

Canadian  
**Parliamentary**  
review



*Volume 42, No. 2*

***A Focus on Indigenous  
Parliamentarians***

# *The NWT's Clan McLeod: There Can Be More Than One*

With more than 25 years of Parliamentary service combined, the Northwest Territories' McLeod brothers have dedicated a significant part of their lives to the people of the territory. The brothers were born and raised in the small, rural community of Fort Providence, and both self-identify as being of Métis heritage. Growing up in Fort Providence gave the McLeods a sense of community that stayed with them as they matured.



Both brothers have had the privilege of serving on the NWT Executive Council in various portfolios, and their territorial legislative service overlapped during the 16th Legislative Assembly (2007-2011) when both served on the Managing This Land Committee. Robert R. (Bob) McLeod (left) has represented

the people of Yellowknife South since 2007, and is the current Premier having been elected through the Territorial Leadership Committee process twice during the 17th and 18th Assemblies. Younger brother, Michael McLeod (right), was first elected to the Legislative Assembly of the NWT in 1999 representing the Constituency of Deh Cho until 2011. He was then elected as a federal Member of Parliament representing the Northwest Territories in 2015.

Bob and Michael McLeod have been active Parliamentarians during their careers and dedicated community members their whole lives. Whether they are sitting in the Legislative Assembly, or on local Boards in the community, Bob and Michael McLeod continue to serve the people of the Northwest Territories.

Gerry Burla

Legislative Librarian, Legislative Assembly of the Northwest Territories

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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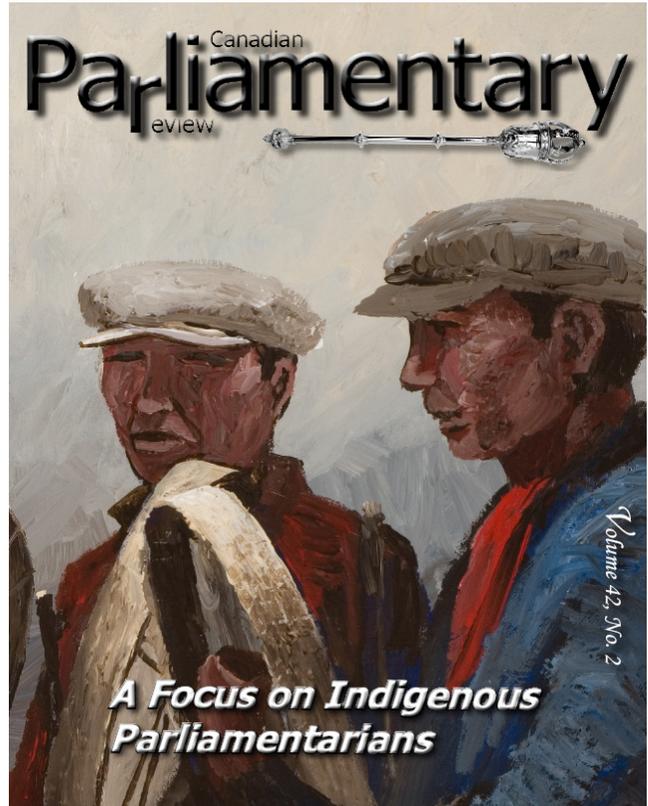
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*Indian Drums* by Allen Sapp, Plains Cree (Red Pheasant Reserve, Saskatchewan), circa 1972

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# *A Focus on Indigenous Parliamentarians*

Indigenous persons have served as representatives in Canada's federal and provincial parliaments for almost as long as the country has been in existence. However, the legacy of colonialism combined with franchise restrictions imposed on Status Indians (and women), has contributed to severely limiting the numbers of individuals who have served as parliamentarians.

Following the 2015 federal election, national news media lauded results which indicated that a record number of Indigenous candidates (54) resulted in a record 10 persons of Indigenous heritage becoming MPs. Yet, this still represented only three per cent of the House of Commons seats – a little more than half of their census representation. Moreover, there is no guarantee that these gains will be sustained from one parliament to the next. Representation in the Senate and amongst the provinces varies widely (see our Infographic on pages 32-33).

In this issue, we focus on Indigenous Parliamentarians and Indigenous representation within parliaments. Inside you'll find profiles of some Indigenous parliamentarians, including the McLeod brothers of the Northwest Territories (inside cover) and Yukon's Sam Johnston (page 64), articles by or roundtable discussions featuring Indigenous parliamentarians, a feature on efforts to expand Indigenous art within a Parliament, and an expansive review of how Indigenous political cultural traditions can coexist and inform the Westminster parliamentary system.

A single edition cannot hope to capture the diversity of Indigenous experiences or scratch but the surface of important topics or issues. Rather, we hope to use this theme issue as a springboard for additional coverage. Other articles and features which were planned for this issue, but unfortunately not ready in time for publication, will be part of this ongoing presence.

We encourage suggestions for future articles or submissions.

**Will Stos, Editor**



# Honouring Indigenous Languages Within Parliament

Canada has 'two official' languages, but neither one is one of the original languages of this land. As an Indigenous parliamentarian who speaks Cree, the author believed it was important to be able to make substantive statements in parliament in this language. This language informed the principle of his worldview and the worldview of some of his constituents. In 2017, the existing standing orders and policies of the House of Commons prevented his address in Cree from being translated to his fellow MPs. Despite receiving advice to use one of Canada's two official languages, the author decided to continue with his speech as planned. Subsequently, he raised a *prima facie* case that his rights as a parliamentarian had been violated and worked with the Regulations Committee (PROC) to change the standing orders. In this article, he explains his thoughts about this issue and reveals how he came to a decision to challenge the status quo in an effort to be true to himself and his people.

## Robert-Falcon Ouellette, MP

When the great mystery breathed life into creation, man and all animals were created. When this occurred, there was treaty between all living things – that they would live in a manner which recognized their mutual sacrifice and benefits. To make these treaties they communicated in a common language and were reciprocally understood; the otter could speak with the birds, the moose with fish and man with all animals. To speak and to be understood is central to treaty. It is central to the ideals of relationship.

After 153 years, the Canadian House of Commons now allows for the translation of the original languages of Canada. The ability to speak a language and be understood is central to the ideals of democracy. If we speak and no one is able to understand us then we are effectively silenced and have no influence over the manner in which others impact us or the ability to influence others. There is no relationship.

*Nemacomacuntik Tansai Nemeyatanye atawapantikok.*

These words have power. These words tell a story and make a statement of values. It is a statement of worldview. A worldview is the principles of a people; it allows us to make sense of the world around us. We create a community of traditions and customs from myths, legends, stories, family, community and examples set

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*Robert-Falcon Ouellette is MP for Winnipeg Centre. He was first elected in 2015.*



**Robert-Falcon Ouellette before his speech on January 28, 2019.**

by communal leaders. A worldview allows a people who self-identify to create a system of logic; it allows objects to fit within a paradigm, generates behaviour and helps a people to interpret their experiences. I start almost all my speeches in parliament and in front of large crowds with this simple phrase.

When I was first elected in 2015 I had a number of objectives; a vision of what I would do as an MP. I wanted to make a difference, to improve the lives of my fellow citizens of Winnipeg, to have influence. I also knew that I did not want to be catalogued as ‘just that Indigenous guy’ or ‘just that Indigenous MP.’ I thought long and hard about where and how I could best have influence. I asked and was placed on the finance committee. I wanted to advocate for all my fellow citizens in Parliament, to be their voice. Not all the citizens in Winnipeg Centre are Indigenous. We have Filipino people, Muslims, environmentalists, Mennonites, the homeless, poor people, the middle class, activists and, yes, also Indigenous peoples.

This is my baggage. It was also the path to using my language, the Cree language in Parliament. In 2017 there was violence in a number of Indigenous communities against Indigenous girls, and young women. I felt that since I was a leader I needed to take a stand against this violence and address the violence in a manner that would be noticed. The only problem was that we often hear from the political class that society should stop violence, and among Indigenous peoples, stop the lateral violence among our peoples. Elders, teachers, politicians, and activists will frequently say ‘No to the violence’, yet the violence continues.

I felt the way to reach young people would be to do a speech in Cree, talk about the violence and our need to be kind to each other, and renew our treaty within our communities. I prepared my text, including an English version. I called the Whips office and arranged a moment to give the speech during Member’s Statements before Question Period.

I was surprised to learn that even though I had given the parliamentary interpretation services ample warning and provided an English version of my text there would be no interpretation services offered. The standing orders and existing policies did not permit the use of another language in the House of Commons. I would be required to give my speech in English or in French; I would need to use one of Canada’s two ‘official’ languages. The staff from the Whip’s office contacted me and asked that I use English or French; my staff asked that I use English or French. I feel I was asked to use English and French because people were afraid of what the reaction might be. I was told that the Speaker would not allow me to finish my speech, as it was against the rules. I was told that the opposition would use this incident to play games in Parliament to upset the government. I was told to speak white.

On the night of May 3, 2017, I lay awake in my apartment thinking about what I should do. I thought about the possible consequences of going against the wishes of the Whip’s office. I had already been punished with curtailed speaking rights in the House and no travel with parliamentary committees in the previous year for trying to represent my citizens. By the morning, I prayed, smudged, conducted a pipe ceremony and I thought about the words of an Elder named George who said to me when I was running for office that ‘My words are my honour and my words are the people.’

On May 4, 2017 I started giving my speech in Cree, I said:

anohcihkî nîswâw âcimowina kipêhtênaw  
ita oskâya-iyiniw-iskwêwak ê-nipahihk  
âhpô ê-kî-sôhki-wîsakatahohcik. êkosi  
kî-itahkamikan mêkwâc ayisiyiniwak  
ê-kanawâpahkêcik mîna ê-masinipihcikêcik.  
êkosi tâpitaw kâ-âh-ispayik. kita-  
nâkatawêyihmahk piko kâ-âh-isi-  
pamihitoyahk, kiyânaw ayisiyiniw kâ-  
ititoyahk. niya niwîcikâpawîstên ôma  
môswa-ayân atoskâtamâkêwin (**Moose  
Hide Campaign**) êkwa ispayin ta-  
wihtamahk ôma kah-kitimâkêhikiwina,  
ta-kistêyimâyahkik kahkiyaw iskwêwak.  
nikâwîsak, nisikosak, nitawêmâwak, nitânis,  
mîna nitôtêmak miyosiwak; sôhkitêhêwak,  
tah-tapêyimisowak, sâkihiwêwak,  
kistêyimowak, tâpweyihkâkosiwak, sôhki-  
atoskêwak. kitakî-manâcihihik, kitakî-  
manâcihikocik oyasiwêwin, êkosi namôya  
sêmâk kita-kitimahihik, namôya sêmâk ka-  
nisiwanâcihihik.

Recently in the Prairies, two high profile violent events occurred where young indigenous women were killed and severely hurt. These events occurred while people stood by and recorded these incidents. The freedom of the violence calls into question our own humanity. I am a supporter of the Moose Hide Campaign and it is time that we raise indigenous women above our current beliefs. My aunts, cousins, daughter, and friends are beautiful. They are courageous, humble, intelligent, loving, respectful, honest, hard-working. They deserve additional protection of our laws so people think twice before they destroy lives.

It was one of the hardest moments in my life. I would leave the translation and interpretation up to the creator; I had no control over others, only my actions. As I gave my speech in Cree I could hear my fellow MPs laughing. They were expecting a speech in English or French, so they were naturally wondering what I was talking about. It was a very serious topic and it deserved attention. After I spoke, I was asked by my good colleagues what I had said, as no one had understood. I questioned later if I had actually spoken; if the words which left my mouth really mattered. I was upset because the people of Winnipeg Centre and Indigenous peoples from across Canada had not sent me to Ottawa to be silent, but rather to ensure a different voice was heard and to present a different worldview. I had been silenced by the institution.

Later as I went about my weekend, my anger grew towards the injustice. Other Elders had previously asked me to ensure that our ceremonies would be in the House of Commons, that our drum would be heard. Yet my voice had been silenced. I felt that my parliamentary privileges had been ignored and trampled upon. I decided this needed to change, but I needed to use the institution and make a point of privilege. I went to see the Chief of Staff for the Whip, who then sent me to the House Leader's office. They preferred that I would not make my point of privilege as they were having difficult negotiations on legislation and they were afraid it would derail important government legislation. Every few days I would return and ask when I could make my point. It should be remembered that points of privilege must be made as soon as possible, closest to the moment when a violation occurred. I persisted and I kept asking and eventually, on June 8, 2017, I was told I could make my case of *prima facie*. It was almost a month later.

The institution of Parliament is formidable. Individual MPs have very little weight; you must fight to be heard. It is stressful because of the multiple roadblocks placed in your path. Even the simple act of smudging in my office has been a difficult effort; there have been many back-and-forths between the Chief Fire Warden and me. It is hard to be an MP and it is particularly hard to be an Indigenous MP. There are great expectations placed on your shoulders and you are placed within a large institution which has its own worldview. It can consume you. This battle in the House of Commons was a basic human rights fight. It is harder than you think to battle every day on a physical and emotional level. Yet, here I am, and here the House of Commons still stands. The institution has grown in stature through the effort of reconciliation of worldviews.



Amelie Cheng

**Ouellette with Kevin Lewis, a professor at the University of Saskatchewan and the First Indigenous translator in Parliament.**

When translation was eventually permitted for the first time on January 28, 2019, I said in the media: "This is something I've been fighting for now for two years almost, and to have the opportunity of having Indigenous languages translated I think is a significant and very symbolic and important measure [towards] including Indigenous Canadians; to tell Indigenous Canadians that they are full citizens."

The rest is now part of the history of Canada. This case led to a study by the Regulations (PROC) Committee and the hard work by colleagues on all sides to change the standing orders. It was not a battle that I undertook alone. I would like to thank David Graham, a Jewish MP from Quebec who never let the committee stop the important work it was doing and MP Chris Bittle who pushed our House Leader to ensure that parliamentary procedure was respected and that the standing orders were changed. A great thank you to Professor Karen Drake for the arguments and writings which allowed the case of *prima facie* to be made. On a personal note, this has been a very proud moment in my life, but also my most difficult. It is extremely stressful, pushing against large institutions, feeling alone, and being the point of the arrow.

# *The Aboriginal Peoples Committee Room of the Senate of Canada*

Recognizing a disturbing absence of Indigenous representation within the federal Parliament buildings, the author endeavoured to acquire and donate Indigenous artwork and artifacts to display in the Aboriginal Peoples Committee Room of the Senate of Canada. With help from a group of senators in an effort to make Indigenous cultures visible and tangible to parliamentarians who used the room, as well as to visitors interested in the Senate and its history.

**Hon. Serge Joyal, Senator**



**Aboriginal Peoples Committee Room**

The construction of Canada's Parliament Buildings began in 1859 on unceded Algonquin territory. At the time, Indigenous representation was not deemed important enough to be incorporated into the capital's new buildings. Until 2000, little of Parliament's interior or exterior decor reflected the centuries-old presence of Indigenous peoples all across

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*Senator Serge Joyal, P.C. is a jurist specialized in public law and the author of many essays in law and Canadian history. He has represented the Senatorial Division of Kennebec, Quebec, since he was appointed to the Senate in 1997.*

Canada, except for small, discreet bas-relief sculptures carved into the facade of Centre Block in 1918 when it was rebuilt after the fire of February 3, 1916; eight architectural works by Indigenous artists, carved from soapstone and Indiana limestone and installed around the House of Commons Foyer as part of the Indigenous Peoples Sculpture Program in the early 1980s; and the bust of Senator James Gladstone [picture: Bust of Senator James Gladstone by Rosemary Breault-Landry, Gatineau (Quebec), 2000, © Senate of Canada] from the Blood (Blackfoot) First Nation, who in 1958 became the first Indigenous person to be appointed to the Senate. The bust was unveiled in 2001 and placed in the Senate antechamber.

It was not until 1997, when a former interior courtyard of the Senate was converted into a modern committee room and designated the “Aboriginal Peoples Committee Room” that Indigenous peoples were finally acknowledged by name in the Parliamentary Precinct. The House has had the Commonwealth Room since the 1960s, and the Senate has had the Salon de la Francophonie since the 1990s. Therefore, both linguistic communities were already well-represented in the Parliament Buildings. In the years after it was inaugurated, the Aboriginal Peoples Committee Room had hardly any direct references to Indigenous realities: there was no Indigenous artwork or artifacts to properly represent their history, culture or identity. This modern committee room, where meetings were often televised, did not provide any visible Indigenous presence in Parliament.



**“Mother and child” by Henry Napartuk, Inuit (Kuujjuarapik, Québec), 1963**



**Eagle Mask by Wayne Bell, Kwakiutl (British Columbia), circa 2000**

This re-appropriation of an important space for Indigenous peoples within the Parliamentary Precinct, though supported in principle by the Senate Committee on Internal Economy, did not come with an initiative to feature Indigenous art or artifacts, nor did it include funding to give this room the real content it needed to reflect its name.

Faced with this obvious void that was, in a way, humiliating for Indigenous peoples—their presence essentially erased—I took the initiative, starting in 2002, to acquire and donate Indigenous artwork and artifacts in an effort to make Indigenous cultures visible and tangible to parliamentarians who used the room, as well as to visitors interested in the Senate and its history.



1. *Bad Medicine Woman* by Daphne Odjig, Ojibwe (Wikwemikong Reserve, Manitoulin Island, Ontario), 1974
2. “Inuksuk” by Ernie Kadloo, Inuit (Pond Inlet , Nunavut), 2009, donated by Senator Willie Adams
3. *Wiltikow II* by Neal McLeod, Cree, (James Smith Cree Nation, Saskatchewan) 2001
4. *Indian Residential School 1934 - A prison or a school?* by Alanis Obomsawin, Waban-Aki, (Odanak, Quebec)
5. *Hebron Series #2* by Heather Igloliorte, Inuit (Happy Valley–Goose Bay, Newfoundland and Labrador), 2002-2003

The Senate Committee on Internal Economy approved the installation of these donated works in the Aboriginal Peoples Committee Room under two conditions. First, the works would have to feature a spectrum of Indigenous artists from across Canada to highlight the diversity and originality of Indigenous cultures. The second—more pragmatic—condition was that it would have to cost the Senate nothing. In other words, there would be no budget for Indigenous visibility in the room.

The Aboriginal Peoples Committee Room had to essentially rely on private donations to live up to its name. I had the privilege of donating all the artwork at the outset. Then, other senators followed suit: Senator Thelma Chalifoux (Metis), Senator Willie Adams (Inuit), and Senator Michael Meighen and Senator Nancy Ruth, both from Ontario, all donated art when they retired from the Senate.

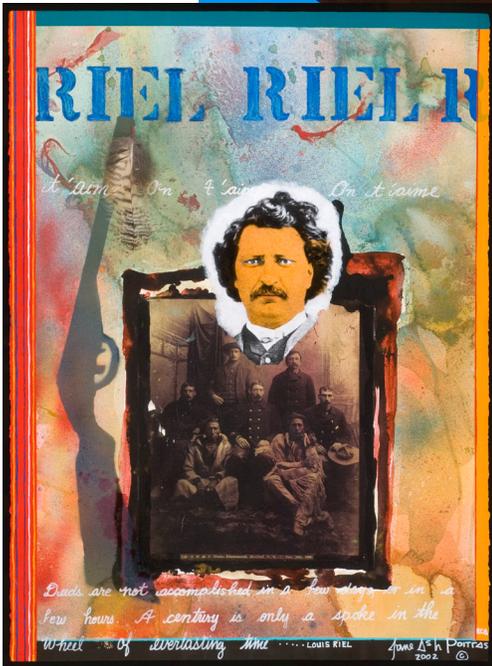


Most of the works include references to mythology, rituals and spiritual values unique to Indigenous peoples and deeply rooted within their special bond with the earth, the land and nature. They reflect the vitality and rebirth of Indigenous peoples' expression of their culture and their claim to a distinct identity grounded in their ancestral traditions and practices.

Some of the works depict the dark chapter of Indian residential schools during which 150,000 young Indigenous children were torn from their families and forced to abandon their languages, cultures, traditions and distinct ways of being, while others show how Indigenous peoples were utterly dispossessed of their ancestral land. The works of Waban-Aki artist Alanis Obomsawin, including *Indian Residential School 1934 - A prison or a school?*, and Inuit artist Heather Igloliorte from Newfoundland and Labrador, including *Hebron Series #2*, are troubling reminders of Canada's century-and-a-half-long assimilation policy with regard to Indigenous peoples. Additionally, Cree artist Neal McLeod's powerful artwork *Wihitkow II* illustrates the acculturation of Indigenous peoples after centuries of devastating colonial policies.



*May Tea?* by David Garneau, Metis (Edmonton, Alberta), 2002



*Riel-Riel-Riel* by Jane Ash Poitras, Cree, (Fort Chipewyan, Alberta), 2002

Some works are a true manifesto for affirming identity, such as *Riel-Riel-Riel* and *Dumont – 1885 – Batoche*, both by Cree artist Jane Ash Poitras, which recall the struggle of the Metis in western Canada

to have their land rights recognized. Others evoke a reclamation of lost identity, such as Metis artist David Garneau's painting *May Tea?* and Ojibwe artist Carl Beam's troubling work titled *Parts*.

Parts by Carl Beam, Ojibwe (M'Chigeeng, Manitowlin Island, Ontario), circa 1995



A number of the donated objects and artifacts reflect the political and social affirmation of Indigenous peoples, their economic survival and their struggle against cultural assimilation brought about by the dominant colonial practices.

Deerskin moccasins and mohawks (traditional roach headdress) are two striking examples of the appropriation of Indigenous culture by European settlers that can still be found to this day in Western fashion. Moccasins have been a fashion staple across generations due to their simple design and comfort, while mohawks (traditional roach headdress) were a sign of fearlessness for American parachutists in the Second World War and peaked in popularity during the punk movement of the late 1970s.

After all, who is not moved by the aesthetic of Inuit art or art from West Coast First Nations, for instance Salish and Haida peoples? Who is not touched by the stunning free line work and expressive content of their paintings and sculptures?

