Focus on Electoral Reform. . . . .

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Know Your Mace

Made of copper and gold-plated, Ontario's Mace was crafted in Ottawa in 1867. It is the third Mace to be used in the province's history since the establishment of the Legislature during colonial times in 1792. The province's first Mace was captured by American soldiers during the War of 1812 and later returned, and the second – dating from around 1845 - ended up in the federal parliament following Confederation in 1867 and was subsequently destroyed during a 1916 fire.

Sitting underneath the crown within decorative leaves, the cup of the current Mace features the insignia of King Edward VII. The original cup bore the initials V.R. for Victoria Regina and was recently rediscovered among the collection at the Royal Ontario Museum. It is now on display in the Legislative Building lobby.

In 2009, the first two diamonds mined in Ontario were mounted into the crown of the Mace. One was left in the rough to represent the mining process, and the other was polished to signify the value of the diamond industry in Ontario. The polished diamond was inscribed with the Legislative Assembly of Ontario's motto Audi Alteram Partem – "Hear the Other Side".

Parliamentary Protocol and Public Relations Branch, Legislative Assembly of Ontario

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Focus on Electoral Reform.......

Volume 39, No. 4

A Focus on Electoral Reform

On June 7, 2016, the House of Commons created a Special Committee on Electoral Reform "to identify and conduct a study of viable alternate voting systems to replace the first-past-the-post system, as well as to examine mandatory voting and online voting." This committee's work contributes to discussions about electoral reform that have been occurring with some frequency across the country since the turn of the millennium. It has resulted in citizen committees and assemblies, commissions, and plebiscites or referenda in provinces such as New Brunswick, Prince Edward Island, British Columbia, Ontario, and Quebec.

Drawing inspiration from a Canadian Study of Parliament Group conference on electoral reform held in spring 2016, in this theme issue we explore some aspects of this ongoing discussion in greater detail.

Prince Edward Island MLA Jordan Brown, chair of the Special Committee on Democratic Renewal, provides the context and history leading to PEI's most recent examination of its electoral system, which culminated in a plebiscite held from October 29 to November 7, 2016. Paul Alan, the Director of Communications for Elections PEI, outlines some of the ways Prince Edward Islanders were able to participate, the structure of the preferential ballot and, the results of each round of voting.

A roundtable with three CSPG conference participants (Dennis Pilon, Harold Jansen, and Laura Stephenson) touches upon the history of electoral reform in Canada, including what motivates reforms and how some attempts have succeeded or failed.

Ross Lambertson and Jean-Pierre Derriennic offer two visions of potential reform. Lambertson's premise maintains the current method of electing federal MPs but adds a new wrinkle to how votes could be counted in the House of Commons. Derriennic suggests two prominent reform models, the preferential/ranked ballot system and a moderate form of proportional representation, could be combined to create a system that retains the best qualities of each system.

Finally, in a revised version of his CSPG conference presentation, Christopher Kam tackles the trade-off between accountability and representation that is often central to debates over optimal electoral systems and concludes it's virtually impossible to evaluate either concept on a normative basis. He suggests this conclusion should prompt citizens to carefully scrutinize politicians and other proponents who claim that some electoral systems are inherently "fairer," "more democratic," "representative" or "effective" than others.

We hope this selection of articles, while only scratching the surface of debate over electoral reform, offers a diversity of perspectives and highlights some of the issues and concepts that arise during these discussions. The *Canadian Parliamentary Review* welcomes proposals for additional articles along these themes and others for consideration in future issues.

Will Stos, Editor

Democratic Renewal on Prince Edward Island

Canada's smallest province is well-known for its high voter turnout. This tradition of strong engagement in the democratic process makes it a particularly interesting site for introspection about forms of democratic renewal. In this article, the author, who serves as chair of the Special Committee on Democratic Renewal, provides the context and outlines the history leading to PEI's most recent examination of its electoral system, which culminated in a plebiscite held from October 29 to November 7, 2016. *This article was written in August 2016.*

Jordan Brown, MLA

The Government of Prince Edward Island recently indicated in its 2015 Speech from The Throne that it was committed to "initiate and support a thorough and comprehensive examination of ways in which to strengthen our electoral system, our representation, and the role and function of the Legislative Assembly." Government also prepared and disseminated the *White Paper on Democratic Renewal* (the "White Paper"), in the most recent sitting of the Legislature. As the title would imply, the White Paper is a discussion paper surrounding democratic reform on Prince Edward Island, relating, in particular, to our voting method; the number and distribution of seats in our Legislative Assembly; and, opportunities to enhance election laws and representation in the Legislative Assembly.

On July 9, 2015, the Legislative Assembly unanimously resolved that a five person Special Committee of the Legislative Assembly be created to guide public engagement and make recommendations in response to the White Paper on Democratic Renewal. It is my privilege to have been named Chair of that Special Committee. In that capacity, let me provide some context to the task at hand, particularly as it pertains to the manner in which we vote, and to delineate some of the issues and challenges faced by the Committee.

Jordan Brown was elected to the Prince Edward Island Legislature in the May 4, 2015 provincial general election, as the representative for District 13, Charlottetown - Brighton. He serves as chair of the Special Committee on Democratic Renewal, vice-chair of the Standing Committee on Public Accounts, and a member of the Standing Committee on Education and Economic Development.

Jordan Brown

Context

By virtue of a general election culminating on May 4, 2015, when 82.22 per cent of eligible voters cast a ballot, 27 Members of Prince Edward Island's Legislative Assembly were elected via a first past the post system, to represent, and govern, the 146,000 constituents that comprise Canada's smallest province.

Liberal MLAs formed a majority government, with 18 seats; the Progressive Conservatives (PCs) were elected in eight ridings; and, for the first time in the Island's history, a Green MLA, party leader, Dr. Peter Bevan-Baker, was elected, and his party given Official Party status. This result was based on a popular vote breakdown of 40.8 per cent for the Liberals, 37.4 per cent for the PCs, 11 per cent for the New Democratic Party (NDP), and 10.8 per cent for the Green Party, respectively. Of 27 MLAs, only five are female and one is Acadian (a historically identifiable culture on P.E.I.). There are not any visible or cultural minorities represented amongst the elected members (despite there being a relatively large contingent of Aboriginal Islanders, and relatively recent Immigrants). Further, three of the recently elected MLAs are in their mid-30s, with the balance ranging in age from their mid-40s to early 70s.

The fact that 82.22 per cent of the electorate voted in 2015 is a testament to the high importance Islanders place in our provincial democracy. In part, I believe this is due to a general willingness to constantly examine our democratic processes – and take action when it is deemed beneficial.

Although the 2015 election resulted in a strong parliamentary opposition and arguably the most balanced legislature the province has seen in some time, pundits, politicians, and others felt there was a need to consider other, more representative, methods of electing the Island's representatives. Of the 27 members elected, most did not receive a majority of votes cast in their district. Moreover, at least three ridings were decided by a margin of one per cent or less (mine having been one of them, with a difference of only 22 votes between the PC candidate and myself, following a recount). And, one district was ultimately decided by a coin toss, following a tie and after a recount. With all of the major parties making democratic reform a platform issue, it is no surprise that the election result fueled further calls to consider democratic reform anew.

Recent History of Democratic Reform on P.E.I.

I would be remiss not to mention that this is not the first time electoral reform has been considered on Prince Edward Island. In fact, in November of 2005 a plebiscite was held asking Islanders: "Should Prince Edward Island change to the Mixed Member Proportional System as presented by the Commission on PEI's Electoral Future?" Roughly one third of eligible voters voted in the plebiscite. Of those that voted 36.4 per cent voted "Yes" in favor of the proposed Mixed Member Proportional System, and 63.6 per cent voted "No".

There have been three subsequent general elections. In 2007 the governing Progressive Conservative party was ousted by a Liberal government then led by Robert Ghiz. The Liberals won 23 of the 27 seats, with the remaining four going to the PCs. The Liberals took 52.9 per cent of the popular vote, and the PCs 41.4 per cent, with the Greens taking approximately 3 per cent and the NDP approximately 2 per cent.

In 2011 the governing Liberals lost one seat to the PCs, taking 51.4 per cent and 40.2 per cent of the vote, respectively. The Greens and NDP each increased their share of the popular vote by approximately one per cent. Perhaps the most notable statistic to Islanders was that voter turnout fell to 76.4 per cent, which was the lowest voter turnout since Elections PEI began recording voter turnout in 1966.

Five of the last seven elections on Prince Edward Island have resulted in similarly lopsided breakdowns. Of these, two have resulted in a single member opposition.

Anecdotally, a number of voters, particularly in the youth demographic, have indicated they perceive a lack of suitable choices and feel that their vote doesn't matter. For these reasons and others, democratic reform has once again become an issue of relative importance to Islanders. It would be trite to say things have changed since the 2005 plebiscite. However, it wouldn't likely come as a surprise to note that many Islanders have questioned whether there is any real prospect of a renewed attempt at democratic reform resulting in a different outcome than did the 2005 effort.

Pre-Plebiscite History of Democratic Reform on P.E.I.

Prince Edward Island's history of electoral reform by many standards is extensive and hard fought. Formal governance on the Island dates back to 1769 when the Island was declared a colony of British North America. By the mid-1770s the Island's legislature consisted of a Governor, appointed Executive and Legislative Councils and a popularly elected House of Representatives, later known as the House of Assembly. Initially only Protestant males were allowed to vote; Catholics won the franchise in 1830. In 1851, after a decade-long fight by a group known as the reformers, responsible government was bestowed upon the Island. Government was to be accountable to the elected House of Assembly. In 1862 the Legislative Council became an elected body, though only those with at least £100 in freehold or leasehold property were permitted a vote.

Since joining Canada, as a Province, in 1873, a number of democratic and institutional reforms have occurred. Among the reforms:

- A secret ballot was introduced in 1877, repealed in 1879, and permanently reinstituted in 1913;
- The two houses of the Legislature were merged into a 30-member unicameral Legislative Assembly in 1893. Each district elected a Councilor, using a property requirement for male electors, and an Assemblyman by universal male suffrage. The dual-member riding system was unique and the property distinction between Councilor and Assemblyman introduced a perception of "two-classes" of MLAs even though there powers as MLA were equal;
- The franchise was extended to some women in 1922 and to Aboriginal Islanders in 1963;
- The property requirement for Councilor electors was eliminated in 1964;
- The size of the Legislature was increased to 32 when two seats were added in the Charlottetown area prior to the 1966 election; and,
- The voting age was reduced to 18 years prior to the 1970 election.

Aside from splitting the riding of Charlottetown into two separate ridings in the 1960s, there was little alteration to the electoral districts themselves since the 1873 reforms and disparity in the number of electors per district grew. In 1974, an Electoral Boundaries Committee and Sub Committee of the Legislative Assembly were established. Recommendations flowing from the committee process, including a redistribution of electoral ridings, failed to be adopted.

In 1991, island resident Donald MacKinnon took matters into his own hands by filing an application in the Province's Supreme Court seeking a declaration that certain sections of the *Elections Act* should be repealed. His application argued they were contrary to section 3 of the *Canadian Charter of Rights and Freedoms*, which guarantees every Canadian Citizen the right to vote. The sections were alleged to permit a variance in the number of electors per district resulting in disproportionate representation, which the Electoral Boundaries Committee had previously recommended be addressed.

MacKinnon's application was based on the Supreme Court of British Columbia's decision in *Dixon v. British Columbia (Attorney General)*, (1989) 59 D.L.R. 4th 247., wherein Chief Justice Beverly McLachlin stated:

The historical development of voting rights in Canada and the view taken of such rights in other democracies leads inexorably to the conclusion that relative equality of voting power is fundamental to the right to vote enshrined in section 3 of the *Charter*. In fact, it may be seen as the dominant principle underlining our system of representational democracy.

At the same time, absolute equality of voting power has never been required in Canada. It has been recognized since Confederation that some degree of deviation is permissible where other considerations so require.

She went on to say that it would be up to the legislature to determine the extent of the allowable deviation, within the confines of the principles inherent in the *Charter*.

MacKinnon's application was ultimately successful, prompting the institution of a further Electoral Boundaries Commission, in 1994. The Commission recommended that the Island be represented by 27 single-member districts. After much debate, and amendment to the boundaries of the 27 districts, the recommendation was enacted. This prompted a further court challenge by many of the Island's incorporated municipalities, who felt that the new system allowed for disproportionately large representation of the Island's rural constituents. Following appeal the application was denied hearing by the Supreme Court of Canada.

During the process of its work, the Electoral Boundaries Commission received submissions on mixed-member proportional representation (MMPR). The Commission went on to address them in its 1994 report; the authors indicated, in essence, that the possibility required a great deal of further study before it could be addressed intelligently, particularly as the system had not been widely adopted.

The next time the Electoral Boundaries Commission was engaged in 2000, the global landscape had changed. New Zealand very publicly adopted a form of MMPR in 1994 and Scotland and Wales adopted Additional Members' Systems when they achieved sovereignty in the late 90s. The Commission went on to recommend that the possibility of an MMPR system be studied in further detail.

This recommendation led to the institution of the 2003 Electoral Reform Commission. Led by former Chief Justice of the Province Norman Carruthers, the Commission's report was delivered after seven public meetings and a number of submissions from the public and experts. It recommended that a further commission be established to engage and educate the public with respect to the potential options, and to refine a question for a referendum. Justice Carruthers proposed an MMPR system, based on one used in New Zealand. It would include 21 members elected by district, and 10 further members elected from lists to balance the result according to the proportional vote.

The 2005 Commission on PEI's Electoral Future, which was comprised of eight nominated members of the public, set out on a broad campaign of engagement, holding 12 public meetings across the Island, and participating in as many as 20 more. The Commission also undertook an extensive promotion and advertising campaign. Although the plebiscite resulted in a "No" vote, the Commission felt that the public had been much more engaged and educated on the topic than when it began its work.

Recognizing the previous efforts of citizens, litigants, committees and commissions with respect to democratic reform, and the result of the most recent plebiscite, our committee must appreciate that it has a number of important tasks: to educate its members and Islanders about the various possibilities; to engage and solicit input from Islanders; and, to be open-minded and prepared to listen to what Islanders are saying to us. Did Islanders vote "No" in 2005 because they did not want change or because they did not favor the particular option presented?

That said, there is great comfort drawn from high voter turnouts on the Island. Taken in isolation from other factors, the willingness of Islanders to participate is an indication of a highly engaged population. In part, this may be due to their willingness to constantly re-examine their electoral system.

The current examination of our electoral system is another phase in that democratic tradition. Once again, it is likely that our current exercise will provoke a lively and constructive debate over the Island's democratic evolution. Recognizing that we are not starting from a blank slate, it is also my hope, and I believe the hope of our committee, that the progression through this process will be sufficiently educational, open, and engaging to allow for the preparation of a plebiscite question which may simultaneously gauge the appetite for and set the course of future democratic reform on Prince Edward Island.

2016 Prince Edward Island Plebiscite on Democratic Renewal

In this article, the author outlines some of the ways Prince Edward Islanders were able to participate in the 2016 plebiscite including electronic voting. The structure of the preferential ballot and how the ballots were tabulated are also discussed. Finally, the results of each round of voting are listed.

Paul Alan

Eligible voters on Prince Edward Island were given a unique opportunity to vote on Democratic Renewal or as some people refer to as Electoral Reform. Legislation was passed in the PEI Legislative Assembly, allowing Elections PEI to register voters as young as 16 years of age on or by November 7, 2016 to vote in the plebiscite. This was an historic event as voters this young have never been counted before in a provincial vote anywhere in Canada.

Electors had their choice of three ways to cast their vote for Electoral Reform. The voting period was 10 days October 29 until November 7. In yet another first for Canada, Internet Voting and Telephone Voting were used on a provincial scale. Voters who preferred the traditional paper ballot method of voting were allotted two days within the voting period; November 4 and November 5.

To be eligible to vote, an elector had to be registered with Elections PEI, a Canadian Citizen and a resident of PEI from at least May 7, 2016. Once verified, each eligible voter received a Voter Information Card (VIC) either in the mail at their residence or they could opt to receive it via email.

Electronic Voting

Every VIC contained a Personal Identification Number (PIN) the voter needed to be able to vote online or by phone. Elections PEI used the services of Simply Voting for the electronic voting procedure. Whether a voter used the internet or the telephone, their confirmation of identity was their birthdates with matching PIN.

Paul Alan is the Director of Communications for Elections PEI.

Paper Voting

Twenty-two polling stations were established across Prince Edward Island for the in-person paper ballot vote. An elector simply had to arrive at a polling station, produce identification with their VIC and in return would receive a paper ballot for voting on the plebiscite. One change in the polling station procedure allowed voters to vote at any of the 22 polls. They weren't tied to their own particular district poll which allowed for more convenience in the event people were travelling or voting away from their residential area.

The Ballot

A preferential voting system was used to rank the five electoral systems on the plebiscite ballot. Voters could rank as few or as many options as they desired, selecting their most preferred to least preferred.

The ballot for the internet voters consisted of a drop down menu beside each option where a voter assigned a corresponding number of preferences to the systems. The number one for most preferred, the number two for second most preferred and so on. The telephone voting option prompted users to select an electoral system of choice by pushing a corresponding number on the telephone. For both electronic voting methods, electors were issued a confirmation code ID that confirmed their vote was recorded successfully and placed in the electronic voting ballot box.

The paper ballot listed all five options horizontally in alphabetical order, with corresponding vertical lines for their choices. A voter was to select their most preferred option, and then mark in the designated circle in the first choice column. If they chose to rank more than one, they would make a mark in their second most preferred option vertical column.

This was the first time three voting methods were being utilized at the same time for a vote on Prince Edward Island. A "Dashboard" program allowed Elections PEI officials to monitor to vote and witness how the three voting methods recorded votes simultaneously and gave real time results.

Tabulation and Preferential Voting

The paper ballots were collected and electronically tabulated using a tabulation machine from ES&S Canada. Ballots were fed into the tabulator; capable of reading up to 300 sheets of paper per minute, and the votes were electronically recorded as the machine would take a picture or image of each ballot being fed through. Following the tabulation of all paper ballots, the electronic file was secured and then paired with the data from the electronic voting. When all the plebiscite votes were recorded and stored in one electronic file, the preferential voting analysis was applied to count votes for each individual electoral system on the ballot. For Preferential Voting, majority support an electoral system must receive more than 50 per cent plus 1 of valid votes.

There was no clear winner after the first round, as no system earned the threshold of 50 per cent plus 1 to earn majority support. Round two of counting excluded the system with the least amount of support (First Past The Post plus Leaders) and its votes were redistributed to the remaining systems on the ballot according to the electors' second choice on the ballot. Round two had no system earning 50 per cent plus 1 so a third round of redistribution and counting was called, this time excluding the next system with the least amount of support, Preferential Voting. Those votes were redistributed to the remaining systems on the ballot according to the electors' next choice on the ballot. Again, no majority support so a fourth round saw the exclusion of Dual Member Proportional as it had the least amount of support of the remaining systems, and those votes redistributed to the two remaining electoral Systems. Following the fourth round of counting, majority support went to Mixed Member Proportional gaining 52.42 per cent of the votes.

Internet voting was the most widely used method with 81 per cent of all votes recorded by way of online. Nine per cent of voting was completed by telephone and 10 per cent by the paper ballot.

Results

In preferential voting, a vote or ballot is "exhausted" if the voter's choice has been "excluded" and there were no further preferences ranked on the voter's ballot or if their next preferred option has already been excluded.

There were 102,464 eligible electors who cast a total of 37,040 valid ballots for a voter turnout of 36.46 per cent. The total number of votes required for an electoral system to achieve the threshold for majority support was 18,521.

First Round of Counting

Electoral System	# of Votes
First-Past-The-Post (the current system)	11567
Mixed Member Proportional Representation	10757
Dual Member Proportional Representation	7951
Preferential Voting	3944
First-Past-The-Post Plus Leaders*	2821

*system excluded in next round
# of votes to be redistributed next round= 2821

Second Round of Counting

Electoral System	Original # of Votes	+Redistributed	New Total Votes
First-Past-The-Post (the current system)	11567	1541	13108
Mixed Member Proportional Representation	10757	396	11153
Dual Member Proportional Representation	7951	273	8224
Preferential Voting -*excluded in next round	3944	272	4216

# of votes redistributed = 2482
# of exhausted ballots = 339
*system excluded in next round
# of votes to be redistributed next round= 4216

Third Round of Counting

Electoral System	Second Round Totals	+Redistributed	New Total Votes
First-Past-The-Post (the current system)	13108	1358	14466
Mixed Member Proportional Representation	11153	1627	12780
Dual Member Proportional Representation -*excluded from next round of voting	8224	724	8948

# of votes redistributed = 3709
# of exhausted ballots = 507
*system excluded in next round
# of votes to be redistributed next round = 8948

Fourth Round of Counting

Electoral System	Third Round Totals	+Redistributed	New Total Votes
Mixed Member Proportional Representation	12780	6638	19418
First-Past-The-Post (the current system)	14466	1403	15869

# of votes redistributed = 8041
# of exhausted ballots = 907

Final

Electoral System	Fourth Round Totals	% of Votes
Mixed Member Proportional Representation	19418	52.42
First-Past-The-Post (the current system)	15869	42.84

# of exhausted ballots = 1753 (4.74%)

Electoral Systems and Reform: The Canadian Experience

In this roundtable discussion, panellists from a Canadian Study of Parliament Group session on the history of voting reform tackle why Canada has its current single-member plurality system, what other alternatives or experiments some jurisdictions in the country have tried, and comment on the perceptible shift in who is driving electoral reform and why expectations for how the process is conducted may have changed.

Harold Jansen, Dennis Pilon, and Laura Stephenson

CPR: How did Canada come to have its current electoral system?

