, particularly electoral reform. The currently Liberal government is in the process of considering the possibility of adopting a form of proportional representation. It is likely that such a change would benefit smaller parties that are unable to win as many seats in the House of Commons as their share of the popular vote. An example would be the Green Party of Canada, which currently only holds 1 seat and does not qualify for official party status. Proportional representation may also encourage the growth of new parties.
- 50 Thomas Flanagan, "A Canadian Approach to Power Sharing," *Policy Options* (2010), Vol. 31, No. 8, p. 33.
- 51 Flanagan, p. 33.
- 52 Flanagan, p. 33.
- 53 Jennifer Smith, "Responsible Government and Democracy," In *Taking Stock of 150 Years of Responsible Government in Canada*, eds. F. Leslie Seidle and Louis Massicotte (Ottawa: Canadian Study of Parliament Group, 1999), p. 42.
- 54 Smith, p. 42.

Current vs. Envisioned Parliamentary System in Hong Kong Special Administrative Region

The future of the Hong Kong Special Administrative Region was sealed in the Joint Declaration of 1984 and the Basic Law of 1990 between the United Kingdom and the People's Republic of China. Was the United Kingdom genuine and realistic when it publicly defended Hong Kong's right to complete and universal democratic elections in the 1990s and in the last few years? The legal rights and obligations set out in the Joint Declaration and the Basic Law, a legal document in Hong Kong with legal standing equivalent to a national constitution, tend to support a different approach. In this article, the author argues that the terms agreed upon in those two fundamental documents established Hong Kong as a region with greater socio-economic and political autonomy, while setting obstacles to the development of a government elected through universal suffrage.

Rosette Gagnon-Bélanger

Before the first Opium War (1842), Hong Kong was not a land of particular interest for China. The population was a mere 7,500, with very few foreigners. Hong Kong Island was transferred to the United Kingdom after the war (1843), and the remaining part of the current Hong Kong territory by 1898. Until the 1980s, local residents of the British Crown Colony of Hong Kong were not involved in the government, but the demand for participation was also negligible as Hong Kong enjoyed economic development and civil liberties. With the announcement of the *Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China* (referred to as the *Joint Declaration* hereinafter) in 1984 on the transfer of Hong Kong to China in 1997, the UK introduced election reforms in the hopes of establishing and securing a democratic government on the territory.

The *Joint Declaration*, along with the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*, legal document to which all post-1997 laws must conform, set the grounds for all branches of government. Comprehending the role and

influence of the National People's Congress Standing Committee is central to understanding the current parliamentary system in the Hong Kong Special Administrative Region (HKSAR). There is an ongoing concern about the extent to which parliamentary traditions introduced prior to the hand-over to the PRC will lead to a democratic system in Hong Kong. The upcoming election of the Chief Executive in 2017 is particularly important as it will set the bar for the Legislative Election of 2020 and the type of governance in Hong Kong. This article compares the current system in HKSAR with what was envisioned by the UK, the PRC and the Hong Kong people prior to the 1997 hand-over.

The United Kingdom-Hong Kong Relations

The *Treaty of Nanking* ceded the Hong Kong territory to the United Kingdom in 1843.¹ Then, territories surrounding Hong Kong, namely the New Territories, along with more than 235 islands, were transferred to the United Kingdom by the two Conventions of Peking (1860 and 1898). The Second Convention, signed when a Qing Dynasty in decline who refused to cede in perpetuity more territories, leased for 99 years the New Territories, which explains the return of Hong Kong in 1997. By the end of the 1960s, life in Hong Kong had improved significantly and opposition to British rule by Hong Kong residents declined accordingly. The socio-economic benefits that trickled-down to Hong Kong residents were enough for the majority of them to accept restricted access to governance.

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The UK and the People's Republic of China (PRC) began discussing the 1997 handover of Hong Kong to China in 1982 and ratified the *Joint Declaration* in 1984.² However, certain factors, mainly the 1989 Tiananmen Square tragedy, and the increasing fear of currency instability by foreign investors, affected the talks around the democratization of the Hong Kong legislative and executive branches.

Moreover, the sentiment of the local population with regard to greater participation of Hong Kong residents in the government evolved as fears grew of potential economic and social changes in their way of life under Chinese sovereignty. Of course, a shift from a capitalist to a communist system was never in the cards. China understood that such change would have (1) strongly impacted Hong Kong and indirectly China's economy and (2) potentially been counterproductive for China's ultimate goal to showcase the "one country, two systems" as a successful approach that could in turn be applied to the PRC's territorial conflict with Taiwan. However, the future of Hong Kong residents' ability to participate democratically in governance through free elections and limited candidacy restrictions and to enjoy civil liberties was less certain.

Discussion between the United Kingdom and the People's Republic of China

The negotiation around the terms of the transfer began during the visit of British Prime Minister Margaret Thatcher to China in 1982. The discussions touched on the administrative procedure for the handover and the governance system that would be in place in Hong Kong after July 1, 1997, among others. The *Joint Declaration* was the result of substantial discussions over a period of two years between British and Chinese officials; Hong Kong's government and population were not included in those talks, however. General terms, including the slow reform of the legislative and executive branches, were agreed upon with an understanding that these would be later detailed in the *Basic Law* (1990). This document, however, provides little detail on timeline for democratization and leaves the PRC in charge of its interpretation.

With the arrival of the last British Governor to Hong Kong, Chris Patten, in 1992 and the announcement of legislative reforms in October 1992, the future of Hong Kong's legislature changed. The PRC publicly criticized the reforms, claiming that it contravened the *Joint Declaration*, stopped all communications

with the British Governor in Hong Kong until the first round of the 17 Round Talks on April 22, 1993, and the PRC created the Preparatory Working Committee in July 1993. On 15 December 1993, Patten officially introduced, with the support from most British government officials, the 1994-1995 *Patten Reform Package* proposals to the Council, which it approved in June 1994.

Reforms included the abolition of all appointed seats, the reduction of the voting age from 21 to 18-years-old, the direct election of 20 out of 60 seats; the election of the 40 remaining seats would be through Functional Constituencies and an Electoral College. Ultimately, the reform proposal led the National People's Congress Standing Committee³ to announce that it would "start a new path"⁴ and would abolish the Legislative Council on July 1, 1997. The UK's unilateral decision with regard to reforms was perceived as forcing the hand of the PRC on a matter of great interest for the stability of Mainland China. As Patten described, this was understood by the UK as "Hong Kong is at one and the same time China's window on the world (...) and paradigm for the world of what China as a whole could become".⁵

Nevertheless, direct and indirect elections of District Board, municipal and legislative members were undertaken by the Legislative branch of the Government of Hong Kong in September 1994, March 1995 and September 1995 respectively.

In January 1995, the PRC created the Preparatory Committee to establish the rules around the Provisional Legislative Council. The Council was established on March 20, 1996 to take over the role and functions of the Legislative Council and to be the transitional body before the election of a post-1997 Legislative Council.

As per Patten's comments on China's fear of democracy's influence on Mainland China, the PRC might have felt less threatened if pro-Communist candidates had been more successful in the 1995 legislative elections. Beijing publicly supported the pro-Beijing Democratic Alliance for the Betterment of Hong Kong but was angered when the party only managed to elect six candidates. By contrast, the Hong Kong United Democrats, a pro-democracy party, won 19 seats, both via direct and indirect elections. An additional 10 to 12 candidates, who had pledged to join the pro-democracy United Democrats if victorious, were elected in the functional constituencies.⁶

In brief, the discussion between the United Kingdom and the PRC was moving forward smoothly until the arrival of Governor Patten. Both sides had agreed to the terms of the handover and the system to be in place in Hong Kong post-1997. Tensions rose with the announcement of legislative reforms and the loss of pro-Beijing candidates in the 1995 Legislative Council elections. The PRC's leadership also began to fear losing its 'iron fist' within the mainland due to democratic influences from Hong Kong.

The Parliamentary System that was Envisioned for Hong Kong after 1997

Prior to the arrival of Patten, there had never been a strong appetite within the UK government to establish a fully democratic society in Hong Kong, which included local representation and participation in decision-making. There was a proposal for democratization in the 1940s, but lack of local demand for such reforms played a role in this stasis. The Tiananmen Square tragedy considerably altered the popular desire for democratization. While the British position on the democratization of Hong Kong did not change simultaneously, the event later provided strong support to the reform package proposed by Governor Patten.

The *Joint Declaration* indicates that HKSAR "will be vested with executive, legislative and independent judicial power" and that both the Chief Executive and the legislature of Hong Kong would be established by elections. The language is vague on the method of elections and on the timeline of implementation, however. The *Basic Law* does not provide any greater precision. It only stipulates that:

the method for forming the Legislative Council shall be specified in the light of the actual situations in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The **ultimate aim** is the election of all the members of the Legislative Council by **universal suffrage**.⁷ (*emphasis added*)

Articles 66 to 79 of the *Basic Law* describe a parliamentary system with both unicameral and bicameral characteristics. The Legislative Council acts as a bicameral system for "the passage of motions, bills or amendments to government bills introduced by individual members of the Legislative Council", by requesting a majority vote from members elected

by geographical and functional constituencies respectively.⁸ All other votes are majority votes within the Legislative Council, merging both types of elected members.

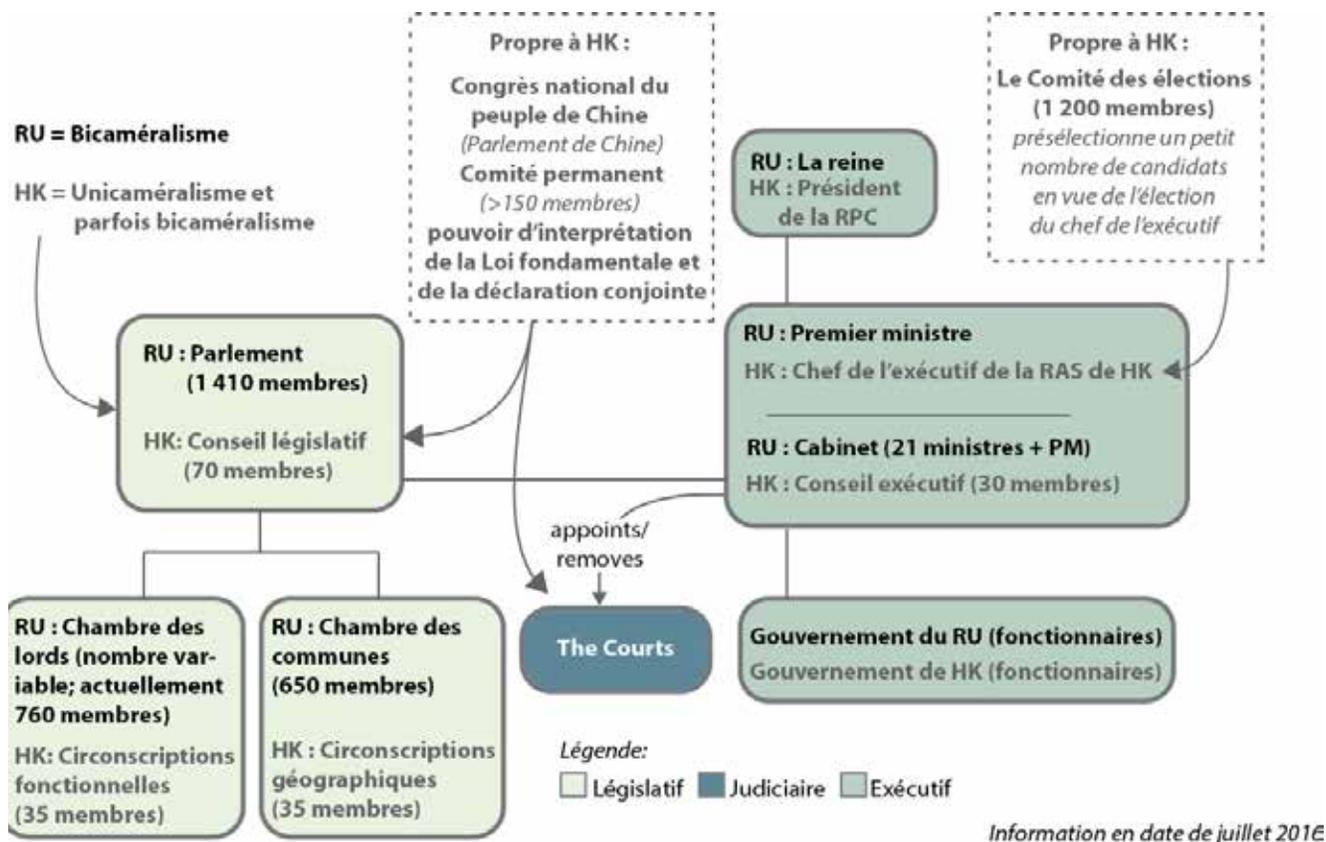
Since 1984-85, the United Kingdom slowly decreased the number of ex officio and appointees in the Council, while increasing indirect elections by functional constituencies and electoral colleges.⁹ The 60-member Council was formed via Electoral College boards, functional constituencies and geographic functions (10/30/20 in 1998, 6/30/24 in 2000 and 0/30/30 in 2004). The composition of 2008 was the same as the 2004 Council.¹⁰

With regard to the Chief Executive, head of the Executive branch, article 45 of the *Basic Law* describes its selection "by universal suffrage upon nomination by a broadly representative nominating committee". The broad committee was composed of 400 members in 1996 for the Provisional Legislative Council, and increased to 800 after the handover, according to Annex I of the *Basic Law*.

Current Parliamentary System in HKSAR

Since the fifth parliamentary elections in 2012, the Legislative Council is composed of 70 seats, 35 directly elected from geographic constituencies and 35 indirectly elected by a smaller portion of the population via functional constituencies.¹¹ Functional constituencies represent experts from targeted sectors, such as engineers, financiers and medical professionals. Functional constituencies remain very controversial as less than 10 per cent of the electorate votes for 50 per cent of the Council.¹² More than 90 per cent of the population then elects members of the Geographical constituencies, representing the other half of the Council. Contemporary debate revolves around demands from locals for universal suffrage to elect all members of the legislature, including functional constituency candidates.¹³

The Standing Committee of the National People's Congress's decision of August 31, 2014 made it impossible to discuss the envisioned parliamentary system in Hong Kong without addressing the election of the Chief Executive. This ruling created a method of Chief Executive election where the Election Committee, composed of strong supporters of the PRC, would pre-select and approve a small number of candidates; it subsequently ignited significant discontent among the Hong Kong population.



The Standing Committee indicated that:

it also helps the various sectors of the Hong Kong community to focus their efforts on addressing the issues concerning universal suffrage for selecting the Chief Executive first, thus creating the conditions for attaining the aim of electing all the members of the Legislative Council by universal suffrage after the implementation of universal suffrage for the selection of the Chief Executive.¹⁴

The Chief Executive is currently still elected by the Election Committee that is appointed by the National People's Congress in China. This 1,200-member Committee is mainly composed of pro-PRC Hong Kong residents, an increase from the 400-member committee in 1996. The current debate surrounding the 2017 Chief Executive election arises from the pre-selection of a few candidates by the pro-Beijing Election Committee. These PRC-vetted candidates would then compete in an election under universal suffrage.¹⁵ The Legislative Council faces a similar dilemma in terms of approval of candidates for the direct elections of all of its members in 2020 and the abolition of functional constituencies.

The judiciary and the executive both participate in the legislative system in a restricted capacity. First, while Hong Kong possesses a Final Court of Appeal, the National People's Congress Standing Committee is the ultimate body that interprets the *Joint Declaration* and the *Basic Law*. It produces recommendations that the Final Court of Appeal must follow when delivering its rulings. Second, the Chief Executive must approve bills affecting public policies, sign bills approved by the Legislative Council and promulgate them, approve motions that touch on Legislative Council finances and has the ability to dissolve the Council, among other powers.

Comparison and Analysis of the Parliamentary System in HKSAR

The Westminster Parliamentary system in place in the UK abides by democratic principles, derived from civil and common laws, and includes a head of state (Queen), a head of government (Prime Minister), a House of Commons composed of elected representatives, and a House of Lords composed of appointed individuals. It slowly progressed from a traditional monarchical government led by the

royal family and a handful of individuals from the aristocracy to an increasingly sophisticated form of democratic representation.¹⁶ Hong Kong has a similar Legislative structure, with two distinct 'chambers', and it is attempting to transition from an elite-led to a popular-led government.

The main difference between the two systems is the participation of the National People's Congress Standing Committee in legal decisions and interpretations. As previously mentioned, this is particularly important in the HKSAR parliamentary system as the National People's Congress Standing Committee has the power of interpretation of the *Basic Law* and the *Joint Declaration*. This is central in guiding the HKSAR legislature, as both documents are relatively vague and require the interpretation of controversial issues, particularly the democratization path of the HKSAR government.

Several characteristics defining the Westminster parliamentary system are also found in HKSAR: the confidence convention, parliamentary privilege and the Queen's prerogative to dissolve parliament and call for elections at any time. Interestingly, the prerogative to dissolve the legislature and call for elections lie in the hands of the Chief Executive in Hong Kong, rather than the President of the PRC.¹⁷ While, Hong Kong possesses a codified parliamentary system in the *Joint Declaration* and the *Basic Law*, convention, practices and precedents continue to play a significant role.¹⁸

Conclusion

Although the *Joint Declaration* and the *Basic Law* provided the foundation of the three branches of Government of Hong Kong post-1997, the vagueness of these documents has resulted in open debate between the UK and PRC, and Hong Kong since post-1997, on their interpretation. While the United Kingdom and China agreed that the system in HKSAR would "remain unchanged for 50 years",¹⁹ they did not indicate if the system would be the one in place in 1984 or in 1997. As a result, the PRC strongly rejected the 1994-1995 election reform proposal.

HKSAR inherited several characteristics of the Westminster parliamentary system, such as the confidence convention and parliamentary privilege, due to the British legacy and the reform package announced by Governor Patten in 1992

The most obvious distinction is the lack of judicial independence in Hong Kong, with the participation of the National People's Congress Standing Committee in the interpretation of the *Joint Declaration* and the *Basic Law*.

Finally, the election of the Chief Executive through universal suffrage, which has been intensely debated in the media for the past two years, is crucial to the subsequent election of the Legislative Council. According to the August 31, 2014 decision of the Standing Committee; "the implementation of universal suffrage for the selection of the Chief Executive"²⁰ is a pre-requisite for the election of all members of Legislative Council.

Overall, China has methodically framed the system to balance their need to keep the capitalist system in place in Hong Kong, guarantee continuous foreign investments, and open a window to the world, while never seriously considering implementing a truly democratic government in the autonomous region for fear of losing its 'iron fist' in mainland China.

Notes

- 1 "Treaty of Nanjing, 1842", US-China Institute, 2016. URL: <http://china.usc.edu/treaty-nanjing-nanking-1842>.
- 2 Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, 1984. URL: http://www.legislation.gov.hk/blis_ind.nsf/CurAllEngDoc/034B10AF5D3058DB482575EE000EDB9F.
- 3 The Standing Committee is composed of more than 150 members of the National People's Congress in charge of law making, interpreting and amending. Members are pro-Beijing and align with the ruling Communist officials. "Explainer: Inside China's National People's Congress", *Aljazeera*, March, 6 2016. URL: <http://www.aljazeera.com/news/2016/03/explainer-china-national-people-congress-160306041304243.html>
- 4 Raymond Wacks, ed. "The New Legal Ordering Hong Kong". Hong Kong University Press: Hong Kong, 1999, p. 57.
- 5 Jack F. Matlock, "Chinese Checkers", *The New York Times on the Web*, September 13, 1998.
- 6 David Wen-Wei Chang. *The Politics of Hong Kong's Reversion to China*. St. Martin's Press Inc.: New York, 1999, 274 pp.
- 7 Joint Declaration, 1984, s. 3(3). and Annex I "Elaboration by the Government of the People's Republic of China of its basic policies regarding Hong Kong" URL: [http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/84A057ECA380F51D482575EF00291C2F/\\$FILE/CAP_2301_e_b5.pdf](http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/84A057ECA380F51D482575EF00291C2F/$FILE/CAP_2301_e_b5.pdf).

