

Canadian
Parliamentary
review

Volume 41, No. 1

***Political Family Tree:
Kinship in Canada's Parliament***

Know Your Mace

The current Mace of the Nova Scotia House of Assembly has been in use since it was gifted to the House on March 5, 1930 by Chief Justice Robert Edward Harris, the fourteenth Chief Justice of the Province and his wife. It is silver gilt, measuring four feet in height and weighs approximately 18 pounds. The four sides of the Mace depict the Royal Crown, the Armorial Achievement of Nova Scotia, the present (before Confederation) Great Seal of the Province, and the Speaker in his robes of office. Also found on the Mace is the floral emblem of Nova Scotia, the mayflower and the Scottish thistle. The Mace was manufactured in England by Elkington and Company, Limited.

The Chief Justice and Mrs. Harris wanted to remain anonymous donors of the Mace, but the Premier, in agreeing to this, requested that someday a suitable inscription be made on the Mace. Thus, in his will the Chief Justice directed his executors to have the Mace engraved with the following inscription and to pay the cost for the engraving out of his estate: "This mace was presented to the House of Assembly of the Province of Nova Scotia by the Hon. Robert E. Harris, Chief Justice of Nova Scotia, and Mrs. Harris, March 1930". The Chief Justice passed away on May 30, 1931.

Annette M. Boucher
Assistant Clerk



The *Canadian Parliamentary Review* was founded in 1978 to inform Canadian legislators about activities of the federal, provincial and territorial branches of the Canadian Region of the Commonwealth Parliamentary Association and to promote the study of and interest in Canadian parliamentary institutions. Contributions from legislators, former members, staff and all other persons interested in the objectives of the Review are welcome.

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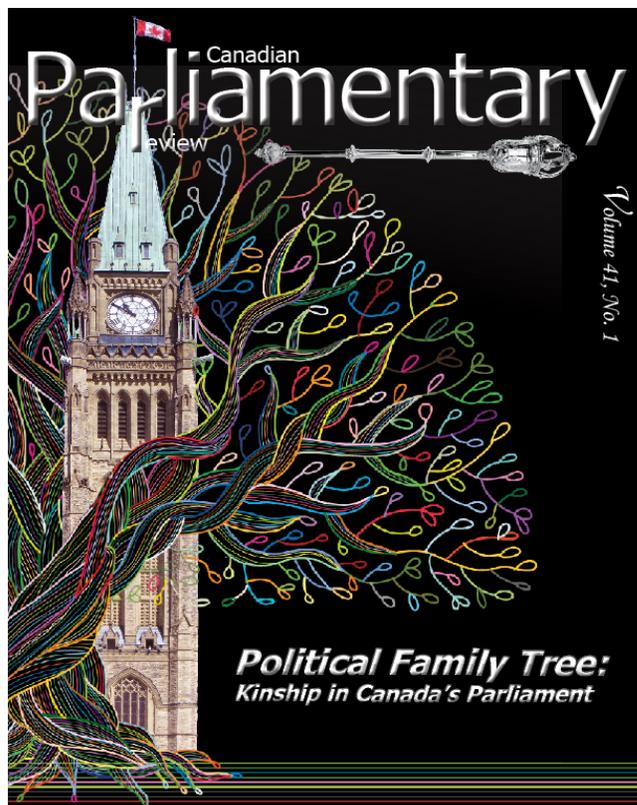
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Commonwealth Parliamentarians With Disabilities Conference
Hon. Kevin S. Murphy, MLA2

Democratic Reform on the Menu in Newfoundland and Labrador
Alex Marland and Lisa Moore.....5

Canadian Universities: Emerging Hubs for International Parliamentary Research and Training
Rick Stapenhurst and Phoebe Zamanuel8

Parliamentary Privilege? Kinship in Canada's Parliament
Matthew Godwin15

Canadian Study of Parliament Seminar: Regulating Lobbying in Canada
Will Stos23

CPA Activities28

Parliamentary Bookshelf: Reviews31

New and Notable Titles33

Legislative Reports35

Remembering our founding editor: A tribute to Gary Levy
Gary William O'Brien.....64

Commonwealth Parliamentarians With Disabilities Conference

A founding organizational conference for a proposed Commonwealth Parliamentarians with Disabilities was held in Halifax from August 30 to September 2, 2017. Following this successful gathering of 24 delegates, a proposal to establish this group under the Commonwealth Parliamentary Association was accepted by the CPA's executive committee for further review and discussion at the association's upcoming meeting in Mauritius.

Hon. Kevin S. Murphy, MLA

For a democracy to adequately represent and serve its people, it stands to reason that the elected officials within that democracy would need to be as diverse in background as the people they serve. When done correctly, this allows for the wide range of experiences and expertise found within a community to have a place at the table where policy is made, leading to the development of policy that better reflects the needs of the community. Through my experiences as a person with a disability, both as a private citizen and as an elected official, I have witnessed firsthand how a diverse government can have a significant impact not only on what policy is put forward, but on the procedures and practises of government itself, leading it to become more inclusive.

The path forward for improving the representation and services for persons with disabilities is through their greater participation in our parliaments. It was with this goal in mind that I sought to organize the first conference for Commonwealth Parliamentarians with Disabilities (CPwD).

Held in Halifax, Nova Scotia from August 30 to September 2, 2017, the conference served as an opportunity for persons with disabilities to share our experiences from across the different parliaments of the Commonwealth, establishing our common challenges and sharing what practises our members have found to be successful. Additionally, we



Hon. Kevin Murphy

Kevin Murphy is the Speaker of the Nova Scotia Assembly and MLA for Eastern Shore.



Delegates at the organizational conference for the proposed Commonwealth Parliamentarians with Disabilities group join host Speaker Kevin Murphy (front centre).

discussed a proposal submitted by the Nova Scotia Branch to the Commonwealth Parliamentarians Associations (CPA) governing bodies to establish a network of parliamentarians with disabilities within the CPA organization. The goal is to create a framework through which the kinds of discussions that took place at this conference could continue, furthering the goal of greater participation of persons with disabilities.

As a member of the CPA International Executive Committee, Jackson Lafferty, Speaker of the Legislative Assembly of the Northwest Territories, asked the delegates three questions to contemplate over the course of the conference.

- What can you do as an individual Member of Parliament to advance the understanding and involvement of persons with disabilities in democratic institutions?

- What should Parliaments be doing to encourage persons with disabilities to take part in parliamentary democracy?
- What can international organizations such as the Commonwealth Parliamentarian Association do to encourage Parliaments to be more inclusive of persons with disabilities?

The most valuable asset we have to offer as individuals is our own experience in becoming elected or appointed to positions within public office. Through the course of the conference, there were many different perspectives expressed as to what the challenges were for getting persons with disabilities to run for elected office.

Though not a uniform experience, a common issue shared amongst delegates was whether political parties were willing to run them as candidates. Every

country's political parties have their own traditions and culture when it comes to finding and supporting candidates to seeking office, but in many cases, there is an expectation of grunt work that is required by the party brass. In my own experience, being a person who uses a wheelchair, I spent many years volunteering my time to propose and help draft policy resolutions through my riding association, as opposed to the more traditional task of canvassing and door-knocking. In this way I was both able to demonstrate my strengths as an individual and meet those sometimes-unspoken requirements that might have been held by the party brass. However, such opportunities do not always exist within the structure of a party and it falls to us members who have succeeded to seek out, mentor and support the young, capable, driven persons with disabilities living in our communities. It also falls on us to do our part to change the thinking of "party elders" who may still hold outdated views, depriving our political organizations of talented individuals without even necessarily realizing it.

The second point raised speaks to the need for our institutions, and the very buildings that they occupy to be made inclusive and accommodating for persons with disabilities. From our discussions, it would be fair to say that this is a challenge across the board for the member branches of the CPA. Many of our parliamentary buildings are old – in some cases hundreds of years old – filled with history and traditions that began at a time when accessibility was not in the forefront of the architect's mind.

As I can attest, my own jurisdiction's legislature is nearly 200 years old and in no way, was there any form of accessible entrance ways or lifts included in its original design. It was the election of a former member of our house, Jerry Lawrence, in 1978, that led to the installation of an elevator in our building. It was an important first step to making the legislature inclusive.

Upon my own election in 2013, and my subsequent election as the Speaker of the Nova Scotia House of Assembly, renovations were made within the chamber to allow me to serve just as ably as anyone else in my position. Despite some initial concerns, these changes were made in a way that was respectful to the design of the legislature floor. Though it may initially seem costly, such renovations demonstrate leadership to the public when it comes to enabling persons with disabilities. This leadership not only

creates more inclusive public facilities, but further highlights the significant contributions that persons with disabilities make in our society when given an equal opportunity to participate.

The final question for our consideration was perhaps the most important question of the conference. What can organizations, such as the CPA, do to encourage parliaments to be more inclusive of persons with disabilities? The answer would appear to lie in the great work that has previously been undertaken by the Commonwealth Women Parliamentarians (CWP).

Since 1989, the CWP has been a force for positive change in improving the representation of women in parliaments across the commonwealth. With the support of the governing CPA bodies, the CWP's organizational framework could serve as a template for the proposed Commonwealth Parliamentarians with Disabilities (CPwD). It could operate in a similar fashion, providing better outreach, promotion and research for increasing the representation of persons with disabilities in our parliaments.

To conclude the conference, our delegation put forward a formal list of recommendations for the CPA Branch membership to consider at the 63rd annual Commonwealth Parliamentary Conference in Dhaka, Bangladesh. I was pleased to learn that upon review of these recommendations, the Executive Committee agreed that the CPA should move forward in establishing the proposed CPwD. The recommendations will be circulated to the CPA membership, and a report will be completed by the CPA's Secretariat on the associated costs required to implement the proposals. The report and further discussion are expected to be presented at the CPA's mid-year meeting being held in Mauritius in 2018.

As one delegate, Stephanie Cadieux, of British Columbia stated: "When we're in public service and when we're in positions of leadership, I think we have an obligation to do better. If we're going to insist that employers make their workplaces accessible and follow inclusive hiring practices then we need to be leading by example."

I would like to thank all those who took part in developing and bringing forward this proposal thus far, and for their ongoing support and contributions as we develop this vision for a more inclusive Commonwealth.

Democratic Reform on the Menu in Newfoundland and Labrador

What should democratic reform look like in the province of Newfoundland and Labrador? In advance of the provincial government's plan to strike an all-party committee to study this question, two Memorial University professors used a public engagement grant to create a first-of-its kind, independent grassroots initiative in hopes of supporting this committee's work. The *Democracy Cookbook* explores many options for better democratic governance in a way that is accessible to the public and in a manner that promotes greater public awareness of the committee's mandate. In this article, the authors inform readers about how this initiative was designed, why it may be an effective model for other small jurisdictions, and some of what people will find in the open-source publication that resulted.

Alex Marland and Lisa Moore

Conversations about democratic reform are stirring in Newfoundland and Labrador. In 2015, the provincial Liberal Party's election platform made the following commitment:

A New Liberal Government will form an all-party committee on democratic reform. This committee will consult extensively with the public to gather perspectives on democracy in Newfoundland and Labrador and make recommendations for ways to improve. The committee will consider a number of options to improve democracy, such as: changing or broadening methods of voting to increase participation in elections, reforming campaign finance laws to cover leadership contests, and requiring provincial parties to report their finances on a bi-annual basis.¹

Similar language appeared in the ministerial mandate letter issued by Premier Dwight Ball to government House leader Andrew Parsons in December 2015 and again in December 2017. During the Spring 2018 session,² the government intends to strike an all-party committee on democratic reform.

To kick-start the committee, we recently led an innovative, independent grassroots initiative called *The Democracy Cookbook*. The project represents a collective effort to sort out what changes to institutions, processes and rules can turn Newfoundland and Labrador from a democratic laggard into a democratic leader. To our knowledge, it is the first grassroots initiative of its kind and the first to support a parliamentary committee of this nature.

The systemic problems that characterize politics in Newfoundland and Labrador have been well-documented in *Canadian Parliamentary Review*.³ The province is currently mired in a financial slump that is dominating public discourse. Politicians need assistance to figure out what to change and the conviction to do something about it. But resources are not available to support the sort of democratic reform undertakings that have occurred in larger provinces such as British Columbia, Ontario and Quebec. So, what if a number of citizens came together to suggest solutions?

Memorial University awarded us a public engagement grant to find out. The result is an innovative community-oriented book called *The Democracy Cookbook: Recipes to Renew Governance in Newfoundland and Labrador*, recently published by ISER Books. The book is available free as Open Access or for purchase as a low-cost paperback. Yet, it is so much more than a book: the very act of inviting people to write generated awareness of the government's promise to look into democratic reform.

Alex Marland is a professor of political science. Lisa Moore is a creative writer and an associate professor of English. They work at Memorial University of Newfoundland.

The 89 authors of *The Democracy Cookbook* could fill two Houses of Assembly as well as a couple of legislative committees. They are academics and students from all around Memorial University of Newfoundland – they come from backgrounds in political science, English, sociology, economics, gender studies, history, anthropology, archaeology, classics, French, German, philosophy, business, education, engineering, music, and many others. Contributors were also drawn from the broader community, including journalists, activists, creative writers, former politicians and some restaurateurs. To demonstrate wide support for such an undertaking, a past leader of each provincial party signed the foreword. Former Progressive Conservative Premier Kathy Dunderdale, former Liberal Premier Roger Grimes and former New Democratic Party leader Jack Harris all immediately recognized the need for the project. John Crosbie, the former federal minister, is among other supporters who make an appearance on the back cover with an endorsement.

The Democracy Cookbook features dozens and dozens of succinct opinion pieces about how to improve democratic governance in the province. Authors came up with creative solutions that make better use of existing resources.

The book, including its title, cover and writing style, was designed to be accessible and attractive to people who may not otherwise pay much attention to politics. There is an overview chapter about how government works. There are poems. There are politically-themed food recipes. Each chapter begins with a short mini-abstract in the form of a tweet so that readers can move through the book quickly. Author bios are accompanied by their photos.

The St. John's-based *Telegram* was a key project partner. The newspaper ran daily full-page extracts in print and online, week after week throughout Fall 2017. A prominent banner appeared on its homepage. Months later site visitors are still greeted by a book icon. The newspaper and ISER Books shared the excerpts on social media including Twitter posts made to #nlpoli and grouped under #DemocraticReformNL. We gave talks around Memorial University, in St. John's and Corner Brook.

Connecting with parliamentarians and Assembly staff was a particularly important part of the process. We delivered briefings about the project to the Speaker's Office and to all three political party caucuses, including political staff. We coordinated

a photo exhibit in the foyer of the Confederation Building, just outside the entrance to the legislative precinct, which is a high traffic area for politicians and public servants. The photos featured information about the project and archival images from around Newfoundland and Labrador. Staff at the House of Assembly took photos of the exhibit which, along with the archival photos, were published in the book. In a further effort to promote civic education, there is a full page of information about the House of Assembly website as an information resource, prepared by Assembly staff.

We held two launches, both designed to get people engaged. In November 2017, we celebrated the release of the paperback version. In a packed room at the university, a CBC radio personality moderated conversations with contributors before the main event got underway. Government House leader Andrew Parsons, leader of the official opposition Paul Davis, interim leader of the third party Lorraine Michael and independent Member of the House of Assembly Paul Lane all participated in a Q&A session about democratic reform that was covered by local news outlets.

Then in January, we celebrated the release of the Open Access version, designed to connect with people who do not live near a bookstore or who might not have the financial capacity to buy the print version. This time the celebration was entirely digital. ISER Books rolled out six short online videos of authors talking about their contributions. We sent emails to federal, provincial and municipal politicians to ask them to spread the word to their constituents and subsequently generated social media chatter. Instructors in political science and geography adopted the book for their courses.

So, what is in *The Democracy Cookbook*, exactly? It is organized into 11 sections, dealing with themes such as the province's political culture, municipal politics, leadership, communication, engagement, scrutiny, finances and operations of the legislature. Among the many chapters:

- "Conflicts of dependence and independence in the press gallery," by journalist Michael Connors;
- "Motivating voter turnout," by economist Nahid Masoudi of Memorial University;
- "Youth vote," by Juno Award winning songwriter Amelia Curran;
- "Electing women to the House of Assembly," by Nancy Peckford and Raylene Lang-Dion of Equal Voice;

- “Democratizing the legislative branch,” by political scientist Paul Thomas of Carleton University; and
- “Creating spaces for Indigenous Labradorians in provincial governance,” by University of Toronto PhD student Erin Aylward and Elizabeth Zarpa of Inuit Tapiriit Kanatami.

And it wouldn’t be a cookbook without some actual recipes. The food section has playfully titled creations such as “filibuster fried cod” and “by-election bakeapple dessert,” authored by restaurateurs and former politicians from all three main parties.

The appendix transparently outlines the processes to create the book, and makes mention of a number of challenges we encountered. For example, extra effort was needed to ensure that many women participated, ultimately achieving a goal of gender balance among authors. And, some submissions from community contributors were rejected because the writing style was not salvageable. It is our hope that others can learn from the experience.

What should democratic reform look like in Newfoundland and Labrador? The book concludes that the provincial government should explore creating a *Public Consultation Act*. The province’s Independent Appointments Commission should appoint a current or former judge to lead a small group of researchers to conduct a democratic audit. The rules governing political parties, campaigning and political finance need to be refreshed. The all-party committee should identify guiding principles that will steer proposed changes to democratic governance. Above all, the process of looking into democratic reform should not be hijacked by conversations about electoral reform, which is much narrower and has proven problematic elsewhere in Canada.

In our view, this distinctive made-in-Newfoundland approach should be on the menu anywhere that people want to engage the public in conversations about democratic governance. It is a particularly inspiring model for Canada’s smaller provinces and territories.

Notes

- 1 Liberal Party of Newfoundland and Labrador, *A Stronger Tomorrow: Our Five Point Plan* (2015). https://www.poltext.org/sites/poltext.org/files/plateformes/liberal_party_of_newfoundland_and_labrador_2015.pdf
- 2 See: <http://www.thetelegram.com/news/democratic-reform-on-menu-in-newfoundland-163888/>



Public exhibit, Confederation Building foyer, St. John’s (top); examples of full-page treatment in *The Telegram* newspaper (bottom).

- 3 Neil Penney, “The parliamentary tradition in Newfoundland,” *Canadian Parliamentary Review* 4:2 (Summer 1981), pp. 11-16; Alex Marland, “Scandal and reform in the Newfoundland and Labrador House of Assembly,” *Canadian Parliamentary Review* 30:4 (Winter 2007), pp. 25-29; Elizabeth Marshall, “The audit committee of the Newfoundland and Labrador House of Assembly,” *Canadian Parliamentary Review* 32:1 (Spring 2009), pp. 2-5; Alex Marland, “The Newfoundland and Labrador House of Assembly,” *Canadian Parliamentary Review* 34:3 (Autumn 2011), pp. 13-24.

Canadian Universities: Emerging Hubs for International Parliamentary Research and Training

Canadian universities have recently emerged as important centres in applied parliamentary research and training, joining universities in Australia, the United Kingdom and elsewhere. This article reviews the growth of these research and training programs at three institutions – McGill University, Université Laval and the University of Ottawa – over the past five years. It also points to possible future areas of work, which will allow parliaments elsewhere to learn from Canada’s experience, and vice versa.

Rick Stapenhurst and Phoebe Zamanuel

It has long been recognized that, as Lord Philip Norton wrote some 25 years ago, parliaments *matter*.¹ Research has established that effective parliaments enhance democracy,² increase government accountability and reduce corruption,³ encourage peace and development⁴ and thus more generally promote good governance and socio-economic development.⁵

Over the past half-decade or so, Canadian universities have begun to emerge as global players in applied parliamentary research and training, joining universities in Australia, the United Kingdom and elsewhere; see Table 1. Two universities in Quebec – McGill University and Université Laval – and one in Ontario – the University of Ottawa – have recently facilitated global knowledge exchanges and ‘communities of practice,’ undertaken rigorous research on parliamentary oversight around the world and have developed cutting-edge professional development programs for both Members of Parliament and parliamentary staff. In all these endeavours, the universities have developed strategic alliances, both

among themselves, with global organizations (such as the World Bank, the Commonwealth Parliamentary Association (CPA)), with universities outside of Canada (principally, the University of Westminster and the University of East Anglia, in the United Kingdom) and with national organizations (such as the Canadian Audit and Accountability Foundation and the African Centre for Parliamentary Affairs). A cross-cutting theme of both the research and training is the exchange of experience and lessons learned in Canada with other countries, and vice versa. Parliaments in other countries are learning about Canada’s practices while Canadian legislators and staff are able to appreciate practices in other countries and consider their applicability here. (This is not to diminish the significance of specialized programs elsewhere; the universities of Athabasca and Tasmania, for example, offer specialized programs on legislative drafting; the University of Witwatersrand offers a Commonwealth-wide course for newly elected MPs from around the Commonwealth and the University of Hull offers degree programs in parliamentary studies. Rather, we wish to highlight the integration of more general training for MPs and staff with applied research programs and the development of global parliamentary networks at McGill University, Université Laval and the University of Ottawa). This article reviews the growth of these types of research and training programs over the past five years, and points to possible future areas of work, which – it is hoped – will enhance parliamentary democracy in Canada and abroad.

Rick Stapenhurst is a parliamentary advisor/consultant at the World Bank. He has a dual appointment as assistant professor at McGill University’s School of Continuing Studies and as an associate professor in political science at Université Laval. Phoebe Zamanuel is Student Affairs Coordinator (Graduate Funding) at McGill University.

**Table 1:
Principal International University Parliamentary Programs**

		Degree Programs ¹	Prof. Dev. Program	Customized Workshops	Research ²	Note
Australian National University	Australia			Y	Y	Centre for Democratic Institutions; appears to be inactive.
Deakin University	Australia			?	?	Annual international PAC workshop discontinued
La Trobe University	Australia			Y	?	Annual international PAC workshop discontinued
Monash University	Australia			?	Y	Longstanding internship program with Victoria Legislature
University of Tasmania	Australia	Y		?	?	Specialized Course in Parliamentary Law, Practice & Procedure
Athabasca University	Canada		Y		?	Specialized Certificate in Legislative Drafting
Carleton University	Canada			Y	?	Internship program with Parliament of Canada; orientation program Canadian MPs
Université Laval	Canada		Y	Y	Y	PD Program for parliamentary staff; research in collaboration with McGill and University of Westminster
McGill University	Canada		Y	Y	Y	PD Programs for parliamentary staff and for MPs, in collaboration with CPA; research in collaboration with McGill and University of Westminster
University of the Witwatersrand	South Africa	?	Y	Y	Y	PD program for MPs, in collaboration with CPA
State University of New York	United States			Y	?	Centre for International Development; funding principally from USAID
University of East Anglia	United Kingdom				Y	Parliamentary research in collaboration with McGill
University of Edinburgh	United Kingdom			Y	Y	Proposed collaboration with McGill
University of Hull	United Kingdom	Y		Y	Y	BA and MA in parliamentary studies
University College - London	United Kingdom				Y	Constitution Unit
University of Westminster	United Kingdom				Y	Parliamentary research in collaboration with McGill and Laval universities

¹ University degrees in Parliamentary studies; excludes degrees in broader fields such as Politics or Public Policy

² Publicly-funded research, in applied parliamentary studies

Source: internet search (December 10-12, 2017)

Professional Development Programs - Parliamentary Staff

Over the period 2008-10, the World Bank, the Commonwealth Parliamentary Association and l'association des secrétaires généraux des parlements francophone (ASGPF) undertook a comprehensive needs assessment for parliamentary staff for countries in developing and developed countries alike. They found that there was a patchwork of basic training courses, offered by developed country parliaments to their own staff (although Canada and Australia, in particular, offered places in these courses to staff from developing countries, too) and by various non-governmental organizations to parliamentary staff in developing countries. Around the same time, Joachim Wehner⁶ completed an assessment of organizations

working globally to strengthen parliaments for the UK's Department for International Development. As Table 2 demonstrates, the number of such organizations was rather small, and mainly dominated by international and US-based organizations; the only university listed was the state University of New York. Since the time of Wehner's study, the parliamentary world has evolved: The World Bank Institute has been disbanded, the UNDP has massively cut back on its global program and the US government has reduced spending on development assistance in general and on parliamentary strengthening, in particular. At the same time, both CPA and IPU are expanding their collaboration with universities around the world and new actors, such as International IDEA and Greg Power and Associates, as well as McGill University and Université Laval, have emerged.

**Table 2:
The Activity Portfolio of Organizations Implementing Global Parliamentary Strengthening Projects**

Improving Information Access	Technical Assistance in legal reform	Budget Training	Study trips, conferences, network-building	Physical Infrastructure	Analytic Work
NDI SUNY-CID UNDP	SUNY- CID UNDP USAID WFD	CPA IPU NDI PC SUNY-CID UNDP WFD	CPA IPU NDI SUNY-CID UNDP	SUNY-CID UNDP	CPA IPU NDI PC SUNY-CID UNDP USAID WBI

CPA= Commonwealth Parliamentary Association; IPU= Inter-parliamentary Union; NDI= National Democratic Institute for International Affairs (US); PC= Parliamentary Centre (Canada); SUNY-CID= State University of New York – Centre for Democratic Institutions (US); UNDP= United Nations Development Program; USAID= US Agency for International Development; WBI= World Bank Institute; WFD= Westminster Foundation for Democracy.

