

# Canadian Parliamentary review



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***Misfits?:  
Gender, COVID  
and the Body Politic***

# *Parliamentary Relatives: Representing the Place of Spirits*



Lela Evans



Randy Edmunds



Wally Andersen

The Newfoundland and Labrador electoral district of Torngat Mountains encompasses the whole northern portion of Labrador. It is the largest district geographically; covering approximately 28 per cent of the province's total land area. Containing six Indigenous communities, none of which are accessible by road, the district is named for the awe-inspiring Torngat Mountain range. The name Torngat is derived from an Inuktitut word meaning 'place of spirits', and the entire region is an Inuit homeland.

Representation in the House of Assembly from this district has seen some impressive family connections. The current Member, Lela Evans has held the Torngat Mountains seat since the 2019 general election, when she defeated her cousin, Randy Edmunds by 145 votes. Randy represented the district from 2011 to 2019, and was the first

Member to wear a traditional Inuit silapak in the House of Assembly. Lela's uncle Wally Andersen represented the area from the general election on February 22, 1996 until his resignation in September of 2007.

These three Members share an inspiring maternal lineage. Muriel Andersen is Wally's mother, and Lela's and Randy's grandmother. Muriel is an Inuit elder and a residential school survivor from Makkovik. Her children – including Wally, and Randy and Lela's mothers – also attended residential schools in Labrador. Muriel is currently alive and well at 104 years of age, and still speaks her Inuktitut language.

These historical family linkages in the House of Assembly showcase the importance of connection to community, especially in the place of spirits.

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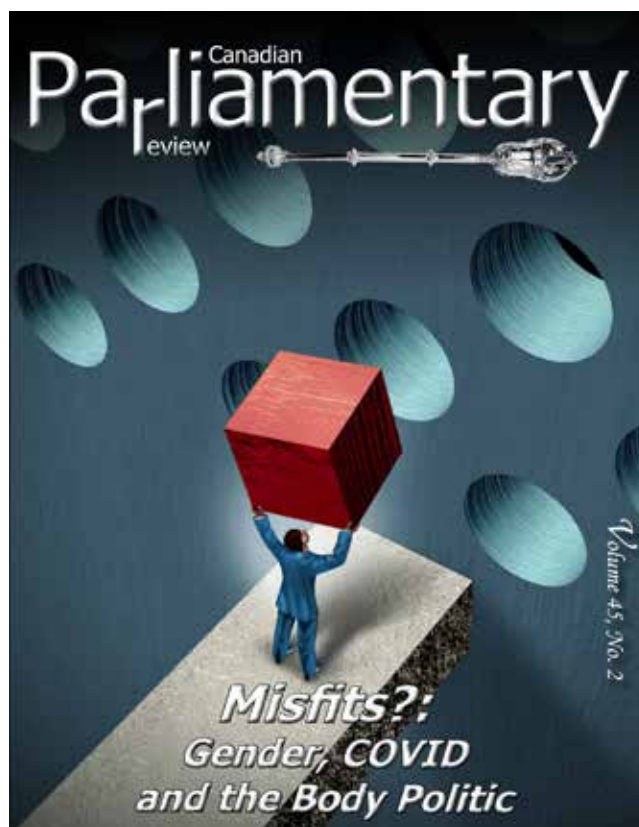
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# Misfits: Gender, COVID-19 and the Body Politic

The onset of the COVID-19 pandemic brought about significant changes in many workplaces across the world, and Canada's legislative assemblies were no exception. Bound by Westminster tradition and usually cautious when implementing new protocols, Canada's parliaments were required to make substantial and far-reaching operational alterations in a short period of time in order for parliamentarians and parliamentary staff to continue to fulfill their democratic responsibilities. In this article, the author examines how such changes affected this unique workspace for women. She employs and adapts the concept of "misfits" from critical disability studies to demonstrate how a work environment not initially established to accommodate women's bodies suddenly made all bodies "misfits" as social distancing and capacity limits changed longstanding practices. The author concludes that the response to the pandemic demonstrates that parliament's gendered traditions could be changed and such a dramatic and blunt method to implement change was arguably more successful at altering the gendered culture of this system than the long term increase in the presence and participation of women in parliament.

**Kelli Paddon, MLA**

The first woman elected to the Legislative Assembly of British Columbia (LABC) was Mary Ellen Smith. Elected in 1918, she went on to be the first woman in the British Empire to be appointed to Cabinet – although with no portfolio of her own.<sup>1</sup> Since then, the LABC has seen women serve as speakers, premiers, and leaders of three parties in both government and opposition. At the time of writing, almost half of LABC MLAs are women. Moreover, the Assembly has its second gender-balanced cabinet and, for the first time ever in North America, the government caucus has more women (29) than men (28). These developments came not as coincidence, but after years of research and concerted effort to increase the number of women candidates in winnable seats, and a policy commitment to equity by the New Democratic Party of British Columbia (BC NDP).<sup>2</sup> When elected Members were called to session after the 2020 election, it was under Standing Orders<sup>3</sup> allowing the hybrid model of legislature; most Members were attending via Zoom (videoconferencing) with only minimal in-person attendance to prevent the spread of



**Kelli Paddon, MLA**

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*First elected in 2020, Kelli Paddon is MLA for Chilliwack-Kent (British Columbia). This article, written in December 2021, was adapted from a capstone project completed as partial fulfillment of a Masters of Interdisciplinary Studies degree at Athabasca University. Paddon looks forward to future investigations and analysis of this unique workplace to inform our journey towards gender equity in our Parliaments.*

COVID-19. Adjustments were made and technology was utilized so that all Members were able to vote, debate, make statements, and participate with their images showing up on a screen in the legislative chamber.

This article will examine how the COVID-19 pandemic resulted in dramatic changes in how the Westminster system operated and to the LABC as a workplace. Specifically, it takes an interdisciplinary approach to ask what lessons can be learned about gender-sensitivity in the LABC as a workplace from the changes related to COVID-19 by integrating feminist and critical disability theory.

To explore this question, it is critical to consider the work that has been done in political science, women's studies, history, law, philosophy, policy, and political psychology, with the lenses of feminist and critical disability theory. The article explores the concept of gender-sensitivity and its application to the LABC, and use specific examples of gendered behaviour, such as heckling and caregiving, to illustrate gendered norms and traditions of this workplace. It will also describe and integrate Rosemarie Garland-Thomson's feminist materialist disability concept<sup>4</sup> of 'misfits' and 'misfitting' as a useful way to examine the disabling elements of a workplace lacking in gender-sensitivity or inclusion.

This article illustrates that the removal of most bodies from the physical workplace as a result of the "misfit" created by COVID-19 for all MLAs, resulted in changes in the gendered culture of the LABC, including the reduction or interruption of some gendered traditions – suggesting that gendered behaviour is a choice and not an inextricable element of the system. The application and integration of theories can offer important considerations for the LABC and other parliaments regarding the possibility of having successful legislatures that are more gender-sensitive, understanding the impact of traditions on workplace gender culture, and making choices about how these systems could move forward to be more inclusive and gender-sensitive workplaces.

This article was written approximately 22 months after COVID-19 became a real concern in British Columbia. Since that time, there have been multiple waves, phases, steps, and restrictions, as well as the introduction of vaccines. Almost every workplace in the province has changed in some way, for better or worse, temporarily or permanently. The LABC is no exception.

This work is also being presented from a very specific perspective, and the inextricable influence of lived experiences on the integration, interpretation, and consideration of the material needs to be framed. The author's frame of reference is as a white, cis-gendered woman with no visible disabilities, who currently serves as a Member of Legislative Assembly of British Columbia (BC MLA). The LABC is the author's workplace.

### **Women at work in politics**

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The LABC is part of the Commonwealth and operates using the Westminster system of governance. The literature outlines that "institutional norms and rules of these systems perpetuate and reinforce sexism and sexual harassment in politics."<sup>5</sup> These rules and traditions, whether written or habituated, protect specific norms of "the myth of neutrality and male logic of appropriateness, adversarial politics, daily debates in the lower houses, and the longstanding protection and rights under the practice of parliamentary privilege."<sup>6</sup> These rules and traditions make up the "institutional context within which female politicians work."<sup>7</sup>

Lovenduski describes legislatures and Westminster systems as:

"gendered institutions" in which power, process and behaviour operate to favour the men who created them and were their sole occupants for so long. When women enter legislature, they enter masculine territory. They may or may not face hostile men, but they do face institutions that are constructed to exclude women.<sup>8</sup>

Although the nuance and culture may sometimes be difficult to describe or even pinpoint within the research, it is clear that as more women enter this traditionally male workplace, their "presence disrupts parliamentary norms of engagement and shines a light on the extent of male control alongside the hidden expectations inside parliamentary spaces", it is noted throughout the research that "the mere presence of women, however, is not enough to change those norms."<sup>9</sup>

"Discussions of gender and politics in the present day must include a consideration of the charged atmosphere of our political culture."<sup>10</sup> The media, American politics, online vitriol, and academia have influenced the way we see politics as debates; research interrogating gender, race, sexuality, and

ability has further expanded our frames of reference. Baick describes culture wars and that our political culture is a vague concept that encompasses “ideas, attitudes, and language”<sup>11</sup> that is highly gendered and judgmental of the female, and although it is now open to women, the political climate is less than welcoming to them. Trumpian attitudes and discourse have saturated the popular culture, potentially creating further hesitancy on the part of women to participate. “Assumptions that politics is cut-throat and tough, and that politicians must have a “thick skin” in order to survive can be interpreted as code for women and racialized minorities to remain silent when they are treated unfairly or discriminated against.”<sup>12</sup>

One of the loudest examples of gendered culture and behaviour in legislature may be heckling. Heckling can be defined as “To call out in the chamber of the House of Commons [or Legislature] without being recognized by the Speaker.”<sup>13</sup> This definition includes both positive and negative interruptions that interfere with the speaking of the Member who has the floor.

There is much research on the gendered nature of heckling as it relates to the content, environment, and oppositional nature of the tradition, as well as the targets and impacts.<sup>14</sup> This tradition is both difficult to study and is extremely resistant to change; however, whether resistance to change is due to will or ability is unclear from the research. Research by Grisdale and confirmed later by Samara Canada, shows that the adversarial and disruptive tradition of heckling is not well-regarded by the public or some Members: “Heckling is much-maligned in spite of the obvious drama it introduces to the Canadian House. Never mind how unproductive it looks, or the self-destruction inherent in a job where hundreds of people yell at you in your own workplace day after day.”<sup>15</sup> As for politicians themselves, when Grisdale explored the impacts of heckling in the house they found that:

A significant number of MPs reported that heckling causes them to participate far less frequently, or not at all, in the work of the House. In addition, many of the words used against fellow MPs in heckles are contrary to Charter values. These words include racism, ageism, sexism, religious discrimination, discrimination against physical disabilities and homophobia.<sup>16</sup>

The LABC is a unique workplace for many reasons. However, the fact “Parliamentarians are permitted, if not expected, to shout, belittle, taunt, and occasionally bully each other from across the aisle as part of regular daily ‘democratic’ debate”<sup>17</sup> inarguably creates a culture that has, at the very least, significant risk of being perceived as unsafe or discriminatory by workers and guests. The perpetuation of this tradition, however, would suggest that there is value and appreciation for it in some quarters; the protection of the tradition adds weight to that suggestion.

A characteristic of Westminster systems is that they are extremely resistant to change. “The reality that some of these gendered norms are embedded within parliamentary precedent and convention and are therefore not written down makes them... particularly ‘sticky’ and resistant to transformation.”<sup>18</sup> We have seen, however, international focus and attention on women in parliament, and an effort to transform these institutions into gender-sensitive workplaces.

### Gender-sensitivity

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There is a growing body of theory, literature, and research showing that although the number of women in Chambers/legislature/parliament impacts the participation, culture, and representation<sup>19</sup> of women, there is still a huge amount of opportunity and need for improvement for the sake of equity and justice. Research also shows that gender-biased or so-called gender-neutral rules and traditions of parliaments and their inner workings restrict and reduce women’s access to legislature and undermine their influence.<sup>20</sup>

Recognizing legislatures as workplaces has brought much attention to the codes of conduct and practices within those workplaces. Nevertheless, beyond updating codes, there may still be significant blind spots and more work remains to be done. For example, in Canada’s *Interim Report on Moving Toward a Modern, Efficient, Inclusive and Family-Friendly Parliament*, heckling was identified as a problematic practice “not conducive to a respectful workplace.”<sup>21</sup> However, the practice was not altered or removed because the committee had the goal of “ensuring the longstanding conventions and cultures, which are the foundation of a legislature, are not unduly disturbed.”<sup>22</sup> This sounds like a ‘reasonable man’ test where, in the name of tradition, we are called to ignore that there are also reasonable women.

As a result of the hard work and representation of so many internationally, gender sensitising parliaments is an increasingly held ideal and a growing area of inquiry. Work to advance these goals has been done internationally by the Commonwealth Parliamentary Association (CPA) and Commonwealth Women Parliamentarians (CWP) for decades with the publication of a *Gender-Sensitising Parliaments Report* in 2001 and the *Gender Sensitising Parliaments Guidelines: Standards and Checklist for Parliamentary Change* in 2020. The report in 2001 “drew much needed attention to the political under representation of women relative to the population across the Commonwealth, caused by patriarchal attitudes and structures.”<sup>23</sup> The CPA and CWP called for gender sensitive parliaments and defined them as: “A political institution that responds to the needs and interests of both women and men in terms of its structures, operations, methods, and work. It is one that has removed the barriers to women’s full participation and offers a positive example or model to society at large.”<sup>24</sup>

Although released during the COVID-19 pandemic, the CPA Guidelines do not address the issues or opportunities of COVID-19 as they may relate to creating gender sensitive parliaments (GSP). Instead, there is a brief outline of the role of parliaments, and how reactions to COVID-19 need to be gender-responsive. Ashe has stated that the LABC could see benefit from undergoing a GSP audit including a full review of Standing Orders and practices.

### **Misfits with the Body Politic**

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While reading about the institutionalized barriers in Westminster systems of parliament, and the exclusive nature of legislature workplaces as a result of rules and traditions, it might occur to people familiar with various theories that these workplaces are not only highly gendered, but also disabling environments, specifically (though not exclusively) for women. Although it is important to not conflate concepts of gender and disability, or to appropriate the real lived experiences of persons living with disabilities, there is potential for greater learning and understanding by combining the theories of critical disability studies and feminism. Take for example the statement made by Young that “Women in a sexist society are physically handicapped,”<sup>25</sup> which combines the concepts of both gender and disability as they relate to the bodily norm of white, male, able bodied, heterosexual.

Garland-Thomson crystalizes this connection with gender, the body, disability, and marginalization when she states:

Women, people with disabilities or appearance impairments, ethnic Others, gays and lesbians, and people of color are variously the objects of... discriminatory practices legitimated by systems of representation, by collective cultural stories that shape the material world, underwrite exclusionary attitudes, inform human relations, and mold our senses of who we are. Understanding how disability functions along with other systems of representation clarifies how all the systems intersect and mutually constitute one another.<sup>26</sup>

Each of the groups named above experience the disabling effects of society, although the identities that are being oppressed may differ or be compounded. The result of that oppression is that an individual is disabled by being separated from the norm; disabled by being outside of the centre of privilege, ability, and power; and disabled by being restricted from acting and holding identity within society’s centre as an autonomous individual with rights and freedoms. The disability resulting from being outside of this centre is a “certain kind of suffering – one doesn’t get fully constituted socially, one doesn’t get a place in the social order. So that’s a kind of dependency.”<sup>27</sup> Being disabled by society (or a workplace), therefore, does not require an impairment as most often associated with the word disability, but rather disability requires “a society that only values people for the ways in which their bodies are efficient or fit the norms.”<sup>28</sup>

As previously mentioned, however, it is critical to not appropriate or further diminish those who identify as persons with disabilities as they are most commonly understood, and so the feminist materialist disability concept of ‘misfits’ and ‘misfitting’ introduced by Garland-Thomson become extremely useful in our understanding. In this conceptualisation, Garland-Thomson describes how a body ‘fits’ or fails to fit based on the qualities assigned to that body in relation to the male norm:

Fitting occurs when a generic body enters a generic world, a world conceptualized, designed, and built-in anticipation of bodies considered in the dominant perspective as uniform, standard, majority bodies. In contrast,

misfitting emphasized particularity by focusing on specific singularities of shape, size, and function of the person in question. Those singularities emerge and gain definition only through their unstable disjunctive encounter with an environment. The relational reciprocity between body and world materializes both, demanding in the process an attentiveness to the distinctive, dynamic thingness of each as they come together in space and time. In one moment and place there is a fit; in another moment and place a misfit.”<sup>29</sup>

When there is a reasonable fit, a person can move through the workplace successfully and navigate the circumstances, conditions, and demands of the environment in a relatively neutral manner. Where there is a misfit in time or space, however, access to resources, information, relationships, status, power, and justice may be compromised or denied, differences become apparent, and the distance from the norm may be cumulative.

### COVID-19 and Tradition

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When COVID-19 interrupted the typical functioning of the LABC workplace, it did so by creating a risk – a misfit – between the bodies who worked in the legislature and the workplace – *all* bodies. This misfit resulted in a universal need for accommodation, and although individual circumstances varied, none of the bodies involved were more privileged with regard to COVID-19 than another with regard to the workplace. This is perhaps an extreme illustration of Garland-Thomson’s description that misfits occur “when the world fails flesh in the environment one encounters – whether it is a flight of stairs, a boardroom full of misogynists, and illness or injury, a whites-only country club, sub-zero temperatures, or a natural disaster.”<sup>30</sup> In this case, when the environment could not sustain the bodies safely, the result was a unique real-world situation where “misfitting captures a common lived experience that has the potential to teach us much more about ourselves, others, and our environment, than fitting can ever do,”<sup>31</sup> and the experience transcended traditional identity categories normally found in the LABC workplace.

In order to accommodate the risks associated with COVID-19, the Standing Orders for the LABC were altered in such a way as to allow a hybrid session of legislature. Television screens were installed in the Chamber, a limited number of BC MLAs were to be allowed to attend in-person at any time, votes called

during the course of the sitting day were deferred until the end of the day to accommodate for notice and access to technology, debates and statements were carried out via Zoom, voting could be done remotely by voice while on camera, and attendance on Zoom was the manner in which most Members participated. All these events, as well as daily Question Period, were broadcast via Hansard to maintain the commitment to transparency and public access. Even before the changes were made, some members of LABC recognized the potential for culture change as a result of being forced to move to a hybrid model of legislature. Weeks before legislature was to sit for the first time using this novel method, MLA Andrew Weaver stated: “If we go back in history, some of the greatest advances in human civilization occurred after some of the greatest tragedies. Every challenge, I view, and I think others should too, through the lens of what opportunity does it create. That will be my focus going into this session.”<sup>32</sup> Weaver also commented on the tradition of heckling, remarking that he expected to see a quieter, more respectful tone in the legislature: “If you are sitting at home, it’s kind of hard to get riled up, desk thumping, heckling. I don’t see how people will do that from home.”<sup>33</sup>

The conditions of COVID-19 made misfits of everyone working in the LABC, but as Weiss states: misfits should act “not as negative examples that reinforce the rigid boundaries of normality” but can serve to “challenge our conceptions of what is normal, what is natural, and what *can and should* be normative.”<sup>34</sup> When COVID-19 forced change on a resistant system it created misfits of everyone, and perhaps demonstrated the potential of this unique workplace to be gender-sensitive. It forced inclusive problem solving with the common goal of preserving our democracy and required something entirely new to be considered and built for *all* bodies to fit. Weiss describes the potential of misfitting when he states:

The future potential will be more fully realized when we are willing and able to embrace changing “misfits into fits; these ‘fits’, as feminist theorists, critical race theorists, and disability theorists have shown us, cannot be ‘one size fits all’ majority models, but must be attuned to our specific bodies and bodily potentialities as well as the particular environment in which we live.”<sup>35</sup>

The changes to accommodate the workplace that is LABC during COVID-19 forced the system out of its own norms. There is wide understanding that



the impacts of COVID-19 are disproportionately felt by those who are marginalized, including women, racialized persons, persons with disabilities, and carers. In legislature it is difficult to know the sum of all impacts once session was hybrid and most BC MLAs were virtual. Microphones were muted when not recognized by the speaker or voting. All could participate, all could vote, and the work of legislature was done for over a year with virtually no audible heckling. When heckling was done in the Chamber it could not be heard by those online, and when done from a virtual seat it was extremely obvious and out of place – no longer ‘normal’. However, despite the apparent civility, questions were still asked and answered in Question Period, business was conducted, the public was able to watch opposition hold government accountable. Even without interruptions and heckling, democracy did not crumble. It was demonstrated that it is possible to engage in vigorous debate and questioning without interrupting with heckling.

What also happened during this hybrid session was that most members were in their home constituency, including in their own homes, and close to their families. This had a significant impact for caregivers, who are predominantly (but not exclusively) female, as they could fully participate as representatives in legislature while also being home with a sick family member, caring for an aging parent, or accommodating changing childcare needs or schedules without being forced to take leave as was the norm before hybrid session. As we consider the focus on increasing participation and access for women and mothers<sup>36</sup> the flexibility to balance caregiving while also fully participating in legislative session without stigma will be a critical area of investigation for future research and policy consideration.

## **Integration & Discussion**

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There is a lot to integrate in order to build an understanding that can address the question of what lessons can be learned about gender-sensitivity in the LABC as a workplace from the changes related to COVID-19, by integrating feminist and critical disability theory.

We cannot consider LABC without looking at the roots and the traditions of the Westminster system. This system which was designed by men for men and developed to be exclusive. The LABC is where laws are made, where government sits, where Question Period and debates occur – but LABC is also a workplace

for the staff and BC MLAs who do this work. There is ongoing work being done internationally on GSP with checklists and guidelines on what a GSP looks like, but there are no requirements. This situation makes parliaments one of the very few workplaces where it is accepted, acceptable, and even sanctioned, to continue with gendered culture and behaviours that are not inclusive.

We cannot look at women in politics without also looking at how women get into politics, whether there is access, what type of representation exists, whether their presence helps to represent women, and whether there is a critical mass effect or backlash effect. However, we also have the lens of feminist theory that explores gender, access, representation, gendered behaviour, gendered culture, and systems of exclusion or oppression in a culture significantly influenced by Trumpian politics. While there are more women in our parliaments and legislatures than in previous decades, we must also be aware of the risk of “generating complacency and misplaced assumptions based on perceived upward trajectory in the face of empirical evidence to the contrary.”<sup>37</sup>

As we consider the disabling elements of the Westminster system for women, critical disability theory can be applied to the question as well, as it discusses the difference between localizing the disability in society versus in the body. We can see that when systems of discrimination or exclusion operate, the limitations or differences are part of the individual identity and the goal is to fix or accommodate the individual, not the system or society that disables. This can be re-integrated with feminist theory as well through the feminist materialist disability theory of ‘misfitting’; where the body and the environment are at odds creating an inability, lack of access, or lack of inclusion. This intersectional concept is especially useful in that it is inclusive of any disabling or marginalizing identity. The level of misfitting can be described as intersecting elements of gender, ability, race, age, ethnicity, sexuality, or others that may be relevant in a given time or place.

It took the dramatic and disruptive reality of COVID-19 to shake up traditions in the LABC as an institution. It created misfits of all actors and exposed vulnerabilities that are not traditionally felt equally.

Like the dominant subject positions such as male, white, or heterosexual, fitting is a comfortable and unremarkable majority experience of material anonymity, an unmarked subject

position that most of us occupy at some points in life and that often go unnoticed. When we fit harmoniously and properly into the world, we forget the truth of contingency because the world sustains us. When we experience misfitting and recognize that disjuncture for its political potential, we expose the relational component and the fragility of fitting. Any of us can fit here today and misfit here tomorrow.<sup>38</sup>

As the disruption caused by COVID-19 lessens, decisions will need to be made to inform future directions. Many workplaces may maintain some of the changes implemented during the pandemic while others may be looking forward to a full return to pre-COVID-19 operations. In the case of LABC it seems clear that the changes required during COVID-19 in order to keep the workplace functioning had a positive impact on reducing gendered culture and behaviours in the workplace – at least partially. However, these improvements came at the significant cost of reducing in-person relationships and collaboration, as they required the majority of bodies to be removed from the physical work environment. Based on the considerations evaluated in this article, I would argue that the dramatic changes to tradition could or would only be made once all bodies in the LABC were misfits and the privilege of some bodies was made meaningless in the face of COVID-19. The by-product or side-effect of removing most bodies from the physical workplace – and with it the tradition of being physically present in the Chamber – was a reduction in the impact of the significant gendered elements of other traditions.

It is interesting to note that these traditions were all affected by a change to the Standing Orders, considering the CPA recommends a review of Standing Orders to create more GSP. There are multiple mechanisms available through the Speaker and Standing Orders that could have an impact on the gendered culture of the LABC, each altering tradition in a different way or at a different level. I think one would be hard-pressed to argue that there is no benefit to being present in the Chamber at LABC as opposed to attending virtually. Attending in person allows for the organic connections that sharing a physical space offers. However, attending virtually seems to have, at least temporarily, dramatically reduced the exposure to, and impact of, gendered behaviour. Is the priority to build collaborative relationships and opportunities, or to protect against sexism, discrimination, and gendered behaviours? It seems to me, that based on what we have learned during COVID-19 we *are*

capable of adjusting traditions when it is required to conduct business successfully and safely. Therefore, we *can* have multiple priorities honoured and accommodated at once, and it *is* absolutely possible to have a transparent and accountable government as well as lively debate without heckling, yelling, and interruptions. For me this suggests that we could choose to prioritize in-person attendance as well as GSP by acknowledging the impact of heckling, interrupting, and yelling as detracting from our parliament, and banning it in Westminster parliaments that are committed to gender inclusion, including the LABC.

Another choice in front of parliaments is whether we continue to force carers to take leave and not participate rather than offer the option of attending proceedings remotely by maintain a hybrid system. During LABC's hybrid model of COVID-19, votes were held at the end of the day and most MLAs voted and debated via Zoom. We have since seen a shift where the technology and equipment are still available, but utilized in a more limited way. Votes are no longer held at the end of the day, but over the course of regular business, and this seems to continue to work for those attending remotely for health reasons. The choice here may be whether tradition is more important than participation, keeping in mind that Westminster traditions were created to be exclusive. Parliaments will be left to decide whether work/life or work/family balance, and the representation it enables, is less important than physical presence, or what groups these workplaces are willing to continue excluding. Is the priority the politics of the institutional tradition or the politics of inclusion? Let's not forget this is definitely about the politics of identity.

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## Conclusion

This article began by discussing Mary Ellen Smith, but did not finish her story. After years with an empty cabinet portfolio, unwelcomed advances, and comments on her looks and voice, Mary Ellen Smith walked away from parliamentary politics with a deep sense of disappointment. She was certainly not the last woman to enter and exit parliamentary politics expressing such sentiment.