**Mi'kmaq box, Maritimes, early 20th century**



**Pair of young women's moccasins, probably Mohawk, Eastern Forests, circa 1880**



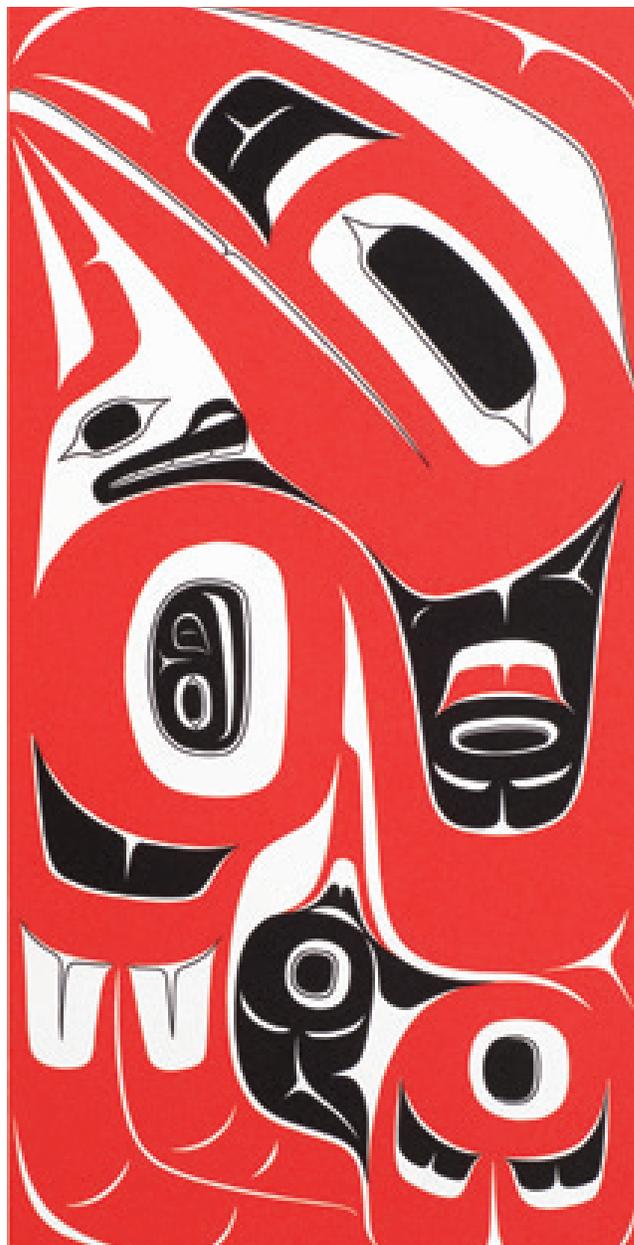
**Indian Drums by Allen Sapp, Plains Cree (Red Pheasant Reserve, Saskatchewan), circa 1972**

This initiative to make Indigenous identity visible in one of the Senate's most frequently used committee rooms is essentially due to the efforts of individual senators who believed in the importance of immediately making the unique aspects of Canada's Indigenous peoples visible; this action occurred well before the federal government officially apologized to the victims of Indian residential schools in 2008, tabled the Truth and Reconciliation Commission of Canada's report in 2015 and fully recognized the United Nations Declaration on the Rights of Indigenous Peoples in 2017.

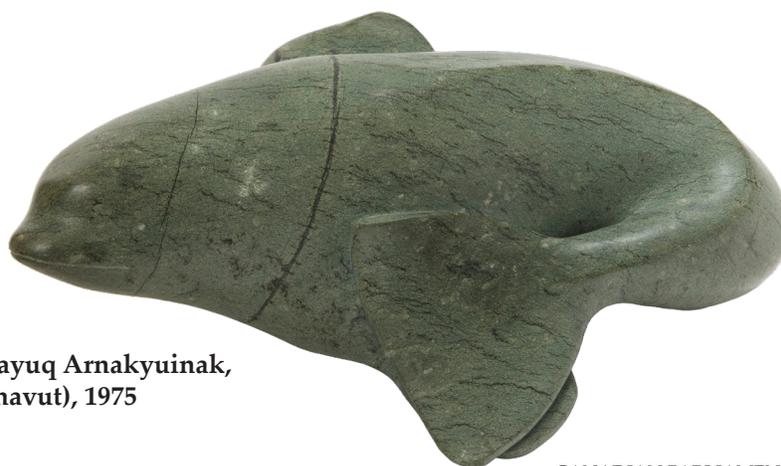
The initiative taken by those senators 20 years ago was well ahead of the curve; some of the people who were briefed on the project even doubted whether there were enough active Indigenous artists across Canada to provide the art for the Aboriginal Peoples Committee Room!

When I took it upon myself to assemble a collection of various works, I visited art galleries that showcased Indigenous art, such as the Canadian Guild of Crafts in Montreal. I pored over auction catalogues in search of works by Indigenous artists such as Alex Janvier, Daphne Odjig, Norval Morrisseau and Allen Sapp; I visited galleries in Vancouver to acquire West Coast masks; and I directly contacted a number of artists (Jane Ash Poitras, Glenna Matoush, Heather Igloliorte, John Paul Murdoch, Alanis Obomsawin, Patrice Awashih, David Garneau, Ellen Gabriel, Neal McLeod and others) to commission original pieces.

All these works were donated to the Canadiana Fund for the official residences and transferred to the Senate as long-term loans in 2005. Thanks to the joint efforts of the members of the Senate's Artwork Advisory Working Group and particularly its former chair, Senator Wilfred P. Moore, the works were successfully displayed in the room and educational booklets were handed out to visitors to Parliament to explain the origin and meaning of each of these artworks and artifacts.



*Raven* by Eugene Alfred, Tutchone/Tlingit (Mayo, Yukon), 2003



*Beluga* by Yvonne Kanayuq Arnakyuinak, Inuit (Baker Lake, Nunavut), 1975

The culmination of this initiative occurred on December 14, 2017, when an Indigenous ceremony devoted to traditional masks was hosted by Cree Senator Lillian E. Dyck in the Aboriginal Peoples Committee Room and presided over by retired Akwesasne Mohawk Grand Chief Michael Kanentakeron Mitchell of the Hadui society, who confirmed the sacred nature of this room that featured many examples of living Indigenous identities that at long last had their rightful place within the Parliament of Canada.



*Omega Mountain Man* mask by Earl Lewis, Coast Salish (British Columbia), second half of the 20th century



*Pug Wees* mask by Joe Peters Jr., Kwakiutl (British Columbia), 1984

*The Senate is grateful to the National Capital Commission for the loan of these works of Aboriginal art donated through the Canadiana Fund to the Official Residences Crown Collection by the Honourable Serge Joyal, Senator, P.C., O.C.*

# *Claiming One's Place - A Bigger Role for Indigenous Peoples and Parliamentarians in Ottawa*

As a part of a conference celebrating the 50th anniversary of the Parliamentary Internship Programme, a panel was organized to discuss the historic and emerging roles of Indigenous People within the federal government and Parliament. Although unforeseen circumstances prompted a last-minute change in the line-up, a panel of current and former MPs, an academic and a public servant offered insightful commentary based on several perspectives. The panel particularly focussed on the challenges and opportunities involved in respectfully engaging a diverse population, creating self-government structures and building on the work of the Truth and Reconciliation Commission. The following text has been edited and revised for length and clarity and is not a verbatim report.

**Danielle Whyte, Hon. Leona Aglukkaq, Dan Vandal, MP, and Brock Pitawanakwat**

**Introduction:** It's my pleasure to introduce the moderator for the next session, Danielle Whyte. She was an intern in 1995-1996 who worked with MP Jean Augustine of the Liberal Party and Paul Crête of the Bloc Québécois. She's spent her post internship years as a public servant, and since 2000 has been working on Indigenous issues.

**Danielle Whyte:** I'm really honoured to be here with you this morning, and I'd like to begin by acknowledging like we did this morning, that the land we're gathered on is the unceded territory of the Algonquin Nation. I'd like to offer our gratitude and respect to the Algonquin people who are elders and knowledge-keepers.

I was an intern in 95-96, I'm originally from Mi'kmaq territory on the west coast of Newfoundland, from a small community there. I'm of Mi'kmaq and European ancestry. I now make my home in Ottawa where most of my career has been focussed on Indigenous policy and Indigenous policy issues. In preparation for the panel I was thinking back to our intern year, 1995, and the extent to which Indigenous issues factored into the political agenda. I think the key question at the time was whether the James Bay Cree in Northern Quebec would remain as part of an independent Quebec or whether they would secede, so despite coming on the heels of the opioid crisis and the launch of the World

Commission of Aboriginal Peoples, it was not really an issue at the top of the political agenda as the national unity crisis loomed.

Fast forward 20 years and we have a government that says this is the most important relationship – the relationship with Indigenous people; so, with that in mind, I'd like to bring up our panel.

When I was an intern in 1995, I believe there were three Indigenous members of Parliament and probably a handful more were Senators. In 2015 there were 10 Indigenous members of Parliament elected. Just out of curiosity, who knows when the First Nations People in Canada first got the right to vote? The answer? 1960. So, not that long before the start of our internship programme. The first status Indian was elected to Parliament in 1968. Our panelists are among a very small and esteemed group of people. If you believe what you read on Wikipedia, only 39 Indigenous people have served as members of Parliament since Confederation, so I'm really honoured to welcome our panel here this morning.

And I'd like to start by introducing the Honourable Leona Aglukkaq who served as a Member of Parliament for Nunavut from 2008-2015. She was the first Inuk to be sworn into the federal cabinet, she served as Minister of Health, Minister responsible for the Canadian Northern



**Left to Right: Danielle Whyte, Hon. Leona Aglukkaq, Dan Vandal, MP, and Brock Pitawanakwat.**

Development Agency, Minister of Environment, and the Minister for the Arctic Council. She also served in a number of ministerial portfolios in the Nunavut Legislative Assembly, and also on the public service side as the deputy minister in the Nunavut government and in the municipal government. Next, we have Dan Vandal. He was elected in 2015 as a Member of Parliament for Saint Boniface—Saint Vital. He's the parliamentary secretary to the Minister of Indigenous Services and a former city councillor and deputy mayor of the city of Winnipeg. He has also served as chair of the board of directors for the Aboriginal People's Television Network. And finally, I'm pleased to welcome a fellow former intern, Brock Pitawanakwat, who was an intern in 2002-2003. He is currently an associate professor of Indigenous Studies at York University. Prior to joining York, he taught at the University of Sudbury. He is a Yellowhead research fellow and a regular contributor

to the Indigena roundtable podcast. He has also served as a researcher for the Truth and Reconciliation Commission (TRC). The panel members will talk to us a bit about the role of Indigenous Peoples in Parliament. We've asked them to reflect on how they see their role, what some of the unique factors and considerations of being an Indigenous person in Parliament and in politics are, and also to talk about their perspectives on whether the growing understanding of Indigenous issues that came from the work of the TRC and jurisprudence on Indigenous rights, has changed the way that First Nations people feel about Parliament.

**Leona Aglukkaq:** Good morning everyone. I was asked to sit on this panel last night while I was sitting on a train coming from Toronto, so my time to reflect was limited, so I apologize first of all for that, but I'm very happy to be here.

I am an Inuk, born and raised in Canada's Arctic. I come from the community of Gjoa Haven, which is located in the Northwest Passage. I grew up in the North. My family moved from living off the land to a settlement in the 1970s. I was educated in the North and worked in the North for over 30 years in the public service. How I got into politics is really accidental. I first got involved in community politics in Cambridge Bay and served on the council for six years. The full time job I had at the time was with the territorial government in education.

I moved to Iqaluit to continue that role, but I was also involved in the creation of the Nunavut territory and was assigned as assistant deputy minister of Human Resources, with the Office of Interim Commission – an organization established in 1998 to oversee the development of the Nunavut Government prior to April 1 1999. It's not every day people get involved in the creation of a new territory, in changing the map of Canada. For over 30 years Inuit had negotiated a modern land claims agreement that resulted in the creation of a new territory, a new public government for Nunavut. After serving in public service roles, I entered politics.

I was asked to run to represent the community of Gjoa Haven and I hadn't been home for 18 years when I ran. I ran against six men and won that riding. And I can say that I would not recommend campaigning in Nunavut in February. It is cold. I remember my brother had given me his vehicle to drive around. I couldn't figure out why every morning when I got into his truck there was no gas. "What happened?" I would ask. "Somebody must have been driving this vehicle." But no, it was on auto-start when it reached a certain low temperature. The problem was it never went off. It was -60 and door-knocking was difficult.

I had my son when I made the switch to federal politics. I had a three month-old campaigning in the largest riding in Canada, probably the world; a riding that covers three time zones. Twenty-five isolated communities and no highways to take to drive into the next town to door-knock. The other thing that's quite unique about Nunavut is that 85 per cent of the population are Inuit. Nowhere else in Canada is there a population makeup quite like Nunavut where Indigenous people are a majority. Campaigning in Nunavut is also unique in that Nunavut has four official languages; Inuktitut, Inuinnaqtun, English and French. To campaign in Nunavut, you fly to the community, you do the radio show, and you sit there until the phones stop ringing, get on the plane, fly to

the next town and start again. A 35-day campaign in Nunavut is quite challenging in that there's not enough days to hit all 25 communities.

Why did I get involved in politics? Frustration that things were not moving. We didn't have a strong voice in Nunavut to advance the intent of our land claims agreement in a federal system. Nunavut organizations sought for arbitration, and requested arbitration 16 times to try to get the federal bureaucracy to move on implementing the articles that Inuit negotiated over 30 years.

My frustration as an Inuk beneficiary from Nunavut is that we agree to land claims agreements but shortly thereafter they're shelved. And, I remember in 2008 sitting as a Member of Parliament, I literally would carry our modern-day land claims agreement educating bureaucracy on the various articles that they're responsible for. For example: procurement in Nunavut. How is that supposed to be implemented? Is Inuit employment important in procurement procedures?

So, I got involved. Just because there's lack of understanding of the history behind the intent of what Inuit wanted from Nunavut. And what we wanted in terms of giving us the mechanisms to see opportunities in our region, to create opportunities for ,like employment, education.

**Dan Vandal:** Thank you so much. And it's a great honour and a pleasure to be here today on this panel. Much like Leona, I found out about this early this morning, actually; there was a flurry of calls, but I'm glad I'm here.

My name is Dan Vandal. I'm from Saint-Boniface. This is where Louis Riel is from. It is the birthplace and the resting place of Louis Riel, the father of Manitoba and the leader of the Metis nation. I'm a first-time Member of Parliament but I was elected in 1995 as a city councillor for Saint-Boniface. I've been in politics since that time except for a three-year stretch beginning in 2004 when I ran to be mayor of the city of Winnipeg and came in second. So, I was out of politics for a few years, but returned as a councillor in 2007. I served as a councillor until 2014 and then decided to make the jump in 2015 to federal politics.

For those of you who don't know Winnipeg or Saint-Boniface, it's a great city. It's cold; it's not as cold as where Leona comes from, but it's still cold. It's not a fast growth city, yet the fastest growing demographic

in Winnipeg are young Indigenous people, principally First Nation and Metis. That presents incredible challenges. We all know the statistics on poverty. There are incredible challenges but also incredible opportunities, because Winnipeg is aging and jobs are going to be opening up not only in government but all over the private sector. So, it's an opportunity for government to partner with the private sector, with Indigenous organisations, to try to do all sorts of employment, training and education initiatives to make sure that young Indigenous people can contribute to our economy and contribute to our society in a positive way.

I think that's ultimately why I became an elected official, both at the city and at the federal government. That's always been my *raison d'être* for doing what it is I do. Becoming an MP, actually I found it very positive. I am part of a team that really puts reconciliation front and centre of everything that we do. I say that for a few reasons. I think one of the most important reasons is that every member, every minister of the Liberal government has in their mandate letter a note about how they can forward the goals of reconciliation. Whether you're Fisheries Minister or Finance Minister – certainly Indigenous Services or Crown-Indigenous Relations Minister – they have in their mandate letter how they can move Indigenous issues and reconciliation forward. And I think that's incredible. That's an incredible starting point. And of course, we've followed up with significant investments in the budget.

I'm Parliamentary Secretary to the Minister of Indigenous Services, Seamus Regan. We have five key priorities. One is infrastructure, including water. I'm very proud of the fact that we've removed 85 long-term drinking water advisories. There's 61 left to do and we're committed to getting that done by 2022. So, infrastructure is a huge priority for us. The priorities include education, health care and child and family services.

Shortly after I got here, I became chair of the Indigenous caucus of the Liberal Party. We made a decision early to focus on what the ministers are doing. So, every meeting of Indigenous caucus, we managed to book a minister to come in and explain what their ministry doing that's relevant to Indigenous people, that's important for Indigenous people and to learn how can we help. Our job as an Indigenous caucus was to educate ourselves on what each ministry is doing and offer our assistance on how we can help that ministry, offer constructive criticism and communicate what they're doing.

**Brock Pitawanakwat:** I am really honoured to be here, as a former intern myself from 2002-2003. I already knew at that point that I was specifically interested in Indigenous issues, so I mentioned that in the actual interview process and I was fortunate to be selected. It was a challenging year for the reasons that people have already mentioned today, as well, in terms of managing multiple roles. I think identifying as an Anishinaabe person, there were some other particular challenges that I think maybe people were oblivious to.

I noticed that I had a real challenge in terms of feeling like I was a part of this and as an Indigenous person and First Nations person, I don't know how many people really thought about coming to John A. Macdonald building this morning. Those symbolic moments come up all the time, as an Indigenous person, if you are reflective of your history and the experiences that your family and community, and you even as an individual have been affected by.

I'm also honoured to be on this panel and have the opportunity to hear about some of the really impressive things that are going on that people are putting a tremendous amount of work into. I commend people for doing that, but I wanted to kind of reserve my comments since I am an outsider here.

I'm an academic. This is the route I took as soon as the internship programme ended. I ended up taking a faculty position in Saskatchewan teaching Indigenous Studies and that's what I've been doing off and on for the last 16 years. I find that I draw on my experience as a parliamentary intern a lot. There are many instances in my teaching and in my research when I reflect on the experiences of being an intern and what I was able to observe.

I'll just briefly mention that I ended up working for two MPs who both were on the Aboriginal Affairs Committee. This was at the time that the First Nations Governance Act was going through. There was a lot of people who were paying attention to Indigenous issues on the Hill and it generated quite a bit of controversy because the circumstance was such that there were no First Nations MPs on that particular committee.

The legislation was entirely focused on First Nations people and their communities. There is, I think, an obvious sense of injustice to have situations where you had a committee of settler Canadians as Members of Parliament who were making decisions that would have profound impacts on other people. And the MPs sitting around the table really had very little actual skin

in the game, so to speak, in terms of an actual outcome. It was tough to watch. And it was exhausting.

It was pointed out to me by several people that, at the time, the committee was kind of a place where you could go and work in the shadows. Nobody pays too close attention to Aboriginal Affairs and Natural Resources, so while you're kind of figuring it out or if you're stumbling, not too many people noticed. I was working for John Godfrey, an MP who wanted to be on that committee. He could see that this is a relationship that has been neglected historically by Canadians and that is of primary importance. And so, I'm really fortunate that I had that opportunity to work with him.

I also am fortunate to have had the opportunity to work with Senator Murray Sinclair, who was supposed to be on this panel but was, unfortunately, unable to be here due to family reasons, at the TRC. I was assigned to work with him directly for the first six months and then moved over to the research group. I know that part of this panel, as it was envisioned, was to look at what impact reconciliation has had in terms of Parliament and I think the jury's really still out. This is a crucial period in the last several months of this government's mandate. There is legislation in terms of child welfare, Indigenous languages, but there are also some really major commitments that the current government made while campaigning around the United Nations Declaration on the Rights of Indigenous Peoples. The TRC's calls to action were wholeheartedly endorsed by the current prime minister. Indigenous peoples are watching and hoping that this action will happen in the months to come. Hopefully that isn't forgotten in the next campaign either because certainly my fear is in some ways is that reconciliation is just going to be like a box that will have to be checked after this current mandate. I certainly hope that's not the case because there's so much left to do there.

**DW:** So, we have time now for some questions.

**Question:** There's been a lot of talk recently about Indigenous communities or collectives forming their own assemblies and enacting their own laws. The parliamentary secretary referred to a government bill which alludes to that possibility. So, for the whole panel, what role do you foresee in having Indigenous assemblies? If there is to be a fourth level, how will that interact with the existing three?

**DV:** It's in the Constitution that the Metis First Nation and Indigenous nations have an inherent

right to make their own laws. And so, there's a school of thought that says that there's nothing stopping Indigenous nations now from making their own laws and having them implemented. The purpose of the current legislation is to identify those rights in partnership with Indigenous Nations. What we are doing on the child welfare issue is, I believe, that we've introduced a bill that affirms that inherent right for Indigenous Nations to make their own laws concerning child welfare. There are standards, there are three main principles for how it would be implemented. There is a process whereby there would be a negotiation – I'm not sure that's the right word – a discussion between the Indigenous Nation, the provincial governments, and the federal government because there is currently a huge role for the provinces in child welfare. After a year of that discussion, if there is not agreement on the law then the law of the Indigenous Nation would take precedence over both the provincial and the federal law. So that's being discussed right now as I speak. I'm the first to say it's only a beginning. There's still a long, long road to go on that issue but that's a prime example, a real-life example of where our government is affirming an inherent right for nations to make their own laws. So, I'm not sure if that answers your question but that's something we're working on right now.

**BP:** Sir, I'll just say really quickly I think one of the challenges is coming at it from the First Nations perspective. I'm doing a policy brief right now for the Yellow Head Institute on the Anishinaabe self-government negotiations. So often it seems like what we're being offered is actually just to manage our own poverty. There's almost nothing there about really changing the fiscal relationship and similar control over Indigenous land and resources. First Nations people and Inuit people would have had 100 percent of the Canadian land mass not that long ago, now it's less than 1 percent. In terms of the actual willingness politically to transform that, it seems like so often we're still dealing with distractions. The fear is, essentially, self-government means we're going to be self-governing our own misery. That's my fear.

**LA:** Thank you for that question. My focus will be on Nunavut and Inuit. Twenty, twenty-five years ago Nunavut was created. We're a very young region. And I mentioned in my opening remarks that Nunavut is unique in that nowhere else in Canada do we have a population where 85 percent of the population is Indigenous. How do we ensure that we deliver programs reflective of the population we're serving? Nunavut was created around that idea.

The public government for Nunavut was created as a result of Inuit negotiating their land claims agreement. We Inuit asked for government to deliver essential services including education, and health, and the ability to make and enforce law. Right now in Nunavut we have a 100 per cent Inuit cabinet. We have an Inuk premier and all cabinet ministers are Inuit. Our leader is a representative of the Inuit land claims agreement. I got involved in politics because I saw there were opportunities for us in Nunavut. We have a region rich in resources. And in our claim, we negotiated land ownership of those regions that are rich in resources. We established the Institute of Public Government that would oversee how those developments would occur by Inuit. And projects don't always proceed. Responsible resource development, as stewards of our land, is very important to us. Because we depend on wildlife for food, just like you depend on your farms for your beef and pork and chicken. The regime we established is unique in Canada. It's not perfect but it gives us the legal mechanism to oversee development on our terms and to educate.

It's a pretty good model, in my view, in that we are at the table making decisions on how projects will proceed. Could it be improved? Absolutely. I mean this is why we're in politics and government is how we make things better. And it evolves. A solution 10 years ago may not be relevant today. With that understanding, how do we move forward? By engaging with us. Don't study us from afar and come up with solutions that you think are right for us. Engage us. You know there's a wealth of knowledge among people. And you know I'm very proud as Arctic Council member to have put forward a policy regime that incorporated Indigenous traditional knowledge into science. How do we make scientific study about the North more relevant to us and how do researchers tap into that untapped wealth and knowledge of Indigenous people in the Arctic to make better decisions about climate change, about our environment, about wildlife management, and so on?

**Question:** My question is sort of a procedural or institutional question. Given the number of departments and agencies in the government of Canada and the number and diversity of Indigenous peoples across Canada, how can we manage these nation-to-nation relationships in a way that's coherent and that's consistent over time? In my experience, from the public servant perspective, often public servants look at Indigenous peoples like they belong

to a school of fish. They say, well they all look the same to me, why do I have to shake hands with all these fish? And then, we will see something on the Indigenous side. They're looking at the governments of Canada and say well the government is one octopus. Why do I have to shake all of its hands? If we're ever talking to an Indigenous nation, I might be one of 50 different public servants to have contacted that first nation this month. So how can we structure this relationship in a different way?

**DV:** The important issue is that I don't think Canadians really value the diversity of Indigenous Nations. There are over 600 First Nations all across Canada and over 70 Indigenous languages, geographically diverse and that's just First Nations. I believe groups can work better together, but it's a challenge. I won't even talk about government diversity; I'm still working on that one. We've actually split up Indigenous Affairs to Crown-Indigenous Relations and Indigenous Services as a way to be more effective. The prime minister and the ministers have set up approximately 50, probably more, round tables with various nations that meet regularly to update government on what the important issues are with ministers present. I'm sure the high level of administrative help allows everyone to hear the same message and allows everyone to work towards, I hope, the same solutions.

