

# Canadian Parliamentary Review



Volume 44, No. 3

***Canada's Coat of Arms at  
100***

# *Parliamentary Relatives:* *The Horner Political Dynasty*

**“Horner Family Political Dynasty to End; Former Finance Minister who comes from a Long Line of Elected Conservatives Announces that He Will Give up His Seat on Jan. 31,”** declared a *Globe and Mail* headline on January 23, 2015. It is not known how or even if the Horner political clan reacted to the headline. What is clear is that the Toronto-based newspaper had under-estimated the longevity of one of Western Canada’s pre-eminent political families. On April 16, 2019, Nate Horner was elected as the Member of the Legislative Assembly of Alberta for Drumheller-Stettler, and the long-standing political dynasty based in the Prairies continues.

As with many Prairie families, the Horners started out elsewhere, with the family first settling in Quebec in the 1800s, having emigrated from Ireland. Ralph Horner, one of the sons of the immigrant family, moved to Saskatchewan in the early 1900s, to establish a farm there. He soon entered political life, running, unsuccessfully, for the provincial Assembly on two occasions before being appointed to the Senate in 1933, where he served until 1964.



President of the Treasury Board and Minister of Finance Doug Horner delivers the Budget Speech, February 9, 2010.



Nate Horner asks question during Question Period, October 24, 2019



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

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<b>Regrouping in the Senate of Canada</b> <i>Hon. Scott Tannas</i> .....	3
<b>A Fire, a Chair, and Crested Notepaper: Canada's Coat of Arms at 100</b> <i>Forrest Pass</i> .....	6
<b>Thoughts on Prayers: An Analysis of Prayers in the Legislative Assembly of British Columbia, 2003-2019</b> <i>Teale N. Phelps Bondaroff, Ian Bushfield, Katie E. Marshall, Ranil Prasad, and Noah Laurence</i> .....	12
<b>The Non-Partisan Paradox: Overcoming Gender Disparity in the Northwest Territories Legislative Assembly</b> <i>Christopher Yurris</i> .....	19
<b>CPA Activities</b> .....	25
<b>New and Notable Titles</b> .....	28
<b>Legislative Reports</b> .....	30
<b>NWT Makes History... Again</b> <i>Will Stos</i> .....	68

*Continued*

Senator Horner and his wife, Mae, had a large family of nine children, many of whom were active in politics and two of whom made their names in the political realm: Jack Horner and Dr. Hugh Horner.

When Jack Horner came of age, he started a mixed farming operation at Pollockville in East-Central Alberta. He soon entered politics, running for the first time in 1958 for the Progressive Conservative Party in the federal constituency of Acadia, which was later renamed Crowfoot. Jack Horner represented the constituency from 1958-1979 and was a staunch advocate for Western interests, especially fair freight rates. He ran against Joe Clark in 1976 for the leadership of the federal Progressive Conservative Party, but lost. He crossed the floor to join the Trudeau Government in 1977, becoming Minister of Industry, Trade and Commerce for a time before he lost his seat in Crowfoot in the 1979 federal election.

Dr. Hugh Horner, Jack Horner's older brother by two years, took a different path, studying medicine at the University of Western Ontario, and setting up as general practitioner in the town of Barrhead, Alberta, north-west of Edmonton. But like Jack, Hugh Horner was also elected as a Progressive Conservative Member of Parliament in 1958. He remained in federal politics until 1967, when he opted to run in the provincial general election. Four years later Dr. Horner was credited with being integral to the success of Peter Lougheed's Progressive Conservative Party by diverting much rural support to the Progressive Conservatives from the Social Credit Party, enabling the first change of government in Alberta in 36 years. Dr. Hugh Horner, affectionately referred to as "Doc" by his close friends and associates, remained in Alberta politics for a number of years, serving as



**Dr. Hugh Horner observes discussion between Peter Lougheed and John Turner at Western Economic Opportunities Conference, Calgary, Alberta, 1973.**

Minister of Agriculture, Minister of Transportation, Minister of Economic Development and Deputy Premier. He resigned his Cabinet post and position as MLA following the 1979 provincial general election, becoming Canada's first federal grain coordinator.