DP: If we go right back to Confederation, all of the colonies were using first-past-the-post to make their electoral choices, though in some cases they had multi-member ridings. We know that at Confederation and up to about 1966 there were a few dual-member ridings. So at the federal level we've used primarily single-member plurality and occasionally multi-member plurality. At the provincial level, especially in some major cities, there have been more instances of multi-member plurality with three to five seats in a given riding.

CPR: Were these multi-member ridings common in other jurisdictions that had developed alongside the Westminster parliamentary system?

DP: I can't speak to Australia and New Zealand but up to the 1840s, when Congress passed a rule, there were multi-member ridings across the United States

Dennis Pilon is an associate professor in the Department of Political Science at York University. He authored the 2013 book Wrestling with Democracy: Voting Systems as Politics in the Twentieth Century West (University of Toronto Press). Harold Jansen is associate professor of political science at University of Lethbridge. His research interests include representation and electoral systems, particularly the use of preferential voting (STV and AV) in Canada. Laura Stephenson is an associate professor at Western University. Her current research includes a multinational, multi-year research project designed to understand the links between voters, political parties and electoral systems.

and, of course, in the UK there were examples of multi-member ridings. In fact, in 1867, a majority of ridings in the UK were multi-member ridings, not single-member constituencies. We get a lot of confusion when people say the single-member plurality system is our inheritance from Britain, when actually it's not. You can't inherit something that wasn't a tradition. This is where we began at the federal level.

At the provincial level there was some experimentation, first with the limited vote in Ontario for urban ridings in Toronto. There were multi-member ridings in Toronto and the ruling Liberal Party was never winning seats there, so they introduced the limited vote – a semi-proportional system. This was used for three elections and they were somewhat successful at winning seats. But then, when it appeared it would allow a Labour member to sneak in and disrupt the two-party system, they quickly did away with it.

There were some discussions around voting reform in that period. The Canada First movement in the 1870s raises some interest in electoral reform. Québec Conservatives around the turn of the century also start discussing voting system reform because they can't get many people elected in the province. But really it doesn't start to take off until around World War I when various Liberals and Progressive members start to talk about different kinds of voting systems – and this is happening in other countries as well. Australia is having some discussions; New Zealand has already adopted and then gotten rid of the second-ballot majority system; and of course there are very big discussions in the United Kingdom at various points and throughout Europe.

At this time, some municipalities change to a single transferable vote system across Western Canada. But a lot of them very quickly get rid of it because it's just too difficult to do manually. The only exceptions are places where class politics start to emerge – for example, with the Winnipeg General Strike, or the One Big Union in western Canada, etc. In those places where class conflict was particularly strong, like Winnipeg and Calgary, the use of different voting systems seem to stick around for some time. And perhaps Harold could pick things up there.

CPR: Harold, what types of systems were used in the Prairie provinces around this time?

HJ: From 1910-1920 there's huge interest in electoral reform. The *Grain Growers' Guide*, a very famous and political publication, had a lot of writing about it. We tend to focus on the Western alienation in terms of the political content of the *Grain Growers' Guide*, but there was also a lot of discussion on institutional reform. They provided a lot of very detailed information to farmers about electoral reforms – 'here's how it works, here's why it's better'. There was a huge interest among farmers' movements in addition to the labour movements Dennis spoke of. As the farmers became more politically active on the Prairies, this was one of their demands and it became imbued in this Prairie populism movement we saw in Alberta, Saskatchewan, Manitoba, and even a little in Ontario.

In Manitoba, we have the labour radicalism in Winnipeg and farmer populism in the rural areas. Manitoba's Liberal government decides it's going to bring in a single transferable vote system, but they limit it to Winnipeg. It's a mixture of trying to appease people who want this, but also with a healthy dose of self-interest as it helps to contain Labour. It's always a mix of principle and partisan self-interest. The Liberals tried to forestall the rise of Labour, but the Progressives win in 1922. They change the electoral system again, but instead of proportional representation or the single transferable ballot in the rural areas they introduce the alternative vote and get to dominate the rural areas because it's a majoritarian system and a lot of their opposition in the cities is divided because it's a proportional system. It's a bit of a compromise, and there were legitimate concerns in the 1920s about creating large multi-member districts when travel and communication was more difficult; however, it's hard not to see a healthy dose of partisan interest.

Harold Jansen

In Alberta, in 1921, the United Farmers end up winning. In that first term they copy what happened in Manitoba. They bring STV to Edmonton and Calgary, and briefly in Lethbridge, and they have the alternative vote in rural areas. Again, the United Farmers do well in the rural areas, sweeping these seats, and their opposition in the cities, mostly Liberals and Conservatives, but also some Labour types, is divided. And interestingly in Saskatchewan nothing happens. There isn't any change. The Liberals in Saskatchewan manage to hold off the farmers as an organized political force, but the farmers are so dominant there they don't really need to be.

CPR: Perhaps Laura could jump in here and bring in some more contemporary examples of these debates?

LS: I can comment on why we still have first-past-the-post and why it hasn't changed across all the provinces.

We've seen several different provinces experiment with different systems to different degrees over the years. More recently, we've seen some Maritime provinces, Québec, Ontario and British Columbia have debates about switching to another system. Each time the governments go about promoting reform or engaging in discussions and consultations in different ways. We'd had two citizens' assemblies, in BC and Ontario, which is the broadest type of engagement, I

Dennis Pilon

think, in terms of what we want to do with the electoral system. In both of those cases the referendum was the final step in the process and in both cases it failed, so that's something to make note of.

Other provinces have started with commissions that have had various ways of doing consultation and getting input from the citizenry. In some cases, and I'm thinking of New Brunswick and Québec, they went down the road of looking into options that might be reasonable and then there was a change in government or a change of heart and it just didn't go any further. In Prince Edward Island they had a referendum on their electoral reform proposal. The proposal was developed by a commission that evaluated the options, and it failed as well. But they are taking it up again and are going to have a plebiscite with several options this fall.

What we see is a lot of talk and a lot of options for electoral reform, some for more pressing reasons than others. In some cases there was a "wrong winner election," where the party that won the most seats did not win the most votes, and that was the impetus for reform. Out east, certainly in Prince Edward Island, the pressure comes from wanting an effective opposition. If you have a legislature that is almost exclusively one party, then clearly the principle of having a strong opposition to hold the government to account cannot be met.

Nonetheless, across all these cases there has not been change – either due to a government not wanting change or by the citizenry not voting in favour of change to the required extent.

CPR: How often are proposals for electoral reform driven by principle (for example, consensus about the need to examine changing the system after a wrong winner election) versus partisan interests (a new system helping a party win or consolidate power)? Are there any trends?

DP: I think they're almost always driven by a degree of partisan interest. Even when we look back at the populist movements in the early part of the century that were talking about electoral reform – probably the largest discussion about the issue – it was still one theme of many. The public has never been in the driver's seat of our institutions – those have always been elite-designed and elite-maintained. Issues like electoral reform have tended to come to the fore when the elites are facing some sort of terrible crisis or problem.

There are a couple of episodes at the federal level we didn't discuss. In the 1921 election, three of the five parties elected were in favour of changing the voting system, at least nominally, but they didn't once they came to power. No deal was struck between them. But in the run-up to that election it really became a fall back issue for parties that didn't know what the future held. For the Liberals, they were coming out of WWI having split in half, some going into the Union government. Two of their key allied groups were defecting into their own parties: the farmers and labour. So they reached for voting reform, like we always see elites reach for voting reforms across Western countries, in desperation to prevent either another party from coming to power (usually a left-wing party), or their own annihilation.

We see Mackenzie King promise voting reform again before the 1935 election, a point where the party system again is fracturing into different groups. Of course, once he's safely back in power, it's dispatched to a committee and forgotten about.

In British Columbia, in the early 50s, the alternative vote was adopted. Again, the Liberals and the Conservatives had joined together in a coalition to prevent the Co-operative Commonwealth Federation from winning under the current system when it looked like they could get a plurality.

I think if we're looking for patterns in the past and up to the present, it is partisan interest that drives it, not principle. Our voting systems don't have public input – they are crafted by those who want to keep or maintain power.

LS: I would just add that the nature of partisan involvement in recent reform episodes is somewhat different, though. It now seems to be coming about because there is public pressure. Certainly we've seen parties both willing and not willing to take up voting reform, and that makes a difference when it comes to moving the process forward. But when it comes up in British Columbia, for example, or to some extent in Ontario, the process began because there was some public pressure that the parties responded to.

What's particularly interesting about the systems currently being considered by the federal committee is that there isn't a specific one being put forward, even though we know how certain systems might affect the future of the current political parties. Instead, it's a much more open process.

In most recent cases, there's been a citizen-driven push for change, whether it's because of a wrong winner election or just in response to a general democratic deficit; politicians capitalize on that and make it part of their policy promises. Of course, if the reform episode occurs over the course of more than one government, it can be shunted aside if the new one doesn't consider it a priority. But if you look at the current case of PEI, there also seems to be openness to any system or any change that does something to address the problems that can occur with the current system.

HJ: What I find interesting in the current federal case is that we haven't seen the kinds of things we've seen in PEI, such as the lack of an opposition, or a wrong winner election as we saw in BC in the run-up to their debate. We haven't really had those kinds of issues at the federal level. There are always certain groups of people pushing for electoral reform, but if there was a dramatic surge to which the current crop of politicians were responding, I missed it.

DP: I wouldn't disagree with Laura that there is a degree of public pressure, but when you look at which parties have taken up the issue and what kind of systems they favour, there is a partisan interest involved. And, at the very least, it is a policy that they can tack on to a general list of reforms. Parties don't like to make big promises about money, but they can

Laura Stephenson

make promises about 'reform.' It just sounds lovely; it's mushy; it's not clear what it means.

But if they do end up going through with the motions of discussing electoral reform and they either don't want it to happen or don't like the direction it's heading, they can set up ways to ensure it fails – either through super-majority rules or by starving the process of funds.

CPR: When a jurisdiction in Canada embarks on a journey towards electoral reform, how much do they look at past experiences in this country? Do they more often look internationally?

HJ: Generally in Canada we do a pretty terrible job of studying our provinces and provincial governments. There's been a real bias towards the federal level. That's unfortunate, because the provinces have been excellent laboratories, running experiments; but, once they're over they aren't looked at very much. So, for example, opponents of proportional representation may look at countries that have struggled with that model, like Italy or Israel. We tend to look comparatively elsewhere rather than what has been the experience in our own country.

I did have the opportunity to appear before the committee studying electoral reform to speak about some of these provincial experiences, and they were

interested in those examples. But I think much more of the focus has been the process of selecting a system, rather than any system itself. My impression has been that much of the discussion has focused on whether we should have a referendum or not, how we might get citizens to buy-in or not. There was a lot of interest in how we've done referenda at the provincial level and their experience with citizen assemblies. The focus has very much been on process.

DP: When I met with the founders of Fair Vote Canada in 2000, they really didn't know anything about Canada's past experience with different types of voting systems. So, I gave them a bit of background, explained how the processes worked and ultimately how and why the experiments ended. At that time, their strategy was built around a referendum. They believed if they could just put the issue before Canadians, their arguments were so clear and so much better than the status quo, that Canadians would rush into their arms. They really underestimated the politics of the process. In some ways they were wonderfully naïve in that they really believed the debate would simply involve fact-based arguments where different sides would share their views and people would weigh their options to make up their minds. They were caught off-guard about just how vicious the political battles would be, and the type of misinformation that would be shared by political opponents and the media. It was very difficult to get a fair and unbiased treatment of the issue in the media. The media themselves have been key players in keeping our current electoral system in place for reasons that are not entirely clear. It's been interesting to see how advocacy groups like Fair Vote and others have shifted their view of the kind of process that should take place.

LS: I do think that while the provincial processes don't seem to have really informed what's happening at the federal level right now, they have informed each other. I think it's clear that Ontario referred to what had gone on in British Columbia prior to launching its Citizens' Assembly.

DP: I think the current parliamentarians are very much interested in a fact-based process. When we look at the provincial citizen assemblies, a fact-based approach was what was happening initially, and they produced some fantastic work. But when the electoral reform becomes political, and partisan, the general public then begins to take its cues from the parties they support. If their party is fine with it, then they'll probably be fine with it. If the party

is upset about it, then those voters will also suggest they want more answers.

CPR: Is there anything we haven't yet touched upon in this discussion that any of you would like to bring up?

DP: A lot of political scientists have treated electoral reform like a buffet – all systems are generally equal, so just pick which one you prefer. But if we look at it historically and comparatively, voting reform is part of the democratization process. Looking at Western industrialized countries, we go from systems where only certain people can vote. And then, through various political struggles, elites are forced to open up the political system to include others. The choices of the institutions often reflect the interests of the people making concessions. There are compromises between those who want democracy and those who don't. As a result, some of the institutions end up being much less democratic. That's certainly been the case in Canada. If we look at other countries, some of the threats to the elites have been much more serious, and so they had to concede a great deal more democracy. So the proportional systems they created were clearly more democratic, more representative, offering more inclusive policies.

In Canada, our democratization process emerged in a much more tepid way. Elites were not as threatened, and so they did not have to concede as much. When today we look at the arguments in favour of keeping the current system, they aren't democratic. Political scientists will often look at systems post hoc for explanations as to why various systems were kept in place. But really, when it comes to why politicians decide to keep certain systems in place, it's almost always about power – to maintain some sort of system where certain groups will have the power and other groups will not.

It may be fair to say that there is no perfect voting system - there is no perfect anything - but I argue there are clearly more imperfect ones than others, and ours is the most imperfect, from a democratic point of view. We know people vote party and we know our current system handles representing that poorly. I have yet to see a compelling reason offered for the wild distortions in voter equality produced by our system, particularly in the way it punishes voters that are dispersed compared to those that are not. Instead we see people lauding 'letting the people decide', even though we know that many will be unaware of the process and/or poorly informed. But

what of the higher order principle in a democracy that as many voters as a possible should get their desired representation? In sanctioning a vote or the idea that the choice of voting system is about equally valid preferences, aren't we just saying that it is OK for a majority to vote to diminish other people's voting rights? That doesn't sound very democratic.

HJ: To me, the interesting thing has been the focus on process. Electoral systems have this special institution place. Parties are important actors in the process. Certain processes like the Citizens' Assembly arguably therefore leave an important group of participants out of the discussion. I think we have to remember that citizens are voters too, and therefore they are also participants in their electoral system. What strikes me about what's being done now versus what might have been done a century ago on the Prairies is the demands or expectations over public engagement or involvement in the process. They are much higher! Even looking back at Alberta and Manitoba, these were populist movements, but there was no serious consideration of doing this through a referendum – this was done by legislatures acting on their own, passing laws and foisting them on the public – and that wasn't a big deal. Expectations have clearly changed. At the same time, it's not clear to me that citizens are particularly interested in learning all details and the ins and outs of each system to cast informed votes. That's really the struggle we have. How do you get citizen buy-in to the process, which is important at some level, while still remembering that many of these citizens don't have the time or the interest to engage in this fairly. There have been interesting shifts in our thinking around citizenship engagement, and also from citizens about their involvement in institutional discussions.

LS: I agree with Harold. The roles of the citizen and of the party have greatly shifted. The citizens have a greater degree of input, and they are also making choices. The shift now has parties saying, 'we know what's good for us, and we'll campaign for that, but when it comes down to what's best for Canada, we'll let the citizens sort it out.' And I think that just reflects what we know about electoral systems – no system is perfect, there are pros and cons to every system, and there are good reasons for liking and disliking almost all of them. With the complexity of this issue, it's interesting that to a great extent the politicians are saying to voters, 'we're going to put it in your hands.'

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Representation, Accountability and Electoral Systems

When promoting certain electoral systems over others, proponents tend to make claims that one system may be "fairer", "more democratic, "representative" or "effective" than others. In this article, the author suggests the fundamental problem in evaluating electoral systems in terms of these criteria is not necessarily that there exists an unyielding trade-off between representation and accountability. Rather, it is that there is no strong normative basis that allows us to distinguish representative from unrepresentative electoral outcomes, either because these outcomes are products of a voting cycle or because our measures of representation are ambiguous.

Christopher Kam

Ideally, government is representative and accountable; representative in the sense that its policies align with citizens' interests, and accountable in the sense that it is answerable to citizens for its conduct and responsive to their demands. The electoral system plays an important role in determining how representative and accountable a government is in practice. Yet, it is tremendously difficult to identify an optimal electoral system, that is, one that maximizes both representation and accountability. This is because much research shows that electoral systems that advance representation tend to do so at the expense of accountability, and vice versa.[1]

The trade-off between accountability and representation is often portrayed as a fundamental obstacle to identifying an optimal electoral system, but any such trade-off is not really what prevents us from identifying an optimal electoral system. It is rather that we can neither i) reliably identify more or less representative electoral outcomes, nor ii) rely on repeated elections to hold incumbents to account.

Christopher Kam is an associate professor in the department of Political Science at the University of British Columbia.

The Representation-Accountability Trade-off

Representation

One can appreciate the effect of the electoral system on representation by recalling Downs's model of electoral competition.[2] The two parties in Downs's model appeal to voters by altering their policy positions. The well-known result of the model is that both parties converge on the position of the median voter, who then randomly supports one of the parties to give it a majority. If we take as a metric of representation the policy distance between the median voter and the median legislator (this is called *congruence*), the result is perfectly representative.

Few real-world elections feature exactly two parties. Once more than two parties inhabit Downs's model one or more of the parties may benefit by diverging from the median voter. This has less to do with the electoral formula (plurality or proportional representation (PR)) than the district magnitude.[3] Even so, Figures 1a and 1b convey how parties tend to arrange themselves under plurality or PR, respectively.[4] In Figure 1a, C takes up a position to the right of the median voter in the hope that A and B will split the vote to the left of the median voter so that C can secure a plurality of votes on the right. In Figure 1b, A, B and C distribute themselves evenly about the median voter's position.

Figure 1a.
Plurality

Median Voter (MV)

Figure 1b.
Proportional Representation

Median Voter (MV)

The representational consequences of these two stylized elections are quite different. If C were to win the plurality election in Figure 1a, there would be a substantial gap between the median voter and the majority party. There is no outright winner in PR elections, and in theory A, B, and C ought to arrange themselves in Figure 1b such that each obtains an equal share of the vote (or else each would have cause to adopt a somewhat different position). This would result in a legislature in which A, B and C have equal seat shares, and in which the median party (B) is therefore located exactly at the median voter's position. In terms of congruence, the PR result is highly representative.
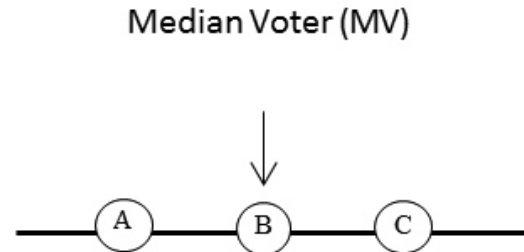
Accountability

Powell argues that electoral accountability exists when i) there is clarity of responsibility for political outcomes, and ii) voters can effectively sanction those responsible for those outcomes.[5] Plurality electoral systems tend to score highly on these criteria for two reasons:

1. Plurality electoral systems tend to produce single-party majority governments, making it obvious which party is responsible for political outcomes.

2. The translation of votes to seats under plurality electoral systems tends to be such that a small loss of votes can result in a significant loss of seats. Voters can thus inflict significant punishment on the incumbent merely by withdrawing a few percentage points of the vote.

PR does not perform as well on these criteria. Firstly, PR tends to produce coalition governments, and where several parties control government it is more difficult

for citizens to apportion credit or blame for political outcomes.[6] Secondly, the relationship between votes and seats under PR is neither as steep as under plurality rule nor so determinative of government status. This is because a party's ideological position may grant it legislative bargaining power in excess of its seats share. Parties in this advantaged position are thus somewhat insulated from shifts in their vote shares.

These arguments imply a trade-off between representation and accountability. This is depicted in Figure 2. Only if this trade-off takes the form of the bold line (on which x and y are located), are we really prevented from rank-ordering electoral systems, however. To see this, let x and y represent two hypothetical electoral systems. Observe that x is as accountable as an electoral system could possibly be given its (high) level of representation, and that y is as representative as an electoral system could possibly be given its (high) level of accountability. Trading x for y does not, therefore, result in a better electoral system; it merely changes the mixture of accountability and representation one gets.

Carey and Hix point out that the relationship between representation and accountability need not be unyielding; it could be curvilinear as indicated by the dashed line in Figure 2.[7] If so, there may exist an optimal electoral system, such as z. Observe that if you were to replace z by another electoral system (i.e., any spot northwest or southeast of z on the dashed line), *both* representation *and* accountability would decline. In this respect, z offers the best feasible mixture of representation and accountability.

Problem 1: Measuring Representation

Even if Carey and Hix's optimistic view of the trade-off between representation and accountability were obtained, we would have to be able to measure representation and accountability accurately to identify an optimal electoral system. This is not a trivial task.

