

# New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (September 2015 - November 2015)

Andreychuk, Anita Raynel. "Codes of conduct: Developing an ethics and conflict of interest code." *Parliamentarian*, (Issue 2, 2015): 112-15.

- One of the biggest challenges facing parliamentarians today is maintaining ethical standards and ensuring that public confidence in parliament is assured.

Birch, Sarah. "Voter engagement, electoral inequality and first-time compulsory voting." *Political Quarterly* Vol. 86, No. 3 (July-Sept. 2015):385-92.

- This paper reviews the problem of declining turnout and proposes as a solution a system whereby each elector would be legally obliged to vote in the first election for which they were eligible.

Campañá, Nùria González. "Book review: 'Constitutionalising Secession'". *Public Law* (October 2015): 725-28.

- A brief, positive book review of 'Constitutionalising Secession' (2014) by David Haljan which includes chapters on *Reference Re Quebec Secession* and the *Clarity Act*.

Coyne, Andrew. "The brief: Minority rule by any other name." *Walrus* Vol. 12, No. 8 (October 2015):17-18.

- The case against first past the post.

Duncan, Grant. "New Zealand's Cabinet Manual: How does it shape constitutional conventions?" *Parliamentary affairs* Vol. 68 (2015):737-56.

- This article examines the experience surrounding the New Zealand Cabinet Manual in order to address some of the critical questions that parliamentarians and academics have raised about the possible effects of such documents upon constitutional conventions.

"Britain's House of Lords: Right answer, spoken out of turn." *Economist*. October 31, 2015.

- As long as it remains unelected, the second chamber cannot be a serious check on government.

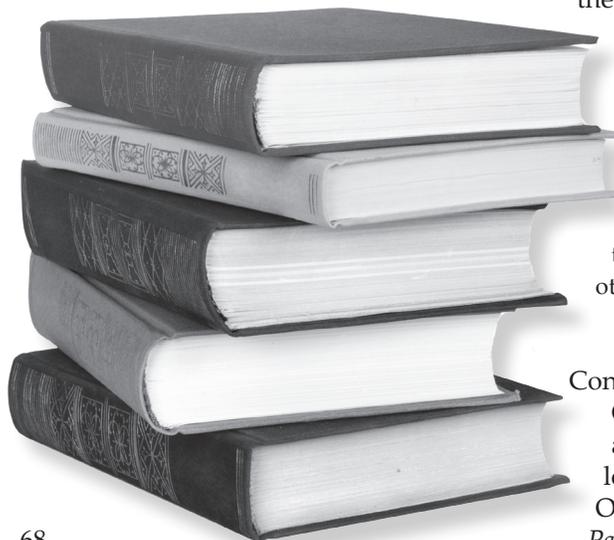
Elliot, Mark. "A tangled constitutional web: the black-spider memos and the British constitution's relational architecture." *Public Law* (October 2015): 539-50.

- This article provides an overview of a recent UK court case – regarded by the author as having constitutional-blockbuster status – involving an access to information request for Prince Charles's black-spider memos.

McCormack, Nancy. "Bills sent by mistake: Canada's Bill C-479 (2014) and the long history of sending the wrong version of a bill from one House of Parliament to the other." *Journal of Parliamentary and Political Law* Vol. 9, No. 2 (September 2015): 307-31.

- There is a long history of one House sending the wrong version of a bill to the other House.

McIsaac, Ian. "Provincial Constitutions and the Lieutenant-Governor: the Constitutional amending process and legal responses to the 2012 Ontario prorogation." *Journal of Parliamentary and Political Law* Vol. 9, No. 2 (September 2015): 345-61.



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- This paper asserts that while a Lieutenant Governor is normally obliged to follow the advice of the first minister, the fundamental nature and role of the office of Lieutenant Governor is better understood as upholding responsible government and democracy.

Muller, Damon. "A quick overview of the proposed Senate electoral system." *FlagPost* blog Australian Parliamentary Library.

- In May 2014, the Joint Standing Committee on Electoral Matters proposed what is perhaps the most radical overhaul of the electoral system used to elect the Australian Senate since 1948, when the much-criticised block system was abolished and proportional representation by Single Transferable Vote was first introduced.

