

# New and Notable Titles

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

Alford, Ryan Patrick. "Two cheers for a Cabinet Manual (and a note of caution)." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1): 41-60, March / mars 2017.

This article discusses the advantages and disadvantages of two approaches to the descriptive codification of Canada's constitutional conventions in a Cabinet Manual. The proponents of a Manual point to its utility, while its detractors highlight the dangers inherent in the executive's role in the Manual's production and amendment process. The article evaluates the likelihood of these benefits and hazards by assessing recent scholarship assessing the Cabinet Manuals of New Zealand and the United Kingdom.

Azzi, Stephen. "Political time in a Westminster democracy: the Canadian case." *American Review of Canadian Studies* 1-16, April 2017.

The multiparty system has meant that Canadians often end up with prime ministers who are out of synch with the dominant ideas of their age. This study highlights the cautious and incremental nature of Canadian politics: prime ministers are seldom as dramatic or radical as their American counterparts.

Bowden, James W.J. "When the bell tolls for Parliament: Dissolution by efflux of time." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1) : 129-44, March / mars 2017.

This article outlines the legal process through which parliaments are dissolved and summoned and general elections are called in both Canada and the United Kingdom, explores how a dissolution by efflux of time would be promulgated in Canada, and describe how fixed-date election laws in Canada and the *Fixed-Term Parliaments Act, 2011* of the United Kingdom affect the Crown's authority over dissolution.

Daly, Paul. "Royal treatment - The Crown's special status in administrative law." *Review of Constitutional Studies - Revue d'études constitutionnelles* 22 (1): 81-102, 2017.

The author's focus in this paper is on the treatment of the Crown by the courts, especially Canadian courts, in judicial review of administrative action. In three areas of administrative law, the Crown has been accorded a special status, distinct from that of statutory bodies: administrative powers, justiciability, and remedies.

Desserud, Don. "The Senate residency requirement and the constitution - "He shall be resident in the province"." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1) : 61-98, March / mars 2017.

A link was made between senators' eligibility to claim expenses for travel with their constitutional right to sit in the Senate. If they were ineligible to claim expenses for travel from their provinces to Ottawa, on the grounds that their primary residence was Ottawa, would not this also mean that they were not residents of the province they represented and so constitutionally ineligible to sit in the Senate?

Feldman, Charlie. "Design of the past decade: Private members' bills in the votability era." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1) : 99-127, March / mars 2017.

Private members' business in the Canadian House of Commons has evolved in procedure and practice since Confederation. Its current incarnation is rooted in reforms considered and provisionally adopted in the early 2000s that were made permanent in 2005 through changes to the Standing Orders. With a decade of experience under the current regime, what observations might be drawn about private members' business practice at present?

Hazell, Robert. "Is the [UK] *Fixed-term Parliaments Act* a dead letter?" *The Constitution Unit Blog*, 3p., April 25, 2017.

The ease with which Theresa May was able to secure an early dissolution last week has led to suggestions that the *Fixed-term Parliaments Act 2011* serves no useful purpose and should be scrapped. Drawing on wider evidence of how fixed-term parliaments legislation works in other countries, the author argues that there is a danger that it is being judged prematurely, on the basis of a single episode. Future circumstances in which a Prime Minister seeks a dissolution may be different, and in these cases the *Fixed-term Parliaments Act* may serve as more of a constraint.

Lagasse, Philippe. "Parliament and the war prerogative in the United Kingdom and Canada: Explaining variations in institutional change and legislative control." *Parliamentary Affairs* 70 (2): 280-300, April 2017.

The British and Canadian Parliaments have no legal control over military deployment decisions. Recently, however, governments in both countries have held votes in the House of Commons on expeditionary missions involving combat. In the United Kingdom, this has led to a convention of legislative control of the executive's prerogative to deploy the armed forces. In Canada, the votes have benefited and enabled the executive, rather than strengthening legislative control.

Lovenduski, Joni. "The *Good Parliament* and other reports." *The Political Quarterly*, 1-5, 2017.

The *Good Parliament* is the most recent and substantial of a series of investigations into diversity in the Westminster parliament.

Walker, Charles (Chair). "Sitting hours of the [UK] House: response to a survey of Members." House of Commons Procedure Committee - Sixth Report of Session 2016-17 - Report, together with formal minutes relating to the report HC 1144: 38p., published on 2 May 2017.

The Committee sets out the outcome of a survey of the views of Members on the sitting hours of

the House conducted in June and July 2016. The survey found that a majority of Members support current sitting hours for each regular sitting Monday-Thursday, and that there is no obvious consensus on any alternative programme. However the report urges further considerations as to whether Friday sittings should continue to be held under the current system, expressing disappointment that the Government has not yet supported reform of the private Members' bill procedures.

Wright, Tony. "How to make public accounts exciting [book review]." *The Political Quarterly* 1-2, 2017.

Positive review of, *Called to Account: How Corporate Bad Behaviour and Government Waste Combine to Cost Us Millions*, by Margaret Hodge. Little, Brown. 390 pp.

Lemieux, Frédéric. "Chronique d'histoire parlementaire : un outil sur mesure pour les chercheurs autonomes." *Bulletin d'histoire politique* 25 (2) : 252-7, Winter 2017.

It is always interesting to learn about the National Assembly's recent achievements in parliamentary research. However, this particular column takes a break from presenting new discoveries and goes back to the basics, giving an overview of an essential tool called *Documents politiques et parlementaires du Québec*.

St-Hillaire, Maxime. « Privilège parlementaire : une jurisprudence à récrire. » *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (1) : March / mars 2017.

[Translation] ...the institution of parliamentary privilege that Canadian law inherited from the United Kingdom developed, in the capital, in a framework where the concept of supreme law and supra-legislative law was foreign. Historically, it served to protect parliamentarians from the monarch before the convention of responsible government—which did not come together to establish the parliamentary system until shortly after 1832—and at a time when the courts were not as independent of the executive as they are today...

