

Canadian Parliamentary review



Volume 40, No. 2

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Know Your Mace

The history of the mace in Newfoundland and Labrador begins with the hand painted wooden mace. This is believed to be the original mace, given by the British authorities to the newly elected House of Assembly in 1833.

In the early days of the House of Assembly, meetings were held in Mary Travers' tavern in downtown St. John's. Alas, rent was not paid to Ms. Travers for some months, and her petitions to the House for payment remained unanswered. She therefore took matters into her own hands, ejected the Members, took possession of the mace as well as other furnishings, and put the items up for auction. Soon after, Ms. Travers was paid in full and the items were returned to the House.

The current mace was given to Newfoundland and Labrador in 1950 by British Columbia to honor the province's 1949 Confederation with Canada. The mace is made of gold-plated sterling silver, and includes many symbols that showcase connectivity across Canada, including maple leaves, images of the fishery, various Coats of Arms, and BC's provincial emblems of the dogwood flower and the thunderbird.

The wooden mace is displayed in the public gallery of the House of Assembly, and the gift from British Columbia is used daily in the House of Assembly proceedings.

Andrea Hyde
Legislative Library,
House of Assembly of Newfoundland & Labrador



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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Frank Piekielko

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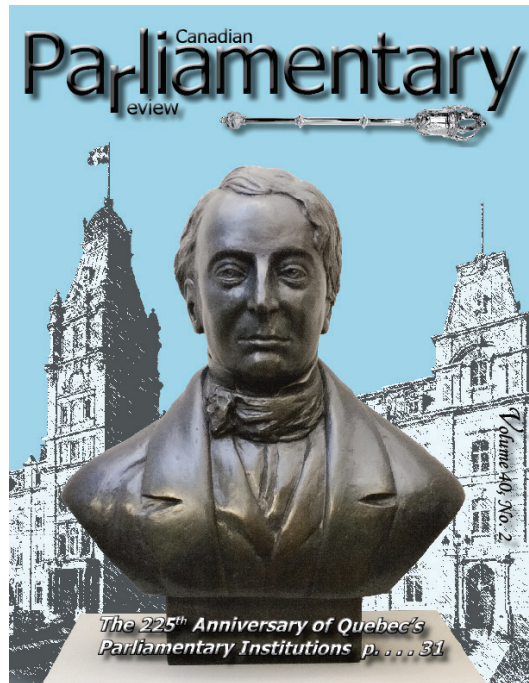
Canadian Parliamentary Review
c/o Ontario Legislative Library
Queen's Park
Toronto, ON M7A 1A9

E-Mail: revparl@ola.org
Web: http://www.RevParl.ca

Editor: (416) 325-0231
Fax: (416) 325-3505
E-Mail: wstos@ola.org

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Pierre-Stanislas Bédard (1762-1829) was a lawyer, politician, journalist and judge. Elected to the Legislative Assembly of Lower Canada in 1792, he was leader of the Parti canadien. A man of conviction, he defended the privileges of Parliament against the Governor's arbitrary conduct. National Assembly of Quebec Collection, photograph by Claude Mathieu

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Canada and the Commonwealth: Celebrating Shared Values

The Commonwealth Parliamentary Association – Canadian Branch is pleased to report on some of its recent activities and support of exciting initiatives. In this article, the author highlights CPA Canada's support of Equal Voice's Daughters of the Vote event and its own celebration with Commonwealth High Commissioners in honour of the 150th anniversary of Confederation.

Yasmin Ratansi, MP

Canada's sesquicentennial is an important occasion for the country to reflect on its past with a view to strengthening its future. Canada has been a member of the Commonwealth family and the Commonwealth Parliamentary Association (CPA) for a large part of its history. It is undeniable that membership in these two organizations has contributed to Canada's prominent role on the world stage over the past 150 years.

With this in mind, the Canadian Branch of the CPA is participating in numerous activities this year around Parliament Hill, highlighting Canada's long-standing relationship with the CPA and underscoring its ongoing contribution to Canada's evolving landscape.

While the year has been especially busy and our members have participated in numerous activities, two functions stood out in particular: the Daughters of the Vote initiative, supported by CPA Canada and funded by an unprecedented investment from the Federal government exceeding one million dollars; and CPA Canada's reception on Parliament Hill for Canada's 150th anniversary of Confederation.

Daughters of the Vote

This year's International Women's Day coincided with the celebration of an important milestone for women's suffrage in Canadian history: Canada's centennial for women's right to vote. It was in 1917 that some women first won the right to vote in Canada – first in provincial elections and later in the federal elections.

Yasmin Ratansi is the Chair of the Commonwealth Parliamentary Association – Canadian Branch. She is MP for Don Valley East.



HOC/CDC

Yasmin Ratansi

To commemorate this important day, Parliament welcomed 338 young women between the ages of 18 to 23 to represent every riding in Canada. During their time on Parliament Hill, they were given the opportunity to represent their communities in the House of Commons, where they shared their vision for Canada in the seats of their respective Members of Parliament.



The Daughters of the Vote gather on the steps of Parliament Hill to mark an extraordinary event.

The goal of the initiative was to help young women “become familiar with Canada’s political institutions and those women and men serving in them – so they are equipped and inspired to participate in the formal political sphere in the years and decades to come.”

The event was a resounding success. These future leaders finished their week on Parliament Hill with a greater network of peers who want to make a difference in their communities, and they left many parliamentarians inspired by their enthusiasm and perseverance.

This group of young women from diverse Indigenous, racial, ethnic and religious groups were a good snapshot of Canada’s cultural landscape. It was this mix of backgrounds that truly contributed to the event’s success. Some Daughters of the Vote described the historic event as powerful and emotional as they were moved by their peers who spoke to issues that touch their lives. Many of their speeches, delivered in the House of Commons, were met with standing ovations from participants and parliamentarians alike.

The Daughters of the Vote also heard from many female leaders from both Houses of Parliament, some of whom are part of the Commonwealth Women Parliamentarians – Canada Region. They also heard from former Prime Minister Kim Campbell and Prime Minister Justin Trudeau, who fielded questions during a mock Question Period.

Looking at the diverse group of women in the House of Commons on March 8, 2017, one could not help drawing parallels between this unprecedented event and the great work of the Commonwealth Women Parliamentarians. Both groups are empowered by their diversity and their common understanding that equal representation is the only way forward. Though the event was a success by all measures, it was a reminder that the road to equality is still long.

CPA Canada Celebrates the 150th Anniversary of Confederation on Parliament Hill

On March 22, 2017, CPA’s Canadian Branch celebrated the 150th anniversary of Confederation on Parliament Hill. To underscore this momentous occasion, CPA Canada invited all High Commissioners in the Ottawa region for a celebratory reception.

As Chair of CPA Canada, I invited those present to begin the evening with a moment of silence for the tragic events that took place outside the Palace of Westminster in London that same day. I also expressed solidarity with the British parliamentarians whom I recently visited. There was genuine display of the Commonwealth's strength and a moving sense of solace from the participants. As Geoff Regan, Speaker of the House of Commons, stated during his address at the reception, "in times of grief, there is consolation and reassurance to be found in gathering with your friends."

The strength of the Commonwealth lies in its unwavering commitment to democracy. As the Clerk of Senate, Charles Robert, stated in his remarks that evening:

More than ever we must remain committed to democracy and the rule of law and work together to overcome the threats that undermine the peace and stability necessary to build a successful future for the member nations of the CPA and all its citizens. It is a goal worth striving for; it is a goal we must achieve.

While the evening was inevitably dampened by the terrible attack in London, the reason for gathering was not forgotten. Each speaker drew links between the CPA and Canada's 150 years of Confederation. The evening's theme was grounded in the Commonwealth countries' shared values and principles in human rights, equal opportunity, tolerance and rule of law. These values are the foundation of democracy and what binds the Commonwealth family. As such, they are found in both the CPA's constitution and at the core of Canada's identity.

His Excellency Anu'a-Gheyle Solomon Azoh-Mbi, the Cameroon High Commissioner and Dean of the Commonwealth Heads of Mission, closed the official part of the reception with these moving words:

Individuals and institutions rise and fall, countries and civilisations wax and wane by the vision and values they embrace. The great Canadian nation marches on, 150 years after Confederation thanks to the values of freedom and democracy, respect for human rights, the rule of law, peace and security. These Canadian values are also Commonwealth values, defended and upheld on this Hill and in other global fora by the Commonwealth Parliamentary Association.

By fostering diversity within its borders, Canada distils the best out of pluralism and inclusiveness. Canada is a shining example of a society where difference and diversity need not be translated into discord and division.

In its relations with the rest of the world, Canada maintains a remarkably benign and benevolent



HOC/CDC

House of Commons Speaker Geoff Regan addresses the audience at CPA Canada's 150th Anniversary of Confederation event on March 22.



Attendees at CPA Canada's 150th Anniversary of Confederation event, including MP Yasmin Ratansi and the High Commissioners of Cameroon, Kenya, Malaysia and Sri Lanka.

touch. Canada, "the true North," not only sits on top of the world; it enjoys a place of honour in the hearts of many around the world.

As Canada celebrates this important milestone, Canadians can look back with pride on their history and achievements. It is a history of palpable patriotism, progress and prosperity, though sometimes punctuated with pain and peril.

Conclusion

While Canada's 150th anniversary of Confederation is not official until July 1, 2017, celebrations have already begun across the country. To underscore this historical event, members of CPA Canada have been busy planning and participating in events around Parliament Hill and in their home provinces. Since Canada has been part of the CPA from its inception, these occasions are a good opportunity to highlight

the Association's contributions to Canada's history and vice versa.

The Daughters of the Vote initiative and CPA Canada's reception for the 150th anniversary of Confederation are only two examples of how CPA Canada's members are using every opportunity to shed light on the Association's small but meaningful contributions.

Though the CPA's work often goes unnoticed, its contributions are significant and have benefited Canadians and many other Commonwealth nations for some time. As the Association itself explains: "The CPA is recognized by Commonwealth Heads of Government and intergovernmental agencies as an organization which actually does strengthen good parliamentary governance and contributes tangibly to the development of all Commonwealth people."

Commonwealth Parliamentarians with Disabilities: A New Network

Building on his work promoting collaboration and discussion among Canadian parliamentarians with disabilities, in this article the author highlights plans for an exploratory conference looking to establish a Commonwealth-wide network. The three-day conference is being planned for this summer in Halifax, Nova Scotia.

Hon. Kevin Murphy, MLA

In the Spring 2015 edition of the *Canadian Parliamentary Review* (Vol. 38, No. 1), I joined with colleagues from across Canada to provide personal perspectives on what it's like to be a parliamentarian with a disability and the associated challenges, including running for a party's nomination and championing local accessibility legislation.

I serve as both a Member and Speaker of the Nova Scotia House of Assembly as a person with a disability (quadriplegic) and I am joined in the House by my colleague, Alfie MacLeod (amputee). In Canada alone, we have many serving parliamentarians with disabilities at the provincial and federal levels who are spread out across our great and vast country, including two federal cabinet ministers, Carla Qualtrough, Minister of Sport and Persons with Disabilities (visually impaired) and Kent Hehr, Minister of Veterans Affairs (quadriplegic). Member of Parliament Diane Finley (visually impaired) in the House of Commons and Senator Chantal Petitclerc (paraplegic), are joined at the provincial level by: Steven Fletcher (quadriplegic) in Manitoba; Stephanie Cadieux (paraplegic), Michelle Stilwell (quadriplegic) and Sam Sullivan (quadriplegic) in British Columbia; Ed Doherty (mobility issues) in New Brunswick and Mark Docherty (mobility issues) in Saskatchewan.



Hon. Kevin Murphy

Hon. Kevin Murphy is Speaker of the Nova Scotia House of Assembly and Member of the Legislative Assembly for Eastern Shore.

To reaffirm the obvious, our populations are diverse and the Commonwealth is a perfect example which reflects this diversity. Nations can categorize their populations in various ways including, but not limited to age, gender, sexual orientation, Indigenous peoples, income, ethnicity and/or faith, but a community that is often overlooked in a political context are persons with disabilities. The World Health Organization reports that in most countries about 15 per cent of the population report having some form of disability; yet research shows that very few people with disabilities have been elected to public office.

In discussions with like-minded parliamentarians and persons in the disability community, since my own election in 2013 I have tried to bring the topic of encouraging persons with disabilities to run for elected office to the public arena.

To further this discussion and to increase general awareness, one of my ideas is to establish a network of parliamentarians with disabilities Commonwealth Parliamentarians with Disabilities (CPwD) within the Commonwealth Parliamentary Association (CPA). This network would be similar in nature to Commonwealth Women Parliamentarians (CWP) and promote specific aims and objectives.

These include: increasing representation of persons with disabilities in our Parliaments; providing opportunities for strategic discussion and development for future and present parliamentarians with disabilities; identifying barriers preventing persons

with disabilities from seeking elected office; developing outreach programs and materials to encourage persons with disabilities to seek elected office; fostering closer relationships between Commonwealth parliamentarians with disabilities; and discussing, strategizing and acting on issues relating to persons with disabilities internationally.

I contacted the Secretary General of CPA to discuss my proposal of bringing together parliamentarians with disabilities from across the Commonwealth to Halifax, Nova Scotia for a three-day conference to put forward a recommendation to CPA to establish this network. With the CPA's support, the planning and preparation for this conference in late August 2017 is underway and the CPA has been in contact with member countries to determine the level of interest and to locate prospective delegates. In addition, I have championed this idea in Canada and with other jurisdictions as opportunities arose.

The outcome of the conference will be to formalize a recommendation to CPA to establish CPwD and this recommendation would then be put forward at the next Annual General Meeting.

In the months ahead I look forward to sharing what we learn from this conference and these ongoing discussions with all Canadian parliamentarians in future issues of the *Canadian Parliamentary Review*. For more information about this conference and related initiatives, please contact my Legislative Assistant, Scott Burke, by email at: scott.j.burke@novascotia.ca

Symbolic and Substantive Relevance of Politicians with Disabilities: A British Columbia Case Study

Little is known in Canada about the political participation of persons with disabilities and their effects on public policy. The authors draw upon the 2013 British Columbia election which saw three persons with disabilities elected to examine their symbolic and substantive relevance. Symbolically, the potential exists for increased legitimacy in governments and diversity in thinking while substantively, an important role exists in shaping the agenda yet actual policy advancements fall prey to party politics.

Brynne Langford and Mario Levesque

Introduction

While many minority groups including women and ethnic minorities have made (albeit sometimes limited) progress towards more equal representation in government over the past few decades across Canada, persons with disabilities have largely lagged behind. Few have been elected to office federally - less than a handful with visible disabilities in recent elections.¹ Moreover, studies show that less than one per cent of candidates across all parties in recent provincial elections were persons with disabilities, further revealing blockages to their electoral participation.² The situation in British Columbia (BC) is somewhat different: three Members of the Legislative Assembly (MLAs) with visible disabilities were elected in the May 2013 provincial election. Is their election significant? The BC results offer a unique opportunity to examine how the election of these individuals with disabilities has affected the representation of persons with disabilities in the province. What factors led to their successful election? How were issues related to

their disability addressed? More broadly, does their election matter? Will politicians with disabilities advance issues and concerns raised by the disability community? Answers to such questions are not only important for encouraging the greater representation of persons with disabilities in politics but also contributes to our understanding of changes in disability policy.

In this article we argue that there are symbolic and potentially substantive benefits to persons with disabilities seeking and in being elected to political office. The first section notes parallels to the experiences of other minority groups seeking political representation. Although there are some factors unique to the disability community that need to be considered, we find that little is known about this subject, especially in the Canadian context. We then explore the experiences of three disabled individuals who recently sought political office in BC. Our analysis leads us to some tentative answers to our questions and allows us to offer some explanations as to why this breakthrough is occurring in BC. We also find that political parties play an important role in this process determining the candidates who run and shaping the policies that their party members must support.

Literature

The importance of minority representation

Debate on the substantive nature of minority representation in politics often centres on the degree

Brynne Langford is completing her Master of Arts at the University of British Columbia. Mario Levesque is an associate professor in the Department of Politics and International Relations at Mount Allison University. This research was completed as part of Brynne's undergraduate work at Mount Allison University.

to which minority politicians represent and argue for the interests of minority group members in policy decisions. Some scholars argue that having minority representatives (e.g., gender, race, sexual orientation) in decision making roles may lead to their greater consideration in policy discussions and thus lead to better public policy.³ This may be related to the fact that, at the individual level, minority representatives ask more poignant questions relating to minority populations than non-minority representatives. Yet, given that elected officials are typically "... [sensitive] to the demographic composition of their constituencies,"⁴ there are questions about the extent of this substantive representation. Furthermore, party interests may be privileged over this minority representation.⁵ Strongly partisan political systems, such as those found in Canada (including BC), thus act as a brake on substantive representation and thereby emphasize symbolic benefits.

Given minority populations can more readily identify with their representatives, it is this symbolic representation – seeing people who have similar characteristics to oneself – that may generate greater confidence in governments. For example, persons with disabilities "do not necessarily have common interests, but because of common experiences they may have interests that are opposed to those that the majority of non-disabled people may hold."⁶ Perceptions matter and are directly linked to feelings of political efficacy. For example, a study of minority representation in the United States found that having a minority representative may create positive views of their quality of representation; however, this did not necessarily translate to overall satisfaction with representation in the government as a whole.⁷ As such, these feelings translate to civic participation rates. It is important that minority groups feel they have access to government either through representation (direct) or other pathways (indirect).

At the heart of these pathways are questions of issue salience and venues. Evidence from the United Kingdom suggests that the period shortly after WWII had the highest issue salience for disability as political parties fought to capture the votes of newly disabled veterans.⁸ At the same time, and given a history where prejudice and exclusion of minorities in government was significant, minority populations often worked through interest groups to pursue changes in policy. Due to this legacy, minorities may still be more prone to seek representation in policy through interest groups rather than seek elected representation in government; however, these forms of representation

are shifting. In the current neoliberal era, funding and consultation with interest groups have been cut in favour of direct consultation with citizens.⁹ With a renewed individual voice but lacking policy influence and with limited substantive representation, symbolic representation takes on added importance.

In BC, as elsewhere, there are a number of ways in which persons with disabilities have representation in government. Yet, since the province has one of the highest numbers of elected officials with disabilities compared to other provinces, this situation provides a unique opportunity to study the effect of their representation and the factors that have produced it.

Conditions conducive for minority representation

Navigating the electoral process can be challenging with political parties acting as gatekeepers. They play a fundamental role in candidate identification and selection through control of nomination procedures and funding of candidates. As minority populations have grown, political parties have worked to obtain their support in elections including the nomination of an increasing number of minority candidates. Yet any increase in their election has been marginal at best, and there has been wide variation among minority populations.¹⁰ For example, evidence suggests that some minority groups, particularly those of South Asian ethnicity, have more success in navigating the political system than others due to demographics and mobilization given concentrated populations.¹¹ This underscores the fact that individual characteristics of minority populations (such as residential patterns) need to be considered when working to overcome blockages to their electoral participation.¹²

Even so, our first-past-the-post electoral system disadvantages minority groups. For example, women candidates fare better under proportional representation systems that deliver more female representatives.¹³ This can be seen in Sweden which adopted a proportional representation list system and had 47.3 per cent female representation at the national level in 2007, a figure that dropped slightly to 43.6 per cent in the 2014 election.¹⁴ These results are significantly higher than the 26 per cent of MPs elected in the 2015 Canadian federal election who are women. This under-representation in first-past-the-post systems leads to a heightened awareness of inequity in political representation among minority populations and their preference for other forms of political representation such as multi-member districts and proportional representation list systems.¹⁵

Characteristics of minority candidates

Looking narrowly at persons with disabilities, much can be learned about the challenges minority candidates face by examining the characteristics of those that have been successfully elected. Must minority candidates conform to the characteristics of the dominant group in order to get elected? On the one hand, minority candidates are often required to match and surpass the qualifying characteristics of the dominant group to achieve success.¹⁶ This includes superior educational attainment and working their way up party ranks.¹⁷ Simply put, “more is required of newcomers with political aspirations because they need to countervail negative stereotyping and serious barriers.”¹⁸ All of this work is done to be seen as “acceptably different,”¹⁹ suggesting that, rhetoric notwithstanding, our political systems are still not very welcoming of diversity.

On the other hand, qualifications and characteristics have varied across time for both men and women.²⁰ As Tremblay and Trimble state, “female politicians have changed over the years, but so have their male colleagues, and it is not possible to claim that the women have simply brought themselves into line with the men.”²¹ It may be hard to generalize about the characteristics of minorities, particularly when you find candidates belonging to more than one minority group. Double minorities, people belonging to two minority groups, may face additional barriers in the political process. For example, while women with disabilities may take a greater interest in how government policies affect them and how they may be able to shape policies through advocacy or political participation,²² they generally have lower political participation rates. Systemic barriers they face that contribute to lower levels of education and employment could explain the decline in political efficacy. The fact that some minorities may need to adopt characteristics of the dominant group in politics denotes that there are barriers for minority political candidates that persist. For persons with disabilities in BC this is no exception and it is important to understand the standards or expectations to which minority candidates are compared.

How to move forward? While no clear consensus exists, much discussion surrounds the use of quotas and policy design. Over 100 countries have adopted gender quotas and 20 have adopted quotas for ethnic minorities; however, much depends on how

they are applied and enforced in determining their effectiveness. For example, little may be gained if “quotas designed to increase the representation of one marginalized group appear to come ... at the expense of other marginalized groups.”²³ Furthermore, quotas are highly contested and evoke feelings that some of the people they benefit may not be adequate representatives.²⁴ Other mechanisms to ensure political participation among people who typically might not engage with politics due to socioeconomic status include policy design. Simply put, programs that are found to be non-paternalistic and promote autonomy generate more engaged citizens. This underscores the importance of factors affecting the political participation of persons with disabilities.

Factors affecting persons with disabilities

Persons with disabilities often face unique barriers and challenges in participating politically. A late history of enfranchisement in Canada (1988)²⁵ and residual stigma surrounding disability have limited engagement with politics. This has led to psychological barriers as many people have not felt they have a place in politics. Physical (in)accessibility issues, for both candidates and voters with disabilities, present further obstacles that need to be overcome. For example, we note the large protests for greater accessibility of polling stations by individuals with physical disabilities in advance of the 2013 Montreal civic election.²⁶ While progress has been made, much remains to be done.

On this, the US context is instructive. Here we find a small body of literature, examining the electoral participation of persons with disabilities, indicating that political participation rates are 15-20 per cent lower than those of the non-disabled population.²⁷ This differs depending on age with younger cohorts more politically active than seniors. Less stigma and segregation now exist which may help explain these differences and greater group involvement may be needed to overcome remaining challenges given it usually increases civic skills, interest in politics and feelings of efficacy.²⁸ The US has also adopted several pieces of legislation to address barriers such as the 1984 *Voting Accessibility Act* and the 2002 *Help America Vote Act*. These complement and build on the broader requirements for accessibility outlined in the 1990 *Americans with Disabilities Act* (a similar Act is under consideration by the Canadian federal government). Even so, many voters still face barriers such as insensitive elections officials.²⁹

Similar issues exist in the Canadian context. While voting is a crucial part of citizenship, for persons with disabilities “[e]lectoralsystemsaresimultaneouslysites of positive inclusion, incongruous marginalization, and outright exclusion.”³⁰ Being able to vote is often central to individuals’ feelings of political efficacy and is an established right in Canada. The situation is not the same in other countries such as in Australia and New Zealand where people with a diagnosed mental illness may be disqualified from voting.³¹ However, there are still areas where Canada can improve, such as training for election officials, reporting of levels of accessibility, voting technology and print and web accessibility, as well as better coordination and standardization of accessibility provisions overall.³²

Little research exists that examines the experiences and realities of persons with disabilities who pursue careers in elected office, yet their challenges are great. This includes societal attitudes, inadequate access to supports, accessibility issues and a lack of role models.³³ Candidates also often have trouble funding disability-related supports while campaigning. Recent research examining persons with disabilities who had sought provincial office and the barriers that they encountered found great variability between the Canadian provinces with few disability-specific campaign provisions.³⁴ Moreover, political parties were found to be significant barriers to the political participation for persons with disabilities given most lack disability specific provisions thus contributing to the low participation rates of persons with disabilities as candidates.³⁵ Few disabled candidates seek political office and even fewer succeed in being elected. Examining their experiences may be helpful to address barriers and to assess whether it substantively matters, disability policy wise.

Interviews

Three candidates with disabilities were elected at the 2013 BC provincial election as a part of Premier Christy Clark’s government: Stephanie Cadieux (Surrey-Coverdale), Sam Sullivan (Vancouver-False Creek) and Michelle Stilwell (Parksville-Qualicum). In addition, Ken Kramer was an unsuccessful Liberal candidate for Burnaby-Lougheed. Interviews that took place between May and July 2014 (with three of the four candidates who agreed to participate) were used to provide insight into both the experiences of those who have been successful and unsuccessful in seeking political office in BC. Our questions centered around four main themes: (1) their reasons for pursuing politics; (2) their experiences in the campaign process;

(3) the importance of politicians with disabilities; and, (4) how they advocate for disability issues. A number of perspectives emerged that highlight both the experiences of these individuals in the political system, as well as how they view the representation they provide for British Columbians with disabilities. Their views are then assessed vis-à-vis recent disability policy developments to gauge the impact of symbolic or substantive representation they provided. To protect the identity of those involved, interviewees are referred to as Respondent 1 (R1), Respondent 2 (R2) and Respondent 3 (R3).

