

# New and Notable Titles



A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (July 2018-November 2018)

Beamish, David. "Court injunctions and parliamentary privilege: is there a case for new restrictions?" Hansard Society blog November 2, 2018: 2p.

- Following the controversy surrounding the breaking of the Philip Green court injunction, has the time come for new restrictions on the use of parliamentary privilege, as previously suggested by a Joint Committee of both Houses of Parliament? A former Clerk of the Parliaments outlines the legal and procedural issues that inform the debate.

Bourrie, Mark. "Unscrambling the accreditation egg: Deciding qualification for membership in the Parliamentary Press Gallery." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 12 (2), August / août 2018: pp. 407-26.

- The Parliamentary Press Gallery plays an integral part in the national political discourse... the problem lies in establishing a fair, workable criteria for determining eligibility for membership in the Press Gallery...has no checks on its power to accredit, and may, in fact, be stifling diverse, informed journalistic voices while favoring mainstream and traditional media...

Bowden, James W.J. "Legislation - Repealing a statute when the legislature is prorogued: The practice in Ontario." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 12 (2), August / août 2018: pp. 505-12.

- ...this article argues that there are limits to how extensively a legislature can delegate its authority to the executive and that delegating the authority to repeal a law to the executive violates the separation of powers and is unconstitutional.

Cox, Laura. "The bullying and harassment of [UK] House of Commons staff." Independent Inquiry Report (Dame Laura Cox DBE), 155p., October 15, 2018.

- On March 19, 2018 the House of Commons Commission decided that there should be an inquiry into the nature and extent of bullying and harassment, the procedures available to address them and the general culture of the House as a place of work...it was agreed that this inquiry should be carried out independently...

Fonck, Daan and Yf Reykers. "Parliamentarisation as a two-way process: Explaining prior parliamentary consultation for military interventions." *Parliamentary Affairs* 71 (3), July 2018: pp. 674-696.

- This article investigates the drivers of the parliamentarisation of war powers.

Gligorijević, Jelena. "Breaching injunctions in Parliament: An unconstitutional abuse of parliamentary privilege." U.K. Constitutional Law Blog October 29, 2018: 6p.

- Two days after the Court of Appeal granted an interim injunction restraining reportage of harassment allegations against a high-profile businessman, Lord Hain named the individual involved, in the House of Lords under parliamentary privilege.

Kelly, Richard. "Proxy voting in divisions in the House." UK House of Commons Library *Briefing Paper* 08359, 6 September 2018: 22p.

- On September 13, 2018, there will be a general debate on proxy voting in divisions in the House of Commons...the Procedure Committee brought forward proposals for a non-compulsory scheme for proxy voting that would require some changes to Standing Orders. It recommended that 'proxy voting ought to be available to new mothers, new fathers and adoptive parents.' The scheme should operate under the authority of the Speaker, who would certify the appointment of a proxy.

Lagassé, Philippe. "Royal succession and the constitutional politics of the Canadian crown, 1936-2013." *The Round Table* 107 (4), 2018: pp. 451-62.

- Canadian governments held opposite views on how to alter the laws of royal succession for Canada in 1936 and 2013...constitutional politics, not the law of the constitution, explains how these two Canadian governments fundamentally disagreed with each other over royal succession.

Medeiros, Mike, Damien Bol, and Richard Nadeau. "Democratic legitimacy or regional representation: Support for upper chamber reform in Scotland and Quebec." *Parliamentary Affairs* 71 (4), October 2018: pp. 738-59.

- This article studies support for upper chamber reforms in multinational countries.

Poirier, Johanne and Daniel Turp. "The draft Constitution of Canada, 2017 and the potential of constitutional conversations." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 12 (2), August / août 2018: pp. 307-10.

- Can 150 years of constitutional history be rewritten? This was the challenge we faced in an unprecedented course offered by the McGill University and Université de Montréal law

faculties during the 2017 winter semester and which we have had the privilege of co-teaching and following...a new Draft Constitution of Canada, 2017 with 150 articles, a nod to the 150th anniversary of the Constitution Act, 1867, was passed. The full text of this 'legible,' 'living,' and 'current' constitutional instrument is reprinted in the appendix.

Pow, James. "Amateurs versus professionals: Explaining the political (in) experience of Canadian members of parliament." *Parliamentary Affairs* 71 (3), July 2018: pp. 633-655.