Social choice theory considers how individual preferences combine to form collective choices. A central result in social choice theory is that one cannot assume the *transitivity* of collective choices.[8] What does this mean? Let's say that three parties (A, B and C) contest a majority run-off election, and further that a majority of voters prefer A to B and B to C. Social choice theory tells us that we cannot subsequently assume that there exists a majority for A over C; order the run-off differently or use a different electoral system (e.g., plurality rule or ranked ballots), and C could come out on top.[9] This is a troubling result because it suggests that we cannot know whether an election result is representative – in the sense that it reflects the "will of the majority" – or due merely to the vagaries of a particular electoral system.
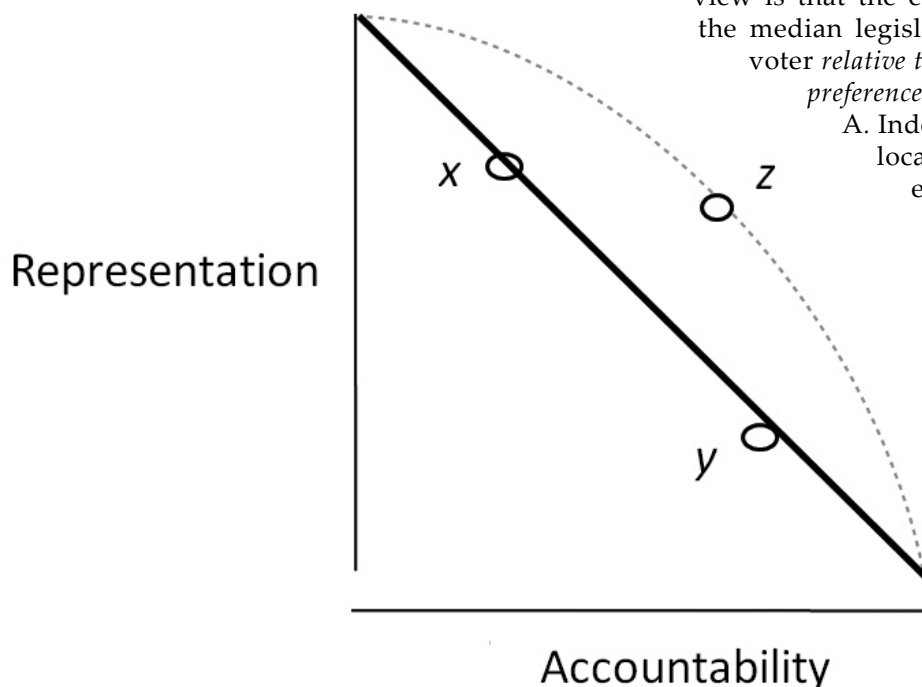
Collective choices are almost certainly intransitive whenever voters evaluate ballot options along several dimensions, such as when voters consider not only a party's economic position but also its stance on regional autonomy or the charisma of its leader.[10] In contrast, we can be reasonably sure that collective choices are transitive whenever voters have *single-peaked* preferences.[11] This jargon implies that we can order voters in a single line such that all voters strictly prefer options (i.e., parties, candidates) that are closer to their position in the line to options further away.

Whether or not voters have single-peaked preferences is an empirical question. However, it is difficult to assess representation even when voters' preferences are single-peaked. Figure 3 depicts two stylized electorates, A and B. The shaded blocks represent the ideological range of voters in each electorate.[12] Thus, electorate A is moderate, with most voters just a bit to the left or right of the median voter (MV). In contrast, electorate B is polarized, with many voters located far to the left or right of the median voter. Elections place the median legislator (ML) as far away from the median voter in A as in B, and by that metric the electoral outcomes in A and B are equally representative.

The claim that the electoral outcomes in A and B are equally representative comes about because our measure of representation (congruence) ignores the variance in voters' preferences. A different view is that the electoral system in B has located the median legislator much closer to the median voter *relative to the (wide) range of the electorate's preferences* than has the electoral system in A. Indeed, the electoral system in A has located the median legislator at one extreme of voters' preferences. This reasoning suggests that we ought to evaluate congruence relative to the range of voters' preferences. Golder and Stramski do this, and find that judgments about the relative capacity of different electoral systems to deliver representative outcomes depends on how we measure representation.[13]

Figure 2.
The Representation – Accountability Trade-off

Figure 3. Representation in Two Electorates

Left   MV   ML   Right
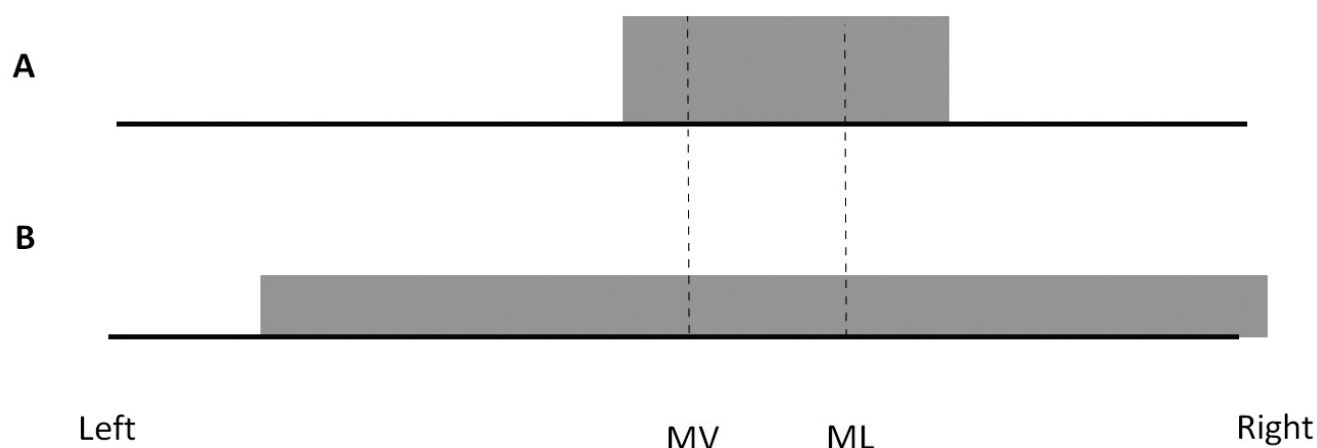
Problem 2: Elections May Not Deliver Accountability

Electoral accountability is often seen to take the form of an implicit contract between voters and incumbents in which voters promise to re-elect incumbents only if their performance exceeds some standard (ill-defined or idiosyncratic as it may be). Of course, voters would also prefer to elect better rather than worse candidates. Fearon argues that voters are unable to use elections to simultaneously motivate incumbents and select "good" candidates.[14]

Fearon's argument is based on a stylized three-stage election cycle in which:

An incumbent sets a policy, e.g., a target-level of unemployment. Voters want this policy to produce a particular outcome (e.g. zero unemployment), but they cannot precisely discern the degree to which the outcome is due to the incumbent's policy or to other forces (e.g., world markets).

After observing the policy outcome, voters either re-elect the incumbent or elect a replacement.

The politician elected at Stage 2 sets another policy and the electoral cycle ends in a manner akin to the two-term limit that applies to American presidents.

At issue is how voters can cast their votes at Stage 2 to ensure that they get policy they want given three possible challenges. The first challenge is to differentiate between "competent" politicians who can actually achieve the desired policy outcome and incompetent politicians who cannot. The second challenge is to motivate politicians, all of whom prefer a different outcome than voters (perhaps because it's hard work to give voters what they want). The third challenge is a combination of the previous two, i.e., voters must both identify competent politicians and motivate reluctant incumbents.

Fearon shows that voters can meet the first two challenges by setting some standard, and re-electing the incumbent if the standard is achieved. For example, the voters say "We prefer zero unemployment, but if you deliver unemployment below 3 percent, we'll re-elect you." This rule is sufficient to meet the first two challenges, that is, it allows voters to distinguish competent from incompetent incumbents in the first case, and to motivate reluctant politicians in the second case.

Surprisingly, however, this voting strategy fails in the third case. The problem is that under such conditions voters cannot stick to their promise of re-electing an incumbent who achieves their standard. To see this, observe that a re-elected incumbent will not work to deliver the policy that voters want at Stage 3 because the reward and motivation of re-election no longer apply. The voters' choice is thus between an incumbent whom they know will ignore their policy preferences, on one hand, and a potentially competent challenger, on the other; voters always prefer the latter and so the incumbent might as well ignore the voters' preferences at the outset. With all incumbents, competent or not, behaving this way, the electorate cannot distinguish which are competent and which are not. Elections thus fail to motivate incumbents or identify "good" candidates.

Conclusion

The fundamental problem in evaluating electoral systems in terms of these criteria is not necessarily that there exists an unyielding trade-off between representation and accountability. It is that we cannot reliably distinguish representative from unrepresentative electoral outcomes, either because these outcomes are products of a voting cycle or because our measures of representation are ambiguous. The situation is no better with regard to accountability; even if we can state that the clarity of responsibility and the capacity to sanction incumbents is better under electoral system x than under electoral system y, there is no assurance that such conditions are sufficient to motivate or constrain office-holders. It seems that we lack any strong normative basis for evaluating electoral systems. While this is a pessimistic conclusion, it should encourage citizens to carefully scrutinize politicians' claims that some electoral systems are inherently "fairer", "more democratic," "representative" or "effective" than others.

Notes

1   Donald L. Horowitz, "Electoral Systems: A Primer for Decision Makers", *Journal of Democracy* Vol 14 No 4 (2003), pp. 115-127.

2   Anthony Downs, *An Economic Theory of Democracy*. New York: Harper and Row, 1957.

3   Gary W. Cox, "Centripetal and centrifugal incentives in electoral systems", *American Journal of Political Science* Vol 34 No 4 (1990), pp. 903-935.

4   G. Bingham Powell, Jr., *Elections as instruments of democracy: Majoritarian and proportional visions*. New Haven: Yale University Press, 2000.

5   G. Bingham Powell, Jr., *Elections as instruments of democracy: Majoritarian and proportional visions,* pp. 50-51.

6   G. Bingham Powell, Jr. and Guy D. Whitten, "A ross-national analysis of economic voting: taking account of the political context", *American Journal of Political Science*, (1993), pp. 391-414. See also Ray M. Duch and Randall T. Stevenson, *The economic vote: How political and economic institutions condition election results*. New York: Cambridge University Press, 2008.

7   John M. Carey & Simon Hix, "The Electoral Sweet Spot: Low Magnitude Proportional Electoral Systems", *American Journal of Political Science* Vol 55 No 2 (2011), pp. 383-397.

8   Kenneth J. Arrow, *Social choice and individual values. New York: Wiley, 1963.*

9   Formally, Arrow's Theorem tells us that any electoral rule that respects certain minimal fairness criteria admits the possibility of an intransitive social choice.

10 Richard D. McKelvey, "Intransitivities in multidimensional voting models and some implications for agenda control", *Journal of Economic Theory* Vol 12 No 3 (1976), pp. 472-482.

11 Amartya K. Sen, "A possibility theorem on majority decisions", *Econometrica: Journal of the Econometric Society* Vol 34 No 2 (1966), pp. 491-499.

12 The fact that one can represent the preferences of voters in A and B as points along a straight line implies that they have single-peaked preferences.

13 Matt Golder and Jacek Stamski, "Ideological congruence and electoral institutions", *American Journal of Political Science* Vol 54 No 1 (2010), pp. 90-106.

14 James D. Fearon, "Electoral accountability and the control of politicians: selecting good types versus sanctioning poor performance", in A. Pzewrorski, S. Stokes, and B. Manin, eds., *Democracy, Accountability, and Representation*. New York: Cambridge University Press.

RAMPing up Parliament – An Alternative to Electoral Reform

Electoral reform is a complicated proposition, yet the current first-past-the-post (or single member plurality) system has been criticised for leading to "wasted votes" and "strategic voting," as well as often creating "false majorities." In this article, the author proposes a novel "Revised Additional Majority Parliamentary" (RAMP) system which could address some of these criticisms without fundamentally altering the way we elect our parliamentarians. He concludes by noting that RAMP is a democratic, inexpensive, and simple way to experiment and innovate if either the status quo or a completely new way of electing parliamentarians are deemed undesirable.

Ross Lambertson

C anadian electoral reform involves a befuddling menu of alternatives – first-past-the-post (FPTP), different versions of proportional representation (PR), the alternative vote (AV), the single transferable vote (STV), some combination of different approaches (such as mixed member proportional representation, or MMP), as well as deciding whether the final decision should be determined by a national referendum (which, according to the Chief Electoral Officer, would cost about $300 million). To make things even more complicated, some pundits allege that certain choices will cause political indigestion for certain political parties, while others claim that many options would be unhealthy for the Canadian public. Finally, there has been debate about timing; whatever our choice, will we get served on time? In other words, will the government present Canadians, as promised, with a new voting system for the next election?

Maybe it is time to reject the menu altogether, or "think outside the box," and discuss an alternative to the alternatives – parliamentary reform rather than electoral reform. Let's consider making a party's percentage of *power* in the House of Common equal to its percentage of the *national vote*. We could do this by

ensuring that a bill can pass the House only if, first, it has the support of a majority of MPs (as is the case today), and second, these same MPs were elected by a majority of the voting public in the most recent election.

This could be called a "double majority system," but this is a generic term for any approach employing two different criteria for what constitutes a majority. Also, the term has been used in pre-Confederation Canadian political history to describe the convention necessitating a majority vote from representatives in both Canada East and Canada West. My proposal could perhaps be called a "concurrent majority system," but that phrase has a particular meaning in the pre-Civil War politics of the American South. It could also be called a "supermajority," except this means something else today in the United States, and the term "qualified majority" is associated with voting in the EU Council. I am therefore calling the proposal the "Revised Additional Majority Parliamentary" (RAMP) system, since it would be a revision of the status quo, adding a second majority requirement to voting in the House of Commons.

To explain this, let's begin by looking at the results of the 2015 election:

- In 2015 the Liberals won just a bit less than 40 per cent of the national vote but just over 54 per cent of the seats (184 seats out of 338), a majority government.
- The Conservatives received almost 32 per cent of the national vote, and almost 30 per cent of the seats (99 seats).

Ross Lambertson is author of Repression and Resistance: Canadian Human Rights Activists, 1930-1960 (Toronto: University of Toronto Press, 2005) and a number of peer-reviewed articles on human rights. He has taught political science and Canadian history for more than 40 years.

- The NDP won close to 20 per cent of the national vote, but only 13 per cent of the seats (44 seats).
- The Bloc came in with a bit less than 5 per cent of the national vote, and about 3 per cent of the seats (10 seats).
- The Greens won almost 3.5 per cent of the national vote, but only about 0.3 per cent of the seats (1 seat).

Under the present system the Liberals have a majority government because the voters elected enough of their candidates to constitute what we can call Majority 1 – MPs representing more than half of the 338 seats in the House of Commons. Yet if RAMP were in effect, the Liberals would not achieve what we can call Majority 2 because they won less than half (only 40 per cent) of the national vote in the 2015 election. With RAMP, the government could not pass legislation without either support from the NDP (40 per cent plus 20 per cent equals 60 per cent), or support from the Conservative Party (40 per cent plus 32 per cent equals 72 per cent). As with minority governments in the past, the government could, if necessary, rely on different parties for different votes.

The Liberals would not, of course, be able to achieve Majority 2 with support from either the Greens or the Bloc. Nor would it be able to reach Majority 2 with support of both parties (40 per cent plus 5 per cent plus 3.5 per cent is not quite 50 per cent). But if these parties had done just a bit better, then the Liberals might have been able to rely upon their combined support. (And it is quite likely, as I shall explain, that these minor parties would have done better had the RAMP system been in effect.)

Under RAMP, as with the present system, party discipline would discourage MP defections. Nevertheless, a RAMP system might encourage some MPs either to move permanently to another party, or to support it on an ad hoc basis. Which way they defected, to the party with the most seats, or away from it, would depend on a wide variety of strategic considerations. In any case, a "defector" from the governing party would lower that party's support for Majority 1, but how would this affect the party's ability to achieve Majority 2? I propose that "defectors" could be considered to "own" their respective constituencies' percentages of the national vote in the recent election, so each defection from, say, the government's party would weaken the government's ability to achieve both Majority 1 and Majority 2. In any case, whichever of these two options was adopted for "defectors" should also apply to any MP expelled from his/her party and sitting as an Independent.

When, under a RAMP system, there were free votes, a bill would have to achieve its double majority through support from a diverse collection of MPs. Determining whether a group of MPs from one or more parties reached Majority 1 on a bill would be simple, but it could be a bit trickier to determine whether they together achieved Majority 2. Yet it would be easy to create a list that tells us what percentage of the national vote each MP had garnered in the previous election and then determine whether or not a particular group of Majority 1 MPs had also been elected by over half the nation's voters in the latest election.

How would RAMP square with Ottawa's official position on electoral reform? It would certainly satisfy the five "guiding principles" established for the All-Party Parliamentary Committee on Electoral Reform, which are also supposed to "act as a framework for the Government's eventual policy decisions."[1] These are:

1. "Restore the effectiveness and legitimacy of the voting system by reducing distortions and strengthening the link between voter intention and the electoral result."

> A) With RAMP, there would no longer be "false" majority governments elected with less than 50 per cent of the national vote but operating as if they had received support from a majority of the voters. After all, any government party unable to achieve Majority 2 by itself would have to cooperate with one or more of the other parties. There are, of course, many ways in which a Prime Minister can rule as a "friendly dictator," but making it necessary to obtain a RAMP-style double majority in the House of Commons in order to pass legislation would certainly help to curb dictatorial tendencies in Ottawa. In short, RAMP would provide more democratic legitimacy than the status quo.

> B) With RAMP, there would no longer be any completely "wasted" votes, for even if a voter's preferred candidate did not win a seat, and his/her vote was irrelevant when the House achieved Majority 1, the vote would still "count" when it came to the creation of Majority 2. This would be particularly important in constituencies and regions where one party is overwhelmingly dominant.

C) Because no vote would be completely wasted, there would also be less incentive to engage in "strategic voting" with RAMP. People would be encouraged to vote for their "real" choice.

D) With RAMP, therefore, new parties or small parties would have a somewhat better chance of being represented in the House of Commons, although (as I point out briefly later in this paper) it is unlikely that the RAMP system would lead to an unwieldy proliferation of small groups.

2. "Encourage greater engagement and participation in the democratic process, including by fostering civility and consensus building in politics and social cohesion."

A) With RAMP providing a more democratic outcome, with fewer wasted votes, there would probably be a higher voting turnout.

B) Because every vote would "count," RAMP would encourage parties to broaden their bases by reaching out beyond their diehard partisans. At a time of excessive polarization, superficial partisan posturing, and lack of civility, there is something to be said for an innovation that would force different political parties to become more moderate.

3. "Support accessibility and inclusiveness for all eligible voters, including by avoiding undue complexity in the voting process."

A) A RAMP system of representation that is more democratic, that did not have "wasted" votes, that was fairer to smaller parties, and that encouraged parties to broaden their bases, should be attractive to all Canadians, especially younger ones.[2]

B) Because RAMP would give small parties a better chance to be represented in the House of Commons, there would be a higher probability of representational inclusiveness.

C) RAMP might make voting in the House of Commons a little more complex, but it would not change the voting process for the public.

4. "Safeguard the integrity of our voting system."

Obviously, with RAMP the traditional integrity would be unchanged.

5. Take into consideration the accountability of local representation.

Obviously, with RAMP, local MPs would remain as accountable as before.

But, would RAMP be better than the proposed alternatives to our present voting system? Consider the following:

A) RAMP would avoid several of the drawbacks to proportional representation (PR). According to a recent poll of voters, what the respondents wanted was, among other things, simple ballots and the ability to directly elect the MPs who represent their constituencies.[3] In PR the ballots are quite different than the ones with which most Canadians are familiar, and there is no such thing as a single MP representing his or her constituency. Instead, there are fairly large constituencies represented by several elected representatives. (This is also true of STV systems.) As noted above, with a RAMP system balloting would remain the same and so would the traditional single member representation.

B) There is a variation of PR that tries to have it both ways. This, called the mixed member proportional system (MMP), has some legislators chosen through the current first-past-the-post (FPTP) system and others representing large multi-member constituencies. However, creating an extra set of parliamentary seats would be costly for tax payers. RAMP would not add any more MPs to the present system; it would be an inexpensive innovation.

C) RAMP would also avoid the worst drawbacks of alternative voting (AV) systems. With AV the person who is the most popular candidate according to first ballot preferences is not always elected. If a candidate receives less than 50 per cent of the votes on the first ballot count, that person may be outvoted by a compromise candidate on the next count. Moreover, AV does not ensure that a governing party always represents a majority of the voters.

D) Some voting systems encourage the formation of many small parties; this can help facilitate political extremism. RAMP would not. Even in the unlikely event that 2 per cent of Canadians voted for, say, a national neo-fascist party, it would probably not elect even a single

MP and would have no direct influence on the passage of bills.

E) Adopting RAMP should obviate claims that there should be no electoral reform without a referendum. If it nevertheless seemed desirable to submit the proposal to a referendum, it would be a simple choice. Otherwise, since there are all sorts of alternative voting systems, and the pros and cons are complex, a referendum might well end up with the majority of voters clinging to the status quo.

There are, of course, some possible arguments against the adoption of RAMP:

RAMP is a completely untried innovation. Canada, being a sort of belt-and-suspenders kind of country, might indeed be hesitant about moving into uncharted waters. But fear of change is hardly a good reason for staying with a problematic status quo.

RAMP would make governing more difficult. It would not make things more difficult if a party had a majority in the House that was based on a majority of the national vote. However, this is not very likely these days, so RAMP would likely lead to something somewhat like a series of minority governments. Yet this is not necessarily a bad thing. After all, Lester Pearson's Liberals never achieved majority government status in the 1960s, but produced many important pieces of legislation. RAMP would be a democratic midway point between the extremes of legislative autocracy and legislative gridlock.

No government would want to adopt a system that might curtail its ability to pass legislation. But these are unusual times. If the Liberal government is seriously willing to consider a different electoral system that might someday help a different party come to power, it should be willing to look at a change in the way the House of Commons votes. Moreover, unlike many of the proposed electoral system alternatives, it is hard to argue that RAMP would benefit one of the major parties in particular.