**BP:** Looking at it from the community perspective, one of the great frustrations is there tends to be a lot more turnover on the government's side than there is on the community side. Those people live there, they're from there. A representative from the government, especially if it's younger staffers who are coming through so often things like self-government tables, changes often. There is a lot of education that the community has to do for the people who are coming in that they're negotiating with. It's an incredibly tough situation and the importance of patience is huge.

And one of the things to think about is the diversity. People sometimes talk about Europe and say: "Oh it's amazing, you can drive an hour and there's a whole other country, another language, another history." Well check that and actually pay attention to all the Indigenous Nations that you have here. It's complex. Turns out if you colonised 60 to 80 nations, you're going to have an administrative mess on your hands. So maybe if people keep that in mind, they might be a little more patient when working with communities.

# *The Two-Row Wampum: Has this metaphor for co-existence run its course?*

In this article – an abridged and revised version of a longer academic research paper – the author illuminates elements of the Northwest Territories’ (NWT) consensus-style Legislative Assembly. He discusses how it is situated within both the political cultural traditions of the Indigenous peoples of NWT (the Dene, Metis and Inuvialuit people) and also the Canadian political culture that has developed out of the Westminster parliamentary system. He contends the Northwest Territories’ consensus style of government is uniquely structured to meet the needs of its residents. While noting his analysis should not be construed to suggest that this system can or should be exported wholesale to either Indigenous governments or Canada’s parliaments, he suggests it does demonstrate that with shared purpose and political creativity, new ways can be found to define a third shared normative space, sparkling like jewels in the waters of the Two-Row Wampum.

**Tim Mercer**

The *Gus-Wen-Tah*, or “Two-Row Wampum,” was first negotiated between Dutch settlers and the nations of the Haudenosaunee confederacy. It served as a model for subsequent treaties with the British, including the one executed at Niagara in 1764, following the Royal Proclamation of 1763.<sup>1</sup> The purple rows of the wampum symbolize the two distinct people, each traveling in their own vessels and not attempting to steer or impede the other. The three white rows symbolize the shared river and peace, respect and friendship.<sup>2</sup>

The Two-Row Wampum represents an understanding of the first and subsequent treaties on the part of Indigenous people that is starkly different from their modern interpretation by non-Indigenous Canada. It does not represent a surrender of sovereignty to the Crown, the extinguishment of land title or an agreement to abide by the laws of another nation. It envisions two separate and independent people on a shared journey, each respecting the sovereignty and independence of the other and a shared commitment to peace, friendship and non-interference.

Canada’s relationship with Indigenous people two and a half centuries later, and the painful history that has led to it, bears little resemblance to this foundational metaphor. As Indigenous and non-Indigenous people grapple with genuine attempts to forge a post-colonial relationship, they face a fundamental dilemma: Does the path to decolonization and self-government lie in making space within the existing institutions of Canadian government for Indigenous people (berths in the settlers’ ship) or do such shared institutions fundamentally contradict the nation-to-nation relationship envisioned in the Two-Row Wampum and the inherent right to self-government?

This article offers a possible interpretation of the Two-Row Wampum metaphor that respects the individuality of each of the purple rows in the wampum belt, but changes the focus to the river of interconnected white beads that they both travel over. Consensus-style government in the Northwest Territories has adapted the Westminster parliamentary system to reflect and encompass some common aspects of Indigenous political cultures. Moreover, this form of public government accepts Indigenous self-government and strives to work alongside it to serve a population that may have representation in both. The NWT example demonstrates that Indigenous self-government and shared public institutions are not mutually exclusive; that they can co-exist, adapt and thrive. Far from perfect, the institutions of public

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*Tim Mercer is Clerk of the Clerk of the Legislative Assembly of the Northwest Territories.*



**Two-Row Wampum:** The purple rows symbolize the two distinct people, each traveling in their own vessels and not attempting to steer with or impede the other. The three white rows symbolize the shared river and peace, respect and friendship.

government in the Northwest Territories nevertheless demonstrate that a more holistic interpretation of the Two-Row Wampum is both possible and instructive. It may also be inevitable.

### **The Northwest Territories' Consensus-style Legislative Assembly**

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It is often said that the Northwest Territories is the quarry from which most of Canada was mined. The former Hudson's Bay Company territories of Rupert's Land and the North-Western Territory were left out of Confederation in 1867 because of the Red River Rebellion but were ceded to Canada in 1870, coincidental with settlement of the rebellion and the creation of the Province of Manitoba. Its political boundaries once included present-day Alberta, Saskatchewan, Manitoba, vast portions of Ontario and Quebec, Yukon and Nunavut. As such, its Legislative Assembly is among the oldest parliamentary institutions in Canada.

Frederick Haultain served as premier of the Northwest Territories from 1897, when it achieved full responsible government, until 1905 when the provinces of Alberta and Saskatchewan were created. Haultain was a leading figure in the movement to create a single north-western province that would operate without political parties which, in his opinion, were anathema to the effective operation of

responsible government. While it is a stretch to credit Haultain with the form of consensus government practiced in the NWT today, his outlook demonstrates a natural unease with adversarial politics on the part of political cultures not steeped in that tradition.

After 1905, the Territories' Legislature was abolished and replaced by an appointed Commissioner and Council consisting exclusively of federal civil servants based in Ottawa. The Council was largely dormant until 1921, when oil was discovered at Norman Wells, and a sense of urgency to negotiate treaties with the Indigenous people of the Mackenzie Valley emerged. In the years that followed, representative and responsible government returned to the Northwest Territories in small increments, commencing with the addition of three elected Members from the Mackenzie District in 1951. The Commissioner and the territorial administration relocated from Ottawa to Yellowknife in 1967. Following this, the size and power of the elected Council increased steadily until, in 1975, its 15 Members consisted entirely of elected northerners. Notably, this was the first time in Canadian history that a legislative body consisted of a majority of Indigenous members. This has continued, without interruption, to the present day. It was not until 1987 that the chairmanship of the Executive Council, or Cabinet, was transferred from the Commissioner, still a federal civil servant, to an elected Member chosen by his or her legislative colleagues. Party politics

did not take hold under such a hybrid of appointed and elected Members. Although candidates affiliated with political parties have been nominated in recent elections, all have been rejected at the polls. By and large, residents of the Northwest Territories view political parties as “alien, southern-Canadian political institutions which impede political development along distinctively Northern lines.”<sup>3</sup>

The structure and operation of the NWT Legislative Assembly has remained fairly constant since the return of responsible government in the 1980s. Following division of the territory in 1999, both Nunavut and the remaining portion of the NWT maintained largely the same systems, commonly described in both jurisdictions as “consensus government.” On a fixed date every four years, a general election is held to return a single Member from each of the 19 electoral districts. In the absence of political parties, candidates run as independents. Results are largely decided on the strength of each candidate’s character and individual record as opposed to their party affiliation, popularity of the party leader, ideology or suite of policy proposals.

Following each general election and prior to the selection of a premier and cabinet, all 19 Members meet in private over the course of several days to develop a strategic vision and priorities for the life of the Assembly. These discussions take place within the Caucus, one of the most distinctive features of consensus government. In the absence of political parties, the Caucus consists of all 19 Members. In addition to setting a broad strategic direction for each Assembly, the Caucus meets regularly when the Legislature is in session to discuss the scheduling of sittings, the timing of major debates, the appointment of independent officers of the House and administrative matters affecting all Members equally. Members are expected to participate in Caucus discussions free from Cabinet solidarity or the expectations normally placed on those holding certain offices, such as premier, speaker, or committee chair. This differs from political party caucuses which act more as political “war councils.”

Once a speaker has been elected, Members proceed to elect, from amongst their ranks, a Cabinet consisting of a premier and six ministers. The premier is elected at large whereas two of the ministers must represent constituencies from each of the NWT’s three geographic regions, namely Yellowknife and those constituencies north and south of Great Slave Lake. Although the premier

assigns individual portfolios to each minister, they neither choose who is appointed to Cabinet nor have the authority to revoke those appointments. Unlike the prime minister or the provincial premiers, the premier of the Northwest Territories does not have the authority to seek dissolution of the Legislative Assembly or call an election. Only the Commissioner, on the recommendation of a majority of Members, may dissolve a Legislative Assembly prior to the conclusion of its fixed term. Without the structural power typically afforded first ministers in Canada’s liberal democratic institutions, the premier of the Northwest Territories is truly a first amongst equals. To lead effectively, he or she must rely upon a mix of inspiration, influence and wisdom.

The remaining eleven so-called “regular Members” are appointed to various standing committees of the House and, to a limited extent, work together to hold the Cabinet to account. Importantly, however, they do not present themselves as a “government in waiting.” Their ultimate goal is not to discredit, embarrass, or defeat the Government. On the contrary, regular Members, both individually and collectively through committees and the Caucus, work closely with the Government to develop public policy. The institutionalized adversarialism which forms the basis of Canada’s other parliaments does not exist in the NWT. Rather, opposition Members focus their efforts on fulfilling what Peter Aucoin, Mark Jarvis and Lori Turnbull describe as the “traditional core role” of parliament: to review and then approve or reject proposed legislation; to scrutinize the Government’s administration of public affairs; to hold ministers to account for their performance, collectively and individually; and to withdraw its confidence in the government, as deemed necessary.<sup>4</sup>

Unanimous support for its legislative and budgetary proposals is normally sought by Cabinet, and is routinely received. The concept of an “official opposition” is non-existent. This is not to suggest that Cabinet is given free rein to govern in the absence of meaningful accountability and oversight. In fact, because regular Members do not oppose the Government in dogmatic fashion, their criticisms are viewed as more genuine and meaningful when presented. Ministers are sometimes removed from office and disagreements have boiled over into animosity and distrust, but this is neither the norm nor the expectation. As Professor Graham White has observed, “it is the possibility and the frequency of accommodation, cooperation, and compromise that defines consensus government.”<sup>5</sup>



### Chamber of the Northwest Territories Legislative Assembly

Standing committees play an active and important role in the creation of policy and the delivery of public services in the Northwest Territories. In the absence of party affiliations and discipline, Members are free to engage in frank and honest dialogue with ministers regarding legislative, policy, or budgetary proposals. Ministers, as a matter of course, consult with Members and committees before finalizing or announcing major initiatives. Whereas the first time a non-government Member in a partisan legislature would see the details of a proposed bill or budget would be at formal introduction stage in the House, standing committee Members in the consensus system are asked to comment on early drafts of bills and budgets before they are finally approved by Cabinet and tabled in the Legislature for public debate. Standing committees travel extensively throughout the NWT to consult the public on legislation referred to them by the House and these consultations frequently result in amendments to bills with, or more rarely without, the Cabinet's consent. Although there is no requirement for ministers to obtain the approval of committees for everything they do, a failure to work

closely and collaboratively with committee on major public policy issues is inconsistent with the principles of consensus government. Contrast this with partisan legislatures where committees reflect the ideological divisions of the House and, as such, are little more than procedural hoops through which the governing and all-powerful party must jump.

Although the look and feel of the NWT Legislative Assembly is distinctly Westminster, from gowned clerks to a near wholesale adoption of British rules of procedure, there are notable and important differences. Most obviously, the design and functioning of the legislative chamber is steeped in Indigenous symbolism. The legislative chamber is circular, representing the base of a traditional tipi or igloo. This unique shape was intended to avoid the adversarial appearance of most parliaments and symbolize a unity of purpose. Members are encouraged to wear traditional Indigenous attire in the chamber and commonly speak one of nine Indigenous languages which, in addition to French and English, have official status.

For those accustomed to boisterous parliamentary debate, the relative civility of the NWT Legislative Assembly stands out immediately. When a Member is speaking, interruptions, heckling or sidebar conversations are frowned upon. The Speaker is seldom required to intervene to bring order to debate. On those rare occasions when a Member's conduct is deemed unparliamentary, sincere apologies are usually offered and accepted. For the most part, oral question period is used to get answers or public commitments from Ministers as opposed to attempting to discredit, embarrass, or score political points. Seldom is there an exchange between a regular Member and a minister that is not parenthesized with the words "please" and "thank you." Unlike partisan legislatures where the parties are divided both ideologically and physically, Members in the NWT Legislature share a common lounge to the rear of the Chamber where they socialize and dine together during breaks in the sitting day.

Not only is debate civil, it is also relatively thoughtful and genuine. In the absence of party discipline, Members are able to speak freely on behalf of their constituents or present their individual perspectives on matters under consideration. Minds are frequently changed and positions modified to reach solutions that a majority can support. The rules of the House allow for extensive debate. There are few time limits imposed on Members' speeches and those that do exist are customarily set aside with unanimous consent. In fact, unanimous consent is routinely obtained to extend oral question period beyond its daily, and generous, one hour. Although any Member may move closure of debate, such procedural guillotines are rarely used. The rules of the House place greater emphasis on free and extensive debate than they do on efficiency or time-management. In this sense, the NWT Legislative Assembly is truer to the notion of parliament as a forum for the free and open exchange of ideas than its partisan counterparts and more consistent with traditional northern Indigenous political culture.

Consensus government provides all elected Members the opportunity to play a direct and meaningful role in shaping public policy. As mentioned earlier, the strategic vision and priorities for the Government are established by all Members prior to the election of a Cabinet. This helps to ensure that the views of all the NWT's regions and people are reflected in the Government's mandate. No one is left out of the decision-making process simply because they are Members of an opposing political

party. All Members have an equal opportunity to let their names stand for and serve on Cabinet. Because of Cabinet's perennial minority, the input of all Members is sought and often accommodated. Standing committees provide non-Cabinet Members with the rare opportunity to scrutinize and influence budgets, legislation, and policy proposals well before they are drafted or formally introduced in the House. By the time that legislation and budgets are introduced in the Legislative Assembly, they have typically been the subject of intense review by regular Members and standing committees. The opportunity for every elected Member to play a direct and meaningful role in the crafting of public policy, regardless of ideology or party affiliation, is viewed by many as the very essence of consensus government.

Whereas opposition Members in party-based parliaments must often wait for a change of government to effect real change, consensus government as practiced in the NWT allows for more frequent course corrections from outside the ranks of Cabinet. Private members' bills are given the same priority as government-sponsored legislation and are an effective way for the House to impose its will on a reluctant Cabinet. The fact that they are rarely used is likely an indication that Members are generally able to meet their legislative objectives by working closely with ministers and Cabinet. Because each minister is appointed by the House as a whole, their accountability and responsiveness to members is quite strong. As with any minority government, Cabinet must have the support of at least a portion of those Members outside its own ranks to govern. It cannot impose its agenda on an unwilling Legislative Assembly. Because the premier does not have the power to dissolve the Legislature, Cabinet cannot speak over the heads of regular Members in a direct appeal to the electorate. Both "sides" of the House must work together to govern effectively.

Like any system, consensus government is not without its shortcomings. In the run-up to the creation of Nunavut in 1999 there were extensive discussions respecting the preferred constitution for the remaining portions of the NWT. The primary tension underlying these discussions was between the legitimacy of the public government, which many Indigenous groups felt, and continue to feel, is a colonial system imposed on northern Indigenous people from southern Canada, and the inherent right to self-government. This tension is most keenly felt by those Indigenous groups, largely from the southern regions of the territory, who signed formal treaties

with the Crown in 1898 and 1921. Those who did not sign treaties, most notably the Inuvialuit from the Mackenzie Delta region, are more comfortable negotiating land and self-government agreements with the territorial government as a future partner.

Despite its many accommodations to northern Indigenous political culture, many Indigenous Members hold on to the view that consensus government is too greatly influenced and constrained by the Westminster tradition. While the premier and Cabinet are in a perpetual minority, their ability to act in unison in the Legislature affords them significant power. On controversial matters, all they require are the votes of three non-Cabinet Members to carry a majority vote. As such, consensus government is viewed by some as a series of shifting alliances between cabinet and various groups of Members depending upon the issue at hand. This often has the result of creating tension and disunity among the 11 non-Cabinet Members and motivating them to abandon cooperation in favour of self-interest.

Finally, while consensus government at the political level reflects northern Indigenous political culture, the territorial bureaucracy is distinctly southern in its structure and operations. This is a result of both the bureaucracy's evolution, and the complexity of programs and services it provides.

The crucial years in the development of the northern public service were those in which both administration and politics were controlled and managed by federal public servants and appointees. The territorial public service that developed under this regime, perhaps not surprisingly, is closer to a small-scale version of the federal bureaucratic structure than to a distinct northern and native-oriented system of administration.<sup>6</sup>

Because the Government of the Northwest Territories provides the same scope of services as its provincial counterparts, and receives the lion's share of its funding from federal sources, a degree of administrative consistency is seen as necessary to both the efficient delivery of services and the legitimacy of the Government of the Northwest Territories in the eyes of its mainstream Canadian counterparts. The result has been a territorial public service characterized by hierarchy, the concentration of power and adherence to rigorous, impersonal and, at times, inflexible rules. One of these, the merit principle, with its emphasis on formal education and relevant experience, based largely on southern

standards, has helped ensure that the senior ranks of the public service are underrepresented by Indigenous people. Of equal importance, the crucial role played by the public service in the formulation and delivery of public services is, at times, out of step with traditional northern Indigenous culture.

The Members who serve in this uniquely northern adaptation of the Westminster model have expressed a high level of support for maintaining its fundamental features and, more precisely, keeping party politics out. In a 2008 survey of Members, all 19 expressed the view that consensus government will continue to serve the needs of the Northwest Territories in the future. The introduction of party politics was opposed by 87 per cent.<sup>7</sup> The few attempts to elect candidates on a party banner have failed. It is unclear whether these electoral failures were a rejection of the individual candidates, their parties, or party politics in general. It would appear that consensus government is an adaptation of the Westminster system that best reflects the values and traditions of all the people of the NWT, Indigenous and non-Indigenous.

Only time will tell how well the NWT's consensus government is able to hold up to the increasing pressure and uncertainty brought by Indigenous self-government, urbanization and the constant view of party politics as the solution to its shortcomings. The Tli Cho Dene were the first to negotiate a comprehensive self-government agreement in the Northwest Territories in 2003. Interestingly, in the 15 years since the agreement was signed, the Tli Cho Government has called for more, not less, representation in the territorial Legislative Assembly to reflect its growing population. Contrast this to the Dene of the Deh Cho region whose land and self-government negotiations have been stalled for years as the result of a reluctance to recognize, let alone negotiate with, the Government of the Northwest Territories. The constitutional requirement for representation by population is creating additional pressure to increase the number of representatives in the Legislative Assembly from its growing urban centres, most notably Yellowknife. Resistance to more seats in the Legislature from the largely Indigenous communities outside Yellowknife have led to calls for party politics as a means to ensuring fair representation. The specter of a political party system divided along racial lines is cause for concern. Furthermore, as history has demonstrated, once political parties find their way into legislative assemblies, they are challenging to eradicate.

## Conclusion

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In its Final Report, the Truth and Reconciliation Commission of Canada submitted 94 calls to action to overcome the legacy of Indian Residential Schools and advance the process of Canadian reconciliation. One of these calls to action reads:

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims and other constructive agreements.<sup>8</sup>

At first glance, this call to action is internally inconsistent. On one hand it calls for reaffirmation of the nation-to-nation relationship negotiated at the Treaty of Niagara and symbolized by the Two-Row Wampum. Further, the perceived need to have this proclamation issued by the Crown calls into question the very essence of the inherent right to self-government. On the other hand, it identifies the inclusion of Aboriginal people as full partners in Confederation as a fundamental precondition to reconciliation. How is it possible for Indigenous people to embrace identities as both Canadian citizens and members of self-governing nations? Does shared citizenship not involve the subordination of cultural identities to a common authority when inconsistencies arise?

To help us overcome this apparent inconsistency, Melissa Williams suggests a notion of citizenship based on “shared fate” as opposed to “shared identity.”

The core of this idea is that we find ourselves in webs of relationships with other human beings that profoundly shape our lives, whether or not

we consciously chose or voluntarily assent to be enmeshed in these webs. What connects us in a community of shared fate is that our actions have impact on other identifiable human beings, and other human beings’ actions have an impact on us.<sup>9</sup>

In other words, even though the political cultures of Indigenous and non-Indigenous people are very different, and in some ways wholly incompatible, our interdependence means that there is no plausible alternative to working together to make our respective societies survive and thrive. The inherent right to self-government means that a myriad of Indigenous institutions will emerge on Canada’s future political landscape, like the jewels in Indra’s net. The measure of our success in navigating this new reality is not the manner in which we each go our separate ways, but rather in finding creative new ways to work together as we travel on the same river towards the same destination.

As Canada seeks to make sense of the emerging post-colonial relationship between Indigenous and non-Indigenous citizens, the metaphor of the Two-Row Wampum may continue to serve us well. It can be thought of as constituting three distinct normative and legal spaces.<sup>10</sup> The first two spaces, the purple rows, symbolize Indigenous self-governments in all their current and future varieties and Canada’s federal, provincial and territorial liberal democratic institutions. The bed of white beads constitutes a third normative space occupied by both Indigenous and non-Indigenous Canadians. It is preoccupied with the relationship between the first two spaces as well as those inescapable areas of shared jurisdiction and interdependence. To succeed, the political culture of this shared space must be agreed to by both Indigenous and non-Indigenous people. It must involve the creation of institutions that reflect both traditions, and from which both can take ownership and derive a sense of shared community. It must involve more than simply making room for Indigenous people within Canada’s liberal democratic institutions. It may mean changing the ways our institutions operate to better reflect Indigenous political culture.

The Northwest Territories’ consensus-style of government is uniquely structured to meet the needs of its residents. While far from perfect, it has withstood the initial tests of time by adapting the British parliamentary system to the political culture of the Dene, Metis and Inuvialuit people who constitute a majority of the population.

Whereas each of these traditions is the result of starkly differing world views, their coming together has resulted in something distinctly northern. The preceding analysis is not to suggest that this system should be exported wholesale to either Indigenous governments or Canada's parliaments. Rather, it demonstrates that with shared purpose and political creativity, new ways can be found to define the third shared normative space, sparkling like jewels in the waters of the Two-Row Wampum.

### Notes

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- 1 Michael Morden, "Indigenizing Parliament: Time to Re-start a Conversation," *Canadian Parliamentary Review* 39:2 (Summer 2016), p. 31.
- 2 "Two Row Wampum – Guswentá," Onondaga Nation URL: <http://www.onondaganation.org/culture/wampum/two-row-wampum-belt-guswentá>
- 3 Graham White, "And Now For Something Completely Northern: Institutions of Governance in the Territorial North," *Journal of Canadian Studies* 35:4 (Winter 2001), p. 503.

- 4 Peter Aucoin, Mark D Jarvis & Lori Turnbull, *Democratizing the Constitution: Reforming Responsible Government* (Toronto: Emond Montgomery, 2011), p. 249.
- 5 Graham White, p. 84.
- 6 C.E.S. Franks, "Toward Representation of the Aboriginal Population in the Public Service of the Northwest Territories," in Rebecca Aird, ed., *Running the North: The Getting and Spending of Public Finances by Canada's Territorial Governments* (Ottawa: Canadian Arctic Resources Committee, 1989), p. 393.
- 7 Stephen Dunbar, *Seeking Unanimous Consent: Consensus Government in the Northwest Territories*, Master's Thesis, (Ottawa: Carleton University, Department of Political Science, 2008), p. 82.
- 8 Truth and Reconciliation Commission of Canada, *Calls to Action* (Winnipeg: Truth and Reconciliation Commission of Canada, 2015), p. 4.
- 9 Melissa S, Williams, "Sharing the River: Aboriginal Representation in Canadian Political Institutions," in David Laycock, ed. *Representation and Democratic Theory*, (Vancouver: UBC Press, 2004), p. 104.
- 10 *Ibid.*, p. 108.