Source: adapted from Wehner (2007)

The ASGPF-CPA-World Bank study further found that there was substantial overlap between courses offered, with one African committee clerk from Kenya stating that: "You [foreign organizations] all offer the same thing: four or five days intensive training, going over the same materials as the others use." What was needed, respondents said, was "a higher level, university-certified program that went 'beyond the basics'." As a result, the World Bank and CPA collaborated with McGill to develop such a program for English speaking countries while the World Bank and Quebec's National Assembly collaborated with Laval to develop a similar program for French speaking countries. These universities have sought to address the need for Canadian and international parliamentary training using a blended learning

methodological approach including traditional face-to-face training, web-based learning, video conferencing and online discussions. While an increasing number of parliaments have established their own training institutes, these programs' multi-organizational approach complement other established programs with the required academic rigour and pedagogical support, while seeking to minimize overlap and duplication.

In 2012, the first professional development program for parliamentary staff was conducted at McGill University under the direction of Rick Stapenhurst, former head of the World Bank Institute's parliamentary program and currently Assistant Professor in the School of Continuing Studies. Some

two-dozen high potential, mid-level parliamentary staff from countries as diverse as Ghana, South Africa, Bangladesh, Trinidad & Tobago and St. Helena, as well as from Newfoundland and Labrador, attended the program⁷. The program currently comprises a week-long residency at McGill, during which the basics of parliamentary administration are reviewed, five e*learning courses which go into greater depth in selected areas and personal mentoring by McGill faculty and former Canadian and other parliamentary staff. Over the past seven years, some 150 staff (including from Newfoundland & Labrador, Ontario, the North West Territories and Saskatchewan) have attended the program. Throughout, the CPA has been a strong partner, sponsoring participants from around the Commonwealth and offering advice on program content. Participants exiting the program have highlighted its ability to give them a better understanding of the broader nature of parliamentary work in the context of society and citizen expectations and to refine skills that help them excel on the job.

Université Laval’s International Parliamentary Training Program is similar. It is a joint-initiative between the Chaire de recherche sur la démocratie et le parlementarisme (CRDP), Professor Eric Montigny, along with Professor Louis Imbeau and the National Assembly of Quebec to support parliamentary staff from francophone states. In its fourth year and offered in Quebec City, it comprises a longer residency than McGill (10 days, of which five days are in the National Assembly) but no additional e*learning courses⁸. The program has the financial support of the Assemblée parlementaire de la Francophonie (APF) and the Organisation internationale de la francophonie (OIF). While there is no formal agreement between Laval and McGill, there is considerable informal collaboration: both universities were founding members of the Global Network of Parliamentary Training Institutes (GNPTI) (see below), they share a number of common resource persons and typically a member of Laval’s faculty is invited as a guest speaker to the McGill program, and vice versa.

One interesting development has been the emergence of international collaboration between McGill University and Kenya’s Centre for Parliamentary Studies and Training (CPST), and between Université Laval and the Université Cheikh Anta Diop in Senegal. Driven by the desire to enhance sustainability and impact – and by the delay by immigration authorities to grant visas to program participants – the goal is to offer joint programs with, respectively, McGill and Laval lecturers and recognized local trainers and guest speakers.

Professional Development Programs - MPs

While many of the non-governmental institutions noted above offer seminars and workshops for MPs, until now the only university programs that offered training for MPs were in Australia. These included the now defunct programs at La Trobe University and Deakin University for members of Public Accounts Committees and at Australia National University’s Centre for Democratic Institutions for MPs from South East Asia and the Pacific.

McGill University, in collaboration with the CPA, ventured into this territory in 2017: professional development for newly elected MPs from small-jurisdictions in the Commonwealth. The CPA had long recognized the reality that parliamentarians come to their jobs with little to no formal training. This is particularly an issue in small states where the number of MPs may total only a dozen or so

Institute of Fiscal Studies and Democracy at the University of Ottawa

In 2016, a new institute was created with a mandate to focus on public finance and institutions. With Ontario government support, the institute is an independent, non-partisan organization ‘led by Kevin Page, who is the Institute’s President and CEO, and Sahir Khan, Executive Vice President. Leveraging existing international relationships and partnerships with the World Bank, the International Monetary Fund, the Organisation for Economic Cooperation and Development, the International Budget Partnership, and the United States National Governors Association, the institute is able to connect Canadian leaders and decision-makers with students and researchers and share the strengths of Canadian values and democratic institutions abroad.

While not solely focused on parliaments, an important component of the institute’s work concerns the role of parliamentary oversight and scrutiny in the budget process.



MPs from small Commonwealth states at the McGill University residency, along with university faculty and staff, and former McGill faculty and staff, who are now MPs in the Canadian Parliament.

and where the needs of parliamentarians skilled in parliamentary governance are perhaps the highest but where training opportunities are virtually non-existent⁹. Twenty-three MPs from small jurisdictions from around the Commonwealth (including from Canada's Northwest Territories and Nova Scotia, the Caribbean and Pacific, British islands including the Isle of Man, Jersey, and Guernsey and Australia's Capital Territory and Tasmania) attended a week-long residency in Montreal, which included presentations by Senator Wade Mark from Trinidad and Tobago and Glenn Wheeler, from Canada's Office of the Auditor General and a visit to Quebec's National Assembly. The residency also offered roundtable discussions where parliamentarians could share challenges as new MPs. To help ensure impact, participants were asked to identify three areas which they would recommend for change/improvement to their parliamentary leaders. Proposals ranged from introducing written guidelines for Public Accounts Committee (PAC) operations and strengthening the committee system more generally to refurbishing and providing public access to the parliamentary library, and seeking to improve parliamentary research by developing a partnership with a local university

Networks and Communities of Practice

Global Network of Parliamentary Budget Offices

In 2009, in light of the research that a strong independent budget process is central to accountable governments, the OECD encouraged the formation of the Network of Parliamentary Budget Officials. This network brought together parliamentary budget office staff to share practices, challenges, institutional arrangements and improve scrutiny of the budget process. In 2013, building on the importance of budget analysis and extending the reach to non-OECD members – the OECD network cannot invite PBO staff from non-OECD countries –, McGill University's Institute for the Study of International Development (ISID), supported by Canada's Social Sciences and Humanities Research Council (SSHRC), partnered with the World Bank Institute (WBI) to host a seminar on Open Government, Information and Budget Transparency. The seminar welcomed Parliamentary Budget Offices (PBOs) and parliamentary experts from around the world. Through this forum of knowledge exchange, participants agreed to form a Community of Practice named the Global Network of Parliamentary

Budget Officers (GNPBO); subsequently, the University of Ottawa has hosted an annual GNPBO Assembly, providing a forum for face-to-face sharing of experiences, professional mini-courses for PBO officials and a complement to both the GNPBO e*platform and the World Bank's online, open access course for PBO staff. At the 2017 Assembly, discussions focused on PBO relations with the media, expenditures and strategic allocation of resources, and Clerk-PBO relations.

Global Network of Parliamentary Training Institutes

Building on the experience of the GNPBO, McGill University's School of Continuing Studies hosted an international forum of parliamentary training institutes, again with support from SSHRC. At the initial forum, which took place in Montreal in the summer of 2016 and was attended by representatives from parliamentary institutes from across Africa and Asia, it was clear that there was a need for greater collaboration and sharing of knowledge and experiences among parliamentary training institutes. In January 2017, the Kenyan CPST hosted a second forum, and the Association of Parliamentary Training Institutes was born. One concrete outcome is a Memorandum of Understanding between McGill University and the CPST to undertake joint parliamentary training and research.

Research

McGill and Laval have recently completed a major piece of research, examining the strengths and weaknesses of parliamentary oversight in francophone countries. It had been noted that, up until this project, virtually all research on oversight had focused on Public Accounts Committees (PACs) and other mechanisms found in 'Westminster' parliamentary systems, and that little was known about oversight in francophone countries. Working in collaboration with ASGPF, and supported by SSHRC, researchers were able to construct an index of *Commissions des Finances* - the francophone equivalent of PACs - and highlight both good and bad practice in francophone parliaments. Importantly, the researchers also highlighted those areas where francophone parliaments could learn lessons from Westminster parliaments, and vice versa. For example, commissions were found to have more powers (e.g. to call officials to account, sanction errant public servants and follow-up on recommendations made by the commission), while PACs tended to be stronger in terms of public engagement, outreach and communications. These and other findings will be published in a scholarly book (in French) by Les

Presses de l' Université Laval. An English language practitioner's book, summarising the research project and presenting a number of country case studies, is available in electronic format on the website of the Canadian Audit and Accountability Foundation: <https://Université/www.caaf-fcar.ca/en/parliamentary-oversight-resources/external-publications>.

In 2015, Université Laval won a major competitive British Academy grant, funded by the United Kingdom's Department for International Development (DFID) as part of the Anti-Corruption Evidence Program. Partners include the University of Westminster in the United Kingdom and the African Centre for Parliamentary Affairs in Ghana. Noting the importance of curbing corruption in order to achieve sustainable development, DFID sought to encourage innovative, evidence-based research to guide its support for anti-corruption efforts globally. Laval's project - one of only eight awarded - is examining the role of parliaments in curbing corruption at the national level; research is being conducted in Grenada, Ghana, Myanmar, Nigeria, Tanzania, Trinidad & Tobago and Uganda. Findings underscore that to build capacity in parliaments it is necessary to abandon the 'one size fits all' and 'this is how we do things in Australia/Canada/United Kingdom' approaches so common in parliamentary strengthening projects and focus instead on in-depth country analysis. In Grenada, for example, not one opposition member was elected to the lower house, and with only 15 MPs in parliament, the Westminster guidelines that 'the chair of the PAC should be from the opposition party' and that 'ministers should not be committee members or chairs' is clearly inappropriate. These and similar issues are faced in some of Canada's smaller provinces and territories - and some of the innovative approaches being considered, such as nominating prominent citizens, who are not MPs, to sit on parliamentary committees, may be applicable here.

A related SSHRC funded research project at McGill's Desautels Faculty of Management, where researchers from Canada, the United Kingdom and Africa are looking at the supply and demand sides of corruption in Canadian mining projects in Africa is on-going; but like the other projects there is a particular focus on practical, as well as scholarly, outputs. Already it appears that in both host and home (Canadian) parliaments, parliamentary oversight of the implementation of anti-corruption legislation is weak and could be improved. This is perhaps all the more pressing in Canada, since in some countries Canadian mining companies shape public perception of Canada.

Conclusions and Future Plans

Several issues have emerged as the three Canadian universities have worked separately and together to build their parliamentary training and research programs. First, bringing a Canadian parliamentary perspective to the training and research programs has been important. The Quebec National Assembly and British Columbia's Legislature have provided support and encouragement to the programs, and the National Assembly and the Canadian Parliament have generously welcomed visits by participating parliamentary staff and MPs to their precincts. The universities appreciate this interaction and hope to extend their collaboration to other provincial and territorial legislatures across Canada. Second, collaboration with partners is important. Teaming up with universities in the United Kingdom (University of Westminster and the University of East Anglia) has broadened the scope of activities, as has collaborating with international organizations like the World Bank, the CPA and the ASGPF and national organizations such as the Canadian Audit and Accountability Foundation, Kenya's CPST and the African Centre for Parliamentary Affairs. And third, additional research and expanded collaboration is still needed. Some proposed additional research programs call for new partnerships with, inter alia, the Westminster Foundation, the University of Glasgow, the University of Quebec at Chicoutimi, and the IPU. One such research project, which will examine the problems of parliamentary oversight in small jurisdictions, could be especially relevant for Canada's territorial and smaller provincial legislatures.

Current global networks and communities will continue to be supported and promoted, while current professional development programs will be further refined and stream-lined. For instance, McGill's two programs have recently been certified by the University Senate, which enable graduates to earned 'continuing education' credits in both.

By promoting evidence-based research on parliaments, researchers are able to identify 'good' practice and, in collaboration with practitioners and parliamentarians, determine 'best fit'. In this global focus, Canada's legislatures have a lot of knowledge and expertise to contribute – and also the potential to benefit from the research, programming and information exchanges that will result.

Notes

- 1 Philip Norton. *Does Parliament Matter?* Harvester Wheatsheaf: London, 1993
- 2 M. Steven Fish. *Stronger Legislatures, Stronger Democracy*. *Journal of Democracy*, Vol. 17 (1), 2006, pp. 5-20
- 3 Riccardo Pelizzo and Rick Stapenhurst. *Democracy and Oversight*. Paper Presented at the annual meeting of the American Political Science Association, Philadelphia, United States of America, Aug 31, 2006; Rick Stapenhurst, Thomas Eboutou and Kerry Jacobs (forthcoming). *Assessing the Power of the Purse: Developing an Index of Ex-Post Oversight*.
- 4 Mitchell O'Brien. *Parliament as Peacebuilders: The Role of Parliaments in Conflict Affected Countries*. World Bank Institute Working Paper 37250. Washington, DC: World Bank
- 5 Rick Stapenhurst, Riccardo Pelizzo and Kerry Jacobs. *Following the Money: Comparing Parliamentary Public Accounts Committees*. Pluto Press: London, 2014.
- 6 Joachim Wehner, "Strengthening Legislative Financial Scrutiny in Developing Countries: a Report prepared for the Department for International Development" London School of Economics, 2007
- 7 Vienna Pozer "An Innovation in Parliamentary Staff Training" *Canadian Parliamentary Review*, Winter 2012, pp. 1-4.
- 8 Initially, on-line courses were offered in French by the World Bank, but budget cuts and new strategic priorities meant these were cut.
- 9 The CPA is also collaborating with the University of Witwatersrand on a similar program for other (larger) Commonwealth countries.

Parliamentary Privilege? Kinship in Canada's Parliament

In the Canadian parliamentary context, there are numerous contemporary and historical examples of dynastic politicians, but there has been curiously little academic study of this phenomenon. Many questions pertaining to kinship in parliaments remain unanswered. What is the rate of kinship in the Canadian parliament? What has been the rate of change in political kinship over time and can this change be explained? What advantages may dynastic politicians possess and what constraints do they face? This article measures the prevalence of kinship within the lower house in Canada's federal parliament and presents data on kinship since Canada's first parliament. After looking at economic and electoral data, it argues that change to make the electoral system more open and socially inclusive offers an explanation for the observable drop in rates of kinship over time. Finally, the paper will conclude with suggested courses for future research.

Matthew Godwin

Rates of Kinship since Canada's First Parliament

The below analysis begins in 1867, when Canada was granted Dominion status from Great Britain, up to the 2011 federal election, and provides data points in Figure 1 of 'Kinship by Seat Total'; which is to say, the percentage of MPs who have had relatives serve in the House of Commons as a proportion of total MPs. The data points for the 'Kinship by Number of MPs Elected to each Parliament' reflects the number of 'dynastic' MPs elected to the House of Commons in that election. Kinship in Canada's parliament has clearly declined steadily since Confederation (with slight variations over time) and the goal of this article is to offer explanations as to why this happened.

A total of 287 Canadian Members of Parliament since Confederation can be considered dynastic by way of a paternal relationship, such as a father having served in Parliament prior to a daughter or a Grandfather having served in Parliament before his grandson. For example, in 1921 James Woodsworth, the first leader of the Canadian Commonwealth Federation (CCF), was elected to the 14th Parliament. His daughter, Winona Grace MacInnis, would go on to represent the New Democratic Party (NDP) in 1965 in the 27th Parliament.

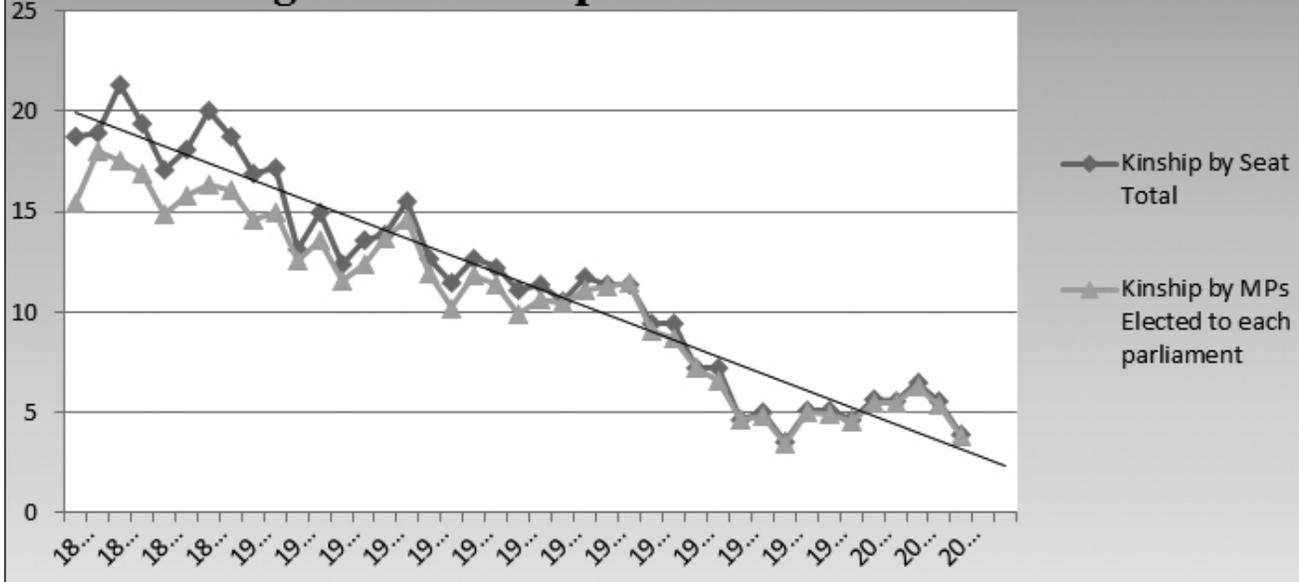
A further 35 Members of Parliament have had kin in parliament through marriage. Winona Grace MacInnis was married to CCF MP Angus MacInnis, who served concurrently with her father. A number of female MPs in the early 20th century were related to other members through marriage, such as the Independent Conservative MP Martha Louise Black. She was the second woman elected to the House of Commons and held Yukon's riding for one term in 1935 while her husband was ill. Her husband, George Black represented Yukon between 1921 and 1945, save for the parliament of 1935. In recent parliaments, there have been a number of spouses sitting concurrently in the House of Commons, perhaps most famously Toronto MPs Jack Layton and Olivia Chow in the 2006, 2008 and 2011 parliaments, respectively.

Finally, there have been 95 MPs in the House of Commons who are related to existing or former parliamentarians through the bonds of brotherhood or sisterhood. One exceptional example is that of the three Geoffrion brothers of Quebec, who passed on the Chambly-Verchères riding¹ amongst themselves three times, collectively holding the riding from 1867 to 1911.²

Overall, a total of 395 Members of Parliament since Confederation have been related to another MP or Senator. Out of a total number of 4206 MPs elected for the first time, this represents roughly 9.39 per cent of the total. The range over the 144-year period for kinship by seat extends from a height of 21.35 per cent

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Figure 1: Kinship in Canada's Parliament



in the 3rd Parliament to a low in the 33rd parliament of 3.54 per cent. Kinship by Member of Parliament ranges from a high of 17.97 per cent in the second parliament to a low of 3.47 per cent in the 33rd parliament and is at 3.83 per cent at the time of writing.

Pairing these two trend lines allows us to gauge the impact electoral turnover has on the rate of kinship in parliament. It is notable that the most significant divergence between the lines is in the first half of the table, where turnover was much higher; as many as 40 by-elections were held to fill vacancies between parliaments. As the amount of turnover has diminished overtime, so has the variation between the lines. This suggests there is a negative relationship between kinship in parliament and the turnover of Members of Parliament.

Despite several small variations, the decline over time is clear. It now remains to consider why this nearly steady decline in the rate of kinship has taken place.

Population Growth

At first glance, a simple explanation may be that the decrease in the prevalence of kinship can be explained by the gradual increase in Canada's population since Confederation. Clubok et al.³ provide a formula to dispel this relationship in the American context and the same formula can be applied here.

The results indicate there is a significant divergence between the actual number of MPs with relatives in each parliament and that predicted by simple population growth. This suggests there are factors involved when it comes to kinship in Parliament other than changes in Canada's population over time.

Electoral Upheavals

Canada has experienced its share of electoral upheavals and shifting fortunes for its political parties. When one party loses a significant number of seats to another party, with the incumbent party losing many seats, it may be hypothesized that numerous dynastic MPs would be defeated and a new slate of candidates elected, leading to a "refresh" with a much lower kinship percentage.

Perhaps the most transformative election which casts doubt on this argument is the 1993 election in which the governing Progressive Conservatives were wiped out, save two seats. Following this election, however, there was no change in the percentage of dynastic MPs in the House of Commons.

This question could be alternatively approached from the opposite perspective – can a significant drop in the rate of kinship be explained by electoral outcome? The parliament following the 1908 election resulted in one of the largest drops in kinship in the House of Commons, more than four per cent.

However, the election itself produced very little change politically. The Liberal Party under Sir Wilfrid Laurier had been in office since 1896 and would remain so after this election. The seat change between the two major parties was trifling, with the Conservatives winning just 10 additional seats across the country and the Liberals losing only three.⁴ There doesn't appear to be a correlation between major changes in kinship percentage and dramatic electoral change.

Access to Office

While population growth and electoral upheaval appear to have little impact on kinship, one possible explanation for high levels of kinship in Canada's early history may be linked to institutional advantages for incumbents which are now uncommon and deemed inappropriate in contemporary Canada. Until the Liberals took power in 1878, for example, contracts with the federal government could be awarded through favouritism rather than through a transparent tender process (and this at a time when major, national infrastructure projects were underway). The use of public works contracts in exchange for electoral support created endemic patron-client relationships, impeding the entry of non-establishment candidates. It wasn't until the 1910s that Parliament began to truly reduce pork-barrel politics. Both parties worked

together to "abolish trading in patronage, to fill public offices by merit and not by favouritism, and to establish honest and open competition in awarding contracts and buying supplies."⁵ Changes in access to the political system in Canada's early history would have created more windows of opportunity for new entrants to the political system.

Increasing access to the electoral system and the extension of suffrage was a gradual process in the late nineteenth century. Early Canada had a patchwork of electoral laws differing from province to province. In 1885, for example, about 26 per cent of the population in Ontario was eligible to vote or seek office. Possessing property, and of a certain amount, was a common prerequisite for obtaining a ballot in many provinces. As a result, many working-class Canadians were ineligible to cast a ballot or stand for office. The franchise was extended incrementally until the *Dominion Elections Act* of 1920, which granted the franchise to most citizens, removed property requirements and provided women the right to vote.⁶ In addition, the Chief Electoral Office was established, removing the power and authority for changes in electoral procedures and processes from the government. The removal of these institutional advantages reduced barriers to new entrants and increased the pool of eligible, non-establishment candidates.

Table 1
Populations Growth Model

Parliament	Date	Number of MPs with Relatives Expected by Regression Equation	Number of MPs with Relatives Predicted by Population Model
1	1867	34 (18.8)	34 (18.8)
6	1887	39 (18.13)	30 (13.9)
11	1908	29 (13.12)	21 (9.9)
16	1926	38 (15.51)	16 (6.5)
21	1949	29 (11.068)	19 (7.2)
26	1963	31 (11.32)	9 (3.3)
31	1979	13 (4.6)	7 (2.4)
36	1997	14 (4.65)	6 (1.9)
41	2011	12 (3.89)	5 (1.6)

Social Modernization and Kinship in Parliament

Using Robert Michels' typology components, which are more usefully described as wealth, kinship and education, and pairing them with the Clubok et al. frame, it's possible to test whether social modernization may offer some insight into the decline of kinship.

Wealth Trends in Canada⁷

Real Gross National Product (GNP) per capita in Canada, as depicted in Figure 2, is in constant 1985 Canadian Dollars. Real GNP per capita has grown steadily since Confederation, with slight variations, particularly during the Great Depression. Overall, this trend indicates a growing standard of living and level of wealth amongst Canadians.

Michels argues that economic superiority was one of three characteristics separating the "leaders from the led."⁸ With increased access to disposable income and capability for capital investment, financial and time constraints involved in mounting a political campaign would be gradually ameliorated for middle and working-class Canadians. The capital resources once only available to those at the upper echelons of Canadian society have become gradually more accessible. This change has made the barriers precluding new entrants from politics on the basis of wealth more permeable.

The trend line depicted in Figure 2 is nearly a mirror image of the trend line in Figure 1, indicating that the diminishing number of dynastic Members of Parliament parallels the growing real wealth that average Canadians possess.

Educational Attainment in Canada

Figure 3 depicts the gradual growth in the number of Canadians obtaining a bachelors, masters or earned doctoral degree since Confederation. The table depicts a very gradual increase beginning in the early twentieth century, followed by a dramatic increase beginning in the 1950s and soaring with the establishment of the welfare state from the 1960s onward.