Dr. Hugh Horner's youngest child, Douglas, took up the political mantle, as his father, uncle and others within the Horner clan had done before him, when he entered provincial politics, running and winning a seat in the 2001 Alberta general election. Doug Horner, who had a business background, also ran in the 2004, 2008, and 2012 provincial general elections, being successful on each occasion. Following the 2004 election, Doug Horner followed his father's lead by being appointed Minister of Agriculture and Rural Development. In 2006, he became Minister of Advanced Education, remaining in that post until 2011, when he resigned his Cabinet position to run, unsuccessfully, for the leadership of the Alberta Progressive Conservative Party. In 2012, Doug Horner was appointed President of Treasury Board and Minister of Finance and Deputy Premier, positions he held until he retired from active political life in 2015.

Just when it seemed as though the Horner political dynasty might end, Nate Horner, a rancher from Pollockville, Alberta, entered the political arena, winning the Drumheller-Stettler seat in the 2019 provincial general election. In his maiden speech in the Assembly, he referenced his family's political predilections: "I come from kind of a political family ... [M]y great-grandfather [was] a Senator, and there have been quite a few since who have served federally and here in Alberta. I should have known enough to stay away, but there's obviously a strong hereditary defect. I like to think it's because we care about people."<sup>1</sup>

Nate Horner recently was given the opportunity to serve through a Cabinet position. He has been appointed the Associate Minister of Rural Economic Development, mirroring the paths taken by Cousin Doug and Great Uncle Hugh before him. Through his election and this appointment, Honourable Nate Horner is not only able to serve the people of his constituency and all Albertans; he is able to be the most recent representative of the longstanding Horner political clan. It is unlikely that he will be the last.

**Val Footz**

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1 *Alberta Hansard*, May 29, 2019, p. 176.

# Regrouping in the Senate of Canada

Following the introduction of a new application process for the Senate which introduced a large number of non-partisan appointees to the Red Chamber, a group of Independent Senators formed a caucus called the Independent Senators Group (ISG) in 2016. Later joined by Senators who had previously been a part of either the Liberal or Conservative caucuses, the ISG soon grew so large that other caucuses of independent Senators formed, including the Canadian Senators Group (CSG) and Progressive Senate Group (PSG). In this article, the author explains how this process unfolded and why he believes the new independent caucuses in the upper chamber are fundamental for the Senate to exercise unwhipped, unvarnished, and unimpeded sober second thought.

**Hon. Scott Tannas**

One of the oldest conventions of politics is being transformed in the Senate of Canada, and it's unfolding smoothly enough that few may have taken notice. Parliamentary caucuses aligned with political parties have long been an organizing basis of most legislatures, but new independent groups in Canada's upper chamber are shaking up that practice. As there are few analogous legislative bodies in the world that have multiple independent groups, the example of the Senate of Canada is one worth examining.

Many senators, including myself, have embraced the idea of working in independent groups, which is changing the landscape of Canadian parliament. At a time when politics seems more divisive than ever, the emergence of independent groups in the Senate signals a constructive antidote to increasing political polarization. As the leader of one of the Senate's independent groups, I want to explain the thinking behind recent changes in the Senate's composition and functions, and some of the challenges that lie ahead.



**Hon. Scott Tannas**

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*Scott Tannas was the person elected during Alberta's 2012 Senate nominee elections. He was appointed to the Upper Chamber as a member of the Conservative Party of Canada by Prime Minister Stephen Harper in 2013. On November 4, 2019, he joined the Canadian Senators Group and has served as its interim leader since that time.*

## **The Caucus Tradition in the Senate**

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For most of the Senate's history, only two caucuses – Liberal and Conservative – existed, each trading places as government or opposition depending on the outcome of elections. Parliamentary caucuses have always been distinct organisms in the Senate. Since the beginning of the Senate's history, many senators have been wary of being loyal party soldiers. Although a lot of fuss has been made about Prime Minister Justin Trudeau's decision to appoint independent senators, the truth is that senators have always been independent after they are summoned to the upper chamber. How they have chosen to associate themselves with other senators has varied a great deal. It wasn't until the Second World War that senators routinely sat with members of the House of Commons in national caucus meetings. The Rules of the Senate were overhauled in 1991 to divide the chamber more clearly between government and opposition sides. The definition of "recognized parties" was not spelled out in the Senate's rules until 2002, underpinning the assumption that senators would inevitably sit as either Liberal or Conservative, depending on which party was in power. Certain attempts to form caucuses outside of those two parties ultimately failed, most notably the formation of the 13-member "Dandurand Group" in 1981, which fizzled out within a few years in large part because they lacked formal recognition in the chamber.