Reasons for pursuing politics

While each of these individuals has a unique background there are some notable commonalities. In terms of prior experience, all individuals interviewed had some involvement with disability-focused organizations or advocacy groups; they all expressed a belief that this experience gave them skills that assisted their entry into formal politics. Such experience may be valuable given findings that minorities must often match or surpass the qualifications of others.³⁶ Furthermore, all of the candidates interviewed had interest in politics and were *asked* to run by the BC Liberal Party. Interestingly, all known candidates with disabilities who campaigned in the 2013 provincial election were wheelchair users. Thus, their disabilities were physical in nature and visible to the electorate and their experiences may not be reflective of persons with disabilities with other types of impairments.

Our interviewees had varied interests and reasons for pursuing careers in politics. All found some deficiencies with existing policies leading them to pursue advocacy work and/or municipal politics to address needed changes. When asked to seek provincial office, they accepted given their prior interest in politics, a desire to work within government to seek policy changes and being offered the opportunity to do so. As they stated, “I had a lot of success on the outside engaging government and making change, but what we really needed to do was to get decision makers inside government to understand and comprehend the issues and I thought I might have a better purpose.... Involved internally” (R3).

Experiences with the campaign process

In general, physical barriers were acknowledged in terms of inaccessible facilities for meetings

and debates, as well as limitations for door-to-door campaigning, however, these were not seen as particularly prohibitive. In discussing their experience campaigning, Respondent 1 stated, "I've never really found it particularly hard. I have my own constituency I have built up. I have an approach and mechanisms I use that are effective that most other people don't." Technology and social media may also be seen as creative tools to overcome some of the barriers when campaigning. Respondent 3 used video blogging and twitter to connect with constituents extensively highlighting this as a key strategy, stating that technology "enabled me to perhaps reach more folks I might not reach under traditional routes." Given the long hours required during the campaign process, fatigue was also considered a barrier. Two of the three interviewees (R1, R2) noted that the first time they campaigned, they had to prove their own abilities given their disability to their party and supporters. This prevented them from showcasing their full abilities (R2). It may also denote the residual stigma surrounding the capabilities of persons with disabilities that exists within society.³⁷ There was also an acknowledgement that persons with other impairments, particularly those affecting written or oral communication skills, may find more barriers in the campaign process.

Having a disability is also seen as an opportunity for political candidates. For those interviewed, the visibility of their disability was generally seen as a positive in the campaign process because it differentiated them from other candidates – perhaps piquing the curiosity of voters and media. As Respondent 1 stated, "you become more identifiable as a candidate and people are intrigued." Our second Respondent went further, stating that they believed that the public perceived their disability as contributing positively to their life experience, that it added value and that it would be beneficial when transitioning into elected office. Using such opportunities to one's advantage and overcoming barriers are important as persons with disabilities may contribute in various ways to the greater representation of persons with disabilities in politics.

The importance of politicians with disabilities

Our interviewees were also asked whether they saw importance in having persons with disabilities represented in politics. They suggested that having individuals with disabilities in government may

prompt more accountability from others; for example, when presenting policy suggestions relating to accessibility, they may be more cognizant and considerate of persons with disabilities. Our first Respondent was explicit in noting that people "would not come with an inaccessible option, they wouldn't bring it." Further to this, they argued, "... even if it's not discussed or part of the conversation, the fact that the person is a disabled person is a message in and of itself" (R1). In many ways this may act as a natural disability lens in government. Furthermore, while our second Respondent noted the limitation of being able to represent all persons with disabilities or their experiences, they did admit that they possessed a certain understanding that does not exist with someone without a disability. Other benefits were more symbolic in nature. For example, many individuals had contacted Respondent 1 seeking advice when considering careers in politics at all levels of political office. Similarly, Respondent 2 pointed out the symbolic importance of having public figures with disabilities that leads to a "[i]f they can do it I can do it too" mentality. These feelings may also guide how these individuals advocate for disability rights in their roles such as in taking the lead for initiating policy changes.

How they advocate for disability issues

Politicians with disabilities may approach advocating for disability rights in different ways and, to some extent, this was evident in the interviews. Often, politicians will treat their own minority as they would treat others. As they stated, when it comes to advocating for disability issues, they approached it in the same way as they would for other issues facing their constituents (R2). At times partisan interests may influence how members approach certain topics; for politicians with a background in disability advocacy, this can be challenging. As Respondent 3 noted, "it was really important that I stayed true to who I was and not let the party decide what my platform was going to be." Our interviews suggest that it is important for minority politicians to be able to speak up about issues that are of direct importance to them and their minority community. When it happens, however, it does present challenges for political parties given their efforts to broker interests among their supporters. Such situations are also not exclusive to persons with disabilities; any individual within a party who has strong views on a particular subject faces similar challenges.

Photos: (Below) Legislative Assembly of BC / (Above) Stephanie Raymond



The Legislative Assembly of British Columbia's accessible entrance is named in honour of former MLA Douglas Mowat, the first MLA in the province to use a wheelchair while in office.

Discussion

What can we make of these individuals' experiences? Our analysis centres on their significance as representatives, accessibility in the campaign process, needed improvements and policy changes.

The significance of MLAs with disabilities

Symbolically, a greater presence of persons with disabilities in elected office exposes their capabilities to society, which may work towards dispelling some of the stigma surrounding disability.³⁸ Our interviewees spoke of having to prove their abilities initially. Over time they have successfully gained the respect of their colleagues and constituents. As Respondent 1 noted, initially people questioned "could I keep up, could I



do the job, did I have the stamina? [...] For me [it] was a ludicrous question. You know the people I deal with who are mostly able-bodied? They can't keep up." These comments suggest that having public figures with disabilities can help change perceptions.

BC is leading the way across Canada in terms of numbers of politicians with disabilities; but it is less clear why this is happening. We surmise that society in BC may have more experience with persons with disabilities in leadership roles as a result of the work of well-known public figures with disabilities such as Rick Hansen and Terry Fox.³⁹ Furthermore, BC also has a unique individualized funding model for home support services, known as Choice in Supports for Independent Living (CSIL). Programs like this may allow persons with disabilities to be more independent and facilitate greater opportunity to participation in society.⁴⁰ Additionally, having a history of elected officials with disabilities may also open doors for those interested in pursuing political careers in the future, as was the case with two of our respondents. Our interviews suggest that navigating accessibility challenges was often left to the candidates themselves with candidates and their staff having to typically negotiate accessibility requirements at various events. Future candidates with disabilities may also benefit from the mentorship and experiences of other candidates when it comes to navigating access to supports. Lastly, our results also suggest that simply being asked by the political party to become a candidate may be a factor.

On a substantive basis, when people with lived experience of disability are at the policy-making table, consideration of disability in the policy process can increase in a number of ways. The presence of these MLAs may create a mindset within government that is more attuned to the effects policy can have on persons with disabilities. As Respondent 2 noted, colleagues will also begin to advocate on your behalf so you are not alone in this process. In this sense, having this diversity creates a natural lens on policy which can have beneficial effects. For example, if greater weight is given to consultation with persons with disabilities about issues affecting their lives, it is likely that less paternalistic policies will be proposed or implemented.

A few examples illustrate this point and the results are mixed. First, during the 2013 election, disability was not a dominant campaign issue and the disability file was largely ignored until late in the campaign at which time the four candidates with disabilities

were asked to develop the party's stance on disability (R3). An idea to initiate a white paper consultation process if the BC Liberal party was elected emerged out of these discussions. The public consultation occurred between December 2013 and March 2014 and culminated in the publication of the *Accessibility 2024 Action Plan*, which centres around a 10-year goal to make "B.C. the most progressive jurisdiction in Canada for Persons with Disabilities."⁴¹ Of particular interest is the plan to create an inclusive government by "establishing an accessibility lens on regulation and legislation," and "supporting an accessible electoral process for all British Columbians."⁴² However, a detailed action plan for how these goals will be implemented, as well as timelines for when they will be achieved, is missing.

Some steps have been made on a variety of disability issues. For example, in November 2015 changes were made to allow people on provincial disability assistance to receive monetary gifts and inheritances without compromising their eligibility for disability assistance. This change was well received by those in disability-focused advocacy groups. Jane Dyson, the executive director of Disability Alliance BC, called it an "enormous step forward."⁴³ However, some changes have left those in the disability community feeling shortchanged. In the 2016 Budget the BC government announced it would increase the income assistance benefits for persons with disabilities by \$77 per month, the first notable increase since 2007; at the same time, the province canceled the bus pass and special transportation subsidies for persons with disabilities negating much of the increase in the disability benefit.⁴⁴ An additional \$45 annual administrative fee was also added, further negating the effect of the income assistance increase, a fee which was removed in June 2016 under pressure from disability organizations.⁴⁵

Overall, these policy developments show mixed examples of substantive representation provided by the three politicians with disabilities. Since 2013, progressive policies have been introduced under the *Accessibility 2024 Action Plan*, including allowing monetary gifts for those on income assistance. Issue salience on disability policy appears to have increased, which may partly stem from having individuals with disabilities embedded within government. However, instances like those resulting from the changes to the disability benefit in the 2016 budget indicate that substantive representation may often take a back seat to fiscal constraints and the overall interests of the political party in power.

There appears to be tensions between elected officials with disabilities and the disability community at large over whether these representatives are “doing enough” for the disability community. Whereas the disability community continues to have high hopes that the current number of elected officials with disabilities in BC will translate to substantive representation of their interests and policy change, elected representatives may find this difficult as they do not want to be viewed as single issue politicians and may also feel pressure to conform to their party’s interests (R1, R3). Additionally, the disability community is often fragmented on issues by impairment groups and does not generally mobilize as a voting bloc. Respondent 1 was direct in stating that “people with disabilities don’t often see themselves as a part of a cohesive community [though if they would,] the world would change.” This may contribute to low issue salience for disability-related issues and, as a result, the disability community is not often targeted by politicians because “[i]t is not considered a valuable way to use time” (R1).

Accessibility in the campaign process

Persons with disabilities may face unique challenges and opportunities when pursuing a career in politics. Those successful in the 2013 BC provincial election all have disabilities that are physical in nature. While physical accessibility issues were encountered in the campaign process, these barriers were not seen as directly limiting to campaign efforts given candidates faced similar issues in day-to-day life (R2). Additionally, as previously discussed, BC is one of a few Canadian provinces that allow candidates to claim “reasonable” disability-related expenses as personal expenses during the campaign process. This can be advantageous to candidates as they may face extra costs to address issues of accessibility or in implementing adapted campaign strategies. Respondent 2 believed that a political party would do whatever was necessary for a candidate if they were interested in seeking political office. Having this fact guaranteed in the constitutions of political parties and campaign finance laws would, however, go a long way to encourage others with disabilities to get involved in politics. It was also noted that accessibility issues decreased over time as party officials became more aware of what to expect in terms of their accessibility needs (R2).⁴⁶ As representation of persons with disabilities in

government is still very low in comparison to the population’s size, greater symbolic representation of persons with disabilities may lead to substantive representation including changes to accessibility of the political process over time.

Improvements for an inclusive political system

While there has been progress towards greater inclusion of minorities in politics in BC, improvements are still needed. Political parties play an important role in determining the numbers of minority individuals that seek elected office and “more is needed from political parties to attract persons with disabilities into political life.”⁴⁷ Whether recruiting and supporting qualified minority candidates in winnable ridings or guaranteeing such inclusion in the party’s constitution, “[w]hen political parties reach out to people with disabilities, this helps to overcome the disincentive caused by the lack of role models and the limited history of people with disabilities seeking public office.”⁴⁸ Notably, all of our interviewees were recruited to run by the BC Liberal Party. To date, only the provincial NDP in Ontario have affirmative action guidelines for candidacy and nomination of minority groups including persons with disabilities.⁴⁹ In the BC context, the success of these three MLAs may contribute to a more open and accessible political environment for persons with disabilities in the future.

Changing how society views disability is another factor in creating a more inclusive political system. Redefining disability as the inability of society to accommodate impairments, known as the social model of disability, moves the responsibility for accommodation away from the individual and into the hands of society. Yet there must be recognition that barriers persons with disabilities face may be very different depending on their impairment (e.g., physical accessibility needs or interpreters to participate in public debates). Individualized recognition, while desirable, may be a long-term aspiration as political systems tend to avoid focusing on singular groups. However, as noted previously, programs such as CSIL which provide individualized self-directed funding may allow persons with disabilities greater opportunity to participate in society and politics as support provided assists them in overcoming impairment-specific obstacles of independent living.

Conclusion

The election of three MLAs with disabilities in BC offers a unique opportunity to examine the representation of persons with disabilities in the provincial government. Given the history of stigma surrounding disability and physical barriers, there have been very few known politicians with disabilities in Canada.⁵⁰ The presence of these individuals in government holds great importance for persons with disabilities, primarily symbolically but also substantively. While their election may not bring about immediate policy gains or government commitments, their election does undoubtedly matter to advancing the status and representation of persons with disabilities. Having such voices at the table contributes to diversity in thinking while also serving as a reminder for other politicians to consider minorities in the policy-making process.⁵¹ Having elected officials with disabilities creates a lens on policy decisions. While substantive benefits do exist, any progress policy-wise is often constrained by the stance of the political party, which may prevent disabled MLAs from being more outspoken on issues of personal importance to them. Such partisan restraint makes it unlikely that the election of politicians with disabilities will lead to dramatic changes for disability issues in the short-term. Regardless, the election of three MLAs with disabilities in BC holds significance for this minority group in achieving representation in government that can be a foundation for future growth.

Notes

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- 20 *Ibid.*, pp. 97-122.
- 21 *Ibid.*, p. 114.
- 22 Lisa Schur, "Contending with the 'Double Handicap,'" *Women & Politics* 25 (1) 2003, pp. 31-62.
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Parliamentary Timing and Federal Legislation Referred to Courts: Reconsidering C-14

Parliamentarians frequently express a desire to obtain a Supreme Court of Canada opinion on the constitutionality of proposed legislation. For example, recent legislation regarding medical assistance in dying, Bill C-14, met with calls for such an opinion. In this article, the author explores six reference contexts that exist with respect to federal legislation through the lens of a hypothetical Bill C-14 reference: referral prior to introduction, referral concurrent to introduction, referral after introduction, referral after enactment, enactment conditional on referral, and provincial references. He concludes by noting that although legislators may desire judicial pronouncements regarding the constitutionality of legislation, difficulties arise because the executive primarily controls the current suite of reference powers. As such, parliamentarians resort to other means to inform their legislative choices with respect to constitutional compliance.

Charlie Feldman

It is easy to understand the oft-expressed desire of parliamentarians to obtain a Supreme Court of Canada opinion on the constitutionality of proposed legislation. Certainly, judicial decisions regarding the constitutionality of a proposed enactment may assist legislators in making their legislative choices and may help to further their understanding of the Constitution.¹ There may also be a strategic perspective as well – sending a proposal to the Court may allow for a matter to be delayed in Parliament while under judicial consideration.²

Recent legislation regarding medical assistance in dying, Bill C-14,³ was met with suggestions in Parliament that it be referred to the Supreme Court.⁴ While Bill C-14 was never referred – and is now the subject of a legal challenge⁵ – Parliament’s experience with this bill highlights the potential interplay between Parliament and the courts in reference cases.

The *Supreme Court Act* allows the Governor in Council to refer questions to the Supreme Court.⁶ These questions may concern federal legislation, whether proposed or enacted. Analogous provincial legislation allows provincial cabinets to refer matters to particular provincial courts and may also be used to question federal legislation.⁷

What follows is a discussion of the six reference contexts that exist with respect to federal legislation; referral prior to introduction, referral concurrent to introduction, referral after introduction, referral after enactment, enactment conditional on referral, and provincial references. Each is examined through the lens of a hypothetical Bill C-14 reference.

Though the *Supreme Court Act* additionally permits the Senate or House of Commons to refer private bills to the Court directly,⁸ private bills are now the least common legislative vehicle and this reference power has not been used since 1882.⁹ Parliament could not have referred bill C-14 directly to the Supreme Court because it was not a private bill.

Referral Prior to Introduction

The Governor in Council may submit a draft enactment along with questions for the Supreme Court’s consideration. Once the Court’s decision is

Charlie Feldman holds a Master of Laws from McGill University’s Faculty of Law. The views expressed in this article are those of the author and do not reflect those of any employer.

rendered, the government may introduce that draft as a bill in Parliament, modify it prior to introduction to reflect the Court's findings, or refrain from introducing it altogether.

For example, in the *Securities Reference*, the government drafted securities legislation that was sent to the Court for review, but it was not introduced in Parliament after the Court found that the matter was within provincial jurisdiction.¹⁰ In *Reference Re Same-Sex Marriage*, the Court ruled on a draft enactment that was later introduced in Parliament with changes reflecting the Court's opinion.¹¹

Though Bill C-14 could have been referred as a proposal that was not yet introduced in Parliament, the timing might have been problematic. The bill was responding to a Supreme Court decision that struck down several statutory provisions but suspended the declaration of invalidity,¹² that suspension was subsequently further extended.¹³ In that regard, a reference opinion might not have been received with enough time to legislate before the declaration of invalidity took effect, had Parliament felt it appropriate to legislate after the Court released its opinion.

Importantly, the Department of Justice has stated that "with any legislative proposal, there are risks of litigation".¹⁴ A reference may not have been necessary in the government's view because of the likelihood that litigation would result in an eventual judicial pronouncement on the enactment's validity.¹⁵

Referral Concurrent to Introduction

A reference to the Court may be initiated concurrent to a bill being introduced in Parliament. This recently occurred when the government introduced amendments to the *Supreme Court Act* and at the same time referred those provisions to the Court alongside questions for consideration.¹⁶

The risk here is that the legislative process overtakes the judicial one – a bill might be amended substantially such that what was referred to the Court is no longer reflective of what Parliament is considering. In other words, questions one might pose to the Court about a bill as introduced might not be those one would ask regarding an amended version.

It is no easy feat to ensure that the version of a bill before Parliament is also that before the Court. This is not just a matter of legislative process timing – judicial timing must also be considered. Counsel and

the Justices would both be in a delicate position if a provision is amended on Tuesday with the arguments on its constitutionality slated for Wednesday.

In the C-14 context, its concurrent introduction and referral might create difficulties in ensuring that the Court is seized of only the text that would ultimately pass. The parliamentary process may be unpredictable, and a reference regarding a bill in one form may be of limited use compared to a reference regarding the final text.

What would happen if the legislation were ultimately defeated? This could occur after a court has heard a reference but before rendering judgment and thus raise questions of the appropriate use of judicial resources.¹⁷ That said, such judicial review might yet inform future legislative choices.

Finally, it should be considered that a new statute enacted while still before a court on referral might not be fully applied and enforced until the relevant actors have constitutional certainty.¹⁸

Referral After Introduction

Another possibility is a reference in respect of bills under consideration by Parliament. In the *Senate Reference*, for example, the government asked questions of the Supreme Court regarding provisions of various legislative proposals.¹⁹

If Bill C-14 had been referred after some parliamentary debate had already occurred, the same risks in the proceeding reference context regarding amendment or defeat arise, as do the concerns over judicial and enforcement resources. However, heightened here is the issue of parliamentary resources. The government need not wait for parliamentary debate to occur before referring a matter, and Parliament may decide to continue debating it after referral occurs. While parliamentary time is perhaps squandered if the Supreme Court ultimately finds the debated bill invalid, contemporaneous parliamentary debate might also inform judicial consideration given the Court's use of *Hansard*.²⁰ The dynamics here are worth considering.

As well, there is a perception question associated with referring C-14 after introduction. Would referral be seen as compromise to mollify critics or viewed as capitulation that fuels calls to delay the bill's passage until the Court's decision? Practically speaking, the risk of an adverse decision might be reason enough not to proceed down this route.

Conversely, if a reference were decided before Parliament completed its deliberations, it might be possible to amend a bill quickly to accord with the decision as necessary.

The considerations associated with referral concurrent to and post introduction are admittedly similar. However, depending on the nature of the bill and when referral occurs, there may be additional legislative process considerations. For example, if a private member's bill were referred to the Court while under consideration by a House committee, the committee might report the bill before having the benefit of the Court's judgement.²¹

Referral After Enactment

Legislation having received Royal Assent may also be referred to the Supreme Court.²² For example, the *Margarine Reference* was initiated by the Governor in Council after the Senate passed the *Dairy Industry Act* and adopted a motion – referenced in the Court's decision – suggesting it be referred to the Court.²³

If referral occurs after passage, questions of compliance may arise – will actors apply the law knowing it may be struck imminently? Practically, there is a benefit to such references insofar as a confirmed law continues to operate as is; however, if struck down, Parliament, if it wishes to legislate, may have to start fresh.

In the case of C-14, an ex-post reference would have been possible; however, a constitutional challenge was initiated through non-reference means not long after it received Royal Assent.²⁴ The government could still opt to refer the matter if it desired the Supreme Court's opinion faster than it would result from the current challenge working its way through the courts. Further, the government could submit a reference to pose additional questions – including those regarding alternative approaches that might form the subject of amendments, for example.

Enactment Conditional on Referral

An additional possibility exists alongside the above, and it was observed during Parliament's consideration of Bill C-14. An amendment was proposed in the Senate that a particular provision not come into force until a Supreme Court reference confirmed its constitutionality. Though the Senate negated this amendment, it is important to consider this way of proceeding. Indeed, Parliament has enacted such provisions in the past.²⁵

This approach arguably addresses many of the concerns that exist vis-à-vis other reference contexts because it ensures the Court is only seized with the final version of the legislation and only those portions that are of most concern to Parliament; however, other complexities arise. To examine these, consider the amendment proposed to Bill C-14: "That the Supreme Court render an opinion pursuant to Section 53 of the *Supreme Court Act* stating that paragraph 212.2(2)(d) is consistent with the *Canadian Charter of Rights and Freedoms*".²⁶

The invocation of the *Supreme Court Act* means that a Governor in Council reference is sought. First, it is important to recall that the Governor in Council would not be obligated to initiate such an order initiating a reference and might instead elect never to bring the provision into force. Second, it is necessary to consider that the Governor in Council has only two options once the decision is rendered: either bring the provision into force or not.

Though only interested in one provision, Parliament may be informed by the Court that others are unconstitutional. Further, the Court might find it appropriate to decline to answer a specific question.²⁷ While a plain 'yes' or 'no' is what Parliament and the Governor in Council would hope to hear, one must also consider the precarious possibility of a "yes, but..." response.

How should the Governor in Council proceed if the Court finds the paragraph consistent with the *Charter* but only if read down to mean something, or if certain words are read in? How does the Governor in Council interpret a "yes but..." while being true to Parliament's intent? Consider in the context of Bill C-14 if Parliament had referred a provision making group X eligible for access to medical assistance in dying but the Court's "yes but" meant that X had to be read as also including groups Y and Z. While Parliament's contemplation of X is clear from the statute – Y and Z might have been groups Parliament either did not turn its mind to or perhaps purposely chose to exclude. Bringing the provision into force might both satisfy and frustrate Parliament's intent.

Practically, Parliament may find itself starting from scratch or addressing additional provisions depending on how the Court finds. Further, fairness questions might arise if some individuals benefitted from a regime in its first enacted state in a way that others cannot once changes are made.

Provincial Referral

In addition to these federal reference possibilities, a province may initiate a reference regarding bills before Parliament under provincial legislation. This is where timing issues are most keenly at play.

For example, consider Alberta's provincial reference regarding federal GST legislation. The Order in Council submitting the question to Alberta's highest court defined the phrase "GST Act" to mean Part IX of the *Excise Tax Act* either "as proposed in Bill C-62, an Act to amend the Excise Tax Act passed by the House of Commons" or "as enacted if the assent occurs before the beginning of the hearing".²⁸

While the reference acknowledges the legislative process, it can sit uneasily with it. Consider, for example, the possibility of some Senate action, such as adopting an amendment.²⁹ As well, there are no guarantees that a bill will complete the legislative process and receive Royal Assent – reasons for this include a bill's progression being halted by the prorogation or dissolution of Parliament.³⁰ Indeed, it is possible to envisage a number of circumstances in which the court could be seized with a bill that was not advancing or that had been modified by Parliament since being referred.

As another example, consider the Alberta reference regarding the proposed federal gas tax. At the time, no bill was before Parliament as only a ways and means motion had been tabled. The referred questions to the court were hypotheticals which included an assumed fact that "the Parliament of Canada has enacted legislation in the terms of the Ways and Means Motion".³¹ While the Government would have perhaps been unlikely to deviate from the ways and means motion's text in its subsequently introduced bill, this theoretical possibility must be considered along with those of the bill's defeat or amendment.