It is interesting to note that Members of Parliament are far better educated than the average Canadian, even today.⁹ A recent survey of MPs conducted by Samara Canada found that 86 per cent of MPs in the Canadian House of Commons held at least one post-secondary degree and nearly half had more than one degree. As of 2009, 25 percent of the general population held a university degree.¹⁰

Michels argues that intellectual superiority plays an important role in the maintenance of power for established groups and it is clear that elected officials in Canada are far more educated than the general populace. Significant strides in access to post-

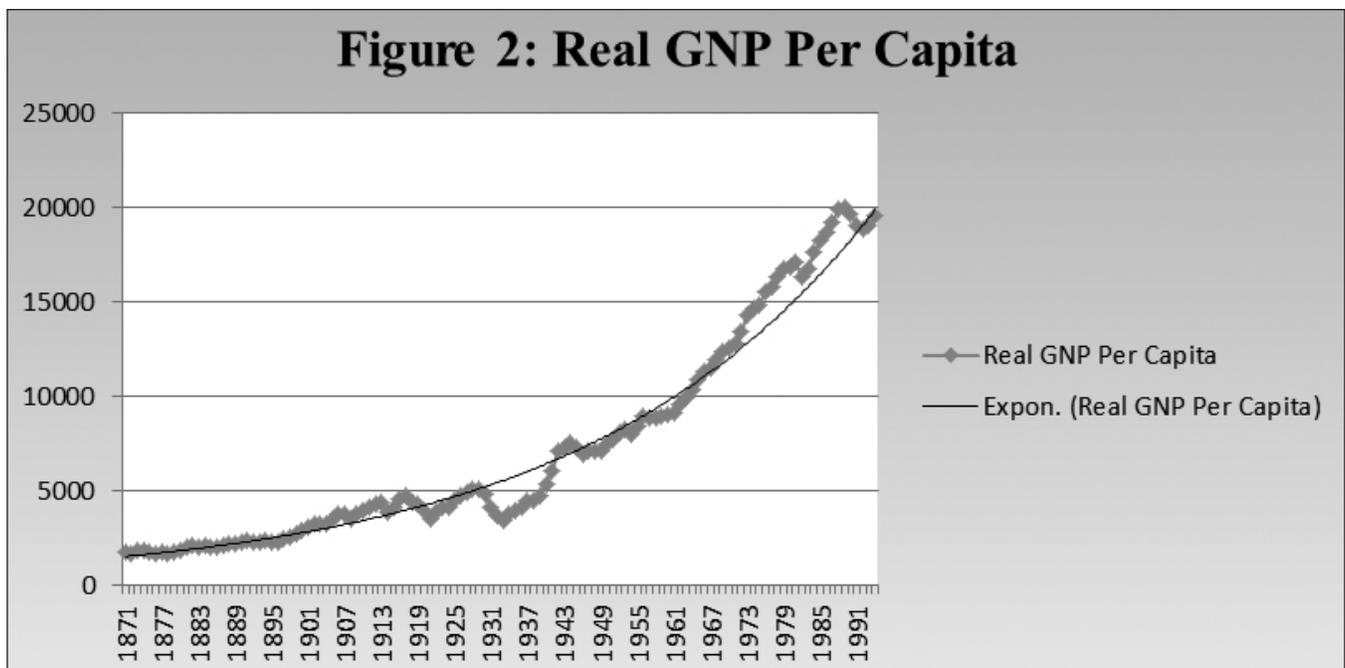
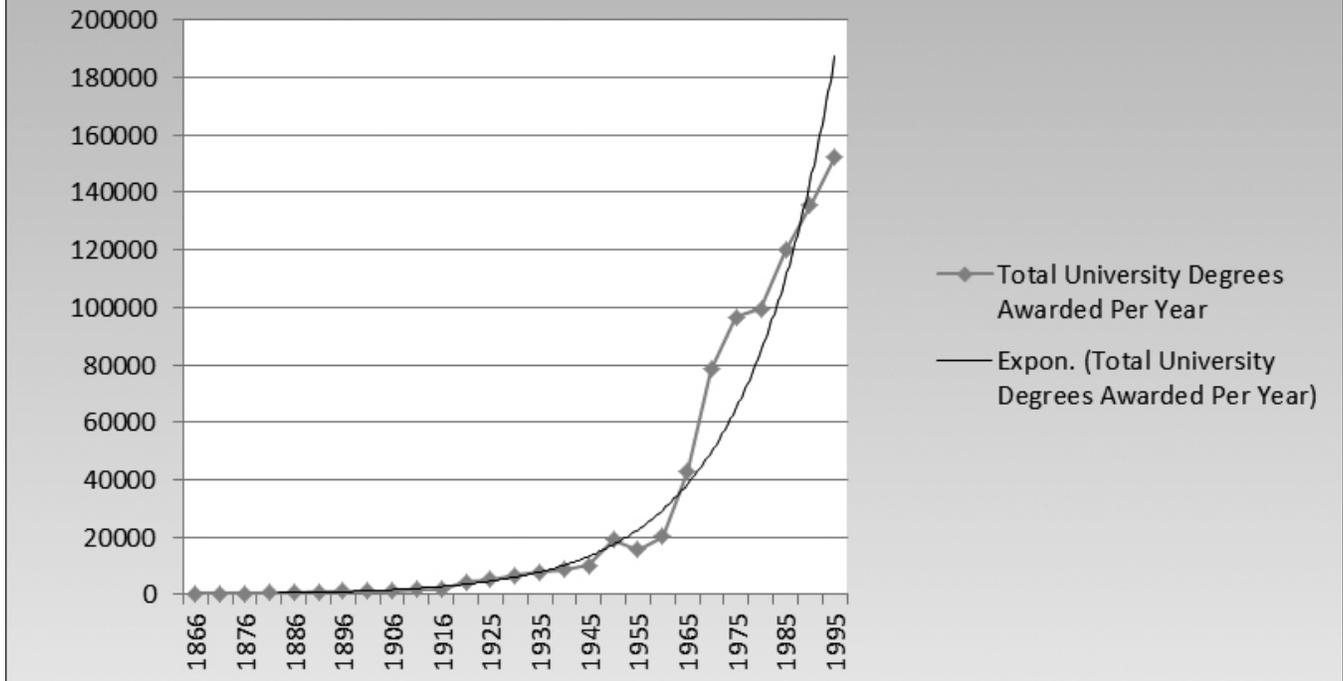


Figure 3: Total University Degrees Awarded Per Year



secondary education have been made since the middle of the last century with the trend expected to continue, which will ensure an increasingly level playing field with respect to educational attainment.

Relational Advantages and Institutional Constraints

The legislative kinship literature identifies a number of factors dynastic politicians have benefitted from or been constrained by in countries around the world. The following section reviews these factors in the Canadian context and categorizes them into relational and institutional factors. Canadian politicians benefit from relational advantages, but are mostly constrained by institutional advantages.

Relational advantages include the inheritance of institutional knowledge, networks and financial resources as well as the family brand from contemporaries or predecessors. They are relational in that they are internal to the families involved in the political occupation and there is little that can be done by reformers to mitigate these advantages.

In Canada's complex federal system, the individual mechanics of each party as well as complicated legislative and procedural processes can be daunting to those uninitiated into the political process. Add to this electoral finance and campaign regulations, and institutional knowledge becomes a significant advantage to those entrants who possess it. Knowing how to form a campaign team, manage finances and organize campaign resources is knowledge not attainable through most other Canadian professions.

Dal Bó et. al¹¹ argue tenure length offers increasing returns for building political capital. The longer a politician remains in office, the more capital they are able to build and subsequently pass on to a relative. They associate tenure with increasing opportunities to gain experience, such as through leadership on committees. In their analysis, the more positions within the party and legislative apparatuses a legislator obtains, the more knowledge they acquire and are able to pass on to kin entering the same profession.

Tenure length in previous studies solely considers the tenures of elected politicians. Many Canadian MPs, regardless of their length of elected tenure, have been subsequently appointed to the Senate. While in the Senate they do not face the threat of re-election, furthering their knowledge of Canada's parliamentary institutions years afterward. Canadian dynastic entrants will clearly gain an advantage from having institutional knowledge communicated to them by family members.

From an agency perspective of profit-maximizing voters, Laband and Lentz¹² argue that voters may view dynastic candidates as potentially more effective legislators given the presumption of greater institutional knowledge. Through the knowledge gained by having family members in office, politicians become more informed and by extension more influential representatives with a greater capacity to benefit their districts.

A second relational advantage is the inheritance of capital resources and political networks. Inheriting financial resources from one generation to the next, or transferring them to a spouse or sibling creates a significant advantage for any entrant into the electoral process. Lists of campaign contributors and access to political organizers and strategists are all considerable electoral advantages. Resources such as donor lists, campaign organizers and networks within communities allow dynastic, successor candidates to have early access to entry points to community power structures through their predecessor. These access points may not be available to the non-dynastic candidate.

Finally, the most closely studied relational advantage in the literature is the transferable benefit obtained from having the same surname as a family relation who currently or previously held office. Dynastic entrants take full advantage of this asset and are strategically aware of the dividends it can provide. In the United States, Dal Bó et al. find that dynastic legislators are more likely to seek office in the state from which their anterior relative served as a Congressional representative. Feinstein¹³ bolsters this conclusion with his finding that of the 46 dynastic candidates he analyzed in the U.S., 44 ran in the states where their relative held office. Additionally, he utilizes survey data indicating voters prefer dynastic candidates. Feinstein finds that voters may not be able to recall those specific qualities of a dynastic candidate they prefer, but respondents nevertheless view them more favourably than non-dynastic challengers.

In the Canadian context many institutional factors are better viewed as constraints and may have served to mitigate the preponderance of dynastic politicians in Canada and to hasten the gradual decline. The institutional constraints considered below include the inability of MPs to spend funds directly in their constituencies, an unelected Upper Chamber, no term limits, high turnover of MPs and strict party discipline.

Pork-barreling is the practice of dispersing state benefits to political supporters.¹⁴ Beginning with direct spending in constituencies, one of the fundamental principles of Westminster parliamentary systems is the inability of individual members of the House of Commons to spend government funds in their ridings. While the Crown is only able to spend money with the consent of Parliament, the power to spend discretionary funds amongst individual members is limited to office budgets and personal expenditures, such as meals and travel. For MPs, these small expenditures are reviewed by non-partisan civil servants.¹⁵

A second institutional constraint in Canada is its unelected Upper Chamber. According to the literature, having an elected upper chamber creates an opportunity for the advancement of dynastic politicians and, more importantly, an access point for other family members.¹⁶ In the Philippine and American contexts, members sitting in the lower house often seek advancement to the more prestigious upper chamber, which leaves their lower house seat vacant. This creates an access point for arrivals from the same family who would benefit from the above noted relational advantages in obtaining the vacant seat. Dal Bó et. al find that dynastic legislators are more common in the U.S. Senate (13.5 per cent) than in the House of Representatives (7.7 per cent). Given that MPs are unlikely to seek membership in the Senate, new access points in the House of Commons for family members through voluntary vacancies are unlikely to appear.¹⁷

A third institutional constraint for Canadian MPs is the absence of term limits. Canadian Members of the House of Commons are subject to five-year terms, but these terms are rarely realized to their full extent. Canadian MPs may seek office *ad infinitum*. In the Philippines, the 1987 constitution attempted to address the preponderance of dynastic families retaining public office by introducing term limits, with Senators being limited to two six-year terms and congressmen limited to three, three-year terms. This reform was

meant to diminish the incumbency advantage, but has perversely had the effect of further entrenching dynastic families by allowing new family entrants to assume lower offices as members of the same family leave those offices at the end of their term and ascend to higher office. Querubin also argues that term limits may create agency problems by compelling potential new entrants to wait until the incumbent's term has been exhausted, thereby discouraging new entrants from challenging incumbents prior to their departure.

A fourth institutional constraint mitigating the potential for high rates of parliamentary kinship is the relatively high level of political office turnover in Canada. Canada has had a high turnover of representatives at the national level since the beginning of Parliament.¹⁸ Since Confederation, the average years of service for MPs has ranged from three to eight years, with an overall mean of 5.675 years of service. Roughly one third of MPs following a given election are new to Parliament Hill.

The literature universally argues a link between tenure length and the likelihood of having posterior relatives follow in office. In the American context, Dal Bó et. al conclude that a second term in office doubles the probability of having a relative enter Congress afterward. Querubin finds the same with respect to the correlation between term lengths and the probability of legislators being followed by relatives, although the likelihood is far higher in the Philippines than anywhere else in the literature.

A final institutional characteristic which may serve to limit the rate of kinship in parliament is Canada's highly centralized policy and agenda-setting process, which is concentrated almost entirely in the Leader's Office of all major Canadian parties. MPs do have the capacity to introduce Private Member's bills in the House of Commons, but these rarely become law. As a result, the opportunity for MPs to "take credit" for individual policy or legislative successes is very limited, which inhibits the building of political capital in their riding and within their party.

Furthermore, MPs also have very little discretion with respect to how they vote on legislative matters. In general, they vote as their respective parties dictate and face a heavy toll for defiance of party directives, including banishment from the caucus and/or the party.¹⁹ Party constraints such as these diminish the capacity for representatives to build the political capital necessary to pass on to relatives seeking office.

Conclusion

Compared to other countries considered in the literature, legislative kinship in Canada ranks at the bottom with 3.8% as of the 41st parliament. This is far below countries such as the Philippines, which counts more than two-thirds of its national assembly as dynastic. Japan's legislative kinship rate is roughly one-third and Canada is also below the United States at six per cent.²⁰

The Canadian House of Commons since Confederation has seen a steady, nearly uninterrupted decline in kinship. Population growth does not explain this process and neither do electoral upheavals. However, changes to Canada's electoral laws and the expansion of suffrage have created opportunities for new entrants. Finally, the diminishment of parliamentary pork-barrelling in the early twentieth century also limited the capacity for families to secure a multi-generational presence in parliament.

Michels argues that kinship, wealth and education bolstered the capacity for elites to remain in positions of power. Interestingly, his suppositions appear to be given new credence when trends in rising wealth and levels of education in Canada are contrasted with the decline of kinship over time. As the general population became more educated and had greater access to capital, the number of new entrants to the political process increased, challenging established families.

Canadian politicians benefit from relational advantages such as institutional knowledge, access to financial and organizational networks and name recognition. Yet these relational advantages sit in contrast to a number of institutional constraints embedded in Canadian politics, including an inability to transfer state funds directly into constituencies, the presence of an unelected upper chamber, the absence of term limits, a high rate of turnover and the centralization of legislative authority in the Leader's Office.

Notes

- 1 The riding had previously been referred to as "Verchères, Quebec".
- 2 It is worth noting here that Canadian Members of Parliament are not subject to term limits and may seek office as many times as they are eligible to do so and in any constituency.

- 3 Alfred B. Clubok et al. "Family Relationships, Congressional Recruitment, and Political Modernization." *The Journal of Politics* 31 (4), 1969: pp. 1035–1062.
- 4 J. Murray Beck. *Pendulum of Power: Canada's Federal Elections*. Prentice-Hall of Canada: Scarborough, 1968, p. 106.
- 5 Lawrence Leduc, Jon H. Pammett, Judith I. McKenzie, André Turcotte. *Dynasties and Interludes: Past and Present in Canadian Electoral Politics*. Dundern Press: Toronto, 2010, p. 93.
- 6 *Ibid.*, p. 98.
- 7 <http://guides.library.dal.ca/data> - Real Gross National Product Per Capita
- 8 Robert Michels. *Political parties; a sociological study of the oligarchical tendencies of modern democracy*. Free Press: Glencoe, Ill., 1949, p. 53.
- 9 C.E.S. Franks. *The Parliament of Canada*. University of Toronto Press: Toronto, p. 66.
- 10 This data only includes Canadian provinces. See http://www5.statcan.gc.ca/access_acces/alternative_alternatif.action?l=eng&teng=Educational%20attainment%20of%20the%20population%20aged%2025%20to%2064&tfra=Niveau%20de%20scolarité%20de%20la%20population%20âgée%20de%2025%20à%2064%20ans&loc=/pub/81-582-x/2010003/excel/d6.3-eng.xls
- 11 Ernesto Dal Bó, Pedro Dal Bó and Jason Snyder. "Political Dynasties." *Review of Economic Studies* 76 (1), 2009: p. 115-142.
- 12 David N. Laband and Bernard F. Lentz.. "Favorite Sons: Intergenerational Wealth Transfers Among Politicians." *Economic Inquiry* 23 (3), 1985: pp. 395-414.
- 13 Brian D. Feinstein. "The Dynasty Advantage: Family Ties in Congressional Elections." *Legislative Studies Quarterly* 35(4), 2010: pp. 571-98.
- 14 Maureen McTeer. *Parliament: Canada's Democracy and How it Works*. Random House of Canada: Toronto, 1987, p. 91.
- 15 An exception to this practice are the Ministers of the Crown, who oversee departments and departmental expenditures. Ministers are able to direct the spending priorities of their departments and have, at both levels of government, been accused in the past of using this authority for political advantage.
- 16 Pablo Querubin. "Political Reform and Elite Persistence: Term Limits and Political Dynasties in the Philippines." Harvard Academy for International and Area Studies, 2012. URL: http://pclt.cis.yale.edu/leitner/resources/papers/Querubin_Term_Limits.pdf
- 17 Additionally, unlike in the United States, politicians in Canada do not continually seek to advance up a hierarchical "ladder" from lower office to higher offer. Barrie and Gibbons (1989) find very few Canadian MPs have provincial experience. In comparison, many American legislators move from state office, to the House of Representatives and finally to the Senate or the presidency. This disinclination to move from one office to another through a hierarchy of prestige creates fewer windows of opportunity for family members to seek the former office of a relative.
- 18 Franks, p. 74.
- 19 Franks, p. 35.
- 20 Ronald U. Mendoza, Beja Jr., Edsel L., Venida Victor Soriano and David Yap. "An Empirical Analysis of Political Dynasties in the 15th Philippine Congress." Social Science Research Network, 2012. URL: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1969605

CSPG Seminar: Regulating Lobbying in Canada

Lobbying is a legitimate activity within a democratic society. But lobbyists, like politicians, are quite aware that their profession is not always held in high regard by the general population. As one consultant lobbyist joked during her presentation at a recent seminar of the Canadian Study of Parliament Group, “I am the root of all evil.” A recent Canadian Study of Parliament Group seminar explored attitudes toward lobbying in Canada, explained how lobbying legislation and regulations have influenced its development since the 1980s, and asked whether the current system is effective. A final panel of lobbyists discussed how their job is often misunderstood and why their much-maligned reputation is based on outdated notions of influence-peddling and the unethical actions of a few practitioners.

Will Stos

Regulation of Lobbying in Canada

In the first panel of the day, François Bertrand, Director of Registration for the Commissioner of Lobbying, explained how the Commissioner’s role is to enforce the federal *Lobbying Act* so that Canadians can have confidence in their government and know that lobbying is done in a transparent way with high ethical standards. The *Lobbying Act* has been in place since 1989. All lobbyists must report interactions with designated public office holders (all federal decision makers/senior officials) each month. These designated public office holders are banned from lobbying for five years after leaving office. Information filed by lobbyists must include: who is being lobbied, which department, which legislation, the subject of talks, etc. Since 2015, there has been a new Lobbying Code of Conduct. It looks more at conflict of interest and appearance of conflict of interest with a focus on gifts to designated office holders. Would a gift appear to demand an obligation on the part of a designated public office?

In terms of compliance with the *Act*, the onus is on the lobbyist. When the Commissioner is deciding on an investigation, she considers the degree of the breach and if she believes an offence has occurred, she must report her findings to the police. To date, four individuals have been convicted of being in breach of the *Act*. Bertrand concluded by noting that the *Lobbying Act* requires extensive information that is public to ensure transparency is at the forefront of these activities.

Jean-François Routhier, the Commissaire au lobbyisme du Québec, noted there are many similarities between Québec’s *Act* and the federal *Act*. Once again, there is a focus on transparency that includes three tools and one Commissioner: The *Lobbying Transparency and Ethics Act*, the Registry of Lobbyists, the Lobbyists’ Code of Conduct, and the Lobbyists Commissioner.

Québec’s *Act*, adopted unanimously in 2002, is founded on two principles: the legitimacy of lobbying, and the right of the public to know who is trying to influence a public office holder. Furthermore, there are two objectives: transparency and properly conducted lobbying activities. Finally, there is one expected outcome: citizens trust public institutions.

Will Stos is the editor of the Canadian Parliamentary Review.



Moderator Élise Hurtubise-Loranger (left) with panelists François Bertrand (centre) and Jean-François Routhier (right).

Routhier stated that the *Act* implements fundamental rights and freedoms, including: freedom of expression, the right to information, the right to vote, and the principle of responsible government. This legislation is an important tool for three groups: lobbyists (so they can do their work with full legitimacy and have their work recognized as legitimate), public office holders (as a risk management tool that protects them), and citizens (because it provides transparency and trust).

The *Act* defines lobbying as any oral or written communication with a public office holder in an attempt to influence a decision concerning:

- any legislative or regulatory proposal, resolution, policy, program or action plan
- the issue of any permit, licence, certificate or other authorization
- the awarding of any contract (other than by way of a call for public tenders), or of any grant or other financial benefit
- the appointment of certain public office holders

There are three categories of lobbyists under the *Act*: a consultant (who lobbies on behalf of someone else in return for compensation), an enterprise (who lobbies on behalf of their enterprise), and an organization (such as non-profits or one at a parliamentary, government, or municipal levels). Currently, more than 11,500 lobbyists are registered in Quebec. They follow the Lobbyists' Code of Conduct, which complements the Quebec *Act*. It outlines rules about respecting institutions, honesty, integrity and professionalism for lobbyists. The Code is binding and can lead to penalties if it is not respected.

Prohibited acts for lobbyists include: carrying out lobbying activities without being registered in the registry of lobbyists; acting in return for compensation that is contingent on the achievement of a result or derived from a grant or loan; and, awarding a contract or grant to themselves or to their client when the lobbyist receives the mandate to award a contract or a grant from a public office holder. Penalties range between \$500-\$25,000 depending on the offence and other disciplinary measures, including potential bans of up to 12 months and other disciplinary actions for up to 3 years.

Routhier concluded by noting that in order to achieve the objectives of the *Act*, four conditions must be met: continued action by the Commissioner, compliance with the rules by lobbyists, involvement of public office holders, and citizen vigilance.

During a discussion period, members of the audience highlighted potential loopholes for post-employment restrictions. One attendee noted there is nothing to prohibit former designated office holders from providing strategic advice about what to do or how to lobby.

A retired Health Canada official posed a question about citizen vigilance. Since most citizens likely have no idea about the processes, he asked the presenters what should be done to encourage the public to participate and understand? Routhier explained that the Commissioner provides a lot of training in municipalities, but citizens may not be aware of processes. Still, there are more comments on social media by citizens and perhaps more awareness



Moderator Michel Bedard (left) with panelists Guy Giorno (centre) and Sean Moore (right).

than previously. Some citizen questions may lead to investigations even if they aren't aware an offence may have occurred. Bertrand mentioned there is training to public office holders to encourage them to check the registry and, also, training with some university programs. He says the office tries to get the message out to the public through Twitter and newspapers.

Effectiveness of Current System

Guy Giorno, a partner and practice lead for Government Ethics, Transparency and Political Law at Fasken Martineau DuMoulin LLP, outlined lobbying laws across Canada. Currently, only Prince Edward Island and Canada's territories do not have them – though in some cases legislation is before assemblies. Quebec's law includes municipalities and Newfoundland and Labrador's law covers St. John's. Some Ontario municipalities have their own ethics rules that cover lobbying.

Giorno suggested the most aggressive enforcers of these laws are British Columbia, Quebec, the federal government, the City of Toronto, and Ontario. On the other end of the spectrum, he stated that Nova Scotia lacks enforcement, education and outreach, and general support for its law. Giorno asked if compliance without enforcement is effective? In British Columbia's system he noted that self disclosure leads to vast majority of contraventions or infractions. Giorno compared this to 'weigh stations' on highways – if there is no enforcement, what if drivers just don't stop? The only convictions under these laws have come from Quebec and federally, with one in British Columbia and a couple in the City

of Toronto. The difference is that Quebec and federal enforcement go after failure to register cases, not delays in registering.

In terms of punishment, administrative monetary penalties have been withheld from regulators in certain jurisdictions. Only four western provinces have these, and only British Columbia has used them. Another common remedy is lobbying bans. These are available in most of the country and have been used federally, in Quebec, and in the City of Ottawa. They are not available in Manitoba, New Brunswick and Nova Scotia. But Giorno compares this punishment to scofflaws: "Driving without a licence? We're not going to give you a license."

He also discussed thresholds for in-hour lobbying (percentage of time or number of days/hours spent lobbying). These date back to the first federal legislation which was unsure of the extent of administration burden. Giorno says some companies find it's actually more of a burden to track their time rather than just to record all.

In concluding his presentation, Giorno spoke about public office holders role in these systems. He joked about a favourite quote from *The Simpsons*: "It takes two to lie: one to lie and one to listen." He stated that public office holders are not terribly keen to be part of the reporting process, though some jurisdictions have this system in place (Northwest Territories). Nevertheless, Giorno suggested the problem with the NWT approach is that it has been used instead of a lobbyist register.



From left: Moderator Marie Danielle Vachon and panelists Lauren Dobson-Hughes and Alayne Crawford listen to Michele Austin during the Evolution of Lobbying Strategy panel.

Sean Moore, the founder and principal of Advocacy School, told attendees that among lobbyists there is a much better community of informed interests since the early days of these laws; yet there are still big gaps of understanding (and especially nuance of understanding). Many lobbyists howl at the amount of paperwork required, he said. But provided you know what the rules are and are organized internally it's not a big deal.