# *The Canadian Scene*



**Hon. Simeon Mikkungwak**

## **New Nunavut Speaker**

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On May 28, 2019, Baker Lake MLA **Simeon Mikkungwak** was elected Speaker of the Nunavut Assembly. Mr. Mikkungwak, who was elected in a secret ballot over MLAs **Paul Quassa**, **Tony Akoak** and **Pat Angnakak**, replaces former Speaker **Joe Enook** who passed away in March.

“Having served as Deputy Speaker for our late Speaker, I am deeply touched,” Mr. Mikkungwak said. “My colleagues, it’s evident that we will work well together on behalf of Nunavummiut. I also humble myself for being elected as Speaker.”

First elected in 2013 and re-elected in 2017, in addition to his role as Deputy Speaker, Mr. Mikkungwak also served as Chairperson of the Committee of the Whole.



**Hon. Nathan Cooper**

Prior to entering politics Mr. Mikkungwak worked as an inspector for the Kivalliq Inuit Association, an alcohol and drug specialist for Nunavut’s Department of Health and Social Services, a court interpreter, and deputy mayor of Baker Lake.

## **New Alberta Speaker**

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Olds-Didsbury-Three Hills MLA **Nathan Cooper** was selected Speaker of the 30th Alberta legislature on May 21, 2019 in a secret ballot over Edmonton-Manning MLA **Heather Sweet**, who served as deputy chair of committees in the previous assembly. Mr. Cooper, who at 39 is the youngest Alberta Speaker in more than 80 years, has a reputation in the Assembly for his sense of humour and his love of parliamentary procedure.

"I think the thing that I hope to do is strike the right balance of being a Speaker who has a keen sense of when to interject and when to allow the members of the assembly to continue in the cut and thrust of debate," he told reporters, noting he would "try his very best Dad voice" when dealing with unruly MLAs.

Mr. Cooper said he planned to apply the rules consistently while hoping debates would be "vigorous, thoughtful and amicable."

While working to remain order in Assembly, Mr. Cooper explained that he did not view the legislature as a workplace like any other. "This is the peaceful way we do battle," he said of Assembly debates. "We are doing battle for ideas in democracy."

### **New PEI Speaker**

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Souris-Elmira MLA **Colin LaVie** was elected Speaker of the PEI Assembly on June 13, 2019 in a secret ballot over MLA **Hal Perry**. Mr. Perry became deputy speaker. Speaker LaVie, who replaces retiring Speaker **Francis "Buck" Watts**, said his admiration for Speaker Watts and other previous Speakers inspired him to seek the chair.

First elected as a Progressive Conservative MLA in 2011, Speaker LaVie has won re-election twice. While sitting in Opposition, he served as critic for fisheries and agriculture, and as the Opposition whip.

"I want to thank you all for showing me your support," Speaker LaVie said following his election. "It's a real honour to sit in the Speaker's chair.... Everyone is equal inside these rails."

A local lobster fisher, Speaker LaVie is very active in his community. He serves as Chief of the Souris Fire Department and is a long-time volunteer with the Eastern Kings Sportsplex.

### **New Clerk of the Alberta Assembly**

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On May 24, 2019, Speaker Cooper appointed **Shannon Dean** as the new Clerk of the Alberta Assembly. Dean, who is the first woman to be named to the position, replaces **Merwan Saher**.



**Hon. Colin LaVie**

After earning a Bachelor of Commerce from the University of Alberta in 1987, Ms. Dean attended Osgoode Hall Law School at York University and graduated in 1991.

During her more than 20 years at the Alberta Assembly, Ms. Dean has held numerous positions including Senior Parliamentary Counsel, Law Clerk, and Director of House Services. She also served as Acting Clerk following former Clerk **Rob Reynolds** retirement.

Noting her extensive experience working in non-partisan roles for the Assembly, Speaker Cooper said he believes the Legislative Assembly Office should be "very pleased to work under the leadership of Ms. Dean."

## Regional Executive Committee, CPA\*

### **PRESIDENT**

Yasmin Ratansi, Federal Branch

### **FIRST VICE-PRESIDENT**

Kevin Murphy, Nova Scotia

### **SECOND VICE-PRESIDENT**

Ted Arnott, Ontario

### **PAST PRESIDENT**

Myrna Driedger, Manitoba

### **REGIONAL REPRESENTATIVES**

Alexandra Mendès, Federal Branch

Jackson Lafferty, Northwest Territories

Kevin Murphy, Nova Scotia

### **CHAIR OF THE CWP, CANADIAN SECTION**

(Commonwealth Women Parliamentarians)

Laura Ross, Saskatchewan

### **EXECUTIVE SECRETARY-TREASURER**

Michel Patrice, House of Commons

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### **HOUSE OF COMMONS**

Geoff Regan, Speaker

Charles Robert, Clerk

### **SENATE**

George Furey, Speaker

Vacant, Clerk

### **ALBERTA**

Nathan Cooper, Speaker

Shannon Dean, Secretary

### **NOVA SCOTIA**

Kevin Murphy, Speaker

Neil Ferguson, Secretary

### **BRITISH COLUMBIA**

Darryl Plecas, Speaker

Kate Ryan-Lloyd, Secretary (Acting)

### **ONTARIO**

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Todd Decker, Secretary

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Rémi Bourgault, Secretary

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Joey Jeffrey, Secretary

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### **QUÉBEC**

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Simon Bérubé, Secretary

### **NEW BRUNSWICK**

Daniel Guitard, Speaker

Donald Forestell, Secretary

### **SASKATCHEWAN**

Mark Docherty, Speaker

Gregory Putz, Secretary

### **NEWFOUNDLAND AND LABRADOR**

Perry Trimper, Speaker

Sandra Barnes, Secretary

### **NORTHWEST TERRITORIES**

Jackson Lafferty, Speaker

Tim Mercer, Secretary

### **NUNAVUT**

Simeon Mikkungwak, Speaker

John Quirke, Secretary

### **YUKON**

Nils Clarke, Speaker

Dan Cable, Secretary

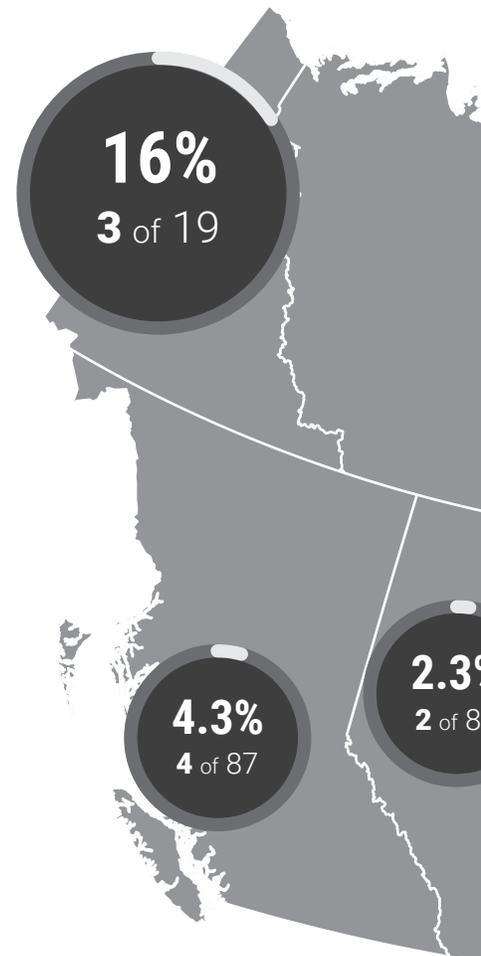


\*As of June 30, 2019

# Indigenous Parliamentarians Across Canada: By the Numbers

Following Confederation, Indigenous Peoples in Canada faced various restrictions which prevented many of them from participating actively within the country's parliamentary system. Enfranchisement was delayed for Status Indians and uneven across provinces when federal legislation extending voting rights was repealed.<sup>1</sup> Systemic barriers brought about by the affects of centuries of colonialism, including poverty, racial prejudice and lack of adequate health care and education further limited capacity for participation. Moreover, the nation to nation understanding of treaty rights led some Indigenous Canadians to decline to exercise their right to vote or stand for office when enfranchisement was granted. Despite facing these kinds of barriers, Indigenous Parliamentarians have grown in number over the past few decades.

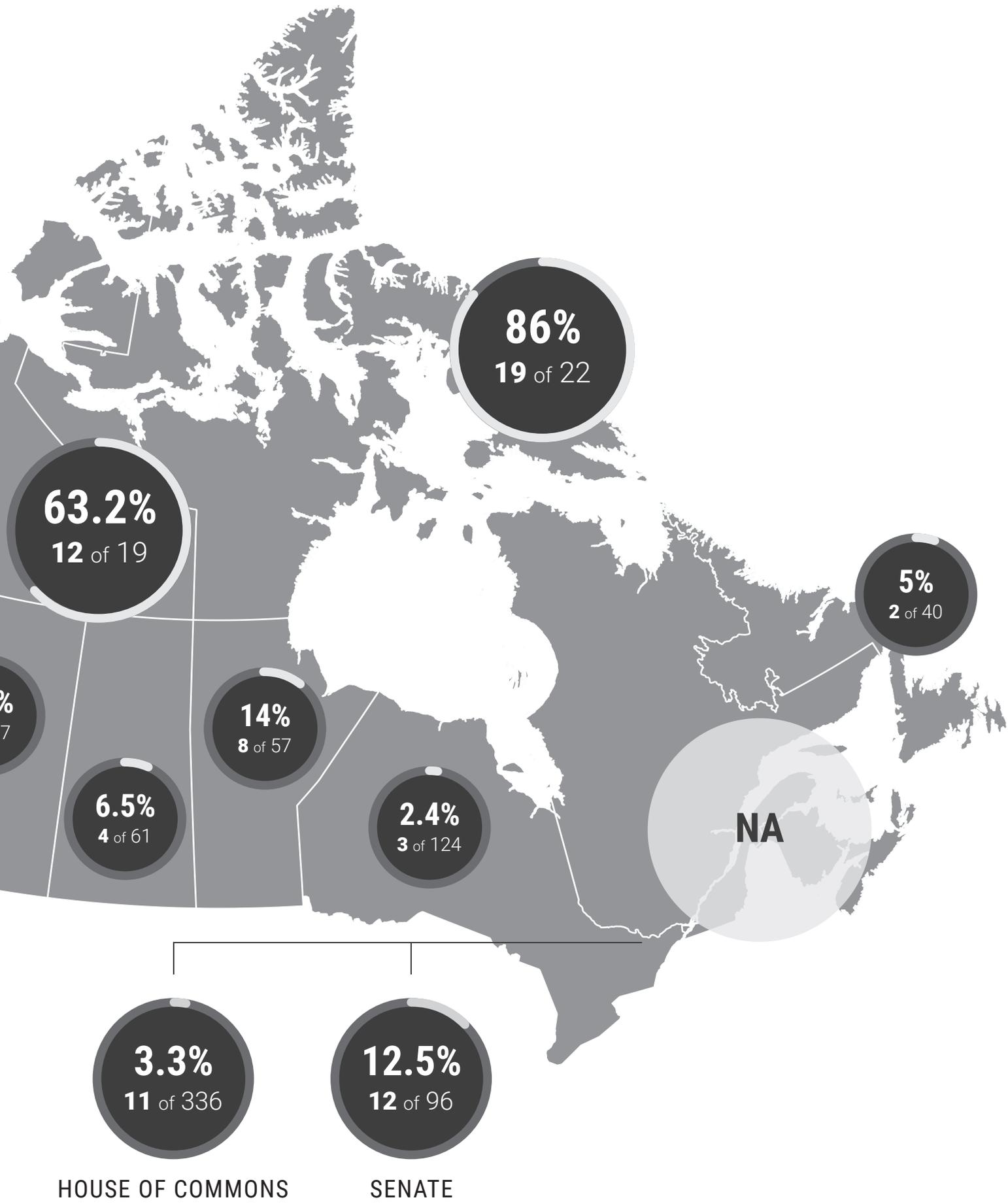
The Association of Parliamentary Libraries in Canada has confirmed the following number of Members self-identify as Indigenous as of April 10, 2019. In the case of Yukon, which does not have a legislative librarian, its numbers were confirmed through the Yukon Legislative Assembly Office.



<sup>1</sup> Indigenous Suffrage, The Canadian Encyclopedia.

<https://www.thecanadianencyclopedia.ca/en/timeline/indigenous-suffrage>

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# New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (April 2019 - May 2019)

Bédard-Rubin, Jean-Christophe. "Senate reform and the political safeguards of Canadian federalism in Québec." *Constitutional Forum constitutionnel* 28 (1), 2019: 19-27.

- ...in light of the Trudeau government's new Senate appointment policy and institutional reform, the meaning and the role of the Senate in Canada's constitutional architecture might change. The Senate reform could transmute what was a politically moribund institution into a genuine political safeguard of Canadian federalism. The path is neither straightforward nor ineluctable, but recent events seem to suggest that Québec, at least, is willing to step into that newly-opened door. The aim of this article is to chronicle this change by focusing on Québec's recent attempts to channel its political grievances through the Senate.

Brown, Jennifer. "Protests around Parliament." *Briefing Paper 03658* - House of Commons Library, May 2, 2019: 17p.

- This briefing paper provides an overview of the current provisions on protests around Parliament, including a background of previous legislation, and controversies and legal cases arising from different provisions over the years.

Campagnolo, Yan. "Cabinet immunity in Canada: the legal black hole." *McGill Law Journal / Revue de droit de McGill* 63 (2), December/décembre 2017: 315-74.

- Fifteen years ago, in *Babcock v. Canada (A.G.)*, the Supreme Court of Canada held that section 39 of the *Canada Evidence Act*, which deprives judges of the power to inspect and order the production of Cabinet confidences in litigation, did not offend the rule of law and the provisions of the Constitution. The aim of this article is to revisit this controversial ruling and challenge the Supreme Courts reasoning ... the author argues that section 39 is an unlawful privative clause, a form of legal black hole, which offends the rule of law and the provisions of the Constitution.

Campagnolo, Yan. "Cabinet secrecy in Canada." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 12 (3), February/février 2019: 583-613.

- The term 'Cabinet secrecy' refers to the political and legal rules that protect the confidentiality of Cabinet deliberations and documents in Westminster jurisdictions. This article reflects the notes of a three-hour introductory course on Cabinet secrecy taught at the Department of Justice Canada from 2011 to 2017.

Johnston, Neil, Kelly, Richard. "Recall elections." UK House of Commons Library *Briefing Paper* 5089, March 19, 2019: 39p.

- Recall is used to describe a process where the electorate in an area can trigger a special election to remove an elected representative before the end of their term. A recall procedure was introduced in the UK in 2015. It only applies to Members of Parliament.

Martin, Andrew Flavelle. "The Attorney General's forgotten role as legal advisor to the legislature: a comment on *Schmidt v Canada (Attorney General)*." *UBC Law Review* 52 (1), January 2019: 201-26.

- ...in law - if not in reality - the Attorney General is a legal advisor to the House of Commons. This role is not just forgotten, it is inherently problematic. The problem arises because the Attorney General is in a joint retainer, providing legal advice to both the executive and the House of Commons, but is unable to meet the ethical requirements of a joint retainer. However, this problem does not justify, and cannot effect, a judicial elimination of that role. The decision in *Schmidt* presents an opportunity to examine this forgotten role, in order to resolve its problem or to recommend its proper elimination.

Martin, Andrew Flavelle. "The Minister's Office lawyer: a challenge to the role of Attorney General?" *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 12 (3), February/ février 2019: 641-58.

- As legal counsel in the Prime Minister's Office [PMO] of Stephen Harper, Ben Perrin was the archetype of a new legal role in government: the Minister's Office lawyer. The PMO lawyer, a particularly notable iteration of the Minister's Office lawyer, understands himself as a practicing lawyer representing the government as client. In doing so, he appears to pose an inherent and fundamental role challenge to the lawyers traditionally representing government: the Attorney General and her delegates, the government lawyers of the bureaucracy. How then, might this challenge be resolved?

Moore, Christopher. "A fully realized Senate." *Literary Review of Canada* 27 (2), March 2019: 4-5.

- The upper chamber is finally doing what it's supposed to do.

Newson, Nicola. "Parliamentary freedom of speech and the rule of law debate on 23 May 2019." *UK House of Lords Library Briefing*, 15 May 2019: 10p.

- On 23 May 2019, the House of Lords is due to debate a motion moved by Lord Brown of Eaton-under Heywood (Crossbench) that 'this House takes note of the potential conflict between the right of members to speak freely in Parliament

and the obligation under the rule of law to obey court orders'. Lord Brown is a former justice of the Supreme Court. The purpose of this briefing is not to go into detail about any specific cases that have occurred. Rather, it explores the underlying principles and sets out the findings of parliamentary committees that have previously examined the subject.

Norton, Philip. "Power behind the scenes: the importance of informal space in legislatures." *Parliamentary Affairs* 72 (2), April 2019: 245-66.

- Studies of legislatures focus on what happens in formal space, principally the chamber and committee rooms. Such studies are necessary, but not sufficient, for explaining behaviour within legislatures and its consequences. The use of space for members to interact informally with one another - informal space - can contribute to the institutionalisation of a legislature through facilitating autonomy. Such space provides an arena for socialisation, information exchange, lobbying and mobilising political support. This article examines the significance of informal space, drawing on the experience of the UK Parliament.

Taylor of Bolton, Baroness (Chair). "Parliamentary scrutiny of treaties." House of Lords Select Committee on the Constitution - 20th Report of Session 2017-19, Ordered to be printed 24 April 2019 and published 30 April 2019., *HL Paper* 345: 52p .

- Treaty-making is a significant responsibility of the Government...Parliament's scrutiny of treaties is based on the Ponsonby rule, established nearly 100 years ago and subsequently set out in the *Constitutional Reform and Governance Act 2010*. These provisions limit Parliament's scrutiny to a 21 sitting day period after the Government lays a completed, signed treaty before both Houses. No systematic scrutiny of treaties currently takes place prior to signature...To address the shortcomings in Parliament's scrutiny of treaties, we recommend that a new treaty scrutiny select committee be established...

Thomas, Paul G. "Moving toward a new and improved Senate." Institute for Research on Public Policy *IRRP Study No. 69*, March 2019: 40p.

- The Senate of Canada has changed significantly as a result of the 2014 decision by Justin Trudeau, then leader of the Liberal party, to remove Liberal senators from the parliamentary caucus; and by his introduction, as prime minister, of a new procedure for the selection of senators... the author concludes that further changes are needed to carry forward the present renewal. These include the establishment of a business committee to plan and organize the work of the Senate and the development of a set of criteria, perhaps enshrined in the Senate's rules, to guide it in determining whether to delay, amend or defeat a government bill.

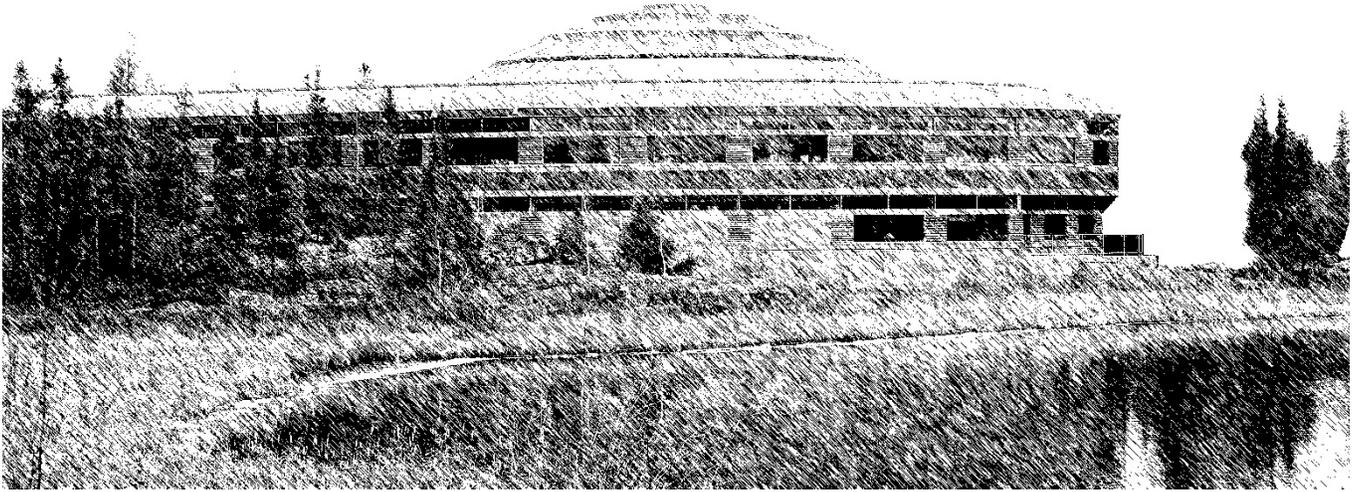
Walker, Charles (Chair). "The House's power to call for papers: procedure and practice." House of Commons Procedure Committee - Ninth Report of Session 2017-19, HC 1904, 15 May 2019: 37p.

- One of the powers of the House of Commons is a power to 'call for papers': that is, to require Ministers to produce documents and information to assist the House in discharging its functions. The right of the House to demand papers on this basis has never been challenged.

In theory the power is capable of being exercised without limitation, but the House has, through practice, established certain limits: the power is not used to obtain papers which are not in the Government's possession or which are of a personal nature. Although limited at present by the House's established practice, the power could in the future be limited by a resolution of the House, by statutory provision or by judicial intervention.

Walfish, Simcha. "Responsible government in the age of secrecy: Parliamentary privilege and national security information." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 12 (3), February/février 2019: 829-62.

- ...the *National Security and Intelligence Committee of Parliamentarians Act* - is an attempt to resolve the legal status of secret information by enabling parliamentarians to access previously unseen information, while, at the same time, inscribing into law that residual power to withhold information. The author argues that the *Act* constitutes a major revision to the *lex parliamenti*, the law governing Parliament.



## Northwest Territories

### October Sitting

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On October 11, 2018, Speaker **Jackson Lafferty** addressed the Assembly to emphasize the importance of language for the culture and heritage of the Northwest Territories. The Speaker advised members of the House and the public that throughout the October sitting, the proceedings would be interpreted in four languages: Tlicho, South Slavey, Chipewyan, and French. The four-week sitting adjourned on November 1, 2018.

Premier **Robert R. McLeod** also delivered a sessional statement for the continuation of the third session and final year of the 18<sup>th</sup> Legislative Assembly. The Premier spoke of the completion of 104 of 233 mandate commitments; engagement with the Federal Government on the needs and priorities of Northerners; resource development, and the goals of creating a strong and prosperous sustainable future in the North in partnership with Indigenous governments.

Minister of Finance **Robert C. McLeod** delivered a fiscal and economic update on October 12, which included a brief summary of the Capital Estimates being considered in the sitting. The government proposed \$118 million for highways, \$93 million for social infrastructure, \$42 million for energy projects, \$29 million for community governments, and \$62 million in other projects in support of program delivery.

