

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.