The duopoly of Conservative and Liberal political caucuses was broken in January 2014, when Liberal Party leader Justin Trudeau expelled all 32 Liberal senators from the caucus. After forming government in 2015, Trudeau implemented a new appointment model that saw Canadians apply to sit in the upper chamber. That change was seismic in the Senate, where newly-appointed independent senators did not have an obvious group to join in order to organize everything from committee seat selection to office allocations. The influx of new independent senators led to the creation of the Independent Senators Group in 2016, which started to swell as new senators were appointed and as some other senators chose to leave political caucuses to sit as independents.

It was initially unclear how independent senators would be organized in a chamber that had long been organized along the lines of political caucuses. During the Senate Special Committee on Senate Modernization in the 42<sup>nd</sup> Parliament, some senators and expert witnesses worried about the possibility of a bunch of "loose fish" senators wreaking havoc, or of

one mega caucus of independent senators dramatically skewing the balance of power in the chamber. What has materialized instead is the formation of other new caucuses of independent senators; in November 2019, the Canadian Senators Group (CSG) and the Progressive Senate Group (PSG) formed, creating a multipolar chamber where no one group holds a majority. In addition to the three groups of independents, there is the Conservative Official Opposition and the three-member Government Representative Office.

## **Forming the Canadian Senators Group**

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By the end of the 42<sup>nd</sup> Parliament in 2019, Prime Minister Trudeau had appointed 50 senators – nearly half of the seats in the chamber – using the new independent appointments process. As new independent senators continued to be appointed to the Senate, it became unwieldy to have only one disproportionately large group for them to join. Together with 10 of my colleagues, in November 2019 we created a second independent parliamentary group. We gave it the simple, if not banal, name of Canadian Senators Group. It was a challenge to find a name that identified us as independents without implying any political cohesion. In reality, we are a motley crew of political views, with members who were nominated to the Senate by Jean Chrétien, Paul Martin, Stephen Harper, and Justin Trudeau. What brought us together was a strong desire to focus on high-quality legislative research that emphasizes the Senate's duty to represent all of Canada's distinct regions.

The primary founding rule of the CSG was to not have too many rules. We didn't want to have a complex constitution that could diminish our individual autonomy or create an overly-bureaucratized caucus office. Instead, we decided to pool our resources to develop a research bureau as the central nerve of our group. Unlike the partisan research bureaus of the parties in the House of Commons, we wanted our bureau to emphasize deep, substantive research on legislation with a focus on regional issues. It is a small team of researchers who dig into the background of legislation and keep members well-briefed on all the latest reports and studies on and off Parliament Hill.

While the CSG does not have rigid rules, one principle that we hold firm is that we do not debate the substance of legislation or policy matters in our caucus meetings. Members do not pitch their bills or proposed amendments to other members of the

group or lobby for their preferred political positions. We believe that those sorts of interactions are best left for the Senate chamber and committee rooms among all senators. There would be no point in having independent groups if those groups become separate, closed-off vessels for legislative debates. Some CSG senators hold memberships in different political parties and some have no political ties at all, but there is no partisan cohesion that holds us together. We decided that our membership will not exceed 25 senators so that we are large enough to influence the chamber's agenda, yet small enough for all members to have their voice heard. Our goal in capping membership is that no single group will hold a majority of seats in the Senate. Having multiple groups working together to encourage compromise and collaboration is the best way to ensure that the chamber operates with the full consideration of perspectives from all Canadians.

It is true that a group of independents is a bit of an oxymoron. In a legislative body, however, it is often necessary for members to work in groups in order to effectively manage the chamber's work. It is difficult to be a "lone wolf" independent, which is typically a banishment to backbenches that cuts off a member from discussions and negotiations between groups. The practice of having multiple independent caucuses is therefore a sensible medium between a majoritarian partisan assembly and one that has no formal organization of members.