### Legislation

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Ten bills were introduced during the October sitting. Six bills were referred to their respective committees for review:

- Bill 25: *An Act to Amend the Workers' Compensation Act*;
- Bill 26: *Statistics Act*;
- Bill 29: *An Act to Amend the Access to Information and Protection of Privacy Act*;
- Bill 30: *An Act to Amend the Human Rights Act*;
- Bill 31: *Northwest Territories 9-1-1 Act*; and
- Bill 32: *Naturopathic Profession Statutes Amendment Act*

Five supplementary appropriation acts and one appropriation act received Assent during the October/November sitting, and the following bills also received Assent:

- Bill 24: *An Act to Amend the Elections and Plebiscites Act*;
- Bill 7: *Chartered Professional Accountants Act*;
- Bill 8: *Emergency Management Act*;
- Bill 13: *An Act to Amend the Securities Act*;
- Bill 14: *Miscellaneous Statute Law Amendment Act, 2018*;
- Bill 15: *Document Formalization, Service and Notice Reform Statute Law Amendment Act*;

- Bill 16: *An Act to Amend the Social Assistance Act*;
- Bill 17: *An Act to Amend the Student Financial Assistance Act*;
- Bill 18: *An Act to Amend the Cities, Towns and Villages Act*; and
- Bill 20: *Ombud Act*

### **Committee Activity**

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Two substantive Committee Reports were presented during this sitting:

On October 30, 2018 the Standing Committee on Government Operations, chaired by **Kieron Testart**, presented its Report on the Review of Bill 18: *An Act to Amend the Cities, Towns and Villages Act*, and its Report on the Review of Bill 20: *Ombudsperson Act*.

The report on Bill 20 included two recommendations: that the Minister Responsible for Public Engagement and Transparency work closely with the Office of the Clerk and the newly appointment Ombud, to ensure a timely and robust public awareness campaign to support the opening of the Office of the Ombud, and that the Minister responsible work closely with the Office of the Clerk and the Office of the Ombud to advise the Tlicho Government of any investigations by the Ombud of the Tlicho Community Services Agency.

The report also included a summary of the clause by clause review. The Committee moved 19 separate motions to amend the bill, with the Minister concurring with 16 of the motions. One of the motions was to change the word “Ombudsperson” to “Ombud” wherever it appears in the bill, therefore making “Ombud” the official title of the position.

### **Special Committees**

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On October 30, the terms of reference for two Special committees were tabled and formally adopted by the House on November 1. The Special Committee to Increase the Representation of Women in the Legislative Assembly has the purpose of identifying and recommending initiatives to increase the representation of women in the Legislative Assembly to 20 per cent by 2023 and 30 per cent by 2027.

The Legislative Assembly’s Process Convention on Priority Setting and Reporting calls for the establishment of a joint Special Committee on Transition Matters. The purpose of this Special Committee is to make recommendations to the next

Legislative Assembly on the transition process and the political structure of the 19<sup>th</sup> Legislative Assembly.

### **February-March Sitting**

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The Third Session resumed on February 5, 2019 which was the final budget session of the 18<sup>th</sup> Assembly. Speaker Lafferty advised members of the House and of the public that throughout the sitting, interpretation would be provided in Tlicho, Chipewyan, French, Inuvialuqtun, North Slavey, Inuktitut, Gwich’in, South Slavey, and Inuinnaktun, making use of 10 of the 11 official languages of the Northwest Territories.

Premier McLeod delivered a sessional statement highlighting the bilateral agreement with the Federal Government on implementing the National Housing Strategy in the Northwest Territories to protect, renew, and expand social and community housing support. He also spoke about a \$1.8 million investment for cannabis education, \$750,000 for opioid addiction treatment, the opening of the \$10 million Centre for Mine and Industry Training in Fort Smith, and the governments continued investments in economic growth and diversification to help the long term economy of the Northwest Territories. The Mackenzie Valley Highway received an additional \$140 million in combined funding, and a \$1.2 million in combined investments for the Taltson Hydroelectricity Expansion Project.

On February 6, 2019, the Finance Minister delivered the final budget address of the 18<sup>th</sup> Assembly. The Minister spoke of the \$81 million decline in revenue over the past two years, and emphasized the importance of a longer term view of the fiscal plan, investing \$1.1 billion in the Territory’s Infrastructure to support the economy for future generations. The 2019-2020 Main Estimates proposed operating expenditures of \$1.873 billion with \$1.933 billion in estimated revenues, leaving an overall surplus of \$60 million to directly fund a portion of the 2019-2020 Infrastructure budget approved in October 2018.

The following week, seven of the 11 regular members delivered replies to the budget address offering their views on the budget address with some positive observations like the creation of the office of the Ombud, and the additional \$3.3 million for child and family services. Concerns, such as the lack of public consultation on the budget, cuts to the Department of Environment and Natural Resources, the need for government service officers in all communities, the future economic outlook and the cost of living, were also presented in those replies.

Beginning on February 20, the main estimates were thoroughly discussed in Committee of the Whole and consideration was concluded on March 8. On March 14 the Finance Minister presented Bill 53: *Supplementary Appropriation Act (Operation Expenditures)*, No. 1, 2019-2020 which increased the operations budget by \$2.5 million. This included an increase in funding for Education, Culture and Employment; Industry, Tourism and Investment; Infrastructure; and Justice.

## Legislation

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Fifteen bills were introduced during this sitting. Fourteen were referred to their respective standing committee for review:

- Bill 34: *Mineral Resources Act*;
- Bill 35: *Supply Chain Management Professional Designation Act*;
- Bill 36: *An Act to Amend the Petroleum Resources Act*;
- Bill 37: *An Act to Amend the Oil and Gas Operations Act*;
- Bill 38: *Protected Areas Act*;
- Bill 39: *Environmental Rights Act*;
- Bill 40: *Smoking Control and Reduction Act*;
- Bill 41: *Tobacco and Vapor Products Control Act*;
- Bill 42: *An Act to Amend the Petroleum Products Tax Act*;
- Bill 43: *An Act to Amend the Income Tax Act*;
- Bill 44: *Forest Act*;
- Bill 45: *Corrections Act*;
- Bill 46: *Public Lands Act*; and
- Bill 48: *Post-Secondary Education Act*;

Four bills were granted an extension by the House:

- Bill 25: *An Act to Amend the Workers' Compensation Act*;
- Bill 26: *Statistics Act*;
- Bill 29: *An Act to Amend the Access to Information and Protection of Privacy Act*; and
- Bill 30: *Human Rights Act*

Private Members' Bill 49: *Small Business Tax Relief Act* was defeated at first reading.

Bill 47: *Appropriation Act (Operations Expenditures)*, 2019-2020 was introduced and received assent on March 11, 2019. Bill 3: *Northwest Territories 9-1-1 Act* and Bill 32: *Naturopathic Profession Statutes Amendment Act* also received assent on March 11, 2019.

Bill 50: *Supplementary Appropriation Act (Infrastructure Expenditures)*, No. 4, 2018-2019; Bill 51: *Supplementary Appropriation Act (Operations Expenditures)*, No. 4, 2018-2019; Bill 52: *Supplementary Appropriation Act (Infrastructure Expenditures)*, No. 1, 2019-2020; and Bill 53: *Supplementary Appropriation Act (Operations Expenditures)*, No. 1, 2019-2020 were introduced during this sitting and received assent on March 14, 2019.

## Committee Activity

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The Standing Committee on Government Operations, chaired by Mr. Testart, presented four substantive reports:

The committee report on the Review of the 2015-2016 and 2016-2017 Northwest Territories Human Rights Commission Annual Reports contained no recommendations, and the committee thanked the Human Rights Commission for its efforts to promote and uphold human rights in the Northwest Territories.

The Report on the Review of Bill 30: *An Act to Amend the Human Rights Act*. The report contained one recommendation that the Human Rights Commission develop an evaluation framework for assessing the efficacy of moving to a restorative process, which includes a gender-based analysis and assessment on Indigenous people. The report also included a summary of the clause by clause review where committee moved eight separate motions to amend the bill, with the minister concurring with seven out of eight motions, not concurring with the motion to add "genetic characteristics" as a prohibited ground of discrimination.

The Report on the Review of the 2018 Report of the Auditor General of Canada on Northwest Territories Child and Family Services contained 12 recommendations which included the Department of Health and Social Services incorporating the recommendations made in the report into its quality improvement plan, ensure all gaps in screenings and reviews are addressed, that the department of HSS appear before the appropriate committee to report on its compliance with the *Child and Family Services Act*, and that the department incorporate into its quality improvement plan on child and family services a commitment to strengthen working relationships with Indigenous and community governments, to name a few.

The Report on the Review of Bill 31: *Northwest Territories 9-1-1 Act* contained three recommendations including that the department of Municipal and Community Affairs work with the Department of Finance to develop a strategic approach designed to secure support and funding to expand cellular coverage in the NWT as part of the national cellular network, and to develop a detailed municipal implementation plan that sets out information needed by each local authority to ensure successful implementation of NWT-wide 9-1-1 service. The report also contained a summary of the clause by clause review where three motions to amend were moved by committee, with all three carried and concurred with by the Minister.

The Special Committee to Increase the Representation of Women in the Legislative Assembly, chaired by **Julie Green**, presented their interim report. The committee held public meetings in Fort Smith, Hay River, Fort Providence, Dettah, Yellowknife, and Fort Simpson to date to request input from members of the public on potential ways to increase the number of women in the Legislative Assembly. The report contained seven recommendations:

- that the Board of Management consider childcare expenses as a Constituency Work Allowance;
- that the Legislative Assembly make childcare an allowable election expense;
- that the Government of the Northwest Territories deliver Campaign School for Women initiatives throughout the NWT and offer more than two workshops in a fiscal year;
- provide the public with a better understanding of the work of a member, using videos, visual and written materials and information on prerequisites, roles and responsibilities, and benefits for members;
- ensure that information is made available to any group or organization involved in teaching young women, and to support hands on learning activities on consensus government such as school visits to the Legislative Assembly;
- investigate practical measures to make the legislature family-friendly; and
- that the Board of Management make allowance for members to be absent without financial penalty for up to four months due to pregnancy, childbirth, or care of a child after birth or adoption.

**Jennifer Franki-Smith**  
Committee Clerk



## Alberta

### Composition of the Assembly

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On January 15, 2019, **Rick Strankman**, MLA (Drumheller-Stettler) left the United Conservative Party (UCP) caucus to sit as an Independent Member. With this move the composition of the Legislative Assembly was 52 seats for the New Democratic Party, 25 seats for the UCP, and three seats for the Alberta Party. In addition, there was one seat each for the Alberta Liberal Party, the Progressive Conservative Party, and the Freedom Conservative Party, along with three Independent Members and one vacant seat.

### 5<sup>th</sup> Session of the 29<sup>th</sup> Legislature

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The Fifth Session of the 29<sup>th</sup> Legislature was opened on March 18, 2019, with the Speech from the Throne delivered by the Honourable **Lois E. Mitchell**, Lieutenant Governor of the Province of Alberta. Later that afternoon, Health Minister **Sarah Hoffman**, MLA (Edmonton-Glenora) introduced Bill 1, *An Act to Protect Public Health Care*. The bill proposed amendments to the *Alberta Health Care Insurance Act* to maintain a single-tier healthcare system and prevent extra billing or any other form of private payments related to insured medical services.

### Committee Activities

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The Special Standing Committee on Members' Services met on February 12, 2019, and received and approved two reports from the Subcommittee to Review the Members' Services Committee Orders. One of the reports recommends the implementation of a new funding model for future caucus budgets and the

other recommends changes to the *Regulations Exemption and Variance Order* to update exemptions applicable to the Legislative Assembly Office (LAO) from various government regulations which do not meet the unique needs of the LAO, including regulations relating to employment contracts, severance payments, and the issuance of credit cards, as well as the travel, meal and hospitality expenses directive. The Committee has directed staff to draft policies related to severance pay and the reimbursement of travel and other expenses for LAO employees for further consideration.

With new electoral divisions set to take effect, the Committee also reviewed and approved a revised funding matrix for the updated electoral boundaries. These new rules came into effect with the issuance of the writs on March 19, 2019.

The Standing Committee on Resource Stewardship completed its review of Bill 211, *Alberta Underground Infrastructure Notification System Consultation Act*, which was referred to the Committee after first reading during the Fourth Session. The Committee deposited its final report intersessionally on March 7, 2019, recommending that the Bill proceed. However, because the Fourth Session ended when the Assembly prorogued on March 17, 2019, the Bill will not receive further consideration.

The Standing Committee on Families and Communities continued its review of the *Public Sector Compensation Transparency Act* and, having received written submissions, it decided to invite oral presentations. Meanwhile, the Standing Committee on Alberta's Economic Future also continued its inquiry into the potential impact of the Canada-United States-Mexico Agreement on Alberta agriculture, which included a full morning of presentations and panel discussions with a wide range of representatives from the province's agricultural industry. Neither of these two committees reported prior to the dissolution of the 29<sup>th</sup> Legislature.

### Provincial General Election

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On March 19, 2019, Premier **Rachel Notley** announced the dissolution of the 29<sup>th</sup> Legislature of Alberta and the passing of an Order-in-Council calling for a provincial election to be held on April 16, 2019. The election announcement was made while a meeting of the Standing Committee on Public Accounts was in progress, which prompted the Chair, **Scott Cyr**, MLA (Bonnyville-Cold Lake) to interrupt the proceedings and immediately adjourn the meeting.

### Sunrise and Sunset

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On March 18, 2019, Speaker **Robert E. Wanner** revealed a new work of art created by renowned Indigenous artist **Alex Janvier**. The Alberta Union of Provincial Employees commissioned the painting in celebration of its centennial year and donated it to the Legislative Assembly as a gift to Albertans. The vibrant and colourful work of art, in two pieces, entitled *Sunrise* and *Sunset*, will be permanently featured in two galleries of the Chamber which face each other. The unveiling ceremony was witnessed by Indigenous elders and leaders from around the province and it included an honour song featuring traditional Indigenous drummers, a prayer and smudging.

### New Clerk of the Legislative Assembly

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On February 14, 2019, Speaker Wanner announced the appointment of **Merwan N. Saher** as the eighth Clerk of the Legislative Assembly of Alberta, and noted that "his history and record of constructive leadership along with a commitment to the public service will ensure the future of the Legislative Assembly Office's mission to provide nonpartisan parliamentary support and exemplary service". Mr. Saher has an extensive public service career including an eight-year term as the province's 10<sup>th</sup> Auditor General.

**Jody Rempel**  
Committee Clerk



## British Columbia

### Fourth Session of the 41<sup>st</sup> Parliament

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After the Third Session of the 41<sup>st</sup> Parliament prorogued on February 12, the Fourth Session commenced that afternoon at 2:00 pm with the Speech

from the Throne delivered by Lieutenant Governor **Janet Austin**. The Throne Speech highlighted changes to medical service plan premiums, the implementation of a poverty reduction strategy, and measures to address real estate speculation and money laundering.

On February 19, Minister of Finance **Carole James** presented the government's second full budget. The budget proposed expanding the existing child benefit program, eliminating interest on provincial student loans, putting measures in place to support renters including a rent bank, and providing for a poverty reduction strategy to be released later in the year. The Official Opposition Critic for Finance, **Tracy Redies**, expressed concern with respect to higher taxes, the pace and scale of spending, and the budget's limited efforts to encourage investment and job creation. The Leader of the Third Party, **Andrew Weaver**, expressed overall support for the budget and its measures to address climate change and encouraged consideration of additional childcare funding.

## Legislation

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Bill 2, the *Protection of Public Participation Act*, which had been introduced in the Third Session, was re-introduced and received royal assent on March 25. The legislation discourages lawsuits that are intended to limit public participation or expression by establishing an expedited process for the dismissal of a lawsuit if it hinders the defendant's ability to speak freely on a matter of public interest.

Bill 11, the *Civil Forfeiture Amendment Act, 2019* received first reading on March 5. The bill proposes to enhance the ability of the civil forfeiture office to trace, reserve, and forfeit the proceeds of crime through the use of new tools, and address drug trafficking and organized crime by making the forfeiture process more efficient and fair.

Bill 6, the *Supply Act, 2018-2019 (Supplementary Estimates)* received royal assent on March 25. The bill authorizes additional funding for the operation of government programs in the 2018-2019 fiscal year and draws on a budget surplus to fund new initiatives within the fiscal year. This was the first time supplementary estimates have been authorized since 2008-2009.

## By-election Results

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A provincial by-election was held on January 30, 2019 in the electoral district of Nanaimo. The by-

election was conducted to fill the seat vacated when NDP MLA **Leonard Krog**, resigned on November 30, 2018 following his successful bid to become Mayor of Nanaimo. The NDP candidate, **Shelia Malcolmson**, was elected with 49.88 per cent of the vote. Malcolmson resigned as Member of Parliament for the district of Nanaimo-Ladysmith to run in the provincial by-election. The by-election had no effect on party standings in the House, and Ms. Malcolmson was sworn in as a member on February 14.

## Legislative Assembly Administration

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As reported in the previous issue, on November 20, 2018, the House adopted a motion placing the Clerk and Sergeant-at-Arms on administrative leave. At its January 21 meeting, the Legislative Assembly Management Committee received a report from the Speaker titled, *A Report of Speaker Darryl Plecas to the Legislative Assembly Management Committee Concerning Allegations of Misconduct by Senior Officers of the British Columbia Legislative Assembly*. The Committee released the report publicly, urged all House Leaders to consider the allegations in the report, and invited a response from the Senior Officers, the Clerk of the Legislative Assembly and the Sergeant-at-Arms, to the allegations in the report.

On February 21, the Committee received legal submissions and written responses from the Clerk and Sergeant-at-Arms and authorized their release and that of an additional report from the Speaker addressing the responses from the Clerk and Sergeant-at-Arms. The Committee also supported a comprehensive financial audit of the Legislative Assembly by the provincial Auditor General and authorized the House Leaders to develop an independent review process to examine the reports and determine whether the Clerk and Sergeant-at-Arms engaged in misconduct.

On March 6, the House Leaders announced that former Chief Justice of Canada, the Right Honourable **Beverley McLachlin**, had been retained as a Special Investigator to conduct an investigation into allegations of misconduct against the Clerk and Sergeant-at-Arms, and to present a final report to House Leaders by May 3. On March 7, the House adopted a motion ratifying the memorandum of understanding signed with the Special Investigator.

On March 7, the Speaker, as Chair of the Legislative Assembly Management Committee, presented a report from the Committee in the Legislative Assembly. The report summarizes events following

the motion to place the Clerk and Sergeant-at-Arms on administrative leave, references the January 21 report of the Speaker and the responses from the Clerk and Sergeant-at-Arms and outlines steps that have been taken to inquire into the allegations including a financial audit and workplace review.

## Parliamentary Committees

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### *Select Standing Committee on Crown Corporations*

As reported in the previous issue, the Select Standing Committee on Crown Corporations was mandated to make recommendations on regulations regarding Transportation Network Services (TNS) in British Columbia. TNS are a type of app-based ride-hailing service that include services provided by companies such as Uber and Lyft. The Committee solicited submissions from expert witnesses including academics, municipalities, First Nations, taxi associations and transportation network companies. One government member on the committee, **Ravi Kahlon**, recused himself from deliberations after submitting an inquiry to the Conflict of Interest Commissioner to determine whether there was a real or perceived conflict of interest as a result of his father holding a taxi licence. The Conflict of Interest Commissioner did not provide an opinion prior to the release of the Committee's report (see below) and the Member remained recused until the report was released. Temporary substitutions on Parliamentary Committees are not permitted in British Columbia.

The Committee presented its report to the Legislative Assembly on March 26 and made eleven recommendations including no operational pick-up boundaries or caps on fleet sizes, ensuring that the cost of a trip in an accessible vehicle does not exceed the cost of a trip in a non-accessible vehicle, and setting a minimum per-trip price that is not lower than the cost of public transit. The Committee also recommended that TNS drivers be required to hold a Class 5 driver's licence. This recommendation was supported by the Opposition and the Third Party and opposed by government members on the Committee who were in the minority as a result of the recusal of Mr. Kahlon.

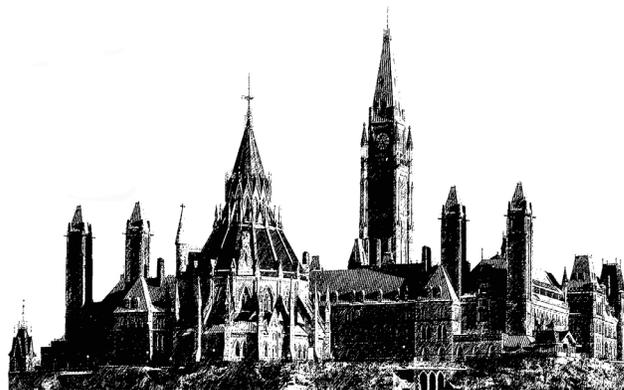
## Statutory Officers

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On March 29, BC's Conflict of Interest Commissioner **Paul Fraser** passed away after a short illness. Mr. Fraser was widely respected in the province and across Canada. Premier **John Horgan**, Leader of the

Official Opposition **Andrew Wilkinson**, and Leader of the Third Party **Andrew Weaver**, all made statements recognizing his many years of exemplary service, sense of humour, and profound integrity. The government is expected to appoint an Acting Commissioner pursuant to the *Members' Conflict of Interest Act* to serve until a permanent appointment can be made.

**Nicki Simpson**  
Committee Researcher



## House of Commons

The First Session of the 42<sup>nd</sup> Parliament continued, becoming the second longest in Canada's Parliament's history, surpassed only by the First Session of the 32<sup>nd</sup> Parliament in the early 1980s. The session is also unusual in that it resumed in the interim chamber established in West Block of the Parliament Buildings after the closure of Centre Block for renovations. Speaker **Geoff Regan** (Halifax West) remarked that it was "no small feat when we consider the scale of effort required to move many of the occupants and contents of the Parliament buildings into West Block." This account covers from January 2019 to the end of March 2019.

## Legislation

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On February 5, Minister of Canadian Heritage and Multiculturalism **Pablo Rodriguez** (Honoré-Mercier) introduced Bill C-91, *An Act respecting Indigenous languages*. The House referred the bill to the Standing Committee on Canadian Heritage on February 20, after the government invoked time allocation. The bill establishes a Commissioner of Indigenous

Languages and officially “recognizes that the rights of Indigenous peoples, recognized and affirmed by section 35 of the *Constitution Act, 1982* include rights related to Indigenous languages”.

A report from the Standing Committee on Procedure and House Affairs had recommended that Bill C-421, *An Act to amend the Citizenship Act (adequate knowledge of French in Québec)*, standing in the name of **Mario Beaulieu** (La Pointe-de-l'Île) be designated non-votable. Mr. Beaulieu had indicated to the Speaker that he wished to appeal the designation of the bill to the whole House, pursuant to Standing Order 92(4), by filing with the Speaker a motion to that effect signed by himself and at least five other members of the House representing a majority of the recognized parties in the House. The vote by secret ballot took place on January 29 and 30. The motion was rejected and the bill was designated non-votable.

### Financial Procedures

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The government designated March 19, as the final allotted day for the supply period ending March 26. The Official Opposition gave notice of 61 opposed votes of the Supplementary Estimates (B) for the fiscal year ending March 31, 2019, and 196 votes of the Interim Estimates for the fiscal year ending March 31, 2020. Having previously designated March 18 as the last supply day, the Leader of the Government in the House of Commons, **Bardish Chagger** (Waterloo) changed the designated day to March 20. She informed the Speaker and the opposition of this in writing. In doing so, she avoided the possibility that marathon voting on the Supplementary and Interim Estimates would lead to the loss of a sitting and the opportunity to deliver the budget speech as planned. The sitting on the last day of the supply period lasted from 2 p.m. on March 20 until 12:51 a.m., Friday, March 22, with voting having taken over a day and a half.

Finance Minister **Bill Morneau** (Toronto Centre) delivered the budget speech as announced on March 19, under the aegis of Ways and Means Motion No. 27.