- 8 The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, 1990, "Annex II (II) Procedures for voting on bills and motions in the Legislative Council". URL: http://www.basiclaw.gov.hk/en/basiclawtext/images/basiclaw_full_text_en.pdf.
- 9 The 1991 Legislative Council elections are the first to include the direct elections of candidates (18 out of 60). The 1991 Legislative Council election is also central due to the abolition of ex-officials and appointments. By then 30 seats were indirectly elected via functional constituencies, 10 through Electoral College and 20 by direct elections. Sonny Shiu-Hing Lo, "Hong Kong's Indigenous Democracy," Palgrave MacMillan: New York, 2015, 186 pp.
- 10 Shiu-Hing Lo, Sonny. Hong Kong's Indigenous Democracy: Origins, Evolution and Contentions. First. Palgrave MacMillan: New York, 2015. 186 pp.
- 11 Functional constituencies represent professional associations, such as engineers, financiers and medical professionals. A number of seats are elected per group. The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, "Instrument 4" amending Annex II of the Basic Law, 6th session Standing Committee 11th National People's Congress. URL: http://www.basiclaw.gov.hk/en/basiclawtext/images/basiclaw_full_text_en.pdf.
- 12 In 2012, a new functional constituency was created. While members who would compete in direct election were nominated by a small portion of society, nominees then completed and were elected by members of the geographic electorate – representing more than 9 per cent of the whole population. Other functional constituencies' members were elected by experts of professional associations – representing less than 10 per cent of the electorate.
- 13 "HKSAR LegCo Election", Constitutional and Mainland Affairs Bureau, 2005, <http://www.cmab.gov.hk/en/issues/electoral2.htm>.
- 14 NPC Standing Committee, August 31, 2014, Instrument 23 of The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, "Decision of the Standing Committee of the National People's Congress on Issues relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016" URL: http://www.basiclaw.gov.hk/en/basiclawtext/images/basiclaw_full_text_en.pdf.
- 15 The Chief Executive Election is in September 2016. Technically, the public demand for a universal suffrage of the Chief Executive has already been defeated. Nevertheless, demands continue from the population, and greater demonstration closer to the election could revive this debate.
- 16 Instruments such as the *Magna Carta* (1215), the *Petition of Rights* (1628) and the *Bill of Rights* (1689) have significantly changed the rights and immunities of the Crown and the people it governed under the law.
- 17 The Select Committee on Foreign Affairs of the UK has noted the Chief Executive is the equivalent of the Prime Minister and the President is the counterpart of the Queen. Select Committee on Foreign Affairs, Third Report, "Legal Matters", Parliament of the United Kingdom, August 7, 1998.
- 18 Commonwealth Parliamentary Association, and Athabasca University. "Units and Self-Tests." Module on Parliamentary Democracy., 2016. <http://parliamentary-democracy.athabasca.ca/chapters/chapter2.html>.
- 19 The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. 1990. Article 5. URL: http://www.basiclaw.gov.hk/en/basiclawtext/images/basiclaw_full_text_en.pdf.
- 20 "Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016", Tenth Session of the Standing Committee of the Twelfth National People's Congress, August 31, 2014.

Saskatchewan Teachers Observe Parliamentary Process in Action

Now in its 18th year, the Saskatchewan Teachers' Institute on Parliamentary Democracy has given nearly three hundred teachers from across province the opportunity to gain a better understanding of the political system by observing it in action. Through meetings with the Lieutenant Governor, Speaker, Ministers, Caucus leaders, Whips, and Chairs, as well as with Private Members, media and the judiciary, the non-partisan professional development program provides teachers with an all-encompassing overview of the realities of democracy and its importance in our society, thereby equipping them with valuable knowledge to convey the issues and intricacies of modern Parliament to their students. The Institute also promotes the sharing of ideas, resources and methodologies for teaching about parliamentary democracy with fellow participants. In this article, the author recounts his experience as a teacher-in-training who participated in a recent edition of the program.

Eric Neudorf

When former Speaker Glenn Hagel launched the first Saskatchewan Teachers' Institute (SSTI) on Parliamentary Democracy in 1999, he created an opportunity for teachers to gain an unparalleled view into the parliamentary process. Prior to my own participation in the program, I had an avid interest in politics for years and had been to the Saskatchewan Legislature several times before; but the SSTI was an eye-opening experience for me.

The chance to observe what occurs behind the scenes in the Legislature is almost impossible to access except through this program, and there was much to learn from the opportunity. The divisions between the three branches of government – legislative, executive, and judicial – were clearly demarcated; I learned about the important roles non-elected officials hold in the process; and I observed the careful planning and cooperation required to make Saskatchewan's government an effective entity. All participants concluded that the

SSTI is arguably the best professional development available in Saskatchewan. It should not be missed by any educator who wants to learn how to better teach their students what it means to be an engaged citizen.

The five day Teachers' Institute proceeded at a rapid pace with a steady schedule of tours, briefings, and seminars. A Ministry of Education employee, Brent Toles, served as our guide and liaison during the Institute; he also led sessions on how to navigate the social studies curriculum by maximizing the use of materials available in the Ministry's extensive database. Teachers were also introduced to the co-founder of Student Vote Canada, Taylor Gunn, who led a session on youth engagement which provided outstanding materials for running mock elections and more. As the week progressed, teachers were briefed by professionals representing all roles and party affiliations on their functions within Saskatchewan's Legislative Assembly. These sessions culminated in a mock parliament, performed in the same Chamber where the MLAs themselves assemble, and presided over by Dan D'Autremont, Speaker of the Legislative Assembly. The Institute was masterfully scaffolded so that by the time we entered the mock parliament all teachers understood the various roles they were playing and the rules to which they were required to adhere. The session was recorded for future use with our students, and abundant related teaching materials

Eric Neudorf attended the Saskatchewan Teachers' Institute on Parliamentary Democracy in 2014. Eric is a substitute teacher with the Saskatoon Public School Division for Kindergarten to Grade 8, and has recently completed a Master's Degree in Public Policy at the Johnson Shoyama Graduate School.

were provided. In all, the Institute created an experience which left teachers excited and informed about the parliamentary process and capable of passing on that knowledge and enthusiasm to their students.

Throughout the Institute, teachers were treated with dignity and respect, and they were given the opportunity to build meaningful relationships with parliamentary personnel. To achieve this end, hotel accommodations and meals were provided for the full five days. At the Legislature, MLAs and other professionals, including Ministers and Premier Brad Wall himself, took time from their busy schedules to meet with teachers and, in many cases, to hear their concerns as well. Several MLAs even joined the mock parliament to offer guidance and enjoyed themselves as we did our best impersonations of their debates in Question Period. Banquets hosted by Speaker D'Autremont and the Lieutenant-Governor were run with the same care and attention given to visiting diplomats. Speaker D'Autremont made a particular effort to make us feel welcome by inviting us to his office and joining us for evening socials. Through the relationship-building it promotes, the Institute is more than educational; it is a rare chance to network with teachers, politicians, and other professionals while being treated like an individual with a voice worthy of being heard.

I went to the Saskatchewan Teachers' Institute on Parliamentary Democracy as an engaged citizen, excited to network with other teachers, though uncertain of what I would learn. I departed feeling as though my view of democratic governance had been more than nuanced; it had been revolutionized. I set out to Regina with the sense that conflict between teachers and the government was almost natural. I returned home feeling valued and heard, with a renewed enthusiasm for teaching. These were the clear, observable outcomes of my attendance at the Institute. Teachers who wish to educate students about and engage them in the parliamentary process must first become educated and engaged themselves, and I am convinced that there is no better avenue for achieving this goal than the Saskatchewan Teachers' Institute on Parliamentary Democracy.

The itinerary and resources

The strength of the Institute as a professional development opportunity can be found in five key areas. First, teachers were equipped to return to classrooms with a variety of resources for teaching about democracy. Second, tours familiarized teachers with



Legislative Assembly of Saskatchewan

Eric Neudorf attended the Saskatchewan Teachers' Institute on Parliamentary Democracy in 2014.

the settings where government work is accomplished. Third, briefings acquainted teachers with the roles of individuals in the parliamentary process. Fourth, the observation and imitation of Chamber proceedings solidified what teachers had learned in abstract during the tours and briefings. And finally, both formal and informal social gatherings enabled teachers to network with officials, politicians and other teachers. These five elements of the Institute can each bear further exposition and assessment.

Resource gathering

Orientation and Resource Fair

Upon arrival, the Institute provided teachers with a wide variety of resources, mainly, but not exclusively, for teaching about parliamentary democracy. I came away with a box of materials about law and legislation, the RCMP, the various parliamentary offices and roles, distinctions between jurisdictions, building edifices, and more. The Institute also provided participants with an orientation binder that included supplementary materials that could be adapted for the classroom.

Curriculum Connections

During our initial session, a Ministry of Education representative who had been involved in the development and application of Saskatchewan's new Social Studies curricula briefed us on how to apply the curricula to our classrooms. An abstracted list of curricular outcomes for each grade that are related to engaged citizenship and, by extension, democracy, was particularly useful. It served as the framework to learn about materials available on the Ministry of Education's website: edonline.sk.ca. This website includes a useful videos database, *R.O.V.E.R.*, and a large magazine, journal, and newspaper archive. *Canadian Newsstand*, which allows access to past issues of newspapers from across the country, was particularly useful for lesson planning.

CIVIX

The Teachers' Institute invited Taylor Gunn, president of CIVIX, best known for its extremely successful Student Vote program, to lead a session on the materials and programs offered by his organization. CIVIX is a non-partisan charity organization whose mission is to transform students into engaged citizens, a goal that teachers can certainly consider congruent to their own purposes.

At the municipal, provincial, and federal levels, CIVIX provides materials and broader structures to involve students in the electoral process. It provides polling stations and lesson plans for staging an exceptionally authentic and engaging mock election. The results of elections in individual schools are then calculated in correlation with results from thousands of other schools across Canada. The students can see those national results televised or online when election day occurs. Statistics suggest that Student Vote promotes civic engagement not just for students but for parents as well because students return home to discuss political issues in anticipation of voting. Student Vote has also been remarkably successful in predicting actual election results in almost all cases, refuting the contention that students will necessarily replicate teachers' perspectives. Evidence suggests that the habits of voting and developing informed perspectives on politics are maintained when students leave school, increasing voter turnout in subsequent elections.

In addition to Student Vote, CIVIX offers other programs designed to engage students in the parliamentary process between elections. For example,

CIVIX acts as a liaison between teachers and local MPs to bring these parliamentarians into school classrooms for Rep Day. Another program, Student Budget Consultation, provides a series of lessons aimed at helping students understand government budgets. Data generated in classroom polls are then paired with the information offered by students from across Canada and presented through info-graphics that help students to think critically about the budgeting choices and priorities they have expressed.

Outreach Programs and Classroom Visits

Throughout the Institute, various outreach programs were offered to and modelled for teachers. Of special note is the program offered by the Office of the Speaker of the Legislative Assembly. The Speaker is available to travel to the schools throughout the province to speak to classes from Grade Four to Grade 12 about the role of the Speaker in presiding over the Legislative Assembly. The current Speaker, Dan D'Autremont, is a talented individual who engages students with his clear, down-to-earth manner of presentation. During an hour and a half talk, the Speaker leads students in a question and answer period; then he presides as Speaker over a mock parliamentary debate. The program is intended as a capstone lesson, and students are expected to be prepared in advance. Arrangements can also be made to conduct the debate with students in the Chamber at the Legislative Building if the students will be in Regina. Having participated in a version of the outreach program as a part of the Teacher Institute, I can attest that enacting the mock parliament with all the proper decorum and procedures helped me to understand the parliamentary process with new clarity, and I was able to watch the House proceedings in the afternoon that followed as a relative expert. Had I been able to experience the mock parliament as a student, I have no doubt that my engagement in Saskatchewan politics would have been greatly enhanced.

A visit from the Saskatchewan Ombudsman, who advocates for individuals who feel they have been mistreated by the provincial government, is also available for booking. It is helpful for students, both citizens and non-citizens of Canada, to know that they have an advocate on their side when so many government services, including the Crown Corporations, affect their lives every day. Materials from the Ombudsman office include several case studies that would interest secondary students and which could be adapted for middle years as well.



Saskatchewan Speaker Dan D'Autremont briefing the SSTI participants on the role of the Speaker in the Chamber in 2014.

Elections Saskatchewan has two outreach programs available for schools: *Your Voice Matters* is a program partnering Elections Saskatchewan and the Diefenbaker Canada Centre for Grades 4 to 8. It focuses on Canada and Saskatchewan's political history. And Elections Saskatchewan worked with CIVIX to bring the Student Vote Program to Saskatchewan schools for the recent April 4th provincial election.

Tours

The Legislative Building

I've toured the Legislative building three times over the years, and there is always more to see. Touring the building not only allows students to see

democracy in action, it also makes for an excellent arts trip. Students can observe the architectural scale and beauty of the building, both of which are unrivalled in Saskatchewan. On this particular visit, I was struck by the quality and variety of art on display in the building. From the portraits of the Premiers, Speakers, and Lieutenant Governors, painted in a variety of styles, to the wide variety of modern art on display in the alcoves around the rotunda, to the murals, to the changing exhibits on the second floor, the Legislative building tour allows students to observe world-class art in a pristine setting. While a tour of the building is fabulous in itself, knowledge of the building's history, art, and layout can aid a teacher in preparing students for the experience if their class is planning a trip.

Courthouse

During a visit to the Court of Queen's Bench we received a briefing from Justice Ralph Ottenbreit that helped me to recognize the stabilizing role that the courts play in government by ensuring that the Legislative Assembly does not create laws that conflict with the already established legal system or the constitution.

Government House

Our visit to Government House was a highlight of the Institute. I did not realize that this grand building, former home of the Lieutenant Governor, was available for public visits, or that it even existed. I had always assumed that the Lieutenant Governor's role was a minor one in our province, but Government House certainly communicates the office's importance. The building is now used as a museum, office space, and reception hall in service of the Lieutenant Governor. Our visit was particularly special because we were received by the current Lieutenant Governor Vaughan Solomon Schofield and we were banqueted like visiting dignitaries. Schofield described the role of the Lieutenant Governor from her own point-of-view and her words convinced me of the importance of dividing the roles of head of government and head of state. Moreover, I have rarely felt so honoured as I did enjoying the delicious food and gracious hospitality in the banquet room at Government House.

Briefings

Briefings from a wide variety of individuals on their roles and offices in the workings of government made up the bulk of our experience at the SSTI, allowing us to obtain greater clarity on what actually happens in the Legislature. These were typically an hour in length and nearly everyone who has a role in government was represented. From the Clerks, advocates, and security who report to the Speaker, to Ministers and private members – both government and opposition – to legislative staffers to members of the media, we were given first-hand accounts of day-to-day operations in the legislature. Individuals from across the spectrum committed themselves to educating the teachers about the parliamentary process without succumbing to the promotion of their political opinions.

I was struck by how seriously these individuals take their jobs. They work incredibly hard – some described regular eighteen-hour days! – because

they love and believe in the work they do. I was also surprised by the collegial and cooperative tone between members who sit opposite one another and spend a good portion of time debating and arguing with each other. We often had representatives from the government and the opposition sitting side-by-side, describing their roles in the Legislature. They knew each other personally and, in almost all cases, we observed a mutual respect between opposing members that cannot be seen in Question Period. Finally, as the week progressed, I gained an appreciation for the complexity of what happens behind the scenes in the Saskatchewan Legislature. It takes tremendous organization and effort to maintain a united front in Question Period with clear goals and objectives for engagement with the opposing side. Clear channels must also exist for interaction between Ministers and private members so that the needs of constituents can be adequately addressed. In addition, it takes a small army of Ministerial staff to ensure that the work of the executive government can be carried out. These observations were made possible through a steady stream of briefings over several days that were supplemented by observing proceedings in the Legislative Assembly.

Chamber proceedings

Observations of Proceedings in the Legislative Assembly

Chamber proceedings are the focal point of the Legislative Assembly, if not where most of the work is done. We heard repeatedly that Question Period is "a theatre," so it was very informative to see the preparation for this spectacle. Nonetheless, our various briefings brought home for me the significance of all aspects of happens in the Chamber. It is in the Chamber that visitors are recognized, achievements are honoured, laws are passed, decisions are defended, and accountability is maintained. Acquiring a better understanding of the behind-the-scenes activities that occur in the Legislative Building meant the Chamber proceedings took on greater significance. My experience affirms whether the students watch the Legislature's proceedings in person or enact mock parliamentary debates of their own, having more pre-existing knowledge about the parliamentary system will provide greater value of their experiences.

Mock Parliament

Our learning experience culminated in a mock parliament, following the exact proceedings which occur in Chamber. We were forewarned that this

experience was coming and given time over the five days of the Institute to prepare platforms, questions, and statements in advance. The experience was filmed, just as a genuine parliamentary debate would be, and the DVD can be used for the benefit of students, providing them with a personal connection to the proceedings in the House by allowing them to see their teacher playing them out. There were both speaking and non-speaking roles for participants, some scripted and some improvised, the same roles as one would find when the MLAs meet together. After experiencing the mock parliament, I would not want to take students to the House without first performing a mock parliament with them. To enact parliament allows one to follow the proceedings with far greater clarity.

Networking

One of the most valuable elements of the Institute was the opportunity to network with politicians and other teachers. The camaraderie we experienced as teachers, sharing ideas and concerns, was a refreshing experience that encouraged me to regard the quality of educators in this province more highly.

Banquets

On most evenings our schedule concluded with a banquet supper. The first night we were welcomed by Speaker D'Autremont to dine in the Legislative Building. This was a relatively informal chance to get to know the Speaker, the Directors from various departments and the Officers of the Legislative Assembly. I was seated with the Children's Advocate, Bob Pringle, whose role is to advocate on behalf of young people against actions of government which affect them unfairly. A few nights later, we dined at the Lieutenant Governor's banquet, which was attended by the Speaker, the Lieutenant Governor and her staff. Finally, on our last night of the Institute a closing banquet was held for us, attended by a variety of Ministers and MLAs. I was able to spend time meeting the Leader of the Opposition, the MLA for Saskatoon Nutana, and the Minister of Advanced Education.

Meetings

Formal and informal meetings afforded the opportunity to get to know MLAs on a personal level. Informal lunches were held in the Member's Dining room in the Legislative Building. Here we often had briefings over a meal, and were joined by various

MLAs who took the time to meet us before and after they presented their material. On nearly all occasions, MLAs seemed to take pleasure in meeting and listening to teachers. When the participants separated into groups to visit various Ministers in their offices, despite their busy schedules, the Ministers seemed to enjoy their time with us, making the visit as much a social pleasure as it was an educational opportunity. A particular joy for me was an invitation I received, mediated by the leader of our group, to visit an MLA who had known my family years ago. The MLA had worked with my uncle in the Legislature, and wanted to meet me before I left. We talked about the past and the future, and he finished our time together, nearly a half hour, by praying for me and giving me a gift. This encounter brought home for me the reality that these politicians are also people who care genuinely for the people of this province and who want to govern or hold the government to account to the best of their ability. It was a pleasure getting to know them.

Downtime

While networking with politicians was both a privilege and a joy, it was the time spent with teachers in the evenings that was most enjoyable. The institute attracts talented teachers from rural and urban Saskatchewan, from a variety of teaching backgrounds, and with a variety of political perspectives. Despite its diversity, the group bonded quickly, and we were able to spend the latter parts of our evenings laughing and having fun together. I enjoyed taking the time to become acquainted with other teachers, comparing contexts and concerns, struggles, strategies, and stories.

Conclusion

Upon completing the Saskatchewan Teachers' Institute on Parliamentary democracy, I can safely say that it is an unrivalled opportunity for professional development. The networking experiences, materials gathering, scouting, and learning which occurred are directly applicable to teaching the citizenship-related objectives outlined in school curricula. When participants gathered for a round-table meeting at the week's conclusion, all the teachers agreed that this was the single best professional development experience that they had ever been a part of. The sense of gratitude we experienced at having seen parliamentary democracy in action overcame what lingering cynicism and frustration we had brought with us. We all left feeling excited to pass on the knowledge we had gained to our students.

Celebrating the 200th Anniversary of the Ontario Legislative Library

In its 200-year history Ontario's Legislative Library has operated in numerous locations, survived many fires, and is currently embracing the digital age. In celebration of this significant milestone, the author briefly traces the library's development, examines the challenges it and other legislative libraries have encountered as they fulfill their non-partisan role to support the work of parliament, and finally notes recent trends in their operations

Monica Cop

In 2016, the Ontario Legislative Library is celebrating its 200th anniversary. This occasion offers an opportunity to reflect on the Library's rich history and to examine the evolution of how it and other legislative libraries across Canada deliver their services.

The earliest incarnation of the Ontario Legislative Library dates to the late 1700s in the Province of Upper Canada. It began with a small book collection to assist elected officials in their jobs as legislators. However, it was on April 1, 1816 that the Library of the Province of Upper Canada was formally established. On that day, An Act to appropriate a sum of Money for providing a Library for the use of the Legislative Council and House of Assembly of this Province was passed and provided £800 for the purchase of books and maps for a Library. This was only nine years after the founding of the British House of Commons Library and 16 years after the creation of the Library of Congress in the United States.

It was not until 1827 that law student Robert Baldwin Sullivan was appointed as the first Librarian. At that time, the Librarian was required to be in the Library only when the Legislature was in session, which was just nine weeks per year on average. Interestingly, Sullivan used his free time to be called to the bar, campaign for an uncle's election campaign, carry on a

legal practice, and even become Mayor of Toronto. The subsequent pioneering Librarians included William Winder, a medical practitioner and a member of the "Bully Boys" guerrilla group that fought in the Niagara Peninsula during the War of 1812, and Alpheus Todd, a man who had started working at the Library as a 15-year-old indexing prodigy. During these early days, the Library struggled to maintain its collection numbers reportedly due to the failure of members to return books, the frequent moves of the Legislature to makeshift accommodation as a result of several fires, and the resulting poor conditions in which the books were kept.