Small parties would probably still be under-represented under RAMP. True, but not as much as with the current system. Moreover, RAMP could be tweaked slightly. Any minor party that reached a threshold of perhaps 5 per cent of the national vote could be given one MP "at large," probably the leader of the party. We could call this, "RAMP plus." Five per cent of 338 (the present number of MPs) is 16.9 members; giving a party only one MP at large if it passed the 5 per cent threshold would still under-represent that party, but it would be better than the status quo and it would not lead to an unwieldy multiplicity of small parties in the House. Consider it a form of "reasonable accommodation" for minority groups.

RAMP could lead to a parliamentary deadlock if there were only two main parties and one of them won a majority of seats with a minority of votes. True, but such a situation seems highly unlikely. Canada at one time had a two-party system, but now seems to have settled into something more than that – several parties of which two or three at least are real contenders. There are, of course, no absolute guarantees, but given Canada's generally positive experience with minority governments, there is no reason to believe that we would suffer from an American-style legislative deadlock. And, of course, we have something that the Americans do not – a Governor General with the power to intervene and call a new election in certain circumstances.

RAMP would have to be achieved through a constitutional amendment, something that for most citizens sounds excessively complex. Yet it would be a constitutional amendment that required only a simple act of Parliament. Section 49 of the *1867 Constitution Act* says: "Questions arising in the House of Commons shall be decided by a Majority of Voices other than that of the Speaker, and when the Voices are equal, but not otherwise, the Speaker shall have a Vote."[4] To change this section it would be necessary for Parliament to use section 44 of the *1982 Constitution Act*, which says that "Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons."[5] (This is subject to sections 41 and 42, but these do not seem to apply in this case.)[6] In short, a simple majority vote in both Houses would constitute a constitutional amendment changing the way the House makes future decisions.[7]

It is true that, according to the constitutional principle of parliamentary supremacy, one parliament cannot bind a later parliament when

it comes to a matter of substantive law. When it is a matter of changing parliamentary procedure, however, it is generally agreed that a parliament can bind itself, and future parliaments, by passing something called a "manner and form" law. If a parliament were to adopt the RAMP concept by passing a constitutional amendment that all future statutes must be supported by a majority of MPs who also represent a majority of the voters at the most recent federal election, then that law would bind it and future parliaments. However, if for some reason it proved necessary to change or even reject the new status quo, a later parliament could return the country to the traditional system, as long as it did so by passing a second constitutional amendment according to the "manner and form" established by the amendment that introduced RAMP in the first place (i.e. by way of a double majority).[8] This would be fully consistent with our democratic principles.

So RAMP is democratic, cheap, and simple to achieve. There are lots of problems in Canada that it would not solve, but "RAMPing up Parliament" would certainly be better than keeping the status quo electoral system or adopting one of the electoral voting alternatives.

Notes

1   Government of Canada Backgrounder, "Motion to Propose All-Party Parliamentary Committee on Electoral Reform," accessed August 16, 2006, at: http://news.gc.ca/web/article-en.do?nid=1063799.   My points are also based on the criticisms of the present system made by five hundred prominent academics on September 15, 2015, leading up to the national election: *"Canada is facing a significant democratic deficit, illustrated by low voter turnout, unresponsive majority governments elected with far less than 50% of the vote, half of all votes electing no-one, superficial partisan posturing, and most disturbing, a growing majority of younger Canadians who see little value in voting or engaging in electoral politics."* Their short letter can be found on the website of Fair Vote Canada, at *http://www.fairvote.ca/over-500-canadian-academics-call-on-parties-to-work-together-towards-a-fair-and-democratic-voting-system/.*

2   It is, however, possible that proportional representation might ensure better representation than RAMP in the House of Commons for women and some visible minorities. It has certainly been argued that proportional representation would ensure better minority representation than the present electoral system. However, not all experts believe that PR would necessarily lead to such an improvement. See, for example, the discussion in Jane Taber, "Women's groups urge Ottawa to adopt proportional representation," *Globe and Mail*, 24 may, 2016.

3   David Coletto, Maciej Czop, "Canadian Electoral Reform: Public Option on Possible Alternatives." Conducted for the Broadbent Institute, December 2015; available at: https://d3n8a8pro7vhmx.cloudfront.net/broadbent/pages/4770/attachments/original/1448994262/Canadian_Electoral_Reform_-_Report.pdf?1448994262 [Accessed December 20, 2015.]

4   *Constitution Act, 1867*, 30 & 31, Victoria c. 3 (U.K.), Part IV, "Legislative Powers," at http://laws-lois.justice.gc.ca/eng/Const/page-2.html#h-4.

5   *Constitution Act, 1982*, Schedule B to the *Canada Act 1982*, c. 11 (U.K), Part V, "Procedure for Amending Constitution of Canada," at http://laws-lois.justice.gc.ca/eng/Const/page-16.html#docCont.

6   Section 41 lists amendments that require unanimous consent on the part of Ottawa and the provinces. Section 42 lists amendments that are subject to the general procedure under subsection 38 (1), which is the consent of Ottawa and two-thirds of the provinces making up at least fifty percent of the population of Canada.

7   It is true that in its 2014 judgment, *Reference re Senate Reform*, the Supreme Court of Canada limited Parliament's ability to use Section 44 to change the Constitution; the court ruled that any change to the "constitutional architecture" must have provincial consent. It is not clear, however, that RAMP would create a change to our "constitutional architecture."

8   See, for example, Peter Hogg, *Constitutional Law of Canada*, student edition (Toronto: Carswell, 2015). In his chapter on parliamentary supremacy, Hogg deals with "Self-imposed restraints on legislative power" in section 12.3. He argues that "While a legislative body is not bound by self-imposed restraints as to the content, substance or policy of its enactments, it is reasonably clear that a legislative body may be bound by self-imposed procedural (or manner and form) restraints on its enactments." A constitutional amendment demanding a parliamentary "double majority" for all future statutes would be, in Hogg's terminology, "self-referencing or doubly entrenched," in that it could only be repealed by following the terms of the original manner and form legislation.

A Better Electoral System for Canada: Moderate Proportional Representation With Ranked Ballots

Canada's current plurality vote system can create false majorities, lead to strategic voting and exacerbate regional cleavages, despite often bringing the stability of a coherent parliamentary majority government. Although proponents of reform may agree that the current system should be changed, they are often divided about what type of system should replace it. In this article, author Jean-Pierre Derriennic suggests two prominent reform models—a preferential/ranked ballot system and a moderate-form of proportional representation—could be combined to create a system that allows voters to cast ballots sincerely, reduces partisan regional polarization, and ensures stable coalition governments made up of parties that have broad popular appeal.

Jean-Pierre Derriennic

E lectoral reform is needed in Canada to correct the major flaws in the voting system we have been using to date. It is not a majority system, as it is often called, but rather a plurality vote system, since a candidate can be elected with the support of less than half of the voters in that riding. Candidates simply need to get more than their opponents, which is sometimes called a "plurality". This leads to the one positive aspect of this voting system, but also its main flaws.

The plurality vote system makes it easier to form coherent parliamentary majorities by granting, most often to the party that won the most support, a higher proportion of elected members than their share of the popular vote. This is the main argument made by proponents of this system. However, it can also allow false majorities to form, when one party gets more elected members than a rival party that won more of the popular vote. It exaggerates the conflicts that exist between the different regions of Canada, by preventing either the government majority or the opposition from having any representation in certain provinces. Quite often it forces voters to vote strategically rather than sincerely, and creates enormous disparities in the political influence enjoyed by people depending on the number of electors in their riding, and especially between ridings in which the gaps between candidates are narrow and those in which the gaps are quite wide.

It is possible to rectify those flaws while preserving the only advantage of the current system, that is, the possibility of forming coherent parliamentary majorities. To do so, two methods must be used: moderate proportional representation and ranked ballots. Ranked ballots can be applied in single-member ridings, which is what we have now, or in ridings electing several members proportionately among the parties. These two methods are therefore not mutually exclusive, as I explained in a short book published recently by Les Presses de l'Université Laval entitled *Un meilleur système électoral pour le Canada / A Better Electoral System for Canada*.

Ranked ballots are highly recommended because it puts voters in a much better moral and intellectual position than the current single-choice voting system, which often forces people to vote strategically: they often have to choose between voting sincerely, for their preferred candidate or party, and voting effectively, for the least detestable of those who have any chance of winning. With the possibility of ranking candidates in order of preference, votes for the candidates with the fewest first preferences are transferred, as the results are calculated, to other candidates based on subsequent preferences indicated by voters. People can express a sincere first preference, even if it goes to a candidate who has no chance of winning, then rank the other candidates in order of preference, with voters' least favourite candidate ranked last. Sincere voting is effective, whereas strategic voting is almost never useful.

Jean-Pierre Derriennic is an associate professor of political science at Laval University. He is author of the recently published book Un meilleur système électoral pour le Canada / A Better Electoral System for Canada.

The information needed to vote strategically is not easily accessible to voters, which makes them more susceptible to manipulation by polls and rumours. There is a moral equivalence between secret ballot voting and ranked ballots. Secret ballot voting protects voters from undue influence. That is why we believe that, in a democracy, voting must be secret. Similarly, ranked ballots protect voters from being manipulated, and it should therefore always be considered a deontological rule.

When applied in single-member ridings, ranked ballots can produce stronger parliamentary majorities than the plurality vote system, but those majorities are more authentic, because all members are elected with a majority in their riding. Ranked ballots give one party an advantage over another only if a candidate is a Condorcet winner; that is, one who would have won over all of his/her opponents in separate elections against each of them. The Condorcet winner is not necessarily the candidate who has the most committed supporters, but rather the one who is most acceptable to the highest number of voters. Ranked ballots reduce the likelihood of a party winning a parliamentary majority without having a Condorcet winner.

Ranked ballots do not favour any one party or ideology; it means that elected officials must win a majority in each riding, and favours moderate parties capable of winning seats thanks to the second preferences of other parties' voters. This added bonus of moderation is desirable in a democracy, because it incites political parties to avoid the simplistic arguments that emphasize the differences between them, and not always benefits the same party. In 2015, ranked ballots would probably have given an advantage to the Liberal Party. In 1993, the Conservative Party won two seats with 16.4 per cent of the vote, while the Reform Party won 52 seats with 18.69 per cent of the vote. With ranked ballots, the Progressive Conservative Party, which was more moderate, would probably have gotten more second preferences than the Reform Party, which was more radical. It also would have won in terms of the number of votes, and perhaps even in terms of the number of elected members.

Ranked ballots would not give smaller parties more elected members, but they would very likely win more of the popular vote. The Green Party, for example, obtained only 3.4 per cent of the vote in 2015, which is primarily a result of the fact that, almost everywhere, a vote for the Greens was thought to be a wasted vote. With ranked ballots, the fear of wasting a vote would vanish, and the Greens would likely win a greater popular vote. They might not win any more seats, but they would have better political visibility and a good starting point from which to further develop. More importantly, the other parties would know that some of their members were elected thanks to the transfer of the second and third preferences of the Green Party's voters and might, therefore, be more inclined to take their concerns into account.

When applied in single-member ridings, a ranked ballot is one reform that would be quite easy to put in place quickly because there would be no need to change the number or the borders of the existing ridings. This voting system would have significant benefits compared to the plurality vote system we have been using for so long. It would allow voters to vote sincerely and effectively without having to resort to strategic voting. It would help create a party system adapted to the proper functioning of our democracy, with moderate, large parties, while small parties that find it harder to survive would have more known popular support, and large parties would be forced to pay attention to the small parties' voters. It would be even better if this voting system were both preferential and proportional.

If proportional representation is chosen, two mistakes must be avoided: creating ridings that elect a very unequal number of members, and creating ridings that elect a large number of members. Unequal ridings are unfair because the choice offered to voters varies depending on where they vote. When ridings elect a large number of members, it favours the proliferation of political parties; this could lead to assemblies that are unable to make any decisions. We should create ridings that each elect a small number of members, in order to achieve what Vincent Lemieux called "moderate proportional representation".

In Canada, electoral boundaries must take the provinces into account. The smallest province, Prince Edward Island, has four MPs and could form one riding with four seats. To limit inequalities among the ridings, the other provinces would have to be divided up into ridings of three, four or five seats. To limit the proliferation of political parties as much as possible, creating ridings of three or occasionally four seats would be the most advisable option. The new electoral map could be created with the following criteria in mind: without changing current electoral boundaries, three of them could be grouped together, or occasionally four, when four are needed to respect the number of MPs by province. As the new groupings are being created, every effort should be made to

ensure the least variation possible in the ratio of population per member in the new ridings thereby created. Canada has very knowledgeable experts on electoral systems who would be able to take care of that in just a few days.

This reform would be marginally more complicated than any reform that preserves the current single-member ridings, but it could definitely be implemented fairly quickly. This would be much simpler than creating a mixed system that includes single-member ridings and additional members elected in a proportional, compensatory or parallel system. In order to create a mixed system, we would either need to increase the number of seats in the House of Commons considerably, or decrease the number of single-member ridings, in other words, completely redraw the electoral map, which would be very time consuming and would raise a number of concerns and political protests. A mixed system would involve a complicated reform, and the only advantage would be to possibly yield a proportional result among the parties while preserving single-member ridings. In three-seat ridings in a moderate proportional representation system, MPs would be just as accessible to their constituents as they are in single-member ridings, and many Canadians would no doubt appreciate having access to several MPs when they need to reach out for help with something. Moreover, they could reach out to either a member of the government majority or to a member of the opposition.

With three- or four-seat ridings in a proportional representation system, the number of political parties represented in the House of Commons would likely stay the same as today, but they would each have a ratio of MPs roughly proportional to the actual public support they received, and their geographic distribution would be very different. It is very unlikely that one party would win all three seats in a given riding, and completely impossible that one party would win all the seats in a province. This would eliminate some of the extreme differences among the various regions of the country, which is one of the most harmful aspects of a single-member plurality vote system for Canadian politics.

Moderate proportional representation would yield more equitable results among the major parties and help the parliamentary system run more smoothly, but it would still be very hard on small parties. To elect an MP in a four-seat riding, a party would have to win about 20 per cent of the vote, and in a three-seat riding, about 25 per cent. That is why it is highly recommended

that voters be allowed to rank their preferences among the various parties. Votes for small parties would therefore not be wasted, because voters' subsequent preferences would be taken into account. Those voters may not be represented by their preferred candidates, but MPs would be more inclined to take their concerns into account, because they would have been elected thanks to those second or third preferences.

A ranked ballot is always advisable because it allows voters to vote sincerely without any fear of wasting their vote. It is a good complement to moderate proportional representation, which makes it harder for small parties to survive. It is also recommended because of its impact on larger parties, which are more inclined to avoid exaggerating the ideological differences among them in order to increase their chances of winning the subsequent votes of their rivals' voters, as they will need those votes to win seats in certain ridings. Lastly—and this is perhaps the main advantage of a ranked ballot for proportional representation—it allows voters to influence the formation of coalition governments.

Moderate proportional representation will not result in a proliferation of political parties, which would create irreparable political instability. However, it would make it harder for one political party to win a parliamentary majority, and coalition governments would therefore need to be formed more often. Coalition governments exist in some of the best-governed countries in the world today, while in other countries, they are a source of instability and decision paralysis. The first type of result can be seen in countries where alliances among the political parties are ideologically aligned and accepted by those who voted for them. The second type of result exists in countries where ideological alliances are incompatible and shocking to voters. Knowing which party won most of the second preference votes of each party's voters after an election gives a very clear indication of which coalitions are acceptable and which are not.

In closing, if electoral reform results in ranked ballots in single-member ridings, this would be a vast improvement over our current electoral system. A proportional system with three- or four-seat ridings would be very good. Adding ranked ballots would be an excellent reform. It would be very unfortunate if the debate on electoral reform were to turn into a division between advocates of the preferential system and advocates of the proportional system, when the two systems could easily be combined and complement one another very nicely.

The Canadian Scene

Commonwealth Youth Parliament

From November 6 to 10, 2016, the Legislative Assembly of British Columbia hosted the 8th Commonwealth Youth Parliament, the first time that this event has been held in Canada.

The Commonwealth Youth Parliament is an exciting annual program created to support young people in their development as potential future parliamentarians. Opportunities are provided for participants to learn about the fundamentals of parliamentary democracy, network with other young leaders, and apply their talents and experience in a parliamentary setting.

Fifty-two youth, aged 18 to 29, from 22 countries, and representing seven Commonwealth Parliamentary Association regions attended. Eleven Canadian delegates represented eight Canadian CPA branches. They were: **Andriy Krugliak** and **Avery Roberge-Eadie** (Alberta); **Zoé Duhaime**, **Sheridan Hawes** and **Sky Losier** (British Columbia); **Mackenzie Taylor** (New Brunswick); **Josh Tordiff** (Northwest Territories); **Sheldon Paul** (Ontario); **Connor Mycroft** (Prince Edward Island); **Gabriel Laurence-Brook** (Quebec); and **Stefanie Panesar** (House of Commons).

Six Commonwealth parliamentarians served as Mentors to the Youth Parliamentarians, including: **Spencer Chandra Herbert**, MLA, and **Jodie Wickens**, MLA, from the Legislative Assembly of British Columbia; **Jessica Littlewood**, MLA, Legislative Assembly of Alberta; **Kate Forbes**, MSP, Scottish Parliament; **Adam Marshall**, MP, New South Wales Legislative Assembly; and **Chathura Sandeepa Senaratne**, MP, Parliament of Sri Lanka.

Parliamentary Committees Office

The official photo for the 8th Commonwealth Youth Parliament hosted by the Legislative Assembly of British Columbia.

Oliver Nacey, Minister of Health of the Youth Parliament, responds to the Opposition during a lively question period in the Chamber.

Youth Parliamentarian Abbas Sanni consults with Davey Haughton, Opposition Whip of the Youth Parliament, during a caucus meeting session held in the Hemlock Room at the Legislative Assembly of British Columbia.

British Columbia Speaker Linda Reid presides over House Proceedings in the Chamber. Seated before her from left to right are Allison Lloyd, Clerk of Committees from the Yukon Legislative Assembly, Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees, and Susan Sourial, Clerk Assistant—Committees and Interparliamentary Relations.

Each Mentor was assigned to either the government or opposition to provide support and guidance. The Youth Parliamentarians appreciated the "wisdom and counsel" of the Mentors, noting that they were "fantastic" and "inspirational." In addition to coaching the Youth Parliamentarians, the Mentors also participated on panel discussions, sharing their personal experiences on topics such as the role of a Member of Parliament; Question Period; the media; and campaign planning and the electoral process.

During House Proceedings, Youth Parliamentarians delivered statements introducing themselves and their home jurisdictions, and spoke about issues and events at the forefront of their minds. During heated and passionate Question Periods, the Opposition raised issues including health care, the environment, advanced education, relationships with indigenous peoples, and foreign affairs. The Youth Parliamentarians also introduced various Bills, and debated, proposed amendments to, and passed the *Youth Apprenticeship and Internship Act*.

A unique feature of this Commonwealth Youth Parliament was the representation of women in leadership roles. For the first time since this became an annual CPA program in 2012, both the Premier and Opposition Leader were women.

In her closing remarks, one Youth Parliamentarian, **Rea Vanterpool** from the British Virgin Islands, had this message for her fellow Youth Parliamentarians:

As I listened to the issues raised by fellow youth parliamentarians, from human rights violations to the neglect of aging populations, I was reminded of how different our life experiences are. Our diversity shows up not only in our parents or our culture but also through issues facing our jurisdictions. It is apparent in our personalities, our interests, our abilities and our weaknesses. When we truly celebrate all the ways that we are different, we can more fully appreciate how partnerships can bring about change.

The 9th Annual Commonwealth Youth Parliament will be hosted by the British Virgin Islands House of Assembly in 2017.

Above: Ashvini Savanthrapadian, Premier of the Youth Parliament, speaks to reporters (and Mentors acting as reporters) during a mock press conference session in the Members' Lobby at the Legislative Assembly of British Columbia. Below: Youth Parliamentarians and Mentors at the closing dinner at Government House where they were met by Lieutenant Governor Judith Guichon.

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*As of December 31 2016

Canadian Region
Commonwealth Parliamentary Association

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
613 993-0330 (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)
clerk@gov.yk.ca

Parliamentary Bookshelf: Reviews

Le Canada français et la Confédération: Fondements et bilan critique. Jean-François Caron and Marcel Martel, eds, University of Laval Press, Québec, 2016, 174 p.

With the 150th anniversary of Confederation fast approaching, a wave of scholarship is encouraging us to reflect on this formative period of Canada's history, and the evolution of the country over the past century and a half. In *Le Canada français et la Confédération,* edited by historian Marcel Martel and political scientist Jean-François Caron, a group of six scholars interrogate what the original Confederation deal was supposed to mean in terms of linguistic and cultural duality, and how this dynamic has evolved since the 1860s. While in many respects this collection represents a synthesis of existing scholarship, it provides a useful primer on French-speaking Canadians' relationship to Confederation, and their varied experiences of the system of federalism. At the same time, it inadvertently exposes the ongoing gap between Canada's English and French scholarly communities, as many of the findings discussed here echo those of historian Arthur Silver's excellent 1982 book, *The French-Canadian Idea of Confederation*.

The first three essays in the collection treat the Acadian, Québécois and French-Canadian minority communities' roles in the process leading to Confederation and their expectations of this agreement. Legal scholar Gaétan Migneault attempts to determine the perceptions held by Acadians of Confederation, given that none were part of the negotiations, and no newspapers or archives existed to record their views. Migneault attempts to challenge the perception that Acadians were ignorant of the entire process. His argument hinges on

the results of the Acadian counties in the 1865 and 1866 New Brunswick elections, both of which returned anti-Confederation candidates. For Migneault, these results were not necessarily the result of other, local issues, but rather may have reflected concerns about the rights of Acadians under the Confederation deal. He bases his arguments on other petitions and speeches from the periods right before, and right after, the Confederation negotiations, which suggest that education and language rights were among the Acadians' concerns.