### Procedure and Privilege

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On January 28, **Luc Thériault** (Montcalm) sought unanimous consent of the House to have the results of the secret ballot on Bill C-421 made public. There was no consent, so he rose on a point of order the following day to argue for the results' disclosure.

Citing a ruling from a similar case a year earlier, the Speaker ruled later that day that Standing Order 92 did not provide direction to the Chair which would allow the disclosure and stated: “Until such time as the House decides to provide new direction on this matter, the Chair will continue to follow the only similar practice that exists in our Standing Orders, that of the election of the Speaker.” Once the voting ended on January 30, the Clerk provided the Speaker with only the outcome of the vote, which the Speaker then announced to the House. The Table Officers could not reveal to the Chair, nor to anyone else, the number of ballots cast either way on the question of the designation of Bill C-421.

### Questions of Privilege

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The Speaker found none of the questions of privilege raised during the last three months to be *prima facie*, but one was of note.

**Greg Fergus** (Hull—Aylmer), raised a question on February 6, concerning an incident on February 4, 2019 that he considered to be racial profiling within the parliamentary precinct. In his ruling on February 19, the Speaker explained that Mr. Fergus's intervention was not properly a question of privilege as it did not involve a Member of Parliament or a proceeding of Parliament. Nevertheless, the Speaker saw fit to make a statement on the incident and the subsequent investigation thereof. He referred to an apology made by the Parliamentary Protective Service and stated that, although the apology is a welcome and necessary first step, “the unacceptable nature of the incident serves as a sombre lesson to do better going forward.” The Speaker explained that all who come to Parliament must be welcomed with equality, dignity and respect, and that the gravity of the matter could not be dismissed.

### Points of Order

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**Michelle Rempel** (Calgary Nose Hill), raised a point of order concerning proceedings in the Standing Committee on Citizenship and Immigration on February 25 and 27. The Committee was debating a motion when the Chair suspended the meeting to allow its members to vote in the House. When members returned after the votes, the committee never regained quorum, and the Chair left the room without either resuming or adjourning the meeting. A point of order was raised at the next meeting to resume the debate on the motion that was under

consideration on February 25 since, according to the Conservatives members, the Chair never adjourned the meeting. In response, the Chair of the Committee confirmed that the meeting had indeed been adjourned; upon appeal, that decision was sustained. Contending that the adjournment was a unilateral and prohibited decision of the Chair, Ms. Rempel argued that committees do not have any authority to act beyond the powers granted to them by the House and, specifically, they cannot circumvent, even indirectly, Standing Order 116(2). The Chair, **Robert Oliphant** (Don Valley West), rose to confirm that the meeting had indeed been adjourned.

This was the first instance in which Standing Order 116(2), which created an exception to the right for a Chair's decision to be appealed to a committee, had been invoked since the House adopted the Standing Order in June 2017.

### Other Matters

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On February 28, **Candice Bergen** (Portage—Lisgar) and **Charlie Angus** (Timmins—James Bay) requested an emergency debate with respect to alleged political interference regarding a remediation agreement. The Speaker accepted the requests and the debate took place later that day.

### Committees

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The House concurred in the 66<sup>th</sup> report of the Standing Committee on Procedure and House Affairs (PROC) on November 29, 2018. It contained the recommendation, "That the use of Indigenous languages be recognized in the House of Commons according to the process set out in this report." The process involves members declaring their abilities in an Indigenous second language to the Clerk of the House or of a committee, and that they give reasonable notice of their intention to use the language during proceedings. Since suitable interpreters may not always be available, measures for such occasions are also laid out.

On January 28, during Private Members' Business proceedings on M-207, a motion recommending the establishment of Dutch Heritage Day, **Robert-Falcon Ouellette** (Winnipeg Centre) rose to speak in Cree. Mr. Ouellette's speech in Cree was interpreted simultaneously into English and French and reported in the *Debates*. He later posed a question in Cree to the Minister of Canadian Heritage during Oral Questions.

On March 20, PROC presented its report on a question of privilege raised May 28, 2018, by **Glen Motz** (Medicine Hat—Cardston—Warner). The question concerned information about the Canadian Firearms Program that Mr. Motz had found on the RCMP website that he alleged led the public to believe that Bill C-71 had already been enacted by Parliament, even though the bill was still before Parliament and subject to its approval.

When the Speaker ruled on June 19, 2018, that the question was *prima facie*, he explained that he had needed to determine if the information published on the RCMP website assumed that Parliament would make a particular decision, which would undermine the authority of the House. He criticized the RCMP's lack of attention to the fundamental principle that the review of legislative proposals and their passage into law is only by act of Parliament. He also expressed his disappointment that the RCMP had allowed the public to draw false conclusions about the force's obligations under the law. Through this, he emphasized the fundamental role of MPs as legislators and that any usurpation of this role was unacceptable.

The committee found that the actions and omissions of the RCMP overlooked, and thereby diminished, Parliament's role, but did not constitute a contempt of Parliament. The Committee accepted the apologies of the Minister of Public Safety, **Ralph Goodale** (Regina—Wascana) and the RCMP, and found no evidence of malice or ill-intent on the part of the Minister or the RCMP and accepted that the error was committed in good faith.

PROC began a study of parallel debating chambers, as is practiced at Westminster and Canberra. Besides hearing from Deputy Speaker **Bruce Stanton** (Simcoe North) and **Charles Robert**, the Clerk of the House, the committee heard from **David Natzler**, Clerk of the House of Commons at Westminster, on his ultimate day of service in that House. At the time of submission, the committee had not yet finished hearing witnesses, nor had it reported.

**Andrew Bartholomew Chaplin**

Table Research Branch



## Senate

### First sitting in the Senate of Canada Building

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The sitting of February 19 marked the first in the Senate of Canada Building, the Senate Chamber's new location until the completion of the Centre Block's rehabilitation project. On that day, the Speaker began the proceedings with a territorial acknowledgement and provided welcoming remarks, acknowledging the efforts involved in the rehabilitation and move to the former Government Conference Centre.

### Legislation

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On February 28, the following bills received royal assent by written declaration: C-64, *An Act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations*; and C-57, *An Act to amend the Federal Sustainable Development Act*. The following bills also received Royal Assent by written declaration on March 23: C-95, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2019*; and C-96, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2020*.

### Chamber, Procedure and Speaker's Rulings

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March 18 marked the first day that the Senate's proceedings were televised. Previously, the Senate's proceedings were only broadcast in audio format, though Senate committee proceedings have been televised for many years. The Senate Chamber proceedings will be available on the Cable Public Affairs Channel (CPAC) and on the Senate website.

On March 19, a point of order was raised with respect to the receivability of an amendment to a motion to authorize the Senate Standing Committee on Legal and Constitutional Affairs to examine and report on

allegations to pressure the former Minister of Justice and Attorney General of Canada. The Speaker ruled on April 4 that the amendment was out of order.

### Senators

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On February 19, four new senators were sworn in. **Rosemary Moodie**, a neonatologist at Toronto's Hospital for Sick Children and a clinical teacher at the University of Toronto, will represent Ontario. **Stanley Paul Kutcher**, an expert in adolescent mental health and leader in mental health research, advocacy and policy development, will represent Nova Scotia. **Patricia Jane Duncan**, a former premier of Yukon with extensive experience in business and public service, will represent the territory. **Margaret Dawn Anderson**, a proud Inuvialuk with over 20 years of experience as a public servant with the Government of the Northwest Territories, will represent the Northwest Territories. The four newest senators bring the total number of senators up to 105 for the first time since 2010.

### Committees

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On February 28, the fourteenth report of the Standing Senate Committee on Agriculture and Forestry, entitled *Feast or Famine: Impacts of climate change and carbon pricing on agriculture, agri-food and forestry*, was adopted and a government response was requested. On the same day, the seventeenth report of the Standing Senate Committee on Human Rights, entitled "*An Ocean of Misery*": *The Rohingya Refugee Crisis*, was also adopted, and a government response was requested. On March 19, the thirty-sixth report of the Standing Senate Committee on National Finance, entitled *Second Interim Report on the 2018-19 Main Estimates*, was adopted. On March 21, the same committee's thirty-eighth report, entitled *Final Report on the Supplementary Estimates (B), 2018-19*, and its thirty-ninth report, entitled *Final Report on the 2019-20 Interim Estimates*, were also adopted.

In addition, on March 21, the Standing Senate Committee on Internal Economy, Budgets and Administration tabled its thirty-seventh report entitled *Modernizing the Senate's Anti-Harassment Policy: Together let's protect our healthy worklife*. On the same day, the committee also presented its thirty-eighth report dealing with the process for providing a recommendation on the appointment of the Clerk of the Senate and Clerk of the Parliaments. The report is still on the *Order Paper and Notice Paper* and has not yet been moved for adoption.

## Officers

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On March 21, the Senate adopted the thirty-fifth report of the Standing Senate Committee on Internal Economy, Budgets and Administration entitled *Appointment of Law Clerk and Parliamentary Counsel of the Senate*. The report recommended that **Philippe Hallée** be appointed Law Clerk and Parliamentary Counsel of the Senate. Mr. Hallée will assume his new position on April 22.

**Emily Barrette**  
Procedural Clerk



## Manitoba

### 4<sup>th</sup> Session of the 41<sup>st</sup> Legislature – Spring Sitting

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The Fourth Session of the 41<sup>st</sup> Legislature resumed on March 6, 2019.

The Government introduced a number of bills this session addressing different areas of governance. A total of 20 of these bills were introduced in time to meet the criteria for Specified bill status and therefore guaranteed passage in June (subject to the right of the Opposition designating five of those bills to be delayed until the fall). The legislative agenda includes:

- Bill 2 – *The Municipal Amendment Act (Strengthening Codes of Conduct for Council Members)* includes a number of changes that would strengthen the legislation around Council codes of conduct. These changes would include requiring all Members of Council to undergo mandatory respectful conduct training within six months of being elected or re-elected;
- Bill 4 – *The Public Sector Construction Projects (Tendering) Act*, prohibits public sector entities, such as the Manitoba Government, Crown corporations, school boards and regional health authorities, from using unionization status as a tendering requirement. The practice of employees paying dues to unions they are not members of would also be eliminated;
- Bill 8 – *The Referendum Act*, requires that a referendum be held before implementing a significant change to the provincial voting scheme and before the Manitoba Legislative Assembly can vote on authorizing an amendment to the Canadian Constitution. These requirements are in addition to existing requirements to hold a referendum on major tax increases or on the privatization of public utilities, including Manitoba Hydro and the Manitoba Public Insurance Corporation. The *Act* also proposes a number of steps that the Clerks have flagged could require a Rule change before they could be implemented;
- Bill 9 – *The Family Law Modernization Act*, provides for simplification of child support processes so that thousands of matters can be addressed outside of court; expansion of the administrative authority of the Maintenance Enforcement Program so parents can make support arrangements outside of court; improved enforceability of family arbitration awards and creates a three-year pilot project to test a new family dispute resolution model;
- Bill 12 – *The Workplace Safety and Health Amendment Act*, among other measures, strengthens deterrents for the most serious workplace infractions by doubling maximum penalties for offences under the *Act* to \$500,000 (first offence) and \$1,000,000 (second/subsequent);
- Bill 15 – *The Liquor, Gaming and Cannabis Control Amendment Act (Cannabis Possession Restrictions)* makes it an offence to possess more than 30 grams of non-medical cannabis in a public place. It also enables inspectors, including Manitoba Finance officers who enforce provincial tobacco laws, to take action against those who possess illicit cannabis in Manitoba. It would also give police the option to proceed by way of a ticket for possession over 30 grams rather than going through the more complex process of charging an individual criminally. The fine amounts for all new offences would be determined by regulation;
- Bill 18 – *The Labour Relations Amendment Act*, would end the use of government supplied mediators and conciliators to help companies and unions negotiate collective agreements. Instead, companies and unions needing a third party would need to hire them at their own cost from the private sector;

- Bill 21 – *The Legislative Building Centennial Restoration and Preservation Act*, allocates \$10 million annually for the next 15 years to address much needed restoration and preservation of the Manitoba Legislative Building, the grounds and associated infrastructure.

## Budget Debate

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On March 7, 2019, Finance Minister **Scott Fielding** delivered his first budget. Highlights included:

- reducing the Provincial Sales Tax from 8 per cent to 7 per cent effective July 1;
- forecasting a summary deficit of \$360 million for the 2019-20 fiscal year which is \$161 million less than the deficit projected in Budget 2018;
- investing an additional \$2.3 million to target drug-related criminal activity including methamphetamine and gang-related crime prevention initiatives;
- investing historic levels of funding in health care to lower ambulance fees to a maximum of \$250, to open five new or enhanced health facilities with operating funding of \$6.4 million, to hire 35 additional primary care paramedics with \$3.8 million in devoted funding and to increase renal replacement therapy funding by \$2.4 million;
- increasing primary and secondary school funding by \$6.6 million, and increasing kindergarten to Grade 12 capital funding by more than \$56 million to support structural repairs, roof replacements, new mechanical systems and accessibility projects;
- increasing funding for Community Living and disABILITY Services by \$13.6 million to \$439.5 million;
- increasing operating funding for existing and new community-based day care projects by \$759,000;
- increasing Manitoba's RCMP staffing complement by 29 positions, including funding for 27 additional officers;
- providing a total of \$313.5 million in basket funding for local governments that continues to provide municipalities with the flexibility they need to meet local needs including enhanced support for roads and bridges for municipalities outside of Winnipeg;
- allocating \$45 million toward capital projects in recognition of Manitoba's 150th anniversary including funding for additional highways and other infrastructure projects;
- increasing funding for the Manitoba Film and Video Production Tax Credit to \$31.5 million from \$16 million; and

- supporting 15 new projects and over 50 drain rehabilitation projects under the Water Related Capital program, for a total estimated investment of \$46 million.

During his contribution to the budget debate on March 11, Leader of the Official Opposition and NDP leader **Wab Kinew** moved a motion expressing non-confidence in the Government, stating that the budget was not in the best interests of the people of the province and that it neglected the priorities of Manitobans. It did this by:

- breaking the Premier's promise to protect front line services by making deep cuts to health and education despite unprecedented revenues from the Federal Government;
- continuing the Premier's attack on the health care system by underspending on health care by \$240 million, cutting the health care budget by \$120 million, continuing forward on the plan to close two more emergency rooms while freezing mental health and addictions services during a methamphetamine epidemic and continuing to undermine health care for women and girls across Manitoba;
- reducing college and university education funding by millions while increasing tuition rates for parents and students, thereby putting education and good jobs out of the reach of Manitoba's youth; and
- continuing to cut over \$150 million in infrastructure spending from what was previously promised, cutting \$40 million from water infrastructure in the same year as flood forecasts have worsened while failing to offer any program to reduce greenhouse emissions and fight climate change.

On the same day, Manitoba Liberal Party Leader of the second Opposition, **Dougald Lamont**, moved a sub-amendment, stating that the budget failed Manitoba by:

- failing to properly implement health system reorganization causing crises in emergency rooms and primary care;
- failing to invest federal funding increases in Manitoba into crucial services and infrastructure for Manitobans;
- failing to support Manitoba's economic health and choking off growth by; falsely inflating the Province's deficit, budgeting increased amounts in departments for which there is no intention of spending the increases;

- failing to ensure that wealthy Manitobans pay their fair share of taxes by defending tax loopholes that allow the wealthiest to pay a lesser tax rate than medium and low income Manitobans;
- failing to protect the public universal healthcare system by reiterating plans for a grand bargain that would prioritize cheaper wine imports over the Federal Government maintaining its role in health care;
- failing to support Manitoba by acting as a barrier to municipalities and First Nations to access much needed federal infrastructure funding;
- failing to support children in the care of CFS by slashing funding under the guise of block funding for agencies,
- failing to meet or work with the trilateral methamphetamine taskforce; and
- failing to allow jurisdiction over First Nations' children in CFS.

This year's budget debate was limited to five of the allotted six days. The Government interrupted the debate once (as allowed by our Rules), and on March 15 and 18, the House did not enter into Orders of the Day due to procedural maneuvers in the House. On March 19, the eighth day after the budget was introduced, the rules required a vote on all motions related to the Budget. That afternoon the Second Opposition's sub-amendment was defeated on a recorded vote of yeas 16, nays 38. Subsequently, the official Oppositions' amendment was defeated on a recorded vote of yeas 16, nays 38, while the main budget motion carried on a recorded vote of yeas 38, nays 16.

### **Interim Supply**

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On March 20, the House began to consider resolutions and legislation dealing with interim funding for operating and capital expenditures, required until the 2019-2020 fiscal year budget processes and the main supply bills are completed later this session. On March 21, the House considered the remaining stages of Interim Supply legislation, however debate did not conclude prior to the hour of adjournment. As a result, Bill 28 – *The Interim Appropriation Act, 2019* did not receive Royal Assent prior to the end of the fiscal year (the House did not sit the next week as Spring break is a scheduled break week for the House). When the House resumed on April 1, debate concluded on the *Act* and it received Royal Assent.

### **Standing Committees**

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Further to our previous submission, the intersessional period from the end of 2018 to March

2019 was a busy period for the Committees Branch. On December 18, 2018 and again on March 5, 2019, a sub-Committee of the Standing Committee on Legislative Affairs met to consider the hiring process of the Ombudsman, which is still ongoing as of the date of this submission.

As previously reported, on November 28, 2018, the Standing Committee on Legislative Affairs met to consider Annual Reports for Elections Manitoba for the years 2016 and 2017. Subsequently, on January 28, 2019, the Committee met to consider and subsequently pass Elections Manitoba's proposal to modify the voting process.

The January 28 meeting involved improving three process changes proposed by Elections Manitoba. Two changes involved streamlining advance voting and allowing for real time strike-off as well as using a new voting book format. The third change involved a combined pre-printed voting book/list for use on election day that has the preliminary and revised voters list in one place including the names of advanced voters already struck from the list. The Committee accepted the proposal by passing the following motion:

*THAT pursuant to subsection 28.1(5) and subject to subsection 28.1(6) of The Elections Act, the Standing Committee on Legislative Affairs approve the proposal to modify the voting process included in the Annual Report of Elections Manitoba for the year ending December 31, 2017, and recommend that the Chief Electoral Officer direct that the voting process be modified for upcoming by-elections and the 2020 general election.*

The Standing Committee of Legislative Affairs also met twice in January 16, 2019 to consider reports from the Manitoba Advocate for Children and Youth as well as the Report and Recommendations of the Judicial Compensation Committee.

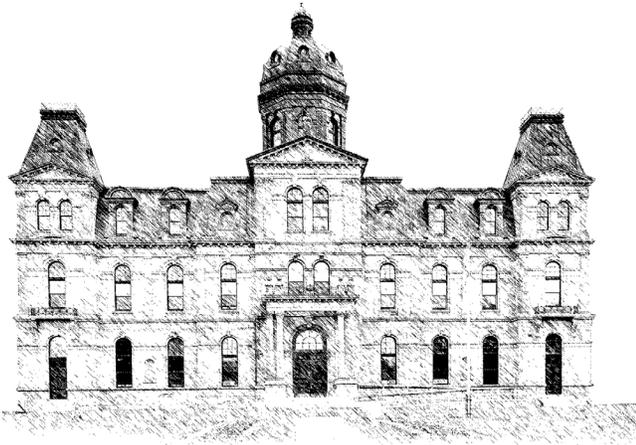
### **Current Party Standings**

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The current party standings in the Manitoba Legislature are: Progressive Conservatives 38, New Democratic Party 12, Liberal Party four and three Independent Members.

**Greg Recksiedler**

Clerk Assistant/Research Officer



## New Brunswick

### Budget

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The Second Session of the 59<sup>th</sup> Legislature adjourned on December 14 and resumed on March 19, when Finance Minister **Ernie Steeves** tabled the 2019-2020 budget. This is the first budget of the Progressive Conservative minority government, led by Premier **Blaine Higgs**.

“Today is about laying the foundation for a sustainable future,” said Minister Steeves. New Brunswick’s net debt is projected to decline for the first time in 13 years. The net debt is currently estimated at \$14.1 billion and is expected to decline by \$49 million.

The 2019-2020 budget is balanced with a surplus of \$23 million and total spending of \$9.823 billion. Revenues are projected to grow by 1.5 per cent, the budget limits spending growth to 1.3 per cent. The Department of Finance and Treasury Board now project the New Brunswick economy to expand by 0.6 per cent despite ongoing trade uncertainty, weaker growth among major international and domestic trading partners, and temporary weakness in the manufacturing sector contributing to slower growth in 2019.

Highlights of the Budget included no new tax increases, a \$1 million funding increase to the Office of the Auditor General, the introduction of a new funding program to support community projects for Members of the Legislative Assembly, a \$2.4 million investment to implement a new nursing human resource strategy, an additional \$1 million to increase

wages for trained early childhood educators, and over \$16 million to increase wages for home support workers.

On March 21, Finance Critic **Roger Melanson** delivered the official Opposition’s reply to the budget. Melanson argued that the government’s approach to balancing the books was too aggressive, noting the previous Liberal government had recently achieved a surplus and intended to work towards balanced budgets in the future without affecting important social services. He suggested the Department of Social Development was incurring a \$19 million reduction that would affect the most vulnerable New Brunswickers. He further noted the costs associated with the cancellation of numerous capital projects that had already started, such as the twinning of certain major highways and the construction of new court facilities.

### Legislation

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As of March 29, eight bills were introduced during the spring session, two of which received royal assent. Certain bills of note included:

Bill 11, *An Act to Amend the Petroleum Products Pricing Act*, introduced by Energy and Resource Development Minister **Mike Holland**, incorporates the federal carbon tax into the province’s regulated maximum price for gasoline, diesel, heating oil and propane to allow wholesalers and retailers to pass along the carbon price imposed by the federal government.

Bill 13, *An Act to Amend the Local Governance Act*, introduced by Environment and Local Government Minister **Jeff Carr**, enables local governments to create bylaws imposing tourism accommodation levies on guests of hotels and other accommodation providers to help fund local tourism marketing and development projects.

Bill 14, *An Act to Amend the Motor Vehicle Act*, introduced by Public Safety Minister **Carl Urquhart**, eliminates the requirement of front licence plates on passenger and light commercial vehicles.

The People’s Alliance introduced its first bill: Bill 18, *An Act to Amend the Motor Vehicle Act*. The bill, introduced by leader **Kris Austin**, implements a one-time vehicle registration requirement until there is a transfer in ownership and extends the annual certificate of inspection to two years.

On March 20, the House agreed to withdraw Bill 9, *An Act to Amend the Assessment Act*, previously introduced by **Gerry Lowe**, a member of the official Opposition. The bill would reformulate property tax assessment exemptions benefiting heavy industry. Citing confusion regarding the bill's applicability, it was withdrawn. A motion was subsequently passed by the House directing the Standing Committee on Law Amendments to undertake a study, including public consultations, and report back to the House with recommendations on whether to reduce or eliminate any property assessment or property taxation exemptions or benefits that apply to heavy industry.

### **Standing Committees**

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On January 16, the Standing Committees on Public Accounts and Crown Corporations, chaired by **Roger Melanson** and **Glen Savoie** respectively, met with Auditor General **Kim MacPherson** for the release of her *Report of the Auditor General of New Brunswick 2018, Volume II - Performance Audit and Volume III - Financial Audit*. Volume II presented performance audits on improving student performance and managing injured workers' claims. Volume III focused on year-end financial results and matters arising from the annual financial audit of the provincial government and Crown agencies.

The Standing Committee on Crown Corporations reviewed 11 provincial agencies, boards and commissions over six days in January and February. The Standing Committee on Public Accounts reviewed nine departments over six days in February.