Importantly, provincial references can be appealed to the Supreme Court – as were the GST Act Reference³² and that regarding the gas tax.³³ The relevant legislation in both cases had received Royal Assent and the Supreme Court considered the enacted versions.

Historically, provinces have had incentive to challenge federal legislation through the reference process. Obtaining a judgement in their favour might strengthen their position in federal-provincial relations and related negotiations, as was the case

with the gas tax reference.³⁴ Alternatively, a reference might allow provinces to assert their ability to regulate a matter in the face of proposed federal legislation.³⁵

As it relates to Bill C-14, any province could have initiated a reference at any time, though none chose to do so. That province, however, may have wished to word its reference questions rather carefully to reflect the full panoply of legislative process possibilities.

Other Parliamentary Considerations

Proposed amendments in House committees to refer a portion of a bill to the Supreme Court before it can come into force may be limited by a procedural rule prohibiting amendments that make the coming into force of an enactment conditional.³⁶ Further, such provisions have also drawn rebuke from the Speaker of the House, who in 1975 ruled: "It seems to me to be repulsive to any act of Parliament that it should contain within it a condition that the Act must be referred in any part or in any particular to any other body for interpretation before it comes into force".³⁷

Though such a provision might still be proposed today – as it was in Bill C-14, albeit in the Senate – it may raise questions regarding Parliament's role vis-à-vis other institutions. From a similar perspective, consider the *sub judice* convention – that "certain restrictions should be placed on the freedom of Members of Parliament to make reference in the course of debate to matters awaiting judicial decisions".³⁸

In this regard, the Speaker of the House ruled in 1948 that an amendment proposing that the Supreme Court hear something that a committee was considering at the same time was inadmissible because, in his words, "If submitted to the Supreme Court it thereby becomes *sub judice* – the question cannot be before two public bodies at the same time".³⁹ This ruling was not found applicable by the Speaker to House debate on legislation in relation to which a provincial reference had been initiated.⁴⁰

As discussed above, it is possible for a bill to be before both the courts and Parliament simultaneously. Whether this is the epitome of efficiency or a conceptual conundrum is perhaps a matter of perspective. How the *sub judice* convention ought to operate in these circumstances – particularly if something were before the court at Parliament's insistence – is beyond the scope of this paper.⁴¹

Conclusion

Though legislators may desire judicial pronouncements regarding the constitutionality of legislation, process difficulties exist given that the executive primarily controls the current suite of reference powers. Parliamentarians must thus resort to other means to inform their legislative choices with respect to constitutional compliance.

Timing matters immensely in legislative references. Ensuring that the right version of a bill is before a court at the right time may prove difficult. Similarly, ensuring that Parliament has time to respond to a reference opinion may be challenging, particularly if there is a suspended declaration of invalidity involved, such as occurred in the context of Bill C-14.

When Parliament created the federal reference powers in 1875,⁴² it conferred upon itself the ability to refer private bills, which are now exceedingly rare.⁴³ Historically, it should be recalled that other reference powers existed from time to time as Parliament saw fit.⁴⁴

While Parliament has adopted certain measures respecting the constitutionality of bills,⁴⁵ it has been suggested that other means might be considered to inform legislators' choices.⁴⁶ That said, it should also be recalled that, where applicable, Parliament may invoke the notwithstanding clause to safeguard legislation from judicial scrutiny.

Undoubtedly, the relationship between Parliament, the Supreme Court, and the constitution is complex, intricate, and evolving. However, Parliament's constitutional certainty need not always come from courts, and the constitutional pecking order – to the extent one exists – remains the subject of sustained academic debate.⁴⁷

Whether the reference power in its current incarnation best suits the needs of Parliament and Parliamentarians is something only Parliament can pronounce upon. Ultimately, while legislators may express a desire for legislative references, it is uniquely up to them to give this desire legislative expression.

Notes

* The author wishes to thank Kate Puddister, Yan Zawisza, Stefanie Carlsey and Alexa Biscaro for comments on an earlier draft.

1 Indeed, the first Supreme Court reference arose when

the Minister of Justice doubted Parliament's ability to incorporate an entity and suggested consulting the Supreme Court; the Senate adopted a motion referring the matter. *Re: Brothers of the Christian Schools in Canada*, 1876 Carswell PEI 1, *Cout. Dig.* 1.

- 2 For a discussion of motivations for reference cases based on interviews with Attorneys-General see Kate Puddister, "Inviting Judicial Review: A Comprehensive Analysis of Canadian Appellate Court Reference Cases" Ph.D. Thesis, McGill University, December 2015 [Unpublished].
- 3 Enacted as *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*, SC 2016, c 3.
- 4 See, for example, a Question Period exchange about referral and a Member's comments in *Debates of the House of Commons*, 42nd Parl, 2nd Sess, No 74, 16 June 2016 at 4634 and 4616, respectively. See also Evidence, Standing Senate Committee on Legal and Constitutional Affairs, Issue No 10, 6 June 2016 at 10:52.
- 5 *Julia Lamb v Attorney General of Canada*, Supreme Court of British Columbia docket 165851 (2016).
- 6 *Supreme Court Act*, RSC, 1985, c S-26, s 53.
- 7 For a listing of the various provincial statutes see Appendix A in Puddister, *supra* note 2.
- 8 *Supra* note 6 at s 54.
- 9 The last case referred under this power is *In re The Quebec Timber Company*, 1882 CarswellNat 5.
- 10 *Reference Re Securities Act*, 2011 SCC 66, [2011] 3 SCR 837.
- 11 See Mary C. Hurley, *Bill C-38: The Civil Marriage Act*, Publication no. LS 502-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 14 September 2005.
- 12 *Carter v. Canada (Attorney General)*, 2015 SCC 5, [2015] 1 SCR 33.
- 13 *Carter v. Canada (Attorney General)*, 2016 SCC 4, [2016] 1 SCR 13.
- 14 Sessional Paper 8555-411-1169 at 3.
- 15 It is suggested that where "judicial review through a concrete case is feasible, it should be preferred". Barry L. Strayer, *The Canadian Constitution and the Courts* 2nd ed. Butterworths: Toronto, 1983, ch 9 at 295.
- 16 *Reference re Supreme Court Act, ss. 5 and 6*, 2014 SCC 21, [2014] 1 SCR 433 at 11.
- 17 For in-depth consideration of the advantages and disadvantages of references see *supra* note 15 at ch 9.
- 18 Consider, as a parallel, the enforcement of provisions for which a declaration of invalidity has been suspended. See: Allison Jones, "Ontario 'likely' won't pursue charges under struck down prostitution laws", *The Canadian Press*, February 6, 2014.
- 19 *Reference re Senate Reform*, 2014 SCC 32, [2014] 1 SCR 704.

- 20 See John James Magyar, "The Evolution of Hansard Use at the Supreme Court of Canada: A Comparative Study in Statutory Interpretation" *Statute L Rev* 33:3 (2012) at 363-389.
- 21 See Standing Order 97.1, *Standing Orders of the House of Commons*.
- 22 At the time of this writing, the Minister of Justice is considering a reference regarding Bill S-201, *An Act to prohibit and prevent genetic discrimination*, legislation that has passed both Houses of Parliament but has yet to receive Royal Assent – the House adopted a technical amendment that has yet to be considered by the Senate. See Joan Bryden, "Ottawa asks for advice on new bill; Supreme Court invited to provide guidance on genetic non-discrimination rules," *Halifax Chronicle Herald* (March 11, 2017) at A8.
- 23 *Reference re Validity of Section 5 (a) Dairy Industry Act*, [1949] SCR 1.
- 24 *Supra* note 5.
- 25 See *An Act to amend the Liquor License Act*, 1883, 47 Vic., c 32. See Also: *An Act to amend the Special War Revenue Act*, SC 1941, c 27, s 29.
- 26 See *Journals of the Senate of Canada*, 42nd Parl, 2nd Sess, June 17, 2016, Issue 52.
- 27 See John P. McEvoy, "Refusing to Answer: The Supreme Court and the Reference Power Revisited" (2005) 54 UNBLJ 29.
- 28 *Reference re: Judicature Act*, RSA 1980, 1991 ABCA 248, Appendix.
- 29 Parliament of Canada, PARLINFO, Bills Introduced in the House of Commons and Amended by the Senate 1960 to Date. <http://www.lop.parl.gc.ca/ParlInfo/compilations/HouseOfCommons/legislation/HOCBillsAmendedBySenate.aspx>
- 30 Parliament of Canada, PARLINFO, Bills sent to the other House that did not receive Royal Assent <http://www.lop.parl.gc.ca/ParlInfo/compilations/HouseOfCommons/legislation/billsbyresults.aspx>
- 31 Alberta Order in Council No. 1079/80.
- 32 *Reference re Goods and Services Tax*, [1992] 2 SCR 445.
- 33 *Re: Exported Natural Gas Tax*, [1982] 1 S.C.R. 1004.
- 34 See Troy Riddell and F.L. Morton, "Government Use of Strategic Litigation: The Alberta Exported Gas Tax Reference," *American Review of Canadian Studies* (Autumn, 2004), 485-509.
- 35 See Ubaka Ogbogu, "The Assisted Human Reproduction Act Reference and the Thin Line Between Health and Crime," *Constitutional Forum*, 22 (2013) 93.
- 36 See House of Commons Compendium of Procedure, Rules of Admissibility of Amendments to Bills at Committee and Report Stage. Online: http://www.parl.gc.ca/About/House/compendium/web-content/c_d_dmissibilityamendmentsbillscommitteereportstages-e.pdf.
- 37 *Journals of the House of Commons*, 30th Parl, 1st Sess, Vol 121, Pt 2, October 16, 1975 at 772.
- 38 Audrey O'Brien and Marc Bosc, *House of Commons Procedure and Practice*, 2nd ed. Yvon Blais: Cowansville, 2009 at 99.
- 39 *Journals of the House of Commons*, 20th Parl, 4th Sess, Vol 89, 9 April 1948 at 344.
- 40 *Debates of the House of Commons*, 34th Parl, 2nd Sess, Vol. 7, March 8, 1990 at 9006-9009.
- 41 *Sub judice* may also motivate a reference; see *supra* note 2 at 155-156.
- 42 *An Act to establish a Supreme Court, and a Court of Exchequer, for the Dominion of Canada*, 38 Vict., c. 11.
- 43 See Parliament of Canada, PARLINFO, Table of Legislation Introduced and Passed by Session. Online: <http://www.lop.parl.gc.ca/ParlInfo/compilations/houseofcommons/BillSummary.aspx>.
- 44 For example, various bodies could also initiate reference questions. See *Reference by the Board of Transport Commissioners of Canada*, [1943] SCR 333. See also: *Reference re Angliers Railway Crossing*, [1937] SCR 451.
- 45 See Charlie Feldman, "Legislative Vehicles and Formalized Charter Review" *Constitutional Forum*, 25, 2016, 80.
- 46 See Canadian Civil Liberties Association, "Charter First: A Blueprint for Prioritizing Rights in Canadian Lawmaking" September 2016. Online: <https://ccla.org/cclanewsites/wp-content/uploads/2016/09/Charter-First-Report-CCLA.pdf>.
- 47 "There are actually three possible positions on the question of final say when it comes to the interpretation of the Constitution: (1) the judicial power to interpret is subordinate to the interpretive power of Parliament; (2) the judicial power to interpret is superior to that of Parliament; or (3) the judicial power is coordinate with the parliamentary power." Denis Baker, *Not Quite Supreme: The Courts and Coordinate Constitutional Interpretation*, McGill-Queen's University Press: Montreal, 2010 at 145.

Foundations: The Words that Shaped Canada

Drawing on Library and Archive’s collection, the Library of Parliament curated an exhibit that features six of the most significant documents in Canadian and parliamentary history. In this article, the author gives an overview of the contexts in which some of the words that shaped Canada were written and identifies some interesting details on the documents themselves.

Lucie Lecomte

Introduction

To mark the 150th anniversary of Confederation, the Library of Parliament opened an exhibit entitled *Foundations: The Words that Shaped Canada* on March 9, 2017.

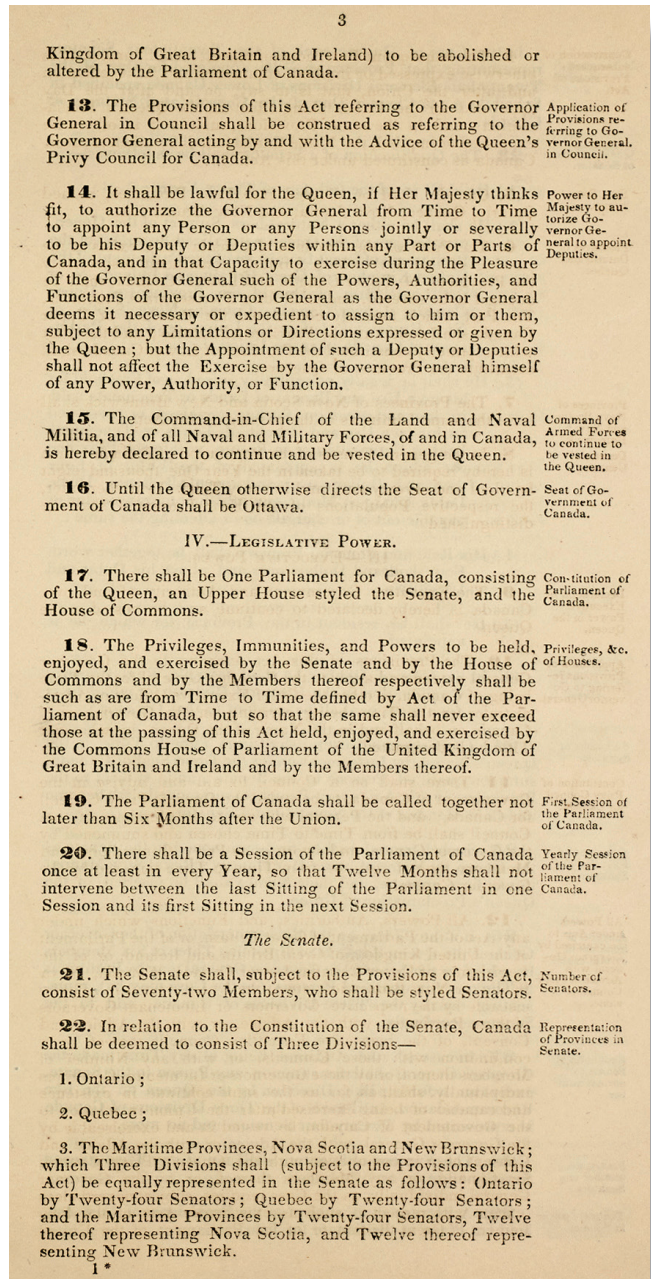
The Library partnered with Library and Archives Canada to showcase six key documents that contributed to the social, political and territorial development of Canada.

- the *British North America Act* (1867);
- Canada’s first Speech from the Throne (1867);
- the *North-West Territories Proclamation* (1869);
- the *Statute of Westminster* (1931);
- the *Canadian Bill of Rights* (1960); and
- the *Proclamation of the Constitution Act, 1982*.

As the title of the exhibit suggests, these documents mark important stages in Canada’s constitutional development.

The documents are accompanied by interactive touchscreens, which explore important details of each document and connects them to broader historical themes. A large interactive timeline also gives visitors an overview of major turning points in Canadian and parliamentary history.

Lucie Lecomte is an analyst in the Library of Parliament’s Constitutional and Parliamentary Affairs Section.



The British North America Act (1867)

The exhibit begins with an overview of certain key events that led to Confederation and the enactment of the *British North America Act (BNA)*. Pursuant to this Act, the Parliament of Canada governs and legislates to maintain, "Peace, Order and Good Government." These intrinsic values of Canadian democracy are as relevant today as they were in 1867.

Although the *BNA Act* was British legislation, its provisions were drafted by representatives of the colonies of New Brunswick, Nova Scotia and the Province of Canada. This is reflected in the spirit of the text that is marked by a desire to reach a compromise: a compromise between the majority and a linguistic minority that wished to retain its language, religion and identity; and a political compromise between formerly independent colonies that wished to unite in a rapidly evolving North American political context while retaining certain powers in the face of centralizing forces. These compromises remain at the heart of the Canadian federation and can be seen in the way it functions today.

The copy of the *BNA Act* on display at the Library belonged to Sir John A. Macdonald.

Enacted on March 29, 1867, the *BNA Act* came into force on July 1. Canada's first general election was held on September 20, 1867.

Canada's first Speech from the Throne

On Thursday, November 7, 1867, the Governor General of Canada, Sir Charles Stanley Monck, 4th Viscount Monck, opened the First Session of the Parliament of Canada. A few days before the event, he had written to his 18-year-old son, Henry, noting that he would soon open the first session of Parliament and that it would be "a great function." He also mentioned that a Montreal cavalry regiment would be his escort.

In his *Speech from the Throne*, the Governor General reminded parliamentarians of their responsibilities:

the Act of Union, as adopted by the Imperial Parliament, imposes the duty and confers upon you the right of reducing to practice the system of Government, which it has called into existence, of consolidating its institutions, harmonizing its administrative details, and of making such legislative provisions as will secure to a constitution, in some respects novel, a full, fair, and unprejudiced trial.

He also spoke of territorial expansion and of spending. He concluded by expressing his hopes for the new country:

I fervently pray that your aspirations may be directed to such high and patriotic objects, and that you may be endowed with such a spirit of moderation and wisdom as will cause you to render the great work of Union which has been achieved, a blessing to yourselves and your posterity, and a fresh starting point in the moral, political and material advancement of the people of Canada.

The Governor General then proceeded to read his speech a second time, in French, a reminder of the linguistic rights as determined in section 133 of the *BNA Act*.

The first pages of the English and French copies of the Speech - which were written by two different clerks - form part of the Library's exhibit.



Back at his official residence in Ottawa that same day, Monck took pen in hand and wrote to his son about the ceremony that had just taken place. He promised to send him an account of the proceedings and a copy of his speech. In his letter, he explained that he had asked the ladies to sit in the front and the parliamentarians to wear formal dress. Monck wrote that “the whole thing looked very pretty” and that the opening of Parliament was followed by parties and a number of dinners that he faithfully attended.

North-West Territories Proclamation (1869)

Pursuing its goal of expansion, the Government of Canada negotiated the purchase of Rupert’s Land, the vast territory owned by the Hudson’s Bay Company. As Minister of Public Works, the Honourable William McDougall played a key role in the negotiations.

In the fall of 1869, McDougall was to travel to Fort Garry to assume his new position as Lieutenant Governor of the North-West Territories. However, when he attempted to cross the border near Pembina (on the present territory of North Dakota) to reach Fort Garry, an armed group of Métis barred his passage. He stayed in Pembina for a month with his children and some of his retinue.

McDougall believed that the transfer of Rupert’s Land from the Hudson’s Bay Company to Canada was to take place on December 1, 1869. He was unaware that

the Government of Canada had postponed the transfer owing to political problems in the Red River Colony. As a result, some sources report that McDougall crossed the border in the middle of the night on November 30, 1869 and, in the company of some of his close associates, read aloud the *North-West Territories Proclamation*. In any event, this proclamation did not have the desired effect. On the contrary, it aggravated relations with the Métis, who responded by establishing a provisional government to negotiate directly with the government. Some historians say that the *Proclamation* was one of the factors that led to the Red River Resistance.

The Proclamation is one of many steps in Canada’s territorial evolution. The exhibit examines the country’s boundary changes from 1867 to 1999 when the territory of Nunavut was created.

Statute of Westminster, 1931

The exhibit then focusses on the 20th century, a time when Canada underwent profound transformations, notably on the political front. Prior to the enactment of the *Statute of Westminster* in 1931, Canada had legislative autonomy in domestic matters. When it came to external affairs, Ottawa looked to London.

Between the two World Wars, Canada and Newfoundland, along with other colonies, participated in the Imperial Conferences. They dealt essentially with the full legal autonomy of the former colonies. The



decisions reached in 1926, 1929 and 1930 were ratified in 1931 with the signing of the *Statute of Westminster* which paved the way for the Commonwealth.

The copy of the *Statute of Westminster* on display in the exhibit is a photographic facsimile of the original which is preserved in the House of Lords in London. A comparison of the *Statute of Westminster* with other documents produced around the same time shows that they all include two handwritten elements. First, we can read, “le Roy le veult”, a Norman expression meaning “the King wills it” that is used by the Clerk of the Parliaments in the House of Lords to indicate that a bill has received royal assent. The second handwritten element is the signature of Edward Hall Alderson, Clerk of the Parliaments at the time the *Statute of Westminster* was adopted.

The *Statute of Westminster* is a foundation document that testified of Canada’s political evolution since 1867 and its participation in the creation of the Commonwealth of Nations.

Canadian Bill of Rights (1960)

With the backdrop of the civil rights movement in the United States and decolonization in Africa and Asia, the issue of human rights took on an important dimension in Canadian politics. In 1960, Parliament adopted the *Canadian Bill of Rights*. This was the first federal statute to officially establish the fundamental rights of all Canadians.

The *Canadian Bill of Rights* guarantees: the right to life and liberty; the right of equality; freedom of religion, speech and association; and freedom of the press. It marked a decisive step for Canada and for the defence of human rights around the world. The *Bill* is still in effect today, although most of its provisions were replaced by the *Canadian Charter of Rights and Freedoms* that was adopted in 1982.

The 1960 *Canadian Bill of Rights* is remarkable for its content, as well as its presentation. Artist Yvonne Diceman (née Roberts) did the calligraphy and illumination. The rights guaranteed by the *Bill* are represented in four diagrams. The imagery and symbolism provide a wonderful illustration of the text and the spirit of the *Canadian Bill of Rights*. The artist assigned a place of prominence to the Centre Block, the seat of Canada’s Parliament. The Ottawa River, represented by two blue lines, flows behind Parliament and intermingles with the decorative motifs. A beaver is visible above Diceman’s signature. The illumination

does not include heraldic elements, but the colour and composition of its patterns harmonize perfectly with the Canadian coat of arms.

Diceman was born in England and served in the Women’s Auxiliary Air Force in the Second World War. It was during that time that she met a young master warrant officer in the Royal Canadian Air Force named Harold Alonzo Diceman, whom she married in 1945. As a young war bride, Diceman trained in Canada to be an artist. During her career, she was responsible for the calligraphy and illumination of other Canadian documents, including the Books of Remembrance that are located in the Memorial Chamber of the Peace Tower, and the Proclamation of the Canadian Flag. Harold Diceman, meanwhile, was a founding member of the Royal Heraldry Society of Canada, of which he was made a fellow in 1979.

The Proclamation of the Constitution Act, 1982

The exhibit’s pinnacle is the *Proclamation of the Constitution Act, 1982*, which gave Canada full independence from Great Britain, notably by granting the power to amend its own constitution. The entrenched *Canadian Charter of Rights and Freedoms* attests to the values Canadians hold most dear.

The *Proclamation of the Constitution Act, 1982* that is on display at the Library is the copy that was signed by Queen Elizabeth II, Prime Minister Pierre Elliott Trudeau, André Ouellet, Registrar General of Canada, and Jean Chrétien, Minister of Justice, in front of the Centre Block on April 17, 1982. Its authenticity is clear from the slight traces of rain drops that it bears, a reminder of the gentle rain falling on Ottawa that day.

A second copy of the *Proclamation* was also signed by Her Majesty and the Canadian dignitaries. It is well known that in 1983, an individual intentionally poured red paint on this document by way of protest. What is perhaps less well known is that only Jean Chrétien’s signature is covered with red paint, which is why it is the best preserved of the four. Curiously, Chrétien was not originally supposed to sign the *Proclamation!*

Conclusion

The exhibit *Foundations: The Words That Shaped Canada* is an exceptional opportunity to see six important documents in Canadian and parliamentary history together in one place. The exhibit can be seen by visitors on a guided tour of Parliament and will be open until the end of December 2017.

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Canadian Region
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Alberta

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

Newfoundland & Labrador

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

Ontario

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

British Columbia

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

Northwest Territories

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

Prince Edward Island

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

Federal Branch

Executive Secretary
131 Queen Street, 5th Floor
House of Commons
Ottawa, ON K1A 0A6
613 992-2093 (tel)
613 995-0212 (fax)
cpa@parl.gc.ca



Québec

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

Manitoba

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

Nova Scotia

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

Saskatchewan

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

New Brunswick

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

Nunavut

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

Yukon

Office of the Clerk
Legislative Building
P.O. Box 2703
Whitehorse, YT Y1A 2C6
867 667-5494 (tel)
867 393-6280 (fax)
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The 225th Anniversary of Quebec's Parliamentary Institutions

To celebrate and commemorate the 225th anniversary of Quebec's parliamentary institutions, the National Assembly launched an exhibit entitled "1792. *La naissance d'un Parlement.*" In this article, the author presents some highlights from the exhibit and explains why cartoons were such a central part of it.