Moore focused his presentation on recent attempts to amend lobbying rules. Does the existing system strike the right balance? Moore wondered if thresholds should they be done away with to avoid ambiguity. Should all corporate employees doing lobbying be recorded in the company's registration even if they aren't lobbying for 20% of their job? He also asked if there should be more information in communication reports concerning who was present in the meetings. The president of companies may only be present for a few of many meeting on behalf of a corporation. Moore suggested the question is who else is present and how often?

In terms of the Commissioner of Lobbying investigations remaining private, Moore said he believed this was a good idea on balance, provided there is some reporting mechanism to parliament. Some lobbyists receive an administrative review letter – a way to examine their lobbying activities 'before it becomes an formal investigation.'

Moore said he believes the current federal lobbying restrictions among designated public office holders

is "a bit over the top." He suspects current lobbyists are probably happy about this cooling off period because it restricts the pool of new lobbyists, but notes: "I don't see anything wrong with people who know what they're doing going into lobbying." There is also another side to the problem: parliamentarians may not be getting quality political staff they would otherwise due to the ban.

When thinking about why people hire lobbyists, Moore suspects that while a company/organization can train and do most of lobbying on their own internally, they often hire externally (a consultant lobbyist) in order to tell the CEO "we did everything we could."

During a Q&A period, an attendee inquired about the extent of unregistered lobbying and how it's discovered. Giorno said this varies by jurisdiction, but federally and in Quebec investigators do environmental scans in the media and check against the registry if a topic is under discussion. He said that inviting complaints is a legitimate way to investigate unregistered lobbying, but Moore cautioned that many invited complaints have been from ideological or business competitors.

Evolution of Lobbying Strategy

A final session explored changes in lobbying strategy over time.

Alayne Crawford, of the Government Relations Institute of Canada, explained that her organization

is a recognized national voice of government relations professionals (the lobbyists' lobbyist). When thinking about what lobbyists do, Crawford says the answer depends on who you ask. "According to my kids, I do lunch," she joked, noting that she sees herself more like the character Olivia Pope on TV's *Scandal*. Lobbyists are translators, problem solvers and advocates. Crawford divides lobbyists into three categories: consultant lobbyists, in-house lobbyists (corporations), and in-house lobbyists (organizations).

In terms of the evolution of lobbying, she celebrated the development of women practitioners and the shift away from perceptions of an old boy's club of lobbyists where discussions take place on golf courses or in bars. She also highlighted the Canadian Advocacy Network. Launched in 2012, this group wants to ensure public policy making is accessible to all in a manner similar to the *pro bono* work lawyers often do.

Lauren Dobson-Hughes, a consultant in Strategic Advocacy and Government Relations, provided two examples of lobbying work she was involved in: the G7 commitment of \$2.8 billion to maternal child health in 2010; and AIDS/Malaria funding. She said she hoped these examples dispel myths, noting that she lobbies for the poorest of the poor, yet her work as a lobbyist is the same as other lobbyists. "This isn't about schmoozy lunches," she said. "This is detailed policy work."

Dobson-Hughes explained that formulating 'the ask' is half a science and half an art. "Can this funding make the government look good/help its reputation?" she asked. For the G7 commitment, Dobson-Hughes said lobbyists framed the proposal as one demonstrating the values of compassionate conservatism that was important to the government of the day. In hopes of getting a commitment for AIDS/Malaria funding they did sponsored travel for MPs to show them what access to AIDS prevention/medication looks like. "Yes, this is 'sponsored travel' too," she explained. Dobson-Hughes concluded by noting that increasingly governments need to see a thanks or support from grassroots to be receptive to these types of requests.

A final presenter, Michele Austin, a senior advisor at Summa Strategies Canada, explained some recent

trends that lobbyists are observing as they do their work. Canadians are increasingly turning to digital media and young people are especially likely to be using Youtube and videos. Youtube is Canada's second largest search engine and Canadians use it more often than Americans. Austin said lobbyists can help clients to know how many characters it takes to get your message across over social media platforms. For example, you have about 40 characters to make an impact on Facebook, 100 on Twitter, and about three minutes on Youtube. Pictures are also important on these media – especially for millennials.

Austin stated that authentic relationships are important with consumers. Eighty-four per cent of millennials don't trust traditional advertising. They are more apt to listen to influencers because they are giving more authentic endorsements. Influencers extoll the virtues of a product because they like it, not because they get compensation.

During a Q&A period, one audience member asked if lobbyists' reputations could ever recover. Austin said she doubts it because lobbyists have not done a good enough job educating people about what they do. She notes it will be more difficult in the future to promote a positive image because the democratization of journalism has made news media very competitive. 'Gotcha stories,' including ones about unethical lobbyists, are what drives people to consume news.

"I think we make for very good antagonists," Crawford added, "but that's healthy. It requires us to be transparent. When the Kady O'Malleys of the world write about bad behaviour, we hope they don't delegitimize the activity itself."

Dobson-Hughes offered an optimistic note, suggesting it may be possible that things are improving. She said old attitudes about calling up friends or the 'Old Boys Club' are disappearing and unethical behaviour is being increasingly called out by other lobbyists.

"The client is the most powerful advocate for their own issue," she concluded. "The politicians don't want to see our faces. Lobbyists are not actually influential – they are the strategists for the clients."

The Canadian Scene

New Saskatchewan Speaker

On March 12, Saskatchewan Party MLA **Mark Docherty** was elected Speaker of the Saskatchewan Legislative Assembly. Speaker Docherty replaces **Corey Tochor** who resigned in January to seek the federal Conservative Party's nomination in the Saskatoon-University riding.

Seven MLAs (including **Glen Hart, Delbert Kirsch, Warren Michelson, Eric Olauson** and **Colleen Young** of the Saskatchewan Party, and **Danielle Chartier** of the NDP) sought the Speaker's role. Docherty, who represents Regina Coronation Park, won on the fifth ballot.

Docherty was escorted to the chair by Premier **Scott Moe** and Official Opposition leader **Ryan Meili** (both of whom newly assumed their positions). Donning the Speaker's tricorn hat and robes, Docherty joked, "That was the reason why I ran."

Prior to his political career, Docherty earned a Bachelor of Science, a Bachelor of Human Justice, and a Masters of Social Work and taught courses at the University of Regina and Saskpolytec. A decorated athlete, Docherty was an active lacrosse, rugby and handball player and competed internationally in triathlon competitions. He was also heavily involved in many community organizations, including a tenure as director of Dales House, which offers services to troubled youth.

First elected in 2011, Docherty has served as Saskatchewan's Minister of Parks, Culture and Sport, Minister responsible for the Provincial Capital



Hon. Mark Docherty

Commission, and Legislative Secretary for Disability Issues and Legislative Secretary to the Premier (Immigration and Culture).

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*As of March 30, 2018

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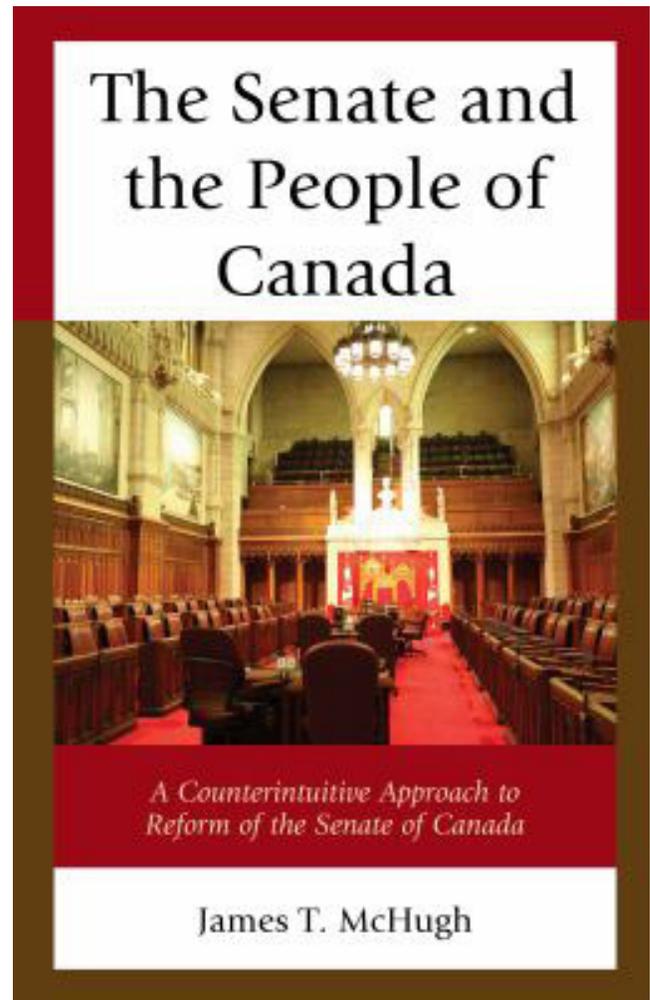
Parliamentary Bookshelf: Reviews

The Senate and the People of Canada – A Counterintuitive Approach to Reform of the Senate of Canada, James T. McHugh, Lexington Books, Lanham, Maryland, 2017, 296 p.

James McHugh's addition to the parliamentary bookshelf is extremely ambitious in scope. It undertakes to provide a comprehensive survey and assessment of historical, philosophical, methodological, constitutional, institutional and political considerations relevant to Senate reform – and that's just in Part I. In Part II, McHugh proposes a Senate closely modelled on the British House of Lords. He provides draft constitutional amendments that would accomplish this along with detailed supportive argument. Part III examines non-constitutional options and recent history, including the Trudeau reforms of 2016, and concludes by calling for reform that would enable Canada's appointed upper House to achieve its full potential.

The wide-ranging survey of potentially relevant ideas and approaches provided in Part I is necessarily limited in its elaboration of individual topics. However, McHugh deserves gratitude for the prodigious research reflected in this section. It is evident throughout the text and in 386 footnotes, most of which provide useful references to other resources. There are also a number of worthwhile extensions of the Senate reform discourse. These include information, often ignored, on the pre-Confederation colonial upper houses and assumptions subsequently embodied in the Senate. The history of the early Senate is also well documented and very informative. However, McHugh's reliance on speeches by senators invoking the 'national interest' as evidence of an institutional role as the guardian of the public interest against the ravages of self-interested occupants of the elected House may not be entirely free of selection bias.

Other elements of Part I are less successful. These include the survey of the standard canon of Western political thinkers, Plato through to Hegel (but no Marx), much of which is of little demonstrated use in thinking about Senate reform options. It relies on summary descriptions that may associate labels such as "conservative" or "communitarian" with upper chambers in general, or types of upper chamber, but



do not provide substantive arguments that could offer convincing reasons for reform choices.

Furthermore, much of Part I is poorly edited. Virtually every mention of the theme of the book, and there are many, is embellished with a reminder that it is "counterintuitive," and repetition abounds elsewhere (compare p. 119 and 128 for example). Discussion is too often jargon-heavy or vacuous, or both. For example, a survey of methodological approaches informs the reader (p. 109) that traditional Senate reform has been "...driven by a formal-legal analysis, also known as the "old" institutionalism...[which is] positivist in nature, relying upon empirical observation and description of the institutional structures and the formal rules...[but that] Senate reform appears to fit, more specifically, into a structuralist model that has had more success

...despite being associated with that “traditional” formal-legal approach...that has been, largely, set aside by scholars.” Robert MacGregor Dawson materializes in the middle of this paragraph and is given a mixed review before receiving the verdict that his “historical institutional” approach results in “exaggerations of certain political features, such as the dominance of the central government within the federal system and the contribution of the Senate toward the overall governmental process.”

Part II is a detailed clause-by-clause presentation and justification of McHugh’s proposed amendments or, in his terms, “specific, hypothetical, and idealized proposal.” (p. 11) It is written more clearly than Part I and provides a wealth of information and analysis related primarily to the British House of Lords but also ranging more widely. The detailed analysis of the suspensive veto provided in chapter 6 may be of special interest to Canadian reformers. It includes an examination of the successive amendments to the British *Parliament Act* that have shaped the suspensive veto as well as data on its impacts on the performance of the House of Lords. Useful comparative analysis of the British and Australian upper chambers is also provided.

Other elements of McHugh’s proposal, also based on the House of Lords, go further. Unlimited membership, with compensation based on individual performance, is proposed as a way of increasing inclusiveness and opening the Senate to specialized expertise. However, the need for provincial agreement to the removal of provincial seat quotas implicit in unlimited membership is acknowledged to be the “elephant in the room” for this proposal. A lengthy exploration of intrastate federalism options yields only the modest insight that “...providing provincial governments with direct appointments to the Senate appears to be a politically necessary aspect of this reform.” (p. 168)

McHugh also proposes an appointments process modelled more closely on that of the House of Lords, including a requirement that no more than 50 per cent of the senators appointed during any 4-year period may be representatives or members of any single political party. He argues that this would provide strengthened support for non-partisanship, in comparison to the process initiated by the Trudeau government in 2016. Additional elements of the appointments procedure include the automatic appointment of a lengthy list of former officials, ranging from former Governors General to former human rights commissioners. Double majority voting on official languages matters is added

to the proposed model, and discussion of adaptations going beyond the British upper house draws on a wide-ranging examination of Canadian constitutional history, experiments with advisory elections, recent scandals and potential remedies, implications of the Supreme Court decisions and the place of evolving convention as a complement to formal change.

Although more limited in Part II, clarity issues are not entirely absent. For example, a table entitled “Effectiveness of Upper Houses Influence without Confidence Conditional Logit Analysis of Government Formation,” (p. 129) that compares four undefined bicameralism “models” according to 20 variables is inserted into a discussion of suspensive vetoes without any (nearby) reference or explanation.

Given the scope of the book, only an ingrate would respond with concerns about omissions. However, the leap from purported theory to the draft amendment language and frequently quite specific considerations of Part II could be strengthened in some cases by more in the middle. Canadian proposals for a reformed appointed Senate, for example, are briefly acknowledged; but this universe provides a range of permutations and combinations involving House of Commons legislative overrides, Senate vetoes, special majority requirements and restrictions of some or all of these to designated classes of legislation. Critical attention to pros and cons of these options would make McHugh’s proposed suspensive veto model more convincing.

This book – especially Parts II and III – will find an appreciative audience in Canada’s ample population of Senate reform junkies and constitutional scholars. Political science students might be directed to Part I as well, for use as a very comprehensive compilation of background information and references. Although the Trudeau government’s initiatives appear to have muted public interest in an elected Senate at least for now, they have yet to be accepted by the opposition parties and could thus prove to be ephemeral. This would make McHugh’s preoccupation with problems raised by variants of the Triple ‘E’ Senate proposals more apposite than it appears to be today. More immediately, if the ultimate result of the Trudeau changes is to make the Senate more assertive without increasing its legitimacy, McHugh’s approach to Senate reform could well prove to be prescient.

Jack Stilborn

Former Principal Analyst in the Parliamentary Information and Research Service, Library of Parliament

New and Notables Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (November 2017-February 2018)

“Cracking the whips - Parliament’s whips have lost their edge, just as their role becomes vital.” *Economist* 425 (9066), November 9, 2017, pp. 40-1.

- The backroom fixers of Westminster are not as powerful as they used to be.

Feldman, Stephanie. “The House of Commons as a court of parliamentary privilege.” *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (3), November/novembre 2017: pp. 571-87.

- Although the House of Commons does not function as a judiciary *per se* in the way that the British House of Lords once did, the method in which the House responds to breaches of parliamentary privilege can be effectively compared to the manner in which courts of law in the rest of the country adjudicate wrongdoing in fields other than parliamentary law. The House’s court of parliamentary privilege represents a way in which Members’ fundamental rights are protected, with the Speaker serving a role similar to that of a judge.

Grammond, Sébastien. “The protective function of the constitutional amending formula.” *Review of Constitutional Studies - Revue d’études constitutionnelles* 22 (2), September/septembre 2017, pp. 171-209.

- The *Reference re Supreme Court Act* and the *Reference re Senate Reform* have often been interpreted as widening the body of norms that form part of the Constitution. The author submits that in those two references, the Supreme Court of Canada has instead given effect to the protective function of the constitutional amending formula. This means that the amending formula limits the action of Parliament and the provincial legislatures...

Heard, Andrew. “British Columbia’s 2017 extraordinary contribution to constitutional conventions.” *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (3), November/novembre 2017, pp. 563-69.

- The razor thin results of May 9, 2017 BC provincial election provided much excitement, with the question of who would form the government left unresolved for weeks after election night. Those weeks were remarkable for the range of constitutional conventions that came into play.

Kelly, Richard and Mark Bennister, . “The Liaison Committee: Taking evidence from the Prime Minister.” *Briefing Paper - House of Commons Library CBP 8182*, December 19, 2017, 20p.

- these sessions with the Prime Minister have occurred since 2002 and have now become an established part of the scrutiny mechanisms available to Parliament. This briefing sets out the background to the evidence sessions.

Lev-On, Azi, Chen Sabag-Ben Porat, and Sam Lehman-Wilzig. “A Facebook post is born: Exploring the process of generating MPs’ social media presence.” *The Journal of Legislative Studies* 23 (4), 2017, pp. 549-65.

The current study focuses on three issues of an MP’s Facebook presence: the *goals* of the MP’s activities on Facebook, the main *obstacles* perceived by the assistants while maintaining MPs’ Facebook presence, and the key *professional dilemmas* that assistants run into during their Facebook activity on behalf of MPs. These questions can offer insight into whether public involvement is indeed perceived by parliamentarians as a dialogue to be carried out, or a burden to be managed.

Maer, Lucinda, and Georgina Ryan-White. “Pre-appointment hearings.” *Briefing Paper - House of Commons Library CBP 04387*, December 20, 2017, 24p.

- This Commons Library briefing paper outlines the role that select committees play in assessing the suitability of the Government’s favoured candidates for a number of public appointments... there have been some calls for changes to the pre-appointment hearings process, including suggestions that there should be greater

parliamentary involvement in a small number of appointments.

Morden, Michael. "Parliament and the representation of Indigenous issues: the Canadian case." *Parliamentary Affairs* 71 (1), January 2018, pp. 124-43.

- This article explores the nature of parliamentary opposition on issues affecting Indigenous communities at Canada's national parliament. Content analysis is performed on all oral questions asked on Indigenous issues in the 37th, 38th, 39th, 40th and 41st parliaments. The findings reveal a particular preferred frame for approaching Indigenous issues, centred on a poverty-based problem statement. In contrast, more particularistic Indigenous issues, such as historical restitution, resolution of competing claims to territory or increasing self-determination, are underrepresented in parliamentary discourse. The article explores the implications of this finding for Indigenous issue representation, and the representation of other groups in parliament.

Sainty, J.C. "The address in reply to the speech from the throne." *Parliamentary History* 36 (3), 2017, pp. 333-45.

- This article traces the evolution of the address in reply to the speech from the throne, from its origins in the early 18th century, showing how it developed from a device for bringing about a community of interest between government and parliament while at the same time providing a focal point for rallying the opposition. It describes how the address became an echo of the speech, often drafted at the same time as the speech itself.

Umit, Resul. "With happiness and glory, from your MP: the use of e-newsletters in the UK Parliaments." *Parliamentary Affairs* 70 (4), October 2017, pp. 759-79.

- This article extends the empirical evidence for the use of e-newsletters in parliamentary communication in between elections. It assesses the effect of electoral incentives and parliamentary institutions on members (MPs) from all four legislatures in the UK. The author finds that electoral incentives to cultivate a personal vote increase the e-newsletter usage by MPs. However, being an MP in subnational parliaments or smaller parties decreases it. These findings throw

a fresh light on why only some parliamentarians are happy to adopt new and seemingly resource-efficient ways to reach out to voters.

Fournier, Julien, and Binette, Amélie. "The Crown: A Vector of Canadian Federalism." *Les cahiers de droit* 58 (4), December 2017, pp. 625-51.

- On the 150th anniversary of the British North America Act, 1867, this article explores how the unwritten rules and conventions regarding the Crown in the Westminster system, in general, and the rule of the indivisibility of the Crown, in particular, have increased the prestige and the powers of provincial executive power in the Canadian federation, even if the text of the Constitution appears to rank the federal government over the provinces. First, the article reviews the main rules concerning the Crown and its role in the constitutional structure, and then examines how the use of the royal prerogative by Canadian governments has allowed them to increase their autonomy with respect to the imperial authorities. Second, the article analyzes the ambivalence of the Fathers of Confederation at the birth of Canadian federalism with regard to the role of the provinces. Through an analysis of case law, it then shows how unwritten law and conventions have helped the provinces.

Fournier, Julien. "L'« affidavit St-Hilaire » sur le privilège parlementaire et son rejet dans l'affaire Boulerice : mise en contexte." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (3), November/novembre 2017, pp. 723-26.

- The House of Commons Board of Internal Economy found fault with the use of parliamentary resources by certain Members of Parliament from the New Democratic Party to mail out partisan material and maintain satellite offices. ... The case raises important constitutional questions regarding the relationship between parliamentary privilege and the oversight of MPs' expenditures.

St-Hilaire, Maxime. "L'affidavit St-Hilaire relatif au privilège parlementaire." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 11 (3), November/novembre 2017, pp. 727-34.

- The affidavit is reproduced in its entirety.



Ontario

Back-to-work Legislation

The College Employer Council, which represents the bargaining unit for Ontario's colleges, and the Ontario Public Service Employees Union were parties to a collective agreement for full-time academic staff that expired on September 30, 2017. A strike commenced on October 16, 2017, after bargaining negotiations broke down.

On November 16, at the request of the Executive Council, an Order in Council was issued ordering the Speaker to reconvene the 2nd Session of the 41st Parliament at 3:00 p.m. on November 17 so that the Government could introduce back-to-work legislation.

On Friday, November 17, the Government introduced Bill 178, *An Act to resolve the labour dispute between the College Employer Council and the Ontario Public Service Employees Union*. The Legislative Assembly met through the weekend to debate the legislation, which passed third reading and received Royal Assent on Sunday, November 19. College students and staff returned to classrooms later that week.

Membership Changes

Jagmeet Singh resigned as the Member for Bramalea—Gore—Malton effective October 20, 2017,

following his election as leader of the federal New Democratic Party. **Cheri DiNovo** resigned as the Member for Parkdale—High Park effective December 31, 2017.

Condolences

The House expressed its condolences on the passing of former Members **W. Donald Cousens**, Member for the electoral districts of York Centre and Markham from March 19, 1981 - June 7, 1995; **Montgomery "Monty" Davidson**, Member for Cambridge from September 18, 1975 - March 18, 1981; and **Gordon Robert Carton**, Member for Armourdale from September 25, 1963 - September 17, 1975.

Committee Activities

Standing Committee on Estimates

The Standing Committee on Estimates met in the fall to review the 2017-2018 Expenditure Estimates of ministries and offices selected for consideration. Over the course of 12 meetings, the Committee reviewed the estimates of the Treasury Board Secretariat for seven hours and 30 minutes, the Ministry of Energy for seven hours and 30 minutes, and the Ministry of Health and Long-Term Care for 12 hours and 15 minutes. The Committee presented its report to the House on November 16, 2017.

Standing Committee on Finance and Economic Affairs

The Standing Committee on Finance and Economic Affairs met to consider Bill 148, *An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts*. Following three days of public hearings and one day of clause-by-clause consideration, the bill was reported back to the House as amended on November 17. The bill, which received Royal Assent on November 27, 2017, raises the province's minimum wage to \$14.00 an hour on January 1, 2018 and to \$15.00 an hour on January 1, 2019, among other initiatives.

The Committee began its 2018 Pre-Budget Consultations in December, with one day of public hearings held in Toronto. Additional consultations are scheduled to be held in Thunder Bay, Sudbury, Ottawa, Kitchener-Waterloo and Windsor in January 2018.

Standing Committee on General Government

The Standing Committee on General Government considered three bills in the fall.

The first of these was Bill 152, *An Act to amend the Representation Act, 2015 and certain other Acts*, which created two new electoral districts in Ontario's far north. Bill 152 was the next step in a process that began in 2015, with the passage of the *Representation Act, 2015*, which divided Ontario into 122 electoral districts (up from the current 107), as of the 2018 election. That Act also created a Far North Electoral Boundaries Commission, with a mandate to make recommendations to the Legislative Assembly regarding the creation of one or two new provincial electoral districts from the geography of the existing two ridings in the far north, and to propose the boundaries and names of the new riding or ridings.

The Commission tabled its final report in August, and the Government introduced Bill 152 in September, putting into legislation the report's recommendations.

The Committee held public hearings on the bill in Moose Factory, a predominantly Cree Island community near the mouth of the Moose River, at the southern end of James Bay, and heard testimony from a number of First Nations chiefs. During clause-by-clause consideration of the bill, in response to public input, the Committee amended the proposed name of one new riding, and added a requirement for the Attorney General to undertake a review of the name, in

consultation with affected communities, and to make recommendations on the name to the Legislature.

The bill received Royal Assent on October 25, 2017. With the new ridings, the June 2018 election will return 124 MPPs to the Ontario Legislature.

The Committee next considered Bill 163, *An Act to enact the Safe Access to Abortion Services Act, 2017 and to amend the Freedom of Information and Protection of Privacy Act in relation to abortion services*. The bill established access zones around abortion clinics, facilities and providers' residences, and set out prohibitions on certain activities, such as performing acts of disapproval or dissuasion, within the access zones.

The bill was reported back to the House without amendment, and received Royal Assent on October 25, 2017.