Following the establishment of the Province of Canada in 1841, the library collections of Upper and Lower Canada were amalgamated to form a Legislative Assembly Library and a Legislative Council Library. The changing locations of these new legislative libraries mirrored the frequent moves of the Legislature: from Kingston (1841-43) to Montreal (1844-49) to Toronto (1850-51) to Quebec City (1852-55) to Toronto (1856-59) to Quebec City (1860-65) and finally to Ottawa (1865 onwards) ahead of Confederation. Some of these moves were again as a result of fires, which unfortunately continued to be commonplace.

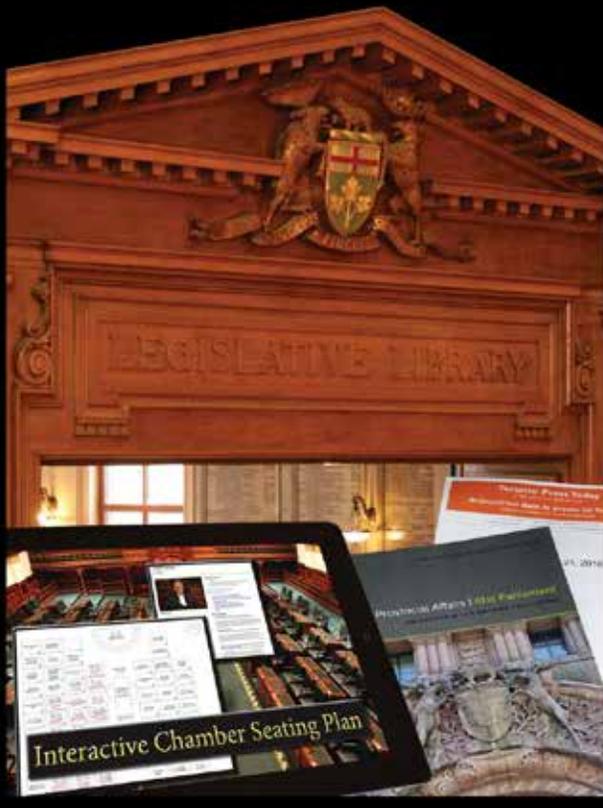
By 1865, the collection of the Province of Canada's legislative libraries consisted of almost 55,000 volumes. That year, the collection was moved to the present-day library structure in Centre Block on Parliament Hill in Ottawa and became the basis for the present-day federal Library of Parliament. The newly created provinces of Ontario and Quebec were financially compensated for the loss of their collections and soon embarked on re-building them. By 1896, the Ontario Legislative Library's collection numbered almost 50,000 volumes and by 1908, almost 90,000.

Monica Cop is a Research Officer with the Legislative Assembly of Ontario's Legislative Research Service.



Ontario Legislative Library 1816-2016

For 200 Years You've Asked, We've Answered



Official Anniversary Banner

A new legislative building at Queen's Park in Toronto was constructed between 1886 and 1893 and the Ontario Legislative Library was placed on the mezzanine floor of the west wing. Ironically, in 1909, the year that work began to build a north wing to house a modernly designed Library, a fire broke out in the west wing destroying the existing Library except for 10,400 volumes. This required yet another drive to re-build the Library's collection. The effort was spearheaded by the long-serving Librarian, Avern Pardoe, who was also one of the visionaries of the new north wing Library.

The north wing was completed in 1912 and was furnished with fire-proof features including state-of-the-art steel stacks, marble floors, metal window frames, and a long hallway connecting the Library to the main building with retractable steel doors located at each end that would prevent a fire from spreading from the main building to the Library and vice versa. More than 100 years later, the Ontario Legislative Library continues to occupy the north wing of the Legislative Building and, thankfully, these features fulfill their purpose to this day.

Between 1912 and 2016, the Library has changed in many ways. Over the course of these years, the Library has adopted technological innovations to improve its services, including acquiring a microfilm reader in 1953, renting a Xerox copier in 1974, beginning to subscribe to online databases using the Library's first computer in 1978, and obtaining a word processor in 1979 and fax machine in 1989. With the advent and growth of the Internet, the Library launched pages on the Assembly's Internet website and began launching informational products online in 1998. Needless to say, the Internet has significantly changed how information is created, found and disseminated.

For the past decade or so, there has been a trend across Canada's legislative libraries to improve access to resources at clients' point-of-need, which has included digitizing collections, enhancing databases, and creating reference documents such as research guides. Digital titles, excluding databases, now comprise about 26.5% of the Library's collection. Because of this digitization trend, physical volume counts are no longer an adequate marker to assess a library's reputation. With so much information now available at point-of-need, reference questions asked by clients tend to be more complex, requiring more extensive research and analysis.

Besides adopting new technologies for existing services, the Ontario Legislative Library has also introduced additional services over time. The Camp Commission, an all-party commission chaired by Dalton Camp in the 1970s, studied the functioning of the Library and how it could be improved. Among the recommendations made in the Commission's 1973 report and implemented within a few years was to create a research service and to restrict the Library's services to the Legislature. Until then, the Library had served the entire provincial government as well as the general public. The Legislative Research Service was established in 1979 to provide research and analysis to members and legislative committees. In 1986, the Library started Toronto Press Today (TPT), an early morning clipping service covering the three daily Toronto newspapers. While the Library also provides Ontario-wide news clippings via e-mail subscriptions, the printed copies of TPT continue to be a staple for members and staffers at Queen's Park.



Fragment of the Library's ironwork with the provincial crest.

In the last several years, the Library has been improving accessibility to its building facilities and to its online catalogue. It is working towards being fully accessible in all respects in the coming years. In 2014, the Library published its first ever comprehensive overview of current provincial affairs to act as a primer for new and returning Members, entitled *Provincial Affairs: An Overview for Ontario Legislators*, 41st Parliament. A collection of two-page background papers on forty-three topics in eight policy fields with accompanying data visualizations, it has received glowing feedback.

Legislative libraries across the country have adopted varied service approaches depending on local needs. For example, New Brunswick, Newfoundland and Labrador and the Northwest Territories currently offer reference and research services to their local civil service and to the general public while prioritizing the work of their respective Legislatures. In the Northwest Territories in particular, the legislative library is a source of information to all users given that the territory does not have any university libraries. Many legislative libraries, including those in Nova Scotia and

Alberta, also provide news clippings services but they are only distributed electronically. The legislative library in Manitoba and the Library of Parliament in Ottawa offer services in several locations to best serve their clients.

In order to enhance the services they provide, the libraries came together in 1975 to found the Association of Parliamentary Libraries in Canada (APLIC). The association is a collaborative forum through which members share knowledge and access to legislative information. In 2013, APLIC launched the GALLOP Portal (Government and Legislative Libraries Online Publications Portal). Pan-Canadian and bilingual in nature, the portal stores electronic publications produced by Canada's federal, provincial, and territorial governments and legislatures. At the time of its launch, there were over 320,000 publications dating back to 1995.

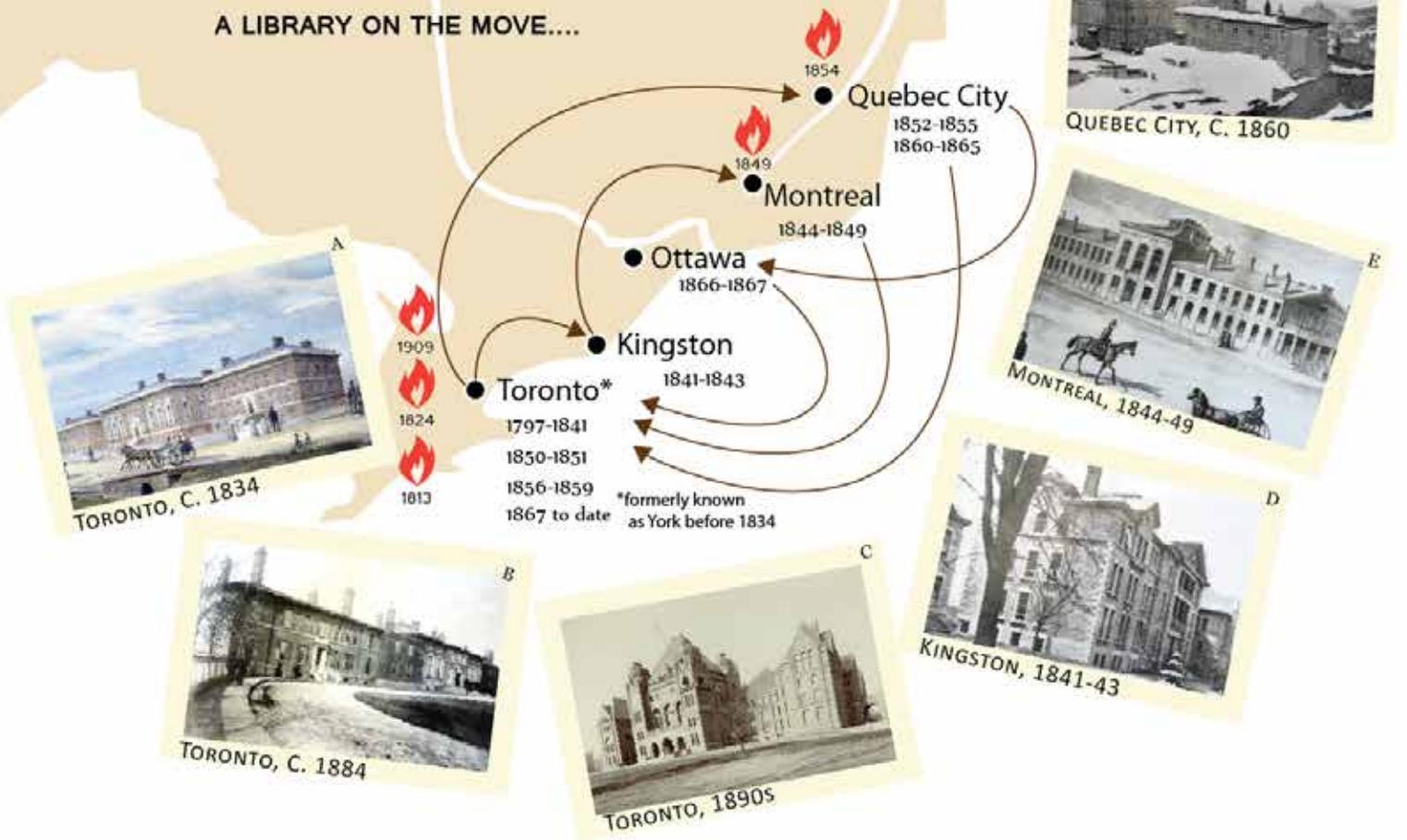
The predecessors of the Ontario Legislative Library participated in exchange programs of locally acquired publications between libraries across the Commonwealth dating as far back as the 1880s. APLIC continues this valuable tradition of sharing resources and publications between libraries.

The Ontario Legislative Library has come a long way since its founding 200 years ago. The common thread running through its history, like all the legislative libraries in Canada, has remained consistent: a commitment to providing high quality, non-partisan, and confidential service to their elected officials. Individually and together, the libraries are assisting our provincial and federal legislators to find and analyze the information they need to do their jobs in an environment of developing technologies. As the technologies change, so will our libraries. Who knows what the next 200 years will bring?

**The historical information used in this article was drawn from the book, *A Credit to this Province: A History of the Ontario Legislative Library and its Predecessors, 1792-1992* by Fiona M. Watson (Toronto: Ontario Legislative Library, 1993). Information on the services offered by other legislative libraries and noted trends in information management was drawn from a request for contributions to the APLIC listserv.*

The Ontario Legislative Library: Celebrating 200 Years of Moves, Fires and Innovation

A LIBRARY ON THE MOVE....



LIBRARY INTERIORS IN TORONTO



1850-51



1875-92



1893-1909



1912 to present

Graphic by Julie Anderson

Sources:

A Credit to this Province, by Fiona Watson.
Built to Last: the Legislative Library Celebrating 100 years in the North Wing of the Legislative Building, by Susanne Hynes, Joanne Robertson and Elias Chiddicks.
From Ashes to Steel: Rebuilding the Library and its Collections, by Susanna Hynes.

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The Canadian Scene

New Yukon Speaker

Watson Lake MLA **Patti McLeod** was elected Speaker of the Yukon Legislative Assembly on May 10, 2016, following the resignation of **David Laxton** earlier in the day. Laxton had served as Speaker since 2011, the same year McLeod was first elected to the legislature.

Premier **Darrell Pasloski** put forward McLeod's name for consideration, noting he was especially pleased that she becomes the first woman to serve as Speaker in Yukon.

"She brings a great deal of experience and skill to her new role, having already served during this mandate as Deputy Speaker and Chair of Committee of the Whole," he said. "I am confident that she will do an excellent job in presiding over the work of this legislature in an impartial and fair manner."

McLeod said she was honoured to assume this new responsibility and thanked her fellow MLAs for putting their trust in her. "I will endeavour to serve this legislature and all Yukoners to the best of my ability," she added.

54th CPA – Canadian Regional Conference

From July 17-22, 2016, nearly 100 delegates from across Canada and several Caribbean countries gathered in St. John's, Newfoundland and Labrador to convene the 54th CPA – Canadian Regional Conference.

Commonwealth Women Parliamentarians (CWP) of Canada

Prior to beginning of the main conference, CWP delegates held two days of meetings to review their activities from the past year and make plans for 2016-2017. CWP Chair and British Columbia Speaker **Linda Reid**, convened the CWP's Steering Committee meeting by reading a letter sent to the United Kingdom's parliamentarians expressing sorrow of the murder of MP Jo Cox while she was running an event in her constituency. "As women parliamentarians we are faced with challenges and difficult situations that test our courage and we are all disheartened that Jo Cox, who was so bright and promising in her commitment and passion, was not able to complete her most important work as a parliamentarian in the British House of Commons," she wrote.



Provided

Patti McLeod

The steering committee heard jurisdictional reports from a number of delegates. Items of interest included:

- Yukon MLA **Elaine Taylor** noted 2017 marks the 50th Anniversary of the first woman elected to Yukon's Council
- Ontario MPP **Lisa Thompson** recounted details of the 2015 CWP Outreach trip to Ontario
- Saskatchewan MLA **Laura Ross** invited parliamentarians to attend the 2016 outreach event in Saskatchewan, beginning on October 1.

In concluding the steering committee meeting, Speaker Reid reminded attendees that she had set a goal of improving communications during her term as chair. She thanked Nova Scotia MLA **Patricia Arab** for her work in building a CWP website and establishing a presence on social media. She also lauded the work of the CWP campaign school and said it's an absolute joy to meet women who have been elected to office after attending it. Finally, she challenged delegates to nominate women for awards, such as the Order of British Columbia, as a way to honour the work of women of all walks of life.



BC delegates to the CWP meeting pose with guests from the Caribbean delegations.



A view from the visitor gallery at Newfoundland and Labrador's House of Assembly during a break in the CWP panel sessions.

The second day of CWP meetings commenced with greetings from jurisdictional host Speaker **Tom Osborne** and a reading by **Trudy J. Morgan-Cole**. The author of *A Sudden Sun*, Ms. Morgan-Cole's book brings Newfoundland's suffrage debate to life with real and fictional characters.

A panel on international outreach featured two members of the steering committee detailing recent trips to CWP meetings. Newfoundland and Labrador MHA **Lisa Dempster** reported on her trip to Guernsey. She noted that despite differences among participants, many of the themes they discussed and issues they faced were common. She also shared a powerful quote from the conference by United Nations Secretary-General **Ban Ki-moon**: "Too often leaders have used women to advance to power, but I believe we must use power to advance women."

Ms. Arab shared details of her trip to a conference Iman, Jordan which focused on women in conflict prevention roles. She explained that statistics reveal there are relatively few women peacekeepers leading missions, but there has been a discernible increase in the length of times of peace where they have been leaders. She also encouraged delegates to remember that partisanship should be left in the Chamber and not brought to meetings like these, explaining that one speaker at the conference spoke of the need for a sistership, to care for each other, to build esteem and to support each other. "Once we follow through and it's not just words, we will be unstoppable," she said.

A second International Outreach Panel featured three delegates from guest jurisdictions in the Caribbean. **Lillian E. Misick** of Turks and Caicos, **Nicolette Henry** of Guyana and **Natalie Neita-Headley** of Jamaica spoke about the role women have played in politics in their countries and what inspired them to seek office and the challenges they faced. They spoke of the need for political parties to select women to contest winnable seats, the importance of supporting other women in politics even if they are partisan opponents, and to share their success and knowledge with the next generation of women seeking public office.

In the third panel of the day Ms. Dempster offered a summary of gender-responsive budgeting based on a presentation she observed at the Guernsey conference. Government budgets have gender implications and these should be considered when planning and debating its elements, she explained. Some examples of questions to ask: what are the central issues of the budget, how are they framed, do these issues consider both men and women's experience, is gender-based data available for review?



CWP Canada delegates pose outside the Newfoundland and Labrador House of Assembly building overlooking St. John's harbour.

Gender-responsive budgeting has the possibility of influencing number of women parliamentarians. During the discussion period MP **Yasmin Ratansi** stressed that changing the mindset in the bureaucracy is also important as they implement and offer policy that gets funded.

A fourth session titled "Making Legislatures More Welcoming to Female Parliamentarians," featured presentations by local City Councilor **Sheilagh O'Leary**, Manitoba MLA **Nahanni Fontaine** and Ms. Ratansi. The panelists discussed creating work environments that were sensitive to issues such as child care, less intimidating in terms of heckling, and open to trying novel practices like e-voting and altering sitting schedules to support. Ms. Fontaine, the first Indigenous woman elected in an urban riding in Manitoba, shared some examples of emails and social media messages she receives on a regular basis containing graphic racist and sexist language. Ms. O'Leary commended some media organizations that have removed unmoderated comments sections from websites which helps to eliminate trolling behavior.

A final panel outlined Equal Voice (EV) Canada's "Daughters of the Vote" initiative. Marking 100 years since some Canadian women first achieved the right to

vote, the program will bring one young woman (aged 18-23) for each federal riding to Ottawa to literally take their seat in the House of Commons. Ontario MPP **Lisa MacLeod**, and EV Executive Director **Nancy Peckford** and Events co-ordinator **Denise Siele** celebrated that EV received 1,500 applications in just 10 weeks.

CPA – Canadian Regional Meeting Panels

Nova Scotia Speaker **Kevin Murphy** used the first session of the main conference to outline his proposal for a parliamentarians with disabilities subcommittee within CPA. Speaker Murphy told delegates that an exploratory meeting held in Halifax should result in a formal proposal to create a subcommittee called Commonwealth Parliamentarians with Disabilities (CPwD) composed of self-identified persons with disabilities who are current representatives. This subcommittee's objectives would be modelled after the Commonwealth Women Parliamentarians and include: developing outreach, fostering closer relationships among parliamentarians with disabilities and providing a forum to discuss, strategize and act on issues relating to persons with disabilities internationally. The CPA has approved this idea in principle and a tentative meeting scheduled for late 2017.



Delegates listen intently during a panel on indigenous influences in parliaments. BC Speaker Linda Reid spoke about initiatives to recognize indigenous culture and tradition within parliaments, while MLAs Nahanni Fontaine and Amanda Lathlin spoke about their respective paths to becoming parliamentarians.

Three panelists from Newfoundland and Labrador spoke about recent examples of how this social media use has affected the legislative process within parliament and among the people who cover a parliament's activities. Speaker Osborne outlined a ruling he had to make about MHA **Steve Kent** tweeting from the legislature, before yielding the floor to Mr. Kent for general thoughts on how social media has changed the way parliamentarians communicate with constituents and why parliamentary institutions should adapt. **James McLeod**, a reporter for the *St. John's Telegram* recounted an experience where his Twitter handle was quoted in Hansard when he was live-tweeting a late-night filibuster. He also speculated that as hand-held devices become even more commonplace and dynamic, Speakers will likely find themselves having to make rulings based on very novel things. "Someone is going to have deal with PokémonGo this year in a legislature," he said to laughter.

Bruce Stanton, Deputy Speaker of the House of Commons, presented information relating to recent issues encountered by presiding officers at the federal level in a session on "Chair Occupants and Committees." Noting the importance of all party committees and joint committees, he also spoke about decisions regarding independent MPs who are seeking to present for committee debate and to make amendments to legislation.

A fourth session focusing on honouring aboriginal ancestry and influences in legislatures saw Speaker Reid discuss her legislature's recent practices, including installing artwork, prayers in the legislative assembly, and a ceremony where a 'talking stick' was presented and stationed beside the Speaker's chair (see the *Canadian Parliamentary Review* Vol 39, No. 2 cover). Indigenous Manitoba MLAs **Amanda Lathlin** and Ms. Fontaine offered powerful presentations



Representatives from the federal branch of the CPA-CR, Prince Edward Island and Turks and Caicos pose following a ceremony where a memorandum of understanding for a twinning initiative between the two island jurisdictions was signed.

about their respective journeys into public office, the particular obstacles indigenous women face, and how indigenous peoples can reclaim space in legislatures. “Amanda and I were not meant to be here,” Ms. Fontaine said. “Indigenous women are seven times more likely to go missing or murdered. Just by being here we are bringing indigeneity into this space.” A subsequent discussion period covered issues such as recent practices by some parliamentarians to acknowledge the historic connection of Indigenous people to the land when giving speeches, other jurisdictions’ efforts to bring in indigenous influences to parliaments, and efforts to do outreach such as the Québec’s Circle of Women Parliamentarians signing a memorandum of understanding with women aboriginal leaders in the province to encourage regular meetings and discussions.