The creation of multiple new groups was bound to shake up the usual practices of the Senate. Whereas the business of the Senate had long been negotiated among the leadership of the government and opposition sides, now agreement is needed between four parliamentary caucuses. This no doubt makes the job of the Government Representative in the Senate much more challenging, as it has become necessary to reach out to each group's leader to negotiate everything from a sitting schedule to the pace of legislation. The government's ability to control the Senate was much easier when it could whip votes and horse-trade with the opposition. Yet, in the face of the challenges of the COVID-19 pandemic and the urgent legislation that followed it, various Senate groups demonstrated they can work together to efficiently review legislation.

### **What Comes Next?**

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The formation of these new kinds of caucuses in the Senate is an experiment in politics that will continue

to evolve over the coming years. Mounting vacancies means that there will be another generational turnover as new senators arrive and shape the institution by choosing how to fit into the multipolar independent Senate. What is clear is that irrespective of the changing political dynamics in the House of Commons, the reality of a more independent Senate is here to stay. There will be no going back to the days of a two-party duopoly in the upper chamber.

While public opinion polls show that Canadians are generally favourable to a less partisan Senate, we need to be realistic about how partisanship functions in the Senate. We are not a debating club that discusses public policy matters for our own edification. We are lawmakers in a legislative chamber that wields considerable constitutional powers. As an assembly of members from all of Canada's distinct regions, it should be expected that passionate debates and principled opposition will always define our work.

The Senate will inevitably remain a political body, and even if it isn't composed entirely of political party caucuses, it will always feature partisan debate. We can't pretend that all senators will act as dispassionate, neutral arbiters on every issue that comes before them. As much as I support Justin Trudeau's reforms to the appointment process, I think it is a mistake to disqualify experienced Canadians who maintain party memberships. Ideally, a more independent Senate will encompass Canadians of all political stripes, whether they express that through a formal party membership or not. Legislative debate is more productive, and certainly more interesting, when it is molded by diverging points of view. A more independent Senate can and should include some partisanship, but without wire-pulling or political pressure from central party offices. The Senate works best when it is a check on the House of Commons rather than a duplication of it.

The existence of multiple independent groups makes the Senate of Canada rare among legislative bodies across the world. As an appointed chamber designed to be a regional counterbalance to the House of Commons, senators are in a better position to be independent and stand up to majoritarian or populist pressures. For Confederation to work properly, all voices from all regions need to have a voice in the national parliament. That's why new independent caucuses in the upper chamber, while innovative in traditional politics, are fundamental for the Senate to exercise unwhipped, unvarnished, and unimpeded sober second thought.

# *A Fire, a Chair, and Crested Notepaper: Canada's Coat of Arms at 100*

A century ago this autumn, Canada adopted a new coat of arms. In this article the author recounts the events that prompted discussions for a new design and notes how Parliament and parliamentarians affected the selection in unexpected ways.

## **Forrest Pass**

Canada might not have its current coat of arms if the Centre Block on Parliament Hill had not burned in 1916. The coat of arms of Canada is one hundred years old this November, and the origins of this confection of lions, fleurs-de-lis and maple leaves – with a unicorn for good measure – is little known, even among heraldry enthusiasts.

Even in 1921, the coat of arms discussion did not capture the public imagination as the Great Flag Debate would some 40 years later. Nor did the question provoke significant partisan disagreement; Parliament did not even consider coat of arms designs, leaving the decision to cabinet, who in turn delegated it to a panel of civil servant advisors.

While the coat of arms question never prompted a spirited House of Commons debate, the coat of arms committee's records at Library and Archives Canada reveal that Parliament and parliamentarians influenced the process in more subtle, unexpected ways. The rebuilding of the Centre Block after the devastating 1916 fire presented an opportunity to reconsider Canadian symbols. And when discussions between the Canadian coat of arms committee and the English heralds reached an impasse, it was the timely intervention of the Empire Parliamentary Association, precursor to the Commonwealth Parliamentary Association, that revived the project.