Caron and Martel's chapters in this section largely reflect efforts to communicate existing scholarly knowledge (from English-language scholars) to a francophone audience. Caron's chapter argues that although John A. Macdonald's preference for a unitary system ended up shaping the federal government's approach to federalism in the decades immediately following 1867, there were many key supporters of a two-nations, or at least decentralized, federation in the formative stages of Confederation. Proponents of this approach included all key parties in Quebec, but also, as Paul Romney has argued, Reform leader George Brown, and most of the Maritime delegates. However, as Marcel Martel's chapter demonstrates, a desire for a *deux-nations* approach did not mean that Quebec's representatives were strongly concerned with Ontario's francophone minorities (who were absent from the negotiations). Indeed, as Silver's work proved, Quebec politicians prioritized provincial rights and autonomy, and sought to guard against the possibility of federal intervention to protect linguistic and religious rights. It was only much later after Confederation that French-Canadian nationalist thought began to shift and to promote the idea of two founding nations and francophone rights elsewhere in the country.

The second section of the collection considers the long-term ramifications of federalism for francophones in Canada. Stéphanie Chouinard provides a detailed overview of how the rights of Acadians have evolved, and demonstrates that, unlike in other provinces, federalism has served to reinforce the rights of this substantial minority. The demographic weight of Acadians made them key players in the politics of the province. Political will, rather than judicial compulsion, explains the rapid growth of Acadian rights since the 1960s. While economic slowdowns do jeopardize the scope of language rights, they remain far beyond all other francophone minorities in the country.

Réjean Pelletier and Jean-François Caron disagree on the impacts of Confederation on Quebec. Pelletier largely plays the role of pessimist, repeating the standard arguments of alarmists (and separatists) that Confederation and the system of federalism has failed to protect Quebec's language rights. To make this case, he both cites Supreme Court decisions that struck down parts of Bill 101 (and subsequent language legislation) and employs a selective reading of statistical data on language use in the home (by percentage of the entire population) to claim that French is still in great peril. He ignores the fact, and Caron points out, that the use of English has also declined over the decades, and it is other languages that have risen. In contrast, Caron argues that, overall, Canadian federalism has allowed a great deal of autonomy for independent action by the government of Quebec, and has permitted asymmetry within the federation. Quebec's governments, he notes, could have invoked the notwithstanding clause more than they have, if there was a political will for more draconian language laws. Indeed, the courts have invoked *Quebec's* Charter of Rights as much as the Canadian one in striking down sections of the language laws. Perhaps the status of English in North America, and the world more broadly, he suggests, is more to blame for the decisions made by Quebecers (both francophones and recent immigrants) regarding language use than the provisions of the Constitution. Philip Resnick concludes the volume with some reflections about the challenges posed by forces such as globalization, immigration, and the shift of Canada's economic centre away from Quebec to the future of dualism and the French fact in Canada.

Overall, while many of the arguments in this volume are familiar ones (at least, for scholars of Confederation and federalism), this relatively thin volume provides a very good overview of francophone perceptions of the objectives and impacts of the Confederation pact. It will be a useful primer for those not already familiar with the literature, and a good overview of contemporary debates about Canadian federalism and cultural and linguistic rights. The essays are well-written and accessible, and include a good mix of detailed overviews and provocative arguments, which hopefully will spur additional scholarship in this area.

Matthew Hayday

Associate Professor (History), University of Guelph

Principles and Gerrymanders: Parliamentary Redistribution of Ridings in Ontario, 1840-1954. George Emery. McGill-Queen's University Press, Montreal and Kingston, 2016, 332 pp.

In *Principles and Gerrymanders*, historian George Emery outlines Ontario's parliamentary redistributions, on both the federal and provincial levels, from the 1840s to 1960s. Politicians themselves carried out changes to electoral districts until that responsibility was assigned to by-partisan legislative committees in the early-twentieth-century, and thereafter to an independent provincial commission in 1962, and a federal one in 1964. Emery defines a "gerrymander" as "a redistribution of two or more ridings that unfairly benefit the government party." The term originated with a blatantly partisan redistribution of Massachusetts' legislative districts in 1812, which was approved by state governor Elbridge Gerry.

The author's major achievement is to demonstrate that partisan gerrymandering was not widespread in Ontario riding redistributions in the nineteenth- and early-twentieth-century. Instead, the practice was used by government parties in very specific ways: to target individual opposition members (i.e. "political assassination"), to maintain small but pro-government ridings, and to redistribute areas of opposition support in order to maximize the number of winnable government ridings (i.e. "hiving").

Emery also helpfully defines several commonly-held principles in Ontario's political culture towards parliamentary redistricting, such as the belief that municipalities should be kept intact, or the consensus that urban voters should be underrepresented vis-à-vis rural ones (this practice is called "passive gerrymandering" when it is allowed to continue, despite population changes between ridings). These principles could often come into conflict with each other, especially the ideal of population equality between ridings (i.e. "representation by population"). With this nuanced conceptual framework, Emery shows that Ontario's politicians acted in a specific cultural and political context and could not undertake gerrymanders in any way they wished.
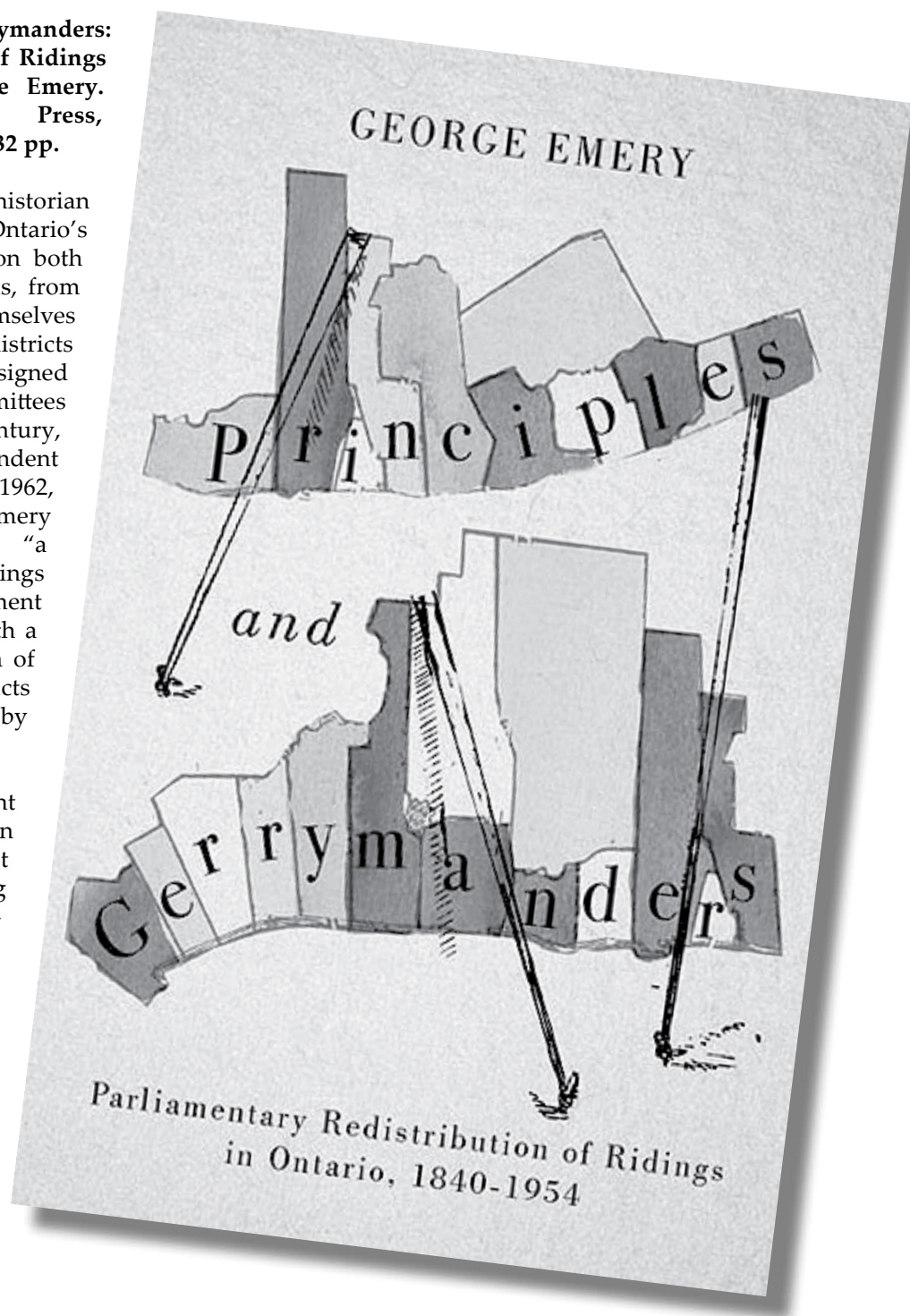
Principles and Gerrymanders relies on a very careful analysis of election results, down to the township level. The book's method is to review the principles underlying each redistribution of Ontario's federal and provincial ridings, to determine if gerrymandering took place, and to use changes in vote totals at the local level to judge if a gerrymander worked to the benefit of the government party. Notably, many of the most blatant gerrymanders, such as Sir John A. Macdonald's 1882 federal redistribution, failed to deliver more seats and additionally may have damaged the reputation of the government party. But Emery concludes that most intentional or "thinly disguised" gerrymanders were successful in delivering or defending a limited number of ridings for the majority party.

With his focus on specific gerrymanders and their consequences in specific ridings, Emery may neglect larger political developments. For instance, he does not take into account regional or province-wide changes in partisan support, and how these may have impacted intentional or passive gerrymanders. (Emery judges the efficacy of each gerrymander by using the vote totals of the previous election). Aside from shifts of support between the Conservatives and Liberals, the occasional rise of third parties like the Patrons of Industry or United Farmers complicated the stability of the province's two-party system and may have undermined the intended results of gerrymandering. Also deserving further investigation are the forces that drove reforms to the practice of redistribution (e.g. the adoption of by-partisan legislation committees in the early-twentieth-century, or independent commissions in the 1960s).

A very minor omission is the possibility of political assassinations *within* government parties. Although fairly rare, members of government parties may have used their power over redistribution to eliminate particular individuals from their caucuses. For instance, there is an old rumour that Sir Adam Beck used his influence within the Conservative caucus to redistribute the North Essex riding of a rival, Dr. J.O. Reaume, in order to deny him the party's re-nomination for the 1914 provincial election.[1] But of course, given the nature of such inter-party factionalism, it is an issue for which there is not a large body of evidence.

Principles and Gerrymanders is an important study of a neglected facet of Ontario's (and Canada's) political history, and should provoke further research on political culture and the electoral system. Bridging disciplinary boundaries, the book will be of great interest to historians and political scientists alike. Emery concludes with a cautious note: "Although the commission system seems to be entrenched in Canada's parliamentary democracy, it remains fragile." He notes that a recent debate over federal redistribution in Saskatchewan should remind us that these issues are not historical artifacts.

Mark Sholdice

PhD candidate (History), University of Guelph

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1 See W.R. Plewman, *Adam Beck and the Ontario Hydro*. Toronto: The Ryerson Press, 1947, p. 154.

Publications

New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (August 2016 - October 2016)

Bagnall, David. "Reviewing the Standing Orders: How to make dreams come true." *Australasian Parliamentary Review,* 31 (1): 8-25, Autumn/Winter 2016.

- The purpose of this paper is to challenge all people who dream of modernising Parliament to engage with the process through which this can happen, and to provide the impetus for change.

Blackwell, Joel. "A constitutional storm in a teacup?: Delegated legislation, the House of Lords and the inadequacies of the Strathclyde Review." *The Political Quarterly*, 87 (3): 443-49, July-September 2016.

- In a year which has seen the government defeated in the House of Lords no less than 60 times, only one defeat – last October's controversial refusal by the Lords to approve a statutory instrument relating to tax credits – threatened a constitutional stand-off. That decision led to talk of a "constitutional crisis", with ministers arguing that the unelected upper chamber had no right to hold up a financial measure already approved by MPs.

Blunt, David, and Alexander Stedman. "The New South Wales Legislative Council's oral history project." *Australasian Parliamentary Review*, 31 (1); 131-38, Autumn/Winter 2016.

- Beginning in 2013, the Council held a series of interviews with former parliamentarians. This paper outlines the progress and outcomes of the resulting oral history project.

Bochel, Catherine. "Process matters: Petitions systems in Britain's legislatures." *The Journal of Legislative Studies*, 22 (3): 368-84, 2016.

- This article uses the concept of procedural justice, with its emphasis on the fairness of the process by which decisions are made, as an analytical tool to explore four case studies of petitions systems in British legislatures, considering, in particular, the extent to which they enable voice, decision-making and transparency.

Chabot, Geneviève. "Devolution, evolution, confusion: the constitutional status of the Canadian Territories and its potential implications for the duty to consult." *National Journal of Constitutional Law / Revue nationale de droit constitutionnel*, 36 (1) : 141-59, July/juillet 2016.

- The constitutional status of the Canadian Territories within the Canadian federation remains somewhat of an enigma for politicians and jurists alike, who, since their inception, have tried to sort the Territories into familiar constitutional boxes. A review of the recent case law in the area leads to the conclusion that although it has not been explicitly devolved by Parliament, the duty to consult and accommodate has been implicitly transferred from Parliament to the Territories.

Drum, Martin. "How well do parliamentary committees connect with the public?" *Australasian Parliamentary Review*, 31 (1): 42-59, Autumn/Winter 2016.

- This paper looks at how committees go about seeking public input into their inquiries, and whether they plan to broaden their methods of communicating with the public in the future.

Grace, Joan. "Presence and purpose in the Canadian House of Commons: the Standing Committee on the Status of Women." *Parliamentary Affairs*, 69 (4): 830-44, October 2016.

- In Canada, the Standing Committee on the Status of Women (SCSW) was established in the House of Commons in 2004 to report on relevant issues on the status of women. This article suggests that while the Committee contributed a gender presence and feminist voice, its inability to compel the government to act on recommendations rendered it a policy advocate rather than a catalyst for institutional innovation and gender mainstreaming.

Heintzman, Ralph. "Border-crossing: the PBO, PCO and the boundary of the public service." *Canadian Public Administration / Administration publique du Canada*, 59 (3): 357-81, September 2016.

- The Clerk of the Privy Council's (PCO) role in the 2012 confrontation with the Parliamentary Budget Officer is re-examined as a case study in the imperatives of public service leadership in a system of responsible government.

Kelson, Alexandra, Mark Bennister and Phil Larkin. "The shifting landscape of prime ministerial accountability to parliament: An analysis of Liaison Committee scrutiny sessions." *British Journal of Politics and International Relations*, 18 (3): 740-54, 2016.

- This article considers the accountability of the prime minister to parliament by analysing the emergence and development of the Liaison Committee evidence sessions.

Labelle, André. "What ever happened to legislative translation in Canada?" *Statute Law Review*, 37 (2): 133-43, 2016.

- In the 1980s, Canada abandoned the traditional method of drafting Federal legislation in English and translating it into French, and replaced it with what came to be known as *co-drafting*. After briefly reviewing some of the circumstances which led Canada, as a bilingual and *bijural* country, to adopt such a method, this article examines how this method compares to traditional translation in practice, how it has evolved over the past 30 years and the impact it has had on the preparation of bilingual legislation in Canada.

Lindquist, Evert and Chris Eichbaum. "Remaking government in Canada: Dares, resilience, and civility in Westminster systems." *Governance: An International Journal of Policy, Administration, and Institutions*, 1-19, August 2016.

- By 2015 concern had emerged about the trajectory of Canada's Westminster model and the state of democratic governance under successive Harper governments, particularly with respect to transparency and relationships with public servants, which among other things led to the election of the Trudeau government in October 2015. This article compares these developments with the wholesale reform experiences in Australia, New Zealand, and the United Kingdom.

McCormick, Peter. ""By the Court": the untold story of a Canadian judicial innovation." *Osgoode Hall Law Journal*, 53 (3): 1048-82, Summer 2016.

- What do the *BCE* case of 2008, the *Securities Reference* case of 2010, the *Senate Reform Reference* case of 2014, and the *Carter* (assisted suicide) case of 2015 have in common? All are unanimous decisions of the Supreme Court of Canada in which the reasons for judgment are not attributed to any specific named judge or judges on the Supreme Court, but rather to a mysterious entity called *The Court*.

Morley, Gareth. "Dead hands, living trees, historic compromises: the *Senate Reform and Supreme Court Act References* bring originalism debate to Canada." *Osgoode Hall Law Journal*, 53 (3): 745-98, Summer 2016.

- The Supreme Court of Canada has only twice referred to originalism—and never positively. But in two 2014 decisions about how central institutions of government - the Senate and the Supreme Court of Canada itself - might be changed, the Court relied on the underlying historic political compromises to interpret the Constitution, rejecting arguments from the text or democratic principle.

Nowak, Ann. "Demystifying ambiguity in legislative writing." *Statute Law Review*, 37 (2): 164-71, 2016.

- This paper (i) examines reasons for ambiguity in legislative writing as well as some of the problems that can be created by that ambiguity and (ii) offers strategies for avoiding ambiguity while drafting legislation, including the use of mathematical set theory to examine potentially ambiguous sentences.

Pal, Michael. "The fractured right to vote: Democracy, discretion, and designing electoral districts." *McGill Law Journal / Revue de droit de McGill*, 61 (2): 231-74, December/décembre 2016.

- Electoral boundary commissions and Parliament have recently transformed Canada's federal electoral map. The 2015 federal election was contested on a new map of 338 ridings, after 30 seats were added to the House of Commons by the *Fair Representation Act* and commissions set the boundaries of each district. The introduction of independent, non-partisan commissions in 1964

to draw the maps has achieved great success in eliminating the previously entrenched practice of gerrymandering. The extensive discretion granted to commissions to set boundaries, however, generates a new series of potential problems that can undermine the fairness of the electoral map.

Purser, Pleasance. "Overseas parliamentary news – July 2016." *New Zealand Parliamentary Library*, 5p.

- France - Measures to strengthen the National Assembly's ethics regime - The Bureau of the National Assembly has decided to ban the use of the word parliamentary to denote clubs or other structures created by lobbyists for the purpose of offering stakeholders an opportunity to engage with deputies.

Purser, Pleasance. "Overseas parliamentary news – August 2016." *New Zealand Parliamentary Library*, 6p.

- Australia – Privilege claimed over seized documents - A senator has claimed parliamentary privilege over material seized by the police in a search of documents on the Parliament House computer servers.

Purser, Pleasance. "Overseas parliamentary news – September 2016." *New Zealand Parliamentary Library*, 7p.

- United Kingdom – Use of Royal Prerogative to trigger Brexit - After a ruling by the High Court, the government disclosed its argument in the case that has been brought to challenge the government's intention to use the Royal Prerogative to trigger Brexit.

Reynolds, Daniel and George Williams. "Petitioning the Australian Parliament: Reviving a dying democratic tradition." *Australasian Parliamentary Review*, 31 (1): 60-79, Autumn/Winter 2016.

- This article examines the right to petition in Australia's federal Parliament with a view to determining whether reforms like those undertaken in other jurisdictions should be adopted.

Schmitz, Gerald. "Commentary – Renewing Canadian foreign policy as if parliamentary democracy matters." *Canadian Foreign Policy Journal*, Forthcoming, 2016.

A former Library of Parliament analyst says Canada needs creative thinking to be successful in an enormously complex global environment.

Taft, Jordan. "From change to stability: Investigating Canada's Office of the Auditor General." *Canadian Public Administration / Administration publique du Canada*, 59 (3): 467-85, September 2016.

- Through its audits and recommendations, Canada's Office of the Auditor General (OAG) has promoted financial probity and good governance for over a century. While OAG recommendations may have inherent value, their full value is realized only when implemented by government. By investigating implementation rates and the OAG's interaction with Parliament, this paper evaluates whether OAG performance and interactions with Parliament have changed over time.

Walker, Charles (Chair). "Private Members' Bills: Observations on the Government response to the Committee's Third Report of Session 2015-16 HC 684". *House of Commons Procedure Committee -* Second Report of Session 2016-17 - Report, together with formal minutes relating to the report. HC 701: 27p. Published on 18 October 2016.

- The Procedure Committee believes that too often the present system for considering legislation promoted by backbenchers operates in a way which manifestly misleads the public. This Committee and previous Committees have suggested many sensible and modest reforms, but nothing of any significance has happened. In this report we return to a limited range of proposals for reform which we believe the House should trial.

Alberta

Passing of Former Premier Jim Prentice

On October 13, 2016, at the age of 60, **Peter Eric James "Jim" Prentice** was one of four men killed in a plane crash near Kelowna, B.C. Mr. Prentice had a long history of political involvement and public service at both the provincial and federal levels. During his tenure as the Member of Parliament for Calgary Centre-North he took on a variety of challenging cabinet portfolios, including Environment, Indian Affairs and Northern Development, and Industry. At the provincial level Mr. Prentice represented the Calgary-Foothills constituency in the Legislative Assembly of Alberta, and served as the 16th Premier of the province from September 15, 2014, to May 24, 2015, while also holding the Aboriginal Relations and the International and Intergovernmental Relations portfolios.

As news of Mr. Prentice's sudden passing spread, politicians and public figures from across the country came forward to acknowledge his leadership and contributions to public life and to express their condolences to the Prentice family. Books of condolences for the Prentice family were set up in the Legislature rotunda, the McDougall Centre in Calgary, and on the Government of Alberta website. A state memorial was held in Calgary on Friday, October 28, 2016. Public figures who spoke included Premier **Rachel Notley** and former Prime Minister **Stephen Harper**.