The 2020 election brought 37 women to fill 42.5 per cent of the 87 seats in the Westminster system of the LABC. The province and world were still in the midst of the COVID-19 pandemic, but it was not the increase in women elected to the Assembly that had the largest

impact on its gendered culture. The removal of bodies from the physical workplace as a result of the “misfit” created by COVID-19 for all MLAs resulted in at least temporary changes in the gendered culture of the LABC, including the reduction or interruption of some gendered traditions such as heckling. Not only did it demonstrate that these gendered traditions could be changed, but virtual attendance may have been a “great leveller because everybody’s in the same size box.”<sup>39</sup> It is noted, with much consternation, that such a dramatic and blunt method was arguably more successful at changing the gendered culture of this system than the increasing presence and participation of women in the LABC.

There seems to be no doubt that the changes made to the workplace during COVID-19 had dramatic impacts on the work environment. The examples of heckling and caregiving discussed in this article are only two possible locations of impact. This topic and location are fertile ground for future research to examine qualitative and quantitative descriptions of changes to concepts of gender-sensitivity, access, and representation as a result of accommodations due to COVID-19. Questions could explore the perception of changes and whether they were perceived to have positive, negative, or neutral impacts for actors in the workplace, as well as for democratic representation. Future research should include data on the changes made in different parliaments, how those changes affected inclusion and GSP, what changes were kept in the long term, and whether there is room to further evolve these political workplaces. Research integrating the use of standing orders or policies, political science, psychology, gender studies, critical disability theory, and an understanding of the traditions of the Westminster system would be useful in evaluating guidelines suggested by CPA and CWP for GSPs. Interdisciplinary analysis drawing on rigorous conceptual exploration and interrogation would examine many facets of this remarkable period and apply lessons learned when moving forward in this and other traditional workplaces.

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# Thinking Critically About Casework: A View from an Ontario Constituency Office

Constituency casework has become an integral component of how many parliamentarians understand their roles and responsibilities as democratically elected representatives of their communities. Yet the concept has not often been distinguished from other constituency responsibilities in academic literature. In this article, the author draws on his own experience as a former constituency assistant in an Ontario provincial legislative office, and on an analysis of relevant documents, to argue that the current model of constituency casework presents a number of ethical tensions for federal and provincial parliamentarians. He begins by isolating the concept of casework, proposing a working definition, and asking some basic questions about its nature and its purpose. He argues that casework is an almost entirely informal field with no explicit mandate in law or parliamentary procedure. The absence of a rule book translates into day-to-day dilemmas and quandaries for staff and members. He also observes that a vaguely understood apolitical service-provision function in the constituency office has been conventionalized over the years, and he discusses the tension between this service-provision function and the necessarily political character of a constituency office. Finally, he argues that the volume of appeals to politicians to resolve personal problems can be linked to specific problems of public policy. He concludes by calling for greater formalization and standardization of the casework mandate for both federal and provincial legislators.

**Bruce McKenna**

Politicians, political staff, and many members of the public view constituency work as one of the basic duties of elected officials. Some Members of Parliament have indicated in exit surveys that helping constituents with their personal issues was among the most rewarding parts of their time in office. Other MPs have praised the work of constituency assistants as an essential, if often overlooked, support.<sup>1</sup> Most scholarly analyses frame constituency work in terms of the representative function of MPs, viewing “constituency service” as encompassing a broad range of activities that take place in the riding, including attending events and filling other networking roles.<sup>2</sup> For the authors of the recent study *Representation in*

*Action*, forging “service connections” is one way among many in which politicians go about the work of “representation.”<sup>3</sup>

Few published analyses in Canada have paused to think critically about casework as a distinct concept. C.E.S. Franks observed that federal MP offices circa 2007 dealt predominantly with cases related to “the programmes of such departments as Human Resources and Skills Development Canada, Health Canada, Citizenship and Immigration, and the Canada Revenue Agency,” often related to “entitlements and the whereabouts of cheques.”<sup>4</sup> The authors of *Representation in Action* allude to an “ombudsman role” which MPs often delegate to staff, who in turn have occasionally reported viewing their position as “a liaison between the departments and the citizens.”<sup>5</sup> Louise Cockram describes constituency service in Nova Scotia as consisting of an “ombudsperson” role in relation to the provincial government, as well as a “direct service provision role” that can consist of almost anything. Cockram argues that this role “goes beyond representation” and has an unclear relationship to the role of MLAs in the legislature.<sup>6</sup>

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While personal casework of this kind has been widely observed to account for a very large proportion of local staff time, evidence from the Samara Centre's research indicates that there is some ambivalence among MPs around the demands of casework. Interviewees make the intuitive point that the primary responsibility of elected officials should be to contribute to policymaking and system-level solutions, rather than simply helping individuals access government services. Political offices are also by their nature ill-suited for equitable service-provision. Their mandate is informal, and constituent case files do not carry over between successive occupants of a seat.<sup>7</sup> Some observers, including Peter Macleod and the Samara Centre, have proposed a variety of institutional reforms to formalize and streamline the service provision function of constituency offices. Ideas include making constituency staff into non-partisan public servants, and incorporating constituency offices into permanent "hubs" of civic life which would include offices of elected representatives of all levels.<sup>8</sup>

My goal in this article is to articulate some of the fundamental issues surrounding the specific concept of "casework", as distinct from other constituency responsibilities. Drawing on my own experience as a former constituency assistant in an Ontario provincial legislative office, and on an analysis of relevant documents, I will argue that the current model of constituency casework presents a number of ethical tensions that federal and provincial parliamentarians need to grapple with. I begin by isolating the concept of casework, proposing a working definition, and asking some basic questions about its nature and its purpose. I argue that casework is an almost entirely informal field with no explicit mandate in law or parliamentary procedure. The absence of a rule book translates into day-to-day dilemmas and quandaries for staff and members. I also observe that a vaguely understood apolitical service-provision function in the constituency office has been conventionalized over the years, and discuss the tension between this service-provision function and the necessarily political character of a constituency office. Finally, I argue that the volume of appeals to politicians to resolve personal problems can be linked to specific problems of public policy. The abundance of service work to be done—particularly in urban ridings—is nothing to celebrate. I conclude by calling for greater formalization and standardization of the casework mandate for both federal and provincial legislators.

## What is casework?

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The language of "casework" sometimes appears in academic writing on the role of elected officials in North America. Drawing on an established US literature, a 2016 article by political scientist Royce Koop discusses casework as a subset of "service responsiveness", and associates the concept of "casework" with two fields of activity: "intervening between constituents and the civil service" and "advocating for... constituents to the civil service and government." Classic US academic sources similarly frame casework as a go-between function associated with the member's access to the government and the civil service.<sup>9</sup>

These descriptions of casework do not fully capture the day-to-day reality as it is experienced by many constituency staff. Most importantly, the de facto casework mandate extends well beyond relations with the civil service. I would like to propose a working definition of casework for applied purposes—in other words, for understanding the prevailing division of labour in political offices in contemporary Canada, without formulating a rigorous intervention in academic debates over representation theory.

On the ground, we can understand casework as work done by an elected official or their staff in response to requests from individual constituents, seeking help to address problems of a personal nature. The action taken can involve providing information about government programs, community organizations, or any type of resource that might be of use to the person. The action can also involve contacting some entity—possibly a government department, but often not—in an effort to advocate for the constituent. Casework requests only occasionally overlap with policy concerns from the constituent. In a casework scenario, the constituent's overwhelming concern is with their own personal circumstances. Only sometimes does a constituent get in touch about a matter squarely related to government bureaucracy. Other times, it may be a landlord-tenant dispute, a complex personal legal matter, a process involving an administrative tribunal, a complaint about a health care provider, a complaint about businesses or individuals in the community, or allegations of criminal behaviour.

The common thread is that casework starts and ends with the personal problems of the constituent. It is a function of the constituency office that stands basically apart from the member's legislative work. Of course, individual constituent grievances may

occasionally lead to a public escalation by a politician. This could mean a question to a minister in Question Period, a Private Members' motion or bill, a reference in a speech or committee question, or a tweet. Particularly for opposition members, politicizing individual constituent problems is good politics. It is a politician's responsibility to link individual problems to system-level issues. Casework is not a hermetically sealed sphere.

Casework does, however, tend to become something of a silo. In cases where the member is a Minister or even a member of the government caucus, the incentive to politicize constituent grievances is greatly diminished. It is worth remembering here that government-side members typically occupy the majority of constituency offices at any point in time. We can suppose that individual grievances are escalated through caucus and ministerial channels where appropriate. Members may not ignore the case files coming through their offices, and they may actively solicit casework from constituents while knocking on doors, as documented by recent studies.<sup>10</sup> But it is hard to deny that much of the time, casework becomes a purely local responsibility, hived off from the member's legislative role, and done almost entirely by staff. This also happens in opposition offices.

The division of labour in many constituency offices reflects this same point. Political staff widely take as a given that there is a distinction between casework and general constituency responsibilities. Although practices vary, constituency offices often designate one staff person as the "caseworker." Hiring someone with a background in social work is often considered a best practice. In an office with two full-time constituency staff, one might be responsible primarily for casework, while the other looks after "outreach" responsibilities. These might include producing promotional materials, writing and sending electronic newsletters, planning events, and meeting with community groups. Casework also requires a different body of knowledge than correspondence about issues before the legislature, or even local political issues. Peter Macleod observes that many constituency staffers often report little interest in talking politics.<sup>11</sup>

Most constituent requests have practically nothing to do with the member's actual constitutional role vis-à-vis the government and the legislature. At best the connection is strained and informal. What are the actual casework responsibilities of an MP or provincial legislator? In a manner typical of the Westminster

tradition, these are largely a matter of convention. At the federal level, the *Parliament of Canada Act*, the *Elections Act*, and the *Standing Orders of the House of Commons* lay out the legal and procedural framework for the activities of MPs and candidates. The *Standing Orders* do codify the procedures by which MPs go about their parliamentary functions, and the *Members By-Law* defines parliamentary functions to include "activities undertaken in representing his or her constituency".<sup>12</sup> However, none of these documents gives anything like a detailed "job description". By the letter of the law, there seems to be no formal mandate for MPs to deal with constituents in any particular way at all. It is worth recalling here that constituency offices, and even MP budgets large enough to hire staff, did not exist in Canada before the 1960s.<sup>13</sup>

Nevertheless, some sort of responsibility to constituents is sufficiently widely acknowledged that it is cited in court decisions. In *Dixon v. Attorney General (British Columbia)*, Justice McLachlan refers in passing to "the elected representative's 'ombudsman' function which requires the representative and his or her staff to deal with individual problems and complaints of constituents". This function is distinct from the "legislative function" which consists of responsibilities in the Commons.<sup>14</sup> To whom does the member act as an ombudsman on behalf of the constituent? Presumably the government.

We could perhaps formulate an implicit constitutional logic underlying constituency casework along the following lines: just as the member can raise issues with Ministers on the floor of the House, or interrogate bureaucrats in committee, so the member or their staff may contact public servants and attempt to hold them to account on specific case files.

This logic for casework, grounded in a particular interpretation of parliamentary convention, is not really codified anywhere, and does not reflect absolute consensus in practice. For instance, government departments may be subject to different norms around outside communication. In many cases, constituency staff will be directed through the Minister's office. Currently in Ontario, Ministers designate individual political staff people as "MPP Liaisons" who sometimes act as go-betweens with bureaucrats on individual case files.<sup>15</sup> In other cases, constituency staff converse freely with government employees at the regional and local levels. This is the informal system that C.E.S. Franks alludes to in matters of "entitlements and the whereabouts of cheques."<sup>16</sup>

In this world, the line between political work and social work becomes blurred. This is why politicians hire caseworkers with social work training. For example, a large proportion of provincial casework in Ontario involves welfare recipients, who receive either Ontario Works (OW) or Ontario Disability Support Program (ODSP) benefits. Constituency staff attempt to mediate disputes over eligibility for particular payments, or simply catch the attention of a caseworker or manager. In OW cases, the welfare program caseworkers are not even provincial employees, since OW is run by municipalities, with provincial funding.

MPPs may of course attempt to politicize system-level problems encountered in welfare casework. But by and large, this is an apolitical sphere that simply involves trying to achieve a desired outcome for the constituent in question. This observation can probably be generalized across many areas of casework, including federal programs such as immigration, Employment Insurance (EI), and the like.

### **Everyday ambiguities of casework**

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The fact that there is no rule book for casework is not without consequences. The standard of “service” likely varies significantly from office to office, and possibly from caucus to caucus. Constituency offices receive phone calls, e-mails, and messages on social media reflecting a very wide range of personal concerns.

For many of these issues, there is no clear constitutional or legal rationale for the elected member’s involvement. Indeed, there is no formal legal mandate for casework of any kind. Nevertheless, constituency staff are faced with people in need. What should they do? They have little choice but to use their discretion, in consultation with the member. Much of the time, they may act as a kind of referral clinic to appropriate services, such as legal clinics and other community organizations mandated to help specific populations. Anecdotally, constituency assistants have been known to fill a very broad social work function. This can mean helping people fill out forms, drafting documents on their behalf, and playing a quasi-legal role in helping constituents navigate administrative processes, such as complaints under federal or provincial human rights acts. It is common for MP and MPP offices to organize tax clinics. A Nova Scotia MLA interviewed by Louise Cockram described the work of his office as “legal aid for stuff you can’t get legal aid for.” Cockram also documents

a wide variety of “direct service provision” anecdotes from MLAs and staff, many of which apparently amount to miscellaneous personal favours, such as helping to heat a budgie cage.<sup>17</sup>

In a context where convention places no clear limits on the casework responsibilities of constituency staff, it is hard to know where to draw lines. In practice, it is simply up to members and staff to decide on an ongoing basis how they choose to allocate time. In ridings with large populations of poor and marginalized people, staff could easily spend all their time on casework. Some intuitive boundaries are widely observed, though not universally. For instance, provincial constituency offices tend to refer matters to their federal counterparts if they fall squarely in their wheelhouse, such as immigration cases with no health care dimension. Constituency staff also stop short of acting like lawyers, although their involvement—always nominally on behalf of the member—with entities like the College of Physicians and Surgeons, the Health Professions Appeal and Review Board, human rights processes, and other such files is certainly a grey area in Ontario.

What of the politician’s “ombudsperson function”? What are its limits? The broad character of the conventional casework mandate seems to indulge the notion that the member can be a general-purpose ombudsperson between individuals and any institution with which they are dealing. Do MPs or MPPs call up landlords and intimidate them? Do their staff leave messages at doctors’ offices? To what extent do elected officials behave like local potentates, throwing the symbolic weight of their office around in response to requests from constituents? Anecdotal evidence suggests that this is up to the member, and casework often takes a form that is at odds with theoretical understandings of the limits of an elected official’s accepted influence. Cockram explicitly observes the divergence of practice from theory in popular understandings of the role of MLAs in Nova Scotia.<sup>18</sup>

Moreover, the ability of MPs and MPPs to actually achieve desired outcomes in individual case files is unclear, even in government contexts. Certainly, casework can be rewarding in some situations. In certain departments, established processes exist for political staff seeking to fast-track specific requests from members of the public. But in other situations, the impact of the constituency office’s involvement is far from clear. Constituency offices at the federal level often deal with very high volumes of immigration-



related requests. It is hard to know whether their interventions actually have any impact.

How much of constituency casework amounts to simply attempting to be seen as trying to help the constituent? Much of the time, the hard truth of the matter is that the efficacy of casework is constrained by material and legal factors. A constituency assistant cannot change the rules governing welfare entitlements, or eliminate the backlog at Immigration Canada. Far too often, phone calls and e-mails are little more than “last-ditch” efforts by constituents facing dire circumstances, who don’t know where else to turn. This is especially true in situations like evictions, custody battles, child support disputes, deportation proceedings, and the like. If anything, what the person needs is the assistance of an actual lawyer.

### **No politics in the politician’s office?**

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Although there seems to be no codified mandate for casework anywhere, there are a number of quasi-legal documents that acknowledge its existence and importance as a sphere independent of any of the member’s other functions. The *Members By-Law* of the House of Commons Board of Internal Economy (BOIE) provides for “services to constituents provided through the former Member’s Parliamentary office or constituency office” to carry on even if there is no MP, with the Whip or Speaker stepping in to manage staff.<sup>19</sup> Many people in the parliamentary world talk about casework as if it is an apolitical service offered to the public.

In Ontario, the Integrity Commissioner has gone a step further and declared that the apolitical character of the constituency office is part of “Ontario parliamentary convention”. In 2005, Commissioner Coulter Osborne articulated this convention for the purposes of Ontario’s *Members’ Integrity Act*:

A constituency office represents all constituents in the riding and the expenses of that office are paid by the Legislative Assembly. It is imperative that the office remain non-partisan at all times and in that respect, it is inappropriate to permit any partisan political activities in the office. MPPs are entitled to participate in initiatives which are political in nature, however, such participation must be outside the constituency office, after hours, and must not interfere with their responsibilities as MPPs.<sup>20</sup>

The prohibition on partisan organizational activities is intuitive enough, and is consistent with provisions in federal rules. However, the injunction that the office “remain non-partisan at all times” is not self-evident, nor is the notion that the member “represents all constituents in the riding”. Opposition members routinely incorporate constituent grievances into their public criticism of the government, which takes place in a squarely partisan context. The choice to “represent” a constituent in any given context is up to the member’s political judgement, since a wide range of views and interests exist in the riding. Members are elected on the basis of a political platform, and their advocacy choices are influenced by a range of factors. The idea of representing “all constituents” is difficult to interpret.

Perhaps another way of expressing the Integrity Commissioner’s point would be to say that members should not discriminate between constituents when exercising what we could more accurately call their service-provision function. The real parliamentary convention here is that constituency offices are expected to act as apolitical service centres, available to “all constituents.”

The Integrity Commissioner’s injunctions are based on an interpretation of prevailing practice. However, I would argue that the service-provision function of constituency offices poses some ethical contradictions in itself. At a superficial level, we need look no further than the *Members Integrity Act* in Ontario, which states that an MPP “shall not use his or her office to seek to influence a decision made or to be made by another person so as... improperly to further another person’s private interest.” The very next line makes an exception for “the activities in which members of the Assembly normally engage on behalf of constituents”—however, these activities are not defined in the *Act*.<sup>21</sup>

A person’s ability to access government services or be treated fairly in an administrative process should not be impacted by their relationship with their local politician. While political insiders and some members of the public hold strongly to the view that the constituency office has a politically neutral service-provision mandate, this perspective is hardly common sense to many. MPs interviewed by the Samara Centre freely admitted their anxiety about the fact that many constituents would not think to contact them about personal case files.<sup>22</sup> Moreover, even if casework is approached with integrity, constituency offices simply are not apolitical spaces.

Both the Conservative and Liberal parties run partisan internship programs to fill staff positions in Ottawa and beyond. In the political world, there is often a revolving door between campaign offices and parliamentary offices. If members of the public are not intimately familiar with these dynamics, they certainly intuit them. Politicians' offices are political offices.

There is a long history of political clientelism in North America. C.E.S. Franks explains this fairly directly in reference to Canada:

Members of Parliament came from the elite of the community and knew most if not all of the electors. Patronage, guided by members of the governing party, was the glue that bound people to politics, party and country. The historical roots for the constituency service of MPs lie in these patron – client relationships of yesteryears, when the main function of the member was to obtain grants, contracts, local projects, employment in government, perhaps as postmaster, and other such benefits for constituents and, more particularly, supporters.<sup>23</sup>

We would be naïve to suppose that contemporary politicians operate entirely free from the incentives of patronage and clientelism. Integrity and ethics rules place limits on members' activities, but the incentive to win re-election remains.

In fact, many scholarly analyses straightforwardly conceptualize "constituency service" as part of the overall electoral hustle, without discussing casework separately. Political scientists have compared Canada to other countries, and tried to identify the reasons for which MPs devote time and office resources to the constituency as opposed to the capital.<sup>24</sup> In one sense, there is nothing scandalous about elected officials trying to do a good job by being attentive to requests from constituents. Indeed, the ethical imperative for a parliamentarian in Canada today is probably to have the best possible casework operation, since their role in service provision has been widely conventionalized. But there is also an imperative to think critically about this system.

### **Real needs in the community**

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A newly elected parliamentarian in Canada today is best advised to hire at least one constituency assistant with social work training or a related background. They should make sure that constituent requests are

handled promptly, and that the office is as generous with its time and efforts as possible. This is more or less a direct imperative of the system of service provision and constituent support that has become normalized in political offices.

However, governments could do any number of things to respond to the scale of today's reliance on constituency offices as service and advocacy centres. An intuitive step would be to increase resources to the public-facing parts of key departments and programs. If members of the public could easily reach frontline officials—or perhaps even caseworkers—in Immigration or Revenue, this would change the game to some degree. I am not the first observer to make this suggestion. At the provincial level in Ontario, more resources are needed to reduce individual workers' caseloads in the welfare system, and allow them to spend more time helping people improve their lives. Offices such as the Ontario Ombudsman and the Patient Advocate, which offer truly non-partisan support to citizens with grievances, could be strengthened and advertised. Legal aid clinics could receive funding to provide a greater variety of assistance to a wider income bracket.

The problems of public policy here do not simply concern the accessibility of services. The scale of today's reliance on constituency offices as service centres and advocacy hubs often reflects the severity of the social problems in the communities they represent. In urban centres, constituency offices serve the very poor. When a monthly cheque from Ontario Works comes out to less than the cost of rent, the number of desperate people quarrelling with the welfare office will be large. When the provincial government is in the business of collecting aggressively on huge student loans, it produces another category of people who will contact their MPP in vain. When vacancy rates are low, and rents are rising at unprecedented rates, more and more housing-insecure people will start contacting politicians as they stare down the possibility of homelessness. And the homeless people will drop into the constituency office, to testify to the many problems in the shelter system, and the years-long wait list for subsidized housing.

Sadly, a typical constituency assistant can only respond that they are well aware of these problems. If it is an opposition office, they can say the member is taking the government to task on the issue every day. If it is a government-side office, they can say that the government is working hard to address it. In the meantime, the phone continues to ring. MPs have

spoken in interviews about how constituency service is one of the most rewarding parts of their work. But there is nothing rewarding about continually informing people that there is little you can do. Existing accounts of constituency service tend to miss this point. Often, it may be because they are based on interviews and brief periods of observation, rather than on in-depth knowledge of the types of cases dealt with. There is also probably significant regional variation in the needs of communities. Maritime constituency offices do not get foot traffic from large municipal shelter systems of the kind that exist in major Canadian cities. It is possible to imagine that “direct service provision”—the allocation of staff time to miscellaneous personal favours for constituents—is basically a harmless neighbourly custom in parts of the country where needs are less severe.

We should not let the ostensibly rewarding character of casework—or its value as a set of “service connections” in the representation process—distract from the tangible issues of economics and public policy that drive people to contact MPs and MPPs.

## Conclusion

My goal in this article has been to focus the conversation around constituency service on the specific issue of casework, and to articulate ethical issues in the prevailing model as I came to understand them in my time as a constituency assistant in an urban riding in Ontario. The lack of a formal mandate for casework means that members and their staff simply decide what they are willing to do on an ongoing basis, which creates inconsistencies in service provision. Such inconsistencies would be acceptable if we were prepared to view casework as straightforward political clientelism. But when integrity commissioners and boards of internal economy attempt to define constituency offices as strictly apolitical spaces that offer services to the public, even when the seat is vacant, then we must acknowledge the contradiction between these two understandings of casework.

This contradiction could be partly resolved by limiting the scope of casework to files that deal directly with government operations, and referring other requests to relevant services in the community. Political staff should not be in the business of doing people’s taxes. A shift to this sort of model is difficult to envisage, however, as long as community supports remain inadequate. Furthermore, the need to win re-election can be a very strong incentive toward

clientelistic behaviour, even if the issues in question are not matters of life and death. In a very real sense, MPs and MPPs are under pressure to simply please as many people as possible in the riding. If it helps to have a staffer attend to someone’s clogged toilet—a real example cited by Cockram—then there is not much disincentive from embracing “direct service provision.” But some kind of publication—perhaps just guidelines published by boards of internal economy—could at least sketch out a theoretical mandate for constituency casework, and establish recommended boundaries around appropriate use of staff time. This conversation is also relevant at a time when parliamentary human resource matters are increasingly open to public discussion and regulation by boards of internal economy. Moreover, a formalization of the casework mandate could resolve ambiguities around the appropriate extent of the member’s involvement in any number of administrative processes or matters involving institutions in the public realm. This would be a measure of progress toward standardizing the service-provision function, and could also discourage members from taking an arbitrary or excessively narrow approach to casework.

Casework is a distinct function of constituency offices, and its importance in practice means that it should not be viewed through the same informal lens as the myriad other activities associated with holding elected office.

## Notes

- 1 Terhas Ghebretetele, Michael Morden, Jane Hilderman, and Kendall Anderson, *Beyond the Barbecue: Reimagining constituency work for local democratic engagement* (Toronto: Samara Centre for Democracy, 2018); Alex Marland, *Whipped: Party Discipline in Canada* (Vancouver: UBC Press, 2020), 62; David C. Docherty, *Mr. Smith Goes to Ottawa: Life in the House of Commons* (Vancouver: UBC Press, 1997), 187.
- 2 Royce Koop, Heather Bastedo, and Kelly Blidook, *Representation in Action: Canadian MPs in the Constituencies* (Vancouver: UBC Press, 2018); Docherty, *Mr. Smith Goes to Ottawa*, Chapter 7; Munroe Eagles, ‘The Political Ecology of Representation in English Canada: M.P.’s and Their Constituencies’, *American Review of Canadian Studies* 28, no. 1–2 (1 June 1998), 53–79.
- 3 Koop, Bastedo, and Blidook, *Representation in Action*, 19.
- 4 C. E. S. Franks, ‘Members and Constituency Roles in the Canadian Federal System’, *Regional and Federal Studies* (27 April 2007), 32. Koop, Bastedo, and Blidook make similar observations.
- 5 *Ibid*, 61.