Lastly, the Committee considered Bill 160, *An Act to amend, repeal and enact various Acts in the interest of strengthening quality and accountability for patients*. Among its stated purposes, the bill makes it mandatory for the medical industry to disclose payments made to health care professionals and other recipients; enacts legislation to govern the practice of medical radiation and imaging technology; and establishes a regulatory system for community health facilities and energy applying and detecting medical devices.

The Committee held four days of public hearings and four days of clause-by-clause consideration on the bill. The bill was reported as amended on December 7 and received Royal Assent on December 12, 2017.

Standing Committee on Justice Policy

The Standing Committee on Justice Policy considered Bill 174, *An Act to enact the Cannabis Act, 2017, the Ontario Cannabis Retail Corporation Act, 2017 and the Smoke-Free Ontario Act, 2017, to repeal two Acts and to make amendments to the Highway Traffic Act respecting alcohol, drugs and other matters*. This piece of legislation details how cannabis is to be sold and consumed in the province of Ontario. The bill also outlines the restrictions surrounding the smoking of tobacco products, vapour products and medicinal cannabis, and makes various amendments to the *Highway Traffic Act*.

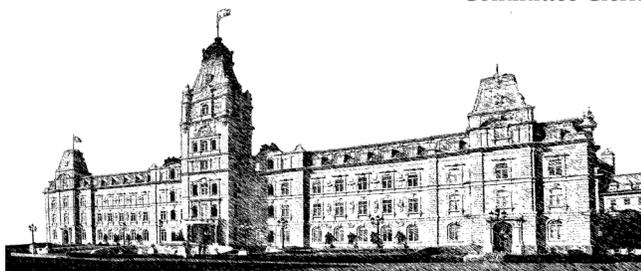
The Committee held two days of public hearings, attracting a wide variety of presenters; owners of e-cigarette shops and cannabis dispensaries, safety

advocacy groups, pharmacists, nurses and school boards, to name a few. Following one day of clause-by-clause consideration, the bill was reported back to the House as amended on December 11, passed Third Reading, and received Royal Assent on December 12, 2017.

Standing Committee on Regulations and Private Bills

The Standing Committee on Regulations and Private Bills reported its *Second Report 2017* to the House on December 11, 2017. The report reviews regulations made by the government in the second half of 2016. It contains recommendations to two ministries, as the Committee found these ministries not to be in accordance with Committee guidelines for the making of regulations.

Eric Rennie
Committee Clerk



Québec

National Assembly proceedings

Composition of the National Assembly

Coalition Avenir Québec candidate **Geneviève Guilbault** was elected in the by-election held on October 2, 2017, in the electoral division of Louis-Hébert.

On December 8, 2017, at the end of the fall period of extended hours of meeting, the composition of the Assembly was as follows: 68 Members of the Québec Liberal Party, 28 Members of the Parti Québécois, 21 Members of the Coalition Avenir Québec, and eight independent Members, three of whom sit under the banner of Québec Solidaire.

On October 11, 2017, Premier **Philippe Couillard** shuffled his Cabinet. Nine of the 30 ministers composing the Cabinet were given new responsibilities

and six new ministers were appointed. Furthermore, **Nicole Ménard**, Member for Laporte, was appointed Chief Government Whip and **Filomena Rotiroti**, Member for Jeanne-Mance-Viger, was appointed Chair of the Government Caucus.

Guy Ouellette, Member for Chomedey, stepped away from the Government Caucus from October 26 to November 21, 2017.

Bills passed

From October to December 2017, the Assembly passed 18 bills (15 public and three private). Of these bills, the following should be noted:

Bill 62, *An Act to foster adherence to State religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies;*

Bill 99, *An Act to amend the Youth Protection Act and other provisions;*

Bill 108, *An Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics;*

Bill 130, *An Act to amend certain provisions regarding the clinical organization and management of health and social services institutions;*

Bill 144, *An Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance;*

Bill 151, *An Act to prevent and fight sexual violence in higher education institutions.*

Ethics Commissioner's ad hoc investigation report to the President of the National Assembly regarding Claude Surprenant, Member for Groulx

On December 5, 2017, pursuant to section 102 of the *Code of Ethics and Conduct of the Members of the National Assembly*, **Claude Surprenant**, Member for Groulx, availed himself of his right to make a statement to the Assembly following the tabling of the Ethics Commissioner's ad hoc investigation report concerning him. At the following sitting, the Assembly voted on the Ethics Commissioner's report since the Commissioner had recommended the imposition of a sanction. The report was adopted on the following vote: Yeas: 105, Nays: 0, Abstentions: 5. This is the first time that a sanction has been imposed on a parliamentarian

since the adoption of the *Code of Ethics and Conduct of the Members of the National Assembly* in December 2010.

Rulings and directives from the Chair

Among the rulings and directives handed down by the Chair, some deserve special attention.

Misleading parliamentarians

On November 7, 2017, the Chair gave a ruling on the point of privilege or contempt raised by the Official Opposition House Leader in which he alleged that the Minister of Justice had acted in contempt of Parliament by knowingly misleading the parliamentarians in the context of the consideration in committee of Bill 62, *An Act to foster adherence to State religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies*. The Chair recalled that though parliamentary jurisprudence has established that deliberately misleading the House or its committees can constitute contempt of Parliament, the Member must subsequently acknowledge having done so deliberately. It requires more than a clumsy or poorly prepared statement on how to interpret a provision contained in a bill under consideration for the Minister's statements to be considered an admission to having deliberately misled parliamentarians. At no time did she admit to having deliberately made statements in order to mislead the committee and, consequently, the Chair concluded that the Minister of Justice's statements did not constitute contempt of Parliament.

Arrest of a Member

On the afternoon of October 25, 2017, police officers of the Unité permanente anticorruption (UPAC) arrested the Member for Chomedey and chair of the Committee on Institutions, Mr. Ouellette. On that day, the Member was to chair the proceedings of this Committee tasked with examining a bill. At lunchtime, UPAC police officers used a ploy to get the Member to leave the parliamentary precincts and to meet him at a location on the outskirts of Québec City before arresting him. The Member's cell phone and various electronic devices were also seized. At the time of writing, no charges had been laid against the Member.

On October 31, the Member for Chomedey made a statement on this matter during the period set aside for personal explanations. The same day, the President of the National Assembly also made a statement to give

the Members of the National Assembly his thoughts on this unprecedented situation, as well as to give his interpretation of his role as President within this context. The Official Opposition House Leader then asked for directives on the following questions:

1) *Has the President always been notified by the legal authorities when a Member is arrested?*

2) *Have the legal authorities violated a Member's privileges if they do not promptly lay charges following the Member's arrest?*

3) *Is the President's authorization necessary to search Members' cell phones and computers? Are these devices considered extensions of a Member's National Assembly office and covered by the same parliamentary privilege?*

4) *Does the fact that a police force misleads a Member, resulting in him being unable to fulfill his parliamentary duties, constitute a breach of parliamentary privilege? Does tricking or misleading a Member to get him out of the parliamentary precincts in order to serve him constitute contempt of Parliament?*

5) *Is electronic surveillance of a Member outside the parliamentary precincts considered a form of harassment, obstruction, molestation or intimidation of that Member? What specific measures must police forces take under these circumstances to respect the separation of powers between the executive and legislative branches?*

After having taken these questions under advisement, the President of the Assembly handed down a directive in reply thereto at the sitting of November 16, 2017. Owing to the length of this directive, the President's statement and his directive may be viewed using the following links (in French only):

http://www.assnat.qc.ca/fr/travaux-parlementaires/assemblee-nationale/41-1/journal-debats/20171031/206931.html#_Toc497314819

<http://www.assnat.qc.ca/fr/travaux-parlementaires/documents-deposes.html>

Committee proceedings

Consultations and public hearings

From October to December 2017, the National Assembly's sectorial committees held close to 40 consultation sittings and public hearings. These sittings involved over 110 hours of work.

In early December 2017, the Committee on Health and Social Services (CHSS) began its public consultations within the framework of the consideration of Bill 157, *An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions*. Upon adjournment of proceedings for the holiday period, 32 briefs had been received, and 55 individuals and groups will have been heard by the end of these consultations in January 2018.

In March 2016, the Committee on Citizen Relations (CCR) adopted an order of initiative on women's place in politics. Within the framework of its mandate, public hearings were held on December 6-7, 2017. During these hearings, 11 individuals and organizations were heard and 12 briefs were received. An online consultation has also been underway since November 9, and will end on December 31, 2017. As of mid-December 2017, almost 500 individuals had filled out the questionnaire. This extensive consultation will make it possible, in particular, to pinpoint the factors that motivate women or discourage them from entering provincial politics.

Clause-by-clause consideration of bills

Since October 2017, 16 public bills have been given clause-by-clause consideration in parliamentary committee. In other words, 53 public sittings totalling over 170 hours of work in committee were set aside for this type of mandate.

Among these bills, we should note the end of the clause-by-clause consideration of Bill 108, *An Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics*, which was referred to the Committee on Public Finance (CPF). The consideration of this bill took close to 40 hours during which 216 amendments and subamendments were introduced, 178 of which were adopted. The Committee on Culture and Education (CCE) also concluded the clause-by-clause consideration of Bill 151, *An Act to prevent and fight sexual violence in higher education institutions*, in three sittings.

The Committee on Institutions (CI), for its part, gave clause-by-clause consideration to Bill 107, *An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses*. During the three sittings set aside for this bill, 21 amendments were adopted by the CI members. During the clause-by-clause consideration of Bill 143, *An Act to improve the educational quality and foster the harmonious development of educational childcare services*,

the CCR examined 40 proposed amendments, half of which were adopted.

Finally, the CCE members and those of the Committee on Planning and the Public Domain (CPP) heard the interested parties and gave clause-by-clause consideration to three private bills.

Tabling of the Committee on Public Administration's report and 20th anniversary

On December 6, 2017, the Committee on Public Administration (CPA) tabled its 37th report. This report concerns the accountability of the deputy ministers and chief executive officers of the following public bodies: the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, the Ministère du Tourisme, the Autorité des marchés financiers, the Commission de la fonction publique and Investissement Québec. This document reflects the public hearings held between September and November 2017. It also contains nine recommendations aiming to improve the administrative management of these departments and public bodies.

Furthermore, on October 31, 2017, the CPA underlined its 20th anniversary during a ceremony held under the honorary chairmanship of the President of the National Assembly, **Jacques Chagnon** (Westmount-Saint-Louis), and in the presence of several Members and this Committee's key contributors. To mark this anniversary, an article was also published in the journal *The Parliamentarian*.

Composition of the standing committees

Last October, several changes were made to the standing committees. Three of them elected a new chair: **Rita de Santis** (Bourassa-Sauvé) replaced Ms. Rotiroti as chair of the CCE, Mr. Ouellette replaced **Pierre Michel Auger** (Champlain) as chair of the CPP and Mr. Auger replaced Mr. Ouellette as chair of the CI.

Furthermore, three committees elected new vice-chairs: **Guy Hardy** (Saint-François) replaced **Jean Habel** (Sainte-Rose) as vice-chair of the Committee on Agriculture, Fisheries, Energy and Natural Resources (CAFENR), **Pierre Reid** (Orford) replaced **Paul Busque** (Beauce-Sud) as vice-chair of the Committee on Labour and the Economy (CLE) and **Nicole Léger** (Pointe-aux-Trembles) replaced **Claude Cousineau** (Bertrand) as vice-chair of the CPP.

Cercle des jeunes parlementaires

Last November 30, the President of the National Assembly announced the creation of the Cercle des jeunes parlementaires (circle of young parliamentarians). The main purpose of this circle is to encourage young people's involvement in politics by organizing meetings, conferences and workshops.

Thus, starting from the next legislature, all MNAs aged 35 years and under will be members of the circle for the duration of the legislature. This group's steering committee will be composed of cochairs hailing from each of the political parties represented in the National Assembly. Participation in the activities of the Cercle des jeunes parlementaires will be voluntary and non-partisan.

Nicole Bolduc

General Directorate for Parliamentary Affairs
Sittings Service

Sabine Mekki

General Directorate for Parliamentary Affairs
Committees Service



British Columbia

Second Session

As mentioned in the Winter 2017 Legislative Report, the 2nd Session of the 41st Parliament began on September 8, 2017 with the first Speech from the Throne of the minority government led by the BC New Democratic Party (NDP) and Premier **John Horgan**. The government is supported by the three BC Green Party Members pursuant to a May 30, 2017 "Confidence and Supply Agreement." The House adjourned on November 30, 2017, and was scheduled to resume on February 14, 2018.

Currently, the BC NDP and the BC Liberal Party have 41 Members each, and the BC Green Party has three Members. The Assembly has one Independent Member, the Speaker, and one vacancy due to the August 4 resignation of former premier and leader of the BC Liberal Party, Christy Clark. A by-election for the former Premier's constituency must be called no later than February 3, 2018.

Legislation

In total, 17 government bills and 11 private members' bills were introduced in this sitting. By the end of the sitting, all government bills received Royal Assent. The significant bills outlined in the Winter 2017 Legislative Report received Royal Assent, including the *Election Amendment Act, 2017*, the *Electoral Reform Referendum 2018 Act*, the *Lobbyists Registration Amendment Act, 2017* and the *Constitution Amendment Act, 2017*. With the adoption of the *Constitution Amendment Act, 2017*, which changed the definition of "leader of a recognized political party" by reducing the threshold for official party status from four Members to two, the BC Green Party received official party status.

Speaker's Decision on the Application of Standing Order 18 (Pecuniary Interest)

On October 18, 2017 in anticipation of second reading debate on Bill 5, *Constitution Amendment Act, 2017*, Opposition House Leader **Michael de Jong** raised a point of order regarding the application of Standing Order 18 to the Bill. Standing Order 18 states that a Member is not entitled to vote on a question in which he or she has a direct pecuniary interest. As the Bill would result in Members of the Green Party becoming eligible for additional compensation if they were to accept the responsibilities for party positions such as leader, House Leader and whip, the Opposition House Leader sought guidance on whether any Members would be precluded from participating in the debate and voting on the bill.

In his decision, Speaker **Darryl Plecas** cited previous Speaker's rulings on Standing Order 18 establishing that a direct pecuniary interest must be immediate and personal. The Speaker stated that the entitlement for additional compensation for Members in the above noted positions is not a personal benefit, but rather a benefit connected to specific positions, pursuant to the *Members' Remuneration and Pensions Act*. He also noted that Members should not be prevented from voting on rules that directly or indirectly establish their entitlement to compensation, even if this has

the effect of providing them with pecuniary benefits, as “these decisions are expressions of the basic right held by parliaments that a House must be allowed to govern itself.”

Speaker’s Decision on Unparliamentary Language

During Question Period on October 25, 2017, Speaker Plecas cautioned Members against the use of addressing ministers by improper titles, such as “Minister of Job Loss”, “Minister of Consultation Paralysis” and “Minister of Intimidation”. Following continued use of these improper titles, on November 6, 2017, the Speaker advised Members that ministers must be addressed by their proper title. Mr. de Jong, Official Opposition House Leader, rose on a point of order suggesting that the use of other titles did not constitute unparliamentary language. Government House Leader, **Mike Farnworth**, and the Third Party House Leader, **Sonia Furstenau**, also spoke to the point of order.

On November 7, 2017, Speaker Plecas delivered his decision. He noted that “numerous rulings and parliamentary authorities affirm that unparliamentary language is not defined in an exhaustive or finite manner” and that “a Speaker must exercise discretion and consider context in which language is used in debate when deciding whether to intervene.” He concluded that “the use of unofficial and, at times, mocking or derogatory titles when directing a question to a Minister of the Crown is indeed disrespectful to the Minister and reflects poorly on this institution.”

Estimates and Supply Legislation

Due to the provincial general election in May, the Assembly was previously unable to consider a budget and the accompanying estimates, and adopted an Interim Supply Bill at the end of the previous Parliament, and a second Interim Supply Bill on September 21, 2017.

The Committee of Supply began consideration of the Estimates for the 2017-2018 provincial budget on October 2, 2017, and concluded its process on November 29, 2017. In keeping with recent practice, a September 20, 2017 motion for Committee of Supply to sit in two sections to facilitate consideration of the Estimates was unanimously adopted. In total, the Assembly spent nearly 140 hours on Estimates, similar to the level of time spent in recent election years. The *Supply Act, 2017-2018* received Royal Assent on November 30, 2017.

Legislative Assembly Management Committee

The adoption of the *Constitution Amendment Act, 2017* resulted in consequential changes to the membership of the Legislative Assembly Management Committee. The *Legislative Assembly Management Committee Act* provides that the membership for the committee includes: the Speaker (chair), the Government House Leader, the chair of the Government Caucus, a cabinet minister (recent practice has been to appoint the Government Whip), the Opposition House leader, the chair of the Opposition Caucus, one Member from each additional party (other than the government party or the official opposition party), and for each Member appointed from an additional party, one additional Government Member. As the Green Party received official party status, the Legislative Assembly Management Committee now includes a Green Party Member and an additional Government Member, bringing the total committee membership to eight.

The Committee held two meetings in the new Parliament and approved Vote 1 (Legislative Assembly) for the 2018/19 fiscal year. The Committee also received an update on the implementation of a December 2016 decision on constituency office centralized expenses reporting and discussed staffing arrangements in constituency offices in the new Parliament.

The change in the party recognition threshold also generated discussion with respect to funding as the current funding formula results in an official party of three Members receiving less funding than is afforded to three individual Independent Members combined. Pending an independent review of caucus resources and the caucus funding formula, the Committee approved interim funding for the Office of the Leader of the Third Party equal to 50 percent of the funding received by the Office of the Leader of the Official Opposition.

Other Parliamentary Committees

The Special Committee of Selection met on October 23, 2017 to prepare and report lists of members to compose the Select Standing Committees under Standing Order 68(1). The Committee presented its report to the Legislative Assembly on October 24, 2017.

On November 1, 2017, the Legislative Assembly appointed three special committees to select and unanimously recommend to the Assembly

the appointment of an Information and Privacy Commissioner, a Chief Electoral Officer and a Conflict of Interest Commissioner.

Since the resignation of former Information and Privacy Commissioner **Elizabeth Denham** in July 2016, British Columbia has had an Acting Commissioner, **Drew McArthur**, pursuant to Section 39 of the *Freedom of Information and Protection of Privacy Act*. A Special Committee to Appoint an Information and Privacy Commissioner was established in the previous Parliament; however, the Committee was unable to come to a unanimous recommendation as required by legislation, and recommended a new special committee be appointed to undertake this work following the May 2017 election. Section 39(2) provides that an Acting Commissioner holds office until a Commissioner is appointed under Section 37, a suspension ends, the Commissioner returns after a temporary illness or the Legislative Assembly has sat for 20 days after the day of the Acting Commissioner's appointment – whichever is the case and whichever occurs first. To ensure continuity in the position while a new special committee undertook its work, the Legislative Assembly adopted the *Acting Information and Privacy Commissioner Continuation Act* on October 5, 2017, which temporarily disapplies this last provision, otherwise the Acting Commissioner would have ceased to hold office in October as the Legislative Assembly had sat for 20 days after the date of his appointment. The legislation includes a sunset clause repealing the *Act* on March 31, 2018 or on an earlier date prescribed by the Lieutenant Governor in Council. The Special Committee to Appoint an Information and Privacy Commissioner issued a call for applications on November 29, 2017 with applications due on January 12, 2018.

The Special Committee to Appoint a Conflict of Interest Commissioner and the Special Committee to Appoint a Chief Electoral Officer began discussions on their mandates to unanimously recommend a Conflict of Interest Commissioner and a Chief Electoral Officer. The term for the current Conflict of Interest Commissioner ends on April 5, 2018 and the term for the current Chief Electoral Officer ends on May 31, 2018.

The Select Standing Committee on Finance and Government Services released its report on the Budget 2018 consultation on November 15, 2017. It also concluded an in-depth review of the budgets of the province's eight statutory offices, with the release of a unanimous report on statutory office 2018-2019 budgets on December 18, 2017.

On November 28, 2017, Mr. Farnworth moved a motion to authorize the Select Standing Committee on Crown Corporations to meet for up to three days to study and make recommendations by February 15, 2018 on ride hailing in BC. Mr. de Jong moved an amendment to the motion to remove the limit on the number of days for study and to expand the Committee's mandate to include the impact on the taxi industry. During debate, government and BC Green Party Members spoke against the amendment, which was subsequently defeated on division, after which the main motion was adopted on division.

Address to the House

On November 20, 2017, the Legislative Assembly unanimously adopted a motion to suspend proceedings on November 21, 2017 to allow **Jay Inslee**, Governor of the State of Washington, to address the Legislative Assembly. In his speech, Governor Inslee spoke of shared interests and values in the Pacific Northwest region, discussed partnerships in technology, health care and transportation, and called on legislators on both sides of the border to address the challenge of climate change by making environmental stewardship an economic asset and economic growth strategy. Premier Horgan, Official Opposition Leader **Rich Coleman** and Third Party Leader **Andrew Weaver** each made statements in response echoing the Governor's comments about shared interests and opportunities to strengthen economic prosperity for the region. The last address to the House was by Prime Minister **Stephen Harper** on February 11, 2010, and the last time a Governor of the State of Washington addressed the House was in 1984.

Legislative Assembly Staff Organizational Update

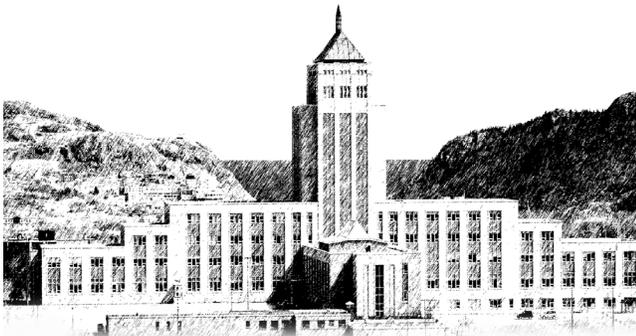
The Legislative Assembly updated its organizational structure to better address priorities in information and technology management, including digitization initiatives. The Information Technology Branch will now report to the Deputy Clerk and Clerk of Committees instead of the Executive Financial Officer. This move places most information and knowledge-based departments under one umbrella, and will facilitate the development of a digital strategy to guide the Assembly's priorities, efforts and investments in the area digital information management.

The Assembly is also working on capital, business continuity and disaster response planning. To support these efforts and leverage financial, procurement and other linkages, responsibility for these initiatives

has been shifted from the Sergeant-at-Arms to the Executive Financial Officer.

Karan Riarh

Committee Research Analyst



Newfoundland and Labrador

The House met in special session from October 16-19, to consider an amendment to the *Elections Act 1991* in response to a decision of Madam Justice **Gillian Butler** striking down as unconstitutional the special ballot provisions of the *Act* which allowed for the casting of ballots before nominations had closed. It was necessary to amend the statute sooner rather than later in light of an impending by-election.

On November 6, in accordance with the recently-adopted Parliamentary Calendar, the House reconvened for the continuation of the Second Session of the 48th General Assembly.

On November 8, the Commissioner for Legislative Standards tabled the Report on his investigation of an alleged breach of the Code of Conduct by a Member of the House. The Commissioner concluded that there had been a breach and recommended that the Member be reprimanded as prescribed by the *House of Assembly Accountability, Integrity and Administration Act* and apologize in the House of Assembly to the person aggrieved by the conduct. The Member apologized to the aggrieved party and the Members of the House of Assembly.

On November 16, the Privileges and Elections Committee tabled its report on a *prima facie* breach of privilege referred on May 29. The matter related to the

actions of a Member who had been suspended from the House for failing to withdraw unparliamentary language. The Member then tweeted and re-tweeted the House of Assembly webcast clip of the episode including the unparliamentary language. The Committee found that the actions of the Member had amounted to a contempt but as he had resigned his seat they did not recommend that any action be taken. The Committee did caution however that if the former Member had remained in the House a penalty might have been imposed.

The House confirmed the amendments to the Standing Orders which had been adopted provisionally in November 2016 – principally the Parliamentary Calendar – and adopted several minor amendments recommended by the Standing Orders Committee more recently relating to Members' Statements, Petitions and the ballots used at the election of the Speaker.

On November 21, **Jim Lester** (Progressive Conservative) was the successful candidate in the by-election held for the District of Mount Pearl North. The other candidates were **Nicole Kieley** (NDP) and **Jim Burton** (Liberal). Mr. Lester was sworn and took his seat on December 7.

Appointment of Statutory Officers

On November 8, **Suzanne Brake** was appointed the first Seniors' Advocate for the Province and on December 7, **Julia Mullaley** was appointed Auditor General. She succeeded **Terry Paddon** who had resigned on October 31. Both appointments were confirmed by Resolution of the House

The House passed a Resolution requesting that the Speaker of the House, **Perry Trimper**, MHA journey to Turkey to advance discussions with the Government of Turkey toward the shared goal of establishing a memorial to commemorate the significant contributions of the Royal Newfoundland Regiment at Gallipoli in World War I.