On October 31, 2016, when session resumed, Mr. Prentice was one of three former MLAs whose passing was noted by Speaker **Robert Wanner** and acknowledged with a moment of silent prayer and reflection. The Speaker noted that, having consulted with the House Leaders and the Prentice family, Members will have the opportunities to make statements in remembrance of Mr. Prentice during the days to follow.

Mr. Prentice has been remembered widely as a respected leader and mentor, a loyal friend, and, above all, for his dedication to his family.

Committee Business

On September 28, 2016, the Select Special Ethics and Accountability Committee released its report and the one-year mandate of the committee came to an end. The Committee had been tasked by the Assembly with reviewing the *Election Act*, the *Election Finances and Contributions Disclosure Act*, the *Conflicts of Interest Act*, and the *Public Interest Disclosure (Whistleblower Protection) Act* (PIDA). Part I of the report contained multiple recommendations regarding PIDA, including: the application and purpose of the Act, wrongdoings, disclosure procedures, investigations, reprisals and remedies, and the Office of the Public Interest Commissioner. The Committee made no recommendations respecting the other three Acts within the Committee's mandate; however, Part II of the report contains a recommendation that, during the fall 2016 sitting, the Assembly appoint a special committee of similar composition to complete the review of the remaining statutes by March 31, 2017.

On October 20, 2016, the Standing Committee on Alberta's Economic Future released the final report on its review of the *Personal Information Protection Act*. The report contained one recommendation, which focused on clarifying the definition of commercial activity as it relates to non-profit organizations. The Committee has now initiated a study on the province's agri-food and agribusiness sectors. Under the Standing Orders the Committee must complete this review within six months.

The Standing Committee on Resource Stewardship has received almost 70 written submissions as part of its review of the *Lobbyists Act*. It has invited eight presenters to appear before the Committee as part of the review process.

On October 26, 2016, the Standing Committee on Privileges and Elections, Standing Orders and Printing released its report regarding the operation of morning sittings of the Assembly, a practice which had been introduced in the fall of 2015. The Committee recommended that the Assembly continue with

morning sittings and that the House Leaders further consider the introduction of deferred voting.

The Special Standing Committee on Members' Services (MSC) met on October 25, 2016, and adopted the report from the Subcommittee on Family-Friendly Workplace Practices and Policies. The report recommendations include: changes to the Standing Orders to permit infants in the Chamber, amendments to the *Legislative Assembly Act* to permit Members with a new child to be absent for a regular spring or fall session without penalty, increased access to the Legislature precincts for the partners and children of Members, the addition of family-friendly facilities and signage, such as change tables, throughout the Legislature precinct, the creation of a family room in the Legislature Building for Members and their children, further exploration of the feasibility of an onsite childcare facility, and the development of a comprehensive guide to the benefits and services available onsite and in the surrounding area for Members with young children. For the benefit of all Members, the Speaker tabled the Subcommittee's report on the first day of the fall sitting.

During the same meeting of the MSC two new subcommittees were created. A subcommittee was struck to review the Respectful Workplace Policy for Employees of the Legislative Assembly Office and to develop policies regarding complaints between Members outside of the Assembly and committees. In addition, another subcommittee will review the Members' Services Committee Orders and the rules governing Member and caucus expenditures.

The Standing Committee on Families and Communities has been tasked with reviewing *Bill 203, Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016*. This private Members' public bill proposes increased protection for consumers seeking and receiving auto repairs. The Committee will be accepting written submissions from identified stakeholders and members of the public on the bill through October 28, 2016.

As part of its review of the *Child and Youth Advocate Act*, the Standing Committee on Legislative Offices contacted identified stakeholders and advertised to invite written submissions from the public. The deadline for receipt of written submissions was October 14, 2016, and the Committee will meet to determine its next steps on November 4, 2016.

Jody Rempel
Committee Clerk
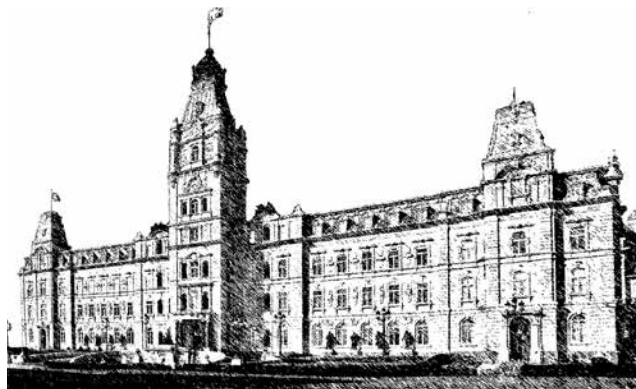
Québec

National Assembly proceedings

The National Assembly resumed its proceedings on Tuesday, September 20 2016, as provided in the Standing Orders.

Composition and parliamentary offices

Sylvie Roy, Member for the electoral division of Arthabaska, passed away following an illness on July 31, 2016. Ms. Roy was elected on five occasions and had been a Member of the National Assembly since 2003, first as a Member of the Action démocratique du Québec party until 2011, then as a Member of Coalition Avenir Québec until August 2015, at which time she chose to sit as an independent Member.

On August 20, 2016, following the resignation of **Jacques Daoust** as Minister of Transport, Sustainable Mobility and Transport Electrification and Member for Verdun, the Premier appointed **Laurent Lessard** (Lotbinière-Frontenac) as the new Minister responsible for this department. **Luc Blanchette** (Rouyn-Noranda-Témiscamingue) was given the Forests, Wildlife and Parks portfolio, which had until then been under Mr. Lessard's responsibility.

On September 22, 2016, the Member for Gaspé, **Gaétan Lelièvre**, resigned as Deputy Opposition House Leader.

The composition of the Assembly now stands as follows: 70 Members of the Québec Liberal Party, 28 Members of the Parti Québécois, 20 Members of the Coalition Avenir Québec, and three independent Members sitting under the banner of Québec Solidaire. Four seats are vacant.

Ruling from the Chair

On September 27, 2016, the Chair ruled on the point of privilege or contempt raised by the Member for Sanguinet on August 19, 2016, in which the latter alleged that the former Minister of Transport, Sustainable Mobility and Transport Electrification knowingly misled the House by indicating that he did not know about or authorize the sale of shares in RONA by Investissement Québec.

The Chair began by pointing out that it is responsible for analyzing the specific circumstances surrounding the point of privilege even if the Minister in question has since resigned from his ministerial duties. A point of privilege concerning a Minister does not lapse with his or her resignation.

At this stage, the Chair's role is not to determine whether contempt of Parliament has occurred but whether the facts submitted constitute *prima facie* contempt of Parliament. In the case at hand, the Chair must determine whether the facts submitted point to the *prima facie* conclusion that the former Minister of Transport deliberately misled the House. For the Chair to conclude that a Member knowingly misled the House, the deliberate nature of the act must be clear. Furthermore, Québec jurisprudence requires an admission on the part of the Member who misled the House.

When the Chair is informed of a point of privilege on the grounds that a Member deliberately misled the House, the Chair is limited to seeking the presence of two elements—an intention to mislead the House and an admission of having done so knowingly. In the absence of such an admission, the Chair must, at the very least, be faced with two clearly contradictory statements made by the same Member in the context of parliamentary debates. This is the extent of the Chair's role.

On reading excerpts from the Journal des débats (Hansard) for the Oral Question Periods of June 3 and 7, 2016, it is clear that the former Minister stated several times that he had not given permission or authorized the sale of RONA shares by Investissement Québec, alleging that it was not up to him to do so. After considering the elements presented to the Chair, nothing points to the conclusion that, in a statement in the Assembly, the former Minister subsequently changed his version of the facts. Failing the former Minister's admission that he misled the House and failing contradictory statements on the subject, the Chair cannot conclude *prima facie* that the former Minister deliberately misled the House with regard to authorization of the sale of RONA shares by Investissement Québec.

As concerns the former Minister's knowledge of the sale, his statements to the media, that is, outside of parliamentary deliberations, that he had not been informed of the directors' intention to sell Investissement Québec's shares in RONA, were submitted to the Chair. The former Minister always maintained this version and, in fact, reiterated it in the statement he issued after resigning. That being said, his former Chief of Staff said under oath, in his testimony before the Committee on Labour and the Economy, that he had in fact raised the matter of the sale of RONA shares by Investissement Québec with the former Minister between November 17 and 26, 2014.

A newspaper article submitted in support of the point of privilege reports that the former Minister changed his version of the facts after this testimony, stating that he had not been informed of the sale at the time Investissement Québec made its decision.

Although this may well be a case of two contradictory versions of the same facts, no document shows that the former Minister stated anything at all in the context of parliamentary proceedings concerning his knowledge of the sale of RONA shares by Investissement Québec. Consequently, he could not have misled the House by making a false statement in it.

For all these reasons, both with regard to authorization of the sale and the former Minister's knowledge of it, the facts submitted to the Chair do not point to the conclusion that the former Minister *prima facie* misled the House. The basic criteria established by Québec parliamentary jurisprudence—that the parliamentarian in question must have made a statement in the context of parliamentary proceedings that misled the House, and, subsequently, that he acknowledged having deliberately tried to deceive the House—have not been met.

For these reasons, the Chair cannot *prima facie* justify a point of privilege.

Special events: *56th Annual Meeting and Regional Policy Forum of the Eastern Regional Conference of the Council of State Governments*

Some 550 American and Canadian delegates, private sector representatives and guest speakers took part in the 56th Annual Meeting and Regional Policy Forum of the Eastern Regional Conference of the Council of State Governments, which was held from August 7 to 10, 2016 in Québec City. The theme of this year's annual meeting, "Global Challenges, Regional Solutions," encouraged participants to look at Canada-US relations and discuss agriculture, sustainable development, health, education and transport. A number of resolutions were adopted at the conclusion of this meeting, which featured high-level meetings and discussions on climate change, the emergence of autonomous vehicles, the 2016 elections in the United States and North American competitiveness.

Committee proceedings

Public hearings

In mid-August, the standing committees launched 14 public hearings, including 10 stemming from an order of reference of the National Assembly, three relating to orders of initiative and one arising from a statutory order.

The Committee on Agriculture, Fisheries, Energy and Natural Resources (CAFENR) held special consultations on Bill 106, *An Act to implement the 2030 Energy Policy and to amend various legislative provisions*, which was a matter of intense interest. During the four consultation sittings, the CAFENR heard 30 witnesses and 58 briefs were tabled. Speakers were given the opportunity to share their expertise and vision concerning topics addressed by this bill, namely energy transition and the development of hydrocarbon resources. Furthermore, it should be noted that within the framework of another order of reference, the CAFENR heard the head officers of Hydro-Québec who came before the committee to present this Crown corporation's strategic plan 2016-2020.

The Committee on Planning and the Public Domain (CPP) held special consultations on a bill that is getting a lot of attention, namely Bill 110, which amends certain rules applicable to the negotiation of collective agreements and the settlement of disputes in the municipal sector. Twenty witnesses were heard during these consultations, which took place over a period of three sittings. Several cities, unions and other organizations were invited to present their views on this bill.

The Committee on Citizen Relations (CCR) held a general consultation on a highly topical issue:

immigration. Any citizen or group having submitted a brief on the consultation document entitled "Québec Immigration Planning for the 2017-2019 Period" could potentially be asked to appear before the CCR. In addition to these hearings, citizens had the possibility of filling out a questionnaire on the National Assembly's website. This consultation gave several stakeholders the opportunity to come forward and discuss the proposed policy directions regarding Québec's immigration planning for the 2017-2019 period.

Moreover, two committees held public hearings within the framework of an order of initiative. The Committee on Public Finance (CPF) continued the order of initiative it had undertaken earlier this year on the tax havens phenomenon. The Committee on Labour and the Economy (CLE), for its part, chose to examine the process that led to the sale of Investissement Québec's shares in RONA and will hold hearings on this matter during the fall.

Lastly, the Committee on the National Assembly (CNA) met in mid-September to hear the Commission de la représentation électorale (CRE) on its preliminary report proposing the boundaries of Québec's electoral divisions. In this report, submitted to the National Assembly in pursuance of the *Election Act*, the CRE proposes a new electoral map whose electoral division boundaries must be revised after every two general elections. During the proceedings, 44 MNAs were given the opportunity to communicate and discuss their concerns with the CRE's chair and commissioners.

Clause-by-clause consideration of bills

Five committees examined bills during the months of August and September. The CLE and the CPF continued the consideration of bills that had begun in spring. The CLE members continued discussions on certain sections of Bill 70, *An Act to allow a better match between training and jobs and to facilitate labour market entry*, while the CPF members examined Bill 87, *An Act to facilitate the disclosure of wrongdoings within public bodies*. It should be noted that the purpose of Bill 87, in addition to facilitating this type of disclosure, is to establish a protection regime against reprisals. As of September 30, 2016, the CPF had held nine sittings to consider the bill, during which 29 amendments were tabled and four were adopted.

The CPP kept very busy with the clause-by-clause consideration of Bill 110, *An Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector*, which began on

September 27. The Committee on Transportation and the Environment (CTE) held two sittings to examine Bill 104, which increases the number of zero-emission motor vehicles in Québec.

Composition of committees

On August 24, 2016, **Agnès Maltais**, Member for Taschereau, was elected vice-chair of the Committee on Institutions (CI), which position had been left vacant by **Nicolas Marceau**, Member for Rousseau, when he was named Official Opposition House Leader.

Other activities

From August 21 to 24, the chair and one of the two vice-chairs of the Committee on Public Administration (CPA) took part in the Annual Conference of the Canadian Council of Public Accounts Committees in Yellowknife, Northwest Territories. **Carole Poirier**, Member for Hochelaga-Maisonneuve, and **Jean-Denis Girard**, Member for Trois-Rivières, had the opportunity to meet with their counterparts from the other Canadian committees as well as with the auditors general to discuss topics of mutual interest pertaining to administrative management and accountability.

Sylvia Ford
Parliamentary Proceedings Directorate
Sittings Service

Stéphanie Pinault-Reid
Parliamentary Proceedings Directorate
Committees Service

British Columbia

The brief summer sitting of the fifth session of the 40th Parliament opened on July 25, 2016, and adjourned on July 28, 2016, with the passage of two government bills. On October 2, 2016, the government announced that there would not be a fall legislative sitting, and, as such, the Legislative Assembly is not expected to resume until February 14, 2017.

Parliamentary Committees

During the summer and early fall, a number of the Legislative Assembly's parliamentary committees were active with inquiries and statutory officer appointment processes.

The Select Standing Committee on Finance and Government Services launched its annual budget consultation process as required by the *Budget Transparency and Accountability Act*. The Committee held public hearings in 13 communities across the province, hearing a total of 236 oral presentations. The Committee also received 137 written submissions and 332 responses to an online survey on budget issues. The Committee must release its report by November 15, 2016.

The Select Standing Committee on Children and Youth commenced a statutory review of the *Representative for Children and Youth Act*, as required by section 30 of that Act. In this regard, on October 24, the Committee received an initial submission from the Representative on the provisions of the Act.

The Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills met to consider the referral and consideration of the Estimates by Committee of Supply, and whether parliamentary committees should be established for the duration of a Parliament (under existing procedures, Select Standing Committees are established on a sessional basis). The Committee is required to make its recommendations on these matters to the Legislative Assembly by October 31, 2016.

Two special committees charged with recommending statutory officers had busy work programs. The Special Committee to Appoint an Information and Privacy Commissioner continued deliberations, and the Special Committee to Appoint a Representative for Children and Youth was unable to reach a consensus from the applications received during its initial recruitment process. It extended its search with a new deadline for additional applications of September 23, 2016.

Royal Visit

On September 24, 2016, Their Royal Highnesses, **The Duke and Duchess of Cambridge**, arrived in

Victoria for the start of an eight day visit to western Canada. Their official welcoming to Canada was held at the Legislative Assembly in a ceremony which included Prime Minister **Justin Trudeau**, Governor General **David Johnston**, Lieutenant Governor of British Columbia **Judith Guichon** and Premier **Christy Clark**. Speaker **Linda Reid** and members and staff of the Legislative Assembly were also in attendance. While in the parliamentary precinct, Their Royal Highnesses presented the first wreath on a renovated cenotaph where a new plaque had been installed to commemorate the Afghanistan missions. The Canadian flag was raised for the first time on a new flagpole to mark the occasion of the royal visit.

On September 26, 2016, His Royal Highness, the Duke of Cambridge placed a Ring of Reconciliation on the Black Rod at a ceremony at Government House with First Nations leaders, the Governor General, the Lieutenant Governor, and the Premier. The Black Rod was created in 2012 to celebrate the Diamond Jubilee of Her Majesty **Queen Elizabeth II**, with three silver rings inscribed with the motto of the Order of the Garter, the national motto of Canada, and the provincial motto of British Columbia. The new fourth ring, the Ring of Reconciliation, symbolizes a step toward the reconciliation of all cultures in British Columbia, and is inscribed with a motto in the Halq'eméylem language, *Lets'e Mot*, which means "one mind." Two eagle feathers separate the words from an etching of the canoe Shxwtitostel. The canoe was a gift from former Lieutenant Governor Steven Point to the people of British Columbia.

At a reception following the ceremony, 24 Grade 4 and 5 students from École Cobble Hill Elementary School performed the song "C'est Mon Canada". The children composed the piece and won their age category in the Lieutenant Governor's Sing Me A Song contest earlier in 2016.

Women and the Vote

On October 3, 2016, Speaker Reid hosted a special celebration during Women's History Month to mark the 100th anniversary of some women receiving the right to vote in British Columbia. A ceremony and exhibit launched in the rotunda of the Parliament Buildings included poetry readings, remarks by Members of the Legislature, a former Senator, and a former Member of Parliament, as well as a theatrical presentation of the first woman elected to the Legislative Assembly. This was followed by a panel discussion in the Legislative Chamber moderated by Equal Voice, a non-

government, non-profit organization which promotes the participation of women in the political process.

8th Annual Commonwealth Youth Parliament

The Legislative Assembly is hosting the 8th Annual Commonwealth Youth Parliament from November 6 to 10, 2016. Designated youth parliamentarians aged 18 to 29 from across the Commonwealth will have opportunities to learn about the work of parliamentarians, the legislative process, parliamentary procedure, and media relations in a parliamentary environment. More information about the youth parliament is available on the Legislative Assembly's website at: www.leg.bc.ca/cyp8

Helen Morrison
Committee Research Analyst

New Brunswick

Climate Change

The Select Committee on Climate Change, an all-party committee of the Legislative Assembly chaired by MLA **Andrew Harvey**, was appointed by the House on April 8, 2016. The Committee was charged with conducting public consultations on the issue of climate change and reporting to the House with recommendations.

In June, the Committee issued an invitation to all New Brunswickers to participate in public hearings and submit written briefs. During August and September, public hearings took place throughout the province including First Nations communities. The Committee heard from over 150 presenters and received over 40 written submissions from interested

New Brunswickers. The Committee also received briefings from notable experts and government departments.

The Committee released its final report on October 24. Based on the Committee's public engagement efforts and subsequent deliberations, the Committee made 85 recommendations under six themes: Responding to Climate Change: General Principles; Government Leadership; Economic Opportunities; Adaptation: Responding to the Impacts and Risks of Climate Change; Mitigation: Transitioning to a Low-Carbon Economy; and Funding for Climate Change Initiatives.

Leader of the Official Opposition

On October 22, the Progressive Conservative Party of New Brunswick held its leadership convention. MLA **Blaine Higgs** won the leadership against six other candidates in a three-ballot race. Higgs was first elected in the general election of 2010 and served as Minister of Finance. He was re-elected in 2014 as the Member for Quispamsis. Higgs will replace MLA **Bruce Fitch** as the Leader of the Official Opposition; Fitch has served in this capacity since the 2014 general election.

Committees

The Standing Committee on Public Accounts, chaired by MLA **Trevor Holder**, met with representatives of the CCAF-FCVI Inc. in September. The CCAF held a workshop with members of the Committee; subjects included performance audits, oversight, follow-up and effective questioning.

In October, the Standing Committee on Crown Corporations, chaired by MLA **Bertrand LeBlanc**, met with representatives from various Crown corporations, and the Standing Committee on Public Accounts reviewed certain government departments during full day sessions. On October 28, both Committees met with Auditor General **Kim MacPherson** for the release of the *Report of the Auditor General of New Brunswick 2016, Volume II - Joint Audit of Atlantic Lottery Corporation*.

Childhood Cancer Awareness Month

In September, the Legislative Assembly building was illuminated in gold, in recognition of childhood cancer awareness month. This coincided with Speaker **Chris Collins** participating in the Sears National Kids Cancer Ride, a charity cycling event crossing Canada

to raise awareness and funds for childhood cancer.

Building Restoration and Upgrades

The ongoing restoration of the Legislative Assembly building continued in the fall with the last phase of the sprinkler system upgrades. Work is also underway on the Assembly complex grounds with the installation of a security perimeter, consisting of over 120 steel-over-concrete bollards, spaced approximately a metre and a half apart.

Opening of Session and Standings

The third session of the 58th Legislative Assembly is scheduled to open on November 2. The current House standings are 26 Liberal Members; 22 Progressive Conservative Members; and one Green Party Member.