Christian Blais



On April 4, 2017, in Quebec's Parliament Building, National Assembly President Jacques Chagnon officially launched the celebrations marking the 225th anniversary of Quebec's parliamentary institutions. In his speech, he noted, "It's not every day that we take the time to recall the extent to which the National Assembly, its authority, its areas of jurisdiction and all the powers it now holds are the result of events that played out here 225 years ago and helped shape democracy in Quebec." [TRANSLATION]

Other parliamentarians then took the floor. Ms. Rita de Santis, Minister responsible for Access to Information and the Reform of Democratic Institutions; Ms. Carole Poirier, Chief Official Opposition Whip and MNA for Hochelaga-Maisonneuve; and Mr. Benoit Charette, member of the Second Opposition Group and MNA for Deux-Montagnes, spoke about pivotal moments in our parliamentary history.

Exhibit: 1792. *La naissance d'un Parlement*

The official launch of celebrations marking the 225th anniversary of Quebec's parliamentary institutions also marked the opening of an exhibit entitled "1792. *La naissance d'un Parlement.*" The exhibit, located in the National Assembly's visitor centre, paints a picture of the parliamentary history of Lower Canada from 1792 to 1841. Visitors will discover that the major issues of our democracy were debated in Lower Canada's House

of Assembly. They will also learn that the prerogatives that the members of the National Assembly exercise today were won by the members of the House of Assembly of Lower Canada, who refused to cave in.

The 1792. *La naissance d'un Parlement* exhibit revolves around comic strips. Why comic strips? Because the first comic strip to come out of Quebec and the first election to be held in the province took place in the same year. In fact, this first comic strip is about the 1792 election. It is a cartoon entitled "*À tous les électeurs [to all voters]*," which seeks to win support for merchants from the Haute-Ville de Québec riding. To boot, two candidates, Mathew Macnider and William Grant, were responsible for printing this cartoon. Both won and were elected to the first Parliament of Lower Canada. The only surviving original copy of the 1792 cartoon is featured in the exhibit.

Above: The line drawing that sits at the top of the logo of the 225th anniversary of Quebec's parliamentary institutions represents the main parliament buildings of Lower Canada and Quebec City. The Episcopal Palace, which served as the Parliament Building in 1792, flows into the Parliament Building of Lower Canada, which was built in 1830 and burnt down in 1854, and in turn flows into the current Parliament Building. The gradient shades from green to blue evoke a timeline from the past to the present. In the past, the walls of the National Assembly were painted green, the colour traditionally associated with legislative power. The room was repainted blue in 1978, and is now referred to as the "Blue Chamber."

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



Launch of the celebrations marking the 225th anniversary of Quebec’s parliamentary institutions. Left to right: Carole Poirier, Rita de Santis, Christian Blais, Vincent Giard, Magali Paquin, Réal Godbout, Vanessa Lalonde (VAN), Vincent Rioux (VoRo), Michel Giguère, Jacques Chagnon and Benoit Charrette.

Other rare and precious artifacts featured in the exhibit relate to the political and parliamentary history of Lower Canada. For example, visitors can see the handwritten proceedings of the 1792–1793 parliamentary session, the 1793 bylaws of the House of Assembly of Lower Canada, a globe dating from 1792–1805, several 18th- and 19th-century *ceintures fléchées*, an election poster supporting the election of Montreal patriots in 1827, and an original copy of the 92 Resolutions.

Some of the objects—like the head from the bust of King George III, the first monument erected in Montreal in 1766—have a unique story. During the American invasion in 1775, it was painted black and a rosary made of potatoes was hung around the king’s neck, with a cross bearing the inscription: “Behold the pope of Canada and the English fool.” Shortly

afterwards, the bust was thrown down a well in the Place d’Armes. It was recovered in 1834.

These magnificent pieces come from the National Assembly’s collections, and from the Stewart Museum, the Musée national des beaux-arts du Québec, the Montreal Museum of Fine Arts, Library and Archives Canada, the McCord Museum, McGill University, the Musée Pierre-Boucher, the City of Quebec and the Ministry of Culture and Communications.

The exhibit also includes multimedia presentations and a timeline. Visitors can learn more about the origins of our democratic history. A capsule entitled *L’histoire du Bas-Canada en 60 secondes* [the Story of Lower Canada in 60 seconds] provides a one minute summary! The 1792. *La naissance d’un Parlement* exhibit runs until April 4, 2018. Those unable to visit in person

can view the online version on the National Assembly's website at <http://www.bibliotheque.assnat.qc.ca/expositionsvirtuelles/index.html>.

1792 : à main levée – a comic book

On April 5, 2017, at the Salon international du livre de Québec, National Assembly President Jacques Chagnon launched the comic book entitled *1792 : à main levée*. "Whether you're simply curious, passionate about history or comics, or both, you'll be delighted by this captivating book," he said.

The book echoes the 1792 cartoon entitled "*À tous les électeurs*." The National Assembly has used the comic strip – the ninth art – to recount key points in the parliamentary history of Lower Canada.

Four cartoonists, namely Vincent Giard, Réal Godbout, VAN (Vanessa Lalonde) and VoRo (Vincent Rioux) were recruited by the National Assembly. The choice of these talented artists was guided by the desire to pull together a sample of artists who are representative of the diversity of comic strips in Quebec today. In the book *1792 : à main levée*, they tell us about the first general election in 1792, the language debate, the political engagement of Pierre-Stanislas Bédard and the adoption of the 92 Resolutions.

Short texts, abundantly illustrated, describing the highlights of the parliamentary history of Lower Canada precede each of the four comic strips. The cartoonists then reconstruct the "key moments" of these parliamentary stories, paying particular attention to atmosphere, emotion and setting the scene. The editorial approach, developed by Michel Giguère, a comic strip consultant, makes it possible to make a variety of profiles and styles complement each other. The last section of the book takes the form of a *catalogue raisonné*. Certain works of art from the 19th century, which served as inspiration for the cartoonists, are presented opposite story boards, pencil sketches and final inked versions from the book.

History buffs and comic strip lovers can purchase this impressive book in bookstores across Quebec or online from the Publications du Québec website.

Other commemorative projects

Various activities will complement the celebrations marking the 225th anniversary of our parliamentary

institutions. For example, the National Assembly will revive a tradition established by Eugène-Étienne Taché, the designer of the Parliament Building, that of inscribing the names of historical figures on the wood panelling inside the building.

The first floor of the Parliament Building features individuals from the time of Lower Canada. While the collection includes patriots and bureaucrats, the figures who stand out the most are moderate reformists. The individuals commemorated include individuals who demonstrated an attachment to British parliamentary institutions and who defended the interests of the French Canadian nation.

Taché's choices reflect his father's political values. Étienne-Paschal Taché was a patriot who defended French Canadians in the political institutions of his day. It is also interesting to note that most of the politicians whose names are inscribed in the wood panelling opposed the constitutional reforms proposed by Lord Durham, who recommended the merger of Upper Canada and Lower Canada.

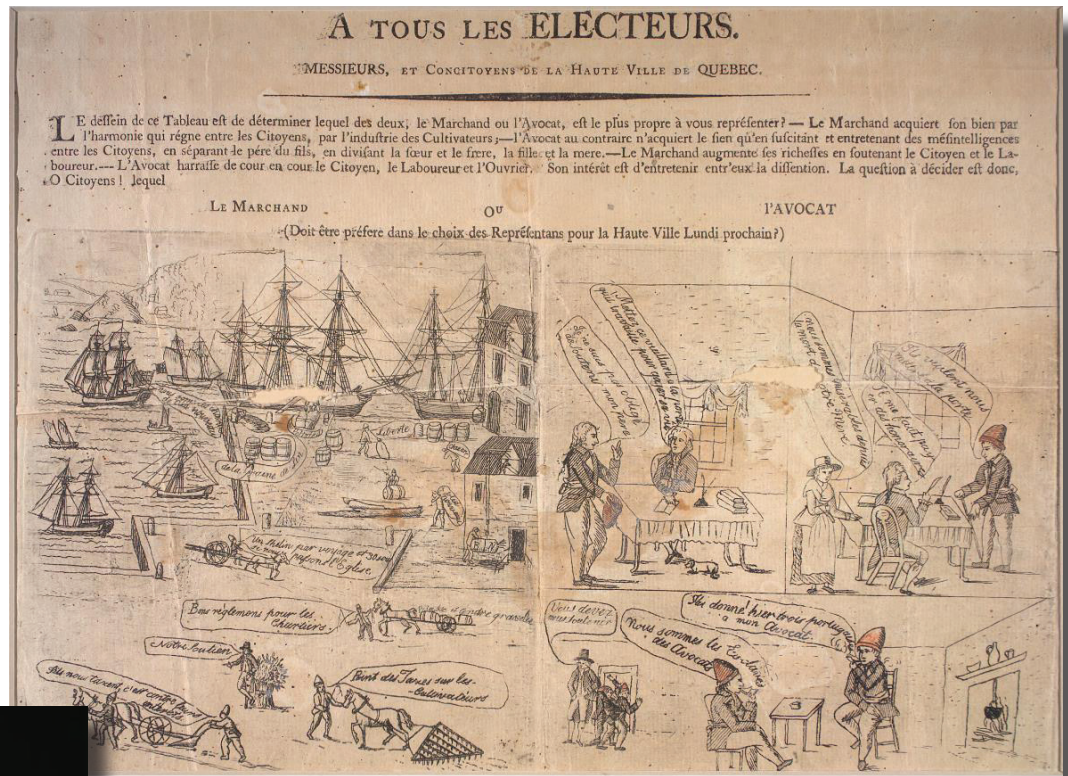
It is in keeping with that original plan that the names of MNAs William Grant and Augustin-Norbert Morin as well as legislative councilors Thomas Dunn and Joseph-Octave Plessis will be added to those already inscribed in the wood panels. To mark the occasion, short biographies of the parliamentarians of Lower Canada whose names are inscribed in the woodwork of the Parliament Building will be published in a brochure that will also be available on the National Assembly's website.

Finally, to cap the celebrations marking the 225th anniversary of our parliamentary institutions, the President will install a time capsule in the Parliament Building. The capsule will contain various objects for future generations. It will be opened in 2092, the 300th anniversary of the 1792 election. Its contents will be known to only a few individuals. The mystery surrounding the capsule and its contents will arouse interest and fascination.

The National Assembly is once again showing originality and boldness! Future generations will have to take up the challenge so that they, too, can celebrate Quebec's parliamentary history and, above all, keep this tradition of historical, legal and political culture alive in the National Assembly.

The cartoon entitled “À tous les électeurs” was printed in Quebec City by Samuel Neilson. It is Quebec’s oldest French-language cartoon and was published during the first election in 1792. This work was, in all likelihood, created by John George Hochstetter, a German born engraver.

Credit: McGill University Library, Department of Rare Books and Special Collections, Lande Collection #1934



Created in 1765 by Joseph Wilton (1722–1803), official sculptor to the king, the bust of George III arrived in the colony on the same ship that brought the colony’s new lieutenant governor, Guy Carleton.

Credit: McCord Museum M15885



Tea was a rare commodity in New France. However, by the mid 1780s, following contact with the British, the inhabitants began adopting this drink. At the time, the British drank their tea with a little bit of milk and a lot of sugar. Before the Conquest, sugar was shunned by the settlers of New France.

Credit: Montreal Museum of Fine Arts, 1929. Dp. 1a-b.

This powder horn belonged to a patriot before it was taken by William Parker of the 1st Battalion Grenadier Guards Regiment during the insurrections of 1838. In fact, that is what was engraved on the horn.

Credit: Stewart Museum 1965.14



NOUS POURRONS BIEN TÔT NOUS GOUVERNER EN ACCORD AVEC NOS TRADITIONS !

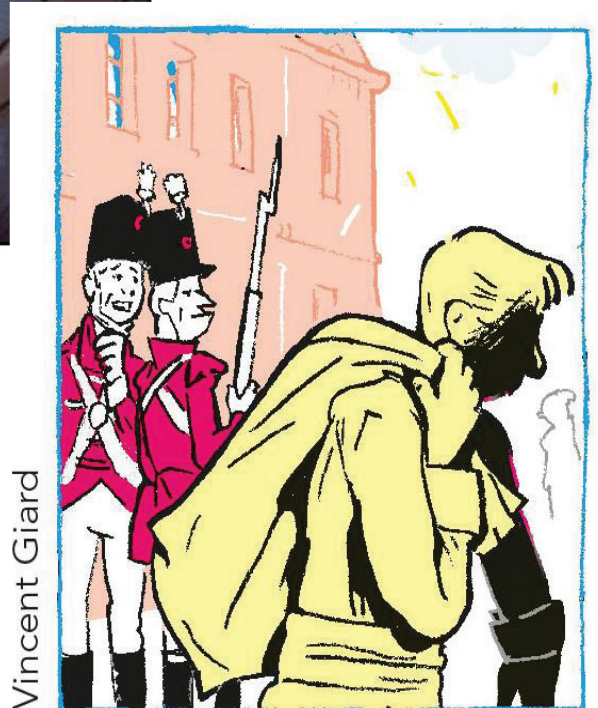
VoRo (Vincent Rioux) has a distinctive style that combines realism, rigour and aesthetic qualities.

VoRo



...des résolutions? Adressées à Londres?

Je suis convaincu que c'est la meilleure option qui vaille !



Vincent Giard

Vincent Giard, active on the alternative scene, creates visual poetry through form and colour.

Réal Godbout

Born of the counter-culture and influenced by Hergé, Réal Godbout combines a biting tone with perfect graphics and narrative clarity.

Influenced by her work in animated movies, VAN (Vanessa Lalonde) conveys energy with her stagings and the expressiveness of her characters.



MAIS QU'EST-CE QUI VOUS PREND?

IMBÉCILES!!

VAN

The Relationships Between Parliament and the Agents of Parliament

Working relationships can be quite challenging at the best of times. But when there is debate or disagreement over the nature of work roles and who answers to whom, this relationship has the potential to be especially tense. A recent seminar (March 31, 2017) organized by the Canadian Study of Parliament Group explored this dynamic by asking stakeholders and observers to come together to discuss the roles played by agents of parliament and the parliamentarians they may variously serve, guide, guard, investigate and answer to.

Will Stos

Session 1: Servants? Masters? Guardians?: How Agents of Parliament View Their Role

In a first session moderated by **Michael Ricco**, the parliamentary relations advisor at the Office of the Information Commissioner of Canada, three agents of parliament were asked how they view their role and responsibilities.

Conflict of Interest and Ethics Commissioner **Mary Dawson** noted that “agents of parliament” are not a homogeneous group. There are eight federal commissioners and some are considered officers of parliament. She explained that she views her role as one where she scrutinizes parliament in order to hold the executive to account. Dawson said she is focused on the idea of independence in her role, but is also cognizant that she must also be “seen to be independent.” It is essential for MPs to know she is fair and independent. She wondered if her position’s seven-year term should be non-renewable, explaining that if she or another office holder were to be re-appointed to additional terms it could create the impression of favouritism to the current government. She concluded her presentation by stressing the key feature of her office is that it is “accountable to parliament,” not the executive or government. Unlike other agent offices, hers is considered an entity of parliament, is part of the parliamentary precinct, and is covered under parliamentary privilege.

Michael Ferguson, the Auditor General of Canada, introduced his office by highlighting its 530 employees. Because some crown corporations have headquarters in different provinces and the office also acts as the Auditor General Office for the three territories these employees are spread across five separate locations in Canada. The office audits financial statements of departments and crown corporations and conducts special audits to examine whether government programs are achieving their objectives. Ferguson says he views his office as a source of objective, non-partisan information that he hopes will be used to improve services for Canadians. Like Dawson, he viewed his independence as key. “One of the best parts of this job is that I have no boss,” he told the audience, noting that while he reports to parliament and the territories, no one can tell him what to do. Legislation also gives his office access to any information it requires. Unlike Dawson, Ferguson’s 10-year term is non-renewable. He supports a prohibition of reappointment because it underscores an office’s independence. Moreover, there is no worry about perceptions that auditors are being easy on a government to secure a reappointment. Ferguson noted there are some threats to this independence, however. His office has a budget envelope for all types of audits but only has discretion to spend on performance audits. Therefore, there is a potential threat for government to reduce total funding to limit these audits. Also, if information requested is denied, the office can only report this to parliament, and it has no tools to demand it. He also cites interim appointments of auditors as a potential threat to their independence. Ferguson concluded by noting that with independence comes responsibility, as a lack of oversight requires proper structures to be in place in the office.

Will Stos is Editor of the Canadian Parliamentary Review



Moderator Michael Ricco (left) with three agents of parliament: Mary Dawson, Michael Ferguson, and Suzanne Legault.

Information Commissioner **Suzanne Legault** suggested that she is always surprised when asked if her role is to be a servant, master, or guardian because it's defined by law. The objective of the office is to provide access to information that gives citizens the necessary information to participate in democracy. The Commissioner has the same power as a higher court judge to ask for witnesses and conduct secret investigations required by law. Legault noted that the Information Commissioner has done performance updates – but these are controversial because some say they are not a part of the office's mandate (and financing for these has always been denied by the Treasury Board). Also, when the office makes recommendations (for example, the concept of open government) they can be controversial. On her office's relationship with parliament(arians), she remarked that the Commissioner is appointed by government in council after consultation with all recognized party leaders in Commons and Senate (and she wondered if the legislation may need updating with the new Independent Senate group. With the immediacy of social media and the digital environment, Legault said a famous quote attributed to Jonathan Swift and Winston Churchill is now truer than ever: lies can travel half way around the world before the truth gets its pants on. This reality can make it difficult for access to information requests to correct the record. She also expressed frustration that government ministers use the Access to Information Act as a shield to prevent them from answering questions. However, when the office has been asked to comment on whether private member's bills conforms to the legislation, Legault explains she and parliamentarians have found the review to be valuable to flag parts that do not. Legault joined Dawson in recommending that agent

of parliament accountability frameworks should be reviewed and uniformly built on the best models.

During a question and answer period one audience member noted that Dawson and Legault have no power to reprimand anyone and it's up to parliament to follow their reports. They were asked if their offices should be extended the power to reprimand. Dawson suggested that reprimands like fines aren't important, but the report and the publicity around it are. Legault said all current files under review are private until they are complete, and in her annual report she can't mention all of these (currently there are 2,000 cases under review). She contended that allegations that are made publicly are not fact and agreed with the idea of disciplinary measures and fines (but only in specific contexts).

Second Panel: Relationship Status? It's Complicated: Past Challenges and Future Perspectives on Parliament and its Agents

A second panel, chaired by **Anna L. Esselment**, assistant professor of political science at the University of Waterloo, brought several academics and other parliamentary observers together to offer a view with some critical distance.

Élise Hurtubise-Loranger, the section chief of constitutional and parliamentary affairs at the Library of Parliament, explained that officers or agents of parliament (there is no statutory difference, but 'officer' is a term inherited from the United Kingdom dating to the 1860s while 'agent' is more frequently used in Canada) should not be confused with officials that assist with parliamentary operations. Their role is to provide



Left to right: Moderator Anna L. Esselment, Élise Hurtubise-Loranger, Jack Stilborn and Genevieve Tellier.

oversight, act as watchdogs, report and be accountable to parliament. Hurtubise-Loranger outlined the key criteria for officers/agents of parliament including the appointment process, term, removal and reports. When listing the office holders, she did not include the Senate Ethics Officer as the concept of independence from parliament is not followed. Hurtubise-Loranger suggested there is no coherence in the legislation to suggest uniformity in these positions. For instance, according to the *Language Skills Act*, some officers have to be bilingual while there is no requirement for others. There is also a general lack of legal framework for these positions.

Jack Stilborn, who retired after previously working at the Library of Parliament, highlighted the Westminster model these office holders are working within. He noted that policing your boss is a delicate process, but took issue with the statement several agents made when they said they don't have bosses. Stilborn stressed that parliament is ultimately your boss because they established these officers. Part of the job is paying attention to what parliament wants while maintaining independence. But, he explained, in a Westminster model there is government/opposition. How do you know what parliament wants when there is internal disagreement? Stilborn suggested that public support was both dangerous and necessary for these agents. Officers need public support to succeed in their roles, but they must be diplomatic about how they generate this because they may alienate people sitting in parliament. He concluded by examining the legislative, funding and parliamentary protections available to these agents.

Genevieve Tellier, a professor at the University of Ottawa's School of Politics, added her voice to others

on the panel who were surprised to hear some agents of parliament say they did not have a boss. She challenged that, yes, they do, and it's ultimately parliament. Tellier cited research by Paul Thomas which referred to officers of parliament as being in a "constitutional twilight zone" – they must be independent but also accountable. Thomas also famously called these officers "watchdogs that bark but don't bite." Tellier, whose own research explores the Parliamentary Budget Officer, suggested that when considering changes and improvements to these offices we should be careful not to imitate disappointing models elsewhere.

In a discussion period which followed the panel, an audience member asked if parties should take proposed changes to these offices out of their platforms to make them more managerial and less open to partisan squabbles. Tellier suggested multi-party models, unanimity in parliament, or a secret ballot which might be used as methods to lessen partisanship, while Stilborn cautioned that cross-party support is key for the legitimacy of these offices and we need to be careful about this when thinking of changing models. From the floor, Legault noted that while we are operating under the Westminster model, it should not shackle us from modernization.

Third Panel: Agents' Feet on MPs' Toes? Working with Agents of Parliament

A final panel, moderated by Stilborn, brought together three current and former parliamentarians to share their experience in working with these agents. Liberal Senator **Percy E. Downe** echoed the suggestions from the first panel about ending the renewable nature of some of these appointments. This automatically calls into question their independence even if they are



Moderator Jack Stilborn (left) with Senator Percy E. Downe, former MP John G. Williams, and Senator Elaine McCoy.

people of the highest quality, he said, favouring instead changes to either extend the length of appointments or just make the terms non-renewable. Downe spoke about recruitment of these officers being left up to the Prime Minister's Office as another weakness. If the PMO and the Prime Minister is not very engaged in the selection process, the best candidates may not be brought forward. He noted that a 2010 advertisement for the Auditor General said (s)he must be bilingual. The successful applicant was ultimately not bilingual at the time, but is now. He asked rhetorically how many Canadians who saw the advertisement did not apply. Downe suggests this shows the latitude the government has.

Former Conservative MP **John G. Williams** suggested that it's ultimately democracy that keeps government accountable. Officers of parliament bring attention to matters so that pressure can be brought to the government to keep them accountable by civil society, political parties and the independent media. This is not something that happens in countries that don't have this kind of robust democracy. Williams lauded the agents as being a great benefit to parliament and our democracy.

Finally, Independent Senator **Elaine McCoy** suggested the model we have is very flexible and adaptable, and said she would have titled the panel: "Keeping Parliamentarians on our toes." McCoy said agents of parliament are partners in parliamentary democracy. While there is a fundamental tension between power and truth, the essential task is speaking truth to power – whether as an officer of parliament, a parliamentarian, etc. She praised agents of parliament for acting as a counterweight from time to time, and commends them for showing courage when faced

with political pressure. As leader of the Independent Senators Group (ISG), McCoy explained that some members of the ISG have a view that the Senate should be non-adversarial. She said she believes Canadians would support that shift and if that were to occur, they could become partners with the agents of parliament.

During a question and answer period, one audience member asked if there should be any new officers of parliament. Williams suggested, and Downe concurred, that the PBO should be elevated to an officer of parliament because parliament needs independent budget information that may not conform to what the government is saying. McCoy said she dreams about a Library of Parliament Research function that becomes independent. She argued that budgetary cutbacks have hindered the research capacity at the library and the public has not been aware of how this decline of information, knowledge and analysis has hindered parliament.

Stilborn asked the panel, who will watch the watchdogs? If the answer is parliament, doesn't this put parliamentarians in a difficult position? Williams noted the independent media has a significant role to play in this equation and warned about rhetoric which diminishes its credibility among the public. From the floor, Dawson offered that appearances at estimates and reports provide an opportunity for accountability. She recounted how parliamentarians have done some poking and prodding of these appearances and publications. Legault noted the Auditor General audits all other officers of parliament and there are also performance indicators in certain reports. However, she concluded by stating that there should be a standardization of that reporting process.

Parliamentary Bookshelf: Reviews

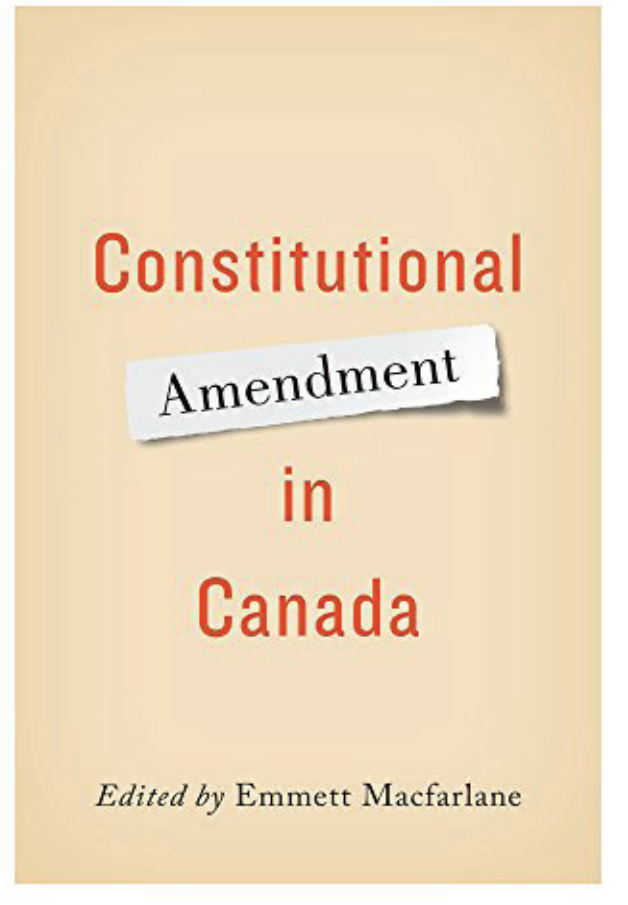
Constitutional Amendment in Canada, Emmett Macfarlane, ed., University of Toronto Press, Toronto, 2016, 337 pp.