Jacques Chagnon, President of the National Assembly, updated delegates on initiatives Québec’s legislature has taken with respect to security. He played a short video detailing security upgrades that maintain the historic qualities of the building, including live Web cameras that allow officials to keep

an eye on the legislative grounds remotely. Québec is also looking at upgrades to constituency offices and encouraged attendees who are examining their own security practices to note successful initiatives elsewhere, such as Sweden’s cost-effective mail-screening process.

Prior to the CPA - Canadian Regional business meeting, a panel featuring Speaker Reid, Senator **Elizabeth Hubley** and MP **Alexandra Mendes** updated delegates on ongoing twinning arrangements between Canadian Legislatures and Caribbean Parliaments. This session culminated with a ceremony where a memorandum of understanding between Prince Edward Island and Turks and Caicos was signed.

Two final panels, on newly elected parliamentarians’ expectations about the role versus reality (with presentations by Newfoundland and Labrador MHA **John Finn**, Manitoba MLA **Jeff Wharton** and Saskatchewan MLA **Nicole Rancourt**), and one on strengthening relationships between legislature and community (with Speaker Osborne), both significantly

touched upon the issue of decorum and heckling within legislatures, particularly during extended discussion periods following the presentations.

Ontario MPP **Catherine Fife** asked about parliament as a unique environment where bullying and harassment becomes normalized. Manitoba Speaker **Myrna Driedger** noted that in no other workplace would heckling be allowed, but on the other hand, it does help parliamentarians to blow off steam during debates. She said a balance need to be struck. New Brunswick Speaker **Chris Collins** argued that heckling limits the ability of certain people to participate as actively and effectively as they would otherwise.

Speaker Osborne outlined the challenges presiding officers face when they attempt to create a positive presence in the face of controversial legislation, difficult budgets, and scandals. He noted it can be a particular challenge in jurisdictions such as

Newfoundland and Labrador where the legislature is attached to the government building. On the issue of order/decorum, Speaker Osborne revealed that when he was a newly elected member in the Assembly there was a sort of initiation where a dedicated minister heckled him as a new member. In recent years, after witnessing the behavior present during some debates, teachers who have brought school groups for tours of the Assembly have stated they do not plan to return in the future because it was such a poor example for young, impressionable people. Upon becoming Speaker, he established decorum, provided training and delivered instructions to parliamentarians where consequences for misbehavior were clearly spelled out. He touted a significant improvement in the number of points of order – there were 15 points of order over 39 days whereas previous session had more than 200 points of order in the same number of days, and one day had over 40. Community stakeholders have also noticed improvements, he added.



Bob Pope

The official conference photo for the 54th CPA – Canadian Regional Conference in St. John’s, Newfoundland and Labrador.

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*As of September 30, 2016

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Parliamentary Bookshelf: Reviews

Made in Nunavut: An Experiment in Decentralized Government, Jack Hicks and Graham White, University of British Columbia Press, Vancouver, 2015, 375 p.

When Jack Anawak publicly spoke out in 2003 against a Cabinet decision to transfer public service positions from his community of Rankin Inlet to Baker Lake, he was a minister in the Government of Nunavut (GN). His statement was a clear breach of the convention of Cabinet solidarity; Anawak was subsequently stripped of his ministerial portfolios and removed from the Executive Council. I was then in my first professional job, working in the GN's Cabinet office. The incident remains, for me, a live example of Canadian constitutional conventions applied and debated in public. It is also a striking example of two decades of political quarrels in Nunavut over the policy of 'decentralization'.

Nunavut's decision to organize its territorial government with a "radically decentralized or deconcentrated organizational model" is this book's "central theme" (12). How decision makers and administrators arrived at and implemented this political and administrative arrangement is described in considerable detail. It is brought to life by examining debates over the promise, design, cost, application, and evaluation of decentralization. What results is really the most comprehensive documentation to date of the creation of a new territorial government in Canada's eastern Arctic.

The story unfolds chronologically. It begins with the closing phases of negotiating the Nunavut Land Claims Agreement (NLCA), which included Article 4 to establish a public government for all residents of the eastern Arctic rather than a self-government only for Inuit, and runs through 2014 with the most recent available statistics on the GN public service. Approximately 20 pages are devoted early on to terminology and a survey of the comparative literature on deconcentrated public administrations; however brief, this overview sets a crucial context for the reader to understand how politicians, bureaucrats and eventually consultants

could themselves interpret, reinterpret, and sometimes misinterpret what is 'decentralization'.

Fully 50 per cent of this book is devoted to the period 1993 – 1999; that is, after the signing of the NLCA through until the opening of the GN. It was during this time that political and bureaucratic actors – occupying committees, offices, secretariats, divisions, and commissions - did research, wrote reports, attended meetings, attended more meetings, and debated what one official called 'the impossible' - the creation of a new sub-national government in Canada.

The book's narrative and analysis is of a style characteristic of these learned authors: excruciatingly well-documented, faithful yet skeptical, and speckled with wry anecdotes.

In totality though, I must express disappointment with *Made in Nunavut*. In doing so, I realize that I'm probably expressing a deeper frustration with decades of studies on the politics of the Canadian North. *Made in Nunavut* is yet another atheoretical description of northern people, institutions and events.¹ As with so many earlier book length studies of northern politics, no attempt is made to use these cases to advance our theoretical understanding of public administration or political science. What does the Nunavut experience with decentralization tell us about principal-agent theory? How about theories of policy failure? Or the literature on implementation?

A purely descriptive account would perhaps be less disconcerting if the authors did not present such a bold thesis.

Key to the argument of Hicks and White is the closing sentence of the first chapter: "Overall, decentralization has proved at least as successful (or unsuccessful, depending on one's degree of pessimism) as the GN as whole and that lack of competence, vision, and leadership among Nunavut's political and bureaucratic elite has far more to do with the GN's problems than does decentralization" (23).

1 Henderson, Ailsa: *Nunavut: Rethinking Political Culture* (University of British Columbia Press, 2007).

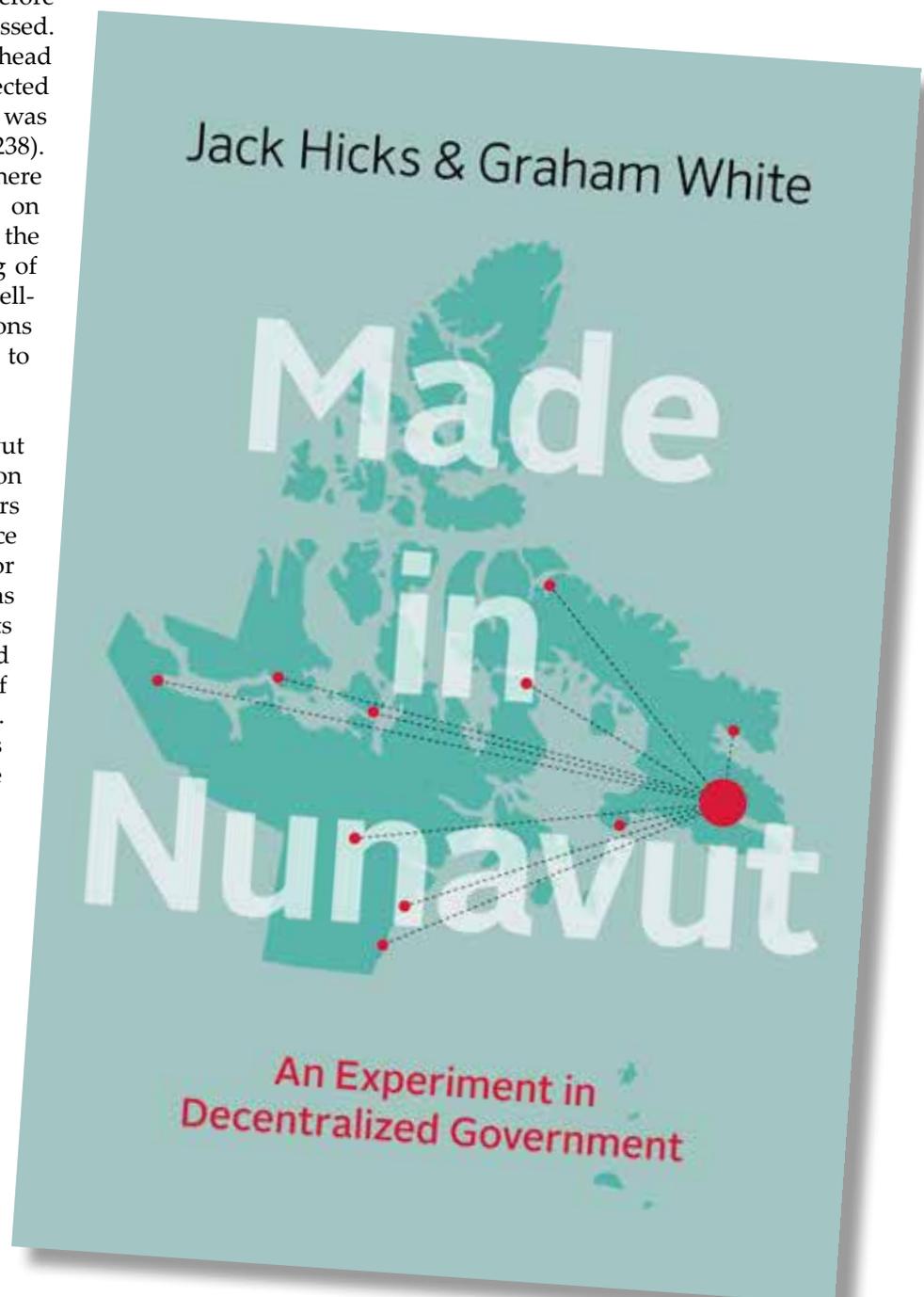
This thesis statement sets a double burden of proof upon the authors. They need to prove that (a) decentralization is over subscribed as the primary cause of policy failure in Nunavut, and (b) that it is the shortcomings of 'the players' (their term) that are to blame for the GN's problems. Let's employ the evidence rendered by Hicks and White to examine these two claims.

Is decentralization a leading cause of policy failure or is it emblematic of deeper problems? First, prospective readers should be warned before reaching page 237 that it takes a bit of context setting before this question is directly addressed. When the thesis is confronted head on, the authors contend, for elected politicians, "decentralization was first and foremost about jobs" (238). They cite numerous examples where the political debate turned - not on bringing government closer to the people - but rather on the sharing of 'political gold', in the form of well-paying public service positions allocated across Nunavut to 'decentralized communities'.

Policy failure in Nunavut is often reflexively blamed on decentralization, but the authors show there is little casual evidence to support these claims. For example, the entire government has struggled to attract civil servants in the licensed professions and technical fields, regardless of position location (e.g., 266 and 306). Issues with recruitment as well as staff housing and training have persisted in Iqaluit as much as in the decentralized communities. Even with a deconcentrated distribution of public service positions across the territory, the authors rightly point out that government decisions are still made by a small number of individuals in Iqaluit: the Executive Council. No quantity of clerks and technicians working across Nunavut's communities could compete with the power of Cabinet government (282).

Hicks and White convincingly demonstrate that decentralization is too often a scapegoat for policy failure in Nunavut.

The second claim made by Hicks and White is that the real reason for the GN's problems is "lack of competence, vision, and leadership among Nunavut's political and bureaucratic elite." The authors establish no problem definition or criteria to examine what constitutes insufficient competence, vision, and leadership. Moreover, two-thirds of the book is completed before this part of the thesis is tested.



In the last three chapters, those focused on the implementation and evaluation of decentralization, a number of the author's observations refute their own thesis. For example, the authors contend: "Whatever the GN's policy successes and failures, it cannot be said that its political and bureaucratic leadership lacked a clear, comprehensive, and ambitious programmatic philosophy" (240). Hicks and White observe that "the GN may be faulted for inadequacies in implementation but at least clear, strong policy goals were enshrined in legislation" (243). No one would dispute that there have been policy failures, "[b]ut these discouraging outcomes have not occurred for want of trying" (246). When it was pointed out early in the first government of Paul Okalik (1999-2004) that there was no dedicated minister or administrative body to oversee the decentralization effort, the Premier established a secretariat in his own department, led first by a senior official who went on to become a federal cabinet minister, and then by one who is currently the government's Secretary to the Cabinet.

Sometimes the analysis is simply contradictory. The "limited impact" of a 2002 consultant's report is apparently "a reflection of the pervasive lack of critical thinking" in the territorial government (284). And yet, in the very next paragraph, the authors explain how, in the same month the report was issued, a deputy minister began to organize a workshop of senior managers affected by decentralization to discuss ways to learn how best to operate in a decentralized

organizational structure (284). Moreover, in response to another consultant's report on decentralization, issued nearly a decade later, the GN effectively abandoned "the original objectives underpinning the decentralized model" (300). Is all of this political and bureaucratic attention characteristic of "malaise" and "a clerk's mentality" (287), or is it evidence of institutional learning and a willingness to adapt?

Perhaps other causes of policy failure noted by the authors deserve more rigorous testing. Alternative or competing explanations include insufficient investment in training and telecommunications infrastructure as well as unrealistically high expectations for the establishment of the GN.

This is no plea for abstraction. It is a desire to see the study of northern political institutions employ rigorous methodology to support its conclusions, and to use institutions such as decentralization or consensus government to question existing theories of government. Not doing the former risks influencing public opinion in a way that is unjust, even if unintended. Not doing the latter risks an unproductive and unrewarding narrowing of the study of northern politics.

David M. Brock

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with the Government of the Northwest Territories.

*The views expressed here are his own.

New and Notable Titles

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

Atkinson, Michael, Rogers, Dustin, and Olfert, Sara. "Better politicians: If we pay, will they come?" *Legislative Studies Quarterly*, 41 (2): 361-91, May 2016.

- While each election provides the Canadian House of Commons with a fresh batch of politicians, no consideration has been given to the question of whether the quality of politicians is improving or how to further improve the quality ...

Everett, Michael. "A Public Service Ombudsman for the UK." House of Commons Library Briefing Paper 07587: 22p., July 2016.

- This Briefing Paper looks at the Government's proposal to bring forward a draft bill for a public service ombudsman...

Fitzgerald, Oliver. "Distant echoes: Discussing judicial activism at Canadian and American Supreme Court nomination hearings." *Constitutional Forum constitutionnel*, 25 (1): 37-47, 2016.

- This paper begins by tracing Canadians' concerns about judicial activism ... and concludes with some thoughts on what Justice Nadon's comments may portend should televised *ad hoc* committee hearings for Supreme Court nominees be restarted.

"Free exchange – Make me." *Economist* 419 (8991): 68, May 28, 2016.

- Compulsory voting is hardest to enact in the places where it would make most difference.

Geisler, Paul. "Will the *Reform Act, 2014*, alter the Canadian phenomenon of party discipline?" *Manitoba Law Journal* 38 (2): 17-43, 2015.

- This paper attempts to determine the extent to which this Bill can be expected to reduce the powers of party leaders, to empower caucuses, and, most importantly, the extent to which this rebalancing of power may result in more politicians dissenting from the party line, and less party cohesion.

Goodwin, Mark, Bates, Stephen, and McKay, Steve. "Elected Chairs do not seem to have brought a new kind of parliamentarian to [UK] Select Committees." *Democratic Audit UK blog*, 3p., June 7, 2016.

- The Wright reforms have been widely credited with revitalising Parliamentary Select Committees. However, the authors question whether the reforms have improved rates of turnover, attendance or gender balance.

Hulme, Kristin. "Alberta's great experiment in senatorial democracy." *American Review of Canadian Studies* 46 (1): 33-54, 2016.

- ...in 1989, the province of Alberta enacted the *Senatorial Selection Act*, arguing that it would serve as a stepping stone for substantive reform to the Senate. This article argues that the Court's opinion in *Reference re Senate Reform* undermines the foundation upon which the provincial statute rests.

Leston-Bandeira, Cristina. "A year on, the new [UK] Petitions Committee has much to celebrate." *Constitution Unit Blog*, July 20, 2016.

- ...The next challenge may be to consider how to maximise the number of petitions that can realistically lead to some sort of outcome.

Lisvane, Lord. "In a fix?" *The House Magazine* 1553 (37): 30-1, June 15, 2016.

- Is the *Fixed-term Parliaments Act* about to be stress-tested by the unpredictable consequences of a Brexit win? Former Clerk of the Commons (2011-14), Lord Lisvane, examines potential scenarios should the UK vote Leave – and the hazards of trying to regulate parliamentary proceedings in statute.

Massicotte, Louis. "Canadians to debate electoral reform, again – but at this stage success seems unlikely." *Constitution Unit Blog*, May 24, 2016.

- The author offers an overview of the long, and largely unsuccessful, history of attempts to reform the Canadian electoral system and discusses the prospects for the current debate. He concludes that at this stage success seems unlikely.

Massicotte, Louis. "Federal electoral system reform and its impact on Canadian federalism." *Federal News - The Federal Idea* 7 (2): 5p., May 2016.

- The election of Justin Trudeau's Liberals in October 2015 has led to renewed debate about reforming the voting system used to elect members to the House of Commons. The new government is considering two very different formulas: the alternative vote system used in Australia, and a mixed-member proportional system, like the systems used in Germany and New Zealand.

McCormack, Tara. "The emerging parliamentary convention on British military action and warfare by remote control." *The RUSI Journal* 161 (2): 22-9, 2016.

- Recent British military interventions in Libya, Iraq and Syria have all been put to the vote in the House of Commons. This suggests a shift away from the longstanding Royal Prerogative on war-making powers towards an expectation that parliamentary authorisation is first required...

Murray, Colin, and O'Donoghue, Aoife. "Towards unilateralism? - House of Commons oversight of the use of force." *International and Comparative Law Quarterly* 65: 305-41, April 2016.

- Engaging democratically-elected assemblies in national decision-making over the extraterritorial use of force seemingly provides a secure check on executive abuses of power...the authors consider what Parliament's evolving role heralds for the general relationship between domestic and UN mechanisms.

Schmitz, Cristin. "Minister pledges to reveal risks in some legislation." *The Lawyers Weekly* 36 (7): 1, 10 June 17, 2016.

- Federal Justice Minister Jody Wilson-Raybould has committed to disclosing the constitutional considerations underpinning at least some government bills - including the recently tabled transgender anti-discrimination bill (C-16).

Walker, Charles. "Reform is needed to restore public and parliamentary confidence in the private members' bill process." *The Constitution Unit Blog*, May 12, 2016.

- Last month the House of Commons Procedure Committee published a report on the private members' bill process in which a number of proposals for reform were put forward. The committee's chair offers an overview and argues that the alternative to reform is that more members will abandon the existing process and backbench legislation, as we know it, will cease.

Cyr, Hugo. « Du vote de non-confiance. » *Un regard québécois sur le droit constitutionnel : mélanges en l'honneur d'Henri Brun et de Guy Tremblay* (Édition Yvon Blais) : 133-57, 2016. [French only] ["Non-Confidence Votes." *A Quebecois Perspective of Constitutional Law: A Collection of Essays in Honour of Henri Brun and Guy Tremblay*]

- A constitutional monarchy such as ours is based on the unwritten principle whereby Her Majesty rules, but does not govern. This principle is complemented by the principle of "responsible government" whereby the government is accountable to the elected House and is therefore no longer subject to the dual responsibility that it once had, which meant that it was also accountable to the monarch. Excerpt, *Un regard québécois sur le droit constitutionnel* [972p, 2016]. [French only] [*A Quebecois Perspective of Constitutional Law*]

Pelletier, Réjean. « La responsabilité ministérielle : mythes et réalités. » *Un regard québécois sur le droit constitutionnel : mélanges en l'honneur d'Henri Brun et de Guy Tremblay* (Édition Yvon Blais) : 159-80, 2016. [French only] ["Ministerial Responsibility: Myths and Realities." *A Quebecois Perspective of Constitutional Law: A Collection of Essays in Honour of Henri Brun and Guy Tremblay*]

- ...there is no mention of the prime minister, or of a responsible government, in the *Constitution Act, 1867*, because executive authority for Canada is vested in the Queen...The constituents of the day (and present-day constitutionalists) could not conceive of an elected assembly ever adopting a motion of non-confidence vis-à-vis the Queen. We must therefore look to the notion of constitutional convention to grasp the very essence of ministerial responsibility, especially given that, as the Supreme Court stated in September 1981, "constitutional conventions plus constitutional law equal the total constitution of the country".