- 6 Louise Cockram, "'Legal Aid for Stuff You Can't Get Legal Aid For': Constituency Role Orientations among MLAs in Nova Scotia," *Canadian Parliamentary Review-La Revue Parlementaire Canadienne* 41, no. 3 (Autumn 2018).
- 7 Ghebretecle et al, *Beyond the Barbecue*; Louise Cockram, "Legal Aid for Stuff You Can't Get Legal Aid For"
- 8 Ghebretecle et al, *Beyond the Barbecue*; Peter Macleod, *The Low Road to Democratic Reform: Constituency Offices, Public Service Provision, and Citizen Engagement*, report to the Democratic Reform Secretariat of the Privy Council Office of Canada (The Planning Desk, 2005).
- 9 Koop, "Institutional- and Individual-Level Influences", 812; Eulau and Karps, "The Puzzle of Representation", 243.
- 10 Koop, Bastedo, and Blidook, *Representation in Action*, 81.
- 11 Macleod, *The Low Road*, 14.
- 12 House of Commons, *Members By-Law* (March 25 2021), section 1.
- 13 Macleod, *The Low Road*, 9. The absence of a "job description" has also come up in exit interviews in the Samara Centre's research, and is observed in Louise Cockram, "Legal Aid For Stuff You Can't Get Legal Aid For." See also Alison Loat and Michael MacMillan, *Tragedy in the Commons: Former Members of Parliament Speak Out About Canada's Failing Democracy* (Toronto: Random House Canada, 2014), Chapter 4.
- 14 *Dixon v. British Columbia (Attorney General)*, 1989 CanLII 248 (BC SC, 18 April 1989).
- 15 Job titles in Ministers' offices are visible to the public in the provincial government's online directory, INFO-GO.
- 16 Franks, 'Members and Constituency Roles', 32.
- 17 Cockram, 'Legal Aid for Stuff You Can't Get Legal Aid For'
- 18 *Ibid.*
- 19 House of Commons, *Members By-Law*, section 108.
- 20 Quoted in Legislative Assembly of Ontario, Office of the Integrity Commissioner, Report of Lynn Morrison, Integrity Commissioner Re: Jagmeet Singh, Member for Bramalea—Gore—Malton, Toronto ON, June 26 2015.
- 21 *Members' Integrity Act*, 1994, S.O. 1994, c. 38, ss. 4-5.
- 22 Ghebretecle et al, *Beyond the Barbecue*.
- 23 Franks, 'Members and Constituency Roles', 30.
- 24 See Eagles, 'The Political Ecology of Representation' which argues for the importance of regional factors.



# *Racial Diversity and the 2021 Federal Election: Visible Minority Candidates and MPs*

A record 53 candidates with visible minority origins were victorious in the federal election of September 20, 2021, itself the fourth in a row to witness an increase in their numbers and, as well, their share of the available seats. As in previous elections, however, there were offsets to these positive aspects. Not only was the absolute increase in numbers from 2019 to 2021 modest at best (three MPs), but a comparison with the visible minority population at large implies a sizeable representation deficit that has barely changed over time. The 2021 election is also notable for a further and quite noticeable jump in visible minority candidacies, solidifying a trend that had become evident in the last few elections. This could be taken as an indication that the candidate data provide an alternative, more optimistic, and, perhaps, even more realistic perspective on the openness of the political process to visible minorities.

**Jerome H. Black**

The federal election of 1993 was a breakthrough event for MPs who could be identified as racialized minorities or, in government parlance, as visible minorities.<sup>1</sup> With 13 MPs elected, this was the first time that more than a handful of such individuals had won their way into Parliament and, thus, constitutes a significant early development in the racial diversification of the legislature. Subsequent elections have yielded further increases: so while those 13 MPs occupied 4.4 per cent of the available seats in the House of Commons, 50 visible minorities were elected in 2019, making up 14.8 per cent of the chamber. At the same time, the growth in visible minority representation has been at times uneven. On two occasions a subsequent election actually led to fewer such MPs being elected – across the 1997-2000 and 2006-2008 pairings. More significantly, when increases have occurred, they have been, as a rule, modest in scale.

It is true that visible minority MP numbers did jump from 29 or 9.4 per cent of the House's membership in 2011 to 47 or 13.9 per cent in 2015. But more typical are the numbers associated with the interval covering the 2008

and 2011 elections, which entailed an increase of seven MPs, from 22 to 29 (with corresponding percentages of 7.1 and 9.4) and the 2015-2019 pairing, when the number of visible minority MPs edged up from 47 to 50 (with percentages of 13.9 and 14.8, respectively). Not unimportantly, this mostly incremental change has meant that the parliamentary representation of visible minorities has remained decidedly below their relative incidence in the population at large. In fact, the "ratio of representation," the MPs percentage divided by the population percentage, has only reached at most the two-thirds level, as was true in 2015 and 2019.

The 2021 election outcome very much fits in with this mixed characterization. On the positive side, and as shown in Table 1, more visible minority MPs were elected than ever before. The 53 winning legislators raised the percentage of seats held by minorities to 15.7, besting the numbers produced by the 2019 election (50 MPs and 14.8 per cent of the seats). On the other hand, an increase of three MPs is certainly on the modest side though perhaps a bit more notable given that altogether less than two dozen seats traded hands from 2019 to 2021. Also encouraging is the fact that the 2021 election is now the fourth consecutive election associated with an increase in numbers over the previous contest, thus helping to firm up a recent trend. Finally, on the downside, the ratio of representation has probably not changed much, if at all. Pending release of the visible minority population data

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from the recent census, the contemporary percentage can only be supposed, based on an extrapolation from the 2016 figure of 22.3 per cent. Thus, assuming levels of about 24 or 25 per cent in 2021, the exercise implies ratios no higher than roughly two-thirds, which, as noted, is about the same levels achieved in the two previous elections.<sup>2</sup> Put differently, it appears that enough visible minority MPs are being elected to keep pace with their general population growth, but in insufficient numbers to diminish the disparity in their parliamentary representation.<sup>3</sup>

Table 1 also sets out the visible minority numbers according to their party affiliation for the 2021 election and, to indicate trend lines, for the four previous contests.

Once again in 2021, most of the minority MPs were elected as Liberals, and indeed overwhelmingly so - 43 of the total of 53. This achievement marks the third election in a row that the party has dominated in this regard. In the aftermath of the 2015 contest, the party counted 39 visible minority MPs within its ranks (which itself represented a dramatic departure from the election of 2011 when the party elected only two such individuals), and in 2019, the Liberals elected 37

minority MPs. The increase of six MPs from 2019 to 2021 perhaps deserves a bit more weight given that overall, the party barely gained any seats in its repeat minority government victory. With six visible minority MPs elected in 2021, the Conservatives not only trailed far behind, but that number is down from their 10 minority MPs elected in 2019, and equal to what they accomplished in 2015. As for its part, the NDP continued to fall far short of its record achievement in the 2011 election, when the party welcomed 14 visible minority MPs into its caucus. The three elected in 2021 matches their 2019 number, one more than in the election of 2015.

Perhaps, in the final analysis, this slow progress towards greater visible minority representation is to be expected. After all, in Canada and elsewhere, “outgroups” typically face challenges gaining access to positions of power, especially beyond token numbers and often only after the passage of a considerable amount of time. The long history of women’s underrepresentation as MPs with their often sluggish progress is the best example. Nearly 100 years after Agnes Macphail became the first woman elected to Parliament, the incidence of women MPs following the 2021 election just barely broke the 30 per

**Table 1**  
**Visible Minority MPs, 2008-2021**

	2008	2011	2015	2019	2021
<b>Party</b>					
Bloc Québécois	3	1	--	--	--
Conservative	8	12	6	10	6
Liberal	10	2	39	37	43
NDP	1	14	2	3	3
(N)	(22)	(29)	(47)	(50)	(53) <sup>a</sup>

<sup>a</sup> Includes one Independent.

Source: For 2008-2019 data, see Jerome H. Black, “Visible Minority Candidates and MPs in the 2019 Federal Election”, *Canadian Parliamentary Review* Vol. 43, No. 2, 2020, pp. 17-23. MP data for 2021 assembled by author.

cent mark. Some of the obstacles facing traditionally underrepresented groups can be described in broad strokes, such as a political context long organized and dominated by white males; other obstacles can be identified more concretely, such as imbalances in politically beneficial resources and, importantly, the manner in which incumbency acts to entrench the status quo.

At the same time, relatively more recent changes in societal values and attitudes, including a greater emphasis on, and promotion of, diversity have set up competing narratives. In some quarters, having more diverse political teams may actually be seen as politically advantageous. In addition, visible minorities, in particular, comprise an ever-increasing share of the Canadian population and have become citizens and voters in fairly large numbers. For example, according to the 2016 census, visible minorities formed the majority in fully 41 federal districts (compared to 33 such constituencies in 2011) and, more generally, made up at least a third of the districts in about 20 per cent of all the ridings in Canada. Moreover, they are concentrated in urban settings filled with competitive districts that can play a large role in deciding the overall election outcome.

These demographic and political realities, of course, have not gone unnoticed by the political parties: likely, the heightened competition focussed on winning over minority voters is a force that has some bearing on increasing the number, however slowly, of visible minority MPs.

### Visible Minority Candidates

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This force would appear to be even more evident at the candidate recruitment level. While any understanding of the visible minority MP numbers necessitates taking the candidate teams into account, party rivalry probably helps account for the stepped-up and consistent advancement of visible minority candidacies in more recent elections.

As the first row of Table 2 shows, the percentage of visible minority candidates who ran for the four largest parties, the Bloc Québécois, Conservatives, Liberals, and NDP, bumped up noticeably from 9.7 in 2011, to 13.9 in 2015, and was followed by an even greater increase in 2019, to 18.2 per cent, with each figure constituting a record at the time. Reacting to these data in the context of examining the 2019 election, this author suggested that the visible minority MP numbers, especially viewed over time, can only imperfectly

reflect the parties' promotional efforts because of the unpredictability of campaign electoral forces at the national and regional levels; indeed, at times minority MP totals can fluctuate according to the unforeseen success or failure of parties with more or less visible minority candidates. Put differently, national election outcomes may only partially reveal how facilitative the party system is in providing access to visible minority office seekers. "On the other hand, prior to the dropping of the writ, the parties, in their local guises, can exert more direct control on the first important outcome they are preoccupied with, namely, whom they nominate."<sup>4</sup> The implication is that the constituency parties may be more attuned to the competitive status of their districts and the relevance of constituency and candidate diversity. They also provide an additional perspective on understanding how open the political process is and the degree to which visible minority office seekers can begin to gain access to it. Conclusions about their success at becoming MPs may not be the entire story.

Table 2 shows that, indeed, the predisposition to field ever-more visible minority candidates continued into 2021, to the point that one in five candidates are minorities – 21.7 per cent, to be exact. Ten years out from the 2011 election, the proportion of minority candidates has now more than doubled and is decidedly closer to population benchmarks. The next three rows of Table 2 show that consistent boosts in minority candidacies over time are true for each of the three larger national parties, in each case reaching a high-water mark in 2021. There are, to be sure, variations across the parties in the steepness of the upward tracks. The sharpest gradients occur for the NDP and the Liberals. The share of minority contestants within the former's ranks rose substantially over the 2011-2019 interval, more than doubling, from 10.4 to 22.4 per cent, and increased even further in 2021, to 26.9 per cent, a level higher than any other party. The Liberal party's numbers also doubled from 2011 to 2019 (from 9.1 to 18.6 per cent) and then jumped a further 5.4 points in 2021 (to 24 per cent). For both parties, then, visible minorities had come to comprise about a quarter of their candidate teams in the most recent election. The trajectory for the Conservative party is also upwards in direction, though the percentages trace a somewhat shallower path. Visible minorities comprised 10.1 per cent of the party's candidate pool in 2011, 14.2 per cent in 2015, and 16.6 per cent in 2019. The figure for 2021 at 17.2 per cent represents minimal incremental growth compared to what its two competitors achieved. Nevertheless, the bigger picture drawn by both the aggregate and individual party data is one of steady advances in the recruitment of visible minority candidates.<sup>5</sup>

**Table 2**  
**Visible Minority Candidates, 2008-2021**

	2008	2011	2015	2019	2021
<b>All Candidates<sup>a</sup> (%)</b>	10.1	9.7	13.9	18.2	21.7
<b>By Party (%)</b>					
Conservative	9.8	10.1	14.2	16.6	17.2
Liberal	9.8	9.1	16.9	18.6	24.0
NDP	10.7	10.4	13.4	22.4	26.9
<b>New Candidates (%)</b>					
Conservative	11.2	13.4	18.0	19.7	22.6
Liberal	7.8	9.1	17.5	18.4	24.5
NDP	12.3	12.0	14.3	24.6	25.4

<sup>a</sup>Includes Bloc Québécois, Conservative, Liberal, and NDP parties.

Source: For 2008-2019 data, see Jerome H. Black, "Visible Minority Candidates and MPs in the 2019 Federal Election," *Canadian Parliamentary Review* Vol. 43, No. 2, 2020, pp. 17-23. Candidate data for 2021 assembled by author.

### **First-Time Visible Minority Candidates**

The wrinkle in considering each set of these election-specific figures is that they include a sizeable number of candidates from the previous election. For instance, in the 2021 election a little over 40 per cent of the candidates running for the three largest national parties had also contested the 2019 election. A sharper focus on the parties' efforts to facilitate minority candidacies is possible by putting those repeat candidacies to the side and considering only the first-time contestants that the parties nominate in advance of each upcoming election.

The recalculated percentages give even further credence to the view that the larger parties have ramped up their efforts over time to add more visible minority candidates to their line-ups. In the 2021 election, minorities made up 24.1 per cent of the new candidates recruited by the four parties – a level almost four points higher than in 2019 (20.4 per cent). Note as well that the former percentage is also

larger than the 21.7 per cent already seen for their 2021 candidates considered as a whole. The bottom panel of Table 2 displays, once again, the individual percentages for the three largest national parties. As for 2019-2021 comparisons, it is clear that all three parties fielded a larger percentage of visible minorities among their new recruits in 2021, though, again, across-party variations are apparent. For the NDP, there is a small uptick, from 24.6 to 25.4 per cent while there is a quite pronounced boost of about six points for the Liberals, from 18.4 to 24.5 per cent. As for the Conservatives, a not insignificant increase for the party, from 19.7 to 22.6 per cent, better reveals their enhanced recruitment efforts in 2021 than the more inclusive candidate data do. In each case, then, the three largest national parties established new records in 2021 with the nomination of visible minorities among their first-time candidates. Finally, looking at the entire 10-year period shown in the table, it is clear that the three parties have consistently nominated more visible minority candidates with each ensuing election.

## New Visible Minority Candidates and Constituency Competitiveness

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The competitive status of the constituencies where these first-time candidates are selected to run provides another vantage point on the commitment that parties make to promote minority candidacies. If they were mostly relegated to ridings where the party has bleak electoral prospects, then an abundance of nominations, as an indication of the party's resolve, would mean less. Alternatively, a more forceful effort would be implied if minority candidates were selected to carry the party's banner in districts with favourable or potentially favourable outlooks. The party's approach can be judged by comparing its electoral prospects in ridings where it nominates visible minority candidates with those where its non-visible minority contestants compete. At a minimum, reasonable fairness would dictate that the parties foster both groups in promising districts in equal or near-equal proportions. For the comparison, electoral districts were apportioned between those that, from each party's perspective, could be considered as relatively non-competitive based on its performance in the election of 2019, in particular, where the party lost by 11 per cent or more, and those that could be judged to be competitive and potentially winnable, where the party either won the riding in 2019, or, if they lost, they did so by a margin of 10 points or less. (Parties at the riding level, of course, evaluate their future prospects in many ways, and do so under varying degrees of uncertainty, but how the party fared in the previous constituency election is certainly a key input.)

If the new candidates for the three largest national parties are considered as a whole, then the evidence points to a very slight favouring of non-visible minority candidates over their minority counterparts. Combined, the three parties ran 16 per cent of the former in potentially winnable constituencies, while they slotted 14 per cent of their minority candidates in these competitive districts, a small disparity. This is not too dissimilar from what occurred in 2019, when non-minority candidates were also favoured by a slender margin: 28 to 25 per cent. Moreover, drilling down further to divide competitive districts by whether or not an incumbent MP ran in 2021 reveals no differences whatsoever between the two categories: in each case, the parties ran six per cent in the more prized ridings, those competitive districts without incumbents.

As before, this broad picture of uniformity masks party differences. One perspective, at least of descriptive interest, is available from the first three rows in Table 3

referencing only visible minority candidates. The data indicate that the Liberals privileged their new minority candidates relatively more than the two other parties. Altogether, the party nominated 30 per cent of them in competitive districts, with a large subset of 20 per cent in those winnable ridings with no incumbent. In contrast, the Conservatives nominated 16 per cent of their minority candidates in competitive ridings and only two per cent in the subcategory of open districts. As for the NDP, the corresponding percentages are three and zero per cent. A more useful perspective for present purposes draws in the (parallel) results for non-minority candidates (the next three rows in Table 3), providing for intra-party views. Doing so confirms the Liberals as the party that most facilitated minority candidacies: while, as noted, they nominated 30 per cent of their visible minority candidates in competitive districts, they placed somewhat fewer of their non-visible minority candidates in such ridings (24 per cent). The difference in open ridings is perhaps even more telling: 20 vs. 11 per cent in favour of minority candidates. For their part, the Conservatives nominated more non-visible minority than visible minority candidates in winnable areas (23 vs. 16 per cent) and in the subset of open districts (eight vs. two per cent). The differences are small in the case of the NDP - six vs. three per cent in favour of non-minority contestants - with the numbers in part reflecting the fewer competitive ridings the party had to work with. In summary, the overall results and those for the Liberal party, especially, provide some additional evidence that the local parties continued to support visible minority candidacies by fairly placing them in many ridings where they had a chance of electoral success. Of course, the fact that the eventual winners, the Liberals, were particularly out front in this regard is important, even as they fell short of a majority victory.

## Constituency Diversity

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As has been true for previous elections, the political parties in 2021 were strongly inclined to run their visible minority candidates in constituencies comprised of large minority populations. As noted elsewhere, this relationship between candidate and constituency diversity can be explained in several ways.<sup>6</sup> On the one hand, it may reflect how minority office seekers are able to challenge for the party's nomination in diverse constituencies by drawing upon the resources and facilitative networks that have developed with the greater integration of their communities in Canadian society. On the other hand, it may also be due to the parties, the local parties especially, purposely seeking out minority candidates who will help attract

more votes in heterogeneous ridings. Likely both explanations have merit, and, in any event, probably interact with one another, so there is room in the analysis to understand that the nomination of more visible minority candidates may be due, at least in part, to the impact of competition.

The data for 2021 show a consistent pattern of candidate diversity associated with constituency diversity for all parties. Among the three larger national parties, the relationship is strongest in the case of the Conservatives. Visible minority candidates newly recruited by the party competed in ridings where the minority population averaged 49 per cent, while their non-visible minority counterparts ran in districts with minorities comprising 18 per cent of the population. While large, this gap is somewhat less than

what it was in 2019 (53 vs. 15 per cent). For the Liberals and the NDP, the spreads are similar. The Liberals nominated their minority candidates in areas where visible minorities comprised, on average, 30 per cent of the district, compared to 10 per cent for their non-minority candidates, a lesser gap than in 2019 (39 vs. 12 per cent). The percentages for the NDP are 36 and 15 per cent, respectively, not too dissimilar from the 2019 figures for the party (39 vs. 16 per cent). Finally, it can be noted that the pattern of concentration in 2021 holds for the Bloc, Greens and People's Party.<sup>7</sup>

### Summing Up

Examinations of recent federal elections highlighting how visible minorities have fared in getting elected to Parliament have consistently revealed a combination

**Table 3**  
**Visible Minority Candidates, Parties, and Constituency Competitiveness, 2021**  
**(New Candidates Only)**

	Non-Competitive Constituencies	Competitive Constituencies		(N)
		Incumbent MP?		
		Yes	No	
Visible Minorities				
Conservative	83	14	2	(42)
Liberal	70	10	20	(41)
NDP	97	3	0	(63)
Non-Visible Minorities				
Conservative	76	15	8	(144)
Liberal	76	13	11	(118)
NDP	95	4	2	(185)

Row percentages.

See text for definition of competitive and non-competitive constituencies.

of positive and less-than-positive aspects; it is now clear that this characterization also encompasses the 2021 federal election. On the encouraging side, the 53 visible minority MPs elected, 15.7 per cent of the House's membership, constitute a new record level in the representation of diversity; moreover, the election is the fourth in a row to exhibit an increase in both metrics. On the downside, the change from 2019 to 2021 involved only a mild increase of three additional MPs and the representation ratio that considers the broader visible minority population continued to index a striking deficit that has barely changed over time.

The story of the 2021 federal election also dovetails with what has already been discerned in recent elections as an encouraging narrative about the promotion of visible minority candidates. The election is the third one in a row to witness the political parties, especially the larger parties, augment the proportion of minorities among their candidate teams. Tellingly, this trend line includes new candidates. By 2021, visible minorities made up nearly one quarter of all of the new contestants nominated by the four main parties, an incidence level that more closely approximates their population occurrence. Among the parties, the Liberals did the most to facilitate visible minority candidacies in electorally viable constituencies.

More generally, the results suggest that all of the parties showed signs of nominating more visible minority candidates in response, it is believed, to heightened competition for minority votes. This also means that the candidate nomination process dominated by the constituency parties is an important focal point to judge how open the political process is to minority office seekers. Doing so helps bring a bit more optimism to the study of visible minorities in federal politics.

## Notes

- 1 The "official" term "visible minorities" is employed here, in part as it matches the language used by Statistics Canada in the collection of census and other data; the term "minorities" is used alternatively to ease repetition.
- 2 These percentage estimates are extrapolations based on the entire visible minority population, which is the preferred benchmark used by this author. For a rationale for its use, and, as well, a discussion about an alternative measure that restricts the visible minority population benchmark to citizens only, see Jerome H. Black and Andrew Griffith, "Do Canada's most powerful federal posts reflect the country's diversity?" *Policy Options*, June, 2020. <https://policyoptions.irpp.org/magazines/june-2020/do-canadas-most-powerful-federal-posts-reflect-the-countrys-diversity/>
- 3 Not considered here, but important to remember is the fact that not all visible minority origin groups are represented by MPs to the same degree, if at all. For example, in 2021, South Asians continued to be overrepresented among MPs, while Chinese and Southeast Asians remained underrepresented. One noteworthy change in 2021 is an increase in Black MPs, from 5 in 2019 to 9 in 2021. For more on this, see Jerome H. Black and Andrew Griffith, "Do MPs represent Canada's diversity?" *Policy Options*, January, 2022. <https://policyoptions.irpp.org/magazines/january-2022/do-mps-represent-canadas-diversity/>
- 4 Jerome H. Black, "Visible Minority Candidates and MPs in the 2019 Federal Election," *Canadian Parliamentary Review* Vol. 43, No. 2, 2020, pp. 17-23, at p. 19.
- 5 For the sake of completeness, it can be noted that visible minorities made up: (1) 11.5 per cent of the candidates who competed for the Bloc (up from 5.2 per cent in 2019), (2) 14.3 per cent of Green candidates (up from 11.6 per cent), and (3) 8.4 per cent of the People's Party candidates (down from 16.3 per cent).
- 6 Black, "Visible Minority Candidates and MPs in the 2019 Federal Election," p. 22.
- 7 For the Bloc, 29 vs. 16 per cent, for the Greens, 33 vs. 17 per cent, and for People's Party, 49 vs 20 per cent.



# *A Practical Education in Politics: New Brunswick's Legislative Internship Program*

Programs like the New Brunswick Legislative Internship Program (NBLIP) are justified largely in terms of job-seeking – turning universities into high-end vocational colleges. The point of a B.A., in this view, is a ticket to a good job and the university administration promotes the idea that applicants get value for money. But the NBLIP is not simply concerned with employment opportunities. Rather, it is designed so participants learn what is involved in a good, proper and accurate education in politics and government. In this article, the author provides an account of the effort involved in establishing a legislative internship program for New Brunswick and why an internship's greatest purpose is to deepen a student's understanding of his or her subject, namely politics and government. He also offers some suggestions for other people who may be interested in starting an internship program elsewhere.

**Thomas M.J. Bateman**

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## **The Study of Politics**

A colleague of mine had a cartoon on his door for many years. A man is applying for a job. The human resources officer asks, "Do you have any qualifications?" His answer: "I have a PhD in political science." The HR officer replies, "I take it that's a no?"

This captures our contemporary dilemma. A degree in political science is, as we say, "useless"; it will not get you gainful employment. In this sense, the political science conundrum is that of the liberal arts in general. In a world increasingly dominated by highly technical, mathematicized work, a general education in the humanities is useless. Disciplines studying humans have a chance only to the extent they adopt the mathematicized methods facilitating knowledge for the sake of control, and thus exploitation for commercial gain. George Grant examined this turn a long time ago.

As this view of the purpose of the liberal arts has taken hold, university administrators have feverishly tried to assure parents that their children's bachelor's degrees will in fact avail them a comfortable living. "Look," they plead, "B.A.s eventually make more than those with only high school education. A B.A. opens doors to advanced professional degrees and even better incomes. CEOs once were philosophy students. Doctors once studied literature." Arts students learn "critical thinking skills" and the ability to communicate. These are universal skills readily transferrable to other realms of endeavour and money-making.

Meanwhile, in a political science classroom, professors are in the grip of a paradox. They face students with little knowledge of politics as a practical activity and indeed little knowledge of history to support the myriad particulars that comprise the study of politics. There is a real sense that incoming students are too young, lacking the exposure to people, events, life, and discord that stimulate an appreciation of the possibilities and – more importantly – the limits of politics. Indeed, a surprisingly large number of undergraduate students in political science are essentially uninterested in politics. They do not read the news or political biographies, follow big crises and events, talk about political things with their friends, take up the opportunities afforded them to engage their elected representatives, and participate in any number of public policy processes.

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The message many students get from their professors is that the actual practices and particularities of politics are not as important as the theoretical perspectives a student needs to analyze and understand politics. Similarly, for many English professors, reading literature is not nearly as valuable as learning the critical theories that are to be brought to the reading of literature. I have sat in many sessions at academic conferences in which the author of a paper begins by setting out his or her “theoretical perspective” and then proceeds to apply it to a political phenomenon of his or her choice.

This seems to me to put the cart before the horse. Once upon a time, the horse pulled the cart. Aristotle’s *Politics* subtly combines a sense of the best regime with a steady attention to particulars and what is attainable and sustainable, not simply what is ideal. As he puts it in Book IV, “We have to study not only the best constitution, but also the one which is practicable, and likewise the one which is easiest to work and most suitable to cities generally.” He followed a fundamentally comparative method, examining extant cases and thereby formulating generalizations.

How did we go off the rails? Isaiah Berlin suggests that the prominence and success of the natural sciences from Francis Bacon onward have tempted scholars to apply the same methods to the human things, hoping for the same outcomes of knowledge and control. Imagine a society whose movements were as predictable as those of the planets, or as those of bodily organs under the influence of this or that food or trauma. Writes Berlin:

Messianic preachers – prophets – such as Saint-Simon, Fourier, Comte, Marx, Spengler, historically-minded theological thinkers from Bossuet to Toynbee, the popularizers of Darwin, the adapters of this or that dominant school of sociology or psychology – all have attempted to step into the breach caused by the failure of eighteenth-century philosophers to construct a proper, successful science of society. Each of these new nineteenth-century apostles laid some claim to exclusive possession of the truth. What they all have in common is the belief in one great universal pattern, and one unique method of apprehending it, knowledge of which would have saved statesmen many an error, and humanity many a hideous tragedy.<sup>1</sup>

Of course, if the scientists know the inner laws of society, why should they merely advise the statesman? Why should they not themselves rule? The answer for Berlin comes from our experience. Rule by means of

scientific “laws” known to an elite means the death of politics and the rise of totalitarian rule.