- In contrast to many democracies that lament the rise of professional politicians, 'amateur' politicians have typically dominated federal politics in Canada.

Purser, Pleasance. "Overseas Parliamentary News – September 2018: A summary of news from overseas parliaments." *New Zealand Parliamentary Library*: 6p.

- Ireland - New internship programme for people with intellectual disabilities - Ten young people with intellectual disabilities are taking part in a new year-long internship programme whose goal is to achieve paid employment for its participants, based on the experience they gain in working in the Houses of the Oireachtas.



Purser, Pleasance. "Overseas Parliamentary News - August 2018: A summary of news from overseas parliaments." New Zealand Parliamentary Library: 3p.

- Australia - Senator censured for words spoken to another senator in the chamber - An exchange between two senators was not heard by the chair and did not form part of the Senate's proceedings, nor were the comments drawn to the chamber's attention. They did, however, become the subject of public debate and commentary afterwards.

Purser, Pleasance. "Overseas Parliamentary News - July 2018: A summary of news from overseas parliaments." New Zealand Parliamentary Library: 6p.

- United Kingdom - Parliamentary behaviour code endorsed - The House of Commons voted to endorse a Parliamentary Behaviour Code setting out principles of respect, professionalism, understanding others' perspectives, courtesy and acceptance of responsibility that must be observed by everyone visiting or working in Parliament.

Purser, Pleasance. "Overseas Parliamentary News - June 2018: A summary of news from overseas parliaments." New Zealand Parliamentary Library: 10p.

- Scotland - Members must comply with data protection legislation - To comply with the new data protection legislation, members who intend to lodge a motion, e.g. to recognise an achievement or comment on an event, that contains information identifying a living person, or from which a living person can be identified, must have a legal basis for doing so.

Rush, Michael. "Essays on the history of parliamentary procedure in the house of commons in honour of Thomas Erskine May [book review]." *Parliamentary History* 37 (3), October 2018: pp 453-55.

- ... is it a book for clerks by clerks? Emphatically not – it is of interest to all parliamentary historians, those specialising in legislative studies, and to anyone wanting to understand the Westminster parliament...Review of *Essays on the history of parliamentary procedure: in honour of Thomas Erskine May*. Oxford [UK] (2018).

Scholtz, Christa. "The architectural metaphor and the decline of political conventions in the Supreme Court of Canada's *Senate Reform* Reference." *University of Toronto Law Journal* 68 (4), Fall 2018: pp. 661-93.

- In 2014, the Supreme Court of Canada rejected the federal government's Senate reform agenda. This article focuses on the Court's response to the government's proposal for consultative (non-binding) elections, which would have had the prime minister consider recommending an electorate's preferred candidate for nomination by the governor general.

Serban, Ruxandra. "Punch & Judy politics? The roles and functions of Prime Minister's Question Time." The Constitution Unit blog October 23, 2018: 5 p.

- Prime Minister's Question Time does not have a particularly good reputation. Designed as a weekly opportunity for MPs to question the Prime Minister, it is criticised for being noisy, excessively theatrical, scripted, and confrontational. But to what extent does it fulfil its role in holding the Prime Minister to account? What other roles does it perform for parliament and for the political system?

Smith, Tony. "High and Exacting Demands' on the Speaker: Preparing for the role of Chair." *The Parliamentarian - Journal of the Parliaments of the Commonwealth* 99 (3), 2018: pp. 186-89.

- This article sets out the author's perspective on the role of Chair in the Australian House of Representatives, beginning with a glimpse at the characteristics of the 'ideal' Chair and comparing that to the author's own experience.

Walker, Charles (Chair), "Time limits on speeches in the Chamber." House of Commons Procedure Committee - Seventh Report of Session 2017-19 HC 1157, 12 September 2018, 22p.

- The Speaker and Deputy Speakers have asked the Procedure Committee to examine how the present system of speaking time limits in the Chamber is operating, and whether the current provisions for adding 'injury time' to speech times when Members take interventions should be amended.

Dionne, Benjamin. "Le Sénat du Canada: l'avenir de la Confédération," *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 12 (2), August 2018: pp. 379-405. [Available in French only]

- The issue is nevertheless simple: the Senate suffers from a serious lack of moral and democratic legitimacy that prevents it from playing its proper role in the confederal system.