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# Defining the Role of an Independent Member

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**Vicki Huntington, MLA**

*Independents are those elected members who are not recognized as having official party affiliation. They may have run under the independent label at election time, or have defected from a recognized political party during the life of a parliament, or belong to a political party that does not have at least four elected members. This article looks at the challenges of serving as an independent member in a system where the vast majority of people belong to political parties and the rules and conventions have been designed for parties.*



Let me begin with some personal history. For most of the 1970s, I worked with the RCMP Security Service, beginning as a civilian member and later as a Special Constable in the force. I served as Band Manager for the Gitanmaax Indian Reserve in Hazelton, BC and then with the Nisga'a Task Group.

My father became an MP in 1974 and for a number of years I lived in Ottawa. I worked for the Solicitor General, the Department of National Revenue and the Department of Indian Affairs and Northern Development.

I returned to British Columbia in 1988 as Director of the Federal Ministers' Regional Office in Vancouver. In 1993 I was elected to the Delta Municipal Council. I was returned to Council at or near the top of the polls in four subsequent municipal elections. I did not run in 2008 but in May 2009, in a very close election, I defeated a high-profile Liberal cabinet minister, Wally Oppal and became MLA for Delta South.

The government had alienated South Delta by forcing a number of projects and policy decisions

on our region without first consulting and listening to those who would be affected. Despite having an MLA who belonged to the government caucus, it seemed our representative's purpose was to bring the government's views to our community, instead of the other way around. I wanted to offer an alternative that could truly represent the people and I chose not to participate in party politics. I chose to run as an independent accountable to South Delta voters.

I am the first elected independent in British Columbia since 1949. The fellow who preceded me sixty years ago, James Mowat, had been a sitting member of the Legislature and was a member of the Liberal Party. He lost the nomination, ran as an independent, won and before he even got into the Legislature, rejoined the Liberal Party. He was more an independent of convenience.

A more famous independent predecessor was Mary Ellen Smith. She won a Vancouver by-election in January 1918, the very first election in which women could vote. She was also the first woman in the British Empire to be appointed to Cabinet. She ran as a Liberal in subsequent elections but she retained her independent soul and later resigned from Cabinet over a disagreement with the government. There have been other independent MLAs in British Columbia – at least eight in the last two decades before my election. But usually independent status followed a resignation or expulsion from caucus.

## Initial Impressions

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*Vicki Huntington represents Delta South in the British Columbia Legislative Assembly. This is a revised version of her presentation to the Canadian Regional Seminar held in Fredericton, New Brunswick on November 4, 2011.*

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One of the first persons I met after being sworn in was the Speaker of the legislature, Bill Barisoff. He was incredibly generous. I had been led to believe that I would probably get a small office tucked away in the basement. Instead the Speaker escorted me to a beautiful office in the rotunda, with an adjoining office for my staff. He actually relocated our public education office and our nurse to accommodate me. I expect he got himself in trouble with some other members when he gave me such lovely office space.

The next step was to organize my office. Luckily, I found an individual who had previously worked in the legislature and she agreed to come help me for at least one year.

I also met with the Opposition House Leader. I had decided that, even though I was an opposition member, I did not want to be part of the Official Opposition. I did not feel my role was to compete with or interfere with them. I was very careful in working with the Opposition House Leader on how I could best fit in with the opposition's needs while, at the same time, retaining my independence.

During the course of our discussions I made it clear I would not go in a line-up with the opposition members if they were on an attack during Question Period. I wanted to maintain my independence from their line of questioning. We also worked out how often I might stand up during QP. It worked out to about every six or seven working days, which was perfectly satisfactory to me. I would tell the House Leader that I wanted to ask a question. I wanted to go Monday or Wednesday to reach the deadlines for my local paper. We had an understanding that I would not go last in the line-up because one time I did not get my supplemental question. From then on, I went in the middle of the opposition's line-up. We worked out all these little things as they happened.

Since the start of the Parliament both parties have changed House Leaders and this has posed a bit of a problem because personalities differ and both the present House Leaders are very aggressive gentlemen. There is a tense atmosphere in the House now and everything is handled a little less collegially.

One other initial impression was the lack of resources for independent members. I had no mentor or older member to advise me. Nor was there much documentation available about how the assembly worked. Much of this comes from the party caucuses and as I did not belong to any caucus I was more or less on my own. It would have been extremely helpful to have had a syllabus of sorts from the Clerk's Office.

Or perhaps the Speaker's Office could provide an independent member with some of the information that would normally be routine in a caucus environment?

I did not know anything about human resources or administrative requirements. There is no central repository. I read the Standing Orders, but I did not really understand some of them, and I did not understand which ones really affected an independent member. I did not understand which issues required unanimous consent, for instance.

On the bright side my budget is double that of all the other members. They, of course, are basically pooling their resources as a caucus, and they have access to large research and communications operations. I have two research officers working with me and enough money left to hire someone to do anything specific on a contract. It is a position that is envied by a lot of other members because I am able to do some work more independently than they are able to do.

### **Procedural and Other Constraints**

Because we lack official party status, independent members face several procedural, financial, and administrative constraints. For example, in the 35th Parliament of the Ontario Legislative Assembly, the Standing Orders limited an independent's participation in question period, in calling for a recorded vote, and in replying to ministerial statements.