John-Patrick McCleave
Committee Clerk
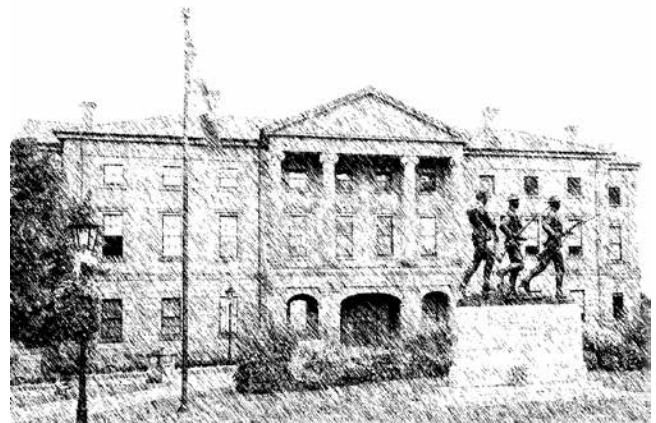
Prince Edward Island

Second Session, Sixty-fifth General Assembly

The second session of the Sixty-fifth General Assembly adjourned to the call of the Speaker on May 13, 2016. It is set to resume on November 15, 2016.

Committees of the Legislative Assembly

The various standing committees of the Legislative Assembly met multiple times to conduct their business during the late summer and early fall. The Standing Committee on Agriculture and Fisheries examined

recent federal changes to the minimum lobster carapace size in Lobster Fishing Area 25, and to the total allowable catch of Atlantic halibut. The Standing Committee on Communities, Land and Environment examined emergency preparedness in PEI, Engage PEI, and watershed management. The Standing Committee on Education and Economic Development examined the provision of high-speed Internet services in PEI, the impact of the 2016 reduction in service of the Wood Islands, PE – Caribou, NS ferry, and several matters related to education. The Standing Committee on Health and Wellness examined the use of drugs in the province and supports for grandparents as primary caregivers. The Standing Committee on Infrastructure and Energy examined the bioscience industry, active transportation, and the Cornwall Bypass Capital Project. The Standing Committee on Public Accounts examined the Atlantic Procurement Agreement, the 2016 *Report of the Auditor General*, and a special report of the Auditor General on the government's involvement with an e-gaming initiative and financial services platform.

Audio Recording of Committee Meetings Published

As of September 1, 2016, audio recordings of committee proceedings held in public are published on the Assembly website. This change was the result of a recommendation by the Standing Committee on Rules, Regulations, Private Bills and Privileges in its second report of the second session, Sixty-fifth General Assembly. A written transcript of committee proceedings continues to be produced.

Plebiscite on Electoral Reform

PEI's plebiscite on electoral reform will take place from October 29 to November 7, 2016. Voters will have the opportunity to indicate their preferences from among five voting systems via a preferential ballot. The voting systems are Dual Member Proportional; First Past the Post (the current system); First Past the Post Plus Leaders; Mixed Member Proportional; and Preferential Voting. Plebiscite voting will be possible in-person, online or by telephone, and will be open to Islanders 16 years or older as of November 7, 2016. Upon recommendation of the Special Committee on Democratic Renewal, Elections PEI has carried out an education campaign on the plebiscite throughout the summer and early fall. See www.yourchoicepei.ca for further information.

By-election in District 21: Summerside - Wilmot

Following the August 1 resignation of Liberal MLA **Janice Sherry**, a by-election in District 21: Summerside-Wilmot, was held on October 17, 2016. By-election candidates were **Scott Gaudet** (New Democratic Party), **Lynne Lund** (Green Party), **Chris Palmer** (Liberal Party) and **Brian Ramsay** (Progressive Conservative Party). Unofficial results gave Mr. Palmer the win, with 978 of 2,311 votes cast (42.3 per cent).

Ryan Reddin

Clerk Assistant – Research, Committees and Visitor Services

House of Commons

The Second Session of the 41st Parliament continued as the House reconvened on September 19, 2016, having adjourned for the summer on June 17, 2016. The information below covers the period from August 1 to November 3, 2016.

Financial Procedures

On November 1, 2016, **Bill Morneau** (Minister of Finance) tabled the Fall Economic Statement in the House of Commons. Mr. Morneau delivered an address to Members which outlined the government's economic outlook for the country. Mr. Morneau also tabled a Notice of a Ways and Means motion to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures (Ways and Means No. 9) on October 21, 2016. This motion was concurred in on October 25, 2016, following a recorded division, and Bill C-29, *A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures*, was subsequently introduced and read a first time.

Procedure, Points of Order and Questions of Privilege

Procedure

On October 6, 2016, the House proceeded to debate the Standing Orders and procedure of the House and its committees. Pursuant to Standing Order 51(1), the House is required to review its Standing Orders between the sixtieth and ninetieth sittings days of the first session of a new Parliament. Members discussed a range of possible amendments to the Standing Orders, including modifying the timing of votes, the House of Commons calendar and sitting schedule, and reforms to procedures relating to Question Period and to committees, among other matters. The proceedings expired at the end of Government Orders and the matter was deemed to have been permanently referred to the Standing Committee on Procedure and House Affairs.

Points of Order and Questions of Privilege

On September 19, 2016, **Dan Albas** (Central Okanagan—Similkameen —Nicola) rose on a question of privilege regarding the Government's response to a written question (Question No. 152), which sought information regarding the use of rented limousines by Ministers on official business. In their answers, the Ministers of Health and of Natural Resources stated that they did not use rented limousines in their travel. Mr. Albas asserted that these responses were at oddswith information that surfaced in the media, and that as a result, the Ministers had mislead the House and the omission of details constituted a contempt of Parliament. The Speaker delivered his ruling on September 27, 2016, affirming that this was not a *prima facie* case of privilege. The Speaker made mention of the Chair's limited role in judging the accuracy of the responses provided by Ministers to the House. He also explained that in determining whether the House had been misled, the Chair was restricted to considering evidence of which the House formally had possession. However, the Speaker also reiterated the importance of written questions to the parliamentary system and the importance of providing accurate, complete and transparent answers to enable Members to fulfill their obligations as legislators and representatives.

On October 18, 2016, the Speaker ruled on the question of privilege raised on June 6, 2016 by **Elizabeth May** (Saanich—Gulf Islands) regarding the rights of members from unrecognized parties to propose amendments to bills at report stage. Ms. May had contended that Members of unrecognized parties could no longer submit motions to amend bills at report stage due to the adoption of identical motions in all House committees requiring independent Members to submit their amendments during clause-by-clause consideration of bills in committee, a situation which was impractical and negatively impacting her rights in the House. The Speaker ruled that he could not find that a *prima facie* question of privilege existed in this case. He explained that the current process does not diminish nor remove the right of Members of non-recognized parties to amend legislation. Instead, the Speaker asserted that this right has been safeguarded by providing Members with a mechanism to participate in committee proceedings.

Committees

As part of its mandate to identify and conduct a study of viable alternate voting systems, the Special Committee on Electoral Reform continued its consultations. During September and October, the Committee undertook a series of cross-country visits to consult Canadians, holding 17 meetings in various locations across the country. The Committee is now preparing its report for the House in advance of the December 1, 2016 deadline.

Other Matters

On September 28, 2016, following recorded divisions, the Speaker addressed the Chamber to note the presence of strangers on the floor of the House, immediately before the first vote. He reminded Members to make it clear to their staff that they cannot set foot on the floor of the Chamber when the House is sitting.

Committees of the Whole

On November 2, 2016, after Question Period, the House resolved itself into a Committee of the Whole in order to welcome to the Chamber Olympic and Paralympic athletes who competed at the 2016 Summer Olympic Games in Rio de Janeiro. The Speaker made welcoming remarks and congratulated the athletes on behalf of all Members.

Members

Effective August 26, 2016, former Prime Minister **Stephen Harper** (Calgary Heritage) resigned as a Member of Parliament.

On September 19, 2016, the Deputy Speaker informed the House that a vacancy had occurred for the electoral district of Ottawa—Vanier, by reason of the death of

Mauril Bélanger (Ottawa—Vanier) who passed away on August 16, 2016, after a battle with amyotrophic lateral sclerosis. Immediately after Oral Questions on September 21, 2016, the House paid tribute to Mr. Bélanger. **Justin Trudeau** (Prime Minister), **Rona Ambrose** (Leader of the Official Opposition), **Tom Mulcair** (Leader of the New Democratic Party) and a Member from the Bloc Québécois, **Rhéal Fortin** (Rivière-du-Nord), made statements in tribute to M. Bélanger. The Speaker then invited Members to observe a moment of silence in his honour.

Over the past few months, all three recognized parties in the House of Commons named new House Leaders. In August, **Bardish Chagger** (Leader of the Government in the House of Commons and Minister of Small Business and Tourism) was appointed as the new House Leader for the Government, replacing **Dominic LeBlanc** (Minister of Fisheries, Oceans and the Canadian Coast Guard). In September, **Candice Bergen** (House Leader of the Official Opposition) assumed the role for the Conservative Party, replacing **Andrew Scheer** (Regina—Qu'Appelle). In October, **Murray Rankin** (Victoria) was named the new House Leader of the New Democratic Party, replacing **Peter Julian** (New Westminster—Burnaby). All three newly appointed House Leaders were also made members of the Board of Internal Economy.

Effective September 23, 2016, **Jason Kenney** (Calgary Midnapore) resigned as a Member of Parliament to run for the leadership of the Progressive Conservative party of Alberta.

Statements

On October 3, 2016, on the occasion of Women's History Month, **Patty Hajdu** (Minister of Status of Women,) made a statement in the House. **Marilyn Gladu** (Sarnia—Lambton) and **Sheila Malcolmson** (Nanaimo—Ladysmith) also made statements. Unanimous consent was granted for **Monique Pauzé** (Repentigny), a Member from an unrecognized party, the Bloc Québécois, to comment on the Minister's remarks.

Moments of Silence

On October 17, 2016, the House observed a moment of silence in honour of Jim Prentice, a former Member of Parliament and Minister who passed away on October 13, 2016.

Marisa Monnin
Table Research Branch

Manitoba

The first session of the 41st Legislature resumed on October 3, 2016. The House will sit until November 10, when this session will conclude in accordance to the Sessional agreement passed on June 21, 2016. The House debated a number of government bills during the fall sitting, including:

Bill 2 – The Legislative Assembly Amendment Act, which requires a by-election to be conducted within 180 days after a vacancy occurs in the representation of an electoral division, amending the current *Act* which requires the by-election to be held within one year;

Bill 7 – The Labour Relations Amendment Act, which makes a vote by secret ballot mandatory before a union can be certified as the bargaining agent for a group of employees;

Bill 9 – The Election Financing Amendment Act (Repeal of Annual Allowance), removing the annual allowance for registered political parties from *The Election Financing Act*;

Bill 10 – The Balanced Budget, Fiscal Management and Taxpayer Accountability Repeal and Consequential Amendments Act, which repeals *The Balanced Budget, Fiscal Management and Taxpayer Accountability Act*;

Bill 15 - The Sexual Violence Awareness and Prevention Act (Advanced Education Administration Act and Private Vocational Institutions Act Amended), requiring that policies that raise awareness of sexual violence and address prevention and reporting be adopted and implemented by higher education institutions.

Standing Committees

Intersessionally, the Standing Committee on Public Accounts met three times to consider several reports from the Auditor General and Follow-up of Previously Issued Recommendations on a variety of issues such as: education, educational outcomes for Aboriginal students, Provincial Nominee Program, waiving of competitive bids, and management of provincial bridges.

In addition, the Standing Committee on Crown Corporations met on several occasions to consider reports from various crown corporations including: the Workers Compensation Board of Manitoba, Manitoba Public Insurance Corporation, Manitoba Liquor & Lotteries, and Manitoba Hydro. Furthermore, the Standing Committees on Legislative Affairs and the Standing Committee on Social and Economic Development held several meetings to hear public presentations and conduct clause-by-clause consideration of Bills.

Finally, the Legislative Affairs committee also met to start the process for hiring a new Children's Advocate. For this purpose, the committee agreed to strike a sub-committee to manage the hiring process.

Renovations in the Chamber

In the spring submission to Legislative Reports, it was noted that the first stage of renovations in the Chamber to enhance accessibility had taken place. The first step in this multi-phase plan involved raising six desks in the third row to allow an MLA using an accessibility mobility device to be able to maneuver directly to a desk without having the impediment of uneven floor level. The next phase took place during summer months, when the remaining desks in the third row were all raised to the same level as the entrance into the Chamber. Electrical and Hansard wiring to the desks had to be disconnected and the desks were moved out of the Chamber to permit construction of the new structural floor. Construction continued until very close to the commencement of the current sitting of the House when the desks were reinstalled on the newly raised floor. After the desks were reinstalled, the electrical and Hansard wiring had to be reconnected, and Hansard also needed to test the system to make sure it would be operational and not fail during the daily sittings.

Opposition Day Motion

On October 18, 2015 **Tom Lindsey**, the newly elected Member for Flin Flon, moved an Opposition Day Motion urging "That the Legislative Assembly of Manitoba condemn the Provincial Government's attack on worker's rights and reaffirm the current right to unionize using the well-established certification process." Previously to the coming into force on April 16, 2016 of the new rules adopted last year, the Speaker was to interrupt debate on an Opposition Day motion at 4:30 p.m. to put the question. The current rules instead require the House to not adjourn until all Members wishing to speak to the motion have done so. Following a debate that saw the participation of 26 Members, the motion was defeated on a vote of yeas 16, nays 35 and the House adjourned shortly past 6 :00 p.m.

Current Party Standings

The current party standings in the Manitoba Legislature are: Progressive Conservatives 40, NDP 14, with three Independent members.

Andrea Signorelli
Clerk Assistant/Clerk of Committees

Ontario

Prorogation

Two years after the start of its 41st Parliament, the Ontario Legislature prorogued on September 8, 2016, and resumed its second session four days later on September 12. Lieutenant Governor **Elizabeth Dowdeswell**, delivered the Speech from the Throne to open the session.

Members

A by-election was held on September 1 to fill a vacancy in the riding of Scarborough-Rouge River. Previously held by the former Liberal MPP, **Bas Balkissoon**, who resigned his seat on March 22, 2016, the seat was won by Progressive Conservative candidate **Raymond Cho**, a former Toronto City Councillor.

During the summer adjournment, former Progressive Conservative leader **Tim Hudak** announced that he was resigning as MPP for Niagara West-Glanbrook on September 16. Hudak's 21-year tenure at Queen's Park saw him in a variety of roles such as backbencher, Cabinet Minister, committee chair, and Party Leader. He has since become the Chief Executive Officer of the Ontario Real Estate Association.

Clerk's Retirement

After 37 years, **Deborah Deller**, Clerk of the Assembly, said goodbye to the Ontario Legislature on October 31. Ms. Deller began her career at the Assembly as a tour guide, developing a love for parliamentary procedure that propelled her journey to becoming Clerk of the Assembly in 2007.

Condolences

During this period, the House expressed its condolences on the passing of the following former Members:

- **Charles Murray Tatham**, Member for Oxford, September 10, 1987 to September 5, 1990.
- **Cynthia Maria Nicholas**, Member for Scarborough Centre, September 10, 1987 to September 5, 1990.

Committee Activities

The day after the Throne Speech, the House passed a motion to set out the business of certain Committees:

- The Standing Committee on Estimates was authorized to resume consideration of the 2016-2017 Expenditure Estimates at the same stage of progress as at prorogation of the 1st Session of the 41st Parliament. The Committee continues to meet to review the Estimates of the selected ministries and offices.
- The Standing Committee on Social Policy was authorized to conduct a study on the legislative and regulatory barriers and burdens facing service clubs in Ontario.

- The Standing Committee on the Legislative Assembly was charged with considering Bill 64, *An Act to amend the Ministry of Training, Colleges and Universities Act and the Employment Standards Act, 2000,* which was reinstated on the Orders and Notices paper at the same stage of progress as at prorogation. Bill 64 is a Private Members' Public Bill that was introduced in the 1st Session by **Peggy Sattler**, MPP for London West. The bill seeks to establish the advisory council on work-integrated learning, to advise the minister on work-integrated opportunities in the province. Ms. Sattler describes the bill's purpose as "to expand high-quality work-integrated learning programs for post-secondary students and end the proliferation of exploitative, unpaid internships." The Committee held public hearings on the bill.

Members of the Standing Committee on Public Accounts attended the Annual Conference of the Canadian Council of Public Accounts Committees (CCPAC) in Yellowknife, Northwest Territories in August. The Committee also tabled its report on Healthy Schools Strategy (Section 4.03, 2015 Annual Report of the Office of the Auditor General of Ontario) on October 17.

The Standing Committee on Justice Policy considered Bill 13, *An Act in respect of the cost of electricity.* The bill authorizes financial assistance for certain Ontario electricity consumers in respect of electricity costs. The bill received one day of public hearings and one day of clause-by-clause consideration, and was reported back to the House on October 18 without amendment.

The Standing Committee on Regulations and Private Bills met for a general orientation from Legislative Counsel, Legislative Research Service and the Committee Clerk for the benefit of many new members to the Committee. The Committee began consideration of its Draft Report on Regulations made in the second half of 2015. The Committee opted to invite officials from the Ministry of Transportation to attend a future meeting in order for Members to ask questions about one regulation under consideration.

Conference

On October 13 and 14, Ontario welcomed 39 Parliamentary Clerks from across the country to attend the Canadian Parliamentary Committee Clerks Conference in Toronto. The program included nine business sessions in which clerks discussed topics of mutual interest and exchanged ideas for professional development.

Chamber Ceiling

This past summer, a restoration project revealed Gustav Hahn's artwork in the Chamber ceiling that has been covered for over a century. The project initially only involved the installation of safety railings in the public galleries, but a drooping panel in the ceiling led to the discovery of the original artwork which is still in good condition. When the legislative building opened 1893, the Chamber ceiling was painted with maple leaf frescoes and friezes of allegorical figures representing virtues such as justice, wisdom, power, and art. In 1912, due to Members having difficulty hearing each other, the ceiling was covered with horse hair (to absorb sound), canvas and white paint. Major restorations in the 1990s uncovered sections of the painted allegorical figures, and the recent project uncovered four panels of maple leaves around the grate at the centre of the ceiling.

Valerie Quioc Lim
Committee Clerk
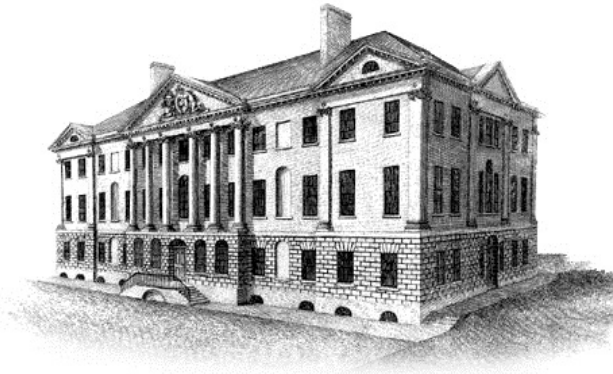
Nova Scotia

Harassment Policy

The House of Assembly adopted the Nova Scotia House of Assembly Policy on the Prevention and Resolution of Harassment in the Workplace effective May 20, 2016.

On September 28, 2015 the Committee on Assembly Matters established a three-member all-party working group with the mandate to prepare a draft policy addressing harassment in the workplace for the committee's consideration. The draft policy prepared by the working group focussed on the following:

- specifying the category of persons to whom the policy applies, namely, all elected Members, permanent and contract staff who are remunerated from the Legislative Services budget and contract staff who work at the House of Assembly but are paid under other budgets such as security and cleaning staff and volunteers retained by MLAs to work in their constituency offices;

- presenting a broad definition of harassment to include any behaviour that a person knew or ought reasonably to have known would cause offence or harm, including sexual and non-sexual harassment on a one-time or on a recurrent basis;

- identifying the workplace as anywhere the business of the House of Assembly takes place including MLA offices, parliamentary travel and House of Assembly social functions;

- specifically excluding the application of the policy to debates and proceedings in the House or before its committees;

- setting out a detailed resolution process with particular focus, whenever possible, to early and informal complaint resolution;

- stating that the complaint resolution process is to be complainant driven;

- setting out the nature of possible sanctions including termination of employment for employees and the bringing of a matter involving an MLA before the House of Assembly with the House voting on the specific sanction to be imposed; and

- requiring educational and ongoing orientation/ training relating to the policy.

The Committee on Assembly Matters adopted the policy on May 18, 2016. On that same day the policy was tabled in the House by the Speaker and the Government House Leader moved a resolution in the House that provided for the House to adopt the policy if legislative amendments to the *House of Assembly Act* authorizing the making of the policy were passed and providing for the effective date of the policy to be the date the amending bill received royal assent. The resolution was passed unanimously by the House.

The Government House Leader then on the same day introduced Bill 187 amending the *House of Assembly Act*. The following day, May 19, 2016 with the unanimous consent of the House, the bill received second reading, the requirement to refer the Bill to the Law Amendments Committee and then to the Committee of the Whole House on Bills was waived and the bill immediately received third reading. The bill received royal assent on May 20, 2016 - the effective date of the policy.

The policy is posted on the Nova Scotia Legislature's website.

On October 13, 2016 the 2nd Session of the 62nd General Assembly prorogued and the 3rd Session commenced with the Speech from the Throne.

Lisa Roberts was elected in the by-election for Halifax Needham held on August 30, 2016 and took her seat on October 13 as an NDP MLA replacing the Honourable Maureen MacDonald.

To date this sitting, 49 bills have been introduced – five government bills, 43 Opposition Private Members' Bills and one Private Bill.

The topic of labour unrest with province-wide public school teachers dominated Question Period at the time of writing as 96 per cent of the Nova Scotia Teachers Union membership voted in favour of strike action on October 25, 2016.