On February 7, the Standing Committee on Procedure, Privileges and Legislative Officers, chaired by **Stewart Fairgrieve**, considered an investigative report presented by Ombud **Charles Murray** entitled *Failure to Protect*. The report released findings of patient mistreatment at the Restigouche Hospital Centre in Campbellton caused in part by chronic understaffing and negligent medical assessments.

The Standing Committee on Estimates and Fiscal Policy, chaired by Mr. Savoie, is scheduled to meet for three weeks in April to consider departmental estimates.

### **Interim Official Opposition Leader**

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Following former Premier **Brian Gallant's** resignation as leader of his party, **Denis Landry** was elected interim leader of the New Brunswick

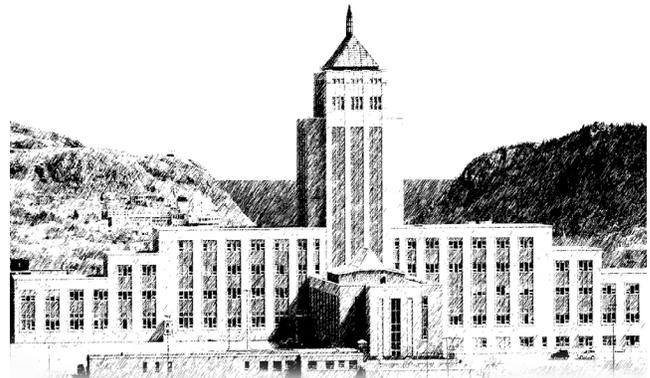
Liberal Party and Leader of the Official Opposition on February 12. Mr. Landry was first elected to the Legislative Assembly in 1995 and previously served as Minister of Transportation, Minister of Natural Resources, Minister of Human Resources and Minister of Justice and Public Safety. The Liberal Leadership Convention is scheduled for June 22.

### **Sitting Days and Standings**

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The House met from March 19 to 29 and is scheduled to resume sitting on May 7. The standings in the House are 22 Progressive Conservatives, 21 Liberals, three Greens, and three People's Alliance.

**Alicia R. Del Frate**  
Parliamentary Support Officer



## **Newfoundland and Labrador**

The House reconvened on March 4 for the continuation of the Third Session of the Forty-Eighth General Assembly.

The newly-elected Member for Topsail-Paradise, **Paul Dinn**, MHA, took his seat on the first day of the sitting.

### **Training for Members**

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During the break the Members of the House of Assembly underwent respectful workplace training, provided by Memorial University's Gardiner Centre, as recommended by the Privileges and Elections Committee in their November Interim Report.

## Standing Orders Amendments

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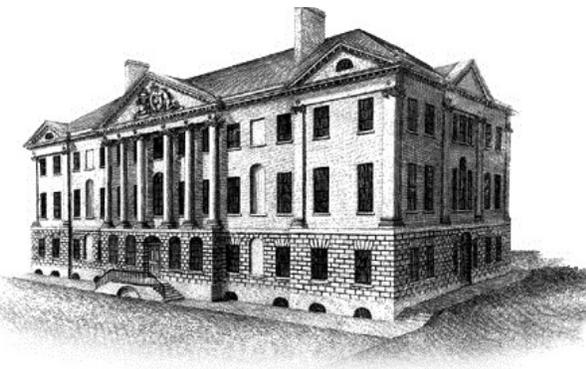
The House adopted permanently the provisional amendment introduced for the Spring sitting permitting ministers to respond to Petitions. This amendment has been well received by all members.

The House also amended the standing order relating to the rota for Private Members' Day to ensure that more members sitting in opposition have the opportunity to introduce a motion. The original rota was based on the Session whereas the amended allocation is based on the General Assembly.

The House prorogued on April 2 having passed 57 Bills and was set to convene on April 4 for the Throne Speech opening the Fourth Session of the Forty Eighth General Assembly.

The General Election is expected before the end of June.

**Elizabeth Murphy**  
Clerk Assistant



## Nova Scotia

### House of Assembly Tartan

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On April 5, 2019, the Nova Scotia House of Assembly passed the *House of Assembly Tartan Act*. This *Act* established a unique and official Tartan of the House of Assembly. The Speaker controls the use of the Tartan and penalties are provided for its unofficial use. The Tartan is also an emblem of the House of Assembly.

Section 4 of the *Act* describes the significance of the selected colors for the Tartan as follows: "The green in the Tartan represents the legislative chamber

where the Assembly meets, the red represents the Red Chamber, the black represents the Speaker's and the Clerk's robes, the yellow represents the gold Mace, the white represents the laws passed by the Assembly and the tan represents the sandstone exterior of Province House, the building where the Assembly conducts its business."

During 2019 there are many celebrations marking the 200<sup>th</sup> anniversary of Province House and it is fitting and of significance that the House of Assembly gave itself an official tartan in time for Tartan Day on April 6.

### The Human Organ and Tissue Donation Act

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On April 2, 2019, the Premier as President of the Executive Council, introduced the *Human Organ and Tissue Donation Act*. This *Act* makes Nova Scotia the first jurisdiction in North America to adopt presumed consent for organ and tissue donation. Nova Scotians will have the option of opting out of the presumed consent if they so desire and persons under 19 along with those without decision-making capacity are exempt from the application of the proposed legislation unless a parent, guardian or substitute decision-maker opts them in. The *Act* is subject to proclamation and the Premier stated that proclamation would occur approximately 12 to 18 months after passage to provide opportunity for planning, public education and awareness. The public had a first opportunity to comment on the bill when it was before the Law Amendments Committee.

### Speaker's Rulings

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1) On March 27, 2019, the Leader of the Official Opposition raised a point of privilege alleging a series of threatening incidents against him by the Minister of Education and Early Childhood Development. It was his submission, after setting out the fact situation, that there was sufficient evidence for the Speaker to rule that he had raised a *prima facie* question of privilege; and, should the Speaker so conclude, that he would move a resolution referring the matter to the Committee on Internal Affairs for study and report to the House.

The Speaker provided an opportunity for a response by the Minister who stated his differing version of the events that had taken place between himself and the Leader of the Official Opposition. The Speaker then heard from two Member witnesses and recessed the House to consider the matter.

The Speaker ruled that a *prima facie* case of breach of privilege was raised by the Leader of the Official Opposition and asked him to restate his motion to have the matter referred to the Committee on Internal Affairs. The motion was put to a vote and was defeated by the House thereby ending the matter.

2) On April 3, 2019, the Speaker gave a ruling regarding a point of privilege raised by the Premier on March 8. The Premier had stated that the Leader of the Official Opposition and the House Leader for that caucus had provided the House with misinformation that they should have known not to be true, thus deliberately misleading the House. The Speaker concluded that a *prima facie* point of privilege appeared to be arguable. However, when the Premier raised on his point of privilege, he did not propose a resolution for the consideration of the House. The Speaker indicated he was prepared to have the Premier now make his motion; however, prior to doing so, he provided an opportunity to the Leader of the Official Opposition and his House Leader to retract the allegations made and furthermore stated that if there was a retraction there would be no need for a resolution to be put before the House as the matter would thereupon be concluded. Both the Leader of the Official Opposition and the House Leader retracted the comments made and stated that it had not been their intention to mislead the House. The Speaker, in relying on *Beauchesne*, stated that the House was bound to accept the Member's words and that the matter was now concluded.

## Budget

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On March 26, 2019, Minister of Finance **Karen Casey** delivered her budget speech. Following the responses from the official Opposition and the third party, the estimates were automatically referred to the Committee of the Whole on Supply.

In accordance with the *Rules and Forms of Procedure*, five Ministers of Government's Estimates are considered in the Committee of the Whole on Supply, for a total of 40 hours and concurrently the Subcommittee on Supply considers the remaining Estimates in the order determined by the Minister leading the House at the time in the Red Chamber of the House. The selection of the five Ministers is determined by the House Leader of the Official Opposition in consultation with the Minister leading the House at the time.

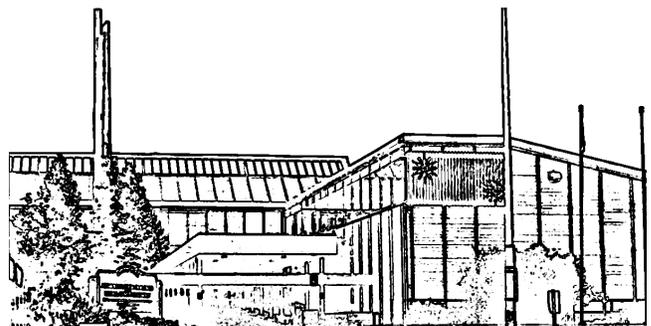
The total time for estimate consideration is 80 hours broken down into 40 hours in each committee. The committees can meet no more than four hours on any day.

The daily motion for the House to resolve itself into the Committee of the Whole on Supply is a debatable motion for no more than 45 minutes and no Member can speak for more than 15 minutes.

A Minister appearing before the Committee for consideration of the Minister's Estimates may have one to two support staff to assist in responding to questions.

**Annette M. Boucher**

Assistant Clerk



## Yukon

### Spring Sitting

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The 2019 Spring Sitting of the Second Session of the 34<sup>th</sup> Legislative Assembly began on March 7 and is scheduled to conclude on April 30, after 30 sitting days.

### Government Bills Introduced

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Pursuant to Standing Order 74, the following government bills were introduced by the fifth sitting day (the deadline for the introduction of government legislation to be dealt with during a given Sitting):

- Bill No. 29, *Miscellaneous Statute Law Amendment Act, 2019*
- Bill No. 30, *Act to Amend the Education Labour Relations Act*
- Bill No. 31, *Act to Amend the Employment Standards Act*
- Bill No. 32, *Act to Amend the Securities Act*

- Bill No. 33, *Yukon Government Carbon Price Rebate Implementation Act*
- Bill No. 208, *Third Appropriation Act 2018-19*
- Bill No. 209, *Interim Supply Appropriation Act 2019-20*
- Bill No. 210, *First Appropriation Act 2019-20*

### **In Remembrance of Ken McKinnon**

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On March 13, 2019, **Ken McKinnon** – tributed by the Whitehorse Star as “a beloved titan”, “a father of responsible government” and “a Yukoner through and through” – passed away. News of the former Commissioner’s death was communicated to the House on March 14 by Speaker **Nils Clarke**. The same day, a statement released by Premier **Sandy Silver** enumerated some of Mr. McKinnon’s key accomplishments and also noted that he had been “... a warm ambassador for the Yukon his entire life. His passing is a loss many Yukoners will feel deeply....”

In a statement released on March 18, Yukon Commissioner **Angélique Bernard** reviewed a number of Mr. McKinnon’s accomplishments and observed, “...Ken McKinnon is recognized for his extensive work done toward achieving responsible government, devolution and land claims for the Yukon and its people...”

Mr. McKinnon’s career in politics began in 1961, with his election at the age of 25 (the youngest-ever Member, at the time) to Yukon’s Territorial Council, as the Legislative Assembly was then known. Mr. McKinnon was re-elected in the general elections of 1967, 1970, and 1974. During his final term on Territorial Council, Mr. McKinnon served on the Executive Committee – the precursor of to Executive Council (Cabinet).

Mr. McKinnon had served as Yukon’s Commissioner – a role analogous to that of a provincial lieutenant governor – from 1986 to 1995.

Apart from politics, Mr. McKinnon also made significant contributions in the realms of sports and education. These contributions included serving as President of the first-ever Arctic Winter Games, and as Chancellor of Yukon College.

Mr. McKinnon had been in attendance at the December 13, 2018 celebration of the 40<sup>th</sup> anniversary of territorial party politics in Yukon. This celebration, detailed in Yukon’s preceding legislative report, had been hosted by Speaker Clarke in the foyer of the Yukon government administration building (the building

in which the Legislative Assembly is located), saw many current and former MLAs and Commissioners gather together to celebrate the official advent of party politics, which preceded by one year the achievement in 1979 of responsible government in Yukon.

### **Upcoming NDP Leadership Convention**

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As mentioned in Yukon’s preceding legislative report, on November 21, 2018, Third Party Leader **Liz Hanson**, the MLA for Whitehorse Centre, announced her plans to step down as Leader of Yukon’s NDP once a new leader has been chosen.

On February 1, 2019, Third Party House Leader **Kate White**, the Member for Takhini-Kopper King, announced her intention to run for the party leadership. First elected to the Legislative Assembly in the October 2011 general territorial election, Ms. White was re-elected in the general election of November 2016.

The race officially began on February 4, and will conclude on May 4 with a leadership convention in Whitehorse.

At the time of writing, Ms. White – who together with Ms. Hanson forms the Third Party caucus – is the sole declared candidate for the leadership. Nominations close on April 18.

### **Retirement of Clerk**

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**Floyd McCormick** has served as the Clerk of the Legislative Assembly since March 2007. In August 2001, Mr. McCormick began his career at the Yukon Legislative Assembly as the Deputy Clerk. Prior to that time, Mr. McCormick had held positions including political commentator for CBC Yukon radio and the *Yukon News*, and political science instructor at Yukon College.

On January 7, 2019, Speaker Clarke issued a news release announcing Mr. McCormick’s intention to resign as Clerk, and noting that the Members’ Services Board (MSB) – an all-party committee of the Legislative Assembly -- was commencing the recruitment process to select his successor. The members of MSB are Premier Silver, **Tracy-Anne McPhee** (Government House Leader, Minister of Justice and Minister of Education), official Opposition Member **Brad Cathers**, and Third Party Leader **Liz Hanson**.

Mr. McCormick’s final day as Clerk of the Legislative Assembly was May 3, 2019.

## New Clerk Announced

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On March 5, Speaker Clarke, in his role as Chair of the Members' Services Board, issued a news release announcing that the all-party committee had selected **Dan Cable** to be Mr. McCormick's successor as Clerk of the Legislative Assembly.

Mr. Cable will officially assume the mantle of Clerk of the Legislative Assembly on May 4. On April 1, Mr. Cable joined the Legislative Assembly Office, to enjoy a period of overlap with the outgoing Clerk.

Mr. Cable had worked in the Yukon government's Department of Justice for 17 years, and served as the Department's Director of Policy and Communications for the past 13 years. As noted in the March 5 news release, Mr. Cable's "departmental responsibilities also included ministerial support and management of the Access to Information and Protection of Privacy function at the Department of Justice."

Mr. Cable has an undergraduate degree in Political Science from the University of British Columbia, and a Master's Degree in Public Administration from the University of Alaska.

## Youth Parliament

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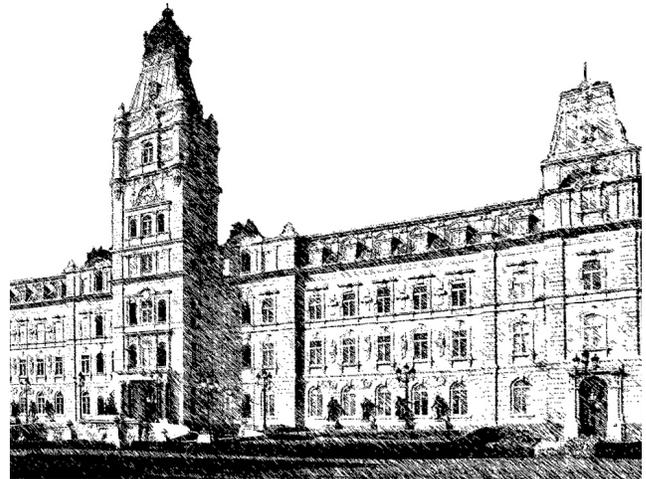
Yukon's youth parliament program is being revived after a number of years of dormancy (a youth parliament was last held in the Yukon Legislative Assembly in April 2010).

While the call for participants in the youth parliament program went out territory-wide, most of the youth parliamentarians reside in the territorial capital of Whitehorse. Two of the 22 high school students who comprise the youth parliament are from the communities – one from Haines Junction, the other from Ross River.

On the evening of April 10, a welcome reception will be held for Yukon's youth parliamentarians. The following day, the youth parliamentarians will be "sworn-in" by Commissioner Bernard at the Commissioner's Office, Taylor House. The youth parliamentarians will receive a tour of the Legislative Assembly and an orientation to the building and observe part of a regular sitting of the Assembly, including the Daily Routine, and a portion of Orders of the Day. The youth parliamentarians will then hold caucus meetings to plan the next day's proceedings.

On the morning of April 12, there will be a panel discussion featuring representatives of all three parties in the Legislative Assembly. Ms. McPhee, Government House Leader, **Scott Kent**, Official Opposition House Leader, and Ms. White, Third Party House Leader, will discuss what it is like to be an MLA. Later that morning, there will be a sitting of the youth parliament in the Chamber. In the afternoon, there will be a mock media scrum, and discussion of the role of the media with members of the press gallery, after which the youth parliament will reconvene to debate two motions. Speaker Clarke will preside over both the morning and afternoon sittings of the youth parliament. The youth parliament will then conclude with a closing reception in the Members' Lounge.

**Linda Kolody**  
Deputy Clerk



## Québec

### Proceedings of the National Assembly

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#### *Composition of the Assembly*

On March 11, 2019, the Member for Marie-Victorin, **Catherine Fournier**, announced her decision to leave the Parti québécois caucus, which at the time formed the Second Opposition Group, to sit as an independent Member. Since then, the composition of the National Assembly has been as follows: Coalition avenir Québec, 75 Members; Quebec Liberal Party, 29 Members; Québec solidaire, 10 Members; Parti québécois, nine Members; and two independent Members.

### *Legislative agenda*

Since proceedings resumed on February 5, nine government bills have been introduced, including:

- Bill 5 - *An Act to amend the Education Act and other provisions regarding preschool education services for students 4 years of age*
- Bill 6 - *An Act to transfer responsibility for the registry of lobbyists to the Lobbyists Commissioner and to implement the Charbonneau Commission recommendation on the prescription period for bringing penal proceedings*
- Bill 9 - *An Act to increase Québec's socio-economic prosperity and adequately meet labour market needs through successful immigrant integration*
- Bill 10 - *An Act to amend the Pay Equity Act mainly to improve the pay equity audit process*

### *Rulings from the Chair*

February 5, 2019 – Dress code for Members participating in parliamentary proceedings.

Parliaments are places where tradition is sometimes more prominent than elsewhere. Their functioning is bound by rules, customs and practices that have been honed over time to ensure the orderly conduct of their proceedings.

In the National Assembly, the Members debate issues of vital importance for Québécois. It is therefore essential that ideas take precedence over other considerations, hence the importance of having a framework that gives all Members the opportunity to express themselves. This is why the Chair believes that any change to this framework must be approached carefully.

Traditionally, there have been no written rules dictating members' attire. Only Standing Order 32 sets out a general obligation for Members to keep order and decorum in the Assembly and refrain from any course of action that might disrupt the orderly conduct of its proceedings or infringe on another Member's freedom of speech. The Chair has already indicated that Members must avoid wearing clothes or accessories that could jeopardize another Member's freedom of speech or undermine the Assembly's decorum.

Despite the absence of a clear dress code, the standard observed for many years in the context of parliamentary debates in the National Assembly has

been that of so-called "business attire". In practice, during parliamentary proceedings, men are expected to wear a jacket and tie, and women, appropriate businesslike attire.

The Chair recognizes that, for some people, clothing is a way of defining themselves, an intrinsic part of their identity and personality. In this regard, Members have always enjoyed a certain leeway in how they dress. However, as is the case in other assemblies, one's attire cannot constitute a means of expression that circumvents the framework established by the Standing Orders.

A parliament is a unique venue, where debates allow differing and oftentimes diverging points of view to be voiced. Some form of framework is required to allow all Members to express themselves in a manner that is respectful of others. This arena, which inspires the collective imagination, is conducive to rituals and symbols, which play an important role within it.

This does not mean that parliaments are immune to change. Quite the contrary: it is desirable that they evolve with the societies they represent. While Parliament's transformation may be slow, the institution is of critical importance in a democratic society and, consequently, must adapt to contexts that are constantly evolving.

Although dress is not central to a parliament, it nonetheless reflects the demographics that make up the Assembly and the trends and nuances each person brings to it, underscores a certain individuality and can be considered a form of expression. Because of its nature and role, the Assembly must provide a framework that is flexible enough to allow each Member to exercise his or her duties as a representative, firm enough to regulate conflicts and political tensions, and a sufficient balance of consistency and adaptability to preserve its legitimacy.

Parliaments change with the various generations and cohorts of Members that come and go. The work environment, codes, standards and rules are thus likely to change, thereby transforming the institution.

Whenever such a desire for change calls for a practice within the parliamentary context to be eliminated or modified, there may be opposing views. Some may see it as undermining the institutional framework's credibility and legitimacy, while others

may see it as an opportunity to relax rules considered to be overly restrictive or conformist.

The Chair considers that it is not its place to decide the matter unilaterally. This issue should be decided collectively, after discussion among the parliamentarians. If applicable, the Chair would like the Members to reach a broad consensus, as they do whenever the possibility of reviewing parliamentary procedure is raised. Only after such discussions will the parliamentarians be able to conclude whether or not there is a desire to make changes to the functioning of the Assembly.

*March 20, 2019 – Recognition of the Second and Third Opposition Groups and their ranking within the Opposition*

At the beginning of the current legislature, discussions held among the various political parties represented in the Assembly led to the signing of an agreement addressing such matters as the concept of recognizing parties as parliamentary groups, the distribution of measures and the allocation of speaking times.

Following the Member for Marie-Victorin's decision to leave the parliamentary group formed by the Parti québécois (PQ) to sit as an independent Member, the President gave a ruling about the status of the Second and Third Opposition Groups and the distribution of measures and allocation of speaking times.

As the guardian of the rights and privileges of all Members of the National Assembly, the Chair had to modify the distribution of measures and allocation of speaking times in order to grant rights to the Member for Marie-Victorin. The longstanding practice observed in the Assembly has been that when a Member belonging to a parliamentary group leaves that group to sit as an independent Member, the measures recognized for that Member are generally taken from those allocated to the group to which the Member formerly belonged.

On the question of parliamentary Opposition group recognition and ranking, the terms of the agreement state that the parties agreed to recognize the Parti québécois as the Second Opposition Group and Québec solidaire as the Third Opposition Group for the duration of the 42<sup>nd</sup> Legislature, notwithstanding the provisions of National Assembly Standing Order

13.

The Assembly also adopted a temporary amendment to this Standing Order, which provides that each political party represented in the National Assembly following the October 1, 2018 general election constitutes a parliamentary group. However, as a result of the Member for Marie-Victorin's decision to sit as an independent Member, the parliamentary group formed by the Parti québécois now has fewer members than the parliamentary group formed by Québec solidaire. The question therefore was whether, under these circumstances, the Parti québécois could keep its title of Second Opposition Group.

The Chair wished to distinguish between two distinct concepts, the first being a party's recognition as a parliamentary group and the second being the parliamentary groups' ranking within the Opposition. The general election results are the determining factor in recognizing a party as a parliamentary group. When a political party meets the criteria set out in Standing Order 13, by either having at least 12 elected Members or obtaining at least 20% of the vote in the most recent general election, it forms a parliamentary group for the duration of the legislature, regardless of any changes that may arise over the course of that legislature. However, if, in the course of a legislature, 12 Members decided to group together and sit as a new political party, that party could not be recognized as a parliamentary group, because it would not have won seats in the last election or obtained votes as this party.

The Chair recalled that, since 2009, there have been two occasions on which the parties represented in the Assembly have agreed to change the criteria for recognizing parliamentary groups so that a party that did not meet the criteria provided for in the Standing Orders could still be considered a parliamentary group for the duration of the legislature. In both cases, the parliamentary groups were recognized for the duration of the legislature based on the most recent election results.