In Manitoba in the past independent members have encountered problems in responding to ministerial statements and in being allocated fewer questions during question period. They had limited representation on standing committees and restricted access to the funding and staff resources available to recognized party caucuses.

In British Columbia we have a long history of dealing with independents. After the 2001 election there were 77 Liberal members and two NDP members. According to the rules the opposition members had to be treated as independents. On July 12, 2001, Speaker Claude Richmond declared that while the two members could not be granted official opposition status, he acknowledged that one of his prime responsibilities was "to protect the minority from oppression by the majority." Therefore he said office space, research assistants, and any other needs that would make the members more effective in their roles would be given prompt attention.

In August 2001 the Legislative Assembly Management Committee decided that the two opposition members would be given priority in question period, the

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maximum speaking time as permitted under the Standing Orders, and the right of reply to ministerial statements. One opposition member would chair the public accounts committee, and both would be invited to sit on such select or standing committees as they may reasonably request. Their requests for a change in seating arrangements in the Assembly and for a meeting room in the Parliament buildings were also implemented.

When I was elected in 2009 Speaker Barisoff told me that I would be recognized in question period. Initially, he had indicated that there might be more opportunity than there has actually turned out to be, but I think that is due to the influence of the House Leaders.

***I am not going to filibuster unless I get really upset about something.***

Trying to get the floor during the estimates process is somewhat trickier and often anxiety-provoking. I have found myself sandwiched between the opposition members who were asking questions, the chair of the committee, and the government members. The government members were interested in my taking as much time as I possibly could during estimates. Of course, the critics wanted me to take as little time as I could. The government members would say, "Vicki, if you stand up, you can spend 15 minutes just talking before you have to ask a question. You can do that as often as you want." The critics want you to be out of there in five minutes.

The opposition critics have their own caucus to accommodate and time is very limited so we have had a few anxious moments. I do not know whether this can ever be resolved but once in a while when I feel it is very important that I be given time I have gone to the House Leader and we have generally resolved things.

When it comes to committees I would like to get more direction from the Speaker. When I first arrived, I was asked by the House Leaders about the committees on which I would like to sit, in order of priority. I spoke to the Clerk and got a bit of advice. I was subsequently assigned to two committees, public accounts and Crown corporations. However, when a new independent came on board the committee seats were divided between the two of us. I was somewhat disturbed that I was removed from a committee to make way for another person. Maybe that is an unrealistic expectation or desire to serve but I have a bit of trouble with that. If there is a ratio of opportunity, how can you keep splitting that opportunity *ad infinitum*? Is a member entitled to a certain amount of opportunity or not?

A final procedural point relates to points of order and questions of privilege where an independent member has considerable power to disrupt the proceedings by continually raising points of order.

There may be a time when I will have to stand and fight either alone or with other opposition members. Then the ball will be in the Speaker's court. But I would rather have a cooperative relationship to the extent possible.

### **Relations with Other Independents**

In 2011 the Speaker faced the issue of suddenly having to deal with four independents after several turbulent months in BC politics. The three other independents were one Liberal who resigned from Cabinet and caucus, one Liberal expelled from Cabinet and caucus, and one NDP member expelled from his caucus. The Speaker suggested that he would like to treat the four of us as if we were a party and allocate House time on that basis. That worked nicely for the Speaker, but I was a little miffed because I do not see myself as part of any party in the House. I actually relish my independent status, no doubt because I have been treated so well by the Legislature. Luckily for the Speaker and for me, the two Liberal members returned to their caucus before the start of the next session, and the issue died a welcome death.

However, former NDP member Bob Simpson remained an independent, so the number of independents currently sits at two. Bob is an extremely articulate, aggressive, experienced and intelligent man who is intent on carving out a space as an independent. I am more intent on a cooperative relationship within the House. When Bob came on board, I learned very quickly that I had not been operating at capacity in terms of points of order and how to put forward motions. He comes with a wealth of experience from inside the party system, which has helped us both become more effective independents.

Both he and I feel quite strongly that we do have the same rights as other members within a certain allocation of time. We try to exercise those rights. He does so more aggressively than I do. If I run into a roadblock, I will try to go around it. If I have to wait a few days, I will take my place another day. Maybe that is the difference between the way women work and the way men work.

### **Conclusion**

Despite my experience I would not suggest that everyone run as independent. It is a very hard row to hoe. Nevertheless I do think we are going to see

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more and more independents in politics. People are dissatisfied. It is not even necessarily with parties; it is with how government is operating. By and large, members can no longer influence government. You can tell people that debate in a caucus – as my father used to say – is probably the essence of democracy, but people need to hear their elected representatives making a difference. People do not know what was said in caucus. Outside of caucus, the message is very controlled. The representative of a party is delegated to say what the government wants the media and the public to hear. Party members do not have a voice because as party representatives they cannot criticize publicly. But people want to hear that unfiltered voice.

There will not be a rash of independents for a number of reasons. The party system is too entrenched. The establishment within a community will have nothing to do with you once you become an independent. Fund-raising is difficult.

But, as I hope my experience has shown, it is not impossible to win an election as an independent. You have to be known. Your name has to be one that is easily recognizable. It has to be trusted. People have to believe it when you say that you will be their voice. They have to know that you mean what you say. All things considered, I think our system would be better off if we had more independents in office.