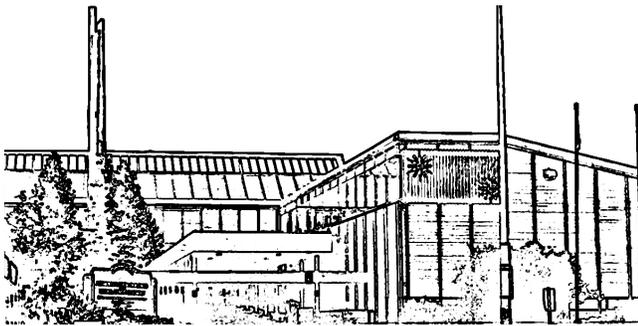
The House also passed a Resolution rescinding the tax on books which was one of the taxes introduced as part of the 2016 budget process..

During the Fall sitting the House passed 17 Bills including *An Act Respecting An Independent Court of Appeal In The Province*, establishing the Court of Appeal as a separate court rather than a division of the Supreme Court of the Province; *An Act To Amend*

The Liquor Corporation Act giving the Corporation the authority to sell cannabis; *An Act To Amend The Child And Youth Advocate Act* which mandates the reporting of the death or critical injury of a child or youth and the *Status Of The Artist Act* which recognizes the contribution of artists to the social and economic well-being of the Province.

Following Royal Assent on December 7 the House adjourned to February 26, 2018.

Elizabeth Murphy
Clerk Assistant



Yukon

Sitting Dates

The 2017 Fall Sitting of the Second Session of the 34th Legislative Assembly concluded on November 27, after 30 sitting days.

Pursuant to an October 2017 change to Standing Order 75 that provides for Spring Sittings to begin during the first week of March and Fall Sittings to begin during the first week of October, the 2018 Spring Sitting will (barring some extraordinary circumstance) begin on March 1.

Bills

By the end of the Sitting, Commissioner **Doug Phillips** had assented to all 11 government bills (detailed in Yukon's preceding Legislative Report) introduced during the Sitting. (No private members' bills were introduced during the Sitting.)

Among the bills assented to were Bill No. 8, *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017)*, presumptive PTSD legislation sponsored by the Minister responsible for

the Workers' Compensation Health and Safety Board, **Jeanie Dendys**. The act "establish[es] a presumption that certain emergency response workers who have been diagnosed with post-traumatic stress disorder have a work-related injury and are therefore entitled to compensation".

Bill No. 6, *Public Airports Act*, introduced by **Richard Mostyn**, Minister of Highways and Public Works, established a legislative framework for public airports. Prior to the passage of this legislation, airports had been managed and administered through a number of different acts and their regulations.

Bill No. 14, *Legal Profession Act, 2017*, replaced and modernized the previous version of the act regulating the legal profession. In her remarks at second reading of the bill, the Minister of Justice, **Tracy-Anne McPhee**, recognized the Law Society of Yukon for the extensive work it had undertaken identifying issues with the previous version of the *Act* and presenting to the department a document on recommended changes and on the underlying rationale for them.

Commissioner of Yukon

Mr. Phillips' term as Commissioner commenced on December 17, 2010, was extended on November 29, 2015, and concludes on January 31, 2018. For the assent ceremony on the final day of the 2017 Fall Sitting, the Commissioner was accompanied into the House by RCMP Aide-de-Camp Staff Sergeant **Jane Boissonneault**, and Military Aide-de-Camp Captain **Kathleen Tipton** (RCAF). Before leaving the Chamber, the Commissioner delivered remarks expressing his thanks to former Premier **Darrell Pasloski**, current Premier **Sandy Silver**, MLAs "past and present", his Aides-de-Camp, staff and family, and the people of Yukon, for their support.

Mr. Phillips' last major public event as Commissioner was hosting his seventh annual Commissioner's New Year's Levee on January 1. This year, the levee, which is open to all Yukoners, was held in the Government of Yukon's main administration building.

Mr. Phillips served as the MLA for Riverdale North from 1985 to 2000. From 1992-96 he held a number of cabinet portfolios, including Tourism, Education, the Women's Directorate, Justice, and the Public Service Commission. From 2007 until his appointment as Commissioner in 2010, Mr. Phillips was Yukon's Administrator (acting in place of the Commissioner in case of the latter's absence or illness).

Ombudsman reappointed

On November 9, the House carried Motion No. 178 reappointing **Diane McLeod-McKay** as Yukon's Ombudsman for a five-year term, beginning June 10, 2018. The motion carried *nemine contradicente*. Ms. McLeod-McKay has been Yukon's Ombudsman since June 2013. The Ombudsman also serves as Yukon's Information and Privacy Commissioner, and Public Interest Disclosure Commissioner.

Financial Advisory Panel report

On November 15, the Yukon Financial Advisory Panel, an independent body appointed in April by the Yukon government to look at financial options for the territory, presented its final report to the government. Later that day, the Premier delivered a ministerial statement in the House on the topic. In the statement, Mr. Silver thanked the panel, and the more than 800 Yukoners who submitted their views, for their efforts. He noted that based on Yukoners' feedback, the government did not plan to implement three of the options proposed by the panel – a sales tax (HST), layoffs of government employees, or an increase in placer mining royalties. Mr. Silver noted that the government would consider the other options presented in the panel's final report.

Pursuant to a motion adopted in the House the following day, panel Chair **Norman McIntyre** and two other members of the panel – **Ron Kneebone** and **Grace Southwick** – appeared as witnesses before Committee of the Whole on November 21 to answer questions from MLAs about the report.

Electoral District Boundaries Commission

Also on November 21, Speaker **Nils Clarke** tabled the *Interim Report of the Yukon Electoral District Boundaries Commission*. The interim report proposes changing the boundaries of nine (approx. 47%) of Yukon's 19 electoral districts, as well as changing the names of five ridings. The Commission's (non-binding) final report will be submitted by April 20, 2018.

Motion re: appointing a commission on electoral reform

During Opposition Private Members' Business on November 22, Third Party Leader **Liz Hanson** moved a motion (Motion No. 19) urging the territorial government to appoint a non-partisan commission on electoral reform. Following debate, the motion, as amended, carried.

Auditor General performance audits

Following the 2017 Fall Sitting, on December 5, the Office of the Auditor General of Canada (OAG) released a report entitled *Report of the Auditor General of Canada to the Yukon Legislative Assembly – December, 2017: Climate Change in Yukon*. On the same day, OAG officials met with the Standing Committee on Public Accounts, chaired by Official Opposition Leader **Stacey Hassard**. The Committee agreed to hold a public hearing on the OAG's report during the week of February 12. Officials from the following four departments are expected to appear as witnesses at the hearing: Environment; Energy, Mines and Resources; Highways and Public Works; and Community Services.

Linda Kolody
Deputy Clerk



Saskatchewan

Passing of a Member

Kevin Phillips, Saskatchewan Party MLA for Melfort, passed away suddenly on November 13, 2017. He was first elected to the Legislative Assembly in 2011 and re-elected in 2016. Flags flew at half-mast at the legislative building from November 14 until his funeral on November 20. Mr. Phillips' desk was draped with the Saskatchewan flag, and a memorial tribute, consisting of flowers and a picture of Mr. Phillips with his wife and dog, were placed on the desktop. **Brad Wall**, **Nicole Sarauer**, and other members offered statements of condolence. Members agreed to adjourn the Assembly early and forego routine proceedings and orders of the day. To allow members to travel and attend Mr. Phillips' funeral, a sessional order was agreed to which altered the regular sitting day to begin at 9:30 a.m. for question period only.

Premier Brad Wall's last sitting day

In August, Mr. Wall announced his intention to retire once a new leader is chosen at the Saskatchewan Party leadership convention that will be held in January 2018. The final day of the fall sitting, December 7, 2017, was also his final sitting day in the Legislative Assembly. A government motion was moved to pay tribute to the Premier. Seven members, including Mr. Wall, spoke to the motion. At the conclusion of the day, he moved an adjournment motion for his last time.

Three upcoming by-elections

Two current vacancies in the constituencies of Kindersley and Melfort and the impending retirement of Mr. Wall will result in three by-elections in 2018. No dates have been announced yet; however, the by-election in Kindersley must be held by March 1, 2018 pursuant to legislation.

Notwithstanding Clause

The School Choice Protection Act / Loi sur la protection du choix d'école was introduced and read a first time on November 8, 2017. This bill is intended to protect school choice in Saskatchewan by invoking the notwithstanding clause of *The Canadian Charter of Rights and Freedoms*. The legislation would allow the government to continue funding students who attend public or Catholic schools, regardless of their religious affiliation. The bill is in response to an April 20, 2017 Court of Queen's Bench ruling on the 2005 lawsuit between the Good Spirit School Division No. 204, and Christ the Teacher Roman Catholic Separate School Division No. 212, and the Government of Saskatchewan. This ruling found that public funding of non-Catholic students in the Catholic school system is unconstitutional.

Expedited passage of legislation for unpaid leave for victims of interpersonal violence

On December 6, 2017, *The Saskatchewan Employment (Interpersonal Violence Leave) Amendment Act, 2017* passed through all stages in one day. The legislation established a new unpaid leave of 10 days for an employee who is a victim of interpersonal violence or is the parent or caregiver of a victim of interpersonal violence. The intent of the leave is to enable a victim to take time off work to access medical, psychological, or other professional services; services from victim

services organizations; legal or law enforcement services; or to relocate.

Bill No. 605, *The Saskatchewan Employment (Support for Survivors of Domestic Violence) Amendment Act, 2017*, a private members' public bill introduced by the Leader of the Opposition, Ms. Sarauer, was withdrawn from the Order Paper as a result of the passage of the government bill.

Anti-harassment policy

The Board of Internal Economy (BOIE) approved an anti-harassment policy for the Members of the Legislative Assembly. The governing principle of the anti-harassment policy is that every member shall commit to contributing to an environment free of personal harassment and sexual harassment and will make every reasonably practicable effort to that end.

The anti-harassment policy includes a four-step resolution process. A member may report allegations of personal harassment or sexual harassment by filing a formal complaint within 90 days of an incident. Whenever appropriate or possible, the parties to the harassment complaint will be offered the opportunity to attempt a resolution through voluntary mediation. If mediation is not pursued or is unsuccessful, the complaint will be examined by an external investigator. The results of the investigation will be provided to the BOIE which may recommend sanctions to the Legislative Assembly.

As a result of the adoption of the anti-harassment policy, the *Rules and Procedures of the Legislative Assembly* were amended to formalize the process by which the BOIE may table reports and recommend subsidiary remedial action to deal with a breach of the anti-harassment policy.

Currently, the policy applies only to allegations of personal harassment or sexual harassment between members. However, the BOIE has authorized a broader review of existing anti-harassment policies in order to continue to build a framework to ensure best practices are maintained to protect MLAs, any person employed by an MLA, any person employed by contract to an MLA, including any person employed by the Legislative Assembly.

The anti-harassment policy can be found on the Legislative Assembly of Saskatchewan website.

Saskatchewan Teachers' Institute on Parliamentary Democracy

Speaker **Corey Tochor** welcomed 16 teachers to the Saskatchewan Teachers' Institute on Parliamentary Democracy that was held from November 18 to 21, 2017. This year marked the 19th anniversary of the program.

The first Saskatchewan Teachers' Institute on Parliamentary Democracy was held in 1999, with the aim of developing a strategy to enhance the understanding of parliamentary democracy in the classroom. Since then, over 200 teachers from across Saskatchewan have participated in the institute. During the three-day institute, teacher participants receive a behind the scenes look at democracy at work. Participants had the opportunity to meet with: the Lieutenant Governor, the Speaker, the Premier, cabinet ministers, caucus leaders, Whips, and Chairs, as well as with private members, the Clerk and other members of the Legislative Assembly Service, officers of the Legislative Assembly, the press gallery association, and the judiciary.

Concurrent leadership races

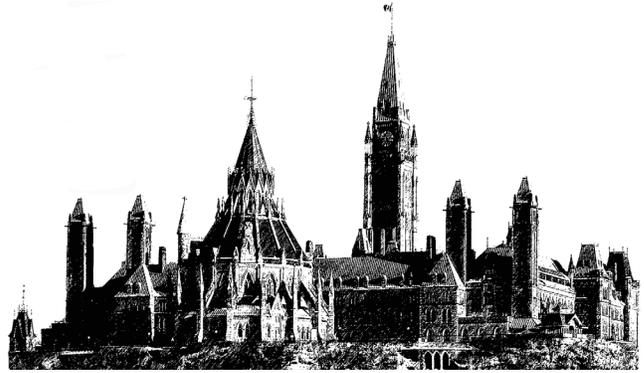
There are five candidates seeking the Saskatchewan Party leadership. Four of the candidates, **Ken Cheveldayoff**, **Tina Beaudry-Mellor**, **Scott Moe** and **Gordon Wyant** are sitting Members. The fifth candidate, **Alanna Koch**, does not have a seat in the Legislature. The new leader, who will become the Premier, will be elected at the Saskatchewan Party leadership convention in Saskatoon on January 27, 2018.

The provincial New Democratic Party is also seeking a new leader. The leadership convention is scheduled for March 3, 2018 to allow the new leader to be in place for the beginning of the spring sitting. Thus far, two candidates, **Ryan Meili** and **Trent Wotherspoon** have declared their intention to run for the leadership.

Sessional order

On November 22, 2017 a sessional order was moved by **Greg Brkich**, Government House Leader, to delay the start of the spring sitting period by a week. The spring sitting will start on March 12, 2018 instead of March 5, 2018 and will conclude on May 28, 2018.

Stacey Ursulescu
Committee Clerk



House of Commons

The First Session of the Forty-Second Parliament continued through the late months of 2017. The information below covers the period from October 16, 2017, to December 13, 2017.

Legislation

On October 20, 2017, the Parliamentary Secretary to the Leader of the Government in the House of Commons, **Kevin Lamoureux** (Winnipeg North), sought and obtained unanimous consent for Bill C-60, *An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain Acts and provisions that have expired, lapsed or otherwise ceased to have effect*, to be deemed read a second time and referred to a Committee of the Whole, deemed considered in Committee of the Whole, deemed reported without amendment, deemed concurred in at the report stage, and deemed read a third time and passed on the same day.

On December 6, 2017, the Minister of Crown-Indigenous Relations and Northern Affairs, **Carolyn Bennett** (Toronto—St. Paul's), **Cathy McLeod** (Kamloops—Thompson—Cariboo), **Christine Moore** (Abitibi—Témiscamingue), **Marilène Gill** (Manicouagan) and **Elizabeth May** (Saanich—Gulf Islands) spoke at second reading to Bill C-61, *An Act to give effect to the Anishinabek Nation Education Agreement and to make consequential amendments to other Acts*. Pursuant to an Order made November 30, 2017, the Bill was then deemed read a second time and referred to a Committee of the Whole, deemed considered in Committee of the Whole, deemed reported without amendment, deemed concurred in at the report stage, and deemed read a third time and passed on the same day.

Financial Procedures

On October 24, 2017, the Minister of Finance, **Bill Morneau** (Toronto-Centre), made a statement concerning the government's Fall Economic Statement. Mr. Morneau laid upon the Table a Notice of a Ways and Means motion to amend the Income Tax Act and requested that an Order of the Day be designated for the consideration of this motion. He also laid upon the Table a document entitled "Progress for the Middle Class: Fall Economic Statement 2017". **Pierre Poilievre** (Carleton), **Alexandre Boulerice** (Rosemont—La Petite-Patrie) and **Gabriel Ste-Marie** (Joliette) made statements in reply.

On December 4, 2017, during consideration of the motions to concur in the Supplementary Estimates (B), the House resolved itself into a Committee of the Whole, under the chairmanship of the Deputy Speaker and Chair of Committees of the Whole, **Bruce Stanton** (Simcoe North). It studied Bill C-67, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2018*. The committee reported the Bill to the House without amendment.

Procedure & Privilege

Points of Order

On October 31, 2017, the House Leader of the Official Opposition, **Candice Bergen** (Portage—Lisgar), rose on a point of order requesting that the Speaker, pursuant to Standing Order 69.1, divide the question, for the purpose of voting, on the motion for second and third reading of Bill C-56, *an Act to amend the Corrections and Conditional Release Act and the Abolition of Early Parole Act*. This was the first time Standing Order 69.1 was invoked since being adopted by the House on June 20, 2017. Pursuant to this new Standing Order, the Speaker has the power to divide the question at second and third reading when an omnibus bill has no common element connecting the various provisions or where unrelated matters are linked. On November 7, the Speaker delivered his ruling, concluding that, since the subject matter of the bill as a whole dealt with the treatment of inmates, the various parts of the bill were related and that, consequently, the question on Bill C-56 should not be divided.

On November 3, 2017, Mr. Poilievre rose on a point of order, pursuant to Standing Order 69.1, regarding Bill C-63, *A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and*

other measures, requesting that the Speaker divide the question, for the purpose of voting, on the motion for second and third reading of the Bill. This was the first time section (2) of Standing Order 69.1 was invoked since being adopted by the House on June 20, 2017. New Standing Order 69.1(1) states that the Speaker may divide the question at second and third reading when an omnibus bill has no common element connecting the various provisions or where unrelated matters are linked. However, Standing Order 69.1(2) shall not apply if the bill has its main purpose the implementation of a budget and contains the provisions announced in the budget presentation or in the documents tabled during the budget presentation. On November 8, 2017, the Speaker delivered his ruling, in which he determined that the question at second reading should be divided into five groups of clauses.

On November 8, 2017, Mr. Ste-Marie, rose on a point of order regarding the participation of the Minister of Finance, Mr. Morneau in the vote on motion M-42, relating to tax avoidance. Mr. Ste-Marie alleged that, due to a private interest, the Minister had contravened the Conflict of Interest Code for Members of the House of Commons. On November 30, 2017, the Speaker ruled that it is the Conflict of Interest and Ethics Commissioner who has the sole authority to apply the dispositions of the code and to investigate any alleged conflicts of interest. He noted that Members have the ability to refer matters to the Commissioner under Section 27 of the Conflict of Interest Code, and that the House may direct the Commissioner to conduct an inquiry by way of a resolution. The Speaker also reminded Members that he may not unilaterally deprive a Member of the right to vote.

Questions of Privilege

On November 2, 2017, **Peter Kent** (Thornhill) rose on a question of privilege concerning allegedly misleading statements made by the Prime Minister, **Justin Trudeau** (Papineau). On November 20, 2017, the Speaker delivered his ruling, noting that the Chair is only able to review the statements made in a proceeding of Parliament, and cannot comment on what transpires outside of the deliberations of the House or its committees. Additionally, he reminded Members of the three conditions that must be met to find that a Member has misled the House: a statement must be misleading; the Member must know in making the statement that it is incorrect; and finally, there must be proof that the Member deliberately intended to mislead the House by making the statement. The Speaker concluded that upon review of the evidence

before the House, he did not find that there was a *prima facie* question of privilege.

On November 24, 2017, **Erin O'Toole** (Durham) rose on a question of privilege concerning statements made by the Minister of Canadian Heritage, **Mélanie Joly** (Ahuntsic-Cartierville), which were alleged to be contradictory statements to those made by a former nominee for the position of Commissioner of Official Languages, **Madeleine Meilleur**. On May 17, 2017, Murray Rankin (Victoria) raised a point of order about the adequacy of consultations about Ms. Meilleur's nomination. On December 5, 2017, The Speaker delivered his ruling stating that he had previously ruled on the matter on May 29, 2017, and confirmed that ruling on May 31, 2017. He now considered the matter closed.

On December 5, 2017, **Pat Kelly** (Calgary Rocky Ridge) rose on a question of privilege regarding statements by the Minister of Revenue, **Diane Lebouthillier** (Gaspésie–Les Îles-de-la-Madeleine), regarding the disability tax credit. Mr. Kelly alleged that the Minister had misled the House when, in a response to questions about the eligibility criteria for a disability tax credit, she stated that neither the criteria nor its interpretation had changed. Mr. Kelly argued that this statement contradicted information found in an internal memo from the Canada Revenue Agency, dated May 2, 2017, obtained through an access to information request, which suggested that aspects of the eligibility criteria for the tax credit had changed. On December 12, 2017, Ms. Lebouthillier added her comments to the question raised by Mr. Kelly. At the time of writing, the Speaker had not yet provided a ruling.

Procedural

On October 24, 2017, **Diane Finley** (Haldimand—Norfolk), rose on a point of order regarding the size of paper that is allowed in order for a petition to be certified. Having had her previously submitted petition rejected for reasons of paper size, as required by Standing Order 36(1.1)(c), Ms. Finley argued that by rejecting her ledger-sized petition, she was prevented from representing her constituents, some of whom have disabilities. The Speaker referred to *House of Commons Procedure and Practice, Second Edition*, at page 1166, stating that the rule is well established, but also suggested that the matter could be raised with the Standing Committee on Procedure and House Affairs. On October 25, 2017, Ms. Finley sought and received unanimous consent to present a petition concerning discrimination which was not in the format as prescribed by Standing Order 36(1.1)(c). The petition

had not been certified by the Clerk of Petitions due to its paper size.

On October 25, 2017, **Rhéal Fortin** (Rivière-du-Nord), sought and obtained unanimous consent for the following motion: "That, given the scale of the #metoo campaign, launched by female and female victims of sexual assault and harassment, that the House call on the Senate to consider the victims and promptly adopt Bill C-337, *Judicial Accountability through Sexual Assault Law Training Act*." This was the first time that a Twitter hashtag (#) was used in the content of a motion.

On November 6, 2017, the Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs presented a report to the main Committee advising that Bill C-352, *An Act to amend the Canada Shipping Act, 2001 and to provide for the development of a national strategy (abandonment of vessels)*, standing in the name of **Sheila Malcolmson** (Nanaimo-Ladysmith), should be designated non-votable. On November 9, 2017, Ms. Malcolmson and the House Leader of the New Democratic Party, **Peter Julian** (New Westminster-Burnaby) appeared as witnesses before the Standing Committee on Procedure and House Affairs to explain why Bill C-352 should be votable. At the end of the meeting the Standing Committee on Procedure and House Affairs adopted a motion concurring in the report of the Subcommittee and ordered the Chair to present it to the House. Consequently, on November 20, 2017, Chair of the Standing Committee on Procedure and House Affairs, **Larry Bagnell** (Yukon), presented the 46th report of the Committee which advised that Bill C-352 should be designated non-votable. Pursuant to Standing Order 92(4), Ms. Malcolmson filed a motion with the Speaker appealing the decision of the Committee. On November 23, 2017, the Speaker reported that he was satisfied that her appeal met the requirements of Standing Order 92(4), and directed that a secret ballot be held on November 28, 2017, and November 29, 2017 on the following motion: "That Bill C-352, *An Act to amend the Canada Shipping Act, 2001 and to provide for the development of a national strategy (abandonment of vessels)* be declared votable." On November 30, 2017, the Speaker declared that the motion was defeated, and accordingly, the Bill was declared non-votable. This was the first time that the appeal process outlined in Standing Order 92(4) had been used.

On November 30, 2017, the Speaker named **Blake Richards** (Banff—Airdrie), for disregarding the authority of the Chair, pursuant to Standing Order 11(1)(a). The Speaker ordered the Sergeant-at-Arms

to remove Mr. Richards and ordered the Member to withdraw from the House for the remainder of the day's sitting.

Committees

On October 25, 2017, Mr. Bagnell, Chair of the Standing Committee on Procedure and House Affairs, presented the 42nd report of the Committee entitled "Review of the Code of Conduct for Members of the House of Commons: Sexual Harassment," in which the Committee examined the Code and recommended changes to it.

On November 30, 2017, Mr. Bagnell, the Chair of the Standing Committee on Procedure and House Affairs, presented the 48th report of the Committee entitled "Services and Facilities Provided to Members of Parliament with Young Children," which examined the services and facilities made available to members of Parliament with young children, specifically to members of Parliament who are pregnant and/or raising young children.

Private Members' Business

On December 12, 2017, the following private members' bills were granted Royal Assent:

- Bill C-305, *An Act to amend the Criminal Code (mischief)*
- Bill C-277, *An Act providing for the development of a framework on palliative care in Canada*
- Bill S-211, *An Act respecting National Sickle Cell Awareness Day*
- Bill S-236, *An Act to recognize Charlottetown as the birthplace of Confederation*

Other Matters

Statements

On November 6, 2017, the Speaker made a statement commemorating the 150th anniversary of the first meeting of the first Parliament of Canada. Prime Minister Trudeau (Papineau), the Leader of the Opposition, **Andrew Scheer** (Regina—Qu'Appelle), **Guy Caron** (Rimouski-Neigette—Témiscouata—Les Basques), **Xavier Barsalou-Duval** (Pierre-Boucher—Les Patriotes—Verchères) and Ms. May also made statements.

On November 9, 2017, in honour of Remembrance Day, the Minister of Public Safety and Emergency

Preparedness, **Ralph Goodale** (Regina—Wascana) made a statement in the House. **Phil McColeman** (Brantford—Brant), **Irene Mathysen** (London—Fanshawe) also made statements. By unanimous consent, **Michel Boudrias** (Terrebonne) and Ms. May, also made statements. The Speaker made a statement as well.

On November 28, 2017, the Prime Minister made a statement of apology to LGBTQ2 Canadians. The Leader of the Opposition, Mr. Scheer, Mr. Caron, **Monique Pauzé** (Repentigny) and Ms. May, also made statements. The Speaker also made a statement.

On December 6, 2017 in honour of the victims of violence against women, the Minister of Status of Women, **Maryam Monsef** (Peterborough—Kawartha) made a statement in the House. **Sylvie Boucher** (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix) and Ms. Malcolmson also made statements. By unanimous consent, Ms. Pauzé, and Ms. May also made statements.