Berlin’s main point is that politicians – the good ones, the ones we once called statesmen – “grasp the unique combination of characteristics that constitute this particular situation – this and no other.” They are keenly sensitive to the particulars of political life and refrain from imposing on the social world a homogenized pattern touted by some scientific account, bogus or otherwise. They have a capacity for synthesis above that of analysis, “for knowledge in the sense in which trainers know their animals, or parents their children, or conductors their orchestras, as opposed to that in which chemists know the contents of their test tubes, or mathematicians know the rules that their symbols obey.”<sup>2</sup> This corroborates Aristotle’s account that polities are necessarily pluralistic, not homogeneous; if they were not, they would be families or hellish gulags, not political communities. In Bacon’s *New Atlantis*, the scientific elites run the well-ordered society, but this technocracy is totalitarian: there is no freedom, no questioning of the direction of society, no politics.

I stand with Bernard Crick, for whom politics is not some epiphenomenon of class warfare or patriarchy or some other ideological totalism. It is its own (limited) human activity, in which people are confronted with the freedom of others, the pressing reality of scarcity, constraints, trade-offs, and opportunity costs. It is the activity in which basic pluralities and particularities have to be managed, not crushed. It is the realm of accommodation, compromise, abeyance, and adjustment – at once moral and practical.<sup>3</sup>

Graham Steele was a Nova Scotia MLA and cabinet minister for many years. Since leaving active politics he has written books brimming with the gritty realism born of the daily practical realities of representing people in the Assembly and in government. His books are light on “theory” but heavy on the conflicting pressures on MLAs who have little time, too few resources, too many demands, and sky-high expectations imposed on them from different quarters.<sup>4</sup> His books are about the real world of democratic politics and are essential reading for any student of politics.

Reading is good and necessary. Lectures can be very illuminating. We all know the transformative effect teachers can have on students. But a practical immersion experience can also be invaluable. Students exposed to the practical operation of the machinery of government will observe:

- the frailties of human nature and the alacrity with which arguments of justice are conflated with arguments of interest;
- how processes interact with substance to influence and sometimes steer policy results;
- how the political executive relates to the legislative function and how party ties them so closely together in our version of parliamentarism;
- how complex and sometimes disappointing are the mechanisms of political accountability;
- the use and abuse of evidence in public policy making;
- relatedly, how, “[a]s a theatre of illusion, politics does not reveal its meanings to the careless eye”;<sup>5</sup>
- how the election cycle affects public policy making;
- how the realities of scarcity, trade-offs, and opportunity cost constrain decisions and confound settled worldviews;
- how history and other examples of path dependency limit choices and define the possible in the art of politics;
- how the media represent, simplify, and sometimes mislead in their accounts of the working of the political process; and
- how politics is local – about persons, personalities, grudges, hopes, prejudices, fears, and visions.

This, I suggest, is the best argument for a legislative internship. It exposes students to the real, human workings of the political and governmental order. Students are exposed to all the human frailties and all the incongruencies that are the stuff of even decent political life. They are immersed in the particular details of issues and problems and realize there is no obvious “scientific” solution. They observe the many forces pulling on an MLA or a committee. They see the many forms of power exerted and resisted. And they see both the dignifying and the unseemly in politics.

### **Legislative Internships in Canada**

My acquaintance with LIPs began when I applied to the Alberta LIP in 1984, as I was completing my B.A. in Political Science at the University of Calgary. The Program was a welcome chance for me to postpone the crisis of deciding what I was to do with myself after graduation.

The Alberta LIP was operated out of the Speaker’s office and involved eight interns working for 10 months, September to June. Admission was by means of a competition and applicants were selected by a large committee composed of the Speaker, MLAs,

and professors of political science from around the province. Applicants had to be graduates of Alberta universities. Interns worked full-time, were paid a stipend, and spent five months in the government caucus and five in one of the two small opposition caucuses. At that time 75/79 seats were held by the Progressives Conservatives under Peter Lougheed; two were held by New Democrats (one of them Grant Notley who died in a plane crash in October 1984), and two were held by former Social Credit MLAs, now Independents, but in the process of forming themselves into a new party called the Representative Party of Alberta. A draw determined what interns went where and when.

The Alberta LIP was structured to be rigorously non-partisan and interns signed the standard civil service oath of secrecy. It was also impressed upon us that the continuation of the Program depended on absolute discretion, made all the more important because interns would be working for two caucuses throughout their terms.

I drew the two Independents for the fall and spent the winter and spring in the government caucus. The Independent MLAs were experienced MLAs but one of them saw his role as distinctly part-time. It meant that the interns could do as much work as they wished and could even suggest projects. I recall writing questions for Question Period and noting with some satisfaction that some of them concerning energy prices and policy making their way onto the evening TV news.

The Executive Director of the caucus doubled as coordinator of the nascent Representative Party and spent most of his time gearing up for a founding convention in late fall 1984. He was a neophyte and I recall seeing on his desk books about American politics and the mechanics of political organizing. He was not clear on the non-partisan character of the LIP and my fellow intern and I were asked a number of times to do work of a partisan character, which we had to refuse. We did attend the founding convention (and other conventions of other parties) but only as observers. Unavoidably, I learned a lot about the seedier, cynical side of democratic politics and how things are often not as they appear. I recall the aphorism associated with Churchill: those who love sausages and the law should watch neither being made. But in fact, it is highly instructive to watch sausage-making. One gains new perspective on the product.

While on the government side, I was often given complicated constituency assignments, mainly researching constituents' ideas for policy changes and drafting responses for the MLA to send to the constituents. I recall one complex proposal for coal gasification, about which I knew precisely nothing. The meant many hours at the University of Alberta libraries.

By and large, government MLAs made little use of interns. The Government Research Office had full-time experienced staff to do all that we might do. Interns on the government side actually shared a floor with those research staff. They helped us but could not and did not pass any work our way. Sometimes a PC MLA would take on an intern. A Calgary MLA had me do a fair bit of work for her. Harry Alger who represented a riding south of Calgary, had me accompany him on swings through his riding, and regaled me with stories.

I do not have a full picture of the funding of Alberta's Program but I do know that in addition to some public moneys, a major benefactor was Benson & Hedges, a major tobacco company. It was a different time. Funding was generous enough to support two trips: one week in Ottawa to attend a variety of meetings and events; and a trip to the Colorado State Capitol for an immersion into American state level politics and government. In Denver we met counterparts who were younger, more immature, and much more given to fun and drinking than to policy work.

In all, the Alberta Internship Program was an excellent experience. It was discontinued in the early 1990s, I believe, and I had heard that the reasons were linked to government spending restraint. There are unconfirmed reports that at some point an intern did breach the confidentiality rule. If so, this itself would have dealt a severe blow to the Program. Internship programs like Alberta's depend upon MLAs' complete trust in the non-partisanship and discretion of participants. As it is, MLAs often choose not to share any work with interns. Interns need to know that the integrity and longevity of a programs depends crucially on their own comportment.

Other extant programs have a lot in common with Alberta's. Major programs in Ottawa (the Parliamentary Internship program), Ontario, BC, Quebec, and Manitoba operate on the non-partisan principle and are intended preeminently as an educational experience for participants. They take in 5-12 interns, generally for 10 months, and offer

stipends averaging \$36,000 on an annualized basis. Selection is competitive. However, unlike Alberta's program, several do not incorporate the principle of alternation. In the Parliamentary Internship Program, administered by the CPSA, interns work for one government MP and then for one opposition MP. Funds are all external,<sup>6</sup> though Parliament provides some in-kind support. The Ontario program is very similar. Quebec maintains the same MNA alternation principle.

In Manitoba, interns are assigned for the duration of the program to a caucus and are employees of the Assembly. British Columbia's Program is a six-month experience with a highly structured set of assignments: a four-week placement in a ministry or statutory office under the direction of an assigned mentor; a placement in a political party caucus at the Legislative Assembly of British Columbia, coinciding with the Legislature's spring session; and one or two one-week placements in an MLA's constituency office. Applicants can be graduates or in the process of completing a bachelor's degree.<sup>7</sup>

The above are the major non-partisan internships. Other programs in some jurisdictions involve students in public service assignments under the direction of senior public servants. Sometimes these are the initiative of governments themselves as recruitment vehicles; others, like one I launched at St. Thomas University in January 2022,<sup>8</sup> are academic initiatives that provide academic credit for internship placements as a form of experiential learning.

Major political parties operate internships at the federal level as mechanisms to introduce young partisans to parliamentary politics and the policy process. In addition, for years third parties and foreign governments have sponsored internships, particularly at the parliamentary level. These initiatives have been considered a form of soft-power diplomacy, a highly oblique assertion of influence. Examples are the Canada-Poland Youth Internship, Canada-Ukraine Parliamentary Program, the Canadian Parliamentary friends of Tibet Internship, and the Centre for Israel and Jewish Affairs Parliamentary Internship Program.<sup>9</sup> Some of these programs have recently been wound down, in part because the federal Conflict of Interest and Ethics Commissioner issued an opinion in 2018 declaring that such internships constitute gifts to MPs. Mario Dion notes in his advisory opinion that internship services provided to MPs are gifts and are banned if they create a reasonable impression that political influence is being exerted by means of internship services.<sup>10</sup>

## The New Brunswick Experience

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I moved to New Brunswick in 2003 to take up a position in Political Science at St Thomas University. After two years or so I began to think about an internship program for this province and learned that a professor at the University of New Brunswick had proposed such a thing in the early 2000s, to no avail. That proposal, generated with the support of a consortium of faculty members from across New Brunswick, was similar to the models operating in other Canadian jurisdictions. It proposed a seven-month program involving four graduates (or senior undergraduates) of New Brunswick universities. Each intern would be assigned to a government MLA for three months and then to an opposition MLA for another three months. Funding would come from the Legislative Assembly budget. I made a few tweaks based on my Alberta experience and made presentations to some MLAs and then to the Assembly's Legislative Administration Committee. My proposal was for five to 10 graduates of New Brunswick universities to work for 10 months in a program operated out of the Speaker's Office for a stipend. Interns would alternate between government and opposition.

It was an ambitious proposal developed by a person who was new to New Brunswick's political and legislative environment. It received a respectful hearing but no action. Unavailability of public funding was commonly cited as the chief obstacle. I persisted for a few years, sometimes with the help of a colleague from UNB-Fredericton, but I did not involve other universities at this point. In the meantime, New Brunswick politics became more interesting: we had the province's first one-term government – Shawn Graham's Liberal government from 2006-2010. Another one-term government succeeded it, then another. Some constituency electoral races were tight three- or four-way splits. David Coon of the Greens was elected in a squeaker in 2014. Two Greens were added in 2018. Three People's Alliance candidates were also elected in the latter year. It was a minority Assembly. The steady two-party system which (with a few blips) prevailed in the province for generations was breaking down. It seemed conditions were becoming more favourable for a revived proposal. I began knocking on doors again in the years of the Brain Gallant government, from 2014-2018.

Critically, around this time the provincial government promoted an experiential learning initiative in which financial and other support was

made available to universities to foster practical or experiential opportunities to students thought to be otherwise hopelessly unprepared for the so-called real world upon graduation.<sup>11</sup> The provincial government had absorbed the view that university education is mainly about preparation for the world of work and economic progress. Although I did not share this employment-focused view, I did think experiential education was good because I had benefitted from my own internship experience and had been promoting the same for others. I was now presented with a new institutional vehicle through which an internship could be created.

The FutureNB initiative was for current New Brunswick university students so I had to modify my proposal to suit a current student, not a graduate. I developed a pilot program involving one student and had an excellent candidate recommended to me by a colleague. I made a pitch for a modest pilot to the Clerk, Speaker, and then Legislative Administration Committee. The proposal was for one student to work on a strictly non-partisan basis for any MLA of any stripe who wanted him to do some work. There was to be no formal assignment to a caucus or MLA and no alternation. The intern himself would drum up business. He would work from late January 2020 to late May of the same year. His stipend would be paid out of St. Thomas University funds, but with moneys transferred through FutureNB's experiential learning program.

I must also mention the support and advocacy of an insider. Kim Adair-Macpherson was Auditor-General of New Brunswick throughout this period and years before had asked me to sit on her expert advisory committee (along with two others, a former senior public servant and a former auditor general). As I thought through the pilot LIP, I was concerned about the new intern having enough work to do for MLAs, especially early in the five-month term. What if no MLA gave him any work? The Auditor General proved to be very helpful. Not only did she use opportunities to discuss this pilot with MLAs; not only did she afford me space in a large MLA orientation session on the Public Accounts Committee process in 2019 to speak to MLAs about the program; she also committed to giving a new intern work in her office and possibly with the Public Accounts Committee. She also touted the LIP pilot to other Legislative Officers. She was an invaluable proponent, able to deploy her reputation for non-partisanship and her considerable credibility on behalf of this program.

The intern, Erickson Miranda, did very well. He learned a lot and brought the program good standing among MLAs. As I had anticipated, most of his work was for opposition MLAs, and particularly for the Greens. Erickson turned out to be the perfect intern for the pilot. He was an international student from Nicaragua, still registered as a STU student, but largely finished his studies by January 2020, and keen to stay in Canada. He was able to work full-time and still comply with FutureNB requirements that participants be registered university students.

After the successful conclusion of the pilot, it was relatively easy to push for a second iteration, this time with two interns. In 2020, I pulled in colleagues from Université de Moncton, Mount Allison, and both campuses of UNB. The Speaker's Office assigned the Legislative Librarian to help administer the program from the Assembly's end. The six of us formed a steering committee to arrange for recruitment of two interns. Ads attracted about 15 applications and two excellent candidates were selected by early January 2021. Each would work for 20 hours per week, combining the LIP duties with other course work. Bilingualism was not set as a qualification but rather an asset. It turned out that the two top candidates also happened to be fluently bilingual.

This iteration also went very well. As with the first pilot, the two interns in 2021 did most of their work for opposition MLAs as well as for Legislative Officers and the Public Accounts Committee.

An important note needs to be taken of the COVID-19 effect. Part of the 2020 pilot and all of the 2021 iteration unfolded during the pandemic. Erickson made the transition along with other MLAs and staff at the Legislature and completed his work. In 2021, Sue Duguay and Ian Richardson did all of their work remotely. This turned out to be something of a blessing in the sense that it made it much easier for a student studying outside of Fredericton to undertake a 20 hour/week internship. Accessibility to students outside of the capital was eased immeasurably. While the interns missed the experience of being in the fray in the Assembly and its offices, they still had a fine experience of the machinery and flow of legislative politics. Undoubtedly, a remote, web-based component will be part of all work and the internship for the foreseeable future. In the 2022 running of the Program, both interns performed tasks for MLAs, Legislative Officers such as the Ombud, standing committees of the Assembly such as the Public Accounts Committee, select committees such

as the one on Accessibility, the Office the Legislative Assembly, and the Legislative Library. Most of this work was done remotely.

### Initiating an Internship Program

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This article is a reflection on my experience in getting a legislative internship program off the ground. We, in New Brunswick, are not there yet, but I think we are on track to have a regular, institutionalized program in place that will put this province in the ranks of other jurisdictions with good permanent programs that offer students an excellent experience to complement their university studies in politics and government.

Here are some suggestions for others who may be thing of initiating similar programs in their own provinces or territories:

- Start small. It is easier to build on something modest than to implement a massive undertaking. Internships require building of trust. This is done one step at a time. My earlier proposals failed in part because they were too ambitious.
- Mobilize contacts on the inside. I made a lot of cold calls in my promotion of the internship, but at least as effective were discussions I had with people I have known for some time. The Auditor-General is the best example, but I had met other MLAs in a variety of other contexts – from invitations to my classes, to old-timers hockey. The Minister of Post-Secondary Education was a champion from the moment I met with him and his senior staff. Champions on the inside multiplied my influence from the outside.
- Be attentive to context. No two internship programs are exactly alike. Transplanting the Alberta program into New Brunswick did not work and would not work. This province is small and its politics have historically been very tribal. The idea of 'non-partisan' interns was greeted with puzzlement and suspicion. Further, funding limits dictate the size and structure of a program. Money will no longer come from external entities such as tobacco companies, for example. The trick is to read the local situation and craft a program that fits. A contextual factor that worked well for the program is that successive provincial governments have been bent on population retention and public service renewal. This made the case for the internship easier to make.
- Be flexible. This is related to point 3. I adjusted the proposals as new limits and opportunities became apparent. For example, I was committed to a post-

graduate experience that would realistically need to be a 10-month program to attract participants. But that would require a lot of money and raised to real possibility that there simply would not be enough work for interns to do. The Legislature sits only for a few weeks in the fall and MLAs are not often around. Another example is the switch to remote work during COVID-19. This makes a bigger province-wide program for senior students suddenly very viable. Who would have guessed?

- Get good participants. The most well-designed program is for naught if the participants do it discredit. It is important that participants are mature, discreet, and intellectually able. They need to be good communicators and able to interact and work with all sorts of people occupying all sorts of offices. Sometimes good applicants are reluctant to apply. I have sought out good students and encouraged them to apply. This is all part of creating an attractive, respected, and prestigious program.
- Make the program attractive to Government backbenchers. Government MLAs have access to research services. They are also responsive to the wants and needs of the cabinet and premier. They are reluctant to strike out independently by having people outside the tribe do research. This is just a feature of our form of parliamentary government. Internship programs can chip away at this reluctance but it takes time and the establishment of trust and integrity. This is why good participants are so important.
- Think about questions of representation. New Brunswick is Canada's only officially bilingual province and language is a key representational issue. We did not want to exclude applicants who are unilingual. Yet bilingualism is clearly an asset in the work of an intern. So we have bilingualism as an asset that operates in an applicants' favour. Other key representational questions will arise in other contexts.
- Figure out the money question. Internships of any appreciable duration provide a stipend to participants. This attracts good applicants and recognizes the real work they do for MLAs and other personnel. There may also be administrative costs. Many programs in Canada attract external funding or a combination of public and external. Some programs are entirely publicly funded. Finding adequate and stable funding is obviously important. This is a good reason for starting small and building up. External benefactors must

understand that funding buys them no policy influence beyond good will and perhaps an image of a good corporate citizen.

- Get lasting support from your department, your university, and from others in your jurisdiction. Programs that are sustained by the heroic efforts of one person will die with that person. The objective is to grow a program so that it becomes an institution that operates beyond the efforts of any one particular person or small group.
- Most importantly, keep the interns at the centre of it all. The internship program is all about giving participants a rich, challenging, formative, and memorable experience in government from a unique vantage point. Their educational experience must be at the heart of all planning and execution.

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## Conclusion

It is too soon to say that the New Brunswick Legislative Internship Program has achieved permanence as an institution in the Assembly and in the province's higher education environment. It remains small and its funding is dependent on the continuation of an experiential learning program operated by the provincial department of Post-Secondary Education Training and Labour. A new government, new fiscal challenges, and new priorities can change everything. Nonetheless, the Program is on its way.

While experiential learning initiatives can be shallow, formulaic, and sterile, adding little to a student's intellectual formation, some can be valuable. My own experience and that of other interns suggests that legislative internship programs can operate as excellent complements to a university education in politics and government. They can deepen a participant's understanding politics as a frustrating, necessary, and dignifying human activity.

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## Notes

- 1 Isaiah Berlin, "On Political Judgment" *New York Review of Books*. (October 3, 1996), 26.
- 2 Ibid., 28.
- 3 Bernard Crick, *In Defence of Politics*. 2<sup>nd</sup> ed. (Markham: Penguin, 1964).
- 4 Graham Steele, *What I Learned About Politics: Inside the Rise – and Collapse – of Nova Scotia's NDP Government*. (Halifax: Nimbus, 2014); and *The Effective Citizen: How to Make Politicians Work for You*. (Halifax: Nimbus, 2017).



- 5 Kenneth Minogue, *Politics: A Very Short Introduction*. (Oxford: Oxford University Press, 1995), 5-6. Politicians operate on the basis of two sets of reasons: those used to decide upon a policy, and those used to defend that policy. There is usually a gap. *Ibid.*, 63.
- 6 The PIP's list of benefactors is long and impressive, including sources like CN, Bombardier, the big banks, Rogers, and Unifor.
- 7 I am grateful for data supplied me by Matthew Creswick, Parliamentary Education Researcher, Parliamentary Education Office, Legislative Assembly of British Columbia.
- 8 I set up a senior level "special topics" course in which eight students each spent ten hours per week working under the mentorship of a DM or ADM in a department of the NB government working on policy files.
- 9 Paul E.J. Thomas, "Getting People on the Inside? The Expansion of Externally-Supported Internship Programs at the Canadian Parliament" Paper presented to the annual meeting of the Canadian Political Science Association (2018).
- 10 Mario Dion, "Gifts or other benefits to Members – Services of interns provided free of charge" (Office of the Conflict of Interest and Ethics Commissioner, October, 2018). Welcome to the Office ([parl.gc.ca](http://parl.gc.ca)). My thanks to Paul Thomas for bringing this to my attention.
- 11 See the provincial government's Future NB initiative: Future NB ([futurenewbrunswick.ca](http://futurenewbrunswick.ca))

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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 (March 2022 – May 2022).

Feldman, Charlie. “Much ado about parliamentary review.” *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 16 (1): 105-38, 2022.

- While there are many tools in the parliamentary toolbox, a crystal ball is not among them. How legislation might operate once in force may be radically different than what is envisaged at enactment and may be impacted by circumstances far beyond imagination. As such, legislators sometimes enact provisions intending for the review of a statute or portion thereof. Broadly speaking, this is known as statutory review... this article will begin by providing its working definition for parliamentary review provisions and illustrating their common elements. It will then present statistics and observations on reviews before discussing challenges with parliamentary review provisions from a legal and parliamentary perspective. Finally, it will conclude with reflections on parliamentary statutory review more generally.

Fleming, Tom and Meg Russell. “The House of Lords amendment to the ‘Dissolution and Calling of Parliament Bill’ returns appropriate power to MPs: they should accept it.” The Constitution Unit, 6p., March 9, 2022.

- The House of Lords has amended the government’s *Dissolution and Calling of Parliament Bill* to require House of Commons approval for early general elections. The authors explore

what MPs should consider when the bill returns to the Commons. They argue that the Lords’ amendment deserves support, as it provides an important limit on Prime Ministers’ power to call early elections, and avoids drawing either the monarch or the courts into political controversy.

Gaudreault-DesBiens, Jean-François and Noura Krazivan. “Dissipating normative fog: revisiting the POGG’s national concern test.” *Revue Juridique Themis* 55 (1): 103-36, 2021.

- This article argues that the test used to determine the constitutional validity of a federal statute on the basis of the national concern branch of Parliament’s power to legislate for the peace, order and good government of Canada should be revisited...

Hargrave, Lotte, and Tone Langengen. “The gendered debate: do men and women communicate differently in the House of Commons?” *Politics & Gender* 17 (4): 580-606, December 2021.

- It has long been claimed in gender and politics literature that male and female legislators have different communication styles. The evidence for this claim has come mostly from interviews with legislators as the key informants on gendered differences. The authors contribute to this literature in two ways: First, they empirically examine speeches by Members of Parliament to establish whether gendered differences are observable in parliamentary debates.

Second, they advance existing measurement approaches by testing for multiple dimensions of communication style, providing a more systematic approach to studying gendered speech behaviour. Communication style is examined through a content analysis of almost 200 speeches in three parliamentary sessions of the British House of Commons. We find compelling evidence for differences in communication style: women evidence arguments with personal experience, discuss policies in a concrete way, and are less adversarial than men. The findings have important implications for how political communication styles might improve public engagement with politicians, offer a different focus to the discussion, and improve democratic legitimacy.

Mason-Cox, Matthew and Jonathan O'Dea. "Appointment of the first Aboriginal Liaison Officer at the Parliament of New South Wales." *The Parliamentarian* 103 (1): 46-8, 2022.

- It has been 12 months since the Parliament of New South Wales employed its first Aboriginal Liaison Officer, to ensure the Parliament is better placed to engage with Aboriginal communities across New South Wales. This historic and deeply significant appointment, only the second to be made in Australia, was a huge step towards making the Parliament of New South Wales a more welcoming place for Aboriginal communities.

McKeown, Deirdre and Michael Sloane. "Parliamentary codes of conduct: a review of recent developments." *Parliamentary Library - Parliament of Australia, Research Paper Series*, 2021-22: 48p., 30 March 2022.

- Allegations of misconduct in a number of Australia's parliaments have drawn attention to the adequacy of existing frameworks intended to regulate the conduct of those who work in this environment—including members of parliament and their staff, ministers and their staff, and parliamentary support staff. Members of the federal Parliament are not currently subject to a code of conduct, while various codes do apply to ministers, ministerial staff and parliamentary support staff. This contrasts with Australian state and territory parliaments, which all have codes of conduct, and with national parliaments overseas such as the United Kingdom, Canada and New Zealand, which also have codes in place.

This paper outlines the variety of enforcement mechanisms these existing parliamentary codes of conduct exhibit, the findings of the reviews that have been conducted into the effectiveness of these arrangements in preventing bullying and harassment and discusses how these might inform debate about a response at the federal level.

Otjes, Simon. "What explains the size of parliamentary staff?" *Western European Politics* Forthcoming: 1-27, 2022.

- Little is known about the staff who support MPs in their work. The literature suggests that these staff serve different important roles in democratic systems. This article compares the size of parliamentary staff in 48 countries and in 66 Houses over an eight-year period. It compares three explanations of staff size, which reflect different roles staff can have: firstly, that these staff serve MPs as compromise facilitators, planners and scribes. In that case, their number reflects the number of MPs. Secondly, that staff members function as information brokers and advertisers and act as intermediaries between the population and MPs. In that case, staff size reflects population size. And thirdly, that these staff primarily serve as a source of independent advice for MPs. In that case, staff size reflects the strength of the House they serve. Population size is found to be the dominant driver of the size of parliamentary staff.

Raney, Tracey and Cheryl N. Collier. "Privilege and gendered violence in the Canadian and British Houses of Commons: a feminist institutionalist analysis." *Parliamentary Affairs* 75 (2): 382-99, April 2022.

- The Canadian and British Houses of Commons have both recently adopted formal rules to address the problem of sexual misconduct in their parliaments. Using Feminist Institutionalism, we examine how these rules have been constrained or enabled by parliamentary privilege in both countries. As a result of their divergent historical approaches to privilege, we argue that the British House of Commons' new rules are better suited to address this issue relative to their Canadian counterpart. This outcome has differential consequences for women and minorities who are the most vulnerable to abuse in each parliament.