Newfoundland and Labrador

The 48th General Assembly of the House of Assembly resumed on March 8. Following the approbation of Speaker **Tom Osborne**, who was elected on December 18, Lieutenant Governor **Frank F. Fagan** delivered the Speech from the Throne.

Bill 1, which in this jurisdiction is not merely *pro forma*, was *An Act To Establish An Independent Appointments Commission And To Require A Merit-Based Process For Various Appointments*. This legislation was the fulfillment of an election promise. The five-member commission appointed on recommendation of the Lieutenant Governor in Council on Resolution of the House of Assembly is chaired by former Premier and former Chief Justice **Clyde K. Wells**.

In commemoration of Newfoundlanders and Labradorians who were killed in the First World War, the House adopted a temporary proceeding, *Honour 100*, during which the names of those who were killed in the First World War were read out by a different Member each day until all 1600 names had been read. Following the reading of the final 41 names the Members sang the Provincial Anthem, the Ode to Newfoundland, which was the National Anthem of the Dominion of Newfoundland during the First World War.

The Budget, which included some significant measures taken to address the provincial deficit, was passed on May 31.

On May 19, **Paul Lane**, MHA for Mount Pearl North and Deputy Chair of Committees, voted with the Opposition on a Private Member's Resolution calling on Government to eliminate a deficit reduction levy, one of the measures announced in the Budget.

The following day the Member was removed from the Government caucus and sat as an Independent. In 2014 Mr. Lane had left the Government Caucus to sit with the Opposition. **Brian Warr**, MHA for Baie Verte – Green Bay, was appointed Deputy Chair of Committees on May 19.

The House sat from 1:30 p.m. on June 6 to 1:10 p.m. on June 7, and then from 1:30 p.m. on June 7 to approximately to 5:50 p.m. on June 9. The prolonged debate related to Bill 14, *An Act To Amend The Income Tax Act, 2000 No. 2*, which imposes a temporary deficit reduction levy on taxable income, and Bill 19 *An Act To Amend The Revenue Administration Act No. 2*, which imposes a retail sales tax on insurance premiums.

During the Spring sitting the House passed 38 Bills including the *Supply Act* authorizing the Province's estimated \$7,934,237,500 expenditure for the 2016-2017 fiscal year.

The House adjourned on June 7 (calendar, June 9) *sine die*.

Elizabeth Murphy
Clerk Assistant



British Columbia

Legislation

The spring sitting of the fifth session of the 40th Parliament adjourned on May 19, 2016. Prior to adjournment, Lieutenant Governor **Judith Guichon** attended the Legislative Assembly to give Royal Assent to 19 government bills and one private bill. Among these were Bill 2, the *Great Bear Rainforest (Forest Management) Act*, which protects most of the globe's largest intact temperate rainforest on British

Columbia's central coast from logging, and Bill 23, the *Sexual Violence and Misconduct Policy Act*, which requires all public post-secondary institutions to establish sexual misconduct policies within one year. Thirty-seven private members' bills were also introduced during this session.

The Legislative Assembly also convened a special four-day summer sitting on July 25, 2016 to enable the City of Vancouver to impose a vacancy tax on empty homes. Legislation to implement this measure, and to add an additional 15 per cent property transfer tax on Vancouver real estate purchased by foreign nationals – Bill 28, *Miscellaneous Statutes (Housing Priority Initiatives) Amendment Act, 2016* – received Royal Assent on July 28, 2016. Royal Assent was also given for Bill 27, the *Human Rights Code Amendment Act, 2016* – which amends the provincial Human Rights Code to explicitly protect gender rights and gender expression, following unanimous agreement to advance the legislation through all stages in one day.

Estimates Process

The Speaker of the Legislative Assembly, **Linda Reid**, ruled on May 17, 2016, on a point of order raised by **Andrew Weaver**, Member for Oak Bay-Gordon Head. The Member had expressed concern that the Committee of Supply had not properly completed consideration of the estimates of the Office of the Premier because a pause in the proceedings in order to confer and clarify with Committee Members on the status of business had resulted in the Committee being improperly constituted and unable to consider or adopt the motion regarding the estimates in question. The Speaker indicated that such informal pauses were not unusual, as Presiding Officers often consult informally with Members during proceedings to clarify the status of business, or to coordinate matters relating to the management of business. The Speaker concluded that the Committee of Supply had remained properly constituted at all times, correct procedures had been followed, the Premier's final motions had been moved with the unanimous consent of the Members present, and, accordingly, the proceedings had been in order.

Rules for Tabling Reports

On May 3, 2016, the Speaker made a statement in the Legislative Assembly reminding all statutory officers that their reports must be tabled in the House before they are publicly released.

Parliamentary Committees

A high level of parliamentary committee work continued, with eight committees active during the reporting period, including the following:

On May 10, 2016, the Select Standing Committee on Health released its report entitled *Improving End-of-Life Care for British Columbians*. The report recommended that an integrated and interdisciplinary palliative model of care be implemented, including appropriate supports and services for families and caregivers, and advance care planning. Continuing their work, on June 7, 2016, the Committee launched public consultations, seeking submissions on how to ensure the quality and sustainability of BC's health care system. The Committee posed questions regarding health care services in rural BC, interdisciplinary teams, and addiction recovery programs. In July, the Committee held public hearings in four communities across the province. The deadline for written submissions was July 29, 2016.

The Special Committee to Review the *Freedom of Information and Protection of Privacy Act*, established under the Act's requirement for a statutory review by a special committee every six years, completed its work and released its report on May 11, 2016. The Committee heard 24 presentations and received 169 written submissions from experts, stakeholders, and citizens. The report's 39 recommendations included proposals for government to enhance proactive disclosure, create a duty to document key decisions and actions by public bodies, implement an information management framework, and require mandatory notification to affected individuals about significant privacy breaches.

On May 18, 2016, the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills released its report recommending that Private Bill 401, the *Millar College of the Bible Act*, proceed to second reading. On May 19, 2016, the Committee released a second report advising that, pursuant to the *Statute Revision Act*, the Committee had recommended to the Lieutenant Governor that proposed revisions to the *Municipal Replotting Act* be approved and brought into force.

Blessing and Presentation of the Talking Stick

On May 11, 2016, there was the official ceremony to bless the Talking Stick. It was a special event that included a traditional First Nations prayer in the Sencoten language by Elder Mary Anne Thomas from

the Esquimalt First Nation and Elder Elmer George from the Songhees First Nation. The Talking Stick was carved by James Delorme, and first given to former Lieutenant Governor **Steven Point** in 2010 as a gift from the Songhees First Nation to commemorate the Salish Sea Naming Ceremony. The Talking Stick is now displayed in the Chamber to serve as a reminder that First Nations and reconciliation should be a consideration in all debates and discussions in the Legislative Assembly.

BC Memorial Quilt

On May 10, 2016, the Chamber welcomed a prayer led by Deputy Chief Councillor **Wanda Good** of the Gitanyow First Nation, said in the Gitxsanimaax language, to commemorate the unveiling of the BC Memorial Quilt. The quilt is a memorial to missing and murdered Aboriginal women and girls in BC. In January 2016, over 350 family members from across BC and Canada met in Prince George, BC, for a three-day gathering of healing and memorial. The quilt is approximately three metres wide by 2.5 metres long, and includes 90 patches embroidered with messages and symbols of remembrance from family members of the victims. The quilt is prominently displayed in the Lower Rotunda, and is on display until September 2016.

Jennifer Arril

Committee Researcher



Alberta

2nd Session of the 29th Legislature

The 2nd Session of the 29th Legislature adjourned for the summer on June 7, 2016, and is expected to

resume on October 31, 2016. During the spring sitting the Assembly passed 21 Government Bills, two Private Members' Public Bills, and one Private Bill.

Bill 20, *Climate Leadership Implementation Act*, often referred to as the "Carbon Tax Bill" was perhaps the most contentious Bill of the session. After considering 21 proposed amendments, and many hours of debate, including one evening sitting that carried on past 4:00 a.m., the Bill was passed on June 7, 2016, the final day of the spring session. The new carbon levy, which will come into effect on January 1, 2017, is anticipated to generate over \$9 billion in revenue over five years. Some of these funds will be returned or redistributed through rebates for lower income families, a reduction in small business taxes, and assistance to Indigenous communities and coal-producing communities. The remaining funds collected will be used to create new jobs and diversify the province's energy industry with investment in large scale renewable energy and other technologies, and green infrastructure such as public transit.

Forest Fires and Evacuation of Fort McMurray

In May, the devastation wrought by forest fires in northern Alberta and the related evacuation of the City of Fort McMurray and surrounding communities affected the work of the Assembly and its Members. Members were impacted both personally and professionally as they sought to confirm the safety of friends and family and provide assistance to northern evacuees. Premier **Rachel Notley** frequently travelled to the northern areas of the province during the initial stages of the emergency and ministerial statements provided regular updates of the status of the fire. MLAs from the Fort McMurray region, the Leader of the Official Opposition, **Brian Jean** (Fort McMurray-Conklin) and **Tany Yao** (Fort McMurray-Wood Buffalo) were directly affected by the mandatory evacuation of the area. Mr. Yao spent years serving in the Fort McMurray Fire Department, including time as the Assistant Deputy Chief of Operations – EMS, and Mr. Jean is among the many residents whose home was destroyed by the fire.

The schedule of the Assembly was also impacted during the emergency period. The House adjourned early on May 4, 2016, multiple evening sessions were required, and ultimately the spring session ran two days longer than anticipated. A meeting of the Select Special Ethics and Accountability Committee was cancelled, and although the schedule for consideration of the main estimates was adjusted twice, the estimates

of the Ministries of Municipal Affairs and Executive Council were eventually represented by other members of Cabinet.

Committee Business

On July 8, 2016, the Standing Committee on Families and Communities released the report on its review of the *Mental Health Amendment Act, 2007*. The Report contained six recommendations including amendments to the current *Mental Health Act* and the *Community Treatment Order Regulation*. Having completed this review the Committee will begin consideration of *Bill 203, Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act*.

On June 2, 2016, the Standing Committee on Resource Stewardship was deemed to be the special committee of the Assembly for the purpose of conducting a comprehensive review of the *Lobbyists Act* pursuant to section 21 of that Act. The Committee must submit its report to the Assembly within one year after beginning its review and that report is to include any amendments recommended by the Committee.

Also on June 2, 2016, the Assembly passed a motion referring the *Child and Youth Advocate Act* to the Standing Committee on Legislative Offices for the purpose of conducting a comprehensive review pursuant to section 23 of that Act. The Committee held its first meeting on this matter on June 22, 2016, and has a year from this date to complete its review and report back to the Assembly.

On November 5, 2015, the Assembly referred the review of the operation of the new morning sittings to the Standing Committee on Privileges and Elections, Standing Orders and Printing. Morning sittings are not held during the period in which the main estimates are under review but outside of this time period they are scheduled from 10:00 a.m. until noon on Tuesdays, and 9:00 a.m. until noon on Wednesdays and Thursdays. After working with these new hours for the latter portion of the fall session, and the entire spring session, the Committee held its first meeting on the issue on June 22, 2016. The Committee has invited the House Leaders, Independent Members of the Assembly, the Clerk of the Assembly, and the Ministry of Infrastructure to present their experiences and assessments of the operation of the new sitting hours. The Committee must complete its review and report its recommendations to the Assembly by October 27, 2016.

The Select Special Ethics and Accountability Committee is continuing its review of the four pieces of legislation included in its mandate: the *Public Interest Disclosure (Whistleblower Protection) Act*, the *Election Finances and Contributions Disclosure Act*, the *Election Act*, and the *Conflicts of Interest Act*. The Committee was given a one year review period and must report its findings before the end of September 2016.

Jody Rempel
Committee Clerk



Manitoba

1st Session of the 41st Legislature

The 1st session of the new Legislature began soon after the election on May 16, 2016. The first item of business was the election of a new Speaker by secret ballot. After the first round of ballots **Myrna Driedger** (Charleswood) was elected as Speaker. Ms. Driedger was first elected as MLA in 1998 and has held a number of diverse critic roles in the past including that of Interim Leader of the PC Party of Manitoba.

Later that same day, the **Brian Pallister** government presented its 1st Speech from the Throne. Delivered by **Janice C. Filmon**, the Lieutenant-Governor of Manitoba, the address identified a range of government commitments and proposals, including:

- implementing a comprehensive, value-for-money review across government;
- establishing 'Fair Say' for municipalities on strategic infrastructure investments and committing to long-term, strategic infrastructure investments including improved flood protection;

- creating a Premier's Enterprise Team;
- developing a framework for consultation with Indigenous communities;
- pursuing membership in the New West Partnership agreement and pledging support for the Trans-Pacific Partnership;
- championing tourism investment through Travel Manitoba's Plan 96/4 and developing partnerships in tourism opportunities in Manitoba's north;
- reducing ambulance fees, establishing a wait times reduction task force, and taking initial steps toward implementing our plan for the construction of additional personal care home beds;
- introducing the *Protecting Children Act* to facilitate collaboration and sharing of critical information;
- developing a made-in-Manitoba climate action plan that is both consultative and innovative;
- abolishing the subsidy for political parties and restoring Manitobans' right to vote on major tax increases;

Interim Official Opposition Leader **Flor Marcelino's** (Logan) non-confidence amendment to the Address in Reply motion included a number of observations and commentaries on the government's plans. In particular, the amendment claimed that the government failed to;

- present a positive and inclusive vision for all Manitobans;
- acknowledge and commit to implementing the recommendations of the Truth and Reconciliation Commission;
- commit to ensuring a successful and participatory national inquiry into Missing and Murdered Indigenous Women and Girls;
- commit to keeping public and social services public;
- commit to protecting and enhancing the rights of LGBTQ persons, persons living with disabilities, and workers;
- commit to focus on environmental and water protection;
- commit to increase the minimum wage

Later in the debate, Independent Member **Cindy Lamoureux** (Burrows) moved a sub-amendment condemning the government's failure to:

- commit to the timely construction of the road network connecting communities on the east side of Lake Winnipeg;
- commit to improving and enhancing the Provincial nominee program;
- commit to addressing the urgent need for First

Nations housing; and

- commit to implement a plan to improve nutrition and to decrease diabetes in the Province.;
- acknowledge and commit to implementing the recommendations of the Truth and Reconciliation Commission.

Following the defeat of Ms. Lamoureux' sub-amendment on May 26, 2016 by a vote of yeas 16, nays 37, the Official Opposition's amendment was defeated on a vote of yeas 14, nays 40. Finally, the same day the main motion was carried on a vote of yeas 37, nays 17.

Budget debate

On May 31, 2016, new Finance Minister **Cameron Friesen** (Morden-Winkler) delivered his first budget. Highlights of the government's budget included:

- indexing of the basic personal exemption as of Jan. 1, 2017 and indexing of income tax brackets to the rate of inflation;
- \$220-million increase in funding for health care to support ACCESS centres, health-care centres and hospitals in Winnipeg and rural Manitoba, the provincial oncology drug program and other health-care services;
- 37-million increase in funding for education and training including increase in funding for schools to support initiatives in early years reading, new schools, resources for at-risk and Indigenous students, the full implementation of the masters of social worker – Indigenous knowledge program at the University of Manitoba, and operating increases of 2.5 per cent for universities and two per cent for colleges;
- increased provincial contribution to new construction, improvement and maintenance costs through the Manitoba Housing and Renewal Corporation; support for early learning and child care; increased resources for the victims of crime; and additional resources to provide supports for Syrian refugees; and
- \$1.8 billion for strategic infrastructure funding.

During her contribution to the budget debate on June 1, 2016, Interim Official Opposition Leader Ms. Marcelino moved a motion expressing non-confidence in the government, which stated that the budget failed to:

- clarify the definition of "front line worker" and what services will be protected;
- make the results of cross-government, private

sector spending reviews open and transparent to the public;

- ensure to the hard working people of Manitoba that the Provincial Government's value-for-money audit will not result in job losses;
- address wage concerns of low income Manitoba families by not increasing the minimum wage;
- provide any additional resources for needed early childhood education spaces for Manitoba families;
- commit to a comprehensive early learning program;
- address the needs of persons living with disabilities;
- commit resources necessary to address the recommendations of the Truth and Reconciliation Commission;
- provide community and career assistance to new immigrants in the province;
- advance initiatives for northern Manitoba;
- preserve needed supports and relief for seniors and middle income Manitobans; and
- provide any new supports for safer communities.

On the same day, Independent Member **Jon Gerrard** (River Heights) moved a sub-amendment, stating that the budget failed to commit, among others, to:

- address the root causes of prescription drugs, alcohol and street drug addiction;
- eliminate ambulance fees for low income seniors;
- establish Youth Justice Committees;
- act immediately to address the long wait times in emergency rooms;
- reduce the number of children in care of Child and Family Services;
- balancing the budget in four years;
- ensure the health of Lake Winnipeg;
- act immediately in addressing the diabetes epidemic;
- addressing the high cost of food in remote Northern communities; and
- the completing of the east side road of Lake Winnipeg.

On June 7, 2016 the sub-amendment was defeated on a voice vote. Subsequently, Ms. Marcelino's amendment was defeated on a recorded vote of yeas 16, nays 37, while the main budget motion carried on a recorded vote of yeas 38, nays 16.

Bills

The first session of this new Legislature saw the introduction of fifteen Government and Private Bills

addressing a variety of governance areas. Before the adjournment of the House on June 30th, five Bills received Royal Assent including:

Bill 3 – The Mental Health Amendment Act, which enables someone who is not a peace officer but who has been appointed to a specified position, or who has received the required training, to stay with a person at a facility until an involuntary medical examination or a psychiatric assessment has been completed;

Bill 5 – The Francophone Community Enhancement and Support Act, which establishes the role of the minister responsible for Francophone Affairs, the Francophone Affairs Secretariat and the Francophone Affairs Advisory Council. In addition, public bodies, such as government departments and specified Crown corporations, and independent officers must have approved French-language services plans.

Committee of Supply

The Committee of Supply began consideration of the Estimates of the Departmental Expenditures in June. During this period, resolutions to approve departmental spending for certain departments were passed, and in some departments motions to reduce minister's salaries were moved and defeated. On Friday June 24, the Committee completed consideration of the Estimates and the following week moved to consider the concurrence motion. By June 30, the Committee completed all the steps relating to the budget process and the House passed *The Budget Implementation and Tax Statutes Amendment Act, 2016*, *The Appropriation Act, 2016*, and *The Loan Act, 2016*.

Standing Committees

The Standing Committee on Public Accounts met for the first time in June and **Matt Wiebe** (Concordia) was elected as the new Chairperson, while **Reg Helwer** (Brandon West) was elected as the new Vice-Chairperson. The Committee met again before the end of the month for an orientation session with the participation of the Auditor General and his staff.

In addition, the Standing Committee on Legislative Affairs met on June 28 to hear public presentations and consider the two Bills that the House passed before the summer break. The Standing Committee on Crown Corporations recently met on July 19 to consider reports from The Workers Compensation Board.

Sessional Agreement

On June 21, 2016, the House passed a government motion which set the sitting schedule for June, the adjournment on June 30, 2016 and stated the matters to be complete before adjournment

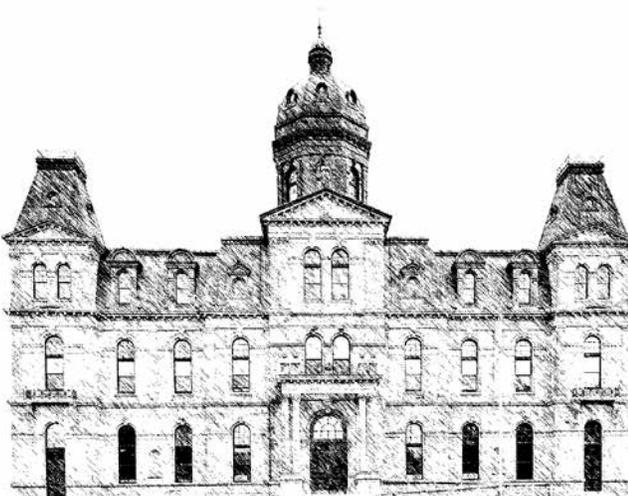
In addition, the motion outlined the fall sittings dates from October 3 to November 10, 2016, all the steps to be taken to complete government business, and the commencement of the Second Session of the 41st Legislature on November 21 until December 2, 2016.

Current Party Standings

The current party standings in the Manitoba Legislature are: Progressive Conservatives 40, NDP 14, with three Independent members.

Andrea Signorelli

Clerk Assistant/Clerk of Committees



New Brunswick

The second session of the 58th Legislative Assembly opened on December 1, 2015, and adjourned on July 8, 2016, sitting a total of 39 days. The reduced number of sitting days, compared to previous sessions, was the result of bills and estimates being referred to separate standing committees, which would meet during weeks the House was adjourned. During the session, the Standing Committee on Economic Policy, chaired by MLA **Gilles LePage**, met 16 days to consider various government bills, while the Standing Committee on Estimates and Fiscal Policy, chaired by MLA **Bernard**

LeBlanc, met 15 days to consider departmental estimates.