Members

On November 20, 2017, the Speaker informed the House that the Clerk had received from the Acting Chief Electoral Officer a certificate of the election of **Richard Hébert** (Lac-Saint-Jean).

On November 22, 2017, the Speaker informed the House that the Clerk had received from the Acting Chief Electoral Officer a certificate of the election of **Dane Lloyd** (Sturgeon River—Parkland).

On December 4, 2017, the Speaker informed the House that a vacancy had occurred in the Electoral District of Chicoutimi—Le Fjord by reason of the resignation of **Denis Lemieux**.

Moment of Silence

On October 18, 2017, the House observed a moment of silence in honour of **Gord Downie**, lead singer of The Tragically Hip.

On October 24, 2017, the House observed a moment of silence in honour of the anniversary of the deaths of Warrant Officer **Patrice Vincent** and Corporal **Nathan Cirillo**, which took place in October 2014.

On December 6, 2017, the House observed a moment of silence in honour the victims of the École Polytechnique shooting.

Other

On November 29, 2017, the House resolved itself into a Committee of the Whole to welcome Canada's 2017 Special Olympics World Winter Games athletes. The Speaker welcomed them onto the floor of the chamber and congratulated the athletes on behalf of all Members. The Speaker also mentioned that there was agreement between all parties to have the names of the athletes who were present to be printed in the Debates.

On December 13, 2017, the House approved the appointments of **Raymond Th  berge** as Commissioner of Official Languages, **Nancy B  langer** as Commissioner of Lobbying and **Mario Dion** as Conflict of Interest and Ethics Commissioner.

Andrea Mugny
Table Research Branch



Manitoba

The House sat until November 9, 2017 to complete the business of the 2nd Session of the 41st Legislature; this included five designated bills mentioned in our last submission, the consideration of the Estimates of the Departmental Expenditure in the Committee of Supply and the remaining steps for the passage of the Budget. In order to do so, the House sat until 4:14 am on the last sitting day, when all the remaining Bills received Royal Assent.

Our rules set defined deadlines for the completion of all stages of these bills by either the end of the Spring Sittings or the Fall Sittings. Government bills meeting certain deadlines are guaranteed to receive

royal assent by the end of the Spring Sitting in the beginning of June. Those bills are called Specified Bills. However, the Official Opposition may designate up to five Government bills for the purpose of further consideration, with these bills to be held over until the resumption of the Fall Sittings and be completed by the last sitting day of the session.

The House also passed other Bills which did not fall under any of the categories mentioned above, including:

Bill 34 – The Medical Assistance in Dying (Protection for Health Professionals and Others) Act, which allows individuals, without disciplinary or employment repercussions, to refuse to participate in medical assistance in dying because of personal convictions and states that professional regulatory body cannot require its members to participate in medical assistance in dying.

Third Session of the 41st Legislature

The 3rd Session of the 41st Legislature began on November 21st, 2017 with the Speech from the Throne delivered by Lieutenant Governor **Janice C. Filmon**. The speech focussed in particular on the province's finances, service improvement and the economy. The address highlighted a range of commitments and proposals in these areas, including:

- planning for a public service transformation strategy, implementing mechanisms to ensure government spends smarter, and reducing overlap and duplication in government services;
- reforming the province's children in care program, including legislation to remove barriers to guardianship to move children from government care to homes and improve outcomes for those children;
- governance reforms in healthcare designed to reduce senior management and to ensure maximum resources dedicated to front-line care;
- improving self and family-managed home care and a new Priority Home program that will shorten hospital stays;
- a new Early Learning and Child Care strategy;
- a new provincial housing strategy for affordable and social housing;
- reforming the family law system;
- proposed introduction of legislation and the appointment an advisory commission to begin implementing the *Made-in-Manitoba Climate and Green Plan*;

- restructuring economic development efforts to better attract new investments;
- continuing work to unlock the economic potential of northern Manitoba by building on the Look North Economic Task Force's recommendations;
- re-introducing legislation this session to fully implement the new Canadian Free Trade Agreement.

Standing Committees

During the month of October, Standing Committees were busy hearing public presentations and concluding clause-by-clause consideration of designated bills. The Standing Committee on Social and Economic Development held five meetings to hear from the public on *Bill 30 – The Local Vehicles for Hire Act*, including a meeting on October 27 that started at 10 am and heard presenters until shortly before midnight. On October 31, after hearing from 159 individuals, the committee completed clause-by-clause and the bill was reported to the House the following day.

During the same period, the Standing Committees on Legislative Affairs, Human Resources, and Agriculture and Food also met to complete all other bills.

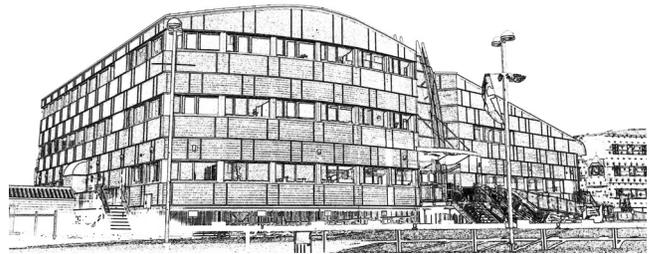
Before the winter break, the Standing Committee on Legislative Affairs met again to consider several reports from the Elections Manitoba, while the Social and Economic Development Committee met to consider the *Annual Report of the Manitoba Poverty Reduction and Social Inclusion Strategy (All Aboard)*. Finally, the Standing Committee on Public Accounts met intersessionally the week before Christmas to consider the Public Accounts for the 2015, 2016, and 2017 fiscal years.

Current Party Standings

The current party standings in the Manitoba Legislature are: Progressive Conservatives 39, NDP 13, with five Independent Members.

Andrea Signorelli

Clerk Assistant/Clerk of Committees



Nunavut

House Proceedings

The Spring 2017 sitting of the 3rd Session of the 4th Legislative Assembly convened on May 30, 2017, and concluded on June 8, 2017. The final sitting of the 4th Legislative Assembly convened on September 12, 2017, and concluded on September 19, 2017.

A total of 83 bills were introduced during the life of the 4th Legislative Assembly, of which 79 received Assent. Thirty bills received Assent during 2017:

- Bill 19, *Unlawful Property Forfeiture Act*;
- Bill 25, *An Act to Amend the Consumer Protection Act*;
- Bill 26, *An Act to Amend the Social Assistance Act*;
- Bill 28, *An Act to Amend Certain Acts Respecting Codes and Standards*;
- Bill 29, *An Act to Amend the Motor Vehicles Act*;
- Bill 30, *An Act to Amend the Fire Prevention Act*;
- Bill 31, *An Act to Amend the Human Rights Act*;
- Bill 32, *Supplementary Appropriation (Capital) Act, No. 5, 2015-2016*;
- Bill 33, *Supplementary Appropriation (Operations and Maintenance) Act, No. 3, 2016-2017*;
- Bill 34, *Appropriation (Operations and Maintenance) Act, 2017-18*;
- Bill 35, *Supplementary Appropriation (Capital) Act, No. 1, 2017-18*;
- Bill 36, *An Act to Amend the Income Tax Act*;
- Bill 38, *Nunavummi Nangminiqatunik Ikajuuti Implementation Act*;
- Bill 39, *Miscellaneous Statutes Amendment Act, 2017*;
- Bill 41, *An Act to Amend Certain Acts Respecting Reports Provided to the Speaker*;
- Bill 42, *An Act to Amend the Tobacco Tax Act*;
- Bill 43, *An Act to Amend the Legislative Assembly and Executive Council Act*;

- Bill 44, *Supplementary Appropriation (Operations and Maintenance) Act, No. 1, 2017-2018*;
- Bill 45, *Supplementary Appropriation (Capital) Act, No. 2, 2017-2018*;
- Bill 46, *Appropriation (Capital) Act, No. 1, 2018-2019*;
- Bill 47, *An Act to Amend the Legal Profession Act*;
- Bill 48, *An Act to Amend the Access to Information and Protection of Privacy Act*;
- Bill 49, *An Act to Provide for Elections for Municipal Councils and District Education Authorities*;
- Bill 50, *An Act to Amend the Legislative Assembly Retiring Allowances Act and the Supplementary Retiring Allowances Act*.
- Bill 51, *Supplementary Appropriation (Capital) Act, No. 4, 2016-2017*;
- Bill 52, *Supplementary Appropriation (Operations and Maintenance) Act, No. 2, 2017-2018*;
- Bill 53, *Supplementary Appropriation (Capital) Act, No. 3, 2017-2018*;
- Bill 54, *Write-off of Assets and Debts Act, 2016-2017*;
- Bill 55, *An Act to Amend the Motor Vehicles Act*; and
- Bill 56, *An Act Respecting Independent Officers of the Legislative Assembly*.

Bills 41, 43, 49, 50 and 56 were introduced as House Bills under the authority of the Management and Services Board of the Legislative Assembly. The Speaker of the Legislative Assembly appeared before the Committee of the Whole on the occasion of its clause-by-clause consideration of the bills.

Bill 41 amended the *Access to Information and Protection of Privacy Act*, the *Integrity Act*, the *Nunavut Elections Act*, the *Official Languages Act* and the *Plebiscites Act* to create uniform deadlines for the annual reports of independent officers of the Legislative Assembly.

Bill 43 amended Schedule C of the *Legislative Assembly and Executive Council Act* to change the indemnities and allowances payable to Members of the Legislative Assembly. These changes reflected the recent signing of a new collective agreement between the Government of Nunavut and the Nunavut Employees Union. The base rate of pay for Members of the Legislative Assembly was increased by the same percentage as that which was agreed to for members of the Nunavut Employees Union.

Bill 49 amended the *Nunavut Elections Act* to provide for the conduct of elections for municipal councils and district education authorities in a manner similar to territorial elections. Elections Nunavut will supervise

the administration of these elections.

Bill 50 amended the *Legislative Assembly Retiring Allowances Act* and the *Supplementary Retiring Allowances Act* to harmonize the timing of actuarial valuations.

Bill 56 amended the *Access to Information and Protection of Privacy Act*, the *Integrity Act*, the *Legislative Assembly and Executive Council Act*, the *Nunavut Elections Act*, the *Official Languages Act* and the *Representative for Children and Youth Act* to provide for uniform definitions of the status of the Information and Privacy Commissioner, the Integrity Commissioner, the Chief Electoral Officer, the Languages Commissioner and the Representative for Children and Youth.

Committee Activities

From May 8-11, 2017, the Legislative Assembly's Standing Committee on Public Accounts, Independent Officers and Other Entities held televised hearings on the Auditor General's *Report on Health Care Services in Nunavut* and the Information and Privacy Commissioner's *Report on the Privacy Audit of the Qikiqtani General Hospital*. The committee's reports on its hearings were presented to the House during its spring 2017 sitting.

Order of Nunavut

On November 8, 2016, the Order of Nunavut Advisory Council, which is chaired by the Speaker of the Legislative Assembly, announced that the 2016 appointments to the Order would be **Louie Kamookak** of Gjoa Haven, **Ellen Hamilton** of Iqaluit and **Red Pedersen** of Kugluktuk. The investiture ceremony for the recipients was held in the Chamber of the Legislative Assembly on February 28, 2017. The ceremony was televised live across the territory.

Speaker's Mace Tour

From May 16-19, 2017, the Speaker of the Legislative Assembly and the Commissioner of Nunavut travelled to the communities of Pond Inlet, Resolute Bay and Grise Fiord as part of the Speaker's biennial mace tour. The tour involved a number of events, including visits to all of the schools in the three communities. A number of Commissioner's Awards were presented to residents of Pond Inlet during a ceremony held on the evening of May 16, 2017.

Appointment of New Languages Commissioner

On June 15, 2017, the Speaker of the Legislative Assembly announced the designation of **Helen Klengenberg** of Kugluktuk as the new Languages Commissioner of Nunavut. The Languages Commissioner is one of a number of independent officers of the Legislative Assembly. The Speaker's announcement noted that Ms. Klengenberg was a member of the Task Force on Aboriginal Languages and Cultures which presented a landmark report in June of 2005 to the Government of Canada. On September 12, 2017, a motion was unanimously passed in the House to formally recommend her appointment.

Dissolution of the 4th Legislative Assembly, Holding of the 5th General Election and Convening of the 5th Legislative Assembly

The 4th Legislative Assembly was dissolved on September 24, 2017. The Chief Electoral Officer issued writs of election on September 25, 2017.

A number of incumbents did not stand for re-election. Retiring Members were **Steve Mapsalak** (Aivilik), **Keith Peterson** (Cambridge Bay) and **Peter Taptuna** (Kugluktuk).

At the close of nominations, a total of 72 individuals had filed papers to stand for election in the territory's 22 constituencies. One candidate was declared acclaimed: **Mila Kamingoak**, who stood in the constituency of Kugluktuk.

The 5th general election was held on October 30, 2017. Returning Members were:

- **Paul Quassa** (Aggu)
- **Joe Savikataaq** (Arviat South)
- **Simeon Mikkungwak** (Baker Lake)
- **Tony Akoak** (Gjoa Haven)
- **Allan Rumbolt** (Hudson Bay)
- **Pat Angnakak** (Iqaluit-Niaqunnguu)
- **George Hickes** (Iqaluit-Tasiluk)
- **Emiliano Qirngnuq** (Netsilik)
- **David Joanasi** (South Baffin)
- **Joe Enook** (Tununiq)
- **Pauloosie Keyootak** (Uqqummiut)

Newly-elected Members were:

- **Patterk Netser** (Aivilik)
- **Joelie Kaerner** (Amittuq)

- **John Main** (Arviat North-Whale Cove)
- **Jeannie Ehaloak** (Cambridge Bay)
- **Adam Arreak Lightstone** (Iqaluit-Manirajak)
- **Elisapee Sheutiapik** (Iqaluit-Sinaa)
- **Margaret Nakashuk** (Pangnirtung)
- **David Akeeagok** (Quttiktuq)
- **Cathy Towtongie** (Rankin Inlet North-Chesterfield Inlet)
- **Lorne Kusugak** (Rankin Inlet South)

It should be noted that Mr. Netser previously served in the 1st and 2nd Legislative Assemblies and Mr. Kusugak previously served in the 3rd Legislative Assembly.

Six women were elected or acclaimed to serve in the 5th Legislative Assembly. Just over a quarter of the Assembly's seats are now held by women, which is the highest number to date.

On November 15, 2017, Members-elect gathered in the Chamber of the Legislative Assembly for the convening of the Nunavut Leadership Forum. By convention, the Forum consists of all Members of the Legislative Assembly, and is used to conduct the selection process for the Speaker, Premier and members of the Executive Council (Cabinet) of Nunavut. The Forum's proceedings were open to the public to observe from the Visitors' Gallery and were televised live across the territory.

The first item of business was the selection of the Speaker. Mr. Enook was acclaimed to the position, and immediately proceeded to preside over the remainder of the day's proceedings.

Four Members subsequently accepted nominations to serve as Premier: Ms. Towtongie and Messrs. Netser, Quassa and Savikataaq. Each candidate was permitted to deliver a 10-minute speech. Members not standing for Premier were permitted to ask up to two questions to the candidates. In a secret ballot vote, Mr. Quassa was elected as Premier on the first round of balloting.

A total of 13 Members subsequently accepted nominations to serve on the Executive Council. The Assembly's Full Caucus had previously announced that seven Ministers would be chosen. The following Members were elected: Mr. Akeeagok, Ms. Angnakak, Ms. Ehaloak, Mr. Joanasi, Mr. Kusugak, Mr. Savikataaq and Ms. Sheutiapik.

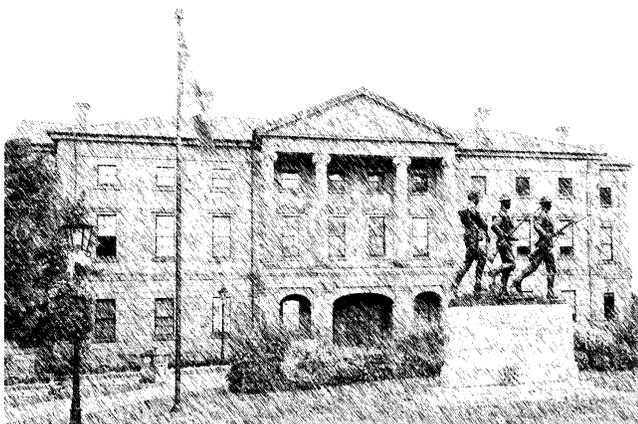
Commissioner **Nellie Kusugak** presided over the swearing-in ceremony for the Members of the 5th Legislative Assembly, which took place on the morning of November 21, 2017, in the Chamber of the Legislative Assembly. The event was televised live across the territory.

The 1st Sitting of the 5th Legislative Assembly took place that afternoon. At the beginning of the sitting, Mr. Enook formally took the Chair. Dragging duties were performed by Mr. Rumbolt and Ms. Kamingoak, who moved and seconded the formal motion of appointment. During the sitting, motions were passed to formally recommend the appointments of the Ministry. Motions were also passed to appoint Mr. Mikkungwak as Deputy Speaker and Messrs. Akoak and Rumbolt as Deputy Chairpersons of the Committee of the Whole. The swearing-in ceremony for the members of the Executive Council took place after the sitting of the House. Ministerial portfolios were announced during the ceremony.

The Winter 2018 sitting of the 1st Session of the 5th Legislative Assembly was scheduled to convene on March 6, 2018.

Alex Baldwin

Office of the Legislative Assembly of Nunavut



Prince Edward Island

Third Session, Sixty-fifth General Assembly

The Third Session of the Sixty-fifth General Assembly opened on November 14, 2017, and adjourned to the call of the Speaker on December 20, after 22 sitting days.

Speech from the Throne

Lieutenant Governor **Antoinette Perry** opened the Third Session with a Speech from the Throne on November 14, 2017. Entitled “People, Prosperity, Progress: Working Together for All Islanders,” the speech was wide-ranging and announced strategic initiatives in areas such as poverty reduction, high-speed internet infrastructure, housing, culture and creative industries, and carbon mitigation and adaptation. This was the first Speech from the Throne since the new Lieutenant Governor was installed on October 20, 2017.

Capital Budget

A \$133.8 million Capital Budget was tabled in the Assembly on November 17, 2017. Major infrastructure and capital projects include the replacement of Sherwood Elementary School, construction of a new Mental Health Campus to replace Hillsborough Hospital, and renovations and new equipment at other healthcare and educational facilities. Points of order were raised regarding budget details being publicized prior to the budget’s tabling, in response to which the Speaker issued a ruling on November 22, 2017, which is discussed below.

Bills Reviewed

Eighteen public bills were introduced by Government during the fall sitting. Of these, 17 successfully passed all reading and committee stages and received Royal Assent (one bill was introduced but not called for further reading). Several were amendatory bills, but significant pieces of stand-alone legislation were also passed, including the *Water Act* (Bill No. 13), the *Public Interest Disclosure and Whistleblower Protection Act* (Bill No. 25), and the *Lobbyist Registration Act* (Bill No. 24). The *Water Act* has been several years in development, with significant public input; it aims to support and promote the management, protection and enhancement of the province’s water resources. The *Public Interest Disclosure and Whistleblower Protection Act* establishes a commissioner who is empowered to investigate wrongdoing within provincial government entities, and creates a mechanism for the disclosure of suspected wrongdoing as well as protection against reprisal for such disclosures. The *Lobbyist Registration Act* defines the various forms of attempting to influence public office-holders that do and do not qualify as lobbying, and establishes a Registrar and registry of lobbyists.

Five private members' bills were also introduced during the fall sitting. Bill 102, *An Act to Amend the Workers Compensation Act*, was introduced by Opposition Member **Jamie Fox** to stipulate that workers diagnosed with post-traumatic stress disorder as a result of exposure to trauma in the course of employment shall be considered to have suffered a personal injury in the course of employment per the terms of the *Workers Compensation Act*. The bill was amended to include a proclamation clause, and passed all stages and received Royal Assent.

Two private members' bills passed second reading and were debated in Committee of the Whole House. Leader of the Third Party **Peter Bevan-Baker** introduced Bill No. 100, *An Act to Amend the Employment Standards Act*, which would prohibit employers from taking reprisals against employees who report illegal activity to a lawful authority. The bill was debated in Committee of the Whole House on November 28, but the committee did not come to a decision on the bill and it was not again called for committee review. Opposition Member **Steven Myers** put forward Bill No. 101, *An Act to Amend the Highway Traffic Act*, to propose an increase in the minimum fine for failing to stop for a school bus while its red lights are flashing to \$2,000 from \$1,000. The bill was debated in Committee of the Whole House on November 23, 2017, and then the House agreed to refer it to the Standing Committee on Infrastructure and Energy for further examination and report.

Opposition members Mr. Myers and Mr. Fox also introduced Bill No. 103, *Food Waste Awareness and Strategy Act*, and Bill No. 104, *Public Intervener Act*, respectively, but as of adjournment neither bill had progressed beyond first reading.

Resignation of MLA Doug Currie

On October 19, 2017, **Doug Currie**, the Member for District 11: Charlottetown – Parkdale and Minister of Education, Early Learning and Culture, resigned his Cabinet position and his seat. Mr. Currie was first elected in 2007, and served as a Minister of the Crown for his entire political career, holding portfolios such as health, social services, justice, and, over two separate periods, education. Mr. Currie indicated that he resigned to pursue other opportunities and spend more time with his family.

Cabinet Appointment of MLA Jordan Brown

On October 23, 2017, **Jordan Brown**, the Member for District 13: Charlottetown – Brighton, was appointed as Minister of Education, Early Learning and Culture. Mr. Brown was elected in 2015, and had not previously been a part of Cabinet. He had served as Government Whip, Chair of the Standing Committee on Health and Wellness, and Vice-chair of the Standing Committee on Public Accounts.

New Leader of the Official Opposition

On October 20, 2017, **James Aylward**, the Member for District 6: Stratford – Kinlock, won the leadership of the Progressive Conservative Party, defeating fellow Opposition Member **Brad Trivers** (District 18: Rustico – Emerald). Mr. Aylward was first elected in 2011; prior to becoming party leader he had served as Opposition House Leader, as Chair of the Standing Committee on Public Accounts, and as a member of several other committees. The Progressive Conservative Party has the second-largest caucus in the Assembly, with eight members, and thus Mr. Aylward also became Leader of the Official Opposition. Mr. Fox had been serving as interim party leader and Leader of the Official Opposition.

District 11 By-Election

Following the resignation of Mr. Currie, Premier **H. Wade MacLauchlan** announced on October 31 that a by-election for District 11: Charlottetown – Parkdale would be held on November 27, 2017. The candidates for the four major parties were Hannah Bell (Green Party), Bob Doiron (Liberal Party), Melissa Hilton (Progressive Conservative Party) and Mike Redmond (New Democratic Party). The by-election took place on November 27 as planned, with **Hannah Bell** victorious after receiving 768 of 2,177 votes cast (35.3 per cent). Ms. Bell was subsequently declared elected, and was sworn-in and took her seat in the Legislative Assembly on December 13, 2017. As a member of the Green Party, Ms. Bell forms part of the Third Party caucus, and her election represents the first time a third party has had more than one seat in the PEI legislature.

Speaker's Rulings

On November 22, 2017, Speaker **Francis (Buck) Watts** issued a ruling addressing three matters raised as points of order by members of the Official

Opposition. The first two matters dealt with publication of capital estimate details on Twitter and in a local newspaper before the Capital Estimates of Revenue and Expenditure had been tabled in the House. The third matter related to a major announcement by Government made outside of the House while the House was in session.

In his ruling Speaker Watts found that there was evidence supporting the assertion that budgetary information was “leaked” prior to tabling, and that once again Government had made an exterior announcement that ought to have been made within the House. In reviewing the Rules of the Legislative Assembly and parliamentary authorities, he did not find that these actions constituted contraventions of the rules or matters of privilege. However, these actions were nonetheless disrespectful of the House collectively and its members individually. He recommended that Government review its processes and communications surrounding access to budget documents prior to their tabling, and indicated that in future the House procedure for tabling of the budget shall change so that members have the budget prior to the Minister of Finance commencing his budget statement or speech. Speaker Watts reminded members that if they did not themselves show respect for the customs and traditions of their parliament, then they should not expect the people they represent to show any respect for the work they do on their behalf.

On December 5, 2017, Speaker Watts issued a ruling on a December 1 point of order raised by Minister of Transportation, Infrastructure and Energy **Paula Biggar** in objection to an ‘over-the-rail’ conversation members of the Opposition were having with members of the media during proceedings. The Speaker reminded members that such interruptions of proceedings are out of order, and that members wishing to speak with the media should exit the Chamber to do so. He also recommended that while in the Chamber, members should be cautious about engaging in conversations that do not form part of the official record of proceedings but are nonetheless reproduced publicly, as such conversations could lead to unintended consequences.

Naming and Suspension of Member

On December 20, **Richard Brown**, the Member for District 12: Charlottetown – Victoria Park, rose on a point of order to object to Leader of the Third

Party Mr. Bevan-Baker’s use of the word “farce” to describe the work of the Legislative Assembly and its Members. Speaker Watts twice asked Mr. Bevan-Baker to withdraw the word, to which he refused both times. Pursuant to the Rules of the Legislative Assembly, Mr. Speaker then named Mr. Bevan-Baker for disregarding the authority of the chair, and requested that a motion be moved to suspend him from the services of the House. **Alan McIsaac**, Minister of Agriculture and Fisheries, moved a motion that Mr. Bevan-Baker be suspended until the next sitting of the legislature, which was carried, and the Speaker instructed the Sergeant-at-Arms to escort Mr. Bevan-Baker from the Chamber.