Sawer, Marian. "Dealing with toxic parliaments: lessons from elsewhere." *Australasian Parliamentary Review* 36 (1): 7-22, Winter 2021.

- In February 2021, Brittany Higgins set in motion a wave of protest in Australia concerning women's experience of Parliament as a workplace. The way her claim of rape in a Minister's office was treated made it clear the Parliament of Australia was lagging behind reforms taking place elsewhere. In the wake of the 2017 #MeToo movement, women have been emboldened to reveal their experience of Parliament as an unsafe workplace. The problems are widespread due to the unique structure and nature of parliamentary employment coupled with partisan dynamics. This article examines steps taken by other Parliaments, including those in Canada, New Zealand and the United Kingdom, to deal with issues of bullying and sexual harassment and the pitfalls encountered. It ends with some recommendations flowing from lessons learned.

Tardi, Gregory. "Election 44: Connecting the dots." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 16 (1): 1-5, 2022.

- In Canada, the constitutional standard for the duration of Parliaments is five years. Pursuant to legislation on fixed-date elections that was enacted in 2008, the statute law now says four years, subject to the discretionary powers of the Governor General, including the power to dissolve Parliament. The 43rd federal general election, which was held on October 21, 2019, produced a minority Liberal government. In 2021, that government was not in danger of being voted out of office. Yet, on August 15, 2021, the Prime Minister asked the Governor General to dissolve Parliament so that the 44th election could be held on September 20, 2021.

VandenBeukel, Jason and Robert, Cochrane, Christopher, Godbout, Jean-François. "Birds of a feather? Loyalty and partisanship in the reformed Canadian Senate." *Canadian Journal of Political Science / Revue canadienne de science politique* 54 (4): 830-49, December/décembre 2021.

- Since 2015, the Canadian Senate has undergone a series of reforms designed to make it more independent, ideologically diverse, and active in the legislative process. The authors use loyalty scores and vote scaling algorithms to situate the voting behaviour of senators, focusing primarily on the 41st and 42nd Parliaments (2011–2019), the period just before and after the changes, respectively. The authors find that the reforms have led to a loosening of party discipline across all parties and caucuses but that independent senators appointed under the reformed process are the most likely supporters of the government's agenda. The authors also find that the Senate has become more willing to use its formal powers.

Wall, Acacia and Clive Barker. "Parliamentary workplace equality & diversity networks: case studies from the Commonwealth." Commonwealth Parliamentary Association, Case Studies from the Commonwealth: 34p., 2022.

- The report showcases the work that thirteen Parliaments throughout the Commonwealth are doing to facilitate their inclusion and equality agendas with internal networks.

Feldman, Charlie. "Examen judiciaire des dispositions en cours de révision par le législateur." *Revue générale de droit* 51 (special issue): 15-46, 2021 [AVAILABLE IN FRENCH ONLY].

- This article explores how courts proceed when a statutory provision at issue in litigation is the subject of legislation before the legislature. The

text documents practices in relation to judicial notice of bills before Parliament and discusses the judicial understanding of parliamentary activities as revealed in court decisions. It provides several case studies of instances where courts have been seized of litigation that would be impacted by parliamentary developments. It concludes that a myriad of approaches exist, some of which reflect potentially problematic understandings of the legislature by the judiciary.

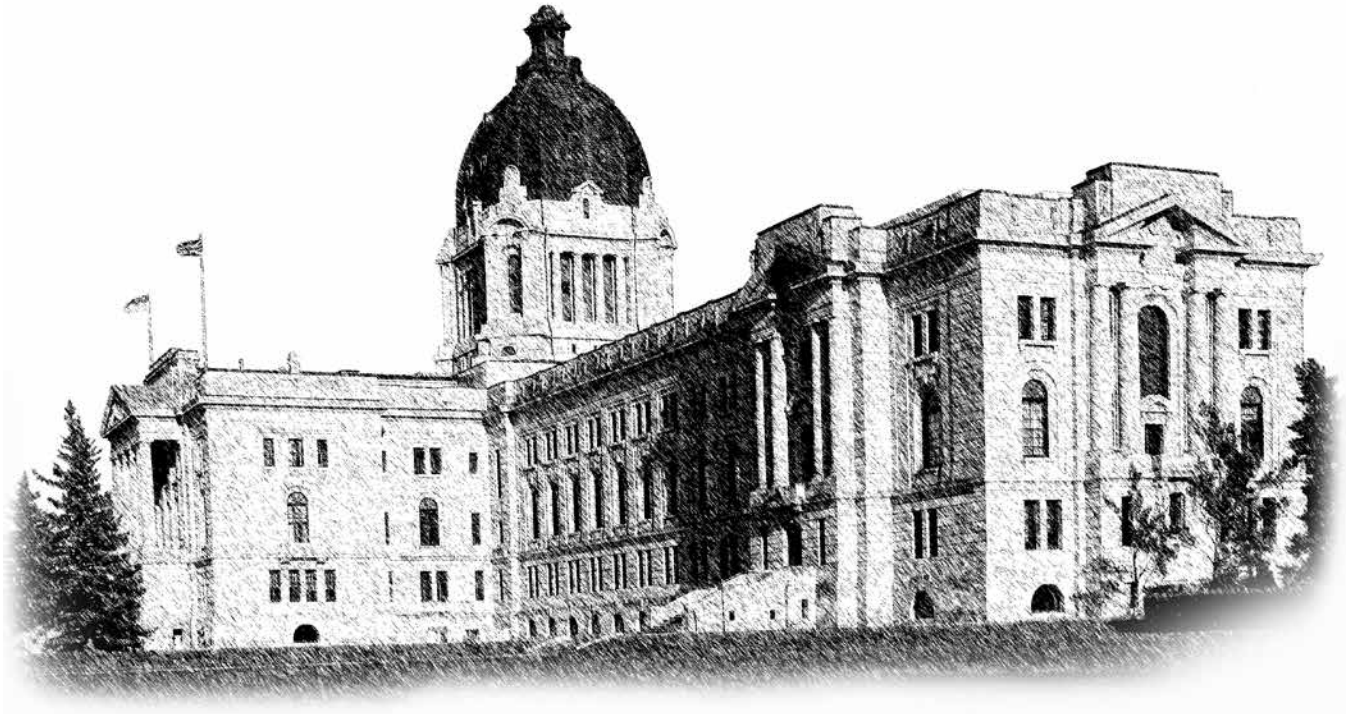
Feldman, Charlie and Vanessa MacDonnell. "Introduction : le Parlement et les tribunaux." *Revue générale de droit* 51 (special issue): 7-14, 2021 [AVAILABLE IN FRENCH ONLY].

- In 2019, the Canadian Study of Parliament Group's annual conference was entitled "Parliament and the Courts." It brought together Canadian researchers and practitioners, some of whom came from the United Kingdom and Australia, and welcomed a record number of participants. A common refrain after each presentation was, "We are out of time, but there is still so much more to say!" Of course, it is impossible for one single conference, or one single issue of a law review, to cover the extent of the involvement, intersection and interaction between Parliament and the courts.

Keyes, John Mark. "Examen parlementaire et contrôle judiciaire de la législation exécutive : évaluation de l'expérience canadienne." *Revue générale de droit* 51 (special issue): 129-71, 2021 [AVAILABLE IN FRENCH ONLY].

- Executive legislation is a form of law made by government bodies or officials to whom primary legislators (parliaments and legislatures) have delegated legislative authority. The exercise of this authority is subject to both parliamentary scrutiny and judicial review. This article looks at the relationship between these functions and considers whether they are being performed sufficiently to ensure democratic accountability for executive legislation. It concludes that although these functions do not conflict, there are serious concerns about whether they ensure democratic accountability for executive legislation in Canada.





## Saskatchewan

### Spring sitting of the second session of the twenty-ninth legislature

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The second session of the twenty-ninth legislature resumed on March 7, 2022. In accordance with the parliamentary calendar, the Assembly will sit for 40 days before concluding the spring sitting on the Thursday before Victoria Day.

As previously reported, at the beginning of the fall sitting, the Assembly passed a sessional order which established masking requirements in the Chamber and committee room, introduced a COVID-19 vaccination or proof of negative test policy for Members of the Legislative Assembly (MLAs), allowed for absences of members isolating due to COVID-19 exposure, and permitted proxy voting on recorded divisions for the same reason. These measures expired at the conclusion of the fall sitting on December 9, 2021.

In addition, members' desks were returned to their pre-COVID positions in the Chamber. In 2020, to allow for increased physical distancing between members, a number of government desks were relocated to the other side of the Chamber. All government members are once again seated on the government side.

### Seating of a new member

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**Jim Lemaigre**, the Saskatchewan Party candidate, was elected in a by-election for the constituency of Athabasca on February 15, 2022. This marks the first time a Saskatchewan Party candidate has won a seat in the Athabasca riding.

On March 7, 2022, the first day of the spring sitting, Mr. Lemaigre was seated in the Assembly following the passage of *The Athabasca Constituency By-election Act*. The Act allowed Mr. Lemaigre to be seated prior to the return of the writ on March 10, 2022.

### Budget

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On Wednesday, March 23, 2022, Finance Minister **Donna Harpauer** presented the province's budget for 2022-23. The budget, titled *Back on Track*, announced funding for priority programs and services in health care, education, social services, and the protection of people and property. "This budget makes significant investments that will get important government services back on track as we come out of the pandemic," said Ms. Harpauer. Highlights include funding to reduce the surgical wait list, recruit and retain health care workers, and create affordable new child care spaces.

In response, opposition Finance critic **Trent Wotherspoon** called it a budget “with high resource revenues but with very low support for people” and argued that it “fails to respond to the magnitude of the challenges faced.” On March 24, 2022, he moved an amendment in opposition of the budgetary policy of the government “. . . because it does nothing to alleviate the incredible cost of living pressures faced by Saskatchewan people or to provide any relief on fuel costs; it adds a suite of new provincial sales taxes; and it fails to invest in classrooms, seniors, and others in desperate need of support.”

On March 31, 2022, the amendment was defeated and the budget motion was passed on recorded division. In accordance with the *Rules and Procedures of the Legislative Assembly of Saskatchewan*, the estimates were automatically committed to their respective designated committees for review.

### **Motions pursuant to rule 61**

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Rule 61 of the *Rules and Procedures of the Legislative Assembly of Saskatchewan* allows a motion to be moved without notice by unanimous consent of the Assembly in cases of urgent and pressing necessity. In the first two weeks of the spring sitting, three motions were moved pursuant to rule 61, two of which were debated and passed.

The first instance occurred on March 7, 2022, the first day of the spring sitting, when Premier **Scott Moe** requested leave to move a motion pursuant to rule 61 expressing support for Ukraine, condemning the Russian invasion, and calling on Russia to cease military operations and withdraw from the country. Leave was granted and 31 members in total, from both sides of the Assembly, spoke in support of the motion before it was ultimately passed 57-0. A motion was subsequently passed to transmit copies of the motion and transcripts of the debate to both the Ukrainian and Russian ambassadors to Canada. By prior agreement, Ukrainian flags were also displayed on the desks of all members in the Chamber.

The second and third requests under rule 61 occurred on March 17, 2022, in regards to a labour dispute at Canadian Pacific Railway (CP Railway). Premier Moe initially requested leave to move a motion calling on the federal government to implement back-to-work legislation in the event of a work stoppage and to introduce legislation designating rail service as an essential service. Unanimous consent was not given and leave was therefore denied.

Opposition MLA **Trent Wotherspoon** then requested leave to move a motion recognizing the collective bargaining rights of workers while calling on CP Railway to urgently resolve the labour dispute without a work stoppage. This time leave was granted. Premier Moe then moved an amendment removing the recognition of collective bargaining rights and inserting a call for back-to-work legislation and the designation of rail service as essential. The amendment was agreed to on recorded division, and the amended motion was subsequently passed, through recorded vote, 44-8.

### **Queen’s platinum jubilee**

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On March 14, 2022, the Legislative Assembly of Saskatchewan observed the platinum jubilee of Her Majesty Queen Elizabeth II’s accession to the throne. Speaker **Randy Weekes** delivered a message from Lieutenant Governor **Russell Mirasty** stating that each member would receive a commemorative lapel pin to mark the occasion. A Humble Address extending the Legislative Assembly of Saskatchewan’s sincere congratulations to the Queen on her platinum jubilee was then agreed to by the Assembly, engrossed, signed by the Speaker, and forwarded to Her Majesty through the proper channels.

### **Resignation of ombudsman and public interest disclosure commissioner**

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On March 16, 2022, Ombudsman and Public Interest Disclosure Commissioner of Saskatchewan **Mary McFadyen** announced her retirement effective May 6, 2022. Ms. McFadyen has served in this position since 2014.

In Saskatchewan, the ombudsman and public interest disclosure commissioner is an officer of the Legislative Assembly who reports directly to the Legislative Assembly through the Speaker. Following Ms. McFadyen’s announcement, the Board of Internal Economy (BOIE) will begin the process of recruiting a new ombudsman and public interest disclosure commissioner.

On March 29, 2022, the BOIE appointed **Greg Sykes** as acting ombudsman and public interest disclosure commissioner. He will begin his new role on May 7, 2022.

**Miranda Gudereit**  
Procedural Assistant



## Senate

### Legislation

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Bill S-207, *An Act to change the name of the electoral district of Châteauguay—Lacolle*, was adopted at third reading and sent to the House of Commons on February 8. The bill is similar to other versions that had been introduced in previous sessions and were not sent to the House of Commons.

Four government bills received Royal Assent by written declaration. Bill C-12, *An Act to amend the Old Age Security Act (Guaranteed Income Supplement)*, was read a third time and passed, without amendment, and received Royal Assent on March 3. Bill C-10, *An Act respecting certain measures related to COVID-19*, was read a third time and passed, without amendment, and received Royal Assent on March 4.

Bill C-15, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2022*, and Bill C-16, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2023*, were read a third time and passed, without amendment, and received Royal Assent on March 31.

### Chamber, Procedure and Speaker's Rulings

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On February 21, as part of proceedings required after the invocation of the *Emergencies Act*, the Senate adopted a motion establishing the schedule and outline of the next four sitting days, from February 22 to 25, during which the Senate would sit from 9 a.m. to 9 p.m. The motion further stipulated that the only item of business before the Senate would be a motion to confirm the declaration of a public order emergency, which was proclaimed on February 14. The motion was to be taken up at the start of each

sitting and debated without interruption, except for one-hour pauses at noon and at 6 p.m.

During debate on the motion on the afternoon of February 23, Senator **Marc Gold**, the Government Representative in the Senate, announced that the government had revoked the declaration of a public order emergency pursuant to the *Emergencies Act*. With leave of the Senate, the motion was then withdrawn, and the Senate resumed sittings the next day following the rules, orders, and practices that were otherwise in effect.

On March 1, the Senate adopted a motion to refer a government motion to the Standing Senate Committee on Legal and Constitutional Affairs for examination and report. The motion in question, if adopted, would authorize an amendment to the Constitution of Canada to be made by proclamation issued by Her Excellency the Governor General with respect to repealing Section 24 of the *Saskatchewan Act*.

On March 3, the Senate received a message from the House of Commons regarding the appointment of a special joint committee of both houses to review the exercise of powers and the performance of duties and functions pursuant to the declaration of emergency that was in effect from February 14 to February 23. Later in the sitting, a corresponding motion was moved to respond to the message, which was subsequently modified and adopted by the Senate.

The Senate adopted a motion on March 29 calling upon the government to consider, in the context of the review of the *Official Languages Act*, the addition of a requirement to submit a report every 12 months on efforts made to comply with section 55 of the *Constitution Act, 1982*. This section requires progress towards having a fully bilingual Constitution. The Senate also adopted the *Environmental and Sustainability Policy Statement*, to replace the 1993 *Senate Environmental Policy* later that day.

On March 31, the Senate received a message from the House of Commons regarding the appointment of a special joint committee to review the provisions of the *Criminal Code* relating to medical assistance in dying and their application. Later in the sitting, a corresponding motion to respond to the message was adopted by the Senate.

On the same day, the Senate adopted a motion to extend the provisions of the order of November 25, 2021, regarding hybrid sittings of the Senate and

committees, and other matters, until April 30, 2022. The motion also commits the Senate to consider a transition back to in-person sittings as soon as practicable in light of public health guidelines, and the safety and well-being of all senators and parliamentary personnel. Any further extension of the order is to be taken only after consultation with the leaders and facilitators of all recognized parties and recognized parliamentary groups.

## Committees

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The second report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Senate Budget 2022-23*, was presented on February 24.

On March 1, the Standing Senate Committee on Social Affairs, Science and Technology presented its third report, on Bill C-12, *An Act to amend the Old Age Security Act (Guaranteed Income Supplement)*, without amendment. On March 3, the committee presented its fourth report, Bill C-10, *An Act respecting certain measures related to COVID-19*, without amendment but with observations appended to the report. Both bills were placed on the Orders of the Day for third reading at the next sitting.

The first report of the Special Joint Committee on the Declaration of Emergency, regarding its first meeting, which included the election of its co-chairs and vice-chairs and the adoption of routine motions, was deposited with the Clerk of the Senate on March 22. On the same day, a motion was adopted to empower the Standing Senate Committee on Legal and Constitutional Affairs to hold an in-camera meeting for the purpose of hearing witnesses and gathering specialized or sensitive information in relation to its study of Bill S-210, *An Act to restrict young persons' online access to sexually explicit material*.

On March 29, the Standing Senate Committee on Aboriginal Peoples presented its second report, on Bill S-219, *An Act respecting a National Ribbon Skirt Day*, without amendment but with observations appended to the report. The bill was placed on the Orders of the Day for third reading at the next sitting. In addition, the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament, recommending amendments to the *Rules of the Senate* to provide for election to the position of Speaker pro tempore by secret ballot, was presented and placed on the Orders of the Day for consideration at the next sitting.

The Standing Senate Committee on National Finance tabled its third report, entitled *Supplementary Estimates (C) for the fiscal year ending March 31, 2022*, on March 30. It was placed on the Orders of the Day for consideration at the next sitting.

The Standing Senate Committee on Legal and Constitutional Affairs presented its fourth report on March 31. The report deals with a government motion that was referred to it, described earlier in this article, and recommends that the motion be adopted by the Senate. The report was placed on the Orders of the Day for consideration at the next sitting.

## Senators

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Senator **Thanh Hai Ngo** retired from the Senate on January 3. Senator Ngo was appointed to the Senate on September 6, 2012, on the recommendation of Prime Minister **Stephen Harper**, to represent the province of Ontario. Senator Ngo immigrated to Canada in 1975 after the fall of Saigon and the coming to power of the Vietnamese communist government. Since then, he has been a strong advocate for freedom, democracy, human rights, and the rule of law. Prior to joining the Senate, his professional experience included serving as a Judicial Officer and Chair of the Board of Directors of the Employment Insurance Board of Referees, as well as a career in the field of education as a teacher. As a senator, he was an active member of the Standing Senate Committee on Human Rights and the Standing Senate Committee on Foreign Affairs and International Trade.

Senator **Diane F. Griffin** retired from the Senate on March 17. Senator Griffin was appointed to the Senate on October 27, 2016, on the recommendation of Prime Minister **Justin Trudeau**, to represent the province of Prince Edward Island. Prior to joining the Senate, her career included serving as deputy minister of environmental resources of P.E.I., executive director of the Island Nature Trust, and until her appointment, as a councillor of the town of Stratford, P.E.I. As a senator, she was an active member of several committees, including the Standing Senate Committee on Energy, the Environment and Natural Resources, the Standing Senate Committee on Social Affairs, Science and Technology, as well as chair of the Standing Senate Committee on Agriculture and Forestry for several years.

**Max Hollins**  
Procedural Clerk



## Québec

### Proceedings of the National Assembly

#### *Terms of resumption of National Assembly sittings*

Upon the resumption of proceedings on February 1, 2022, the parliamentarians adopted a motion to establish a regulatory framework for Assembly sittings until the end of the sessional period on June 10. The motion renewed several terms previously adopted by the parliamentarians.

The Assembly was, therefore, able to continue sitting with a maximum number of 61 parliamentarians, excluding the Chair, according to the following distribution:

- No more than 35 Members from the parliamentary group forming the Government;
- No more than 13 Members from the parliamentary group forming the Official Opposition;
- No more than five Members from the Second Opposition Group;
- No more than four Members from the Third Opposition Group;
- No more than four independent Members.

The modification of this distribution for the purposes of Routine Proceedings, which reduces the number of Government Ministers allowed to be present in favour of the opposition groups and provides that opposition Members be entitled to fill in for absent independent Members, was also maintained.

The procedure for recorded divisions was also renewed. Under that procedure, the vote of the House Leader or of the Deputy House Leader of a parliamentary group or, where applicable, of another Member identified beforehand was valid for all the

Members of his or her group. Parliamentarians could also record a vote that differed from the vote of their group, or choose not to vote. Lastly, the Government House Leader could record the vote of independent Members in their absence, in accordance with their instructions.

In addition to renewing the measures already in place, the motion stated that the Members would renegotiate the organization of parliamentary proceedings if the public health rules applicable to the National Assembly were modified, and that, for this purpose, the Secretary General would seek a new opinion on the rules, in particular as regards the maximum capacity of the rooms where deliberations are held, during each week set aside for work in the ridings.

Under these provisions, on March 15, 2022, upon the return from two weeks set aside for work in the ridings, the Assembly adopted a new motion regarding the organization of parliamentary proceedings, replacing the motion of February 1. To a large extent, the motion marked the return to the Standing Orders of the Assembly. Among other things, the motion established neither a limit on the number of Members allowed to sit concurrently nor a procedure for recorded divisions, and the Members returned to the seats assigned to them.

However, the Assembly maintained the schedule that had been originally introduced in order to comply with the curfew. During ordinary hours of meeting, it sits from 10 a.m. to 6:30 p.m. on Tuesdays, from 9:40 a.m. to 6:30 p.m. on Wednesdays, and from 9:40 a.m. to 4:30 p.m. on Thursdays. The wearing of masks remains mandatory at all times, except when taking the floor to speak during proceedings and when a Member rises to vote for a recorded division. Lastly, the parliamentarians again agreed to renegotiate the terms if the public health rules applicable to the National Assembly were modified, and the Secretary General remained responsible for seeking a new opinion on the rules during each week set aside for work in the ridings.

#### *Budget*

On March 22, 2022, **Eric Girard**, Minister of Finance, delivered the budget speech. The estimates of expenditure for the year 2022–2023 were also tabled. The interim supply and Bill 31, *Appropriation Act No. 1, 2022–2023*, were passed on March 23, 2021, and the Assembly began the 25-hour debate on the budget speech the next day.

## *Legislative agenda*

Since the Assembly resumed sitting on February 1, 2022, a total of 10 bills, including two private Members' bills, have been introduced in the National Assembly. During the same period, five government bills were passed:

- Bill 14, *An Act to ensure the protection of trainees in the workplace*;
- Bill 16, *An Act to amend various legislative provisions to implement Complementary Agreements No. 22 and No. 27 to the James Bay and Northern Québec Agreement*;
- Bill 17, *An Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021 and amending other provisions*;
- Bill 24, *An Act to amend various provisions relating to public security and enacting the Act to assist in locating missing persons*; and
- Bill 31, *Appropriation Act No. 1, 2022–2023*.

## *Other events*

### Women March on Parliament Exhibition

On February 9, 2022, the Assembly unveiled a new exhibition, *Women March on Parliament*, created in collaboration with, in particular, Bibliothèque et Archives nationales du Québec. Through archives as well as a documentary, an audio recording of a speech by **Marie Lacoste-Gérin-Lajoie** read by Assembly employees, and an original work by artist **Patrick Lavallée**, the public can learn about the history of women's right to vote in Québec.

### Committee Proceedings

Here are some of the highlights of committee proceedings held between January and March 2022.

#### *Organization of proceedings*

The first motion on the organization of parliamentary proceedings for the winter 2022 period was adopted by the National Assembly on February 1, 2022. It provided mainly for the same modifications to the usual procedure for parliamentary committees as those made in fall 2021 to ensure compliance with the health measures in force in the context of the COVID-19 pandemic and the participation of as many Members as possible in committee proceedings.

The second motion on the organization of parliamentary proceedings, providing for relaxation of the health rules, was adopted by the Assembly on March 15, 2022. Most of the modifications to the usual procedure for parliamentary committees, which had been in place since fall 2021, were abandoned. Among other things, the measures provided for the return of the public to the rooms during committee meetings. However, the parliamentary committee schedule for ordinary hours of meeting remained modified. In particular, Tuesday meetings ended at 7:15 p.m. instead of at 9:30 p.m. The measures already in place to avoid distributing and handling paper documents in committee, such as the projection of amendments onto large screens during meetings for clause-by-clause consideration of bills, were maintained. In addition, for public hearings, witnesses' participation by video conference also remained encouraged. However, on request, witnesses could testify in person at the Parliament Building. The Committee on Public Administration also remained authorized to hold its proceedings, including its deliberative meetings, virtually.

## *Bills*

The consideration of public bills took up most of the parliamentary committees' time during the months of January to March 2022. Some 15 bills crossed the parliamentary committees' worktables during this period, either for consultations or for clause-by-clause consideration.

Among other things, on March 22, 2022, the Committee on Transportation and the Environment completed the clause-by-clause consideration of Bill 102, *An Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles*. The main purpose of the bill is to enhance and harmonize the measures for applying legislation under the responsibility of the Minister of the Environment and the Fight Against Climate Change, to reinforce the *Pesticides Act* and to adjust the monitoring established by the *Dam Safety Act*. The clause-by-clause consideration of the 162 sections comprising the bill lasted more than 70 hours.

The Committee on Citizen Relations completed clause-by-clause consideration of two bills. First, the

clause-by-clause consideration of Bill 101, *An Act to strengthen the fight against maltreatment of seniors and other persons of full age in vulnerable situations as well as the monitoring of the quality of health services and social services*, was completed on March 22, 2022. The clause-by-clause consideration of the bill, which in particular provided for clarifying the definition of “maltreatment” by adding an express reference to the physical, psychological, sexual, material or financial harm or distress caused, required some 30 hours of meeting. Then, on March 23, 2022, the Committee completed clause-by-clause consideration of Bill 1, *An Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development*, after more than 50 hours of meeting.

The Committee on Health and Social Services held special consultations on three bills, including four public hearings on Bill 15, *An Act to amend the Youth Protection Act and other legislative provisions*, which provided an opportunity to hear around 20 individuals and organizations. The Committee then started clause-by-clause consideration of the 64 sections comprising that bill. More than 40 hours have so far been devoted to those sections.