In light of these principles and precedents, it seemed clear to the Chair that the Parti québécois must continue to be recognized as a parliamentary group, since it continues to meet the criteria agreed on for the duration of the 42<sup>nd</sup> Legislature.

As regards the parliamentary groups' ranking

within the Opposition, the Chair recalled that, under the agreement reached for the duration of the 42<sup>nd</sup> Legislature, on the basis of the October 1, 2018 election results, the political parties represented in the Assembly agreed to recognize the Parti québécois as the Second Opposition Group and Québec solidaire as the Third Opposition Group.

It is important to point out that the order established in the agreement reflects the situation as it was at that time, that is, the Parti québécois and Québec solidaire each had 10 Members. It was only because both parties returned the same number of members in the general election that it was ultimately decided that the status of Second or Third Opposition Group would be assigned according to an objective criterion, namely the percentage of the vote obtained in the most recent election.

The agreement reached at the beginning of the legislature reflected the Assembly's composition at that time. However, the Chair stated that one could hardly argue that the agreement "froze" the Assembly in the state it was in at the beginning of the legislature, without regard for changes that might arise in its composition.

The Standing Orders provide that a Member who leaves a parliamentary group without joining another parliamentary group must sit as an Independent member and that, conversely, a Member sitting as an independent Member may join a parliamentary group. Furthermore, any Member may resign in the course of a legislature, giving rise to a by-election that can also change the Assembly's composition.

The Chair stated that it would be contradictory for parliamentary law to allow changes in the Assembly's composition in the course of a legislature while "freezing" this composition as it was at the beginning of that legislature. It would also be odd to allow the Chair to modify the distribution of oversight measures, which are also a part of the agreement, while "freezing" the groups' rankings. It is, therefore, difficult to justify that a party that now has nine members should occupy a higher rank than a party that has 10.

In determining a parliamentary group's ranking within the Opposition, the determining factor is the number of Members in that parliamentary group. This criterion is used in the National Assembly to establish which of two parliamentary groups will form the Official Opposition and which will form the

Second Opposition Group.

Never has the Chair had to decide what would happen if the Second Opposition Group were to have more Members than the Official Opposition in the course of a legislature. However, it recalled that the presiding officers of other Canadian legislative assemblies have had to rule on similar issues and have relied on the "number of Members" criterion to do so.

Just as the number of Members in a parliamentary group can change in the course of a legislature, the Chair concluded that the same is true for a parliamentary group's status within the Opposition. This is why, since the Parti québécois now has fewer Members than Québec solidaire, the Chair ruled that the latter would henceforth be the Second Opposition Group and the Parti québécois would be the Third Opposition Group.

The changes resulting from the modifications to the distribution of measures and the new seating plan of the National Assembly came into effect on March 21, 2019.

#### *Budget Speech*

On March 21, 2019, Éric Girard, Minister of Finance, delivered the Budget Speech. The estimates of expenditure for 2019-2020 were tabled on the same day. At the next sitting, on March 26, 2019, the parliamentarians concurred in interim supply and passed Bill 22, *Appropriation Act No. 1, 2019-2020*. The following day, the Assembly began the 25-hour debate on the Budget Speech.

#### *New regulation respecting interparliamentary and international activities*

On February 28, 2019, the Office of the National Assembly adopted a new regulation respecting interparliamentary and international activities to improve their efficiency and ensure greater transparency.

Among the changes to ensure better accountability, the publication of a report on each interparliamentary and international activity, including the breakdown of costs incurred for the activity, will be available on the National Assembly website as soon as possible following each activity.

This regulation also stipulates that the National

Assembly will establish an all-party advisory committee whose mission will be to plan and coordinate the activities of the institution's interparliamentary and international relations. The committee will be chaired by the President of the Assembly and will be composed of the whip of each parliamentary group or, if a parliamentary group has no whip, of a Member appointed to act as the group's representative. It will be mandated to prepare the annual programming of interparliamentary and international relations activities, whose purpose will be to better integrate the topics likely to be addressed during parliamentary proceedings. Gender parity will be taken into account in the composition of the delegations of Members taking part in these activities.

In addition, the President will table the National Assembly's policy directions and objectives with regard to interparliamentary and international relations as well as the annual report on the activities and expenses of interparliamentary and international relations.

### **Committee Proceedings**

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Here are some highlights of the various mandates carried out by the parliamentary committees from January to March 2019.

#### *First deliberative meetings*

In February, each sectorial committee and the Committee on Public Administration (CPA) held their first deliberative meeting to allow the members to introduce themselves, to establish their steering committee's membership and to receive training on the workings of the parliamentary committees.

To conclude this meeting, a training session focussing on parliamentary procedure was also given to all committee members. This training aimed to present the rules of procedure pertaining to the various mandates carried out by committees.

#### *Special consultations and public hearings*

From January to March 2019, five committees met to launch special consultations and hold public hearings on bills. Two of these consultations will be presented in this section. The 42<sup>nd</sup> Legislature's first consultation, held on February 5-6, 2019, concerned Bill 3, *An Act to establish a single school tax rate*. The Committee on Public Finance (CPF) heard 10 individuals and organizations and received 14 briefs during these consultations.

For its part, the Committee on Health and Social Services (CHSS) held hearings on Bill 2, *An Act to tighten the regulation of cannabis*. This bill proposes to amend the *Cannabis Regulation Act*, which came into force in June 2018, in order to:

- raise the minimum age required to buy or possess cannabis or to be admitted to a cannabis retail outlet from 18 to 21 years of age;
- tighten the rules applicable to cannabis possession on certain premises (public places, college- and university-level educational institutions); and
- prohibit operating a cannabis retail outlet close to college- and university-level educational institutions.

The hearings were held on February 12, 13, 19 and 20, 2019. During these consultations, the CHSS members heard thirteen organizations and received 33 briefs.

During that same period, the Committee on Citizen Relations (CCR) held consultations and public hearings, from February 21 to 28, 2019, on Bill 9, *An Act to increase Québec's socio-economic prosperity and adequately meet labour market needs through successful immigrant integration*. This bill amends the *Québec Immigration Act* and the *Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion* to provide the legislative basis required for the new government guidelines regarding selection, francization and integration of immigrants.

#### *Clause-by-clause consideration of bills*

Among the four bills given clause-by-clause consideration in committee, it should be noted that the Committee on Institutions (CI) began the clause-by-clause consideration of Bill 1, *An Act to amend the rules governing the appointment and dismissal of the Anti-Corruption Commissioner, the Director General of the Sûreté du Québec and the Director of Criminal and Penal Prosecutions*. This bill provides that these persons would henceforth be appointed by the National Assembly. Subject to passage of this bill, a proposed candidate for an above mentioned position would be appointed on a motion of the Premier and with the approval of two-thirds of the Members.

#### *Orders of initiative*

At we begin this legislature, two committees have decided to take on orders of initiative. In order to be carried out, this type of mandate must first be adopted by a majority of the committee members from each parliamentary group. Once the mandate

has been adopted, the committee organizes its own proceedings, so the amount of time spent on this type of mandate may vary.

The Committee on Culture and Education (CCE) adopted an order of initiative concerning the future of news media. During this mandate, the CCE intends to hold consultations to establish a clear profile of local news media and identify solutions regarding the following challenges:

- the financing of businesses and organizations to achieve tax fairness;
- the regional presence of the news media and promotion the local role of news;
- the sustainability of business models in the digital age; and
- the independence of the news media.

On March 28, the Committee on Agriculture, Fisheries, Energy and Natural Resources (CAFENR) adopted an order of initiative regarding the impact on public health and the environment of the use of chemical products such as pesticides in the agriculture and agri-food industries.

#### *Election of Chairs*

On February 6, the Committee on Institutions (CI) elected **André Bachand** (Richmond) as its Chair to replace **Benoit Charette** (Deux-Montagnes), who was appointed Minister of the Environment and the Fight Against Climate Change. For its part, the Committee on Citizen Relations (CCR) elected **MarieChantal Chasseé** (Châteauguay) as its new Chair to replace Mr. Bachand (Richmond).

#### **Sylvia Ford**

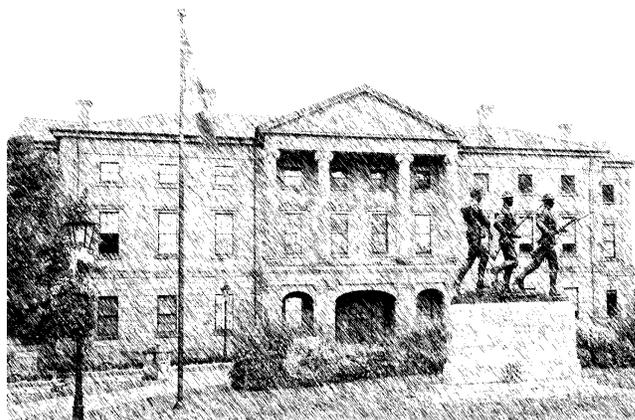
General Directorate for Parliamentary Affairs

Sittings Service

#### **Sabine Mekki**

General Directorate for Parliamentary Affairs

Committees Service



## Prince Edward Island

### Dissolution of the 65<sup>th</sup> General Assembly

On March 26, 2019, on the advice of Executive Council, Chief Justice **David Jenkins**, as Administrator of the province acting in place of Lieutenant Governor **Antoinette Perry**, dissolved the Legislative Assembly and ordered that writs be issued for a general election to take place on April 23, 2019.

### General Election

The 2019 election will be carried out in districts that have changed since the last election in 2015. Upon recommendation of the Electoral Boundaries Commission in 2017, almost all of PEI's 27 electoral districts were adjusted in order to have a variance of less than 10% from the provincial average number of electors (3,700) within their boundaries. The only exception was the district of Evangeline - Miscouche, where a greater variance from the average was considered justified by the need to protect Acadian language, culture and tradition in the province. Several districts were renamed in the process. Under the *Electoral Boundaries Act*, an Electoral Boundaries Commission is established after every three general elections to review the districts of the province and report to the Legislative Assembly its recommendations on the area, boundaries, and names of the districts of the province.

As of April 1, 2019, Elections PEI listed 73 candidates as officially registered, as follows: 17 Green Party, two Independent, 23 Liberal Party, six New Democratic Party, and 25 Progressive Conservative Party.

Four members of the 65<sup>th</sup> General Assembly have opted not to reoffer in the 2019 election. Speaker **Francis (Buck) Watts** (District 8, Tracadie – Hillsborough Park) was first elected in 2007, re-elected in 2011 and 2015, and has served as Speaker since June, 2015. Deputy Speaker **Kathleen Casey** (District 14, Charlottetown – Lewis Point) was first elected in 2007, re-elected in 2011 and 2015, and served as Speaker from 2007 to 2011. **J. Alan McIsaac** (District 5, Vernon River – Stratford) was first elected in 2007, re-elected in 2011 and 2015, and served variously as Minister of Education, Early Learning and Culture; Justice and Public Safety; and Agriculture and Fisheries. He also served as Government House Leader. **Allen Roach** (District 3, Montague – Kilmuir) was first elected in 2011 and re-elected in 2015, and served as Minister of Innovation and Advanced Learning, and subsequently as Minister of Finance.

### **Electoral System Referendum**

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As established by the 2018 *Electoral System Referendum Act*, a referendum on PEI's voting system will be held at the same time as the April 23 general election. Voters will receive two ballots: one to vote for the candidate of their choice in their district and another to vote "no" or "yes" in response to the referendum question: "Should Prince Edward Island change its voting system to a mixed member proportional voting system?"

For the result to be binding, the no or yes option must receive a majority of the overall vote and a majority in at least 60 per cent of the 27 districts. Should the "no" option prevail, PEI will continue to employ the first-past-the-post electoral system; should the "yes" option prevail, Government will be expected to take steps to implement the Mixed Member Proportional (MMP) voting system for the next general election.

Under an MMP voting system, as stipulated by the *Act*, the Legislative Assembly would be made up of 18 members representing an electoral district, and 9 members drawn from province-wide party lists. Voters will have two votes to cast at a general election. On the first part of the ballot, voters will indicate their preferred candidate for their local electoral district. The candidate with the most votes in the district wins, as is the case in the current First Past the Post system. On the second part of the ballot, voters will indicate their preferred candidate from a list of candidates provided by each party; they may choose a candidate from the same party as their district candidate, or a different party. These votes on the second part of the ballot

would be used to determine each party's province-wide popular vote, and the number of votes each candidate on the party list receives would determine their ranking. List seats are allocated proportionally, based on the popular vote each party receives on the second part of the ballot. The system is designed so that the list seats become "top-up" or compensatory seats to accommodate for disproportionate results in the local district elections. For example, if a party has won 30 per cent of the popular vote, and is entitled to three seats to bring it up to 30 per cent of the seats in the Legislative Assembly, its top three ranked list candidates will be considered elected.

The *Act* also establishes the Referendum Commissioner, who has the responsibility of public education and the disbursement of funds to opponent or proponent groups to promote the electoral system of their choosing. The opponent group "No What to Vote" and the proponent group "Vote Yes PEI" have registered as referendum advertisers and receive public funding in this regard.

### **New Progressive Conservative Party Leader**

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At a leadership convention on February 9, 2019, members of the Progressive Conservative Party of PEI elected **Dennis King** as party leader. Mr. King defeated four other leadership candidates. The leadership was previously held by Leader of the Official Opposition **James Aylward** (District 6, Stratford – Kinlock), who had resigned the party leadership role in September, 2018, but continued to serve as a member of the Legislative Assembly and is running in the 2019 general election. Mr. King has not previously been elected to the legislature, but has been nominated as the Progressive Conservative candidate in District 15, Brackley – Hunter River.

### **Retirement of Clerk of the Legislative Assembly**

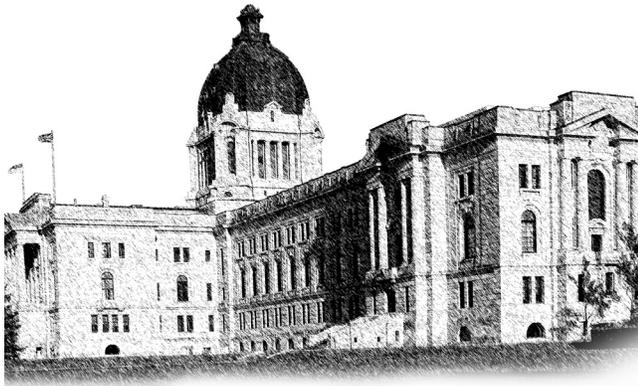
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On March 30, 2019, **Charles MacKay** officially retired as Clerk of the Legislative Assembly. Mr. MacKay had worked at the Legislative Assembly for 33 years, and served as Clerk for 18 years. At a reception on March 7, many friends, coworkers, current and past members, and government personnel gathered to thank Mr. MacKay for his exemplary service and wish him well in his retirement. Notes of congratulation were sent by several colleagues from the Association of Clerks at the Table in Canada. In his career Mr. MacKay made significant contributions to parliamentary administration provincially, nationally and internationally.

On November 28, 2018, after a public competition, the Legislative Assembly unanimously adopted the appointment of **Joseph Jeffrey** as Clerk of the Legislative Assembly effective upon Mr. MacKay's retirement. This was the first time in PEI's history that an open competition was held for this position. Mr. Jeffrey formerly served as Director of Corporate Services for six years and Committee Clerk (both in the House and with Standing Committees). He also serves as Executive Director of the Canadian Association of Parliamentary Administration (CAPA).

**Ryan Reddin**

Clerk Assistant – Research and Committees



## Saskatchewan

### Budget

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The Third session of the Twenty-Eighth Legislature resumed on March 4, 2019. On March 20, 2019, the Minister of Finance, Donna Harpauer, presented the province's budget for 2019-20. The budget, entitled "The Right Balance," announced funding in government programs such as mental health, autism for children under six, home care, education, and intersection safety. The government said the "budget achieves the right balance by investing to help meet

the needs of a growing population and economy, while ensuring debt is managed responsibly."

The opposition called the budget off-balance and criticised the government for increasing debt. The opposition Finance critic, **Trent Wotherspoon**, moved an amendment to the budget debate motion on March 21, 2019. The amendment stated that the opposition "... disagrees with the government for tabling a budget that piles on debt, fails to invest in classrooms, and does nothing to reverse the damage to people and our economy caused by the increase and expansion of the PST."

On March 28, 2019, the amendment was defeated and the budget motion was passed in the Assembly. Under the *Rules and Procedures of the Legislative Assembly of Saskatchewan*, the estimates were automatically committed to their respective standing committees.

### Board of Internal Economy Directives

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The Board of Internal Economy (BOIE) amended the annual indemnity and allowance directive. The directive now states that when a member is absent from a sitting of the Legislature for maternity, paternity, or adoption leave, no deduction from the annual indemnity will be made.

### Rule Change

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On April 1, 2019, the Legislative Assembly adopted changes to the *Rules and Procedures of the Legislative Assembly of Saskatchewan*. Rule 1(2), provides the authority for the Speaker to alter the rules and practices to accommodate members with a disability to fully participate in proceedings, was expanded to include members who are pregnant or ill, and allows members to care for their infants in the Chamber. Additionally, the Assembly adopted a rule to ensure that infants being cared for by a member are not regarded as a stranger.

**Stacey Ursulescu**

Procedural Clerk

# Sam Johnston, First First Nations Speaker in Canada

Samuel (Sam) Johnston, of the Teslin Tlingit, holds a unique place in Canadian history as the first First Nations person to be elected Speaker in Yukon and in Canada. He was also instrumental in the development of land claims and First Nation self-government agreements between First Nations, and the governments of Yukon and Canada.

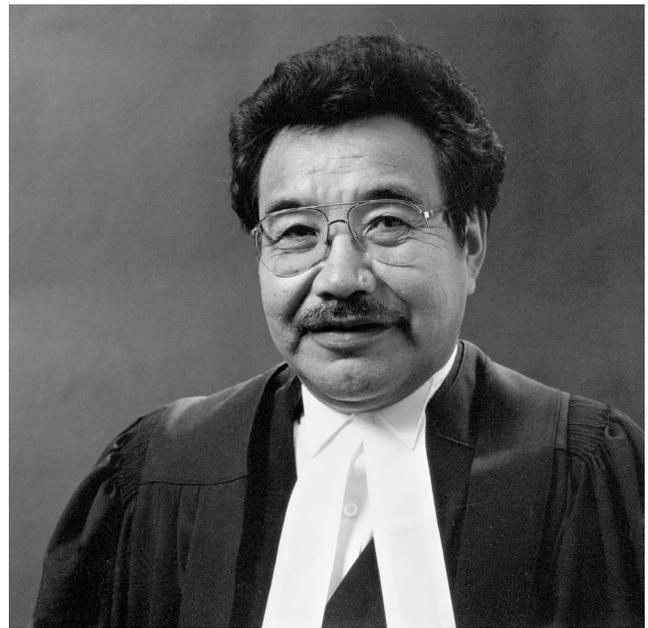
## Caitilín O'Hare

Born in 1935 in Teslin, a small village in Yukon that is part of the Teslin Tlingit Traditional Territory and was historically the summer meeting place for Inland Tlingit people, Samuel (Sam) Johnston's journey into politics began when he was elected Chief of the Teslin Tlingit Council in 1970, a position he held until 1984. In February 1973 he travelled to Ottawa as part of a delegation of Yukon First Nations Chiefs to present then Prime Minister Pierre Trudeau with a document titled *Together Today for Our Children Tomorrow - A Statement of Grievances and an Approach to Settlement by the Yukon Indian People*. This document, to which Johnston was a signatory, outlined the history and needs of Yukon First Nations peoples, and became the foundation for the Umbrella Final Agreement. Though not reached until 1988 and finalized in 1990, the Umbrella Final Agreement serves as the template for final (land claims) and self-government agreements between individual Yukon First Nations, the Government of Canada, and the Government of Yukon.

Johnston's involvement with the Yukon Legislative Assembly began in 1985 when he was elected as the New Democratic Party Member for Campbell, a seat he retained in 1989. He was first elected Speaker of the Legislative Assembly of Yukon on July 15, 1985, at the outset of the First Session of the 26th Legislature. This not only made Johnston the first First Nations person to serve as Speaker in Yukon, but the first in Canada. He was elected Speaker for a second time on March 8, 1989, the first sitting day of the 27th Legislature, and he held the position for its duration. During this period, he continued his efforts to support the First Nation population of Yukon, and

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*Caitilín O'Hare worked as a Research Librarian at the Ontario Legislative Assembly. She is currently working with CANADEM as an election observer in Ukraine.*



Government of Yukon

Hon. Sam Johnston

further the work that he had accomplished as Chief of the Teslin Tlingit Council. On June 3, 1992, on the final sitting day of his tenure as Speaker, during the second reading debate on the bill, the Government House Leader's request that the Speaker be allowed to address the House regarding Bill No. 73, *An Act Approving Yukon Land Claim Final Agreements* received unanimous consent. Johnston said: "...I hope that the legislation set out today will be the tool for our children to make a better life for themselves. Our young people are our future leaders. This will be their opportunity to provide for their children. Therefore, we as leaders today, must encourage our young people to continue with this process, with these same principles, on into the future that awaits them..."<sup>1</sup>

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On May 29, 1993, both the Teslin Tlingit Council Final Agreement and the Teslin Tlingit Council Self-Government Agreement (each agreement was between the Teslin Tlingit Council, the Government of Canada, and the Government of Yukon) were signed. According to Johnston, they were key to preserving cultural traditions as well as supporting better health care and education for the Tlingit community.

In addition to his political career, Johnston is also an accomplished athlete and coach. In the 1960's he was involved in competitive dog mushing and taught the sport to youth. He is also skilled in archery, having both coached and competed in the North American Indigenous Games. He is viewed by many as the father of Yukon archery, though he credits his skills to his grandfather: "It's in your blood. My grandfather on my mother's side was the archer."<sup>2</sup> He also coached during the Dene Games at the Arctic Winter Games. In 2003 Johnston was inducted into the Yukon Sports Hall of Fame for his athletic and coaching achievements.

As a community figure, Johnston has actively supported youth, education, and the Tlingit language and culture. He has taught Tlingit at the Yukon Native Language Center in Whitehorse and performed Tlingit dance for a variety of audiences. Johnston has

also served as Chancellor of Yukon College, and Leader of the Ishkitàn (Frog) Clan of the Teslin Tlingit Council. In 2003 Johnston received the Yukon Commissioner's Award for Public Service, "for his role as a community leader and his many contributions to his community's quality of life."<sup>3</sup>

Johnston met his wife Kelly in 1982 at the Yukon Sourdough Rendezvous, an annual winter festival in Whitehorse, attendance at which was a tradition in Johnston's family. The couple were named Mr. and Mrs. Yukon at the 2016 Rendezvous, a title that Johnston's parents held in 1974. Johnston is now a well-respected member of the Teslin Tlingit Elders Council. His son Peter Johnston followed in his footsteps and served as Chief of the Teslin Tlingit Council, and currently serves as Grand Chief of the Council of Yukon First Nations.

## Notes

- 1 *Debates of the Yukon Legislative Assembly, 27th Legislature, 3rd Session, June 3, 1992,* [http://www.hansard.gov.yk.ca/27-legislature/session3/025\\_Jun\\_3\\_1992.html](http://www.hansard.gov.yk.ca/27-legislature/session3/025_Jun_3_1992.html).
- 2 Marcel Vander Wier. "Youth Interest in Archery Continues to Soar," *Whitehorse Daily Star* online, May 7, 2014, <http://www.whitehorsestar.com/Sports/youth-interest-in-archery-continues-to-soar>.
- 3 Commissioner of Yukon. "Commissioner's Awards - Past Recipients," <http://www.commissioner.gov.yk.ca/awards/recipients.html>