Muller, Damon. "Judges and select committees: a developing UK accountability culture." *UK Constitutional Law Blog*, September 2015.

- Is a judge who chairs an inquiry acting as a judge, or acting as an inquiry chair? Judges, concerned about the implications of being drawn into disputes that are often highly politically charged, tend to believe that they are acting as judges and that their reports should speak for themselves. Parliamentary committees can find this attitude defensive and frustrating.

Murphy, Gavin and Shane Zurbrigg. "Canadian Governor in Council appointees and political activities: Has something fallen through the cracks?" *Journal of Parliamentary and Political Law* Vol. 9, No.2 (December 2015): 333-43.

- This article assesses the current provisions regarding the political activities of GiC appointees and proposes that these activities be regulated through statutory provisions.

Purser, Pleasance. "Overseas parliamentary news: August 2015." *New Zealand Parliamentary Library*

- Scotland - Process for determining admissibility of petitions questioned.

Purser, Pleasance. "Overseas parliamentary news: July 2015." *New Zealand Parliamentary Library*

- France - Restrictions on intelligence surveillance of members - Under the new *Intelligence Act* intelligence agencies cannot request authorisation to conduct surveillance for intelligence purposes, on French territory using specified means, e.g. bugging, keylogging, of parliamentarians in relation to their exercise of their mandate.

Purser, Pleasance. "Overseas parliamentary news: September 2015." *New Zealand Parliamentary Library*

- Scotland - In response to a demand for more structured orientation and ongoing support, a new orientation programme is being planned for the start of the next Parliament.

Russell, Meg. "Is David Cameron actually seeking to destroy the Lords?" *The Constitution Unit blog*, August 2015.

- Recent peerage appointments attracted almost universal criticism for further adding to the inexorable growth in size of the House of Lords under David Cameron. But could the gradual erosion of the Lords' reputation actually benefit the government by weakening parliament?

Russell, Meg. "Lords' declining reputation: the evidence." *The Constitution Unit blog*, August 2015.

- The author reports on updated research about media representations of the Lords, and shows definitively the damaging effects that uncontrolled prime ministerial appointments have had on the chamber's reputation since 2010.

Ryan, Mark. "Bills of Steel: the House of Lords Reform Act 2014." *Public Law* (October 2015): 558-70.

- At first glance, this Act - which introduced three small-scale reforms regarding cessation of membership of the House of Lords - might

appear to stir little controversy; however, from a constitutional perspective it warrants closer examination.

Smith, David. "Canadian electoral finance in the 21st century." *The Parliamentarian* (Issue 3 2015): 160-63.

- This article provides a brief history of electoral financing in Canada.

Strong, James. "Why Parliament now decides on war: Tracing the growth of the parliamentary prerogative through Syria, Libya and Iraq." *British Journal of Politics and International Relations* Vol. 17, (November 2015): 604-22.

- Parliament now decides when Britain goes to war. While the academic community and much of the British political elite continue to focus on the free rein granted to prime ministers by the historic royal prerogative, this article argues it is critically constrained by its parliamentary counterpart.

St-Pierre, Émilie, Audrey Lapointe and Charles Maher. "Législation: entre rationalité institutionnelle et parlementarisme." *Journal of Parliamentary and Political Law*, Vol. 9, No. 2 (September 2015): 363-86.

- Omnibus bills have been part of Canada's legislative landscape for decades, if not centuries. Their usefulness is undeniable, having been employed many times during the construction of the welfare state to effectively amend countless enactments ... Parliamentarians and political pundits were especially angered by Bill C-38. With 753 amendments affecting more than 70 different pieces of legislation ... Looking beyond the media attention they attract, to what extent are parliamentary procedure and practices changing in response to this new use of omnibus bills?

Cortier, Véronique. "Vote électronique: un scrutin à sécuriser." *La Recherche*, Vol. 504 (October 2015): 70-4.

- Current e-voting systems often lack transparency. The algorithms must be improved in order to achieve the level of reliability of traditional voting procedures.