Annette M. Boucher
Assistant Clerk

Senate

Legislation

Since our last report, many bills have received second reading and been referred to committee. Bill C-2, *An Act to amend the Income Tax Act*, was read a second time and referred to the Standing Senate Committee on National Finance. Bills S-202, *An Act to amend the Divorce Act (shared parenting plans)*, and S-215, *An Act to amend the Criminal Code (sentencing for violent offences against Aboriginal women)*, were both sent to the Standing Senate Committee on Legal and Constitutional Affairs Committee for study. Bill S-213, *An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate)*, was sent to the Special Senate

Committee on Senate Modernization, while S-219, *An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations*, went to the Standing Senate Committee on Foreign Affairs and International Trade.

The Senate also passed three Senate Public Bills during this period. Bills S-217, *An Act to amend the Criminal Code (detention in custody)*, S-211, *An Act respecting National Sickle Cell Awareness Day*, and S-205, *An Act to amend the Canada Border Services Agency Act (Inspector General of the Canada Border Services Agency) and to make consequential amendments to other Acts*, were read a third time and are awaiting consideration in the House of Commons. Both Bills S-217 and S-205 were amended in committee.

Committees

Senate committees were very active during this quarter.

The Special Senate Committee on Senate Modernization presented a series of 10 reports covering a wide range of specific subjects: committees, the representation of regional interest, the broadcasting of Senate proceedings, the speakership of the Senate, the treatment of omnibus bills, the Order Paper, Question Period, caucuses, and the mandate of the institution. The reports contain numerous recommendations regarding how the Senate could move forward and modernize its practices to accommodate a less partisan approach to doing business in the Senate. The reports, if adopted, would result in the Rules Committee and the Internal Economy Committee being charged to develop the specific changes to the *Rules of the Senate* and the *Senate Administrative Rules* necessary to implement the special committee's proposals. The reports are under consideration in the Senate Chamber.

Several committees took advantage of the summer adjournment period to conduct fact-finding missions or hold public hearings in locations across the country. The Standing Senate Committee on Energy, the Environment and Natural Resources undertook a five-day fact-finding mission to British Columbia, Alberta and Saskatchewan to discuss how Canada can transition to a low-carbon economy. The committee made stops in Vancouver, Kitimat and Prince George, British Columbia; Calgary, Alberta; and Estevan, Saskatchewan. The Standing Senate Committee on Transport and Communications held meetings in Quebec, New Brunswick and Nova Scotia as part of its study on the transport of crude oil in Canada. The committee also visited Edmonton and Calgary, Alberta; and Vancouver, British Columbia.

The Standing Senate Committee on Legal and Constitutional Affairs is studying the issue of court delays in criminal justice proceedings. The committee visited Vancouver, British Columbia; Calgary, Alberta; and Saskatoon, Saskatchewan. It also heard witnesses in Montreal, Québec. Notably, the committee heard from a number of sitting judges – something that is quite rare. The members of the Standing Senate Committee on Official Languages undertook fact-finding work and held a series of public hearings in British Columbia during this quarter. The committee is examining access to French education in the province, and hopes to make recommendations on best practices and to address key challenges relating to the issue. Finally, the Standing Senate Committee on Fisheries and Oceans made its way to Nova Scotia, Prince Edward Island and New Brunswick in the context of its study of marine search and rescue activities.

Other committees travelled abroad. The Standing Senate Committee on Foreign Affairs and International Trade conducted a fact-finding mission to Buenos Aires as part of its ongoing study on recent developments in Argentina and their implications for Canadian policy and regional dynamics, while the Standing Senate Committee on National Security and Defence was in New York for high-level meetings with senior military advisors, diplomats and experts on the state of peacekeeping missions as part of their study on issues related to the Defence Policy Review undertaken by the government.

Senators

This period saw two senators take their leave from the Senate. **Michel Rivard** retired from the Senate on August 7, 2016. He was appointed to the Senate on the advice of Prime Minister **Stephen Harper** in January 2009 after a career as a businessman and a Quebec MNA. **Janice Johnson** resigned from the Senate on September 27, the 26th anniversary of her appointment to the Senate by Prime Minister **Brian Mulroney**. Senator Johnson was known for her work on issues related to arts and culture, the environment and women's issues.

A Restored Black Rod

To commemorate the sesquicentennial of Canada, gifted artisans attached to the Royal Household undertook the restoration of the Senate's Black Rod.

Speaker of the Senate **George Furey** participated in a ceremony at Windsor Castle in October where

Her Majesty **the Queen** presented the restored Black Rod to **Greg Peters**, the Usher of the Black Rod, who accepted it on behalf of the Senate. It had been blessed by the Dean of St. George's Chapel, the Right Reverend **David Conner**, at a dedication service the preceding afternoon.

This restoration underscores the strong personal attachment of the Queen to Canada and the importance of the Crown in our parliamentary system.

Céline Ethier
Procedural Clerk
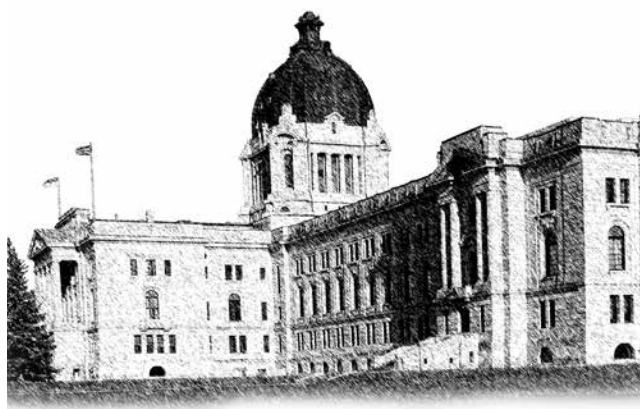
Saskatchewan

Independent Member

Don McMorris, member for Indian Head-Milestone, resigned from cabinet and from the Saskatchewan Party caucus on August 8, 2016. As a result of the resignation, the composition of the Assembly has changed to 50 Saskatchewan Party members, 10 New Democratic Party members, and one independent member.

Cabinet Shuffle

On August 23, 2016, Premier **Brad Wall** reorganized his cabinet to include 17 cabinet posts, one less than the previous cabinet. **Don Morgan**, Minister of Education and Minister of Labour, was appointed as Deputy Premier.

Four newly elected MLAs were appointed to cabinet:

- **Tina Beaudry-Mellor** became Minister of Social Services and Minister Responsible for the Status of Women;
- **Bronwyn Eyre** became Minister of Advanced Education;
- **Joe Hargrave** became Minister Responsible for Crown Investments Corporation, Minister Responsible for Saskatchewan Government Insurance, and Minister Responsible for Saskatchewan Transportation Company; and
- **Dave Marit** became Minister of Highways and Infrastructure.

Six MLAs switched portfolios:

- **Dustin Duncan** became Minister of Energy and Resources, Minister Responsible for SaskTel, and Minister Responsible for SaskEnergy;
- **Donna Harpauer** became the Minister of Government Relations and Minister of First Nations, Métis and Northern Affairs;
- **Jeremy Harrison** became Minister of Economy, Minister Responsible for Global Transportation Hub and Minister Responsible for Saskatchewan Liquor and Gaming Authority;
- **Scott Moe** became Minister of Environment, Minister Responsible for Saskatchewan Water Corporation, and Minister Responsible for Saskatchewan Water Security Agency;
- **Christine Tell** became Minister of Central Services and Minister Responsible for SaskGaming Corporation and Minister Responsible for the Provincial Capital Commission; and
- **Jim Reiter** became the Minister of Health.

Four other cabinet ministers retained their current portfolios:

- **Kevin Doherty**, Minister of Finance;
- **Lyle Stewart**, Minister of Agriculture;
- **Greg Ottenbreit**, Minister Rural and Remote Health; and
- **Gordon Wyant**, Minister of Justice, Minister of Corrections and Policing, Minister Responsible for SaskBuilds, and Minister Responsible for SaskPower.

Ken Cheveldayoff was appointed as Minister of Parks, Culture and Sport and Minister Responsible for the Public Service Commission. **Nadine Wilson** remained in the role of Provincial Secretary and Legislative Secretary to the Premier. Eight additional legislative secretaries were appointed:

- **Mark Docherty** as Legislative Secretary to the Premier (Immigration and Culture);
- **Jennifer Campeau** as Legislative Secretary to the Minister of Education (First Nations Student Achievement);
- **Lisa Lambert** as Legislative Secretary to the Minister of Education (Curriculum Development and Consultation);
- **Lori Carr** as Legislative Secretary to the Minister Responsible for SaskPower (Renewable and Sustainable Energy);
- **Fred Bradshaw** as Legislative Secretary to the Minister of Environment (Forestry and Wildfire Management);
- **Hugh Nerlien** as Legislative Secretary to the Minister Responsible for the Public Service Commission (Public Sector Bargaining);
- **Steven Bonk** as Legislative Secretary to the Minister of the Economy (Export Development); and
- **Warren Kaeding** as Legislative Secretary to the Minister of Agriculture (Irrigation Expansion).

Paul Merriman was appointed as Government House Leader, and **Greg Lawrence** was appointed as Government Whip.

Changes to Board of Internal Economy

On August 23, 2016, **Dustin Duncan**, **Paul Merriman**, and **Laura Ross** replaced **Ken Cheveldayoff**, **James Reiter**, and **Randy Weekes** on the Board of Internal Economy.

Changes to Committee Membership

Changes to the composition of standing committees were made on August 31 and October 19, 2016. On October 19, **Dan D'Autremont** was elected as Chair of the Standing Committee on Human Services.

Standing Committee on Human Services

The Standing Committee on Human Services conducted an inquiry respecting improving the rate of organ and tissue donation in Saskatchewan. Hearings were held on September 6, 7, 12, and 13 in Regina and Saskatoon. The committee will report its recommendations back to the Assembly by November 30, 2016.

First Session of the Twenty-Eighth Legislature

The first session of the twenty-eighth legislature

resumed on October 19, 2016 with 28 government bills awaiting resumption of their second reading debates. The fall session is expected to focus primarily on the government's legislative agenda.

Due to the provincial election on April 4, 2016 a sessional order was adopted on May 18 to divide the first session into three sitting periods. The first sitting period was adjourned on June 30. The fall sitting will conclude on November 30. The third sessional period will convene on March 6, 2017 and conclude 29 sitting days after the budget motion for the 2017-18 fiscal year is moved.

Carbon Tax

On October 24 and 25, 2016, the Assembly debated a government motion regarding the federal government's imposition of a national carbon tax. While the opposition and government both opposed the imposition of the tax, they could not agree on provincial measures related to emissions. At the conclusion of debate, members adopted a motion to transmit a copy of the motion and the verbatim proceedings of the debate to the Prime Minister and all federal opposition leaders.

The Workers' Compensation Amendment Act, 2016

Due to input, co-operation, and universal support across party lines, the Assembly passed Bill No. 39, *The Workers' Compensation Amendment Act, 2016* through all stages on October 25, 2016. In his second reading speech the Minister of Labour Relations and Workplace Safety, explained that the amendment would allow for workers suffering from psychological injuries caused by traumatic events in their workplace to be eligible for workers' compensation. Since Bill No. 601, *The Workers' Compensation Amendment Act, 2016* contained similar provisions, **Danielle Charier**, opposition member for Saskatoon Riversdale, withdrew her private member's bill immediately following the passage of Bill No. 39.

New Advocate for Children and Youth

On October 27, 2016, the Legislative Assembly of Saskatchewan adopted a motion to appoint **Corey O'Soup** as the new Saskatchewan Advocate for Children and Youth.

Anne Drake
Committee Clerk/Coordinator
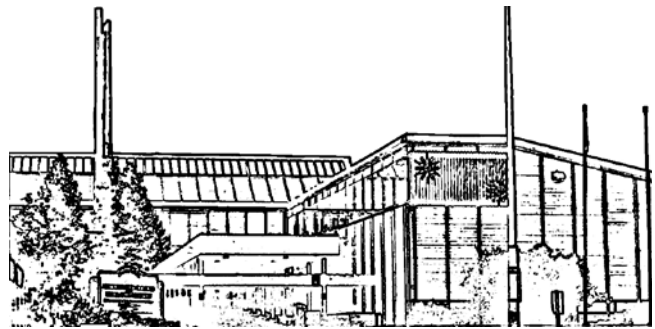
Yukon

General election

The 33rd Legislative Assembly was dissolved by Order of Commissioner **Doug Phillips** on October 7. On November 7, a general election was held to elect the 19 members who would comprise the territory's 34th Legislative Assembly. The Yukon Liberal Party won a majority government, with **Mr. Sandy Silver**, the member for Klondike and the lone Liberal member going into the election, emerging at the helm of an 11-member caucus.

The Yukon Party, which had been in power for three successive terms over 14 years, and which had 11 members at the time the election was called, returned six MLAs, becoming the new Official Opposition. While the Yukon Party gained a seat in Porter Creek Centre with the election of former Commissioner **Geraldine Van Bibber**, Premier **Darrell Pasloski** lost his seat in the riding of Mountainview. Mr. Pasloski stepped down as party leader and **Stacey Hassard** is now interim leader of the Yukon Party.

The New Democratic Party, which had entered the election with six members, retained two seats, including leader **Liz Hanson**'s seat in Whitehorse Centre.

There were two ridings that each featured two incumbent members on the ballot: Copperbelt South, and Whitehorse Centre. In Copperbelt South, Yukon Party Minister **Scott Kent** won the seat that had been held by NDP member **Lois Moorcroft** (who had herself been a Minister in a previous NDP government). In Whitehorse Centre, Yukon Party Minister **Doug Graham** was on the ballot in the riding held by Ms. Hanson (as noted, Ms. Hanson retained her seat).

The new Legislative Assembly features eight returning members and 11 new MLAs. In total, seven women were elected; one more than in the previous Legislative Assembly, and the highest number ever in a Yukon general election. Female MLAs now comprise 36.8 per cent of the House.

Recounts were held in the two ridings in which the plurality was less than ten votes: Mountainview, and Vuntut Gwitchin. In both cases the election night result was confirmed by the recount. Each riding was won by seven votes. The successful candidates, by electoral district, follow (new MLAs are indicated with an asterisk):

- Copperbelt North – **Ted Adel*** (Liberal)
- Copperbelt South – **Scott Kent** (Yukon Party)
- Klondike – **Sandy Silver** (Liberal)
- Kluane – **Wade Istchenko** (Yukon Party)
- Lake Laberge – **Brad Cathers** (Yukon Party)
- Mayo-Tatchun – **Don Hutton*** (Liberal)
- Mount Lorne-Southern Lakes – **John Streicker*** (Liberal)
- Mountainview – **Jeanie Dendys*** (Liberal)
- Pelly-Nisutlin – **Stacey Hassard** (Yukon Party)

- Porter Creek Centre – **Paolo Gallina*** (Liberal)
- Porter Creek North – **Geraldine Van Bibber*** (Yukon Party)
- Porter Creek South – **Ranj Pillai*** (Liberal)
- Riverdale North – **Nils Clarke*** (Liberal)
- Riverdale South – **Tracy McPhee*** (Liberal)
- Takhini-Kopper King – **Kate White** (NDP)
- Vuntut Gwitchin – **Pauline Frost*** (Liberal)
- Watson Lake – **Patti McLeod** (Yukon Party)
- Whitehorse Centre – **Liz Hanson** (NDP)
- Whitehorse West – **Richard Mostyn*** (Liberal)

The day after the election, the *Whitehorse Star* pegged voter turnout across the territory at 79.8 per cent.
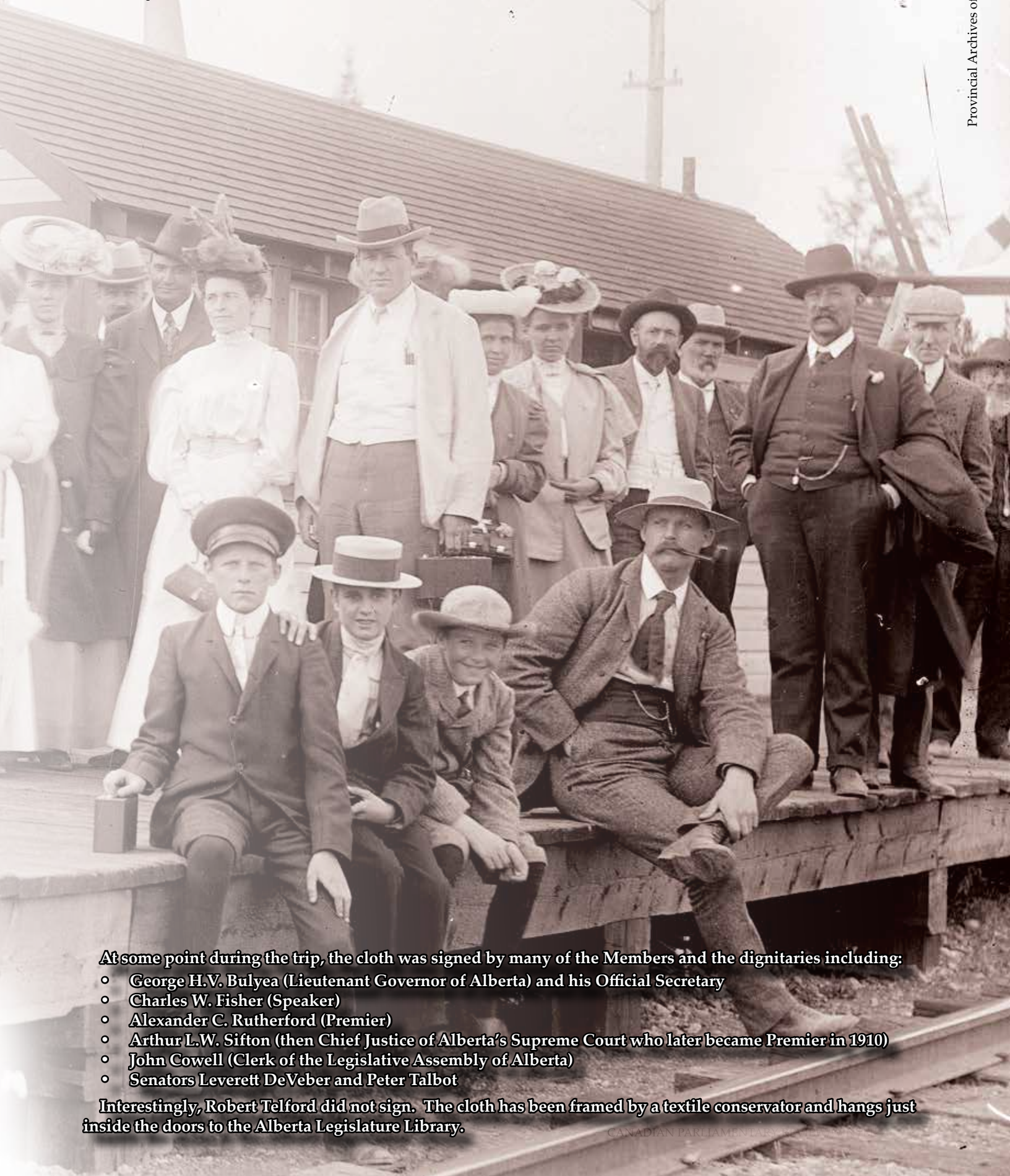
Royal Visit

On September 27 and 28, the **Duke and Duchess of Cambridge** visited Yukon, during which time Their Royal Highnesses attended a number of events in Whitehorse as well as in the town of Carcross.

Linda Kolody
Deputy Clerk

Railway Travel, Tea Stains and Legislative History

A strange piece of material from an historic trip through central and southern Alberta by members of the province's first legislature, staff and others has found its way back to the legislature more than 100 years after it was produced – antique tea stains still intact.

Valerie Footz

In December 2011, Phyllis Telford arrived in the Alberta Legislature Library with a curious object to donate. She carefully unfolded a piece of cloth covered in signatures and explained that it was handed down in the family from her grandfather, Robert Telford. Robert Telford was elected in Alberta's first general election in 1905 and served as the Member for Leduc until the end of the Second Legislature in 1913. Unclear what it was, but certain it held some value, Phyllis Telford donated it to the Legislature Library.

Research by Library staff revealed that the cloth is signed by the Lieutenant Governor, Members of the Legislative Assembly of Alberta and family members, Senators, journalists, Assembly staff, and Canadian Pacific Railway staff. This cloth appears to be a napkin or part of a table cloth complete with tea stains.

After holding its First Sitting of the First Legislature from March 15, 1906 to May 9, 1906, the new legislators embarked on an extensive railway tour of the central and southern Alberta. As reported in the *Lethbridge Herald* on August 16, 1906, Lieutenant Governor George H.V. Bulyea stated the purpose of the trip was "to supply members of the Legislature who had to do with the government of the province, with personal knowledge of this part of the province."

From August 7 to 11, most of Alberta's 25 elected Members and other distinguished guests rolled through 78 locales and made 18 stops adhering to an exacting itinerary. The trip concluded back in Calgary with Minister of Public Works William H. Cushing remarking "I think the trip should have ended in Banff instead of starting there. We would then have had a chance to recuperate."

Valerie Footz is the legislature librarian at the Legislative Assembly of Alberta.

Participants on the tour of central and southern Alberta included most of Alberta's 25 elected Members and other distinguished guests. Here some of the members of the tour pose during one of the 18 stops.

At some point during the trip, the cloth was signed by many of the Members and the dignitaries including:
- George H.V. Bulyea (Lieutenant Governor of Alberta) and his Official Secretary
- Charles W. Fisher (Speaker)
- Alexander C. Rutherford (Premier)
- Arthur L.W. Sifton (then Chief Justice of Alberta's Supreme Court who later became Premier in 1910)
- John Cowell (Clerk of the Legislative Assembly of Alberta)
- Senators Leverett DeVeber and Peter Talbot

Interestingly, Robert Telford did not sign. The cloth has been framed by a textile conservator and hangs just inside the doors to the Alberta Legislature Library.

CANADIAN PARLIAMENT