Lastly, the Committee on Culture and Education continued clause-by-clause consideration of Bill 96, *An Act respecting French, the official and common language of Québec*. The purpose of the bill is to affirm that the only official language of Québec is French and that French is the common language of the Québec nation. It proposes new fundamental language rights and various measures to reinforce French. To date, more than 100 hours have been devoted to the clause-by-clause consideration of the bill, which comprises 201 sections.

#### *Mandates under the Standing Orders*

As provided for by sections 272 and 275 of the Standing Orders of the National Assembly, the debate on the budget speech continued, in the presence of the Minister of Finance, in the Committee on Public Finance at the end of the month of April 2022 for a total of 10 hours.

**David Bordeleau**

Sittings and Parliamentary Procedure Directorate

**Mathieu LeBlanc**

Parliamentary Committees Directorate



## Alberta

### Spring Session 2022

The Third Session of the 30<sup>th</sup> Legislature commenced with the Throne Speech on February 22, 2022. Two days later, on February 24, **Travis Toews**, President of the Treasury Board and Minister of Finance, delivered the Budget Address and tabled the budget documents for 2022-23. Budget 2022 moves away from pandemic-related supports and focuses on economic recovery, low taxes and a balanced budget. It also includes significant investments to increase the capacity of the healthcare system. The main estimates received consideration by the Legislative Policy Committees from March 7 through March 17. The votes on main estimates occurred in Committee of Supply on March 21.

The Government has brought forward a number of Bills at the outset of the new session, including:

- Bill 4, *Municipal Government (Face Mask and Proof of COVID-19 Vaccination Bylaws) Amendment Act, 2022*, which, if passed, would require municipalities to seek approval from the Minister of Municipal Affairs prior to enacting masking or proof of vaccination bylaws that could impact private sector businesses and remove any such bylaws currently in place.
- Bill 5, *Traffic Safety Amendment Act, 2022*, would require motorists to slow down when passing snowplows and other road maintenance workers that are stopped with lights flashing. This will provide these roadside workers with the same protection given to first responders, construction crews and tow truck drivers.



- Bill 10, *Health Professions (Protecting Women and Girls) Amendment Act, 2022*, which would add to current laws banning female genital mutilation in Alberta by prohibiting individuals convicted of performing or facilitating this crime in the province or elsewhere from practicing in Alberta. It would also require health profession regulator colleges to adopt standards of practice to support the health of women and girls who have undergone genital mutilation.
- Bill 14, *Provincial Court Amendment Act, 2022*, would require provincial court judge applicants to complete sexual assault law training as well as social context issues education about stereotypes and prejudice before becoming eligible for appointment.

### Support for Ukraine

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On February 24, Speaker **Nathan M. Cooper** opened the sitting with a statement of solidarity in support of the people of Ukraine, followed by the Ukrainian National Anthem. Premier **Jason Kenney**, President of Executive Council and Minister of Intergovernmental Relations, introduced Government Motion 11, condemning Russia's invasion of Ukraine. With unanimous consent, the Assembly then proceeded immediately to the motion, which was agreed to. Later in the Daily Routine, following a statement regarding the invasion by **Mark Smith**, MLA (Drayton Valley-Devon), a moment of silence was observed.

### ASL Interpretation

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Following through on a commitment made by Speaker Cooper in the fall of 2021, coverage of the Daily Routine is now provided with American Sign Language (ASL) interpretation. The ASL interpreters are not located in the Chamber but may be viewed via picture-in-picture on the broadcast of the Assembly, which is accessible both online and through Alberta Assembly TV.

### By-Election

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A by-election in Fort McMurray-Lac La Biche was held on March 15, 2022, to fill the vacancy created by the resignation of **Laila Goodridge**, who ran successfully for the Fort McMurray-Cold Lake seat in the federal general election on September 20, 2021. The candidate for the United Conservative Party, **Brian Jean**, won the by-election with over 60 per cent of the votes cast. Mr. Jean has significant political experience, having served as the MP for the Fort McMurray area from 2004 to 2014

before moving to provincial politics. In 2015 he became the Leader of the Official Opposition after being elected as leader of the Alberta Wildrose Party and then as the Member for Fort McMurray-Conklin in the provincial election. When the Alberta Progressive Conservatives and the Wildrose Party merged to become the United Conservative Party in 2017 he ran for the leadership of the new party but lost to Mr. Kenney. In 2018, he resigned his seat in the Assembly, and he did not run in the 2019 provincial election. He has publicly campaigned to replace Mr. Kenney as leader of the UCP.

Mr. Jean was officially sworn in on April 7, 2022. The composition of the Assembly is currently 61 Government Members (United Conservatives), 23 Members of the Official Opposition (New Democratic Party), and three Independent Members.

### Committee Business

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On February 14, 2022, the Select Special Child and Youth Advocate Search Committee released its report recommending **Terri Pelton** as the Child and Youth Advocate. Following the retirement of Del Graff, the previous advocate, Speaker Cooper hosted a swearing-in ceremony for Ms. Pelton at the Legislature Building on April 5, 2022. Ms. Pelton comes to her new role with over 30 years of experience in social services, including 15 years in various leadership roles with the Office of the Child and Youth Advocate.

The Select Special Information and Privacy Commissioner Search Committee is continuing the recruitment process for the next Commissioner. The current Commissioner, **Jill Clayton**, will complete her service by the end of July 2022.

Having completed its review of the Child and Youth Advocate 2020-2021 Annual Report the Standing Committee on Legislative Offices issued its report on January 27, 2022. The committee made no recommendations regarding the advocate's report.

Having been advised that the current Ombudsman and Public Interest Commissioner, **Marianne Ryan**, would not be pursuing a second term following the completion of her contract in June 2022, the committee recommended that the Assembly appoint a new search committee to recruit for these positions. The committee will be meeting again this spring to make a recommendation on the appointment of an Acting Ombudsman and Acting Public Interest Commissioner to serve until the recruitment process is complete and a new officer is in place.

The Select Special Committee on Real Property Rights is in the process of completing a six-location tour of the province to receive public input regarding real property rights in Alberta. Having already been granted an extension by the Assembly, the committee must complete its review and report by June 15, 2022.

The Select Special Committee to Examine Safe Supply is in the final stages of its review and must report its recommendations to the Assembly by April 30, 2022. The 12-member committee of the Assembly has operated with four vacancies since February 4, when all four members from the Official Opposition submitted their resignations to Speaker Cooper.

The Standing Committee on Alberta's Economic Future is continuing its review of the *Lobbyists Act*. The committee began the review on September 13, 2021, and has one year to complete its work and report to the Assembly. Its next meeting is scheduled for April 26, 2022, when it will begin the deliberations and recommendations stage of the review.

**Jody Rempel**  
Committee Clerk



## Northwest Territories

### Session

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The second Session of the 19<sup>th</sup> Legislative Assembly resumed from November 22 through to December 9, 2021. After a holiday break, the Assembly recommenced on February 21 to March 11, 2022. The House took a two-week break from March 14 to March 25 and resumed Session again from March 28 to March 31. Speaker **Frederick Blake Jr.** rescheduled all sittings due to a COVID-19 outbreak, the fall sitting was delayed for approximately six weeks, changing sitting dates from October 13 to November 22, 2022.

On the first sitting day, Premier **Caroline Cochrane** delivered a sessional statement welcoming members back and highlighting the government's management of the COVID-19 outbreak. An update on mandate commitments was provided. Commitments of note include building a stronger Federal Government partnership, advancing reconciliation with Indigenous Governments and organizations, and supporting efforts to address the effects of residential schools. Other areas included strategic infrastructure, climate change, and securing investments in the resource sector.

The fall sitting focused on the review of the Capital Estimates and passage of the *Supplementary Appropriation Acts*, with the Winter sitting's key emphasis on the 2022-2023 Main Estimates and Supplementary Appropriations. The *Appropriation Act* was passed before moving on to the completion of the 2022-2023 Main Estimates review.

The Assembly resumed with a hybrid sitting for the first time, with four members attending virtually. This posed some technical challenges in the final two days when Interpreters were utilized for the first time in a hybrid sitting. The Northwest Territories has 11 official languages. The Assembly continued to operate with two table officers, with a third table officer monitoring from their office.

### Member Conduct Complaint

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On May 6, 2021, the Member for Yellowknife North, at the direction of Caucus, lodged a complaint with the Integrity Commissioner regarding the Member for Tu Nedhé-Wiilideh's alleged breach of COVID-19 self-isolation protocol. The Integrity Commissioner's investigation resulted in a report to the Board of Management, recommending an inquiry before a Sole Adjudicator, which they accepted.

The Speaker, on the recommendation of the Board of Management, appointed a Sole Adjudicator, Justice **Ronald L. Barclay**, on June 28, 2021. It was determined a public inquiry would be held. The hearing was held October 4-8, 2021, and concluded on November 2 after a break due to a Covid-19 outbreak at the Legislative Assembly.

On November 17, the Sole Adjudicator released his report, it concluded the Member for Tu Nedhé-Wiilideh was guilty of breaching both sections 2 and 8 of the Code of Conduct, and in accordance with section 106(1)(b)(vi) of the LAEC, recommended that the seat be declared vacant.

Pursuant to section 107. (2) “The Legislative Assembly may order the imposition of the punishment recommended by the Sole Adjudicator, or it may reject the recommendation.” The Assembly accepted the recommendation.

On November 23, the Member for Thebacha moved motion 42-19(2): Declaration of vacant seat for Tu Nedhé-Wiilideh. A recorded vote was requested. After a lengthy debate, the motion was carried with 17 in favour, zero opposed and zero abstentions.

### **Speaker’s Decisions**

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On November 22, 2021, the Member for Thebacha rose on a Point of Privilege, which alleged the Member for Tu Nedhé-Wiilideh made threats, or otherwise intimidated her and other Members of the Legislative Assembly. The question of privilege referred to multiple incidents that arose before, and during the Sole Adjudicator’s inquiry into the conduct of the Member. Eleven Members took part in the debate. Further allegations of threats made by the Member in question toward officers of the Assembly arose during debate.

On November 23 the Speaker ruled that there had been a prima facie breach of privilege on the question raised by the Member for Thebacha.

The Speaker found the issue was raised at the earliest opportunity, and referenced rule 20(1)(v) of the *Rules of the Northwest Territories Legislative Assembly* which states, in part, that “The privileges of Members include: (v) freedom from obstruction and intimidation in relation to their duties as elected representatives.” The Speaker also referenced page 232 of *Parliamentary Privilege in Canada 2nd edition*: “Officers of the House of Commons, while in the execution of their duties, receive the protection of the House in the event they are interfered with, molested, intimidated, or assaulted.” It is as much a prima facie point of privilege to threaten or intimidate an officer of the Assembly as it is a Member.

In accordance with rule 20(5) “when the Speaker has ruled a) that there appears to be a prima facie breach of privilege, and b) that the matter has been raised at the earliest opportunity, then any Member may immediately propose a motion or, by the end of the next sitting day give notice of a motion calling upon the Assembly to take action...”, the Member for Thebacha rose to move 42-19(2): Declaration of vacant seat for Tu Nedhé-Wiilideh. As noted above, the motion was carried unanimously.

### **Officers of the Legislative Assembly**

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#### *Appointment of Chief Electoral Officer*

On November 24, 2021, **Stephen Dunbar** was appointed the Northwest Territories Chief Electoral Officer. This is an independent Statutory Officer of the Legislative Assembly position. Responsibilities include administration of general elections, by-elections, and plebiscites. He will serve the Assembly until March 31, 2025.

#### *Appointment of Equal Pay Commissioner*

On December 7, 2021, **Bronwyn Watters** was appointed the Northwest Territories Equal Pay Commissioner. Responsibilities include ensuring the right to equal pay for work of equal value in the *Public Service Act* is protected.

### **Committee Business**

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Standing Committees are currently conducting statutory reviews of the following acts:

- *Wildlife Act*
- *Species at Risk Act*
- *Official Languages Act*

Due to the COVID-19 pandemic, Committees conducted the majority of their public consultations virtually.

### **Administrative Updates**

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#### *Legislative Assembly COVID-19 Vaccination Policy*

On November 1, the Board of Management approved the Legislative Assembly’s COVID-19 Vaccination Policy requiring mandatory vaccination of all who are eligible, and who wish to enter the Legislative Assembly Building.

#### *Motion on Member vaccination policy passed*

On November 22 a motion requiring Members be fully vaccinated against COVID-19 to attend sittings, Committee meetings, or other Assembly proceedings was passed. The motion is in effect until prorogation of the current session, or until its formally rescinded.

### *Seat declared vacant, by-election held*

On November 23, the Tu Nedhé-Wiilideh seat was declared vacant. On December 13 the Chief Electoral Officer announced the Commissioner of the Northwest Territories provided direction to issue a Writ of Election Order to the returning officer of the electoral district of Tu Nedhé-Wiilideh on Monday, January 10, 2022, and that should a poll be required, it be held on Tuesday, February 8, 2022. Due to the omicron variant of COVID-19 causing outbreaks across the NWT, the by-election was conducted through mail-in ballots.

By the close of nominations on Friday, January 14, 2022, six candidates vied for election: four men and two women. **Richard Edjericon** emerged as the successful candidate and was sworn in as member for the Tu Nedhé-Wiilideh riding on February 21, 2022.

### *Repeal and replace the Rules of the Northwest Territories Legislative Assembly*

On December 9, a motion was passed to repeal and replace the *Rules of the Northwest Territories Legislative Assembly*. The revised rules were tabled in the House on December 7. The changes became effective on February 2, 2022.

### *Workplace Review*

On December 21, 2021, the Legislative Assembly released the Workplace Review Action Plan, which included seven recommendations to address issues and concerns that were found during the Workplace Review and Investigation.

In February 2021, the Board of Management met to discuss allegations brought to the media of a toxic workplace and made the decision to have an independent workplace assessment done for the Office of the Clerk. On March 2, 2021, Ottawa-based Quintet Consulting Corporation was hired to conduct the third-party workplace review. The Board chose Quintet based on their particular expertise in the field of conflict management and prevention, including conducting administrative investigations.

Current and former staff members of the 19th Assembly were invited to speak voluntarily to the independent third-party firm. Terms of reference for the review included, but were not limited to, the confidentiality of the process, production of a review report to summarize information anonymously, summarize any other topics or themes that emerge (both

positive and negative), and make recommendations for next steps and future actions.

The final report concluded that the workplace was not, in an overall or broad sense, a toxic or poisoned one. However, it did show disparate views and experiences from some staff, which indicated a divided workplace with a lack of unity. On August 24 the Board adopted the report and directed the development of the above-mentioned action plan. The Action plan was developed by Senior Management in consultation with all Office of the Clerk staff to ensure the active involvement of staff in developing effective and positive change.

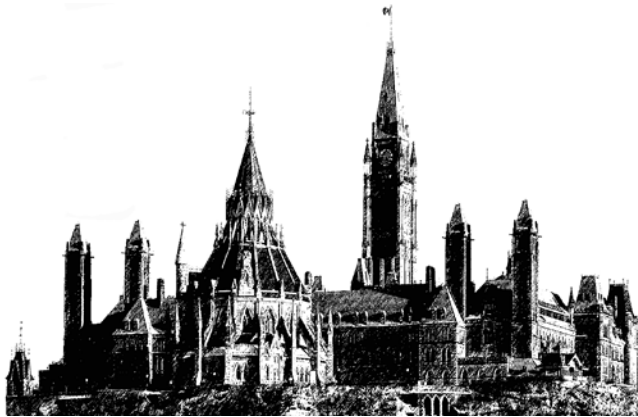
### **Bills**

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During the November/December 2021 and February/March 2022 Sittings, the Assembly considered and passed the following Acts:

- Bill 24: *An Act to Amend the Revolving Funds Act*
- Bill 30: *An Act to Amend the Aurora College Act*
- Bill 31: *An Act to Amend the Pharmacy Act*
- Bill 32: *An Act to Amend the Northern Employees Benefits Services Pension Plan Act*
- Bill 33: *National Indigenous Peoples Day Act*
- Bill 36: *An Act to Amend the Territorial Court Act*
- Bill 37: *An Act to Amend the Access to Information and Protection of Privacy Act*
- Bill 38: *Miscellaneous Statute Law Amendment Act, 2021*
- Bill 39: *An Act to Amend the Post-secondary Education Act*
- Bill 41: *Justice Administration Statutes Amendment Act*
- Bill 42: *Supplementary Appropriation Act (Infrastructure Expenditures), No. 2, 2021-2022*
- Bill 43: *Supplementary Appropriation Act (Operations Expenditures), No. 2, 2021-2022*
- Bill 44: *Supplementary Appropriation Act (Operations Expenditures and Borrowing Authorization), No. 4, 2020-2021*
- Bill 45: *Appropriation Act (Infrastructure Expenditures) 2022-2023*
- Bill 49: *Supplementary Appropriation Act (Infrastructure Expenditures), No. 3, 2021-2022*
- Bill 50: *Supplementary Appropriation Act (Operations Expenditures), No. 3, 2021-2022*
- Bill 51: *Appropriation Act (Operations Expenditures) 2022-2023*

**Cynthia James**  
Committee Clerk



## House of Commons

This account covers key highlights of the period from January to the end of March, 2022.

### Procedure and privilege

#### *Question of privilege*

On February 1, 2022, **G rard Deltell** (Louis-Saint-Laurent) rose on a question of privilege concerning the premature disclosure of the contents of Bill C-10, *An Act respecting certain measures related to COVID-19*. Mr. Deltell alleged that Prime Minister **Justin Trudeau** (Papineau) had divulged the contents of the bill at a press conference held while the bill was on notice, several hours before it received first reading in the House of Commons. **Peter Julian** (New Westminster—Burnaby) rose to support the question of privilege, noting that it is common practice to give opposition parties early access to bills with the understanding that their contents will not be made public, and that all opposition parties had upheld this convention for Bill C-10. **Elizabeth May** (Saanich—Gulf Islands) added her support. The next day, February 2, **Kevin Lamoureux** (Winnipeg North) rose to argue that there was no breach of privilege, given that the Prime Minister had spoken about C-10 only in very general terms. He also held that sharing a draft of the bill with opposition parties before its introduction satisfied the requirement that members must be the first to be informed of its contents.

On February 8, the Speaker delivered his ruling. He acknowledged the convention that the House has the right of first access to the contents of bills. Given that there was no evidence that the bill itself had been leaked, he found that there was no *prima facie* breach

of privilege in this case. He explained that the text of the bill was extremely short, and the subject matter of one of its two clauses had been public knowledge for some time. The Speaker invited the Standing Committee on Procedure and House Affairs to review the recent points of privilege related to the premature disclosure of various bills as well as the practice of sharing government bills with the opposition before first reading and report its findings to the House, if necessary.

#### *Point of order: Wearing masks in the Chamber*

On February 15, 2022, **Mike Morrice** (Kitchener Centre) rose on a point of order and asked the Assistant Deputy Speaker, **Carol Hughes** (Algoma—Manitoulin—Kapusksasing), to enforce the requirement that members wear a mask while in the Chamber. Mrs. Hughes responded that while the Board of Internal Economy (BOIE) strongly encourages members to wear masks in the Chamber, they may take them off when seated in their places. Later in the sitting, the Speaker ruled on the matter. He reminded members that chair occupants had been encouraging members to follow public health guidance and wear masks since the beginning of the pandemic, and that the BOIE had the authority to require masks outside of the Chamber, but not inside it, since the House has sole authority to determine the rules that will apply to it. He encouraged House leaders to discuss the issue among themselves. **Cheryl Gallant** (Renfrew—Nipissing—Pembroke) then rose on a point of order to confirm that masks were mandatory outside the Chamber, but not inside it; the Speaker responded in the affirmative. **Kevin Lamoureux** (Winnipeg North) requested unanimous consent to make masks mandatory in the Chamber, except for when speaking, but it was refused. The next day, Mr. Lamoureux rose on a further point of order concerning masks, and Deputy Speaker **Chris d'Entremont** (West Nova) reminded members that masks are strongly recommended.

#### *Invocation of the Emergencies Act*

On February 14, 2022, the Governor in Council declared a public order emergency, invoking the *Emergencies Act* for the first time since its passage in 1988. The declaration and other required documents were tabled in the House of Commons on February 16, pursuant to section 58 of the *Act*.

The *Emergencies Act* requires that a statutory debate be held on a motion to confirm any declaration of emergency. Subsection 58(6) of the *Act* states that the

motion “shall be debated without interruption”. On February 16, **John Brassard** (Barrie—Innisfil) rose on a point of order and requested that the Speaker rule on the meaning of “without interruption”, which he saw as requiring the House to sit and debate the matter continuously until the question was put. The next day, the Speaker ruled that the intention of the legislators who adopted the provisions of the *Emergencies Act* was not to have the motion be debated non-stop. Instead, he proposed that the statutory debate take precedence over all other orders of the day, but that the daily routine of business, including the ordinary hour of daily adjournment, remain in place. Finally, he encouraged the parties to arrive at an agreement if they wished to adapt this proposal to the urgent matter at hand.

On February 17, **Mark Holland** (Ajax) moved and obtained unanimous consent for a motion setting out the terms of the debate. The motion provided for five extended sitting days devoted to the debate, including the weekend of February 19–20. The ordinary daily routine of business was to be maintained on February 17, 18 and 21, with the exclusion of Private Members’ Business and Adjournment Proceedings. On February 19 and 20, the declaration of emergency was to be the sole topic of debate. The motion also contained provisions for the vote to be held on the evening on Monday, February 21, even if debate were to collapse on the weekend. The normal sitting calendar of the House was altered; it had been scheduled to adjourn on February 18 and return on February 28. Certain standing orders were also suspended.

Accordingly, the statutory debate began in the House on February 17. In an unusual turn of events, the planned sitting on Friday, February 18 was canceled after consultations with all recognized parties because of police operations in the area surrounding West Block. The House was deemed to have sat, however, for the purposes of Standing Order 28.

The House adopted the motion to confirm the declaration of emergency on February 21. On that same day, **Candice Bergen** (Portage—Lisgar) filed a motion aiming to revoke the declaration of emergency under subsection 59(1) of the *Emergencies Act*. Then, on February 23, the Governor in Council revoked the declaration of emergency. Mr. Holland tabled the relevant documents when the House next sat on February 28. Because the declaration of emergency had already been revoked, the Speaker removed Ms. Bergen’s motion from the Order Paper.

#### *Point of order: Liberal-NDP confidence and supply agreement*

On March 22, 2022, Prime Minister **Justin Trudeau** (Papineau) and Leader of the New Democratic Party **Jagmeet Singh** (Burnaby South) announced a confidence and supply agreement between the Liberal Party of Canada and the New Democratic Party (NDP). The agreement involves cooperation between the two parties on certain parliamentary objectives, a commitment by the NDP to support the government on votes related to confidence and supply, and a commitment by the Liberal Party not to call an election before the House rises in June 2025.

The same day, **John Brassard** (Barrie—Innisfil) rose in the House on a point of order to argue that this agreement created a coalition government and that the NDP should therefore no longer be considered an opposition party. He asked the Speaker to rule whether the NDP should be allowed to exercise certain privileges afforded to opposition parties, such as putting forward opposition motions (including the one previously moved on March 21) and responding to ministerial statements.

Deputy Speaker **Chris d’Entremont** (West Nova) immediately ruled that the opposition motion of March 21 was still in order, and took the rest of Mr. Brassard’s questions under consideration for a later ruling.

On March 23, **Alain Therrien** (La Prairie) spoke in support of Mr. Brassard’s point of order, and the next day, **Peter Julian** (New Westminster—Burnaby) spoke in opposition to it.

On March 29, the Deputy Speaker delivered his ruling. He noted that the Chair’s role does not include interpreting or giving meaning to what is by nature a political agreement. He then explained that his ruling relies on the different rights exercised by government and opposition parties; namely, that the governing party includes members holding ministerial positions and opposition parties do not. Given that no member of the NDP had gained ministerial status, the Deputy Speaker concluded that the NDP continues to form a recognized opposition party.

#### **Legislation**

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C-10, *An Act respecting certain measures related to COVID-19*

On February 11 and 14, 2022, the House debated a motion concerning the proceedings on Bill C-10, *An Act respecting certain measures related to COVID-19*. After a closure motion, the order was adopted on February 14. Accordingly, on February 15, the bill was adopted at second reading and referred to a committee of the whole on deferred recorded division. Subsequently, the bill was deemed to be considered in committee of the whole, reported without amendments, concurred in at report stage, read a third time, and passed. Bill C-10 received royal assent on March 4, 2022.

C-12, *An Act to amend the Old Age Security Act (Guaranteed Income Supplement)*

On February 11 and 15, 2022, the House debated a motion concerning the proceedings on Bill C-12, *An Act to amend the Old Age Security Act (Guaranteed Income Supplement)*. The motion was much the same as the motion concerning the proceedings on Bill C-10. After a closure motion, it was adopted on February 15. Accordingly, on February 16, the bill was adopted at second reading and referred to a committee of the whole on deferred recorded division. Subsequently, the bill was deemed to be considered in committee of the whole, reported without amendments, concurred in at report stage, and read a third time and passed. Bill C-12 received royal assent on March 3, 2022.

## Committees

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On December 8, 2021, the House adopted a motion moved by **Erin O'Toole** (Durham) setting out the terms of reference of a Special Committee on Afghanistan (AFGH). The committee's membership was appointed on December 9, and the first meeting was on December 13.

On March 2, 2022, the House adopted a motion to create the Special Joint Committee on the Declaration of Emergency (DEDC), as required under section 62(1) of the *Emergencies Act*. The committee was created to study the use of powers set out in the declaration of public order emergency in place from February 14 to 23. After the Senate adopted a similar motion, the committee's membership was determined on March 3. The committee met for the first time on March 14. On March 22, **Rhéal Éloi Fortin** (Rivière-du-Nord) presented the first report of the committee as required under the *Emergencies Act*.

On March 30, 2022, the House unanimously adopted a motion moved by **Kevin Lamoureux** (Winnipeg North) to create the Special Joint Committee on

Medical Assistance in Dying, pursuant to subsection 5(1) of *An Act to amend the Criminal Code (medical assistance in dying)*. The committee will be composed of five Senators and 10 Members of Parliament. Its purpose is to review various provisions of the *Act*, as well as their application.

## Financial procedures

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On February 19, 2022, President of the Treasury Board **Mona Fortier** (Ottawa—Vanier) tabled the Supplementary Estimates (C) for the fiscal year ending March 31, 2022. Notably, this occurred on a Saturday, during the statutory debate on the invocation of the *Emergencies Act*. The considered votes were concurred in and Bill C-15, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2022*, was disposed of as provided for in the order of November 25, 2021.

On March 29, Deputy Prime Minister and Minister of Finance **Chrystia Freeland** (University—Rosedale) requested that an Order of the Day be designated for the consideration of a ways and means motion for the presentation of the budget on Thursday, April 7, 2022.