Canada has a very complex system of amending its formal, written Constitution. This collection of essays edited by Emmett Macfarlane is a welcome guide to its intricacies.

Is the complexity of our amending system an instance of Canadian exceptionalism? None of the authors take up that question. My own hunch is that the complexity of the so-called amending “formula” reflects the centrality of accommodation in Canada’s constitutional culture. “Striking a balance,” the key phrase in Macfarlane’s introduction, captures the idea. Nadia Verrelli’s opening chapter tells us how the formula evolved over a 115-year journey to the final set of rules that were adopted in the *Constitution Act, 1982*, the amendment to the Constitution that achieved patriation.

The constitutional amending formula is set out in Part V of the *Constitution Act, 1982*. It begins with the “general procedure,” requiring resolutions of both houses of Parliament and resolutions of the legislative assemblies of at least two-thirds of the provinces (seven of 10) that have at least 50 per cent of the population. Once the requisite number of resolutions has been secured, the amendment is effected by a proclamation issued by the Governor-General.

That seems simple enough, until you look at the conditions attached to the general procedure. A dissenting province can opt out of an amendment made under the general procedure if it reduces its powers, rights or privileges. If the amendment is in the fields of education or culture, the province opting out is entitled to fiscal compensation. Another section of the formula lists changes to federal institutions and the structure of the federation, including the addition of new provinces, to which the opt-out does not apply.



The general procedure that was the focus of much constitutional bargaining over many years has been used only once. That was the *Constitutional Amendment Proclamation, 1983* which made two additions to the recognition of aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*, one to confirm that land claims agreements are treaties and another to ensure that the constitutionally protected rights of Aboriginal peoples apply equally to men and women. Only Quebec did not support the amendment. But it did not (and probably could not) opt out.

The formula sets out four other ways of amending the Constitution besides the general procedure. One is the unanimity rule that singles out a few matters that require supporting resolutions from all the provinces. The list includes the amending formula itself, the “offices” of the Queen, the Governor General and the provincial Lieutenant Governors, the rule guaranteeing small provinces that their MPs in the House of Commons will never be less than the number of Senate seats, and the composition of the Supreme Court of Canada. Needless to say, there has been no use of the unanimity rule.

Finally we come to the three parts of the amending formula (sections 43, 44, and 45) that have been the basis of nearly all the constitutional amending action that has taken place since Patriation. The exceptions to the general procedure have indeed become the rule. Section 43 provides for amendments of the Constitution of Canada applying to one or more province but not all provinces and can be made by Parliament and the legislatures of the provinces involved, section 44 amendments in relation to the House of Commons, the Senate and “the executive government of Canada” can be made simply through federal legislation, and section 45 that similarly empowers provinces to make laws amending the constitution of the province. The account and analysis of these kinds of amendments in various chapters of the Macfarlane book are an important contribution to constitutional scholarship.

Dwight Newman refers to section 43 as the “bilateral amending formula.” The seven times it has been used so far have all been bilateral – Parliament and one province passing the necessary resolutions. The big use has been for Newfoundland and Labrador – three times for changes in the denominational school section of its terms of union with Canada and once to add Labrador to the province’s official name. New Brunswick used it to insert in the *Charter of Rights and Freedoms* equality of status of its English and French linguistic communities. Prince Edward Island used it to replace a ferry service with a bridge as its constitutionally-mandated mainland link. Quebec used it to terminate its constitutionally guaranteed denominational schools so that it could organize schools on a linguistic basis. Newman points to its potential to enable a conservative province to have constitutionally entrenched property rights or a progressive province to better protect Aboriginal rights.

As Warren Newman points out, Amendments made under sections 44 and 45 are effected by ordinary legislation, not legislatures’ resolutions followed by a proclamation. The reason for this is that these sections of the amending formula replace sections 91(1) and 92(1)(1) in the division of powers section of the Constitution. Section 44 has been used to make two changes to section 51 governing representation in the House of Commons and to give Nunavut a Senator. He also notes how Parliament’s peace, order and good government power has been used to add many organic, semi-constitutional statutes, such as the *Multiculturalism Act* and *The Clarity Act* to the law of the constitution. Emmanuelle Richez is the only author to focus on provincial constitutions, noting the growing interest of provinces, particularly Quebec, in consolidating existing constitutional rules in one coherent document.

A number of contributors to the volume are far too gloomy about the prospects of developing Canada’s constitutional system by informal means – organic statutes and constitutional conventions. They seem to be spooked out by the essay the Supreme Court of Canada wrote on the amending formula in the *Senate Reference*. Admittedly, the “architecture of the constitution” phrase the Court used in that decision was less than clear. But I do not think it at all likely that the Court would strike down modifications in constitutional conventions such as those structuring the advice on which prime ministers base their selection of vice-regal office holders, Senators and Supreme Court justices.

Neither the contributors to this volume nor the Supreme Court of Canada make the distinction between our capital “C” Constitution to which the amending formula applies and other rules, principles and practices of our small “c” constitutional system. That distinction is crucial to appreciating the capacity of Canada’s constitution to evolve and adapt. That said, *Constitutional Amendment in Canada* provides interesting food for thought on the limits of constitutional growth through formal Constitutional amendment.

Peter Russell

Professor Emeritus, Department of Political Science,
University of Toronto

New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (March 2017- May 2017)

Alford, Ryan Patrick. "Two cheers for a Cabinet Manual (and a note of caution)." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1): 41-60, March / mars 2017.

This article discusses the advantages and disadvantages of two approaches to the descriptive codification of Canada's constitutional conventions in a Cabinet Manual. The proponents of a Manual point to its utility, while its detractors highlight the dangers inherent in the executive's role in the Manual's production and amendment process. The article evaluates the likelihood of these benefits and hazards by assessing recent scholarship assessing the Cabinet Manuals of New Zealand and the United Kingdom.

Azzi, Stephen. "Political time in a Westminster democracy: the Canadian case." *American Review of Canadian Studies* 1-16, April 2017.

The multiparty system has meant that Canadians often end up with prime ministers who are out of synch with the dominant ideas of their age. This study highlights the cautious and incremental nature of Canadian politics: prime ministers are seldom as dramatic or radical as their American counterparts.

Bowden, James W.J. "When the bell tolls for Parliament: Dissolution by efflux of time." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1) : 129-44, March / mars 2017.

This article outlines the legal process through which parliaments are dissolved and summoned and general elections are called in both Canada and the United Kingdom, explores how a dissolution by efflux of time would be promulgated in Canada, and describe how fixed-date election laws in Canada and the *Fixed-Term Parliaments Act, 2011* of the United Kingdom affect the Crown's authority over dissolution.

Daly, Paul. "Royal treatment - The Crown's special status in administrative law." *Review of Constitutional Studies - Revue d'études constitutionnelles* 22 (1): 81-102, 2017.

The author's focus in this paper is on the treatment of the Crown by the courts, especially Canadian courts, in judicial review of administrative action. In three areas of administrative law, the Crown has been accorded a special status, distinct from that of statutory bodies: administrative powers, justiciability, and remedies.

Desserud, Don. "The Senate residency requirement and the constitution - "He shall be resident in the province"." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1) : 61-98, March / mars 2017.

A link was made between senators' eligibility to claim expenses for travel with their constitutional right to sit in the Senate. If they were ineligible to claim expenses for travel from their provinces to Ottawa, on the grounds that their primary residence was Ottawa, would not this also mean that they were not residents of the province they represented and so constitutionally ineligible to sit in the Senate?

Feldman, Charlie. "Design of the past decade: Private members' bills in the votability era." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1) : 99-127, March / mars 2017.

Private members' business in the Canadian House of Commons has evolved in procedure and practice since Confederation. Its current incarnation is rooted in reforms considered and provisionally adopted in the early 2000s that were made permanent in 2005 through changes to the Standing Orders. With a decade of experience under the current regime, what observations might be drawn about private members' business practice at present?

Hazell, Robert. "Is the [UK] *Fixed-term Parliaments Act* a dead letter?" *The Constitution Unit Blog*, 3p., April 25, 2017.

The ease with which Theresa May was able to secure an early dissolution last week has led to suggestions that the *Fixed-term Parliaments Act 2011* serves no useful purpose and should be scrapped. Drawing on wider evidence of how fixed-term parliaments legislation works in other countries, the author argues that there is a danger that it is being judged prematurely, on the basis of a single episode. Future circumstances in which a Prime Minister seeks a dissolution may be different, and in these cases the *Fixed-term Parliaments Act* may serve as more of a constraint.

Lagasse, Philippe. "Parliament and the war prerogative in the United Kingdom and Canada: Explaining variations in institutional change and legislative control." *Parliamentary Affairs* 70 (2): 280-300, April 2017.

The British and Canadian Parliaments have no legal control over military deployment decisions. Recently, however, governments in both countries have held votes in the House of Commons on expeditionary missions involving combat. In the United Kingdom, this has led to a convention of legislative control of the executive's prerogative to deploy the armed forces. In Canada, the votes have benefited and enabled the executive, rather than strengthening legislative control.

Lovenduski, Joni. "The *Good Parliament* and other reports." *The Political Quarterly*, 1-5, 2017.

The *Good Parliament* is the most recent and substantial of a series of investigations into diversity in the Westminster parliament.

Walker, Charles (Chair). "Sitting hours of the [UK] House: response to a survey of Members." House of Commons Procedure Committee - Sixth Report of Session 2016-17 - Report, together with formal minutes relating to the report HC 1144: 38p., published on 2 May 2017.

The Committee sets out the outcome of a survey of the views of Members on the sitting hours of

the House conducted in June and July 2016. The survey found that a majority of Members support current sitting hours for each regular sitting Monday-Thursday, and that there is no obvious consensus on any alternative programme. However the report urges further considerations as to whether Friday sittings should continue to be held under the current system, expressing disappointment that the Government has not yet supported reform of the private Members' bill procedures.

Wright, Tony. "How to make public accounts exciting [book review]." *The Political Quarterly* 1-2, 2017.

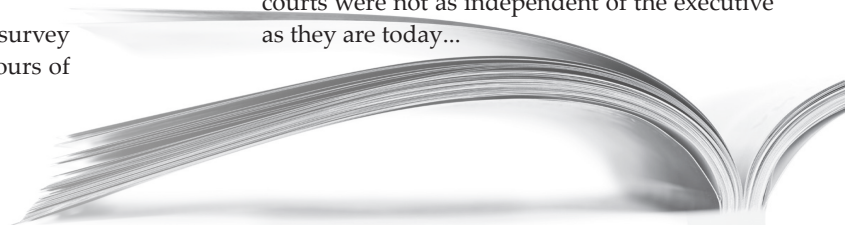
Positive review of, *Called to Account: How Corporate Bad Behaviour and Government Waste Combine to Cost Us Millions*, by Margaret Hodge. Little, Brown. 390 pp.

Lemieux, Frédéric. "Chronique d'histoire parlementaire : un outil sur mesure pour les chercheurs autonomes." *Bulletin d'histoire politique* 25 (2) : 252-7, Winter 2017.

It is always interesting to learn about the National Assembly's recent achievements in parliamentary research. However, this particular column takes a break from presenting new discoveries and goes back to the basics, giving an overview of an essential tool called *Documents politiques et parlementaires du Québec*.

St-Hillaire, Maxime. « Privilège parlementaire : une jurisprudence à récrire. » *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1) : March / mars 2017.

[Translation] ...the institution of parliamentary privilege that Canadian law inherited from the United Kingdom developed, in the capital, in a framework where the concept of supreme law and supra-legislative law was foreign. Historically, it served to protect parliamentarians from the monarch before the convention of responsible government—which did not come together to establish the parliamentary system until shortly after 1832—and at a time when the courts were not as independent of the executive as they are today...





British Columbia

General Election

The Legislative Assembly adjourned on March 16, 2017 and dissolution of the 40th Parliament occurred on April 11, 2017, with the provincial general election scheduled for May 9, 2017. Party standings at dissolution were: 47 BC Liberal Party; 35 New Democratic Party of BC; 3 Independents.

Speech from the Throne

The Fifth Session of the 40th Parliament prorogued on February 14, 2017, and the Sixth Session opened that afternoon with the Speech from the Throne delivered by Lieutenant Governor **Judith Guichon**. This year's Throne Speech focused on housing affordability, education, job creation, and natural resource development – including partnerships with Indigenous communities. During the Address in Reply debate, Opposition Members criticized the Throne Speech for failing to provide affordable child care or address social inequities and poverty, and for not prioritizing improvements to the child welfare system.

Budget 2017

One week later, on February 21, 2017, Minister of Finance **Michael de Jong**, presented the government's budget for the 2017-18 fiscal year. The Minister noted that this was BC's fifth consecutive balanced budget, delivering "the dividends of a strong and diversified economy and prudent fiscal management." Highlights

of the budget include reduced Medical Services Plan premiums, increases to funding for health care, education and social services, as well as incentives for first-time homebuyers. In her response to Budget 2017, Opposition Finance Critic **Carole James** argued that the budget does not address costs that will adversely affect low and middle-income families, such as planned rate increases to BC Hydro and Insurance Corporation of BC, nor does the budget provide minimum wage increases or measures to address BC's current housing affordability issues.

Legislation

In total, 10 government bills and 40 private members' bills were introduced this Session. Seven government bills received Royal Assent on March 16, 2017, including the *Discriminatory Provisions (Historical Wrongs) Repeal Act*. This Act, which was unanimously supported by Members, will permanently remove discriminatory provisions in 19 historical private Acts, including provisions based on a person's ethnicity or place of origin. The *Information Management (Documenting Government Decisions) Amendment Act* was also given Royal Assent. The Act requires the head of a government body to create and maintain certain records that document key business decisions made by government. *Supply Act (No. 1), 2017* also received Royal Assent in order to provide interim supply for government operating expenses and expenditures during the first six months of the 2017-18 fiscal year. Following the opening of the new 41st Parliament following the general election, the Assembly will resume consideration of a budget and accompanying estimates.

A Rare Question to the Chair

For the final question of the Sixth Session, Opposition House Leader **Mike Farnworth** made use of the rarely-employed procedure of asking a question of a chair of a parliamentary committee. Opposition Member, **Bruce Ralston**, Chair of the Select Standing Committee on Public Accounts, was queried about the Office of the Auditor General's report on the 2015-2016 Public Accounts, which had been referred to the Committee for review.

Transition Guide for Members of the Legislative Assembly

As the Sixth Session drew to a close, 14 of 85 Members announced that they would not be seeking re-election. The Assembly offered seminars for these Members on the services and supports available, including transitional assistance and retraining allowances, as well as information regarding pension planning for Members who are retiring. A *Transition Guide for Members of the Legislative Assembly* was also made available on the Assembly's website (<http://members.leg.bc.ca/docs/Transition-Guide.pdf>), which additionally includes information for Members seeking re-election regarding procedures to note during the election period, including the appropriate use of constituency and legislative offices.

41st Parliament Preparations

As noted in the 2016 Spring Issue, two new electoral districts will be added in the coming provincial general election to reflect BC's growing urban populations, bringing the number of seats in the Legislative Assembly up to 87. With significant changes to the Legislative Assembly's complement of Members, preparations are underway for the development of an orientation program and renewed online resources to assist new and returning Members, including an updated Members' 2017 Orientation website available publicly (<http://members.leg.bc.ca>).

Parliamentary Committees

A number of parliamentary committees had an intense period of activity prior to the close of the Sixth Session. The Select Standing Committee on Health completed its mandate to identify potential strategies to maintain a sustainable health care system for British Columbians with the March 1, 2017 release of its report *Looking Forward: Improving Rural Health Care, Primary Care, and Addiction Recovery Programs*. The Committee's

work over a three-year period was supported by two public consultation processes and hearings throughout the province. The unanimous report puts forward 59 recommendations targeted at strengthening three key areas of health care: rural health care and recruitment; the use of interdisciplinary teams in primary and community care settings; and addiction recovery programs.

The Select Standing Committee on Children and Youth continued its statutory review of the *Representative for Children and Youth Act*, as required at least once every five years under the *Act*. The Committee invited input on the *Act* through their public consultation process, which ran from December 16, 2016 to February 10, 2017. In addition, the Committee received briefings from officials with the Ministry of Justice and the Ministry of Children and Family Development. The Committee is expected to resume its review of the *Act* in the next Parliament.

Following the November 15, 2016 unanimous recommendation of the Special Committee to Appoint a Representative for Children and Youth, the Legislative Assembly adopted a resolution on February 16, 2017 appointing **Bernard Richard** to a five-year term as the Representative for Children and Youth. As noted in the previous issue of this publication, Mr. Richard was appointed as Acting Representative effective November 27, 2016, the date on which the previous Representative's term concluded.

From March 1, 2016 to March 15, 2017, the Special Committee to Appoint an Information and Privacy Commissioner conducted two comprehensive recruitment processes, which included extensive interviews with a number of applicants; however, the Committee was unable to come to a unanimous recommendation as required by the *Freedom of Information and Protection of Privacy Act*. In light of this, the Committee presented a report to the Legislative Assembly on March 16, 2017 with the recommendation that a new Committee be appointed in the next Parliament to continue this work.

BC Search and Rescue Volunteer Memorial

The Lieutenant Governor proclaimed March 2, 2017 as Search and Rescue Volunteer Memorial Day in British Columbia. She marked the day by joining Speaker **Linda Reid**, Minister of State for Emergency Preparedness **Naomi Yamamoto**, and Leader of the Official Opposition **John Horgan**, along with search and rescue volunteers and their families in unveiling

the new B.C. Search and Rescue Volunteer Memorial. This is the latest monument to be erected in proximity to the Garden of Honour on the Legislature grounds, which includes the Fallen Firefighters Memorial, Fallen Paramedics Memorial, and the Law Enforcement Memorial.

Partnership Agreement with Guyana

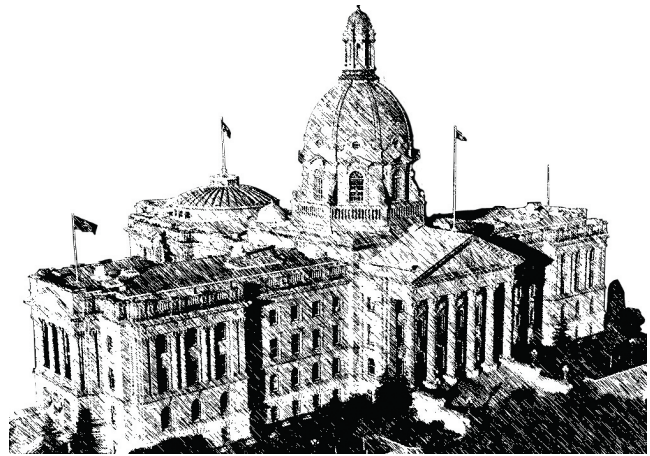
On January 17, 2017, the Legislative Assembly of British Columbia and the National Assembly of the Parliament of the Cooperative Republic of Guyana signed a Partnership Agreement between the two assemblies during a ceremony that took place in Georgetown, Guyana. This agreement was two years in the making and initiated by the Clerk of the House in consultation with the Speaker following a request by the Commonwealth Parliamentary Association for Canadian legislatures to twin with Caribbean parliaments. After two visits to Georgetown by the Clerk, a delegation from BC led by Speaker Reid, and consisting of the Deputy Clerk and Clerk of Committees and the Director of Hansard, travelled to Guyana to sign the agreement and meet with their parliamentary colleagues. Under the terms of the Partnership Agreement, the two assemblies will actively work towards developing professional relationships through the exchange of information regarding the work of the assemblies on matters of common interest, as well as through professional development activities between the two institutions. Additionally, the agreement will promote the exchange of visits between the two assemblies as a means of fostering links between parliamentarians and parliamentary staff, building capacity in the National Assembly of Guyana, and exploring areas for potential project development.

Visit from Danish Delegation

Representatives from the National Parliament of Denmark's Committee for Rural Districts and Islands, accompanied by Royal Danish Embassy and Consulate officials, visited the Legislative Assembly on March 6, 2017 and met with Speaker Reid, Members of the Select Standing Committee on Finance and Government Services, and ministry officials. The Danish Committee's visit to BC centered on learning about the promotion of growth, employment and development in our province, and how the traditional industries of agriculture, fishing and forestry have adapted to a changing business environment.

Lisa Hill

Committee Research Analyst



Alberta

3rd Session of the 29th Legislature

On Thursday, March 2, 2017, the 3rd session of the 29th Legislature commenced with the Speech from the Throne, delivered by Lieutenant Governor **Lois Mitchell**. The speech focused on job creation, improvement of public services and maintaining an affordable cost of living. Later that afternoon Minister of Education **David Eggen**, MLA (Edmonton-Calder) introduced Bill 1, *An Act to Reduce School Fees*. The proposed legislation seeks to amend the *School Act* to place limitations on the fees charged by school boards for student transportation, textbooks, and instructional fees.

Budget 2017-2018

On March 16, 2017, President of Treasury Board and Minister of Finance **Joe Ceci**, MLA (Calgary-Fort), tabled the Government's Budget 2017 fiscal plan. As in previous years the main estimates for each ministry have been referred to one of three Legislative Policy Committees for consideration. The meetings to consider the estimates were scheduled to run through April 19, 2017, when all estimates will be voted on in Committee of Supply. In recent years, the estimates for each ministry have been scheduled for three hours of consideration with the exception of Executive Council which, under the Standing Orders, receives two hours of consideration. This year, for the first time, the Official Opposition has used Standing Order 59.01(3.1) to designate four ministries for which estimates are considered for up to six hours while also designating three ministries for which estimates consideration is set at two hours. The 2017-18 estimates of the following four ministries have been designated to receive six hours of consideration: Justice and Solicitor General;

Environment and Parks; Health; and Education. Accordingly, the time scheduled for consideration of the estimates for Status of Women, Service Alberta, and Indigenous Relations has been reduced to two hours for each ministry. Executive Council continues to be set at two hours by the Standing Orders.

Cabinet Changes

On January 19, 2017, Premier **Rachel Notley** announced the creation of the new Ministry of Children's Services by dividing the responsibilities of the Ministry of Human Services. **Danielle Larivee**, formerly the Minister of Municipal Affairs, is now the Minister of Children's Services. **Irfan Sabir**, previously the Minister of Human Services, retains responsibility for the services that remain under the renamed Ministry of Community and Social Services. **Shaye Anderson** is now the Minister of Municipal Affairs. Following these changes, the Government of Alberta now has 21 ministries.

Standing Order 30 – Emergency Debate

On March 6, 2017, **David Swann**, MLA (Calgary-Mountain View), requested that an emergency debate take place on "the growing number of deaths from opioid use and abuse, including the use of fentanyl". All Members in the Assembly agreed to proceed with the debate, and, later that same afternoon, as discussion on the matter approached three hours in length, the Assembly again gave unanimous consent to extend the afternoon sitting by an extra half hour and to adjourn no later than 6:30 p.m.

Committee Business

Standing Order 59.01(11) prohibits committees from meeting for any other purpose during the period in which the main estimates stand referred to the Legislative Policy Committees unless otherwise ordered by the Assembly. The Select Special Ombudsman and Public Interest Commissioner Search Committee has requested and received an exemption from this prohibition to ensure it is able to conduct its recruitment process in an efficient and timely fashion.

On March 13, 2017, the Standing Committee on Resource Stewardship released its report on its review of the Alberta Property Rights Advocate Office 2015 *Annual Report*. Once the consideration of the 2017-18 main estimates is finished the Committee will continue its review of the *Lobbyists Act*, which must be completed before August 18, 2017.

The Standing Committee on Alberta's Economic Future completed its inquiry into growing and diversifying Alberta's agri-food and agribusiness sectors. As part of the review process the Committee received 104 written submissions and heard 32 presentations from identified stakeholders. The Committee's final report, tabled on April 10, 2017, contains 13 recommendations, many of which were supported by all members of the committee. The Committee has now been tasked with reviewing Bill 203, *Alberta Standard Time Act*, and reporting its recommendations to the Assembly by October 4, 2017.

On February 13, 2017, the Standing Committee on Families and Communities tabled its report on Bill 203, *Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016*, as an intersessional deposit. The report recommended that the Bill, which had been referred to the Committee after First Reading, not proceed.