Changes in Assembly Personnel

Sergeant-at-Arms and Director of Security **Al McDonald** retired on September 29, 2017, after a total of 22 years working in a security capacity at the Legislative Assembly, and 10 years as Sergeant-at-Arms and Director of Security. Clerk Assistant and Clerk of Committees **Marian Johnston** retired from the service of the House effective December 31, 2017, after 17 years at the Assembly. Most recently Ms. Johnston had served as Acting Chief Electoral Officer for Elections PEI. Many members rose in the House to express their appreciation for the expertise and dedication shown by Mr. McDonald and Ms. Johnston throughout the years.

On November 14, 2017, the Assembly appointed **Brian Weldon** as Sergeant-at-Arms. Mr. Weldon had previously served as Assistant Sergeant-at-Arms, and with his promotion the Assembly appointed **Amy Unwin** to the Assistant role. On the same day, the Assembly appointed **Emily Doiron** and **Ryan Reddin** as Clerk Assistant – Journals, Committees and House Operations; and Clerk Assistant – Research and Committees, respectively.

On November 22, 2017, pursuant to the *Election Act*, the Assembly appointed **Tim Garrity** as Chief Electoral Officer.

Ryan Reddin

Clerk Assistant – Research and Committees



Senate

Legislation

Several bills received Royal Assent this quarter, including Bill S-3, *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général)*. The Commons had returned the bill in June with three amendments for the Senate to consider. In November, the Senate adopted a motion in response to the Commons message, agreeing with two of the amendments and proposing an alternative to the third. This proposal was later agreed to by the House of Commons.

Other bills that received Royal Assent with Bill S-3 during a traditional ceremony on December 12 were bills C-305, *An Act to amend the Criminal Code (mischief)*; S-211, *An Act respecting National Sickle Cell Awareness Day*; C-60, *Miscellaneous Statute Law Amendment Act, 2017*; C-23, *An Act respecting the preclearance of persons and goods in Canada and the United States*; C-277, *An Act providing for the development of a framework on palliative care in Canada*; C-67, *Appropriations Act No. 4, 2017-18 (supply bill)*; S-236, *An Act to recognize Charlottetown as the birthplace of Confederation*; and C-36, *An Act to amend the Statistics Act*.

On December 14, bills C-61, *An Act to give effect to the Anishinabek Nation Education Agreement and to make consequential amendments to other Acts*; C-63, *A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures*; and C-17, *An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act*, received Royal Assent by written declaration.

Senators

The Upper Chamber welcomed two new senators on December 13. Senator **Mary Coyle**, who was appointed to represent Nova Scotia, is known for her leadership in the fields of women's issues, gender equality and the rights of Indigenous peoples. Senator **Mary Jane McCallum**, from Manitoba, is a First Nations woman and an advocate for social justice who has provided dental care to First Nations communities across Manitoba. Both senators were sitting as non-affiliated members at the time this article was written.

There were also a number of departures from the Senate. Senator **Kelvin Kenneth Ogilvie** retired on November 5. He was appointed by Prime Minister **Stephen Harper** on August 27, 2009. Senator Ogilvie, an accomplished scientist, was Chair of the Standing committee on Social Affairs, Science and Technology from mid-2011 until his retirement.

Senator **Nick Sibbeston** resigned on November 21. He was appointed by Prime Minister **Jean Chrétien** on September 2, 1999, to represent the senatorial division of the Northwest Territories. During the 18 years that he served in the Senate, Senator Sibbeston focused on issues affecting Indigenous people of the North. He is a former Premier of the Northwest Territories, where he served from 1985 to 1987.

The Senate was shocked and saddened when Senator **Tobias C. Enverga, Jr.** passed away unexpectedly on November 16. He was the first Canadian of Filipino origin appointed to the Senate, and was appointed on the recommendation of Prime Minister Harper on September 6, 2012. Senator Enverga was a member of several standing Senate committees, and is remembered as an advocate for persons with disabilities and a strong promoter of multiculturalism in Canada.

Committees

On November 7, 2017, the Senate adopted a motion to adjust committee memberships. A previous order, which was adopted on December 7, 2016, had expired on October 31. The 2016 order had increased the size of most standing Senate committees by three members, in addition to defining how the membership of committees would be divided between the recognized parties and senators who were not members of a party. Under the new order, which took effect at the end of the day on November 19, the membership of

those committees was reset to the number of members provided for in the *Rules of the Senate*. The motion also empowered certain committees to elect two deputy chairs and expanded the number of *ex officio* members to include the leaders and facilitators of all recognized parties and groups. The committees have since been reconstituted according to proportions similar to the standings in the Senate overall.

As for the Standing Committee on Ethics and Conflict of Interest for Senators, a separate motion was adopted on December 7, 2017, to extend the provisions of the order of December 7, 2016, respecting its membership, and to restore its membership as of October 31.

Speaker's Rulings

On November 1, the Speaker ruled on a question of privilege raised on October 24 by Senator **Donald Plett**, who believed that an open letter from a senator to Conservative Party leader **Andrew Scheer**, asking him to encourage the Senate members of the Conservative caucus to move forward on a vote on Bill C-210, *An Act to amend the National Anthem Act (gender)*, undermined the Senate's independence and impeded the ability of senators to carry out their functions independently. After reviewing past Speakers' rulings dealing with communications, the Speaker noted that a message from one house to another cannot be treated as a point of order or breach of privilege unless it contains some kind of threat. He also determined that the letter was not impeding senators' work on Bill C-210, since senators remained free to deal with the bill as they saw fit and, therefore, ruled that there was no *prima facie* case of privilege.

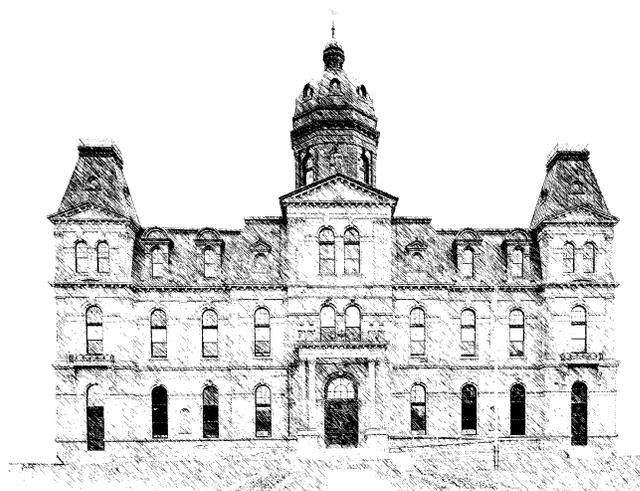
Committees of the Whole

In December, the Senate resolved itself into Committee of the Whole on three occasions to receive potential appointees to various positions. Subsequently, the Senate adopted motions to approve the appointments of **Raymond Th  berge** as Commissioner of Official Languages, **Nancy B  langer** as Commissioner of Lobbying, and **Pierre Legault** as Senate Ethics Officer.

Before adjourning for the holiday season, the Senate also adopted a motion to resolve itself into Committee of the Whole on February 6, 2018, to receive three ministers, a parliamentary secretary and officials on the subject matter of Bill C-45, *An Act respecting cannabis and to amend the Controlled*

Drugs and Substances Act, the Criminal Code and other Acts. This meeting will be separate from the actual proceedings on the bill, which is currently under debate at second reading.

Chantal Lalonde
Procedural Clerk



New Brunswick

Throne Speech

Lieutenant Governor **Jocelyne Roy Vienneau** opened the 4th Session of the 58th Legislature on October 24, 2017, with the delivery of the Speech from the Throne. The speech outlined the need to grow the economy, strengthen education, and improve health care.

Highlights of the speech included the launch of a population growth strategy; a review of WorkSafe New Brunswick's decisions regarding its funding formula; an agreement with the federal government to make daycares more accessible and affordable; an agreement with public universities to specify government funding and to appear annually before the Legislative Assembly; a partnership with Medavie to integrate Ambulance New Brunswick, the extra-mural service program and tele-care 811; benefits to assist seniors and their caregivers so they can remain independent longer, a social innovation fund to support innovation projects that endeavor to end generational poverty; the expansion of the family division cases management model to stream access to services and expedient resolutions of family law disputes; initiatives to protect against intimate partner

violence and improve access to reproductive health services; a broader implementation of pay equity; legislation to freeze MLA salaries until 2021, when it is anticipated New Brunswick will have a balanced budget; legislation to address the legalization of recreational cannabis; and legislation to address carbon pricing and establish a climate change fund.

Reply to Throne Speech

On October 26, Official Opposition Leader **Blaine Higgs** gave his reply to the Speech from the Throne. Mr. Higgs raised concerns about children's falling literacy rates, increased taxes for small businesses, the space crisis at New Brunswick Community College, business property tax cuts, and missed opportunities in health care and home care models. He also expressed a desire to work with government on legislation to address post-traumatic stress disorder for first responders, alcohol interlock devices, and school zone speed limits.

Capital Budget

The 2018-19 capital budget totals \$815.3 million. New investments total \$28.1 million while \$787.2 million is earmarked for maintenance and the continuation of previously announced projects. Specifically, a record \$12.6 million will be invested in upgrading tourism infrastructure; \$458.1 million will be allocated for road and bridge construction, their maintenance, and building upgrades; \$105.8 million for K-12 schools; \$99.9 million for the maintenance and improvement of health care facilities; and \$20.3 million for energy retrofits and renewable energy upgrades.

Standing Committees

In its report to the House on November 17, the Standing Committee on Public Accounts, chaired by **Trevor Holder**, outlined the activities of the Committee during the second and third sessions of the 58th Legislature. In addition, the report recommended to the House that departmental annual reports include more detailed information to fully comply with government report policy, and that the government review the annual report policy and consider requiring the reports to contain departmental responses on the implementation of Auditor General recommendations, using consistent formatting to address the status of implementation of individual recommendations with clear reasoning.

On November 21, the Standing Committee on Law Amendments, chaired by Attorney General **Serge Rousselle**, held public hearings on Bill 4, *An Act to Amend the Industrial Relations Act*. The purpose of the Bill is to include first contract arbitration as an accessible remedy for employees and employers when bargaining has reached an impasse. The Committee met with representatives of the department responsible for the legislation, as well as representatives from labour and management. The Committee also received various written briefs. In its report dated December 5, the Committee recommended Bill 4 to the House.

On November 23, the Standing Committees on Crown Corporations and Public Accounts, chaired by **Chuck Chiasson** and Mr. Holder, respectively, met with Auditor General **Kim MacPherson** for the release of her *Report of the Auditor General of New Brunswick 2017, Volume III – Special Examination, Volume IV – Financial Audit, and Volume V – Performance Audit*. Volume III presented a special examination on residential property tax assessments in Service New Brunswick. Volume IV focused on matters arising from financial audits of the Province and its Crown agencies. Volume V reviewed matters arising from an audit of school district purchase cards, and provided a follow-up on recommendations from prior years' performance audits, including foster homes, provincial bridges, procurement of goods and services, the Point Lepreau generating station refurbishment, and the collection of accounts receivable.

On December 5, the Standing Committee on Procedure, Privileges and Legislative Officers, chaired by **Hédard Albert**, met to consider the adoption of a statement on the roles and responsibilities of Members and a code of conduct for Members. The purposes of the statement and code are to guide Members on the standards of conduct expected of them in the discharge of their parliamentary and public duties and to provide New Brunswickers with a standard against which they can assess the performance of their elected representatives. In its report to the House on the same day, the Committee recommended the adoption of the proposed statement and code presented in the report.

Legislation

Forty-one bills were introduced during the fall session, including:

Bill 14 – *Exotic Animals Act* – introduced by Aquaculture and Fisheries Minister **Rick Doucet**, regulates the import, possession, sale, export and release of exotic species in New Brunswick.

Bill 16, *Cannabis Control Act* – introduced by Health Minister **Benoît Bourque**, regulates the retail sale of recreational cannabis and outlines restrictions on consumption and possession.

Bill 17, *Cannabis Management Corporation Act* – introduced by Finance Minister **Cathy Rogers**, creates the Cannabis Management Corporation, a Crown corporation charged with the management and control of retail sales of recreational cannabis.

Bill 27 – *An Act to Amend the Financial Administration Act* – introduced by Premier **Brian Gallant**, prohibits the provision of special payments or benefits to political government staff between the date the writs are issued for a provincial general election and the date of the appointment of a new Executive Council.

Bill 28 – *Green Energy Security Act* – introduced by Green Party Leader **David Coon**, creates Renew New Brunswick Inc., a Crown corporation to promote, invest in, and develop jobs in the renewable energy, energy efficiency and public transportation sectors.

Bill 29 – *An Act to Amend the Assessment Act* – introduced by Mr. Rousselle, freezes property tax assessments, with certain exceptions, for one year at the 2017 level.

Bill 30 – *An Act to Amend the Insurance Act* – introduced by Ms. Rogers, prevents insurers from using exclusionary clauses to deny innocent co-insureds coverage in situations of loss or damage to shared property caused by an intentional or criminal act by the other co-insured.

Bill 38 – *An Act to Amend the Members' Conflict of Interest Act* – introduced by Mr. Rousselle, prohibits Members from lobbying or being employed by a business or organization that engages in lobbying. The Bill also prohibits lobbying in relation to matters connected to the province by former Members during the 12-month period after they ceased to be a Member.

Bill 40 – *An Act to Amend the Education Act* – introduced by Mr. Holder, requires the Department of Education and Early Childhood Development to publish on its website a link to the provincial testing results in literacy, mathematics, science and French

as a second language for the most recent year and the ten previous years.

Motions

On December 14, the House defeated a motion, moved by Mr. Higgs, which would have directed the Standing Committee on Crown Corporations to hold public hearings and question certain government employees on the results of the special examination conducted by the Auditor General regarding the residential property tax assessment system.

Conference

The New Brunswick Legislative Assembly hosted the sixth meeting of the Québec-New Brunswick Parliamentary Association from November 16 to 18. The Association was established in 2004 to strengthen the close ties that exist between the Québec and New Brunswick Legislatures and to provide a regular forum for meetings between the two Assemblies.

The New Brunswick delegation consisted of Speaker **Chris Collins**, Deputy Speaker **Bernard LeBlanc**, and Members **Chuck Chiasson** and **Madeleine Dubé**. The Quebec delegation consisted of four delegates, including three Members of the National Assembly. Throughout the three-day conference, delegates examined various topics of mutual interest to both jurisdictions, such as the renegotiation of the North American Free Trade Agreement and the legalization of recreational cannabis.

Governor General's Visit

The New Brunswick Legislature was honoured to welcome Governor General **Julie Payette**. She began her first official New Brunswick visit with an address to the Legislative Assembly on November 7.

The Governor General called on Members and citizens alike to work together to protect the planet and realize common goals of peace while recalling her experience seeing New Brunswick from space as a former astronaut. She reminded New Brunswickers that from space, political borders are indiscernible and that as citizens, we are stronger together.

The Governor General noted that New Brunswick's unique position as a founding member of Canada and the country's only officially bilingual province should be an example to others of working together, the importance of tolerance, and fearlessly dreaming big.

Resignation

On December 1, **Donald Arseneault** resigned as the MLA for Campbellton-Dalhousie. First elected in the 2003 general election, Mr. Arseneault was re-elected in 2006, 2010 and 2014. During his time at the Legislature, Mr. Arseneault served as Minister of Energy and Mines; Minister of Post-Secondary Education, Training and Labour; Minister of Natural Resources; Deputy House Leader and Deputy Premier.

Adjournment and Standings

The Legislature adjourned on December 21, 2017, and was scheduled to resume sitting on January 30, 2018. The current House standings are 25 Liberals, 22 Progressive Conservatives, one Green and one vacancy.

Alicia R. Del Frate
Parliamentary Support Officer



Alberta

Third Session of the 29th Legislature

The Fall sitting of the 3rd Session of the 29th Legislature commenced on October 30, 2017. Two Bills related to the upcoming legalization of cannabis, received a significant amount of attention. Bill 26, *An Act to Control and Regulate Cannabis*, creates a framework for the regulation, distribution, and consumption of cannabis in the province. Bill 29, *An Act to Reduce Cannabis and Alcohol Impaired Driving*, amends the *Traffic Safety Act*, to create more tools to

address drug-impaired driving. Both Bills received Royal Assent on December 15, 2017 and, with some exceptions, will come into force on Proclamation.

Bill 32

Bill 32, *An Act to Strengthen and Protect Democracy in Alberta*, which amends the *Election Act* and the *Election Finances and Contributions Disclosure Act*, received Royal Assent on December 15, 2017. It sets new limits on spending by third parties and prohibits political parties, contestants and candidates from working with third parties to circumvent spending and contribution limits.

The Bill also sets restrictions on government advertising during the time period following the issuance of a writ through to the end of polling day. It endeavours to encourage voter participation by reducing voter residency requirements and expanding polling options including an increase in the use of advance and mobile polls and voter assist terminals and special ballots.

In addition, the Bill creates the new position of Election Commissioner which, unlike similar positions in other Canadian jurisdictions, is an independent Officer of the Legislature. The Bill specifically tasks the Standing Committee on Legislative Offices with conducting a search for qualified individuals to fill the new position and recommending to the Assembly the candidate the Committee considers to be most suitable. The Committee met on December 20, 2017, to begin the search process. The application deadline was set for January 19, 2018.

Private Members' Public Bills

During the Fall session three private members' public bills received third reading and Royal Assent. Bill 206, *Child, Youth and Family Enhancement (Adoption Advertising) Amendment Act, 2017*, sponsored by **Leela Aheer**, MLA (Chestermere-Rocky View), removes restrictions preventing potential adoptive parents from posting online profiles. Bill 209, *Radon Awareness and Testing Act*, sponsored by **Robyn Luff**, MLA (Calgary-East), requires the Government to develop educational materials and a public awareness campaign regarding the danger of radon gas, and could lead to childcare program locations being tested for radon before licences are issued or renewed. Finally, Bill 210, *Missing Persons (Silver Alert) Amendment Act 2017*, sponsored by **Mark Smith**, MLA (Drayton Valley-Devon), enables authorities to

activate a “silver alert,” much like an “amber alert,” for missing children, in cases when adults with reduced mental capacity go missing.

Cabinet Changes

On October 17, Premier **Rachel Notley** announced that **Sandra Jansen**, MLA (Calgary-North West) would join Cabinet as the Minister of Infrastructure. **Brian Mason**, MLA (Edmonton-Highlands-Norwood), previously the Minister of Transportation and Infrastructure, maintains the Transportation portfolio.

While not part of Cabinet, two parliamentary secretary positions were also created at this time. **Jessica Littlewood**, MLA (Fort Saskatchewan-Vegreville) serves as the Parliamentary Secretary to the Minister of Economic Development and Trade for Small Business, and **Annie McKittrick**, MLA (Sherwood Park) is the Parliamentary Secretary to the Minister of Education.

Caucus Composition and By-Election

Karen McPherson, MLA (Calgary-Mackay-Nose Hill), who left the New Democrat (NDP) caucus on October 4, 2017, to sit as an Independent, later announced that she was joining the Alberta Party (AP) caucus on October 30, 2017. **Dave Rodney**, the MLA for Calgary-Lougheed, resigned his seat effective November 1, 2017. In the resulting by-election held on December 14, 2017, **Jason Kenney**, leader of the United Conservative Party (UCP), was elected as the Member for Calgary-Lougheed. Mr. Kenney will have his first opportunity to take his seat in the Legislative Assembly of Alberta when session resumes in the spring.

The current composition of the Assembly is 54 seats for the NDP, 27 seats for the UCP, two seats for the AP, and one seat each for the Alberta Liberals and the Progressive Conservatives. There are also two Independent Members.

Electoral Boundaries Commission (EBC)

The EBC presented its final report to the Speaker on October 19, 2017. Although the final recommendations differed from those initially proposed in its interim report, the EBC continued to recommend that three new urban constituencies be created through a corresponding reduction in the number of rural constituencies.

On November 28, 2017, the Assembly concurred in the recommendations of the final report of the EBC with a few exceptions with respect to names of electoral divisions. Subsequently, on December 4, 2017, Bill 33, *Electoral Divisions Act*, which reflected the recommendations of the EBC report and the concurrence motion, received First Reading in the Assembly. Ultimately the Bill passed without amendment and will come into force on the day the writ for the next general election is issued.

Auditor General Search Committee

On December 21, 2017, the Select Special Auditor General Search Committee completed its mandate and released its report recommending that **Doug Wylie**, be appointed as the next Auditor General of Alberta. Mr. Wylie has been with the Office of the Auditor General since 1989 and has served as an Assistant Auditor General for the last 14 years.

Jody Rempel
Committee Clerk

Remembering our founding editor: A tribute to Gary Levy

The *Canadian Parliamentary Review* is very sad to report the passing of its founding editor, Gary Levy, 71, after a brief battle with cancer. Born in Saskatoon, he was an avid football player in his youth. He excelled in school and eventually completed degrees at the University of Saskatchewan and Carleton University, before earning a Ph.D. in Political Science at Université Laval. Before settling into his career with the Government of Canada, Levy spent an exciting year in Paris that coincided with the student riots in 1968 (where he learned the sting of a French gendarme baton). Returning to Canada, he started work at the newly created Research Branch of the Parliamentary Library in Ottawa. Soon, he took on the editorship of the *Canadian Parliamentary Review*, which he grew from a simple newsletter into a leading Canadian journal on parliamentary practice. Transitioning from a civil servant to a contractor permitted Levy the freedom to explore many other interests, including: being a clerk to Senate of Canada committees, organizing seminars, accepting various university teaching assignments, and studying desktop publishing in New York (where he later returned for a year as the resident Canadian Fellow at the Americas Society). In his retirement, Levy was an avid cross-country skier and cyclist who loved exploring the Gatineau Park. He even found time to contribute pieces to the *Canadian Parliamentary Review*, including a book review published in our previous issue. The editorial board of the *Canadian Parliamentary Review* is deeply grateful to Gary Levy for his decades of work with the journal and for the opportunity many of us had to work with him and to get to know him personally. In this tribute, Gary William O'Brien, a former Clerk of the Senate, Clerk of the Parliaments, and editorial board member of the *CPR*, reflects on his friend's career and legacy.



Gary William O'Brien

I first met Gary in the late 1970s when he worked under Philip Laundry in the Research Branch of the Library of Parliament and I was with the House of Commons Journals. I immediately recognized him as someone who truly understood the workways of parliament. If we could compare him to others in our parliamentary history, who not only had an insider's view but also increased our understanding through their writings, Arthur Beauchesne would come to mind. In fact, Gary was much attracted to Beauchesne (Beauchesne was a former Clerk of the Canadian House of Commons and author of the eponymous procedural manual) and wrote a four part mini-biography of him

in the *Canadian Parliamentary Review* in 1985-86. Gary described Beauchesne as "an outstanding student," "a prolific writer on parliamentary topics," "a sought after public speaker," who "participated in the great political debates of his time" and who "from the beginning saw parliament from the perspective of a presiding officer." Many of these same attributes could be applied to Gary himself. If there is a difference, it was that Gary was more a scholar than a journalist. Perhaps a more appropriate comparison would be Alpheus Todd (a pre-and-post Confederation librarian, author and constitutional historian) or Sir John George Bourinot (the first Clerk of the Canadian House of Commons and author of an important early Canadian work on parliamentary procedure). Regardless, Gary's place is among the giant intellectuals of Canadian parliamentary history.

Gary William O'Brien is a former Clerk of the Senate, Clerk of the Parliaments, and editorial board member of the Canadian Parliamentary Review.



Gary has left behind a valuable collection of published writings for all students of parliament. They deal with such matters as prorogation, fixed election dates, the confidence convention, the evolving Speakership, the parliamentary budget officer, parliamentary reform, Senate modernization and the summoning and swearing of witnesses.

Gary, however, was not just an observer. As a Research Officer, and later as a Senate Committee Clerk, he threw himself into his assignments and made important contributions to the Committee on the Reform of the House of Commons (the McGrath Committee), the Senate Pearson Airport Committee and the Special Senate Committee on Euthenasia and Assisted Suicide.

As editor of the *Canadian Parliamentary Review* for more than 30 years, he travelled and attended innumerable parliamentary conferences and was often on the phone seeking out contributions from MPs, senators, staff and academics. Under his guidance and with the support of the Clerks of the House of Commons and the Canadian branch of the Commonwealth Parliamentary Association, the

Review grew from a simple newsletter into a leading journal on parliamentary issues. He also imparted his knowledge as a university professor at the University of Western Ontario, the University of Ottawa, and the University of British Columbia. Recently, he was Visiting Scholar with the Bell Chair in Canadian Parliamentary Democracy at Carleton University.

Later in his career, he taught courses on the Canadian political system at universities in the People's Republic of China and became deeply involved with the Canada-China Friendship Society.

I very much admired Gary and spent many hours with him playing golf and chatting over long lunches. I was also deep in the trenches with him during the Pearson Airport inquiry. Many of his co-workers have commented on his kindness, his genuine interest in those around him and his sense of humour.

I am very much saddened by his loss. He was a true gentleman. As Paul Benoit, his dear colleague through these many years has said, "The Parliament of Canada has lost a close, longtime friend."