## Private Members' Business

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The order of precedence was established on February 10, 2022.

On February 28, the Speaker made a statement regarding two private members' bills that may require royal recommendation: Bill C-215, *An Act to amend the Employment Insurance Act (illness, injury or quarantine)*, sponsored by **Jacques Gourde** (Lévis—Lotbinière) and Bill C-237, *An Act to amend the Federal-Provincial Fiscal Arrangements Act and the Canada Health Act*, sponsored by **Louis Plamondon** (Bécancour—Nicolet—Saurel). He invited members who wished to make arguments regarding these bills to do so.

On March 1, Mr. Plamondon intervened to argue that Bill C-237 had no incidence on the amounts, destination, objectives, or general conditions of health transfers, and therefore did not require royal recommendation. On March 22, **Kevin Lamoureux** (Winnipeg North) commented on the bills and indicated that in his view, both Bill C-215 and Bill C-237 would require royal recommendation. When Bill C-215 was debated at second reading on March 30, Mr. Gourde indicated that the bill would in fact require royal recommendation and requested the necessary support to obtain it.

## Other

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### *Leadership of the Conservative Party of Canada*

Following a caucus vote pursuant to the *Reform Act*, on February 1, 2022, **Erin O'Toole** (Durham) resigned as Leader of the Opposition and leader of the Conservative Party of Canada. **Candice Bergen** (Portage—Lisgar) was elected by caucus to serve as interim leader of the Conservative Party. On February 7, after these and other changes to the Conservative caucus, the Speaker informed the House that, pursuant to the *Parliament of Canada Act*, **John Brassard** (Barrie—Innisfil) and **Blaine Calkins** (Red Deer—Lacombe) had been appointed members of the Board of Internal Economy (BOIE) to replace **G rard Deltell** (Louis-Saint-Laurent) and **Blake Richards** (Banff—Airdrie).

### *Silencing of the carillon*

On February 16, 2022, the Speaker made a statement regarding the imminent silencing of the carillon due to the parliamentary rehabilitation work. The final performance was anticipated on February 18; however, it was postponed to February 23 due to police operations in the area around the parliamentary precinct.

### *Address by the President of Ukraine*

Before and after the outbreak of war on February 24, Russia's invasion of Ukraine was the subject of various actions in the House, including take-note debates, unanimous consent motions, and an opposition motion. Notably, **Volodymyr Zelenskyy** (President of Ukraine) addressed Parliament by video link on March 15. Members of Parliament, Senators, and other guests attended the first joint address to Parliament since the House moved to the West Block. It was the third time that a president of Ukraine has addressed Parliament. The Speakers of the House and Senate, as well as Prime Minister **Justin Trudeau** (Papineau), **Candice Bergen** (Portage—Lisgar), **Yves-Fran ois Blanchet** (Beloeil—Chambly), **Jagmeet Singh** (Burnaby South), and **Elizabeth May** (Saanich—Gulf Islands) also spoke during the event.

### *Changes to the House of Commons Administration*

**Pierre Rodrigue**, Clerk Assistant, House Proceedings, retired from the House of Commons Administration on February 26, 2022. Mr. Rodrigue served the House for many years in various roles,

including as a Table Officer since 2005, and played a key role in the renewal of the House of Commons Web site and the development of various informatics systems.

**Sophia Nickel**  
Table Research Branch



## Newfoundland and Labrador

The first session of the 50<sup>th</sup> General Assembly continued in the spring sitting of 2022, with the House resuming for three days on March 15, 2022, in accordance with the parliamentary calendar. During that time, the House debated and passed the *Interim Supply Act, 2022*. Following a two-week recess, the House resumed on April 4, and the provincial budget was delivered on April 7.

### COVID-19 Considerations

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On March 14, 2022, the province of Newfoundland and Labrador relaxed its public health restrictions, removing the Alert Level system entirely as well as masking and vaccination requirements.

As a result of these changes, masks are currently discretionary (but recommended) for Members in the Chamber. Consistent with the protocols in place in Confederation Building Complex at this time, masks are mandatory for employees in all areas of the parliamentary precinct, including the Chamber, and are mandatory for Members outside the Chamber at the direction of the Speaker.

The configuration of the Chamber remains the same as it was for the fall 2021 sitting, with the desks being spaced apart, at the discretion of the Speaker.



The public galleries opened for the spring 2022 sitting without the capacity restrictions that were in place in previous sittings. The protocols in place for employees in Confederation Building Complex (requirement for proof of vaccination and masks) also apply to all visitors at this time, including visitors to the galleries.

Tours of the House of Assembly resumed as of March 15.

### **Standing Orders Committee**

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The Standing Orders Committee presented its first report of the 50<sup>th</sup> General Assembly to the House on March 15, which concurred on March 16. All recommendations made by the Committee were adopted, specifically:

- the enforcement of Standing Order 48 by the Speaker with regard to relevancy at all times during debate, including debate on money bills;
- amendments to codify the time provided for ministerial statements and responses by Members of the Official Opposition and the Third Party;
- amendments to the Standing Orders that decrease the time allocation for each Member during debate on private Members' motions from 15 minutes to 10 minutes, and provides for Members to seek an advance ruling from the Speaker on amendments to private Members' motions outside of the time allotted for debate; and
- a provisional amendment to the Standing Orders for a period of one year with respect to deferral of vote on division.

The full report is available here: [https://assembly.nl.ca/business/electronicdocuments/SOC-GA50Report1\\_2022-03-15.pdf](https://assembly.nl.ca/business/electronicdocuments/SOC-GA50Report1_2022-03-15.pdf)

### **Public Accounts Committee**

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The Public Accounts Committee has continued to be active throughout the first session. The first public hearing of the Committee in the 50<sup>th</sup> General Assembly occurred on March 21 and 22, during which time Members of the Committee questioned officials on the report of the Auditor General entitled MV Veteran and MV Legionnaire. This report was the result of a review requested by the PAC from a previous General Assembly, reviewing the purchasing process for two separate ferries in the province, including mechanical issues experienced since entering into service.

During the public hearing, the Committee heard from a number of departmental officials, including former and current deputy ministers and assistant deputy ministers. One former official appeared virtually, marking the first virtual participation of a witness appearing before a Committee since the House adopted the virtual proceedings option in July 2020.

Audio and Hansard of the public hearing, as well as a link to the report of the Auditor General, are available here: <https://assembly.nl.ca/Committees/StandingCommittees/PublicAccounts/ga50session1/>

### **Privileges and Elections Committee**

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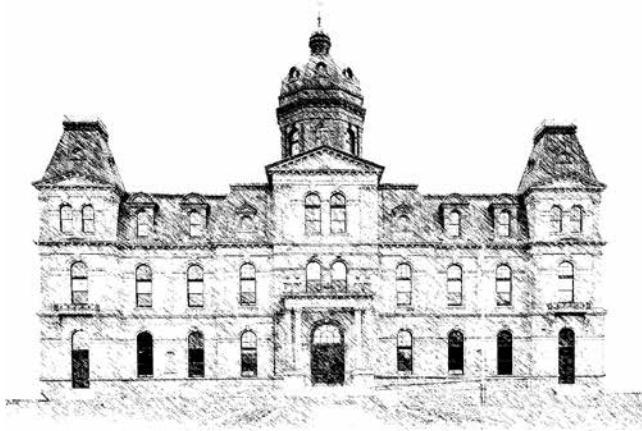
The Privileges and Elections Committee (PEC) presented a report to the House of Assembly on April 5, 2022, respecting a review of the Harassment-Free Workplace Policy Applicable to Complaints Against Members (the Policy). The Committee conducted its review in accordance with Section 17 of the Policy, which requires the PEC to review the Policy once in each general assembly, or as required.

The Committee's work on this matter was undertaken as a result of correspondence from the Citizens' Representative (the Statutory Officer responsible for oversight of the complaint and resolution processes), outlining a potential issue in the confidentiality provisions, identified in the execution of a process under the Policy.

The Committee's report, which concurred on April 6, recommended an amendment to the confidentiality provisions of the policy. The report is available here: <https://www.assembly.nl.ca/business/electronicdocuments/PEC-GA50-Report1-2022-04-04.pdf>

**Mark Jerrett**

Policy, Planning and Research Analyst –  
Office of the Clerk



## New Brunswick

### Budget

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The First Session of the 60<sup>th</sup> Legislature adjourned on December 17 and resumed on March 22, when Finance and Treasury Board Minister **Ernie Steeves** tabled the 2022-2023 Main Estimates. This is the fourth budget delivered by the Progressive Conservative government led by Premier **Blaine Higgs**.

The 2022-2023 budget projects a surplus of \$35.2 million after total spending of \$11.3 billion. While revenues are projected to grow by 1.2 per cent, the Department of Finance and Treasury Board projects New Brunswick's gross domestic product to grow by 2.2 per cent in 2022. The net debt-to-GDP ratio is projected at 30.1 per cent by March 31, 2023.

Highlights of the budget included \$40 million in personal income tax relief to offset federal carbon-pricing increases; continued reductions to the provincial property tax rate resulting in a \$45 million revenue reduction; a one-year cap on the allowable increase to rent of 3.8 per cent that is retroactive to January 1, 2022; an increase of \$6.3 million for affordable housing; a healthcare budget totalling \$3.2 billion, which represents a 6.4 per cent increase; and \$38.6 million to increase wages for human services workers.

On March 24, Finance Critic **Robert McKee** delivered the Official Opposition's Reply to the Budget. Mr. McKee argued that the government underestimated the province's revenues while overestimating expenditures, which led to financial forecasting uncertainty and a missed opportunity to correct financial inequities for New Brunswickers. The Official Opposition outlined service inequities in rural

healthcare compared to urban services, a shortage of nursing home facilities in the province, a lack of mental health services in schools, a shortage of subsidized or affordable housing, underspending in northern capital investments, inaction on the climate change portfolio, and an increase to public sector wages that falls behind projected inflation numbers.

### Swearing-in of Legislative Officers

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Speaker **Bill Oliver** presided over the swearing in of three new legislative officers. The new Auditor General, **Paul Martin**, was sworn in on December 22; the new Ombud, **Marie-France Pelletier**, was sworn in on January 7; and the new Child, Youth and Senior Advocate, **Kelly Lamrock**, was sworn-in on February 9. All three were recommended by resolution of the Legislative Assembly on December 8, 2021.

### New Member of the Executive Council

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**Bill Hogan** was sworn in as the Minister responsible for Public Safety by Lieutenant-Governor **Brenda Murphy** during a virtual ceremony on February 23. Minister Hogan was first elected to the Legislature in the 2020 provincial election to represent the riding of Carleton. A member of various standing and select committees, he served as Chair of the Standing Committee on Climate Change and Environmental Stewardship and the Select Committee on Public Universities.

### Legislation

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As of April 1, 15 bills were introduced during the spring session. Certain bills of note included:

- Bill 95, *An Act to Amend the Business Corporations Act*, introduced by Service New Brunswick Minister **Mary Wilson**, requires corporations to maintain a record of individuals holding significant (at least 25 per cent) voting shares of the corporation and make the record available to law enforcement and taxation authorities.
- Bill 96, *An Act to Amend The Residential Tenancies Act*, introduced by Ms. Wilson, implements a 3.8 per cent rent cap retroactively from January 1 to December 31, 2022, and holds the landlord responsible for either crediting or reimbursing the tenant who has had a higher than prescribed increase. The amendments also prohibit landlords from terminating tenancies without just cause and provide evicted tenants recourse through a review process by a residential tenancies officer.

- Bill 99, *An Act to Amend the Electricity Act*, introduced by Natural Resources and Energy Development Minister **Mike Holland**, establishes the Energy Efficiency Fund, which uses capital from the province's Consolidated Fund and transfers it to the New Brunswick Power Corporation for the purpose of funding the development and delivery of energy efficiency initiatives and energy conservation.
- Bill 100, *An Act Respecting the Appointment Process*, introduced by Government House Leader **Glen Savoie**, transfers power from the Lieutenant-Governor in Council to the Chief Electoral Officer in the appointment or termination of electoral returning officers. Additionally, the Bill amends the approval process for other legislated appointments.

## Resolutions

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On March 23, Mr. Savoie gave notice of a legislative calendar that outlines House sittings and the dates set aside for meetings of standing and select committees for the remainder of the 2022 calendar year.

On March 30, the House passed a resolution, introduced by Green Party Leader **David Coon**, offering condolences to the families of New Brunswickers who have passed away due to COVID-19 since the start of the pandemic.

On March 31, the House passed a resolution, introduced by Official Opposition Leader **Roger Melanson**, that urged the government to request that the Auditor General of New Brunswick undertake a review of the provincial government's response to the COVID-19 pandemic.

## Committee Activity

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The Standing Committee on Economic Policy, chaired by **Greg Turner**, remained active in January, considering various government bills. In January and February, the Standing Committee on Climate Change and Environmental Stewardship, chaired by **Bill Hogan**, heard from the Climate Change Secretariat as well as various private entities, First Nations, and government departments on the renewal of New Brunswick's Climate Change Action Plan. The Committee tabled a report in the House on March 31.

In February and March, the Standing Committee on Public Accounts, chaired by **Chuck Chiasson**, reviewed two volumes of an Auditor General report and the annual reports of various government departments,

Crown corporations, and other provincial entities. In March, the Select Committee on Accessibility in New Brunswick, chaired by **Kathy Bockus**, continued to meet with various stakeholders as part of ongoing public hearings. The Committee is charged with conducting consultations with community stakeholders and government departments involved with the disability community and reporting to the House with recommendations.

The Standing Committee on Procedure, Privileges and Legislative Officers, chaired by **Jeff Carr**, met in March to review the annual report of the Commissioner of Official Languages. The Committee also met with several legislative officers to consider their request for changes to their legislative process.

## Pandemic Restrictions

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Since 2020, the proceedings in the House have been modified to reduce the number of Members seated on the floor from 49 to 28 in response to the pandemic. Following a decision by the Legislative Administration Committee, all Members are now permitted to take their seats on the floor of the House provided they wear a face mask, which may be removed when addressing the House. Members are still permitted to participate in proceedings from the gallery and the main Legislative Assembly Building remains closed to the public until further notice.

## People's Alliance of New Brunswick

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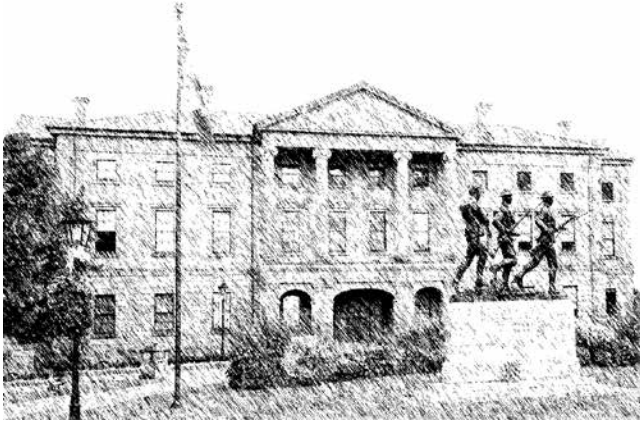
On March 30, **Kris Austin**, Leader of the People's Alliance of New Brunswick, and **Michelle Conroy** announced they would be crossing the floor of the House to become members of the Progressive Conservative Party of New Brunswick. The next day, at the request of Mr. Austin and in accordance with the *Elections Act*, the People's Alliance of New Brunswick ceased to be a registered political party. The People's Alliance of New Brunswick was represented in the House for the first time in 2018 with three seats, which was reduced to two seats following the 2020 provincial election.

## Standings

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The standings in the House are 28 Progressive Conservatives, 16 Liberals, three Greens, and two vacancies.

**Alicia R. Del Frate**  
Committee Clerk and Parliamentary Assistant



## Prince Edward Island

### Continuation of Second Session, Sixty-sixth General Assembly

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The Second Session of the Sixty-sixth General Assembly resumed on February 22, 2022, and continues as of this writing. The Second Session began in February 2021.

### Hybrid Virtual Proceedings

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The resumption of the Second Session marked the first time that the House has met under hybrid virtual proceedings, which allow members the choice of attending proceedings in person or by video conference. Virtual proceedings had been invoked by Speaker **Colin LaVie** in January 2022, in response to the provincial COVID-19 situation, and several committees made use of them in advance of the House sitting. To date, the majority of members have attended proceedings in person, but each day has typically included a few members participating virtually. One member, Cornwall-Meadowbank MLA **Mark McLane**, attended House proceedings virtually before ever attending in person. He was elected in a by-election in November 2021, but was not sworn-in in time to take his seat during the fall sitting. Unable to attend in person on February 22, he appeared by video conference on his first sitting day. He was able to take his physical seat on February 24. The public and press galleries remain open with limited capacity.

### Budget Address

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Minister of Finance **Darlene Compton** delivered the 2022-2023 Budget Address on February 24. It includes total expenditures of \$2.6 billion (program expenditure of \$2.4 billion) and a deficit of \$92.9 million. Health

remains the largest area of program expenditure, at 34 per cent, followed by Education at 17 per cent. Interest charges and amortization account for 9 per cent of the budget, which is larger than all the other areas of program expenditure taken individually. The three largest areas of revenue are personal and corporate income tax at 23 per cent, equalization at 20 per cent, and sales tax at 15 per cent. Initiatives highlighted by government include a partnership with the federal government toward expansion of early learning spaces and educator wages; increases in mobile rental vouchers, rental supplements and other rental supports; a registered nurse stabilization strategy to create a central float pool of nurses for assignment according to urgent needs and short-term vacancies; a seniors food program pilot project; and supports for a new clean tech park to be developed in eastern PEI. The Estimates of Revenue and Expenditure were tabled on the same day the Budget Address was given, and to date continue to be debated.

### Speaker's Rulings

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At the conclusion of Oral Question Period on March 1, Speaker **Colin LaVie** advised members that, though rules do not require questions to be directed to a specific minister provided they pertain to government business, it would be best to do so in order to save time.

On March 4, Leader of the Third Party **Sonny Gallant** rose during Matters of Privilege and Recognition of Guests to seek unanimous consent to move a motion without notice calling on Government to suspend the provincial gas tax in light of the rising cost of gas in the province. Speaker LaVie declared a recess to consider the matter; upon returning, he concluded that it was not a proper matter of privilege, but that since the House is able to suspend any of its rules by unanimous consent, he would allow the matter to proceed. The House did not provide unanimous consent.

On March 31, Minister of Environment, Energy and Climate Action **Steven Myers** rose on a point of order to seek clarity on whether members are required to wear masks while seated in the House after Leader of the Official Opposition **Peter Bevan-Baker** observed that some members were not wearing them. On April 1, Speaker LaVie indicated that no rules had been broken during proceedings, and clarified that the Standing Committee on Legislative Assembly Management had issued the guideline that members are free to be unmasked while seated in their places, though masks are mandatory when moving around the building. The Speaker encouraged any members with concerns about

the masking policies to bring them to the attention of the committee.

On April 5 Speaker LaVie ruled on a point of order raised by Mr. Myers the previous sitting day in objection to the words “wildly inaccurate” as used by Mr. Bevan-Baker during Oral Question Period. The Speaker found that given the context of Mr. Bevan-Baker’s remarks, the term was unparliamentary and should be retracted. Mr. Bevan-Baker did so. Later the same day, **Lynne Lund**, the member for Summerside-Wilmot, objected to remarks made by Steven Myers in which he questioned the sincerity of the Leader of the Official Opposition and accused him of “speaking out of both sides of his mouth”. The Speaker found this expression and others used by Mr. Myers to be unparliamentary and asked him to retract them. Mr. Myers did so.

On April 6, **Michele Beaton**, the member for Mermaid-Stratford, objected to comments made by Minister of Social Development and Housing **Brad Trivers**, on the basis that they were personal attacks and untruthful. The next day, the Speaker ruled that though he did not find any unparliamentary expressions listed in the point of order, unparliamentary language was being used by both sides and tensions were building. He reminded members to show more respect to one another, otherwise, he would have to intervene more actively.

**Ryan Reddin**

Director of Parliamentary Research



## Ontario

On February 22, 2022, Ontario’s Members returned to Queen’s Park for the spring sitting of the Second Session of the 42<sup>nd</sup> Parliament. This sitting saw a return to in-person committee meetings, significant changes to the Standing Orders, and a busy committee circuit.

### Standing Order Amendments

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On March 9, 2022, the House passed a motion making several amendments to the Standing Orders. The amendments included changes to the meeting schedule of the House, the notice requirements relating to Private Members’ Public Business, and to the make-up of standing Committees. .

The amendments grant the Government House Leader the ability to make a temporary change to the House schedule - the House would start at 9:00 a.m. instead of 10:15 a.m. on a sitting Monday. Notice of this change would have to be given no later than the previous sitting Thursday at 12:00 noon.

Previously, for an item of business to be debated during the time for Private Members’ Public Business, it had to appear on the *Orders and Notices Paper* (Order Paper) two weeks in advance of the date it was to be considered. This notice requirement was changed so that the item of business not only has to appear but must be designated on the Order Paper eight sessional days in advance. There were also contingencies added for when a Member failed to designate business for consideration before the deadline. Should the Member fail to designate an item, the first eligible public bill standing in their name would be designated; if there is none, then it would be the first eligible motion in their name. If the Member has no business on the Order Paper by the deadline, the Member will lose their place in the order of precedence and the House will not conduct a Private Members’ Public Business proceeding on that date.

The amendments will also change the number of standing committees, including the elimination of the Standing Committee on Estimates. The expenditure estimates will now be referred to the committees to which the respective ministries are assigned and will be considered by those individual committees as part of their expanded mandates.

The changes relating to the House schedule came into force on the next sitting day after the motion was adopted while changes relating to Private Members’ Public Business came into force on the eighth sitting day. Changes that impact committees will become effective in the next Parliament.

### Motion Concerning Member’s Conduct

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On February 22, 2022, the House passed a motion with respect to the Member for Lanark—Frontenac—

Kingston. This was the second motion of its kind passed by the House this session concerning the Member's conduct – the first time was on October 28, 2021. The House expressed its disapproval specifically of the Member's use of social media to make perceived racist and discriminatory statements about a federal cabinet minister and for publishing social media posts insinuating a call to violence. The House called on the Member to make a written apology to **Omar Alghabra**, MP, and to the House, as well as publish his written apologies and desist from further conduct considered inappropriate and unbecoming of a Member of the Legislative Assembly of Ontario. This motion goes further than the previous motion as it also gave authority to the Speaker to not recognize the Member for Lanark—Frontenac—Kingston until the Speaker receives copies of the Member's written apologies and is satisfied with their sincerity.

### **Speaker's Ruling**

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On March 21, 2022, the Speaker delivered his ruling regarding points of order raised by the Official Opposition House Leader, the Government House Leader, and an independent member with respect to a suggested conflict between the notice requirements for the consideration of Private Members' Public Business and the power of the House to discharge an Order for second reading of a public bill and refer it to committee.

Private Members' Public Business is scheduled for Tuesdays, Wednesdays, and Thursdays and only one item of business is considered each day. The order of precedence for when a private Member can move second reading of their public bill or a motion is determined by a ballot conducted by the Clerk. The Member for York South—Weston, **Faisal Hassan**, introduced a bill with the intention of bringing it forward for debate during his assigned date for Private Members' Public Business.

Mr. Hassan met the notice requirement when he introduced the bill on February 23, 2022, and the bill appeared on the Order Paper the next day, scheduled to be debated on March 10, 2022.

The issue arose when the House adopted a motion moved by the Government House Leader on March 3, 2022, to discharge the order for second reading of the bill and refer the bill to the Standing Committee on Justice Policy. Discharging the bill meant that Mr. Hassan could no longer move second reading of his bill as his item for debate since the bill was now referred to a committee. At this time, the notice deadline has

passed for him to introduce another bill or table a motion to be considered.

Before Mr. Hassan's date for his Private Members' Public Business, the Government House Leader put forward a substantive motion that would have provided another bill co-sponsored by the Member to be designated for consideration as the Member's ballot item in place of his first bill; however, during the debate on the motion, the Government House Leader withdrew the motion. As a result, when the Order for the Member's ballot item was called, he had no business standing on the Order Paper that complied with the notice requirements.

The appeal made to the Speaker was to decide a question that was not provided for in the Standing Orders; however, the situation raised by the point of order did not arise because of gaps in the rules of procedure. The notice requirements for the consideration of Private Members' Public Business and the procedure to discharge an Order for second reading of a public bill and refer it to committee were both under Standing Orders that were duly adopted by the Assembly and were correctly applied.

The Speaker ruled that although the outcome had no precedent, it was neither out of order nor the result of procedural error or misapplication. It did not leave the House with a "stub" or "remnant" of unfinished or incomplete business that could only be rectified with the Speaker's intervention under the Standing Orders. The Speaker's finding was that there was nothing to remedy under the authority of the Standing Orders.

The Speaker concluded his ruling by expressing his disappointment that the House was unable to find a resolution in time to preserve the Member's ability to bring an item forward for debate on his ballot date. The Speaker hoped the House would reconsider the matter and seek a resolution satisfactory to both sides of the House.

### **COVID-19 Restrictions at the Assembly**

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The Government House Leader wrote to the Speaker to rescind certain Covid-19 protocols applicable to the Chamber as of March 1, 2022. This was in accordance with the motion adopted by the House on September 14, 2020, stating that the protocols would be in place in the Chamber for the duration of the 42<sup>nd</sup> Parliament or until an earlier date indicated by the Government House Leader. As a result, Members would no longer be allowed to speak and vote from any Member's desk

in the Chamber, committees would resume meeting in person, and Members would no longer vote in the party lobbies. At the time of this letter, the masking mandate was still in effect. Under his authority for control of the broader Legislative Precinct, the Speaker also lifted the mandate for proof of vaccination or negative rapid antigen test results for entry into the Legislative Precinct at the same time as the province lifted its policy requiring proof of vaccination to enter indoor spaces.

The Legislative Precinct reopened to the public on March 21, 2022. A reopening plan was provided to all staff, with restrictions still in place to keep both staff and the public safe.

The Government House Leader, within the authority granted to him by the motion adopted by the House on September 14, 2020, lifted mask requirements in the Chamber and committees on March 21, 2022, and the Speaker announced that the requirement for masks to be worn throughout the Legislative Precinct would be discontinued as well, in consistency with the province-wide removal of mask mandates as of that date.

### Committees

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The Select Committee on Emergency Management Oversight met on March 10, 2022, and received a report from the Solicitor General. The committee has tabled a total of 19 interim reports to date. As per its mandate, the committee receives oral reports from the Premier or his designate(s) on any extensions of emergency orders related to the COVID-19 pandemic and the rationale for those extensions.

The Standing Committee on Public Accounts held public hearings to examine the Auditor General's value-for-money audits on the Covid-19 Economic Response and Supports for Businesses. The Committee also completed and tabled five reports in the House: Retirement Homes Regulatory Authority; Blood Management and Safety; Public Accounts of Ontario; Emergency Management in Ontario – Pandemic Response; and Acute-Care Hospital Patient Safety and Drug Administration.