Jody Rempel
Committee Clerk



Manitoba

The Second Session of the 41st Legislature resumed on March 1, 2017. In addition to bills introduced in December 2016, the Government introduced several new bills addressing different issues including:

Bill 9 – The Advocate for Children and Youth Act, which expands the mandate of the Children's Advocate of Manitoba for advocacy services, gives the Advocate a broad discretion to review and investigate a serious injury or death of a child, and expands public reporting;

Bill 21 – The Fiscal Responsibility and Taxpayer Protection Act, which replaces the Balanced Budget Act, repealed last year. Among other measures, it sets the guidelines to withhold part of the salary of members of Cabinet if government incurs a deficit;

Bill 28 – The Public Services Sustainability Act, establishes a four-year sustainability period during which the compensation for public sector employees, and the fee payments to physicians and other health professionals, may not be increased except by the percentages permitted by the Bill;

Bill 30 – The Local Vehicles for Hire Act, giving municipalities the power to make by-laws regulating the vehicle-for-hire industry, including taxis, limousines, and vehicles hired through an online application, a digital network or platform or a website.

Bill 31 – The Advanced Education Administration Amendment Act, which amends the restrictions on tuition increases and removes the restrictions on course-related fees. The bill also sets guidelines for provincial grants to universities.

The Legislative Security Act

On March 8, the Government introduced *Bill 18 – The Legislative Security Act*, to deal with security in the legislative precinct. The bill confirms that the Speaker of the Assembly is the individual with the ultimate responsibility for security for Legislative Assembly offices and areas. However, it also requires the Speaker and the Minister of Justice to enter into an arrangement respecting the provision of security in the legislative precinct. A director of legislative security must be selected and will be responsible for providing direction to legislative security officers who will provide security services in the legislative precinct.

The bill also authorizes security officers to screen people entering the Legislative Building together with the power to deny entry, seize weapons, and evict a person from the legislative precinct.

Standing Committees

Since our last submission, the Standing Committee on Legislative Affairs met in January to consider annual reports from the Children's Advocate and again in April to consider the appointment of the Children's Advocate and the recommendation from the Subcommittee struck to deal with the hiring process.

In addition, the Social and Economic Development Committee, the Legislative Affairs Committee, and the Justice Committee met on several occasions to hear public presentations and conduct clause-by-clause consideration of a number of government bills.

Committee of Supply

In the beginning of March, the Committee of Supply considered and passed supply resolutions dealing with temporary funding for operating and capital expenditures until the 2017-18 fiscal year budget and budget processes and the main supply bills are completed later this session. The House also dealt with passing all stages of Interim Supply legislation. As a result, *Bill 8 – The Interim Appropriation Act, 2017* received Royal Assent on March 20, 2017.

Specified and Designated Bills in the New Rules

As noted in previous submissions, the Legislative Assembly adopted a series of changes to its Rules, Orders and Forms of Proceeding, prior to the dissolution of the 40th Legislature.

One of the most significant changes was the establishment of a sessional calendar and the creation of two bill categories: specified bills and designated bills. The rules set defined deadlines for the completion of all stages of these bills by either the end of the Spring Sittings or the Fall Sittings. Government bills meeting certain deadlines are guaranteed to receive Royal Assent by the end of the Spring Sitting in the beginning of June. Those bills are called specified bills. However, the Official Opposition may designate up to five Government bills for the purpose of further consideration, with these bills to be held over until the resumption of the Fall Sittings.

On April 3, for the first time, the Opposition House Leader tabled the list of Government Bills Designated by the Official Opposition for consideration in the Fall Sitting Period. The first Bills designated for completion in the Fall Sittings were *Bill 30 – The Local Vehicles for Hire Act* and *Bill 31 – The Advanced Education Administration Amendment Act*. On April 6, the Opposition House Leader designated three additional bills, *Bill 23 – The Fisheries Amendment Act*, *Bill 24 – The Red Tape Reduction and Government Efficiency Act*, and *Bill 27 – The Elections Amendment Act*. In accordance with our rules, the Official Opposition may designate up to five Government Bills for the purpose of further consideration at a later sitting period.

Retirement of the Sergeant-at-Arms

On March 23, **Blake Dunn**, the Sergeant-at-Arms, marched for the last time in front of the parade carrying the mace. It was Mr. Dunn's last day with the Legislative Assembly prior to his well-deserved retirement. On the previous day, the House paid a tribute to the retiring Sergeant-at-Arms with comments from the Speaker, the Premier, the Leader of the Opposition, and the Leader of the Manitoba Liberal Party.

Member Sitting as an Independent

Mohinder Saran, MLA for the Winnipeg constituency of The Maples, was removed from the NDP caucus on January 31. In accordance with section 52.3.1 of *The Legislative Assembly Act*, a member who is elected with the endorsement of a political party and ceases to belong to the caucus of that party during the term for which he or she was elected must sit in the Assembly as an independent during the remainder of the term.

Recognizing the 100th Anniversary of Manitoba Women Getting the Vote

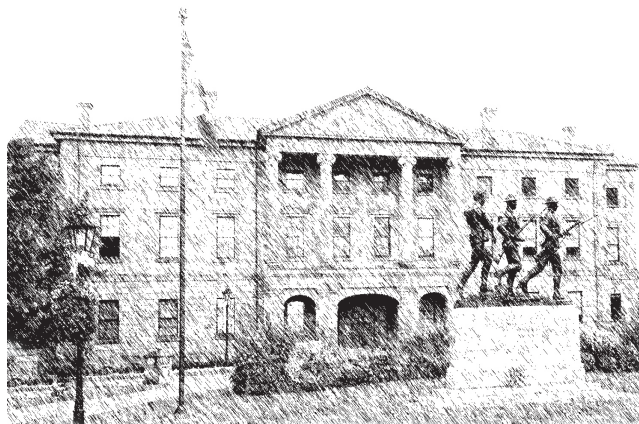
On November 29th, 2016, Speaker **Myrna Driedger**, along with the Nellie McClung Foundation, unveiled a plaque commemorating the 100th anniversary of some Manitoba women gaining the right to vote, making Manitoba the first province in Canada to enfranchise some women. This plaque marks the centerpiece of the Vote100 Wall, a permanent exhibit outside the Chamber. Speaker Driedger unveiled the Vote100 Wall January 24th, 2017, while hosting the Manitoba delegation for Equal Voice's Daughters of the Vote. The young women enjoyed an eventful day at the Manitoba Legislature; beginning with a discussion led by Equal Voice National regarding the importance of encouraging more women to participate in politics, a tour of the legislature, lunch with Speaker Driedger, Senator Bovey, former Member of Parliament and Member of the Legislative Assembly **Judy Wasylcia-Leis**, and Manitoba Teachers' Society's **Danielle Fullan-Kolton**. In the afternoon Speaker Driedger hosted two panels discussing the panelists experiences being a woman in politics. The first panel featured three former Members of Parliament: **Anita Neville**, **Dorothy Dobbie**, and Ms. Wasylcia-Leis. The second panel featured current Members of the Manitoba Legislative Assembly: **Rochelle Squires**, **Nahanni Fontaine**, and **Cindy Lamoureux**. Each Daughter of the Vote delegate was presented with a special medallion from the Speaker.

Current Party Standings

The current party standings in the Manitoba Legislature are: Progressive Conservatives 40, New Democratic Party 12, four Independent Members, and one vacancy.

Andrea Signorelli

Clerk Assistant/Clerk of Committees



Prince Edward Island

Second Session, Sixty-fifth General Assembly

The Second Session of the Sixty-fifth General Assembly resumed on April 4, 2017 at 2:00 p.m. in the Legislative Assembly Chamber, The Hon. George Coles Building. It had previously adjourned to the call of the Speaker on December 15, 2016.

Budget

Minister of Finance **Allen Roach** delivered the Budget Address on April 7. Total revenue for 2017-18 is listed at \$1.812 billion, and total expenditures \$1.811 billion, with a surplus of \$600,000. In terms of tax measures, the Basic Personal Income Tax exemption will grow by 2 per cent. Notable expenditure increases include \$5.5 million more for K-12 education, a 5.8 per cent growth in health expenditures, and \$6.6 million more to the Department of Families and Human Services for programs and services for Islanders in need.

House Business

To date in the month of April, Government has tabled 3 bills, with 4 bills from the fall sitting still on the Order

Paper awaiting second reading. Notable among them are Bill No. 61, “An Act to Amend the Archives and Records Act”, which is intended to improve records management across government, and a new “Lobbyists Registration Act” (Bill No. 57).

Leader of the Third Party Peter Bevan-Baker tabled Private Member’s Bill No. 103, “Election Age Act”, on April 6. This bill would amend the *Election Act* to lower the voting age to 16 from 18 years of age, and also amend the *Legislative Assembly Act* to lower the age of eligibility to serve as a member to 16 from 18. As of this writing the bill has been introduced and read a first time.

The Official Opposition has not introduced any bills so far during the spring sitting, but has tabled eight motions on matters such as re-introduction of elected school boards, the establishment of a Passport Canada Office in PEI, and an expansion of the insulin pump program for adult Type 1 diabetes.

Electoral Boundaries Commission

A five-person Electoral Boundaries Commission was established pursuant to the *Electoral Boundaries Act* in December 2016, in order to review the provincial electoral districts and make a report, complete with recommendations, to the Legislative Assembly. The Commission held public meetings during the winter, and is due to submit its report to the Legislative Assembly during the spring sitting. In putting forward recommendations, the Commission will consider public input, enumeration data from the last General Election, population patterns, communities of interest, existing polling divisions, municipal boundaries, the Canadian Charter of Rights and Freedoms, and other factors the Commission may deem relevant. The decisions of the Commission regarding electoral boundaries are binding under the *Electoral Boundaries Act*.

Speaker’s Ruling

On April 5, Speaker **Francis (Buck) Watts** ruled on a Point of Order raised by **Steven Myers** (District 2: Georgetown – St. Peters) on December 8, 2016 in objection to a response given during Oral Question Period by **Allen Roach**, Minister of Finance. The Speaker found that the response did not attribute unavowed or false motives to Mr. Myers or the Members of the Official Opposition, and thus there was no basis for a Point of Order.

Cabinet Changes

On February 15, 2017, Premier **H. Wade MacLauchlan** announced two new appointments to Cabinet. **Pat Murphy** (District 26: Alberton – Roseville) was appointed to the newly created position of Minister of Rural and Regional Development. **Sonny Gallant** (District 24: Evangeline – Miscouche) was appointed Minister of Workforce and Advanced Learning, replacing **Richard Brown** (District 12: Charlottetown – Victoria Park). Mr. Brown is no longer in Cabinet, but was later appointed to serve as Government House Leader. With the changes, Cabinet now stands at 11 members, which is the largest it may be under the *Executive Council Act*.

Ryan Reddin

Clerk Assistant – Research, Committees & Visitor Services



Ontario

Tributes

On March 6, 2017, the Legislature paid tribute to the Member for York-Simcoe, **Julia Munro** for her distinguished 22 years of public service. Ms. Munro is the longest-serving female member of the Ontario Legislature.

Changing of the Guard

The Legislative Assembly of Ontario has a new Sergeant-at-Arms. **Jacquelyn Gordon** brings 34 years of experience with the Halton Regional Police Service to the role, which she began on January 16, 2017. Ms. Gordon is also the first female Sergeant-at-Arms in the history of the Ontario Legislature.

Accessibility at the Legislature

On November 15, 2016, the Legislature passed a motion authorizing a change in format to the online and printed bills. As part of the Legislative Assembly's commitment to accessibility and in an effort to facilitate the use of screen readers for the visually impaired, the two-column format of bills has been abandoned. Previously, bills were formatted with two columns on each page, displaying both English and French text side-by-side. Effective January 1, 2017, all new bills are now printed in a flip format, allowing the reader to read the entire bill in English and, by flipping the bill over and beginning from the other cover, read it entirely in French. The bills are also available on the Legislative Assembly's website in both languages.

Committee Activities

The Standing Committee on General Government considered Bill 27, *An Act to reduce the regulatory burden on business, to enact various new Acts and to make other amendments and repeals*. The bill, which was introduced by Minister of Economic Development and Growth **Brad Duguid** was comprised of 17 schedules in which the amendments, repeals and new Acts, affecting a dozen ministries, were set out.

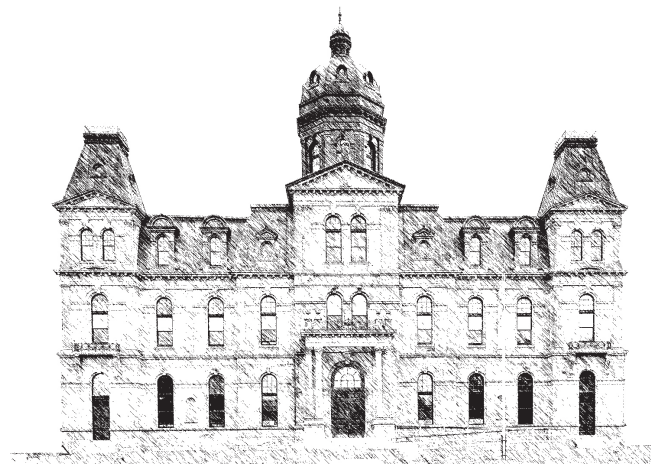
Schedule 10 of the bill proposed an amendment to the *Ontario Energy Board Act, 1998*, that would, among other things, authorize the Board to make rules respecting the periods during which gas or electricity may not be disconnected from low volume consumers. This measure was the subject of much discussion in the House and, in an effort to expedite its passage during a cold winter period, both the member for Prince Edward-Hastings **Todd Smith** and Minister of Energy **Glenn Thibeault**, introduced stand-alone bills containing this provision of Schedule 10 for the House to consider while Bill 27 was being considered in Committee.

On February 22, 2017, the House granted unanimous consent for the stand-alone bill proposed by the Minister of Energy (Bill 95, *An Act to amend the Ontario Energy Board Act, 1998*) to receive all three Readings in one day. The bill received Royal Assent that same afternoon. Meanwhile, the Committee held two days of public hearings on Bill 27 on February 22 and 23, 2017, and clause-by-clause consideration on February 27, 2017. The bill was reported to the House as amended on February 28, 2017, and received Royal Assent on March 2, 2017.

The Standing Committee on Finance and Economic Affairs considered Bill 84, *An Act to amend various Acts with respect to medical assistance in dying*. The Committee held public hearings on the bill on March 24 and March 31, 2017, with clause-by-clause consideration of the bill scheduled for April 11, 2017.

The Standing Committee on the Legislative Assembly resumed its consideration of petition procedures in March of 2017, following 10 months of study on the potential implementation of E-petitions during the First Session of the 41st Parliament. The Committee received the report of the E-petitions Working Group, which was struck after the Committee's Report on E-petitions was presented to the House on February 16, 2016. **Todd Decker**, Clerk of the Legislative Assembly of Ontario, and **Kirk Cameron**, Director, Technology Services, appeared before the Committee to answer questions about the Working Group's report. At a subsequent meeting, the Committee referred further consideration of E-petitions to the Sub-committee on Committee Business.

Christopher Tyrell
Committee Clerk



New Brunswick

Ice Storm

The House adjourned on December 16 and briefly resumed sitting on January 31, when Finance Minister **Cathy Rogers** was expected to table the Government's third Budget. Instead, the House adjourned again until February 7 to accommodate the relief efforts in the Acadian peninsula, which was severely impacted by an ice storm. At the storm's peak, 130,000 people were without power for several days and several New Brunswick communities declared states of emergency.

Over 380 crews were on the ground, including the Canadian Armed Forces, to provide relief services.

Budget

On February 7, Minister Rogers tabled the 2017-2018 Budget. While a deficit of \$191.9 million was projected for 2017-2018, the New Brunswick economy was also projected to grow by 0.6 per cent in 2017. The province aims to return to fiscal balance by 2020-2021. "We are meeting our financial targets," said Minister Rogers, "we have been able to do this without making deep cuts to the programs that New Brunswickers hold dear."

The 2017-2018 Budget includes record investments in education and health care. Effective January 1, 2018, the daycare assistance program's budget will be doubled and an annual \$7 million has been earmarked for investments in literacy programming for adults and children. An additional \$45 million has been secured over four years to invest in publicly-funded universities, as well as setting aside money for a new program to provide tuition relief for the middle class. As a result of a partnership with the federal government, the current budget for health care is increasing by 3.3 per cent, bringing the budget for the Department of Health to \$2.657 billion. There is also a \$58.2 million investment for the construction, maintenance, and general improvement to the network of nursing homes across the province over the next three years.

Finance Critic **Bruce Fitch** delivered the Official Opposition's reply to the Budget on February 9. Fitch raised concerns over the government's increased spending and that recent tax increases have not decreased the debt. Fitch questioned the governing party's relationship with the federal government, accusing the Premier of missing a financial opportunity for the people of New Brunswick with regard to the Energy East Pipeline. He called for the Premier to support the findings of the National Energy Board, regardless of the Prime Minister's position. Fitch also questioned certain government initiatives, such as the privatization of cleaning and food services within the health care system, the Tuition Access Bursary program's lack of a sliding scale, and the spruce budworm forest protection investment after cuts to silviculture.

Legislation

Legislation introduced by the Government during the spring sitting includes:

Bill 39, *An Act Respecting the Opening of Sealed Adoption Records*, introduced by Families and Children Minister **Stephen Horsman**, proposes to make future adoption records available to both birth parents and their children once the adoptee has reached the age of majority, to make past adoption records available once the adoptee has reached the age of majority unless a birth parent has filed a disclosure veto against the release of identifying information, to allow birth parents and adult adoptees to choose if and how they want to be contacted by the other party, and to create an original birth registration that includes the names of the birth parents and the adoptee's name at birth.

Bill 44, *Local Governance Act*, and Bill 45, *Community Planning Act*, introduced by Environment and Local Government Minister **Serge Rousselle**, will act in concert and replace the current *Municipalities Act* and *Community Planning Act* to bring New Brunswick's local governance legislation in line with that of most other Canadian jurisdictions by recognizing local governments as a responsible and accountable level of government which is a separate, autonomous and distinct entity from the provincial government. The proposed legislation will give local governments power to enact bylaws without having to request legislative changes, to engage in activities to maintain and expand their tax base, providing planning and development tools that will generate funding, modernize service delivery, and be more user-friendly to make navigation easier for planning authorities.

Bill 47, *Intimate Partner Violence Intervention Act*, introduced by Premier and Minister responsible for Women's Equality, **Brian Gallant**, provides more timely access to civil remedies for victims of intimate partner violence. It will allow victims to apply to a designated official for an emergency order, without notice to the respondent, to obtain remedies to respond to their circumstances. These remedies may include an exclusive occupation of the residence, temporary possession of personal property, no contact provisions, temporary custody of children, and seizure of weapons.

Bill 48, *An Act Respecting "Ellen's Law"*, introduced by Justice and Public Safety Minister **Denis Landry**, is an amendment to the *Motor Vehicle Act* aimed at improving safety for cyclists by prohibiting motor vehicles from passing bicycles travelling in the same direction unless there is one meter between cyclists and motor vehicles and by allowing motorists to cross the center line while passing bicycles. The name of the amendment is in memory of cyclist **Ellen Watters**, who

died in December as a result of injuries from a collision with a motor vehicle during a training ride.

Bill 62, *An Act to Amend the Legislative Assembly Act*, introduced by Deputy Government House Leader **Victor Boudreau**, responds to a recommendation from the New Brunswick Commission on Electoral Reform to change the fixed date for provincial elections from the fourth Monday in September to the third Monday in October. The rationale is that this would accommodate a greater number of post-secondary students who wish to participate in the electoral process. Currently, a period of 40 days is required to establish residency in the province, which limits students who have recently moved to the province in order to attend a post-secondary institution.

Committees

The Standing Committees on Economic Policy, chaired by **Gilles LePage**, and Estimates and Fiscal Policy, chaired by **Bernard LeBlanc**, remained active during the spring session, considering various government bills and departmental estimates. Additionally, the Standing Committee on Private Bills, chaired by **Wilfred Roussel**, met to consider various private legislation.

Recognition of the Battle at Vimy Ridge

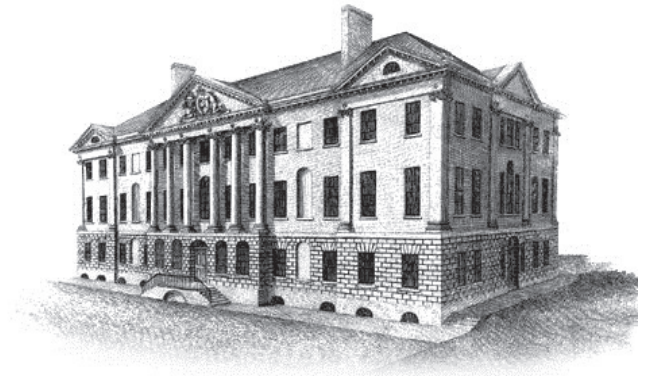
On March 30, the Assembly adopted a resolution introduced by **Stewart Fairgrieve** and seconded by **Brian Macdonald**, which proclaimed April 9, 2017, as Vimy Ridge Day in New Brunswick, in recognition of the centennial anniversary of the Battle at Vimy Ridge, France, in April of 1917.

On April 9, the New Brunswick Legislature participated in the nation-wide Vimy Foundation illumination project by lighting the portico of the Legislative Assembly building green, light blue, dark blue, and red, representing the coloured badges of the four Canadian Divisions that formed the entire Canadian Expeditionary Force that fought at Vimy Ridge. The Legislature also recognized the sacrifice at Vimy Ridge by having three cadets serve the House as Honourary Pages on March 31.

Standings

The current standings in the House are 26 Liberals, 22 Progressive Conservatives, and 1 Green.

Alicia R. Del Frate
Parliamentary Support Officer



Nova Scotia

Reference before Nova Scotia Court of Appeal

On January 24, 2017, a five-judge panel of the Nova Scotia Court of Appeal issued a judgment on *Reference re the Final Report of the Electoral Boundaries Commission*. This reference was submitted to the Court by the Governor in Council concerning the September 24, 2012 Final Report of the Electoral Boundaries Commission and Section 1 of the *House of Assembly Act*, as set out in Order in Council 2014-414, dated October 1, 2014 referring two questions for the opinion of the Court of Appeal:

Does Section 1 of Chapter 61 of the *Acts of Nova Scotia 2012*, by which provisions the recommendations tendered by the Electoral Boundaries Commission by its Final Report to the House of Assembly were enacted, violate Section 3 of the *Canadian Charter of Rights and Freedoms* by abolishment of the electoral districts formerly known as Clare, Argyle and Richmond?

If the answer to question 1 is “YES”, is the impugned legislation saved by the operation of section 1 of the *Charter of Rights and Freedoms*?

In Nova Scotia, every 10 years, pursuant to Section 5 of the *House of Assembly Act*, an independent electoral boundaries commission is appointed and issued terms of reference by a select committee of the House to recommend boundaries and names for the electoral districts comprising the House. The section also provides guidance for the setting of the terms of reference.

In its judgment, the Court of Appeal noted that the 1992 and the 2002 Commissions recommended three significantly Acadian constituencies when drawing the electoral boundaries map and these were included in the bills that were subsequently passed by the House.

However, the Court noted that in 2012 the Commission's terms of reference, as written by the Select Committee of the House required all constituencies to satisfy the same maximum variance of population ratio with no mention made to maintain or otherwise deal with the Acadian constituencies.

Notwithstanding the terms of reference, the Commission's interim report recommended continuing the three Acadian constituencies. On receiving the interim report the Attorney General was of the view that this recommendation was outside the Commission's terms of reference as written by the Select Committee. After being informed of this the Commission prepared a new interim report and legislation setting out the new boundaries that did not maintain the former Acadian constituencies, was adopted and received Royal Assent on December 6, 2012. In the Court of Appeal decision, the judges stated that the 2012 legislative action resulted in "the three protected ridings disappearing."

On October 8, 2013, the 39th Nova Scotia general election was held using the new 51 electoral districts as described in the 2012 legislation.

The Fédération acadienne de la Nouvelle-Écosse was an intervenor in the reference heard before the Court of Appeal on September 20 and 21, 2016.

The Court of Appeal responded "YES" to the first question of the basis that the Commission was expected to apply criteria set out in Section 3 of the *Canadian Charter of Rights and Freedoms* and that the interference of the Attorney General prevented the Commission from doing that work, thus the result was the abolition of the three Acadian constituencies and this violated Section 3 of the *Canadian Charter of Rights and Freedoms*. Given that the Court responded in the affirmative to the first question it continued its consideration of the second question and responded "NO" by finding that the infringement to Section 3 of the of the *Canadian Charter of Rights and Freedoms* was not justified under Section 1 of the of the *Canadian Charter of Rights and Freedoms*.

The Court of Appeal accepted the Province's position that the matter before the Court was a reference requesting an advisory opinion and that the Court had no authority to issue a declaration.

Recall of House on February 13, 2017

Work-to-rule initiated by the teachers on December 6, 2016, continued and as there did not appear to be

a resolution in the offing on February 11, 2017, the Speaker issued a Notice requiring the House meet on February 13, 2017 at 8pm. A severe winter blizzard complicated matters and the House commencement was postponed to February 14, 2017 at 8 pm.

