

New and Notable Titles

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

Allan, James. "Time to clip the [Australian] Senate's wings." *Quadrant*, 61 (1): 66-70, October 2017.

- Many Australians think that having a strong Upper House is normal in a democracy. It is not.

Bartlett, Gail and Everett, Michael. "The Royal Prerogative." Briefing Paper 03891, UK House of Commons Library, 34p., August 17, 2017.

- This briefing paper sets out the constitutional basis to the Royal Prerogative, describes general prerogative powers and the Crown's personal prerogative powers. It then sets out recent proposals for reform, and the case law that has led to the current understanding of the prerogative.

Beelen, Kasper, *et al.* "Digitization of the Canadian parliamentary debates." *Canadian Journal of Political Science*, 50 (3): 849-64, September 2017.

- This paper describes the digitization and enrichment of the Canadian House of Commons English Debates from 1901 to present.

Bercow, John. "Taking back control." *The House*, 1592: 12-13, 16 October 2017.

- The UK Speaker sets out his vision to further strengthen the Commons - and empower backbench MPs.

Carney, Gerard. "Parliamentary privilege - Part 1: The test of necessity." *Australasian Parliamentary Review*, 32 (1): 6-14, Autumn/Winter 2017.

- Of all areas of the law, parliamentary privilege in Australia and elsewhere remains clouded in a veil of mystery. This is due in part to the relatively few cases that reach the courts, compounded by the failure in their reasoning to connect sufficiently with the existing jurisprudence. This article focuses on recent judicial pronouncements in Canada, United Kingdom and New Zealand. Regrettably, these pronouncements confuse rather than clarify the position. Moreover, it is argued here that

they threaten in some respects the foundations of parliamentary privilege. In so doing, they ought to be, and in fact are, ringing parliamentary alarm bells.

Carney, Gerard. "Parliamentary privilege - Part 2: Exclusive cognisance of internal affairs." *Australasian Parliamentary Review*, 32 (1): 15-29, Autumn/Winter 2017.

- Part 2 considers the assertion of the exclusive cognisance of each House by the UK Supreme Court in *R v Chaytor*. It follows the discussion in Part 1 which considered the test of necessity adopted by the Supreme Court of Canada in *Canada (House of Commons) v Vaid* in determining whether the House of Commons had exclusive jurisdiction over an alleged case of workplace discrimination by the Speaker of the House.

Carney, Gerard. "Parliamentary privilege - Part 3: Article 9 'proceedings of parliament.'" *Australasian Parliamentary Review*, 32 (1): 30-42, Autumn/Winter 2017.

- This is the final part of an article which argues that the Supreme Courts of Canada, United Kingdom and New Zealand have adopted radical approaches to parliamentary privilege which ought not to be followed.

Doherty, Peter. "What is this 'mysterious power'? - An historical model of parliamentary privilege in Canada." *Journal of Parliamentary and Political Law*, 11 (2): 383-425, July 2017.

- On May 20, 2015, the Supreme Court of Canada delivered a landmark judgment on parliamentary privilege in *Canada (House of Commons) v Vaid*. Through *Vaid*, the Court developed a general approach for considering questions of parliamentary privilege...by situating *Vaid* within the historical development of privilege law in Canada, this article hopes to explain why the Court reached its controversial decision.

Lewis, Colleen. "Parliament: Legislation and accountability [book review]." *Australasian Parliamentary Review*, 32 (1): 178-81, Autumn/Winter 2017.

- This collection - *Parliament: Legislation and accountability*, edited by Alexander Horne and Andrew Le Sueur, Hart Publishing, Oxford 2016 - will be of great interest to those engaged in the study of Parliament and associated matters.

Massicotte, Louis. "Constitutional issues raised by the Canadian parliamentary dispute of 2008." *Journal of Parliamentary and Political Law*, 11 (2) : 261-91, July 2017.

- In late 2008, the Canadian parliamentary scene was shaken by a dispute, some said a 'crisis', during which an attempt was made by the opposition parties to topple the Harper government... and to replace it with a Liberal-NDP coalition supported by the Bloc Québécois...this article focuses on three major constitutional issues raised during the debate and explores the precedents in parliamentary history.

Newman, Jacquetta (Jacquie). "Language please! - Balancing privileges and gender-sensitive parliaments." *Journal of Parliamentary and Political Law*, 11 (2): 427-42, July 2017.

- Increasing recognition of the need for gender-sensitive parliaments makes now a good time to seriously review language and decorum in the House of Commons and consider rebalancing what privileges should take precedence.

Purser, Pleasance. "Overseas Parliamentary News - July 2017." New Zealand Parliamentary Library, 5p.

- Ireland - Slogans and promotional messages not to be worn or displayed in chamber.

Purser, Pleasance. "Overseas Parliamentary News - August 2017." New Zealand Parliamentary Library, 4p.

- Australia-Northern Territory-The Standing Orders Committee has recommended the establishment of

two portfolio scrutiny committees, which would consider bills and other matters referred by the Assembly or a Minister, and the absorption by the Public Accounts Committee of the functions of the Subordinate Legislation Committee.

Purser, Pleasance. "Overseas Parliamentary News - September 2017." New Zealand Parliamentary Library, 7p.

- Australia - Senators' dress standards under consideration...Denmark - Committee members debate topical issues with the public...United Kingdom - Police received 102 complaints of offences against MPs.

Baroness Taylor of Bolton (Chair). "The legislative process: Preparing legislation for Parliament." House of Lords Select Committee on the Constitution - 4th Report of Session 2017-19, HL Paper 27, 64p, Ordered to be printed October 18, 2017 and published October 25, 2017.

- This report focuses on the preparation of legislation before it enters Parliament, as better policy preparation should result in better legislation. It is also important to recognise that Parliament's capacity to scrutinise legislation is limited, and therefore the process by which legislation is developed before it enters Parliament is key to ensuring the quality of the laws on the statute book.

Tink, Kayla. "Courting parliamentary privilege: Exploring the quasi-dialogue between the courts and the chamber." *Journal of Parliamentary and Political Law*, 11 (2): 357-81, July 2017.

- Parliamentary privilege ensures that legislative chambers are able to function without external interference and intervention. Accordingly, protecting the privileges, immunities, and powers enjoyed by legislative chambers and their members is of the utmost importance...this article addresses the treatment of parliamentary privilege in selected Canadian cases and finds that there is a 'quasi-dialogue' between the courts and the chamber that claims the privilege.