Legislation

During the session, 36 bills received Royal Assent. Bills introduced near the end of the session that were of particular interest included:

Bill 41, *New Brunswick Women's Council Act*, introduced by Premier **Brian Gallant**, established an independent body to represent New Brunswick women, to provide advice to government on matters of importance to women and their substantive equality, and to include and engage women of diverse identities, experiences and communities.

Bill 43, *An Act to Amend the Post-Secondary Student Financial Assistance Act*, introduced by Minister **Francine Landry**, created the tuition access bursary to provide upfront financial assistance to qualifying students from families with an annual income of \$60,000 or less and who are enrolled full-time in an undergraduate degree, diploma or certificate program at a publicly funded university or college in New Brunswick. The provincial government will pay the difference between the federal low-income or middle-income grant provided to an eligible student and the amount owing for that student's tuition.

Prior to the House adjourning for the summer, the Official Opposition introduced 19 bills, including separate bills, introduced by MLA **Stewart Fairgrieve**, for each of the eight legislative officers that would require the establishment of a selection committee not fewer than 90 days before the end of the term of an officer or within 30 days if an office becomes vacant more than a year before the end of the term of an officer.

Cabinet Shuffle

Significant changes to Cabinet were announced on June 6, including the appointment of **Cathy Rogers** as New Brunswick's first female Finance Minister. Ms. Rogers had been serving as Minister of Social Development. In addition, two MLAs were added to Cabinet: **Lisa Harris** as Minister responsible for Seniors and Long-Term Care and Minister responsible for Celtic Affairs, and **John Ames** as Minister of Tourism, Heritage and Culture.

The full list of Ministers is as follows: Mr. Gallant, Premier; **Stephen Horsman**, Deputy Premier, Minister responsible for Families and Children; **Denis**

Landry, Minister of Justice and Public Safety; **Donald Arseneault**, Minister of Post-Secondary Education, Training and Labour; **Rick Doucet**, Minister of Agriculture, Aquaculture and Fisheries, Minister of Energy and Resource Development, Government House Leader; **Victor Boudreau**, Minister of Health, Deputy Government House Leader; **Ed Doherty**, Minister of Service New Brunswick; **Brian Kenny**, Minister of Education and Early Childhood Development; **Bill Fraser**, Minister of Transportation and Infrastructure, **Roger Melanson**, President of the Treasury Board; Ms. Landry, Minister of Economic Development; Ms. Rogers, Minister of Finance; **Serge Rousselle**, Minister of Environment and Local Government, Attorney General; Mr. Ames, Minister of Tourism, Heritage and Culture; Ms. Harris, Minister responsible for Seniors and Long-Term Care.

Climate Change

On May 25, a discussion guide entitled *Building a Stronger New Brunswick Response to Climate Change* was filed and referred to the Select Committee on Climate Change, chaired by MLA **Andrew Harvey**. The guide presents background information on climate change in a New Brunswick context, discusses potential actions that could be taken, and asks important questions to help stimulate discussion. In June and July, the Committee met with representatives from the Department of Environment and Local Government and various experts on climate change. The Committee is expected to consult the public during hearings scheduled for late August and early September, with the intent of releasing a final report by mid-October.

Electoral Reform

On July 5, Deputy Government House Leader Victor Boudreau tabled a discussion paper entitled *Strengthening New Brunswick's Democracy*. The purpose of the paper is to examine democratic reform in the province, including eliminating barriers to entering politics for underrepresented groups, and investigating a means to improve participation in democracy, such as preferential ballots and online voting. Other issues for consideration include the voting age, and political contribution and spending rules. It is anticipated that the discussion paper will be used to consult the public on the issues and options presented.

Auditor General

A joint meeting of the Standing Committee on Public Accounts, chaired by MLA **Trevor Holder**, and the Standing Committee on Crown Corporations, chaired by **Bertrand LeBlanc**, was held on June 15. The Committees considered Auditor General **Kim MacPherson's** report entitled *Report of the Auditor General of New Brunswick 2016 Volume I, Performance Audit*. It detailed the Auditor General's findings on nursing homes, public trustee services, and agricultural fair associations.

Standings

The Legislature adjourned on July 8 and is expected to resume sitting on November 2. The standings in the House are 26 Liberals, 22 Progressive Conservatives, and 1 Green.

Shayne Davies

Assistant Clerk



Senate

The spring/summer quarters were extremely busy for Canada's Senate, including changes in composition and operations that have been underway since the start of the 42nd Parliament. The Upper House continues to adapt to the changing leadership structures, and activities identified in the previous legislative report, such as the attendance of ministers at Question Period, have continued.

Legislation

The most debated piece of legislation in this period was Bill C-14, *An Act to amend the Criminal Code and*

to make consequential amendments to other Acts (medical assistance in dying). The Senate began its consideration of the legislation by initiating a pre-study before the bill left the House of Commons. In May, the Standing Committee on Legal and Constitutional Affairs met over five days and heard from 43 witnesses, including ministers and departmental officials, doctors, lawyers, members of the academic community and other interested stakeholders. The committee reported back to the Senate on its pre-study on May 17 and made 10 recommendations as well as eight more supported by a minority in the committee. Many of the recommendations were similar to those contained in the report of the Special Joint Committee on Physician-Assisted Death. On May 31, C-14 received first reading in the Senate. The same day, a motion was passed for the Senate to resolve itself into Committee of the Whole the following sitting day to hear from the Ministers of Justice and Health on the subject matter of the bill. Each minister appeared separately for two hours, with the proceedings being televised. After lengthy debate at second reading, the bill itself was sent to the Legal and Constitutional Affairs Committee for study. The committee chose not to amend the legislation; rather it opted to allow the Chamber as a whole to consider amendments proposed at third reading stage, permitting more Senators to be part of those proceedings. A motion was adopted to establish the detailed parameters for proceedings at third reading. In particular, the normal restriction on speaking only once was lifted, senators were able to move more than one amendment and debate was generally organized by specific themes.

Third reading debate began on June 8 and extended over six days. During this time, the Senate adopted numerous amendments, one of which was proposed by Senator **Serge Joyal** and significantly changed the eligibility criteria so that assisted death would be available to all individuals with a grievous and irremediable medical condition whether or not they were at the end of life, as proposed by the House of Commons. The Senate sent the bill, as amended, to the House of Commons. Senator Joyal's amendment was rejected, but the House accepted other amendments including one proposed by Senator **Nicole Eaton** setting out the requirement that a person seeking medical assistance in dying be informed of the palliative care options. The Senate considered the Commons' message to accept some amendments while modifying or rejecting others on June 17. The Senate eventually agreed to the Commons' proposal, and the bill received Royal Assent by written declaration later that day.

Other legislation of note included Bill C-7, *An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures*. The bill provides, amongst other things, for a labour relations regime for members of the RCMP and reservists. After second reading, the bill was sent to the Standing Senate Committee on National Security and Defence for study and the committee reported the bill back with amendments. The amendments related to the protection of management rights, ensuring a secret ballot, removing exclusions from collective bargaining, ensuring the Public Service Labour Relations and Employment Board has the necessary authority to interpret legislation, and amendments consequential to these changes. The Senate adopted the bill with amendments and returned it to the Commons.

Speaker's Rulings

In early May, Senator **Claude Carignan** raised a point of order relating to the announcement from Senator **Peter Harder** that Senator **Diane Bellemare** would be styled as the Legislative Deputy to the Government Representative, and Senator **Grant Mitchell** would be styled as the Government Liaison with both performing the usual functions of Deputy Leader and Whip, respectively. Senator Carignan's objection was that neither of these positions is recognized in the *Rules of the Senate*. Further, he asked whether these two senators would be entitled to the additional remuneration provided for the Government Deputy Leader and the Government Whip under the *Parliament of Canada Act*. On May 19, Speaker Furey ruled that flexibility in these cases should be permitted. Citing various examples over the years, including the creation of a Speaker pro tempore (Deputy Speaker), as well as various divisional designation by Senators, the Speaker stated "...formal requirements need not always be rigidly binding. There can, within reason, be a level of adaptability that takes account of specific circumstances."

On June 16, Senator **Pierrette Ringuette** raised a Question of Privilege respecting her affiliation as it appears on the Senate's website. Her complaint was that she was being shown as "non-affiliated," rather than "independent," as was previously the case. She noted that this change, authorized by the Internal Economy Committee in May, was made without consulting the affected senators. On June 22, Speaker Furey ruled that there was no *prima facie* case of privilege. He did, however, recommend that the issue of the designation as "independent" or "non-affiliated"

be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament to conduct a thorough examination of the subject, canvassing the views of senators, noting past practice, and soliciting information from other jurisdictions.

Senators

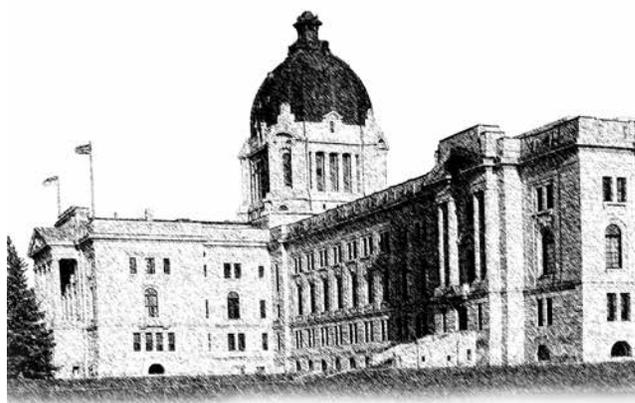
David P. Smith (*Cobourg*) of Ontario retired from the Senate on May 16 after serving nearly 14 years. Appointed to the Senate in 2002 on the advice of Prime Minister Chrétien, Senator Smith had previously served as a Member of Parliament between 1980 and 1984, representing the constituency of Don Valley East. He served in Cabinet as the Minister of State for Small Businesses and Tourism during 1983-1984. Senator Smith, a lawyer, was also a key figure on several election campaigns over his career.

Committees

Despite the very long hours in the Chamber in May and June, Senate committees continued their consideration of legislation, in addition to their work on special studies. Several committees issued significant reports during this period, such as the Standing Senate Committee on Banking, Trade and Commerce's June report on interprovincial trade barriers. In the report, entitled *Tear down these walls: Dismantling Canada's internal trade barriers*, the committee makes seven recommendations to the government. The committee recommended that the federal and provincial/territorial governments urgently work towards concluding the negotiations for a renewed *Agreement on Internal Trade* to be finalized by July 1, 2017.

At the beginning of each session, the Committee of Selection reports to the Senate with its recommendations for committee memberships. As part of the mandate of the committee, it is also empowered to propose to the Senate changes in the membership of a committee. The arrival of the seven new senators came after the adoption of the initial report, so the committee met again in early June to re-examine committee memberships. It reported to the Senate for adjustments to the composition of committees, taking into account the new Senators as well as the general increase in the number of senators who are not members of a recognized party. After some debate, the report was adopted prior to the summer adjournment.

Vanessa Moss-Norbury
Procedural Clerk



Saskatchewan

First Session of the Twenty-Eighth Legislature

The first session of the twenty-eighth legislature began on May 17, 2016 with the election of Speaker. Lieutenant Governor **Vaughn Solomon Schofield** later delivered the Speech from the Throne.

On May 18, a sessional order was adopted which outlines the sitting periods for the first session of the twenty-eighth legislature. The parliamentary calendar is currently not in effect because the government may begin the first session of a new Legislature at any time.

The first session will be divided into three sitting periods. The first sitting period was adjourned on June 30. The fall sitting will begin on October 19 and conclude on November 30, 2016. The third sessional period will convene on March 6, 2017 and the parliamentary calendar will be followed at that time.

Election of Speaker

The Speaker and Deputy Speaker are elected by secret ballot in Saskatchewan. Members may submit their names to be considered for the role of Speaker or Deputy Speaker. The candidate with the majority of votes assumes the respective roles.

Corey Tochor was elected as Speaker for the Legislative Assembly of Saskatchewan. This was the first time in our history that three candidates put their names forward and a second ballot was required to determine a Speaker. **Greg Brkich**, MLA for Arm River, was defeated in the first round of voting. A second ballot was required to elect Mr. Tochor in the role of Speaker. The unsuccessful candidate, **Dan D'Autremont**, was the Speaker for the twenty-seventh

legislature. Mr. Tochor was first elected as the MLA for Saskatoon Eastview in 2011.

On May 18, **Glen Hart**, MLA for Last Mountain-Touchwood, was declared Deputy Speaker by acclamation. **Delbert Kirsch**, MLA for Batoche, was appointed Deputy Chair of Committees.

Committee Hearings

On June 8, the Standing Committee on Crown and Central Agencies held a public hearing on *The Crown Corporations Public Ownership Amendment Act, 2016*. The bill revoked Saskatchewan Liquor and Gaming Authority's status as a Crown corporation. As a requirement of subsection 5(1) of *The Crown Corporations Public Ownership Act*, public hearings are required at first reading of any bill amending or revoking any organization's status as a Crown corporation.

The Standing Committee on Human Services will conduct an inquiry and make recommendations to the Assembly respecting improving the rate of organ and tissue donation in Saskatchewan. Hearings were scheduled for the first two weeks of September, and the committee will report its recommendations back to the Assembly by November 30, 2016.

Privilege

On June 1, budget information, as part of an embargoed New Democratic Party news release, was prematurely made public. The 2016-17 budget was tabled by the Minister of Finance, **Kevin Doherty**, later that day.

Government House Leader, **Ken Cheveldayoff**, raised a matter of privilege in regards to the leak on June 1. On June 2, the Speaker found that a prima facie case had been established. The Assembly agreed to the following motion on division:

That the early release of embargoed budget information by the Member from Saskatoon Nutana and the opposition caucus clearly constitutes contempt of the Legislative Assembly of Saskatchewan by preventing all members from exercising their duties and responsibilities as Members of the Legislative Assembly; and further

That this matter be referred to the Standing Committee on Privileges for a full investigation and a report with a remedy to be tabled in the Legislative Assembly.

The Standing Committee on Privileges reported its recommendations back to the Assembly on June 14. The Assembly agreed on division that the 2017-18 budget document would be provided to a single

opposition MLA who will be personally responsible for ensuring the embargo agreement is honoured. No further sanctions were imposed.

Anne Drake

Committee Clerk/Coordinator



Ontario

The Ontario Legislature wrapped up a busy spring sitting on June 9, 2016, with 13 public bills receiving Royal Assent during May and June.

Truth and Reconciliation Commission

On May 30, the House adjourned during pleasure to allow for remarks on the Truth and Reconciliation Commission. Premier **Kathleen Wynne** addressed the House with the government's official response to the Commission's report. She offered a formal apology for the abuses suffered by Ontario's indigenous people, and announced the release of a government report that outlines how Ontario is further responding to the Commission's findings and calls to action. As part of its response, the government renamed its Ministry of Aboriginal Affairs to the Ministry of Indigenous Relations and Reconciliation. Official Opposition leader **Patrick Brown** and Third Party leader **Andrea Horwath** also addressed the House. The three leaders' speeches not only commented on the Commission's work but also touched on the history of the province's indigenous people, with particular reference to the residential school system, including the personal stories and struggles of survivors.

In response, six guests from Ontario's indigenous communities made remarks: **Isadore Day**, Ontario Regional Chief; **Margaret Froh**, President of the Métis Nation of Ontario; **Natan Obed**, President of Inuit Tapiriit Kanatami; **Sheila McMahon**, President of the

Ontario Federation of Indigenous Friendship Centres, **Dr. Dawn Lavell-Harvard**, President of the Ontario Native Women's Association; and **Andrew Wesley**, a survivor of the residential school system. Each of their narratives highlighted their community's perspective during this historic event.

The last dignitary to address the Ontario Legislature was Quebec Premier **Philippe Couillard** in May 2015, and before that was Japanese Ambassador **Kaoru Ishikawa** in April 2011.

Speaker's Ruling

On June 9, Speaker **Dave Levac** ruled on a question of privilege raised by **Jim Wilson**, Member for Simcoe—Grey, regarding the government's proposed climate change action plan. The plan was seemingly released to the media before its announcement or tabling in the House, and the Member contended that this amounted to contempt of the House. Mr. Wilson asserted that the relevant legislation has a provision that required the plan to be tabled in the House before it was made public. As Speakers traditionally avoid interpreting laws, the Speaker could not rule on the interpretation of the particular provision cited by Mr. Wilson.

On the same question of privilege, Mr. Wilson also cited rulings by Speakers of the Canadian House of Commons relating to the premature disclosure of the contents of bills prior to their introduction in the House. The Standing Orders of the House of Commons require 48 hours' notice before bills can be introduced in the House and their Speakers have ruled that premature disclosure of "bills on notice" amounted to a *prima facie* case. In the Ontario Standing Orders, bills are not placed on notice. Therefore, the House of Commons rulings were not applicable in this case and Speaker Levac was unable to find a *prima facie* case of contempt.

Despite this ruling, the Speaker reminded Members that "previous Speakers have expressed misgivings about new government initiatives being announced outside the House before being announced inside the House."

Cabinet Shuffle

During the final days of the sitting, four ministers stepped down from cabinet, which sparked anticipation of a shuffle midway through the government's mandate. Ministers **Jim Bradley**, **Mario**

Sergio, and **Ted McMeekin** left cabinet to make way for others but remain as MPPs while **Madeleine Meilleur** resigned both from cabinet and her seat in the Legislature.

Indeed, on June 13, Premier Wynne named seven new ministers, increasing the number of women to make up 40 per cent of the cabinet. Among the new ministers are: **Laura Albanese** (MPP for York South—Weston); **Chris Ballard** (MPP for Newmarket—Aurora); **Marie-France Lalonde** (MPP for Ottawa—Orléans); **Kathryn McGarry** (MPP for Cambridge); **Eleanor McMahon** (MPP for Burlington); **Indira Naidoo-Harris** (MPP for Halton); and **Glenn Thibeault** (MPP for Sudbury).

Code of Conduct

On May 12, the House passed a motion to establish a panel to draft a code of conduct for Members of the Ontario Legislature. Composed of the Speaker as chair and one Member from each party, the panel is assigned to ensure that the Code includes the following principles:

- Promote a safe, secure and respectful work environment that is free from harassment, intimidation and bullying;
- Set out guidance for conduct by or against Members as they conduct their work in the legislative precinct, in their ridings, or any other venue where they are conducting business as MPPs;
- Include mechanisms for addressing complaints; and
- Suggest training and education initiatives.

Condolences

During the months of May and June, the House expressed its condolences on the passing of the following former Members:

Joan M. Fawcett, Member for Northumberland, September 10, 1987 to June 7, 1995

Keith Roy Brown, Member for Peterborough, June 11, 1959 to October 16, 1967

W. Leo Jordan, Member for Lanark—Renfrew, September 6, 1990 to June 2, 1999

Michael Murray Dietsch, Member for St. Catharines—Brock, Sept 10, 1987 to September 5, 1990

Leonard Joseph Quilty, Member for Renfrew South, January 18, 1962 to September 24, 1963

Clifford George Pilkey, Member for Oshawa, October 17, 1967 to October 20, 1971

Reports by Parliamentary Officers

The House received a number of special reports from its parliamentary officers.

The Auditor General, **Bonnie Lysyk**, tabled two reports: *Special Report on Government Payments to Education-Sector Unions*; and *Special Report on the 2015 Pan Am/Parapan Am Games*. These reports were requested by the Standing Committee on Public Accounts under section 17 of the province's *Auditor General Act*.

The Financial Accountability Officer, **Stephen LeClair**, also tabled two reports: *Economic and Fiscal Outlook, Assessing Ontario's Medium-term Prospects*; and *Backgrounder – Ontario Service Fees in 2016-2017*.

The French Language Services Commissioner, **François Boileau**, tabled a special report: *Active Offer of Services in French: The Cornerstone for Achieving the Objectives of Ontario's French Language Services Act*.

The Integrity Commissioner, the **J. David Wake**, tabled the Report concerning review of expense claims under the *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002*, for the period April 1, 2015 to March 31, 2016 and Report under Section 14(b) of the *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002* with respect to allowable expenses under the Act.

Committee Activities

The Standing Committee on General Government considered a number of government bills in May and June and continued to meet during the summer adjournment. First, it considered Bill 172, *An Act respecting greenhouse gas*. Investing in a low-carbon economy was one of the priorities outlined in the 2016 Ontario Budget, and in February, Finance Minister **Charles Sousa** announced that Ontario would move forward with a proposed cap-and-trade program. Bill 172 established the framework for that program. The Committee held two days of public hearings on the bill, followed by six days of clause-by-clause consideration, during which numerous amendments were debated and many adopted. The Committee reported the

bill, as amended, to the House and, following a comprehensive debate at Third Reading, the bill was passed by the House and received Royal Assent.

The Committee then considered Bill 178, *An Act to amend the Smoke-Free Ontario Act*, whose purpose was to provide for prescribed products and substances, in addition to tobacco. After two days of public hearings and a day of clause-by-clause, the bill was reported to the House without amendment, received Third Reading and Royal Assent.