The Standing Committee on Justice Policy met on March 10, 2022, to discuss a motion filed by MPP **Lucille Collard** pursuant to Standing Order 129. This standing order allows each permanent Member of a policy-field committee to propose a matter to be considered by the respective committee. The matter must relate to the mandate, management, organization,

or operation of the ministries and offices assigned to the committee as well as the agencies, boards, and commissions reporting to such ministries and offices. The proposal of a Member under this Standing Order must be adopted by at least two-thirds of the Members of the committee.

MPP Collard's motion sought to undertake a study into the role and actions of the Ministry of the Solicitor General regarding the so-called "Freedom Convoy" occupation in Ottawa. The motion was debated for the allotted 30 minutes stated in the Standing Orders but was not adopted by the committee.

**Thushitha Kobikrishna**

Committee Clerk



## Manitoba

### 4<sup>th</sup> Session of the 42<sup>nd</sup> Legislature – Spring Sitting

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The Fourth Session of the 42<sup>nd</sup> Legislature resumed on March 1, 2022. The Legislative Building had been closed to members of the public for two years owing to COVID-19 pandemic restrictions; however, the building gradually opened with increased security in April 2022. Visitors to the building are now required to provide photo ID. They are issued a visitor's pass and also must walk through a metal detector at the front entrance. The new security procedure has been operating since September 2021 and includes a procedure of escorting visitors to destination offices once they enter the building. Another permanent security measure is the monitoring of vehicles that enter onto the grounds.

The Government introduced a number of Bills this session addressing different areas of governance. A total of 25 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 8 – The Court of Appeal Amendment and Provincial Court Amendment Act* expressly authorizes judges to meet with the parties to an appeal and attempt to settle issues in dispute before the appeal is heard. Changes are also made to the organization of the judicial appointment committee and a new process for appointing Provincial Court judges is established;
- *Bill 9 – The Scrap Metal Act* creates duties for a scrap metal dealer when they purchase or receive scrap metal, including obtaining proof of identification from the seller and retaining records about the transaction. Other requirements for scrap metal dealers include limiting cash purchases of scrap metal and providing regular reports to law enforcement agencies;
- *Bill 18 – The Legislative Security Amendment Act* amends *The Legislative Security Act*, which deals with security in the Legislative Building and the surrounding grounds (“the legislative precinct”). The chief legislative security officer, a newly established position, is responsible for leading security operations in the legislative precinct. Legislative security officers are authorized to provide security services outside the legislative precinct to members of the Legislative Assembly and government officials. Specified activities in the legislative precinct may be prohibited by regulation. Persons who engage in prohibited activities may be fined and evicted from the legislative precinct;
- *Bill 22 – The Environment Amendment Act (Pesticide Restrictions)* removes the prohibition on the application of certain pesticides to lawns and the sale of those pesticides is no longer subject to provincial regulations. The list of premises where the use of those pesticides is prohibited is expanded to include municipal playgrounds, picnic areas, dog parks, and provincial parks;
- *Bill 26 – The Officers of the Assembly Act (Various Acts Amended)*, amends various *Acts* with respect to the appointment of the following officers of the Assembly: the Advocate for Children and Youth; the Auditor General; the Chief Electoral Officer; the Clerk of the Assembly; the Conflict of Interest Commissioner (to be replaced by the Ethics Commissioner); the Information and Privacy Adjudicator; the Ombudsman; the registrar appointed under *The Lobbyists Registration Act*. As a result of the amendments, the officers (other than the Clerk of the Assembly) are appointed by the Assembly on the recommendation of the Standing Committee on Legislative Affairs. The Clerk’s appointment is on the recommendation of the

Legislative Assembly Management Commission. The officers’ remuneration is to be determined by the Legislative Assembly Management Commission. The officers may appoint their deputies with prior approval of that commission. The current officers of the Assembly and their deputies will continue in office;

- *Bill 30 – The Police Services Amendment and Law Enforcement Review Amendment Act* establishes Manitoba Criminal Intelligence Centre (“MCIC”). The MCIC is a specialized office staffed with criminal intelligence experts who work with police services and other law-enforcement-related organizations to develop their criminal intelligence collection and analysis capacity. The MCIC also promotes and coordinates the sharing of criminal intelligence. The MCIC operates under the direction of the criminal intelligence director, a new position. *The Law Enforcement Review Act* is also amended to extend the time for filing complaints under that Act from 30 days to 180 days;
- *Bill 32 – The Victims’ Bill of Rights Amendment Act* amends *The Victims’ Bill of Rights* to enable the director to pay compensation to the family members of a victim despite the victim’s conviction for certain offences. Currently, family members are ineligible if the victim’s criminal record includes a conviction for any of those offences. An amendment is also made to allow a victim in a sexual assault case to receive, at no cost, independent legal representation if the victim’s personal information is sought to be used by the accused.

## Budget Debate

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On April 12, 2022, Finance Minister **Cameron Friesen** delivered his first budget, highlights included:

- expanding eligibility for the Child Care Subsidy Program to support an average of \$10 a day per child for regulated child-care spaces;
- increasing the Education Property Tax Rebate to 37.5 per cent in 2022 and 50 per cent in 2023, saving the average homeowner \$1,355 over two years;
- introducing and expanding the new Residential Renters Tax Credit to 45,000 additional households, saving Manitoba renters up to \$525 each and every year;
- increasing shelter benefits for low-income Manitobans by investing;
- \$9 million in Employment and Income Assistance Rent Assist indexation; and



- \$8.9 million in non-Employment and Income Assistance Rent Assist indexation.
- \$12 million in new income-support programs for people with severe and prolonged disabilities;
- reducing vehicle registration fees, saving Manitobans \$15 million a year;
- making the Small Business Venture Capital Tax Credit permanent and expanding it to support venture capital funds;
- further reducing the payroll tax for 970 businesses, exempting 180 businesses altogether;
- \$5 million to strengthen immigration programming to help attract newcomers to Manitoba;
- more than \$2 million supporting new property development in Manitoba;
- more than \$18 million for improving the wages of front-line workers in the community living disability, children's disability and family violence prevention sectors.

The Leader of the Official Opposition and NDP leader **Wab Kinew** moved a motion expressing non-confidence in the Government on April 19, 2022, which stated that the budget was not in the best interests of the people of the province and that it neglected the priorities of Manitobans by:

- offering more empty promises to fix the extremely high surgical and diagnostic caseload backlog that has only grown larger because of the inaction and refusal to work with front line workers and invest in real solutions;
- refusing to stop the practice of sending seniors hundreds of kilometres away from home for health care because the PC cuts have removed capacity from the system;
- refusing to help municipalities deliver their essential services by not increasing the funding for municipalities for a 6<sup>th</sup> consecutive year;
- rejecting the need to provide proper salaries for working people, failing to properly address the needs of workers in sectors like Community Living Disability Services or Home Care workers or other health care workers and refusing to address the challenges experienced by women, BIPOC and other marginalized groups to fully participate in a pandemic recovery; and
- failing to learn the lessons of the pandemic by further cutting healthcare funding, refusing to release up to date data about the spread of COVID-19 and refusing to call for an independent investigation into the Provincial Government's pandemic response.

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

- failing to make new investments in improving the lives and abilities people of Manitoba, choosing instead to expand existing inequities and selecting the status quo over growth and innovation;
- failing to increase funding for the Emergency Measures Organization, despite two years of historic crises, including pandemics, fires, and floods;
- failing to provide any sort of a plan for individuals seeking to escape wars in Ukraine and Afghanistan by partnering with local organizations to ensure a proper and smooth resettlement transition to Manitoba;
- failing to commit to equitable health and education funding for all Manitobans, choosing instead to continue concentrating services in Winnipeg
- failing to allow Manitobans to take steps to reducing their own carbon footprint by following the Federal Government's lead by providing rebates for the purchase of electric vehicles, major retrofits to existing buildings and adaptations of agriculture.

### Sessional Order

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The Legislature is still operating under the Sessional Order allowing for virtual participation among other things. Originally passed on October 7, 2020, and discussed in previous issues, the Sessional Order has been extended to June 10, 2022. This Sessional Order has been amended numerous times, primarily to extend its effective end date. The latest amendment on April 11, 2022, did include some substantive changes which provided some easement from previous pandemic provisions such as the following:

- Adding a provision allowing MLAs to participate virtually in a committee meeting if necessary, even if they had been physically in the House the same day.
- Removing limits on the number of MLAs and staff who can attend meetings in the Committee rooms.
- Allowing that Public presentations to Bills at Standing Committees may take place remotely using the virtual infrastructure already in place or in person, with presenters appearing either virtually, by telephone, or by being present in the committee rooms.

## Standing Committees

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The Public Accounts Committee had three new Government Members appointed to the Committee after the cabinet shuffle reported in the last submission. The Chair, **Jim Maloway** of the Opposition NDP remained, however **Greg Nesbitt** from the Government was added as the Vice-Chair. On April 4, **Lesley Burns** and **Carol Bellringer**, former Manitoba Auditor General, of the Canadian Audit and Accountability Foundation, led an excellent workshop for PAC Members and their staff. The session went very well and was well-received. It was an interactive evening and every Member volunteered at least one answer or observation throughout the night.

On April 11, PAC held its first-ever in-camera pre-meeting one week in advance of an upcoming meeting. Previously in-camera pre-meetings were held one hour before the meeting and Members expressed that was not enough time to digest the information from the Auditor General. This date also marked the first time the Auditor General could prepare Members based on the results of a Progress Report received from the Department. The subsequent PAC official meeting on April 19, marked the first time PAC employed a seating plan in which Government and Opposition Members were alternated so that they sat side by side in the Chamber (where PAC meetings are currently being held). The meeting was widely viewed as a huge success as every Government and Opposition Member, aside from the Chair, asked questions to the Deputy Minister who was called as a witness. PAC is planning many more meetings throughout the year, having received many Action Plans and Progress Reports sent out to departments as part of a new process undertaken by PAC that was discussed in a previous submission. The Committees Branch also expects to be very busy over the next few months with Bill meetings and also Estimates in the Committee of Supply anticipated for most of May.

## By-election results

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On March 22, 2022, voters in the Fort Whyte constituency in Winnipeg elected to the Progressive Conservative Caucus **Obby Khan**, a restaurant owner and former Winnipeg Blue Bomber football player. It was a very close race, with Mr. Khan beating Liberal candidate Willard Reaves, another former Blue Bomber, by 197 votes.

**Greg Recksiedler**

Clerk Assistant/Research Officer



## British Columbia

### Spring Sitting

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The Second Session of the 42<sup>nd</sup> Parliament was prorogued the morning of February 8, 2022. The Third Session began that afternoon with the delivery of the Speech from the Throne by Lieutenant Governor **Janet Austin**. Following the Speech from the Throne, the Legislative Assembly adopted a new Sessional Order similar to the Sessional Order adopted during the fall 2021 sitting period enabling the continuation of hybrid proceedings. As with the fall sitting period, most Members have opted to attend in person.

In response to changes to the provincial public health orders, starting on March 14, face masks became optional in common areas within the Parliament Buildings and other Precinct buildings, including in the Chamber.

### Presiding Officers

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**Spencer Chandra Herbert**, BC NDP Member for Vancouver-West End, and **Ronna-Rae Leonard**, BC NDP Member for Courtney-Comox, were reappointed as Deputy Speaker and Deputy Chair of the Committee of the Whole, respectively. **Jackie Tegart**, BC Liberal Party Member for Fraser-Nicola, was appointed Assistant Deputy Speaker, replacing **Norm Letnick**, BC Liberal Party Member for Kelowna-Lake Country.

### Official Opposition Updates

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On February 5, the BC Liberal Party elected former MLA **Kevin Falcon** as its new leader. As he does not currently hold a seat as a Member, **Shirley Bond**, BC Liberal Member for Prince George-Valemount, continues as Leader of the Official Opposition in the House.

**Andrew Wilkinson**, BC Liberal Party Member and former BC Liberal Party Leader, resigned his seat as the Member for Vancouver-Quilchena on February 17; Mr. Falcon is running in the by-election on April 30. Following Mr. Wilkinson's resignation, current party standings in British Columbia are 57 BC NDP, 26 BC Liberal, two BC Green and one vacancy.

### Budget 2022-23 Presentation

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Minister of Finance **Selina Robinson**, presented the 2022-23 provincial budget on February 22. The budget presentation focused on funding to address economic recovery, affordable housing and childcare, and to strengthen emergency management and wildfire services. The Official Opposition Critic for Finance, **Peter Milobar**, shared concerns about a lack of measures to address the rising cost of living. The Leader of the Third Party, **Sonia Furstenau**, noted that the budget featured no expansion to safe supply, harm reduction, or mental health services.

### New Ministry

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Premier **John Horgan** announced the new Ministry of Land, Water and Resource Stewardship on February 25. This was accompanied by a change in Cabinet, with **Josie Osbourne** appointed Minister of Land, Water and Resource Stewardship and Minister Responsible for Fisheries, and **Nathan Cullen**, formerly the Minister of State for Lands and Natural Resource Operations, appointed to Minister Osbourne's former portfolio as the Minister of Municipal Affairs.

### Ministerial Statements - Ukraine

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In response to the Russian invasion of Ukraine, **Bruce Ralston**, Minister of Energy, Mines and Petroleum Resources, delivered a ministerial statement on February 24 condemning the illegal war of aggression and sharing his support and solidarity with the people of Ukraine. On behalf of the Official Opposition, the Official Opposition House Leader, **Todd Stone**, responded in support of Ukraine and those of Ukrainian descent who call Canada and British Columbia home. The Leader of the Third Party, **Sonia Furstenau**, on behalf of the Third Party, also condemned the invasion and highlighted the need to stand together for peace and democracy as elective representatives.

### Legislation

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As of March 11, four bills have received Royal Assent:

- Bill 2, *Municipalities Enabling and Validating (No. 4) Amendment Act* addresses the unique circumstances faced by Lytton following the catastrophic fire in June 2021 by supporting the Village of Lytton in repealing and replacing bylaws that were lost during the fire.
- Bill 3, *Protected Areas of British Columbia Amendment Act* adds land to and modifies the boundaries of several parks and ecological reserves, as well as updates legal descriptions and makes administrative corrections to the Act.
- Bill 4, *Skilled Trades BC Act* replaces skilled trades certification for 10 skilled trades to be implemented in phases through 2024 and rebrands the Industry Training Authority as SkilledTradesBC.
- Bill 5, *Workers Compensation Amendment Act* creates certification requirements for asbestos abatement contractors and launches a mandatory training program run by WorkSafeBC.

### Speaker's Ruling

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On February 9, **Adam Olsen**, BC Green Party Member for Saanich North and the Islands, raised a question of privilege alleging that **Lisa Beare**, Minister of Citizens' Services, misled the House in relation to her statements during the consideration of Bill 22, *Freedom of Information and Privacy Protection Amendment Act*, 2021 last fall. With respect to the provision enabling an application fee to be set for information requests, the Member noted that the Minister made statements that, "in making those regulations moving forward, that we are listening and that we will continue to listen to British Columbians." The Member further noted that an order of the Lieutenant Governor in Council was made setting a fee of \$10 shortly after the bill received Royal Assent and that in his view, this contradicted the Minister's statements about continuing to listen to British Columbians.

On February 15, the Speaker ruled that a *prima facie* breach of privilege had not occurred, stating that he could not conclusively conclude that the Minister deliberately misled the House. Referring to the representations made by the Minister, and in the absence of indisputable evidence to the contrary, the Speaker advised that, "the Chair must accept her submission that a final decision on the application fee had not been made until after Bill 22 duly passed all stages of consideration in this House and that she views the commitment she made in the course of debate as being fulfilled." However, the Speaker went on to note that while the responsibility of governing is entrusted to the executive, the important and legitimate role

of the House is to examine and undertake effective scrutiny in that respect, which may only be achieved when an elevated level of debate exists.

### **Legislative Assembly Management Committee (LAMC)**

On January 31, 2022, LAMC released the *Legislative Assembly Accountability Report 2020-21*. The report provides the decisions of the Legislative Assembly Management Committee and outlines the work of the Legislative Assembly Administration during the 2020-21 fiscal year. The audited 2020-21 *Financial Statements* were released separately in November 2021.

LAMC also approved its first *Legislative Assembly Governance Framework* on January 31, 2022. The framework establishes detailed provisions for the Legislative Assembly's financial and administrative management, including LAMC decision-making and subcommittees, operations, and delegations of authority for periods of dissolution and emergencies. The framework requires LAMC to undertake a review of the document once every Parliament and authorizes the Clerk of the Legislative Assembly to update provisions to reflect future decisions. The framework is a key component of the Committee's ongoing work to strengthen governance and oversight processes within the institution.

**Natalie Beaton**

Committee Research Analyst



## **Yukon**

### **2022 Spring Sitting**

The 2022 Spring Sitting of the First Session of the 35<sup>th</sup> Yukon Legislative Assembly began on March 3 and is scheduled to conclude on April 28, the 32<sup>nd</sup> sitting day of the Sitting.

### **Government bills**

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. 11, *Act to Amend the Child and Family Services Act (2022)* – **Tracy-Anne McPhee**
- Bill No. 12, *Income Tax Amendments Act, (2022)* – **Sandy Silver**
- Bill No. 13, *Act to Amend the Safer Communities and Neighbourhoods Act (2022)* – Ms. McPhee
- Bill No. 14, *Act to Amend the Legal Profession Act, 2017 (2022)* – Ms. McPhee
- Bill No. 15, *Miscellaneous Statute Law Amendment Act, 2022* – Ms. McPhee
- Bill No. 203, *Third Appropriation Act 2021-22* – Mr. Silver
- Bill No. 204, *First Appropriation Act 2022-23* – Mr. Silver
- Bill No. 205, *Interim Supply Appropriation Act 2022-23* – Mr. Silver

In addition, Bill No. 3, *Act to Amend the Assessment and Taxation Act and the Municipal Act (2021)* (**Richard Mostyn**), which had received second reading in the 2021 Fall Sitting, remained on the Order Paper at the outset of the 2022 Spring Sitting. During the present Sitting, the bill was considered in Committee of the Whole, and on March 16, was reported from Committee of the Whole, with amendment.

Unusually, by March 31 – the seventeenth sitting day of the 2022 Spring Sitting – all government bills, with the exception of the main appropriation bill, had progressed through all stages, and been assented to by Commissioner **Angélique Bernard**. At the time of writing, only the main appropriation bill (Bill No. 204) remains on the Order Paper, with departmental budgets receiving scrutiny in Committee of the Whole.

### **Temporary limitation on the use of the guillotine**

On March 8, 2022, the Government House Leader, **John Streicker**, moved a motion (Motion No. 282) to amend Standing Order 76 – a standing order commonly referred to as “the guillotine clause” – for the duration of the 2022 Spring Sitting. Motion No. 282 sought to restrict the use of Standing Order 76 by having the standing order apply only to appropriation bills, rather than to all types of government bills. The motion was adopted (17 yea, nil nay).

As two of the three appropriation bills introduced during the Sitting have already received assent, the only bill that is eligible to be identified under the guillotine at 5:00 p.m. on the final day of the 2022 Spring Sitting is the main budget bill (Bill No. 204).

On October 13, 2021, Official Opposition Leader **Currie Dixon** had moved a motion (Motion No. 113) that sought to limit the use of Standing Order 76 similarly, but on a permanent basis. Although the debate was adjourned, and the motion remains on the Order Paper.

Standing Order 76 was first invoked in the 2003 Fall Sitting. In the ensuing years, with only a handful of exceptions (including a few pandemic-related ones), the guillotine clause has routinely been used by successive governments to expedite government bills through remaining stages at 5:00 p.m. on the final sitting day of a given Sitting.

#### **Opposition Private Members' Bills considered**

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During the current Sitting, the House has debated two private members' bills: Bill No. 302, *Act to Amend the Civil Emergency Measures Act (2022)*, and Bill No. 304, *Act to Amend the Education Act*.

On March 9, a day on which Opposition private members' business was to be considered, Official Opposition MLA **Brad Cathers** moved second reading of Bill No. 302, *Act to Amend the Civil Emergency Measures Act (2022)*. Among its objects, Bill No. 302 sought (as noted in the bill's explanatory note) to "provide the Yukon Legislative Assembly with oversight and control by requiring any declaration of a

State of Emergency to be considered by the Assembly within 7 days of it being issued, and subject to a vote". At the conclusion of second reading debate that day, Bill No. 302 was defeated (7 yea, 10 nay).

The next Opposition private members' business day occurred two weeks later, on March 23. On that date, Third Party House Leader **Emily Tredger** moved second reading of Bill No. 304, *Act to Amend the Education Act*. As stated in the bill's explanatory note, Bill No. 304's purpose is to ensure that all Yukon schools "have safe spaces for LGBTQ2S+ students in the form of student activities or organizations." At the end of the sitting day the debate was adjourned, and on April 6 (the next Opposition private members' business day), the debate on the motion for second reading of Bill No. 304 resumed. Bill No. 304 passed second reading (16 yea, nil nay), was considered in Committee of the Whole, and was reported to the House, with amendment. A request on April 6 by Ms. Tredger for unanimous consent to immediately proceed with third reading of Bill No. 304 was not granted.

#### **Special Committee on Electoral Reform**

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The Special Committee on Electoral Reform, chaired by Third Party Leader **Kate White**, held virtual hearings to hear from expert witnesses in late January and late March. In late April, the committee will hold another virtual hearing to hear from Fair Vote Yukon. A survey on electoral reform that the committee had launched in mid-February wrapped up on April 10. The committee intends to hold public hearings in Yukon communities this summer.

**Linda Kolody**  
Deputy Clerk

# *Start the presses! The first bilingual published document in Canada*

John Bushell, the owner of the first printing press in what was to become Canada, is well remembered for publishing the first newspaper in the land. However, he also has the distinction of publishing what is believed to be the first bilingual document in the country's history. In this article, the author explains the story behind this unique and historic government document.

**David S. McDonald**

In September 1751 Bartholomew Green Jr sailed on the Endeavor from Boston to Halifax. He took his wooden press and type supplies with him. Unfortunately, he died less than a month later. News of his death reached his former partner, John Bushell, who soon after sailed for Halifax and established the first printing press in what was to become Canada. On March 23, 1752, Bushell published the first issue of the *Halifax Gazette* on Green's press, which was the first newspaper published in Canada.

Aside from his newspaper, Bushell was sometimes asked to print government documents needed by the public. One such document was an agreement between the Governor of Québec, Ange Duquesne de Menneville, and the Governor of Nova Scotia, Peregrine Thomas Hopson.

In 1752, after years of war, there was an unsteady peace between the French and English. Hopson recognized the value of the Acadians as the only established agrarian population and he supported them. He also supported the Mi'kmaq and signed a treaty with Major Jean Baptiste Cope, Chief Sachem of the Mi'kmaq. This environment of conciliation and co-operation contributed to Hopson and Duquesne agreeing to an exchange of deserters.

The resulting *A Cartel for the exchange of deserters* = *cartel pour l'échange des deserteurs*, which was printed on November 8, 1752, is thought to be the first bilingual published document in Canada.

The document was printed on the same press that Bartholomew Green brought to Halifax a year earlier. Two copies were sent to the Lords of Trade in London and reside in the Public Records Office. There is also one copy in the Nova Scotia Public Archives and another in the Nova Scotia Legislative Library.

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*David S. McDonald is Legislative Librarian at the Nova Scotia Legislative Library.*



**Peregrine Thomas Hopson**



**Ange Duquesne de Menneville**



# A C A R T E L

For the Exchange of *Deserters*.

# C A R T E L

Pour l'Echange des *Deserteurs*.

HEREAS His Excellency Monsieur *Duquesne*, Governor of *New-France* and it's Dependencies, &c. &c. &c. has signified to His Excellency *Peregrine Thomas Hopson*, Esq; Captain General, Governor in Chief, Vice Admiral of the Province of *Nova-Scotia* or *Acadia*, and Colonel of one of His Majesty's Regiments of Foot, by his Letter bearing Date the 30th of *September*, 1752. his Proposals that a Cartel should be made between them for the Return of all Soldiers that shall desert either of their Majesties their Majesties Services from either of their respective Governments; And as the Lateness of the Season will not permit the said Cartel to be sent forthwith to *Canada* to be signed and ratified, his Excellency Mr. *Duquesne* agrees, that his Excellency *Peregrine Thomas Hopson*, Esq; shall publish the said Cartel in the Form and Manner that shall seem best to him, and that it shall continue and be in Force from the said Publication.

All Officers Civil and Military are therefore to take Notice that the Terms of the said Cartel are as follows, In the Execution of which they are to use the utmost of their Power, as they shall answer the contrary at their Peril.

I. THAT all *Deserters* shall be reciprocally returned, with their Arms, Accoutrements Cloathing, or any thing they shall take with them, as soon after their Arrival as there is an Opportunity, and at the most convenient Place.

II. THAT the *Deserters* shall on neither Side be punished with

AUTANT que Son Excellence Monsieur *Duquesne*, Gouverneur General de la *Nouvelle-France* et de ses Dependances, &c. &c. &c. a signifié à Son Excellence *Peregrine Thomas Hopson*, Ecuyer, Capitaine General, Gouverneur en Chef, Vice Amiral de la Province de la *Nouvelle-Ecosse*, ou *L'Acadie*, et Colonel Regiment d'Infanterie au Service de sa Majesté Britannique, par sa Lettre dattée le 30 de *Septembre* 1752. ses propos pour l'Etablissement d'un Cartel entre eux pour la Restitution des Soldats qui deserteront les Services de l'un des Rois leurs Maitres, de leurs Gouvernements respectifs; Et comme la Saison est trop avancée pour que le dit Cartel peut etre envoyé en *Canada* d'abord, pour etre signé et ratifié; Son Excellence Monsieur *Duquesne* a donné son Consentement pour que Son Excellence *Peregrine Thomas Hopson*, Ecuyer fera Publication du dit Cartel dans la forme et maniere comme bon lui semblera, et qu'il subsistera et sera en force, du tems de la dite Publication.

C'EST pour cette Effet que nous annonçons a tous nos Officiers aussi bien Civiles que Militaires, que les Conditions du dit Cartel, sont les Suivantes, Et ils sont Ordonnés de faire leur possible pour son Accomplissement, comme ils Repondront à leur Peril d'une Conduite contraire.

I. QUE tous les *Deserteurs* seront renvoyés reciprocquement, avec leurs Armes, Accoutrements, Habis ou aucune chose qu'ils auront porté avec eux, a la premiere Occasion de leur arrivée et a l'Endroit le plus convenable.

II. QUE ces *Deserteurs* apres leurs Renvoyés seront punis de Mort d'aucun parti.

V. THAT

III. QUE