On the evening of February 14, the Minister of Education and Early Childhood Development introduced Bill No. 75, *An Act respecting a Teachers' Professional Agreement and Classroom Improvement*, to address classroom conditions and provide a wage package to the province's teachers. The House rose at 9:52 pm that night on completion of the Daily Routine.

Several hours later at 12:01 am on February 15, 2017, the House proceedings commenced – Wednesday is Opposition Day so following the Daily Routine in accordance with House Rule 20, the Opposition called three Private Members' Bills which were debated for one hour each. At the conclusion of Opposition Day business, the Government House Leader called Bill 75 for second reading. Second reading debate continued until 5:29 pm when a recorded vote was requested on the second reading motion. Following bell-ringing the recorded vote was taken at 6:15 pm with 30 members in favour of the motion and 14 against – the motion for second reading of Bill 75 passed and the Bill was referred to the Law Amendments Committee. The House then proceeded with adjournment debate – another feature of Opposition Day – at the end of which the Government House Leader rose and confirmed that the Law Amendments Committee would meet from 7 to 10 pm that evening. Given the large number of persons who requested to be heard by the Committee on Bill 75, the Government House Leader sought the unanimous consent of the House to move a motion that a subcommittee of the Law Amendments Committee be created to hear submissions from the public at the same time the Law Amendments Committee was sitting on Bill 75. Unanimous consent was not given and thus the motion was not properly before the House for consideration. The House rose at 6:58 pm.

The Law Amendments Committee met for most of the day on February 16, 2017 and the proceedings were live-streamed in part by CBC. The House proceedings for February 16, commenced at 9:30 p.m. with a point of privilege being raised regarding the Law Amendments Committee decision to stop the hearings to 8:00 pm on February 16 on the Bill. It was argued that only a small number of the over 400 registered persons has been able to secure times to speak before the Committee. The Government House Leader responded that he had attempted to have the House agree to having

a sub-committee created to permit the hearing of a larger number of people before the Law Amendments Committee, but the opposition parties would not give unanimous consent to consider the motion. The Speaker ruled that the issue had been dealt with by the Committee and was not a point of privilege that was properly before the House.

The Minister of Justice, as Chair of the Law Amendments Committee reported Bill 75 back to the House from the Law Amendments Committee without amendments. Following the Daily Routine at 11:20 pm the Government House Leader moved the adjournment of the House and a recorded vote was requested. The recorded vote was taken at 12:21 am on February 17 and was adopted by a vote of 35 in favour and 7 against.

All public school teachers in Nova Scotia were on full walk-out strike on February 17, and continued their protests before the House of Assembly. Protest had been continuous since February 14. Following the Daily Routine on February 17 at 2:29 am the House resolved itself into Committee of the Whole House on Bills to consider Bill 75. Amendments were proposed by the Opposition parties, but none were adopted by the Committee. The Committee rose 12 hours later at 2:20 pm to report the Bill to the House and recommend its favourable consideration by the House. At that point the Bill was ordered read a third time on a future day. The House was then adjourned at 2:23 pm until February 21 at 12:01 am as February 20 was a provincial holiday and the Government House Leader informed the House that the teachers would not be taking any job action on February 21.

The House commenced proceedings at 12:01 am that day. Following the Daily Routine, the Government House Leader called Bill 75 for third reading and then immediately moved a motion that Bill 75 be recommitted to the Committee of the Whole House on Bills for the sole purpose of making a specific amendment to the Bill, that the Committee's consideration be limited to 30 minutes, that a vote be held on the amendment and that the Bill be reported back to the House to commence third reading of the Bill forthwith. Unanimous consent was given by the House to proceed in this manner and the House resolved itself into a Committee of the Whole House on Bills at 1:54 am. The Committee rose at 2:35 am and reported that an amendment to Bill 75 was made in Committee and pursuant to the order of the House that Bill 75 proceed forthwith with the motion for third reading. The Minister of Education and Early Childhood Development moved third

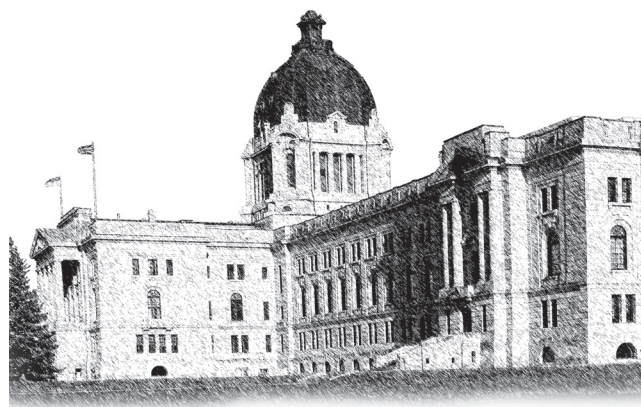
reading of the Bill and a "hoist" motion was moved at the end of the first Opposition members' comments. Debate continued on the hoist motion until 12:08 pm. A recorded vote was requested and it was taken at 1:08 pm with 14 voting in favour of the motion and 33 against – the hoist motion was defeated and the debate on the third reading motion continued until 4:40 pm when a recorded vote was requested on the third reading motion. The vote was taken on the motion for third reading of Bill 75 at 4:47 pm with 33 voting in favour and 17 against. Third reading was given to the Bill and it was walked down to Government House for Royal Assent. The House rose at 4:58 pm.

Spring Sitting of the House

On March 23, 2017, the Speaker issued notice advising that the 3rd Session of the 62nd General Assembly would resume at 1pm on April 25, and the Government has advised that the budget speech will be delivered in the House of Assembly on April 27, 2017.

Annette M. Boucher

Assistant Clerk



Saskatchewan

Saskatoon Meewasin Constituency By-election

On March 2, 2017, **Ryan Meili**, the Saskatchewan New Democratic Party candidate, was elected in a by-election for the constituency of Saskatoon Meewasin. Following the passage of *The Saskatoon Meewasin Constituency By-election Act* on Monday, March 6, 2017, Mr. Meili was seated in the Assembly. The *Act* allowed Mr. Meili to be seated in the Assembly before the return of the writ.

First Session of the Twenty-Eighth Legislature

The first session of the twenty-eighth Legislative Assembly resumed on March 6, 2017. This is the third and final sitting of the first session of the twenty-eighth Legislature. Due to the federal election on October 19, 2015, the Saskatchewan general election was moved to April 4, 2016. With this change in the election date the Assembly agreed to a sessional order that set out three periods and conditions for the sitting of the first session of the twenty-eighth legislature.

Budget

On March 22, 2017, Minister of Finance **Kevin Doherty** presented the province's budget for 2017-18. The budget, entitled *Meeting the Challenge*, focused on controlling spending; modernizing the tax base; and investing in priority government programs, services, and infrastructure projects. The government said it was a "...move away from the level of reliance on resources revenues while at the same time ensuring important government programs and services are affordable and sustainable."

Opposition Finance critic **Cathy Sproule** criticized the government's financial plan stating it will lead to increased debt without investing for the future while still cutting programs for vulnerable people. On March 29, 2017, she moved an amendment to the budget debate motion that opposed the government's "...budget of broken promises, callous cuts, and tax hikes."

On March 30, 2017, the budget motion was passed in the Assembly. Under the *Rules and Procedures of the Legislative Assembly of Saskatchewan*, the estimates were automatically committed to their respective standing committees. The rules provide for a vote to be taken on any remaining estimates on the second-last day of session, provided the cumulative total time for debate on the estimates is no less than 75 hours of debate.

Budget-related Bills

Pursuant to rule 34(1)(c)(i), 20 budget-related bills were outlined in the government's financial plan, which was presented on March 22, 2017. Budget-related bills, must be subsidiary to the passage of the budgetary estimates and be listed in the estimates tabled with the Assembly. This is an increase. The average over the past four years has been four to five budget-related bills.

Reduction of Members' Salaries

An Act to Reduce Salaries of Members of the Legislative Assembly, 2017 was introduced by **Jeremy Harrison**, lead government minister on the Board of Internal Economy, on March 20, 2017. This Bill was introduced because the Board of Internal Economy was unable to reach a consensus on the proposed wage rollback for MLAs and a proposed reduction of funding for political staff. The Bill set out a 3.5 per cent salary reduction for MLAs and a 10 per cent funding cut for caucus support. Even though the bill received Royal Assent and came into force on April 13, 2017, it is retroactive to April 1, 2017. The rollback of Members' salary and caucus funding was meant to reflect the government's broader budgetary initiative to decrease public service expenditure by 3.5 per cent.

Legislative Assembly of Saskatchewan Budget

The Legislative Assembly of Saskatchewan's budget for the 2017-18 fiscal year was approved by the Board of Internal Economy in January with a five per cent cut from the previous fiscal year. Funding for the Legislative Assembly Service was reduced, the Saskatchewan Legislative Internship Program was indefinitely deferred, the Commonwealth Parliamentary Association, Saskatchewan branch budget was cut to zero, and a series of allowances for Members and their constituency offices were either frozen or reduced. These measures were made even before the introduction of *An Act to Reduce Salaries of Members of the Legislative Assembly, 2017*

Bills Through All Stages

Despite the fierce debate over the budget, the government and opposition found common cause to give quick passage of a number of bills.

The Traffic Safety Amendment Act, 2017

On April 6, 2017, *The Traffic Safety Amendment Act, 2017* was introduced and passed through all stages with unanimous consent. This bill, which was an amendment to *The Traffic Safety Act* allows for tow truck drivers in Saskatchewan to use both amber and blue coloured emergency lights with the expectation this will increase visibility, heighten awareness, and remind motorists, to slow down to 60 kilometres per hour when passing a stopped tow truck on the highway.

The Victims of Crime Amendment Act, 2017 and The Victims of Interpersonal Violence Amendment Act, 2017

On April 10, 2017, *The Victims of Crime Amendment Act, 2017* and *The Victims of Interpersonal Violence Amendment Act, 2017* were introduced and passed through all stages with unanimous consent. These two bills amend existing legislation to allow a tenant to end a fixed-term rental agreement with 28 days' notice if they or their family members are victims of interpersonal violence by another resident or former resident. The bills will also expand access to victim compensation programs for family members of victims of violent crime.

The Critical Support for Victims of Domestic Violence (Amendment) Act, 2017

As a result of the passage of two government bills, *The Victims of Crime Amendment Act, 2017* and *The Victims of Interpersonal Violence Amendment Act, 2017*, opposition Justice critic **Nicole Sarauer** requested the withdrawal of her Private Members' Public Bill, *The Critical Support for Victims of Domestic Violence (Amendment) Act*. This bill was introduced on March 15, 2017 with the intention of providing additional support to those seeking to escape an abusive relationship.

Rob Park
Committee Clerk



The Senate

In the Chamber

During the first quarter of 2017, the Senate adopted three government bills: S-2 (*Strengthening Motor Vehicle Safety for Canadians Act*), which amends the *Motor Vehicle Safety Act* to give the Minister of Transport new vehicle recall powers, as well as the two supply

bills to fund on-going government operations. Debate also continued on other government and public bills at second reading and much time was spent debating the nine reports of the Special Committee on Senate Modernization that had been issued in the fall of 2016 which remained on the Order Paper. Two of the reports were adopted in February 2017. The first one introduced changes to simplify the structure of the *Order Paper and Notice Paper* by listing most items in numerical order, while the other report recommended that the Standing Committee on Rules, Procedures and the Rights of Parliament study the issue of how the Senate deals with omnibus bills.

Speaker's Ruling

On February 14, a point of order was raised alleging the use of unparliamentary language during a speech in the chamber. Two days later the Speaker ruled that, when interpreted contextually, the language used had indeed been unparliamentary. He stated that:

Rule 6-13(1) states that "All personal, sharp or taxing speeches are unparliamentary and are out of order." The Senate is characterized by the respectful exchange of ideas and information, even when we deal with topics about which honourable senators have strong views. We should always show respect for each other, no matter our views on an issue, since the right to hold and express our divergent opinions is the basis of free speech.

Committees

Committees were busy during this quarter studying legislation and continuing their special studies. Several committees travelled, including the Standing Committee on Fisheries and Oceans, which continued its study on Canada's maritime search and rescue operations with a fact-finding mission and public hearings in Newfoundland and Labrador in March.

That same month, the Standing Committee on Foreign Affairs and International Trade travelled to Mexico to meet with counterparts in the Mexican Senate for discussions on the relevance of the Canada-Mexico bilateral relationship. Committee members also took the opportunity to meet with more than a dozen other Mexican stakeholders, government officials, academics and business people, as well as with Canada's diplomatic corps in Mexico to hear analysis of the political and economic implications of recent developments in Mexico and in North America more generally.

In March, the Standing Committee on Aboriginal Peoples tabled a final report on northern housing, entitled *We can do Better: Housing in Inuit Nunangat*. The report, which was adopted by the Senate on March 9, made 13 recommendations to the government, emphasizing the need to develop a long-term and predictable strategy related to funding for northern housing. The Senate has requested a response from the government, which must be tabled within 150 days.

Senators

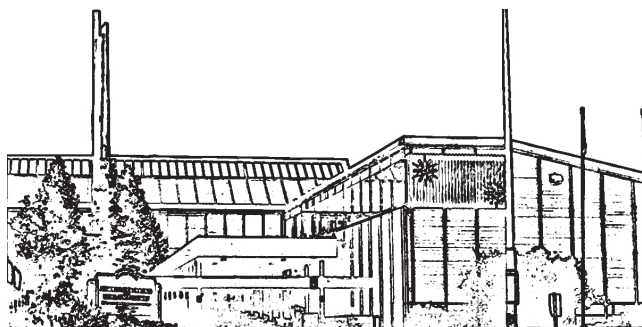
Since our last report there have been two resignations from the Senate. On February 1, Senator John D. Wallace from New Brunswick resigned his seat in the Senate after serving eight years. Senator Wallace, also a lawyer, was appointed by Prime Minister Stephen Harper in 2009. He sat as a Conservative until 2015 when he left caucus to sit as an independent senator. He was a past chair of the Standing Committee on Legal and Constitutional Affairs, co-chair of the Standing Joint Committee for the Scrutiny of Regulations and was a member of nearly every other standing committee over the course of his Senate career.

Senator Pana Merchant also resigned from the Senate during this quarter. Appointed in 2002 by Prime Minister Jean Chrétien, she was most recently the joint chair of Standing Joint Committee for the Scrutiny of Regulations as well as having been a member of several of the standing committees.

Leadership

Late in the quarter, there were changes in the leadership of the Conservative caucus in the Senate with the announcement that, effective March 31, Senator Claude Carignan would step down as Leader of the Opposition. Senator Carignan had previously served as Deputy Leader of the Government and, from August 2013 until late 2015, as Leader of the Government in the Senate. The Senate Conservative caucus selected Senator Larry Smith to be Leader of the Opposition in the Senate as of April 1.

Vanessa Moss-Norbury
Procedural Clerk



Yukon

Announcement about 2017 Spring Sitting

As previously reported, on January 12, the First Session of the 34th Legislative Assembly convened for a one-day Special Sitting to elect presiding officers and appoint committees. On March 2, Premier **Sandy Silver** informed Speaker **Nils Clarke** that the House would reconvene on April 20 for the 2017 Spring Sitting. On April 6, Commissioner **Doug Phillips** issued a Proclamation proroguing the First Session of the 34th Legislative Assembly on April 20 at noon, and summoning the Second Session of the House to meet three hours thereafter.

Reports of the Auditor General

On March 6, officials from the Office of the Auditor General of Canada (OAG) were in Whitehorse to present the Speaker with two performance audit reports. Later that morning, MLAs were provided with an in camera briefing in the Chamber on the reports by the officials. One of the reports concerned Yukon government transfers to societies; the other report concerned capital asset management (links to both reports are posted on the Assembly's website). The same day, the Yukon Government issued a news release stating that it agreed with and was in the process of implementing the Auditor General's findings and recommendations.

Public Finances Orientation Session

On the morning of April 3, officials from the Canadian Audit and Accountability Foundation and the OAG provided an orientation session in the Chamber for MLAs and caucus staff. Each of Yukon's 19 MLAs was in attendance. Topics covered included the role of MLAs in ensuring effective accountability and oversight of public finances, the purpose and functions of the Public Accounts Committee, and the OAG's products and services. In the afternoon, the officials provided an additional briefing to the members of the Public Accounts Committee.

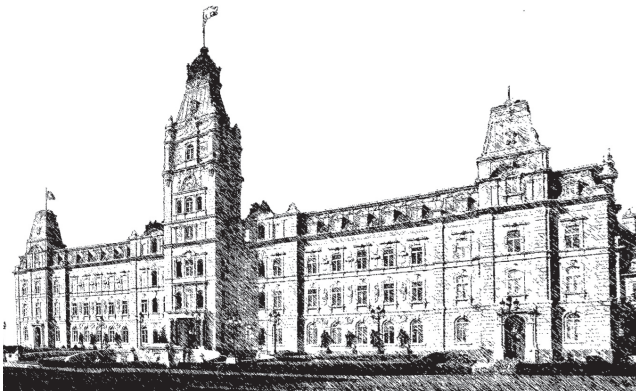
Committee Activity

The five Committees established at the January 12 Special Sitting have been active during the adjournment. At the time of writing, the Members' Services Board, the Standing Committee on Appointments to Major Boards and Committees, and the Standing Committee on Public Accounts have each held meetings. As well, the Standing Committee on Rules, Elections and Privileges, and the Standing Committee on Statutory Instruments, have met. Prior to meeting this March, the latter Committee had last convened in 1991, and had last done substantive work in 1986.

New Deputy Sergeant-at-Arms

On March 8, 2017, the Legislative Assembly Office issued a news release announcing that **Karina Watson**, a 27-year veteran of the RCMP, had been appointed as the new Deputy Sergeant-at-Arms. The appointment had been made at a Members' Services Board meeting in September 2016, during the preceding Legislative Assembly. Ms. Watson succeeds **Doris McLean**, who as previously reported was appointed Sergeant-at-Arms following the retirement of **Rudy Couture** at the end of July 2016.

Linda Kolody
Deputy Clerk



Québec

National Assembly Proceedings

Extraordinary sitting

On February 27, 2017, the Assembly held an extraordinary sitting to permit the introduction of Bill 127, *An Act to ensure the continuity of the provision of legal services within the Government and to allow continued negotiation and the renewal of the collective agreement of the employees who provide those legal services*. After more than

21 hours of debate this Bill was passed the following day on division: Yeas 52, Nays 38, Abstentions 0.

Composition of the National Assembly

Upon his return to the National Assembly after a long convalescence, **Pierre Moreau**, Member for Châteauguay and then Minister for Finance, was named Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor on January 16, 2017. **Carlos J. Leitão**, who had previously held this office, remains Minister of Finance.

On January 19, 2017, **Françoise David**, who had been sitting under the Québec Solidaire banner since the general election of 4 September 2012, resigned as Member for Gouin.

On January 24, 2017, **Claude Surprenant**, Coalition Avenir Québec Member for Groulx, was excluded from caucus and now sits as an independent Member.

On January 26, 2017, **Laurent Lessard**, Member for Lotbinière-Frontenac and Minister of Transport, Sustainable Mobility and Transport Electrification, was also named Minister of Agriculture, Fisheries and Food to replace **Pierre Paradis**, Member for Brome-Missisquoi, who now sits as an independent Member after having been excluded from the caucus of the parliamentary group forming the Government.

Martine Ouellet, Member for Vachon, has also been sitting as an independent Member since February 5, 2017, at which time she announced that she would be running for the leadership of the Bloc Québécois on the federal scene.

The composition of the Assembly now stands as follows: Québec Liberal Party, 69 Members; Parti Québécois, 29 Members; Coalition Avenir Québec, 20 Members; and six independent Members, two of whom sit under the Québec Solidaire banner. One seat remains vacant.

Bills passed

From January to March 2017, the Assembly passed five Government bills:

- Bill 63 - *An Act respecting inmate identity verification through fingerprinting*
- Bill 102 - *An Act to amend the Environment Quality Act to modernize the environmental authorization*

scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund

- Bill 112 - *An Act to give effect mainly to fiscal measures announced in the Budget Speech delivered on 17 March 2016*
- Bill 127 - *An Act to ensure the continuity of the provision of legal services within the Government and to allow continued negotiation and the renewal of the collective agreement of the employees who provide those legal services*
- Bill 129 - *Appropriation Act No. 1, 2017-2018*

Estimates of expenditure and passage of Appropriation Act No. 1, 2017-2018

On March 29, 2017, the parliamentarians concurred in interim supply for the 2017-2018 fiscal year and passed Bill 129, *Appropriation Act No. 1, 2017-2018*. The following day, the Assembly began the debate on the budget speech.

Special Events

Celebrations of the 225th anniversary of Québec's parliamentary institutions

On February 16, 2017, the National Assembly announced the holding of celebrations to mark the 225th anniversary of Québec's parliamentary institutions. A new visual signature featuring the colours of the 225th anniversary of Québec's parliamentary institutions was launched for the occasion. Activities are scheduled to take place throughout the year, until April 2018.

Leadership Workshop for Women Parliamentarians

The Leadership Workshop for Women Parliamentarians was held from March 6-10, 2017. This workshop was made possible thanks to the collaboration of the National Assembly, the Chaire La Capitale en leadership dans le secteur public of the École nationale d'administration publique (ÉNAP) and the Groupe Femmes, Politique et Démocratie (GFPD), with the support of Global Affairs Canada, the Government of Québec and the Assemblée parlementaire de la Francophonie.

Under the chairmanship of **Maryse Gaudreault**, Vice-President of the Québec National Assembly and Chair of the Cercle des femmes parlementaires, the Leadership Workshop for Women Parliamentarians provided an opportunity for 21 women Members of various parliaments and the Assembly of First Nations of Québec and Labrador to attend conferences and

take part in roundtable discussions and practical workshops. At the end of this week that also contributed to intercultural networking between women parliamentarians, participants received a certificate issued by the National Assembly, the ÉNAP and the GFPD.

Conference on the topic of parliaments in the international environment

On March 1, 2017, the Research Chair on Democracy and Parliamentary Institutions organized, at the National Assembly, its biennial conference on the topic of parliaments in the international environment. Parliamentarians, both former and current, academic experts and international relations and cooperation practitioners came together to take a critical look at the various forms of international relations that the legislative powers of Québec and elsewhere develop and maintain. This event also provided the opportunity to discuss the impact of parliamentary diplomacy and the contribution of parliaments to the institutional strengthening of democracy.

Committee Proceedings

From early January to the end of March 2017, the standing committees sat for over 291 hours, which included 38 sittings for the clause-by-clause consideration of bills and 19 sittings for public hearings.

Public hearings

Immediately upon returning from the holiday break, on January 17, 2017, the sectorial committees entered upon new special consultation mandates, seven of which were held within the framework of the consideration of bills. The Committee on Health and Social Services (CHSS) heard witnesses prior to the consideration of two bills falling within its area of expertise, namely Bill 118, *An Act respecting medical laboratories, orthopedic service centres and respiratory physiology centres operated by an entity other than a health and social services institution*, and Bill 130, *An Act to amend certain provisions regarding the clinical organization and management of health and social services institutions*. This last Bill continues the reform of the Québec health system by amending the *Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies* (Bill 10), which was passed on February 6, 2015. The CHSS heard 14 witnesses during its special consultations on Bill 130. Thirty-nine witnesses came before the Committee on Planning and the Public Domain (CPP) during

its special consultations on Bill 122, *An Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers*.

The Committee on Culture and Education (CCE) carried out a mandate stemming from a petition in which 4,357 citizens indicated their opposition to weighing students in physical education classes. Five witnesses came before the CCE and provided the information the committee needed to draft its report, tabled on February 22, 2017, in which two recommendations concerning the Department of Education and Higher Education were issued. Each recommendation asks the department to issue a directive regarding weigh-ins, the first during physical education and health classes in primary and secondary schools, and the second during physical education classes in CEGEPs. The directive to be established in primary and secondary schools must specify that the school curriculum makes no mention of weigh-ins and that this practice therefore should not be retained, while the directive to be established in CEGEPs must specify that weigh-ins may be carried out only when requested by students, without any kind of pressure and in private.

The Committee on Public Administration (CPA) heard the representatives of two departments and three organizations during the three first months of 2017. Among these, it heard the Department of Transport, Sustainable Mobility and Transport Electrification within the framework of a follow-up to a recommendation issued by the CPA in its 34th report, tabled on June 10, 2016, following hearings during which administrative deficiencies were raised. The CPA members also heard La Financière agricole in relation to a chapter of the Sustainable Development Commissioner's spring 2015 report entitled "La Financière agricole du Québec: Measures to Assess Effectiveness and Performance."

Clause-by-clause consideration of bills

From January to March, four committees examined five bills. The clause-by-clause consideration of Bill 102, *An Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund*, which the Committee on Transportation and the Environment (CTE) began on December 2, 2016, resumed on January 17, 2017 but was slow to progress owing to pressure tactics used by Québec government lawyers and notaries on strike since October 24, 2016, which strike ended on February

28, 2017 with the passage of special legislation. The consideration of Bill 102 lasted 80 hours during 19 sittings. The Committee on Citizen Relations (CCR) began the consideration of Bill 115, *An Act to combat maltreatment of seniors and other persons of full age in vulnerable situations*, following special consultations held in January. The purpose of this Bill is to combat maltreatment of seniors and other persons of full age in vulnerable situations by enacting measures to facilitate the reporting of maltreatment and to promote the establishment of an intervention process with respect to maltreatment of seniors.