The Committee also received Bill 201, *An Act to amend the Election Finances Act and the Taxation Act, 2007*. The bill sets out a number of campaign finance reform measures, such as reducing contribution limits for individuals, prohibiting corporations and trade unions from making contributions, and restricting the rules regarding loans and loan guarantees. The Premier had promised to address campaign finance reform in the spring, in the wake of media reports relating to the nature of political fundraisers. Bill 201 was referred to the Committee after First Reading, giving the Committee latitude in shaping the scope of the bill. The Committee was authorized to meet during the summer to consider the bill, and held hearings in Toronto, Ottawa, Kingston, Kitchener, London, and Windsor. Witnesses who commented on the bill include Chief Electoral Officer of Canada **Marc Mayrand**, Former Chief Electoral Officer of Canada **Jean-Pierre Kingsley**, former MPPs, and several of Ontario's parliamentary officers. The Chief Electoral Officer of Ontario, **Greg Essensa**, made a submission to the Committee and acted as the Committee's advisor throughout its hearings. The Committee will conduct clause-by-clause consideration of the bill in August, and will be ready to report the bill to the House upon its resumption in the fall.

The Standing Committee on Estimates met to review the 2016-2017 Expenditure Estimates of Ministries and Offices selected for consideration. Since the spring sitting, the Committee has met to review the Estimates of the following: Ministry of Finance; Ministry of Transportation; Ministry of Health and Long-Term Care; and Ministry of Aboriginal Affairs (renamed the Ministry of Indigenous Relations and Reconciliation in June 2016).

The Standing Committee on Finance and Economic Affairs considered Bill 181, *An Act to amend the Municipal Elections Act, 1996* and to make complementary amendments to other Acts. Following two days of public hearings in Toronto, and clause-

by-clause consideration, the bill was reported with amendment to the House, and went on to receive Royal Assent. Among changes made to the administration of municipal elections, municipal councils will have the option of passing by-laws to use ranked ballots starting in the 2018 municipal election. The new legislation also shortens the municipal election campaign period, and bans corporations and trade unions from being eligible to contribute to municipal election campaigns.

Under a motion from the House, the Standing Committee on Justice Policy considered three private member's bills concurrently.

Bill 149, *An Act to establish an advisory committee to make recommendations on the jury recommendations made in the inquest into the death of Rowan Stringer*, establishes the Rowan's Law Advisory Committee to review the jury recommendations and to review legislation, policies and best practices from other jurisdictions respecting head injuries. This bill was co-sponsored by three Members: **Lisa MacLeod** (MPP for Nepean—Carleton); **Catherine Fife** (MPP for Kitchener—Waterloo); and **John Fraser** (MPP for Ottawa South).

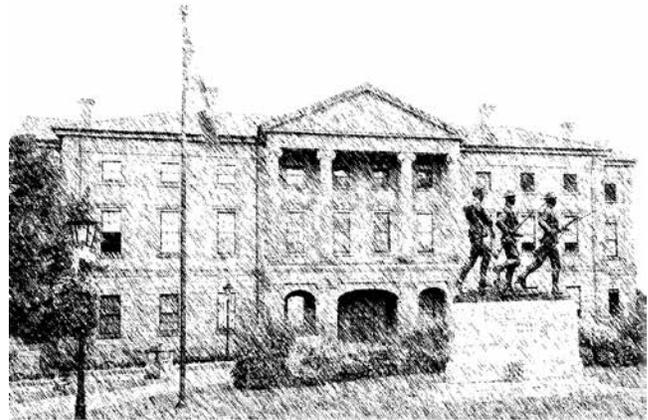
Bill 180, *An Act to proclaim a Workers Day of Mourning*, was introduced by **Percy Hatfield** (MPP for Windsor—Tecumseh). The bill proclaims April 28 in each year as a Workers Day of Mourning and requires that all Canadian and Ontario flags outside the Legislative Building, Government of Ontario buildings and other buildings such as city and town halls, schools, universities, colleges and hospitals be flown at half-mast on that day.

Bill 182, *An Act to proclaim Ontario Down Syndrome Day*, was introduced by **Joe Dickson** (MPP for Ajax—Pickering) and proclaims March 21 in each year as Ontario Down Syndrome Day.

The Standing Committee on Public Accounts tabled two reports: ServiceOntario (Section 4.09, *2015 Annual Report of the Auditor General of Ontario*); and Metrolinx—Regional Transportation Planning (Section 4.08, *2014 Annual Report of the Auditor General of Ontario*).

The Standing Committee on Regulations and Private Bills considered five private bills. On June 9, the Legislature granted Royal Assent to 14 private bills which had been considered by the Committee from February to June.

Valerie Quioc Lim
Committee Clerk



Prince Edward Island

Adjournment of the Second Session, Sixty-fifth General Assembly

After 24 spring sitting days, the Second Session of the Sixty-fifth General Assembly adjourned to the call of the Speaker on Friday, May 13, 2016.

House Business

During the spring sitting, a total of 36 bills were introduced, of which 33 were Government bills and three were private bills. Most bills passed and received Royal Assent; four have not progressed beyond first reading. A total of 51 motions were tabled, of which 15 were debated. The House approved a current expenditures appropriation of \$1.65 billion for the fiscal year ending March 31, 2017.

Democratic Renewal

Debate on the report of the Special Committee on Democratic Renewal concluded on May 13, and the report was adopted. This report articulated the question for a plebiscite on electoral reform to take place in fall, 2016, and put forward other recommendations in regard to plebiscite voting age, voting methods, and public education. The special committee's report can be read at http://www.assembly.pe.ca/sittings/2016spring/reports/23_1_2016-15-04-report.pdf.

Upon recommendation of the special committee, Elections PEI has commenced an education campaign to inform Islanders of the five electoral systems which they may rank according to preference in the plebiscite. Throughout the summer, Elections PEI staff members have been busy attending public events across the

Island to provide information and register voters. Social media and a website, www.yourchoicepei.ca, have been employed to engage the public. The plebiscite is open to Islanders who will be 16 years or older as of November 7, 2016, and voting will be possible in-person, online or by telephone. The plebiscite will take place from October 29 to November 7.

Standing Committees

The Standing Committee on Rules, Regulations, Private Bills and Privileges submitted three reports during the spring sitting. The first dealt with the three private bills mentioned above. The second report dealt with a request for a review of the structure of Assembly committees, and a review of Rule 105 which addresses the recording of committee meetings. The committee recommended that there be no change to the structure of Assembly committees, and that Rule 105 be revised to allow the audio recording of committee meetings to be made publicly available in addition to the written transcript. The committee requested that the Standing Committee on Legislative Management develop guidelines for the use of committee audio recordings, similar to those in place for proceedings in the Chamber.

In its third report, the committee responded to a letter from the Leader of the Opposition requesting that the committee consider a new rule requiring that the Speaker, while in office, abstain from all partisan activity. The committee also examined a *prima facie* breach of privilege referred by the House, in which the Speaker found that the public discussion of the Leader of the Opposition's letter and subsequent media reports questioning the Speaker's impartiality amounted to attempts to intimidate. In regard to the letter, the committee noted that no Canadian jurisdiction has a rule precluding a Speaker from participating in partisan political activity. Instead, by custom and practice in each jurisdiction the Speaker refrains from such activity to the degree appropriate for that jurisdiction. The committee found that the current Speaker, and past Speakers, have adhered to PEI's custom and practice in regard to partisan political activities. It recommended a guideline that speakers abstain from partisan political activity during the 60 days prior to and 30 days following sessions of the Assembly in order to protect the impartiality of the Office.

The committee agreed that criticisms from members questioning the impartiality of the Speaker are a matter of privilege, and that a *prima facie* breach of privilege

had occurred. As requested by Speaker **Francis (Buck) Watts**, the committee reviewed his conduct while in office, and found no impropriety on his part in regard to the neutrality of the Office of the Speaker. The committee stated that it had received assurances from the Official Opposition that it has full and unqualified support for the Speaker, and that none of its members are contemplating motions of non-confidence in the Speaker, despite what had been reported in the media. The committee also suggested that to investigate the matter further, including by calling witnesses before the committee, would serve no useful purpose, would not be in the best interest of the Assembly or the Office of the Speaker, and would further call into question the important work of all members. The report of the committee can be read at http://www.assembly.pe.ca/sittings/2016spring/reports/22_3_2016-10-05-report.pdf.

During the spring sitting the standing committees on Communities, Land and Environment; Education and Economic Development; Infrastructure and Energy; and Health and Wellness also submitted reports on various matters related to their mandates.

Parliamentary Partnership Agreement Between PEI and Turks and Caicos

On July 20 Speaker Watts of the Legislative Assembly of Prince Edward Island and Speaker **Robert S. Hall** of the House of Assembly of Turks and Caicos Islands signed a Parliamentary Partnership Agreement. The agreement aims to promote collaboration, cooperation and understanding between the Assemblies, and represents a commitment to friendly relations between them. No visits are currently scheduled between the signatories, but future projects have been discussed. The agreement was signed in Newfoundland and Labrador during the Canadian Parliamentary Association Regional Conference, with Leader of the Official Opposition **Jamie Fox** and Leader of the Third Party **Peter Bevan-Baker** among the PEI delegates present.

Resignation of MLA Janice Sherry

On August 1 Liberal MLA **Janice Sherry** announced her resignation, citing the desire to spend more time with family. Ms. Sherry had represented District 21, Summerside – Wilmot since 2007. At the time of her resignation she was Chair of the Standing Committee on Health and Wellness and a member of other committees. Previously she had served in Cabinet and held roles such as Minister of Environment, Labour

and Justice, and Minister of Community Services, Seniors and Labour. A by-election for District 21 has not yet been announced.

Order of Prince Edward Island

This year's recipients of the Order of Prince Edward Island were announced on June 15, 2016, by the Chancellor of the Order, **H. Frank Lewis**, Lieutenant Governor of Prince Edward Island; and **Charles Curley**, Chair of the Order of Prince Edward Island Advisory Council. The three Islanders selected to receive the honour were **Carolyn Bateman**, **Keptin John Joe Sark**, and **Dagny Dryer**. A total of 53 nominations were received for this award, which is the highest honour that can be accorded to a citizen of the province. Insignia of the Order will be presented at a special investiture ceremony in September.

Ryan Reddin

Clerk Assistant – Research, Committees and Visitor Services



Quebec

Proceedings of the National Assembly

Extraordinary sitting

At the request of Premier **Philippe Couillard**, the Assembly held an extraordinary sitting on June 10, 2016, 60 minutes after the adjournment of the ordinary sitting that had begun that morning, in order to complete the examination of Bill 100, *An Act to amend various legislative provisions respecting mainly transportation services by taxi*. This extraordinary sitting gave rise to two sittings held in a single day. Contrary to most of the extraordinary sittings that either aim to introduce a bill and carry out all of the stages of its consideration or to complete the stages of a bill whose consideration is already underway in committee, Bill

100 had already reached the stage of the consideration of the report from the Committee on Transportation and the Environment. The bill was passed on the following vote: Yeas 57, Nays 41, Abstentions 0.

Composition of the National Assembly

On April 2, 2016, after **Sam Hamad** (Louis-Hébert) stepped down from Cabinet, the Premier made a few changes in the ministerial team. **Carlos J. Leitão** (Robert-Baldwin) was given the additional portfolio of Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor, and **François Blais** (Charlesbourg), that of Minister responsible for the Capitale-Nationale region.

A by-election was held on April 11, 2016 in the electoral division of Chicoutimi, which had become vacant following the resignation of **Stéphane Bédard**. Parti Québécois candidate **Mireille Jean** was elected and officially took her seat in the National Assembly on April 19.

On May 2, 2016, **Pierre Karl Péladeau**, Leader of the Official Opposition (Parti Québécois), handed in his resignation as Member for Saint-Jérôme. On June 14, 2016, **Bernard Drainville**, Official Opposition House Leader (Parti Québécois), resigned as Member for Marie-Victorin.

In the wake of these resignations, changes were made among the Official Opposition's parliamentary office holders. On May 6, **Sylvain Gaudreault** (Jonquière) was appointed Leader of the Official Opposition. **Stéphane Bergeron** (Verchères), for his part, has held the office of Chief Official Opposition Whip since May 11, **Gaétan Lelièvre** (Gaspé), that of Deputy Opposition House Leader since May 12, and **Lorraine Richard** (Duplessis), that of Official Opposition caucus chair, also since May 12. **Nicolas Marceau** (Rousseau) was appointed Official Opposition House Leader on June 20.

The composition of the National Assembly now stands as follows: Québec Liberal Party, 71 Members; Parti Québécois, 28 Members; Coalition Avenir Québec, 20 Members; 3 Members sitting under the Québec Solidaire banner and one independent Member. Two ridings are vacant.

Estimates of expenditure and passage of Appropriation Act No. 2, 2016-2017

On April 12, 2016, the Assembly concluded the debate on the budget speech and held recorded

divisions on the budgetary policy of the Government and on the motions stating a grievance moved within this framework. After having met in Committee of the Whole for consideration of the estimates of the Assembly on April 27 2016, the following day, the House concurred in the estimates of expenditure for 2016-2017 and passed Bill 95, *Appropriation Act No. 2, 2016-2017*.

Bills passed

From April to June 2016, the National Assembly passed 24 bills, including four private bills. Among these, the following should be noted:

Bill 64, Firearms Registration Act

Bill 81, *An Act to reduce the cost of certain medications covered by the basic prescription drug insurance plan by allowing calls for tender*

Bill 88, *An Act respecting development of the small-scale alcoholic beverage industry*

Bill 101, *An Act to give effect to the Charbonneau Commission recommendations on political financing*

Bill 103, *An Act to strengthen the fight against transphobia and improve the situation of transgender minors in particular*

Also to be noted is the passage of a private Member's public bill, Bill 492, *An Act to amend the Civil Code to protect seniors' rights as lessees*. This bill had been introduced by independent Member **Françoise David** (Gouin).

Special events

The second edition of the Programme international de formation parlementaire was held from June 7-17, 2016 in Québec City. This international parliamentary training program is a joint initiative of Laval University's Research Chair on Democracy and Parliamentary Institutions, the National Assembly of Québec, and the World Bank Group. These three institutions pooled their expertise to offer theoretical and practical training, exclusively in French, aiming to build the capacity of La Francophonie parliaments' personnel. This program was also made possible thanks to the financial support of the Assemblée parlementaire de la Francophonie. At the end of the program, 15 participants, hailing from Haiti, Morocco, Niger, Democratic Republic of Congo and Togo,

were awarded a training certificate issued by Laval University.

National Assembly public servants took part in this program as training instructors, within the framework of workshops that examined topics such as the Secretary General's role as procedural advisor to the Speaker, parliamentary research, the Parliament's communications with the citizens and the organization, planning and follow-up of Assembly and committee meetings. Canadian and French parliament public servants as well as academics and practitioners were also part of the cohort of trainers.

Rulings and directives from the Chair

Among the rulings and directives given by the Chair between the months of April and June 2016, some deserve special attention.

This is particularly the case regarding a ruling given on June 9, 2016, concerning a matter of breach of privilege or contempt raised by the Leader of the Official Opposition. In his notice, he alleged that the Premier acted in contempt of Parliament by tabling in the Assembly the report on professionals' compliance with processes entitled: "Rapport d'audit : Audit des professionnels en conformité des processus (PCP)", prepared by the former Director of Inquiries and Internal Audits at the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports.

In his ruling, the President underlined that there was little parliamentary jurisprudence on the application of the provisions of the *Act respecting the National Assembly* that concern presenting, forging, falsifying or altering documents with intent to deceive the Assembly. However, the conclusion to be drawn from the few rulings handed down on the matter is that, in applying sections 55(3) and 55(4) of the *Act respecting the National Assembly*, there had to be the act of presenting, forging, falsifying or altering documents on the one hand, and the intent to deceive on the other.

In the case at hand, the point of privilege is supported by the testimony given by the author of the report on June 8, 2016 before the Committee on Public Administration, in which she explained, under oath, how the document was seemingly falsified. She indicated to the Committee the differences between the document she produced and the document that the Premier tabled in the National Assembly. At no point during her testimony did she draw a

connection between the document and the Premier. She did, however, state before the Committee that the preliminary version she had produced had been forwarded to an administrative unit of the Ministère for comments. Based on this testimony, one might initially think that a false, forged, falsified or altered document was, in fact, tabled in the National Assembly. This seems to be the case, and it is a very serious matter.

The Chair recalled that the role of elected officials is to oversee the administration's actions. To do so, they must be able to rely on valid information. Anyone working for the State must respect the National Assembly, its role and its Members. Failing to do so is tantamount to committing one of the most grievous acts possible for a public servant. Serving the State and the elected officials is a noble task requiring irreproachable integrity.

The Chair also noted that, in light of another document tabled in the House, the office of the Deputy Minister transmitted the report in question to the Premier's office just minutes before he left for the National Assembly. Taking these facts into account, nothing led the Chair to believe that the Premier intentionally presented, forged, falsified or altered a document with the intent to deceive the National Assembly. Consequently, the Chair concluded that there was, *prima facie*, no contempt of Parliament.

On the same day, the President granted an urgent debate on troubling allegations made the previous day at the sitting of the Committee on Public Administration in relation to acts of intimidation and document falsification at the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports. The new information provided during the Committee sitting was indeed so important that the criteria established by jurisprudence for an urgent debate were met.

On May 31, 2016, the Chair gave a directive addressing two issues: first, enforcement of the *Act respecting Access to documents held by public bodies and the Protection of personal information* at the National Assembly; and second, a department's obligation to transmit the documents requested by a standing committee. The question raised by the Deputy Second Opposition Group House Leader regarded the documents to be transmitted after the Deputy Minister of the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports appeared before the Committee on Public Administration.

The Chair began by referring to a previous ruling stating that the right to order the production of documents is one of the Assembly's most indisputable constitutional privileges. In that ruling, the Chair concluded that the *Act respecting Access to documents held by public bodies and the Protection of personal information* cannot limit the National Assembly's privileges. Therefore, on this first issue, the Chair concluded that the provisions of this Act could not prevent the remittance of documents to either the National Assembly or a parliamentary committee.

Regarding the second issue, the Chair ruled that the Committee has the authority, at all times, to demand the production of a document if it cannot count on the collaboration of the entity that holds the document. In such cases, the Committee must adopt a motion in the form of an order to produce a document. If the entity involved is concerned about the nature of the information requested, it cannot unilaterally decide to withhold the information. It is the Members' privilege to determine what they need in order to exercise their government oversight function. The Chair concluded by specifying that it is up to the Members to determine whether measures need to be implemented to protect certain information that may appear in the documents requested.

Committee proceedings

The standing committees were very busy with budgetary matters beginning in early April. First, pursuant to the Standing Orders of the National Assembly, the debate on the budget speech continued for a period of 10 hours in the Committee on Public Finance (CPF). This portion of the debate was carried out from April 5-7, 2016. This debate in committee comes after a period of 13 hours and 30 minutes of exchanges in the Assembly and is followed by the reply from the Minister of Finance and final remarks from the opposition critics, again before the Assembly.

Then, from April 13-26, 2016, the nine sectorial committees examined the estimates of the departments and public agencies falling under their respective areas of competence. During the 200 hours provided for in the Standing Orders for this mandate, ministers went before the committees to answer Members' questions regarding the estimates granted for the 2016-2017 fiscal year.

Once the consideration of the estimates ended, the committees resumed their various mandates before finishing work for the summer on June 10, 2016.

Consideration of bills

Close to 100 public meetings were devoted to public bills in the standing committees, namely 15 sittings to hear groups and individuals within the framework of special consultations and approximately 80 sittings to give clause-by-clause consideration to legislative proposals.

Consultations conducted by the standing committees include public hearings held by the Committee on Institutions (CI) and the Committee on Health and Social Services (CHSS). The first hearings concerned Bill 64, *Firearms Registration Act*. Five sittings were held thereon, thus allowing committee members to hear the opinions of 25 witnesses. The second hearings concerned Bill 92, which aims to extend the powers of the Régie de l'assurance maladie du Québec. Some 15 groups came to express their views before the parliamentarians within the framework of these public hearings held from April 27 to May 12, 2016.

The clause-by-clause consideration of bills filled most of the standing committees' working hours. Between April and June, the members of the sectorial committees spent a total of almost 300 hours carrying out this exercise. Seventeen public bills and four private bills were examined in committee. The Committee on Public Finance (CPF) was notably among the busiest committees with five bills to consider. The Committee on Labour and the Economy (CLE), for its part, devoted some 20 sittings to examining Bill 70, *An Act to allow a better match between training and jobs and to facilitate labour market entry*. The CI concluded the clause-by-clause consideration of Bill 59, *An Act to amend various legislative provisions to better protect persons*, which it had undertaken in November 2015. The minister's withdrawal of the portion of the bill concerning the prevention and combating of hate speech and speech inciting violence contributed to the conclusion of this exercise.

Orders of initiative

Regarding orders of initiative carried out by the standing committees, we should note that the CHSS tabled its report on the living conditions of adults staying in residential and long-term care centres (CHSLD). Over the course of this mandate, which had begun during the previous legislature, parliamentarians heard 36 organizations, health and social services agencies, residential centres, associations and federations as well as professional orders concerned by the situation of persons living

in CHSLDs. Certain CHSS members also visited establishments to meet management spokespersons, managerial staff, residents and users' committees as well as union representatives.

The Committee on Citizen Relations (CCR), for its part, is pursuing its reflection on aboriginal women's living conditions. In May 2016, it tabled an interim report presenting the committee work completed to date.

34th report from the Committee on Public Administration

On June 10, 2016, the Committee on Public Administration (CPA) tabled its 34th report on the accountability of deputy ministers and chief executive officers of public bodies. This report highlights the Committee's eight public hearings during which deputy ministers and chief executive officers were heard with regard to their administrative management. After each hearing, the members made unanimous recommendations aiming to improve transparency and accountability and to promote good governance in the public sector. A total of 45 recommendations were made.

One of the Committee's mandates received particular attention from parliamentarians and the media during this sessional period, namely the analysis of the administrative management and financial commitments of the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports (MTMDET). Within the framework of this mandate, whose aim was also to follow up on a report from the Auditor General, committee members heard the deputy minister of the MTMDET on May 18, 2016. Dissatisfied with this hearing and with the follow-up given to their requests regarding the forwarding of certain documents, the members continued examining this department's accountability during the first weeks of June by hearing the Anti-Corruption Commissioner in camera and by holding public hearings with two stakeholders, namely a former department analyst and the current director of program revision.

Composition of committees

The appointment of Mr. Gaudreault, Member for Jonquière, as Leader of the Official Opposition left the CPA's chair position vacant. On May 17, 2016, this Committee's members elected the Member for Hochelaga-Maisonneuve, **Carole Poirier**, as the new chair.

Meeting of the Committee on the National Assembly

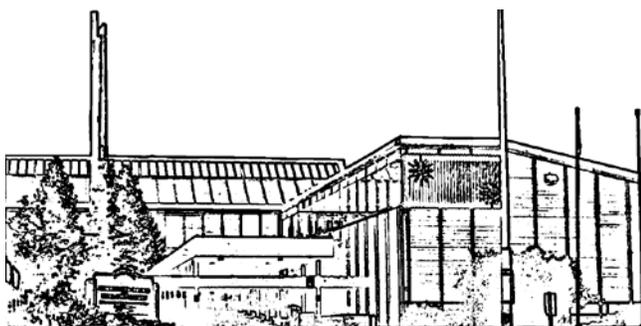
Since the Standing Orders provide that committee members are appointed for two years, the Committee on the National Assembly met on June 1, 2016 to establish committee membership and adopt the list of temporary chairs for the next two-year term. Following this meeting, the standing committees met on the same day to elect their chairs and vice-chairs.

Catherine Durepos

Parliamentary Proceedings Directorate
Sittings Service

Pierre-Luc Turgeon

Parliamentary Proceedings Directorate
Committee Service



Yukon

Spring Sitting

The 2016 Spring Sitting of the 33rd Legislative Assembly – widely anticipated to be the last Sitting before a general election is called – was 28 sitting days, running from April 7 to May 26.

Resignation of Speaker

On the morning of May 10, 2016, **David Laxton** resigned as Speaker of the Legislative Assembly, and from the governing Yukon Party caucus. Mr. Laxton, the member for Porter Creek Centre, is now an Independent MLA.

New Speaker and Deputy Speaker

The first order of business when the House met that afternoon was the appointment of a new Speaker. On motion of Premier **Darrell Pasloski**, **Patti McLeod**, the member for Watson Lake, was elected Speaker. Ms.

McLeod had served as Deputy Speaker and Chair of Committee of the Whole since the first Sitting of the current Legislative Assembly, in December 2011. Ms. McLeod became Yukon's 24th Speaker, as well as the first woman to hold this office.

Next, on motion of the Premier, **Darius Elias**, the member for Vuntut Gwitchin, was elected Deputy Speaker and Chair of Committee of the Whole. Mr. Elias had been elected Deputy Chair of Committee of the Whole in April, 2015. In light of his new role, Mr. Elias relinquished the position of Government House Leader (a designation he had acquired in January, 2015). The new Government House Leader is **Brad Cathers**, who had been serving as the Deputy Government House Leader since January, 2015. Mr. Cathers previously served as Government House Leader from December 12, 2005 to August 28, 2009, and from November 5, 2011 to January 16, 2015.

Standings in the House

The newly-revised standings in the 19-member House are: 11 Yukon Party members, 6 NDP, 1 Liberal, and 1 Independent.

Retirement of Sergeant-at-Arms

On the final day of the Sitting, Speaker McLeod delivered a tribute to the retiring Sergeant-at-Arms, **Rudy Couture**. Mr. Couture, who began his service with the Legislative Assembly as the Deputy Sergeant-at-Arms in October 2001, had been appointed Sergeant-at-Arms in 2003, at the start of the 31st Legislative Assembly.

Private member's bill – political contributions

On May 4, Official Opposition Leader **Liz Hanson's** Bill No. 107, *Act to Amend the Elections Act, with Respect to Political Contributions*, received second reading. In an unusual procedural move, the motion for second reading was amended to refer the bill to the Members' Services Board for the committee stage. The Standing Orders provide that bills are, unless otherwise ordered, dealt with in Committee of the Whole following second reading. It is not unusual for the Members' Services Board to deal with bills that affect elections, the Legislative Assembly or Officers of the Legislative Assembly, though this usually occurs prior to the bill being introduced in the House.

On June 29, the Chair of the Members' Services Board, Speaker McLeod, issued the Board's First

Report (the Speaker is *ex officio* Chair of the Board). The report indicated that at its May 31 meeting, the Board had considered Bill No. 107, and had recommended that the bill not be further proceeded with.

Conflict of Interest Commissioner's report

On June 16, Yukon's Conflict of Interest Commissioner, **David Phillip Jones**, provided the Commission's 2015-16 annual report to the Speaker. The report is available at http://www.conflictofinterest.gov.yk.ca/pdf/2015_16_annual_report.pdf

Council of the Federation

From July 20-22, the Premier hosted the 57th annual summer meeting of Canada's Premiers, in Whitehorse. This was the first time the meeting has been hosted by a territory.

Linda Kolody
Deputy Clerk



House of Commons

The First Session of the Forty-Second Parliament continued through the months of May and June 2016, with the House adjourning for the summer break on June 17, 2016. The report below covers the months of May, June and July 2016.

Address by the President of the United States of America

On June 29, 2016, **Barack Obama**, President of the United States of America, delivered a joint address to Senators and Members of Parliament in the Chamber of the House of Commons. President Obama was welcomed by Prime Minister **Justin Trudeau** and the Speakers of both Houses.

Legislation

Bill C-14, *Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*, continued its passage through the House of Commons. The bill, which aims to give Canadians the right to access medical assistance in dying, brought on vigorous debate. Prior to debate at report stage, the sponsors of motions placed on notice had written to the Speaker arguing that certain motions were of such exceptional significance that they warranted further consideration despite their previous defeat in committee. In his ruling at report stage on May 17, 2016, the Speaker selected a number of these motions for debate, noting both the far-reaching social, moral and constitutional implications of the bill and the variety of opinions expressed by various Members in all parties. The bill was concurred in at report stage on May 30, 2016 and read a third time and passed on May 31, by a vote of 186 to 137. On June 16, 2016, a message was received from the Senate informing the House that the Senate had passed Bill C-14 with amendments for which the concurrence of the House was desired. Following debate on the Senate amendments on June 16, the House voted to accept certain amendments to the bill, reject four amendments, and made a few amendments to the Senate's original amendments. On June 17, the Senate concurred in the amendments made by the House of Commons. The bill received Royal Assent that same day.

Financial Procedures

On June 14, 2016, the final supply day in the period ending June 23, 2016, the House considered motions to concur in the Main Estimates and the Supplementary Estimates for the fiscal year ending March 31, 2017. **Gordon Brown** (Chief Opposition Whip) had put a notice of opposition to Vote 1, in the amount of \$835,252, under Office of Infrastructure of Canada — Operating expenditures, in the Main Estimates. Mr. Brown's notice of opposition forced a vote on Vote 1, in the amount of \$110,040,788, under Office of Infrastructure of Canada. The House proceeded to vote on the motion to concur in Vote 1, which was carried by a vote of 291-97. Following this, as per the usual practice, the House adopted two supply bills for the Main and Supplementary Estimates.

Points of Order, Questions of Privilege and Procedure

Privilege

On May 18, 2016, as the bells calling Members to the Chamber for a vote were ringing, **Andrew Leslie** (Chief

Government Whip), and Mr. Brown (Chief Opposition Whip) entered the Chamber. Mr. Leslie proceeded to his seat; however, Mr. Brown was delayed in walking to his seat, as a group of members were standing in the aisle. The Prime Minister, Justin Trudeau, rose from his place, crossed the floor and took Mr. Brown's arm to lead him to his seat, making contact with **Ruth Ellen Brosseau** (Berthier—Maskinongé) in the process. **Peter Julian** (House Leader of the New Democratic Party) subsequently rose on a point of order regarding the matter. The Prime Minister then rose and offered an apology to any members who felt negatively impacted by his actions. After the vote, **Peter Van Loan** (York—Simcoe) raised a question of privilege alleging that the privileges of the House had been breached because of Mr. Trudeau's actions. The Speaker ruled immediately, finding a *prima facie* breach of privilege. Mr. Van Loan subsequently moved a motion to refer the matter to the Standing Committee on Procedure and House Affairs. Debate arose thereon and continued the following day. The motion was adopted following Question Period on May 19, following the withdrawal by the Government House Leader of Government Motion 6. The motion contained a number of elements related to the organization of House business, including provisions to extend daily sittings until a Minister or a Parliamentary Secretary moved a motion for adjournment, to have the House continue to sit beyond June 23, the usual date for the summer adjournment, and to limit the moving of dilatory motions. This motion had been frequently referenced by the opposition, who objected to the motion, during the debate on the question of privilege.

Points of Order

On June 6, 2016, **Elizabeth May** (Saanich—Gulf Islands) rose on a point of order regarding the participation of Members from non-recognized parties in committees. She alleged that an identical motion adopted by all committees allowing independent Members and Members of non-recognized parties to submit amendments to bills during clause-by-clause study in committee calls into question the independence of committees and impedes Members from proposing amendments at report stage, directly impacting their ability to fully represent their constituents. On June 10, 2016, **Kevin Lamoureux** (Parliamentary Secretary to the Leader of the Government in the House of Commons) responded to the question of privilege, indicating that this practice enabled the Member to participate in the process of amending bills. The Speaker took the matter under advisement and, at the time of writing, had not yet made a decision.

On June 9, 2016, the Speaker ruled on the point of order raised on April 18, 2016, by Mr. Julian regarding the admissibility of Motion M-43. The motion in question,

moved by **Pat Kelly** (Calgary Rocky Ridge), proposed that the Finance Committee be instructed to undertake a study to prepare and bring in a bill relating to the Taxpayer Bills of Rights and the Canada Revenue Agency, and that, when a bill based on the Committee's report was introduced and read the first time, it would be automatically added to the Order of Precedence for Private Members' Business as a votable item standing in Mr. Kelly's name. The Speaker stated that although the Standing Orders describe the process for Private Members' Business, they do not fully prescribe the limits of what is admissible as a motion, other than those that exist in relation to the financial prerogative of the crown and the limit set out in Standing Order 68(4) which spells out a procedure to have a committee prepare and bring in a bill upon a motion by a Minister. Given the evidence, he could not state categorically that Motion M-43 offended the provisions and limitations of Standing Order 68(4), stating that the motion's wording could be viewed as an alternate path to Standing Order 68(4), since it took the form of a special order. The Speaker allowed debate on the motion to proceed and suggested that the Standing Committee on Procedure and House Affairs may wish to examine the guidelines with respect to the procedural admissibility of private Member's motions.

Procedure

On May 16, 2016, the House considered report stage of Bill C-10, *An Act to amend the Air Canada Public Participation Act and to provide for certain other measures*. As the sponsor of the motions in amendment at report stage was not present to move his motions, the House proceeded immediately to concurrence at report stage. The recorded division resulted in a tie of 139-139. The Speaker reminded Members that in such circumstances, the Chair votes in accordance with precedent. Accordingly, he voted to allow debate to continue, casting his vote in the affirmative. This marked Speaker Regan's first casting vote, and only the eleventh casting vote exercised by the Speaker in the House of Commons.

Committees

On June 9, 2016, the Special Committee on Pay Equity presented to the House its report entitled *It's Time to Act*, which contained 31 recommendations, including one calling on the government to repeal the *Public Sector Equitable Compensation Act* passed under the previous government. Since it was struck, the Committee held a total of 12 meetings on the topic of pay equity and heard from 50 witnesses.

On June 15, 2016, the Standing Committee on Procedure and House Affairs presented its eleventh report entitled *Interim Report on Moving Toward a Modern, Efficient,*

Inclusive and Family-Friendly Parliament. The Committee put forward seven recommendations; among them, the continuation of the informal practice of holding deferred recorded divisions immediately following Question Period, that the tabling of the House calendar each year take place prior to the House's summer adjournment and that the House Administration provide flexible child care services at the Member's own personal cost. The Committee intends to revisit some issues raised during its study for a more complete examination, at a later date.

The Special Committee on Electoral Reform was created by an order of reference adopted by the House on June 7, 2016. The Committee was appointed to identify and conduct a study of viable alternate voting systems to replace the first-past-the-post system, as well as to examine mandatory voting and online voting. In July, the Committee heard testimony from **Maryam Monsef** (Minister of Democratic Institutions), **Marc Mayrand**, Chief Electoral Officer, and **Jean-Pierre Kingsley**, former Chief Electoral Officer from 1990-2007, as well as a number of academics and other specialists. The Special Committee has meetings planned for the duration of the summer months. The Committee was also directed to invite each Member to conduct a town hall in their constituencies and to provide a written report. As per the Order of the House, the Committee must present its final report by December 1, 2016.

Several other committees also met during the summer recess, including the Committee on Citizenship and Immigration which discussed immigration measures for the protection of vulnerable groups and the Committee on Government Operations and Estimates which examined issues surrounding the federal government's new payroll system.

Other Matters

Private Members' Business

Bill C-210, *An Act to amend the National Anthem Act (gender)*, brought forward by **Mauril Bélanger** (Ottawa—Vanier), made its way through the Chamber and was passed at all stages by the House. After the recorded division on the bill at second reading on June 1, 2016, Members spontaneously sang the national anthem. They also sang the anthem on June 15, following the passing at third reading of the bill.

Members

On May 31, 2016, **Hunter Tootoo** (Nunavut) resigned his Cabinet position as Minister of Fisheries, Oceans and the Canadian Coast Guard and left the Liberal

caucus to sit as an independent Member. **Dominic LeBlanc** assumed responsibility for the portfolio in addition to his duties as Government House Leader.

Statements, Resolutions, Special Debates

On May 18, 2016, Mr. Trudeau made a statement in the House to offer an apology on behalf of the Government of Canada for the role it played in the Komagata Maru incident in 1914. **Rona Ambrose** (Leader of the Official Opposition) and **Thomas Mulcair** (Leader of the New Democratic Party), made statements in response to Mr. Trudeau's statement. By unanimous consent, **Rhéal Fortin** (Rivière-du-Nord) and Ms. May, leaders of unrecognized parties, also made statements.

On June 1, 2016, the Speaker made a statement to recognize the Parliamentary Press Gallery's establishment nearly 150 years ago. Noting that press gallery members continue to have a place set aside for them in the Chamber so they can perform their important democratic function, the Speaker drew the attention of Members to the presence in the gallery of two former members of the Gallery: **Helen Brimmell** and **Bernard Dufresne**.

On June 8, 2016, the Speaker delivered a statement to highlight the 150th anniversary of the first meeting on Parliament Hill. It was on June 8, 1866 that the Legislature of the Province of Canada met for the first time in the new Parliament Building in Ottawa. To commemorate the occasion, parliamentarians gathered in front of Centre Block for a photograph and a time lapse video of the gathering was also created.

Moments of Silence

On June 13, 2016, Members observed a moment of silence in honour of the victims of the shooting of June 12, 2016 in a nightclub in Orlando, Florida. The same day, Members also observed a moment of silence in memory of **Robert Hall**, a Canadian who had been held hostage in the Philippines since September 21, 2015, and who was executed by his captors.

On June 16, 2016, Members observed a moment of silence in honour of **Jo Cox**, United Kingdom Member of Parliament for Batley and Spen, who was shot and killed earlier that day.

Marisa Monnin

Table Research Branch

Sketches of Parliaments and Parliamentarians Past

The Speaker's Chair in the Ontario Legislature

The focal point of Ontario Legislative Chamber, the Speaker's Chair is a symbol of authority that also has a very practical function for its occupants.

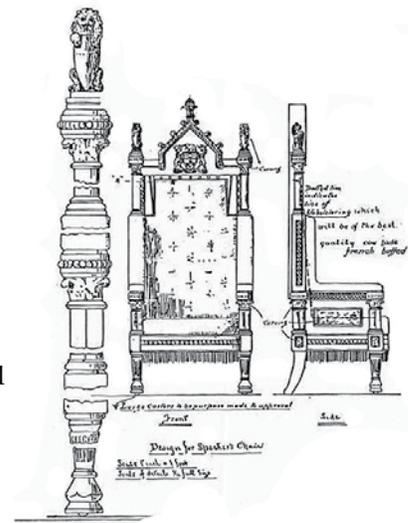
Susanne Hynes

A Symbol of the Authority of Parliament

The Speaker's Chair, situated on a solid mahogany dais, surrounded by magnificent wood carvings and surmounted by a large mahogany Royal Coat of Arms, is the focal point of the Ontario Legislative Chamber. The Chair is a symbol of the authority of the Speaker, who is chosen by his colleagues to preside over them, to regulate their debate, to maintain order, and to ensure the free expression of all opinions.¹ It also serves the very practical function of providing seating for the Speaker and is an important part of the décor of the Chamber.

Since Confederation there may have been as many as 19 Speakers' Chairs in Ontario. It was customary – until the end of the tenure of the 20th Speaker, James Howard Clark, in 1943 – to present the chair of office to the Speaker when he retired. While some of these chairs have since been returned to the Assembly, the location (or fate) of many of the others is unknown.

Ontario's first post-Confederation Speaker, John Stevenson, occupied a chair that was built for him. Also occupied by the next Speaker, Richard William Scott, it is assumed Mr. Scott took the chair when he retired.



Two Favoured Designs

The Ontario Speaker's chairs since that time have primarily been of two designs. In the photograph at right Queen Elizabeth II is seated in a chair of the earlier design manufactured by Robert Hay & Company and Prince Philip in a chair of the later design manufactured by Chas. Rogers & Co.

In 1871 a new chair was made for the third Speaker, James George Currie (1871-1873). In 1958 his descendants presented this chair to the Province. The Queen sat in this chair on her 1984 Queen's Park visit and it is currently on display in the East Wing of the Legislative Building. The Chas. Rogers chair in which Prince Philip sat was Speaker William David Black's (1927-1929).

The chair built for Rupert Mearse Wells (1874-1879), also by Hay & Company was taken by Mr. Wells on leaving office. Sixty years later his heirs returned the chair to the Assembly and it was installed in the House as a permanent fixture in the early 1950s. It is still in place in 2016 and more than 20 Speakers have presided from this chair.

James Howard Clark (1939-43)



Norman Otto Hipel (1935-38)



Dave Levac (2011 -)



Hugh Edighoffer (1985-90)



Chairs designed by R.A. Waite

Speaker Wells's Chair

Susanne Hynes is the Research and Publications Librarian at the Legislative Library and Research Services branch of the Legislative Assembly of Ontario.

Notes

1 "[Speaker's Chairs](#)," *The House of Commons Heritage Collection*, Parliament of Canada, October 2010.

In 1894 Chas. Rogers & Co. were instructed to make a new chair according to a design by R.A. Waite. William Douglas Balfour occupied this chair from 1895 to 1896. Very similar chairs were occupied by subsequent Speakers but it is not known if this was the same chair or if several chairs were made to the same design. Certainly at least two chairs of this design were made since the photograph of the 1939 Royal Visit shows matching chairs identified as Speaker Hipel's and Speaker Clark's chairs.

On their May 22, 1939 visit to Ontario's Legislature King George VI and Queen Elizabeth occupied Speaker Hipel's and Speaker Clark's chairs.



Speaker Clark took his chair in 1943 and it was given to the City of Windsor when he moved into a smaller home that couldn't accommodate such a large piece of furniture. Subsequently the chair was donated to the Town of LaSalle.

Today, Ontario Speakers are presented, on retiring, with a copy of their official portraits. The existing Speaker's Chair, manufactured in 1874, will remain a focal point in the Chamber and be occupied by Ontario Speakers for many years to come.

Queen Elizabeth II and Prince Philip seated on Speaker's chairs, front steps of the Legislative Building, September 29, 1984.

Sources: Government of Ontario Art Collection Database and Legislative Assembly of Ontario Photo Collection