The Committee on Citizen Relations travels to aboriginal communities

Within the framework of its order of initiative on aboriginal women's living conditions as affected by sexual assault and domestic violence, the CCR continued its visits to aboriginal communities for the purpose of holding informal meetings to allow its members to better understand the reality of these communities. A delegation of eight people, including six Members, met representatives and persons working for the Wendake community. This meeting allowed Members to see first-hand what has been initiated and carried out by the community to prevent and address violence and aggression against aboriginal women.

Composition of committees

In February, two committees elected a new vice-chair, namely the CPP and the Committee on Labour and the Economy (CLE). The CPP elected **Claude Cousineau**, Member for Bertrand, while the CLE elected **Paul Busque**, Member for Beauce-Sud. Also in February, the CLE welcomed several new members, including an independent Member, **Claude Surprenant**, MNA for Groulx.

Parliamentary simulations

In January, the Parliament welcomed 14- to 25-year-old students interested in learning about parliamentary life by taking part in simulations reflecting the reality of MNAs. It all began with the Student Parliament of Québec, organized by the Assemblée parlementaire des étudiants du Québec inc., during which approximately 140 young people, aged 18 to 25, simulated activities relating to the functioning of the National Assembly and its committees. This event was followed by the 25th legislature of the Student Forum and the 15th Legislature of the Youth Parliament, which involve CEGEP students and Secondary 3 and 4 students

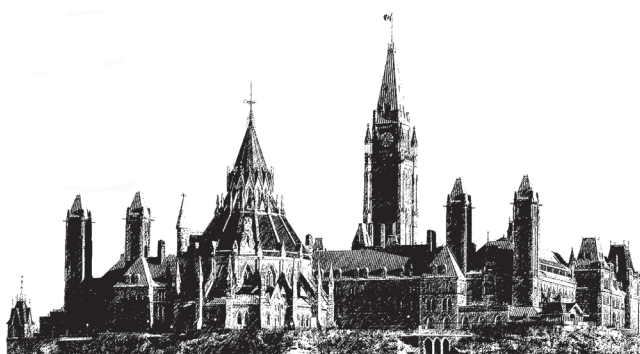
respectively. These young people were given the opportunity to conduct a simulation very similar to that experienced by the older students, with the collaboration of National Assembly personnel. Both events allowed 275 students to better understand the foundations of the parliamentary system, to acquire oral and written communication skills, to increase their interest in civic participation and to interact with National Assembly specialists.

Stéphanie Labbé

General Directorate for Parliamentary Affairs
Sittings Service

Stéphanie Pinault-Reid

General Directorate for Parliamentary Affairs
Committees Service



House of Commons

The First Session of the Forty-Second Parliament continued through the early months of 2017. The information below covers the period from January 21, 2017, to April 6, 2017.

Financial Procedures

On March 7, 2017 at the request of the Minister of Finance, **Bill Morneau** (Toronto Centre), an Order of the Day was designated for the consideration of a Ways and Means motion for a budget presentation. On March 22, 2017, Mr. Morneau moved “[t]hat this House approve in general the budgetary policy of the government” and presented the budget speech. Following the usual four days of debate, the motion was agreed to on April 5, 2017.

Legislation

On March 8, 2017, the House unanimously adopted a motion to give second reading to Bill C-337, *An Act*

to amend the Judges Act and the Criminal Code, requiring sexual assault training for judges, standing in the name of the Leader of the Opposition, **Rona Ambrose** (Sturgeon River—Parkland), and to refer the bill to the Standing Committee on Justice and Human Rights. On March 9, 2017, by unanimous consent, the bill was referred to the Standing Committee on the Status of Women.

On March 8, 2017, the Speaker made a statement concerning the selection of amendments at report stage of Bill C-22, *An Act to establish the National Security and Intelligence Committee of Parliamentarians and to make consequential amendments to certain Acts*. Exceptionally, certain amendments which could have been put forward in committee were selected for debate at report stage as a result of a recent Supreme Court decision. The changes proposed in the amendments arose out of the court decision in question, which was rendered on November 25, 2016, four days before the start of clause-by-clause consideration of the bill.

Points of Order and Questions of Privilege

Points of Order

On February 15, 2017, the Speaker **Geoff Regan** ruled on two similar points of orders raised by **Pierre Poilievre** (Carleton) and **Tom Kmiec** (Calgary Shepard) in December 2016 and February 2017, respectively. Mr. Poilievre and Mr. Kmiec argued that the answers they received to their written questions lacked specific information which had been requested. Mr. Poilievre claimed that the Government had suppressed information and therefore asked the Speaker to compel the Government to provide it. In his ruling, the Speaker noted the limitations on the role of the Speaker with respect to the content of answers to written questions, specifying that he does not have the authority to adjudicate on the accuracy or completeness of the answers in question. As the Government had complied with the requirements of the Standing Orders in each instance, the Speaker concluded that no breach of the rules and practices of the House had taken place.

On March 21, 2017, **John Nater** (Perth—Wellington) rose on a point of order regarding the supply bill that was distributed with the Supplementary Estimates (C) for the fiscal year ending March 31, 2017, which was going to be called for debate later that day. Mr. Nater argued that the parts of the bill concerning the salary of certain ministers were already before the House in an amending bill, Bill C-24, *An Act to amend*

the Salaries Act and to make a consequential amendment to the Financial Administration Act, and that as such items were of a legislative character, they should not be included in the estimates. The Speaker ruled later that day, noting that the situation was not unique and that past precedents existed. Given that the parts of the bill in question did not try to amend an existing law or to legislate new programs, the Speaker allowed the supplementary estimates to proceed.

On March 22, 2017, **Murray Rankin** (Victoria) rose on a point of order to indicate that **Yasmin Ratansi** (Don Valley East) had taken a photo with her electronic device during a recorded division and that the photo had subsequently been posted on Twitter. The Speaker directed Ms. Ratansi to immediately delete the photo.

Questions of Privilege

On March 22, 2017, **Gérard Deltell** (Louis-Saint-Laurent) rose on a question of privilege concerning the advance distribution of the Budget documents in the House of Commons Chamber. Mr. Deltell claimed that a breach of privilege occurred when copies of the Budget documents, being distributed by pages of the House, were given to some government members in advance of some other opposition members, and before the start of the Minister of Finance's budget presentation. In his ruling delivered on April 6, 2017, the Speaker noted that the early distribution of the budget documents was an administrative error and that the distribution was stopped as soon as the Speaker was made aware. While the Speaker reminded the House of the parliamentary practice that information contained in the budget should not be disclosed until the Minister of Finance delivers the budget speech in the Chamber, he went on to highlight that the secrecy of the budget is a matter of parliamentary convention and not one of privilege. The Speaker ruled that this occurrence was not a *prima facie* breach of privilege and concluded his remarks by thanking the pages for their professionalism in serving Members.

On March 22, 2017, **Lisa Raitt** (Milton) and **Maxime Bernier** (Beauce) rose on a question of privilege arising from their delayed access to the parliamentary precinct for a recorded division in the House earlier that day. Both Members claimed that they were impeded in their ability to perform their parliamentary duties due to the Prime Minister's vehicles temporarily blocking their access to Centre Block. The Speaker delivered his ruling on April 6, 2017, highlighting the importance of ensuring that Members' access to the precinct not be denied. The Speaker gave a summary of the report of

the events of March 22, provided by the Parliamentary Protective Service, and acknowledged that the delay was caused by the arrival of other buses at the screening facility, which were transporting journalists for the presentation of the Budget. The Speaker indicated his confidence that the Parliamentary Precinct Services would continue to provide training to its workforce on the rights and privileges of Members. Given the evidence that Ms. Raitt and Mr. Bernier were impeded in the fulfilment of their parliamentary duties and the guidance provided by precedents, the Speaker concluded that there were sufficient grounds for finding a *prima facie* question of privilege, and invited Ms. Raitt to move the appropriate motion. Ms. Raitt moved the motion to refer the matter to the Standing Committee on Procedure and House Affairs, and during debate on the motion, Mr. Bernier moved an amendment, instructing the Committee to consider the question of privilege ahead of other matters, including its study of the Standing Orders of the House.

On March 23, 2017, **Candice Bergen** (Portage—Lisgar) rose on a question of privilege regarding an alleged intimidation in the Chamber by the Minister of Indigenous and Northern Affairs, **Carolyn Bennett** (Toronto—St. Paul's) during a recorded division the previous day. Ms. Bergen stated that Ms. Bennett "came running towards [her] in a very aggressive way" and impeded on her ability to do her work. Ms. Bennett admitted that she crossed the floor to speak with Ms. Bergen, and explained that she did so with the intention of notifying her of the presence of two visitors in the Gallery. At the time of writing, the Speaker had not yet rendered a decision.

On April 4, 2017, **James Bezan** (Selkirk—Interlake—Eastman) rose on a question of privilege regarding the alleged discrepancies between the answer provided to written question Q-600 and statements made in the House during Oral Questions by the Minister of National Defense, **Harjit Sajjan** (Vancouver South). Mr. Bezan explained that the answer given to question Q-600 indicated that all Members of the Canadian Armed Forces deployed on Operation IMPACT in Kuwait and Iraq under the previous government were granted tax relief benefits for the risk associated with their work. Mr. Bezan then pointed to comments made by Mr. Sajjan during Question Period in March 2017, when the Minister said that members of the Canadian Armed Forces deployed by the previous government to Iraq and Kuwait were, at the time of their deployment, not entitled to the tax-relief measures. Mr. Bezan alleged that these two different answers given by the Minister amounted to a misleading of the House and

constituted a *prima facie* question of privilege. At the time of writing, the Speaker had not yet ruled on the matter.

Committees

On March 21, 2017, during Meeting No. 55 of the Standing Committee on Procedure and House Affairs, **Scott Simms** (Coast of Bays—Central—Notre Dame) moved a motion that the Committee undertake a comprehensive review of the Standing Orders of the House of Commons. The motion followed the publication of a discussion paper by **Bardish Chagger** (Waterloo), Leader of the Government in the House of Commons, on the topic of proposed reforms to modernize the Standing Orders of the House of Commons. The motion called on the Committee to complete its study and report its findings and recommendations to the House no later than June 2, 2017. During debate on the motion, **Scott Reid** (Lanark—Frontenac—Kingston) moved an amendment requiring that any recommendations made during the study be adopted unanimously by all members of the Committee. Debate arose on the amendment. Subsequently, a filibuster began during which members of the opposition refused to allow debate to end. The meeting has been suspended on multiple occasions and at the time of writing, had not yet been adjourned.

Other Matters

Emergency Debates

On January 31, 2017, an emergency debate was held to discuss the ban on immigration and travel from seven countries in the Middle East and North Africa ordered by the President of the United States.

Take-note Debates

On February 8, 2017, a take-note debate in a Committee of the Whole was held on the subject of job losses in Canada's energy sector.

On March 20, 2017, the House resolved itself into a Committee of the Whole to take part in a take-note debate to discuss Operation Unifier, Canada's mission in Ukraine.

Members

On January 30, 2017, the House was informed that **Pablo Rodriguez** (Honoré-Mercier) had been

appointed to the Board of Internal Economy, in replacement of **Andrew Leslie** (Orléans). Mr. Rodriguez has assumed new duties as the Chief Government Whip.

On February 2, 2017, the Speaker informed the House that a vacancy had occurred in the Electoral District of Markham—Thornhill by reason of the resignation of **John McCallum** as a Member of Parliament.

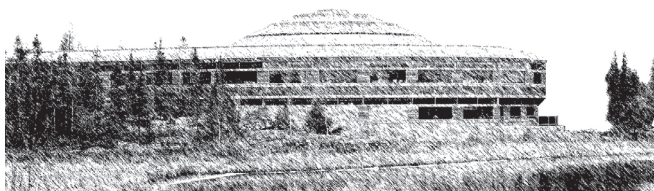
On February 8, 2017, the Speaker informed the House that a vacancy had occurred in the Electoral District of Saint-Laurent by reason of the resignation of **Stéphane Dion**.

Moments of Silence

On March 7, 2017, the House observed a moment of silence in honour of Constable **Richer Dubuc**, the RCMP officer who lost his life in Saint-Bernard-de-Lacolle, Québec.

On March 23, 2017, the House observed a moment of silence for the victims of the attack at the Parliament of the United Kingdom.

Marisa Monnin
Table Research Branch



Northwest Territories

The Second Session of the 18th Legislative Assembly resumed on January 31, when Premier **Robert R. McLeod** delivered a sessional statement updating Members and the public on recent activities undertaken to advance the mandate and priorities of the Legislative Assembly.

The next day, Finance Minister **Robert C. McLeod** delivered his second budget address and tabled the main estimates for fiscal year 2017-18. The government's first budget, delivered in June 2016, set the course for achieving the 18th Assembly's mandate and collective priorities. The 2017-18 budget continues this effort to ensure that core programs and services are delivered while priorities are strategically acted upon.

The budget proposed operating expenditures of \$1.66 billion and revenues of \$1.86 billion. It also projected an operating surplus of \$167 million and, after accounting for infrastructure investments, an overall cash surplus of \$15 million for 2017-18.

Over the next six sitting days, nine of the 11 regular Members delivered their Replies to the Budget Address in which they offered their observations on the budget and raised concerns on key items such as funding for junior kindergarten, community employment support and seniors' living.

On March 3, as House consideration of the budget was drawing to an end, Finance Minister McLeod delivered a statement to the House in which he referenced the significant and passionate debate on specific elements of the budget and the extensive review process that had transpired in Committee of the Whole. The Minister indicated that Cabinet had listened carefully to Members and the concerns of their constituents and were committing to a number of adjustments to the 2017-18 budget including additional funding for homecare, youth in crisis programs, the Anti-Poverty Fund, the fishing industry, the Mineral Incentive Program and the Community Access Road Program. The funding adjustments were subsequently brought forward through the supplementary estimates process.

Legislation

The Assembly sat from January 31 to March 10 before adjourning until late May. Legislation considered during this period included:

Bill 7, *An Act to Amend the Revolving Funds Act*, introduced by Transportation Minister **Wally Schumann**, provides for the establishment of a revolving fund at the Yellowknife Airport to meet the airport's capital, operations and maintenance needs. The Bill was considered by the Standing Committee on Economic Development and Environment, chaired by Yellowknife North MLA **Cory Vanthuyne**. The Committee reviewed substantial feedback from the public on the proposed changes and reported to the House on both the risks and opportunities that the amendments would enable. Bill 7 ultimately received Third Reading on March 9 after spirited debate in Committee of the Whole.

Bill 13, *Marriage Act*, introduced by Health and Social Services Minister **Glen Abernethy**, replaces the current *Marriage Act* and ensures compliance with the

federal *Civil Marriage Act* and the Canadian *Charter of Rights and Freedoms*. The bill received Third Reading on March 7.

In addition, the *Appropriation Act (Operations Expenditures), 2017-2018* which provides formal expenditure authority for the 2017-18 Main Estimates and four supplementary appropriation bills were also brought forward for consideration by the House and all received Third Reading on March 7-8.

Committees

The Assembly's Standing Committee on Rules and Procedures, chaired by Frame Lake MLA **Kevin O'Reilly**, presented a report on February 28 on the Committee's review of the Members' Conduct Guidelines. The Committee had been tasked by the House with conducting a comprehensive and public review, including a thorough examination of conduct guidelines from other jurisdictions, all relevant legislation, and the Rules of the Assembly. The Committee reviewed the Members' Conduct Guidelines as part of a broader framework governing Members' behaviors. The report recommended ways to strengthen that matrix and through it, public confidence in the Legislative Assembly.

The report contained six recommendations that dealt with the following conduct-related matters:

- Provision of a candidates' code of conduct during the election period;
- Provision of a five-year limit on eligibility for legislature candidacy for anyone convicted of an offence of violence or threats of violence under the *Criminal Code* of Canada;
- Revisions to the Members' Oath of Office to increase Members' focus and public attention to matters of conduct that are linked to the Oath but set out elsewhere;
- Revisions to the Members' Conduct Guidelines to include more specific and enforceable provisions;
- Amendments to the *Legislative Assembly and Executive Council Act* to expand the duties of the Conflict of Interest Commissioner to include oversight for the Code of Conduct and to empower the Commissioner to receive and investigate complaints and to recommend sanctions and penalties as appropriate; and
- A public review of the statutory conflict of interest provisions and other relevant legislation and policy before the end of the 18th Assembly.

The Committee's report garnered a high degree of public and media attention upon presentation. The report was debated on March 9-10 and all recommendations were formally adopted by the House with the sole exception being the recommendation pertaining to the five-year limit on candidate eligibility for anyone convicted of a crime of violence under the *Criminal Code*. Upon a recorded vote, the motion was defeated with two Members voting in support, 13 Members voting against and one abstention.

The Standing Committee on Government Operations, chaired by Kam Lake MLA **Kieron Testart**, presented two reports to the House during this sitting. The first report, presented on March 2, was on the Committee's review of the 2014-15 and 2015-16 Annual Reports of the Information and Privacy Commissioner.

The second report presented on March 7, was on the Committee's review of the 2016 Report of the Auditor General of Canada on Support to Communities for Municipal Services in the Northwest Territories provided by the Department of Municipal and Community Affairs.

Moment of Silence

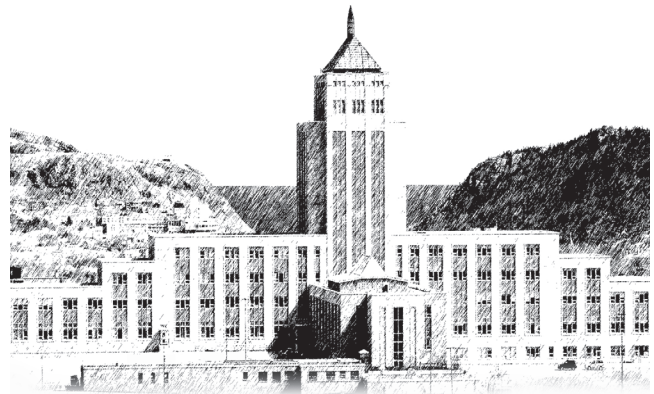
On January 31, Members observed a moment of silence in memory of the victims of the Quebec City Mosque attack, that occurred on January 29, 2017.

Condolences

On January 31, Speaker **Jackson Lafferty** delivered a statement of condolence on behalf of the Assembly on the passing of former Legislative Assembly Clerk **William "Binx" Remnant**, who passed away on January 5, 2017. Mr. Remnant served as Clerk Assistant from 1963 to 1966 and as Clerk from 1966 to 1982. He then went on to serve as Clerk of the Manitoba Legislative Assembly for 17 years. Condolences were expressed to his many family and friends.

The Second Session of the 18th Legislative Assembly was adjourned on March 10 and will reconvene on May 25.

Doug Schauerte
Deputy Clerk



Newfoundland and Labrador

Parliamentary Calendar and continuation of Session

On January 17, Clerk **Sandra Barnes** circulated the first Parliamentary Calendar for the House of Assembly in accordance with the amendments to the Standing Orders adopted in November. A provision stipulates that the House convene for the Spring sitting no later than the first Monday in March. The House reconvened on February 27 to continue the First Session of the 48th General Assembly. The House was prorogued on March 27, having passed 71 Bills.

Second Session of the 48th General Assembly

On February 28, Lieutenant Governor **Frank Fagan** delivered the Throne Speech opening the Second Session of the 48th General Assembly.

On April 6, Minister of Finance **Cathy Bennett**, delivered the Budget Speech. The amount to be voted this year is \$7,327,757,400, slightly less than last year's budget of \$7.9 billion. The 2017 budget provides for a 12.5 cent staggered reduction by December 1 of the 2016 16 cent Temporary Gas Tax.

The House adjourned for the Easter break on April 11.

Elizabeth Murphy
Clerk Assistant

Shining a Light on Ontario's Parliamentarians: Chandeliers in the Legislative Chamber

Look up! Look way up in Ontario's legislative chamber and you'll be able to marvel at some magnificent chandeliers dating back to the 1890s. Tracing changes from gasoline to electricity, to more modern considerations such as broadcast requirements and energy efficient LED bulbs, the author shines a light on this interesting aspect of parliamentary history.

Susanne Hynes

Lighting in the Ontario Legislative Chamber is provided by four magnificent chandeliers dating back to 1893 and 10 smaller fixtures, in a similar style, added in 1985-86. The chamber, which is 65 feet wide, 80.5 feet long (north, south) and, at its highest, 71.5 feet above the chamber's floor, requires a lot of candle power to serve the needs of the legislators who occupy it.

1893

In 1893 when the building opened, lighting was provided by the four chandeliers, 22 bracket lights, and east, south, and west-facing windows above the public galleries and the Press Gallery.

In late 1892 the Bennett and Wright Company of Toronto designed the light fixtures to specifications of the building's architect, Richard Waite. The four chandeliers, referred to as "gasoliers," and 22 matching bracket lights were manufactured in the United States by the Central Gas Fixture Company of New York. Each chandelier cost \$700 and weighed 408 kilograms. They provided illumination through 24 electric lights

on spokes that reached out and down from the central decorative globe and 24 gas lights resembling candles and arranged in 6 clusters of four above the globe. Each chandelier is 18 feet in height with an 8.5 foot diameter and hangs 32 feet from the ceiling. Dual electric/gas lighting was necessary at the time of installation since the supply of electricity was unreliable. Gas, supplied through a pipe connecting the chandelier to the ceiling, was ignited by an electric charge that ran down wires on the fixtures, "turning on" the "candles."

Modifications

Over the next 100 years, the chandeliers were modified a number of times. Records are very sketchy but existing photographs show three significant changes.

Sometime before 1915, the downward spokes carrying electric bulbs were removed and metal bands were attached to hold the new downward-facing electric lights. The candelabra were wired for electricity around this time while the wall brackets installed in 1893 are not visible in 1912-13 photographs. The 1924 annual report of the Department of Public Works lists "the removal of the very strong glare in the lighting fixtures" as one of the maintenance jobs from the previous year. At some point between 1915 and 1968 the somewhat utilitarian metal bands were replaced by art deco rings that could accommodate lighting units both above and below the rings. The original central globes, their pendants and the candelabra have remained part of the fixtures to this day.

Susanne Hynes retired as the Research and Publications Librarian at the Legislative Library and Research Services branch of the Legislative Assembly of Ontario in 2016. She drew on information from Arleigh Holder, Hayley Shanoff and David Bogart for this article.

Broadcast Requirements

The chandelier lighting originally designed for ambient and task lighting had to be upgraded to accommodate televised sessions that began in 1985-1986. The Television Lighting System was designed to use the ceiling of the Chamber as a reflector and Ontario is the first Assembly in Canada to have indirect television lighting (direct lighting causes glare and discomfort). Ten new chandeliers, in a similar style, were added to the chamber to light the various galleries at this time.

The television lighting is located within the existing chandeliers as independent units. Fixtures in the four chandeliers were upgraded to increase the lighting levels. Recently, the ambient and task lighting was upgraded to LED technology. A study is currently underway to look at converting the TV lights to LED technology.

The current TV bulbs are high intensity metal halides generating a high amount of heat and they use a lot of power.

Changing the Light Bulbs

Changing the light bulbs and performing maintenance on chandeliers suspended more than 40 feet above the floor of the chamber would be quite a challenge if attempted on ladders. The solution was part of the original design: each chandelier, using a hand windlass system located in the attic above the chamber's ceiling, was lowered once a year to be cleaned before the session began. Today electric winches have replaced the windlasses.

Photo credits: Above: Susanne Hynes, 2016. Below: Arleigh Holder. Opposite page: Legislative Assembly, 1893.

Energy Efficiency

During debate on Bill 21, the *Energy Conservation Responsibility Act, 2005*, Toby Barrett (Haldimand-Norfolk-Brant) discussed the energy efficiency of the illumination provided by the Chamber's chandeliers.

Each chandelier has, gosh, something like 32 lights, as I recall. There are four of them. There are 128 light bulbs right there. They're not the twisty light bulbs. I don't know whether these are energy-efficient light bulbs or not. I offer a challenge to this government: If these four chandeliers and these 128 light bulbs are not efficient, and we have speaker after speaker admonishing, lecturing and suggesting to the public how important it is for them to change their light bulbs to something a little more energy-efficient, they might take a look 40 feet up and decide whether those light bulbs have been changed or not.

... There are a number of smaller chandeliers in this room, and this is one room in the Ontario Legislature, albeit a very large room. This room is actually as high as my barn, and granted, it will take a fair bit of electricity, if this is old-fashioned technology, to light this particular room.

Hansard, November 22, 2005

Fortunately video camera equipment available in 2016 that is more light-sensitive than earlier equipment and the availability of LED lighting for high intensity fixtures are enabling the Assembly to provide more efficient Chamber lighting. And, as has been done many times over the past 123 years, Chamber lighting is being studied and modified to meet the current needs of the Legislature.