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*Forrest Pass is a curator with the Exhibitions and Online Content Division at Library and Archives Canada. Between 2009 and 2013, he was Saguenay Herald at the Canadian Heraldic Authority and has researched and written extensively about Canada's symbolic heritage.*

## **A Burning Question**

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Canada needed a new coat of arms in the 1910s, perhaps just as much as it needed a new flag in the 1960s. Since 1868, a shield that incorporated the coats of arms of the provinces had served as a makeshift coat of arms for the government and the country. At first, the design honouring the four original provinces was relatively simple. However, with the addition of new provincial and territorial emblems, the shield became more and more complicated. What's more, the old designs never went away. Although the four-province shield remained the only "official" design, shields representing five, seven, and nine provinces appeared on flags, souvenirs, and even official government documents.

To Edward Marion Chadwick, the rebuilding of the ruined Centre Block presented the perfect moment to redesign Canada's coat of arms. He also believed that he was the person to redesign it. The Toronto lawyer was an avid heraldic researcher who had designed the coat of arms of Saskatchewan, revised Ontario's heraldic emblems, and devised a shield for Yukon that inspired the territorial coat of arms adopted long after his death. Late in 1917, Chadwick drafted a detailed proposal for a new Canadian emblem that displayed British and French elements, as well as his longstanding interest in First Nations imagery.

Chadwick found an ally in Senator Angus Claude MacDonnell, who made sure that the proposal reached John Pearson, the architect of the new Centre Block. Pearson was intrigued. "What is being done about a Dominion Coat of Arms?" he asked Thomas Mulvey, the Under-Secretary of State, on January 19, 1918. "I





Above: Heraldic chaos: A shield displaying the emblems of seven provinces and two territories appears on an illuminated address to Prime Minister Sir Wilfrid Laurier; Below: Edward Marion Chadwick's design: "disproportionately" French and "aboriginal"?

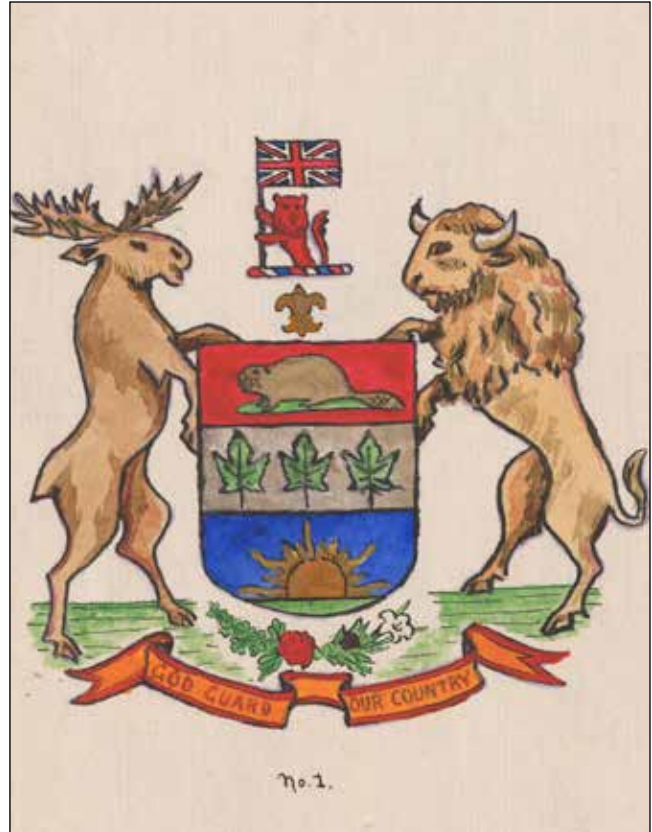
want to use it in several places in the New Building." Less than a week later, at Pearson's request, the deputy minister of public works nudged Mulvey again for designs and sketches.

The architect, however, would have to be more patient, for Chadwick's coat of arms design had failed to impress Sir Joseph Pope, Under-Secretary of State for External Affairs and the government's *de facto* chief of protocol. To Pope's eye, Chadwick's design lacked Britishness. "The whole arrangement strikes me as disproportionately illustrative of the aboriginal and French periods of our history," he wrote to Prime Minister Sir Robert Borden.

Pope's objections to Chadwick's First Nations supporters reflected a belief that Canadian history began with the arrival of Europeans. "I myself do not see any necessity for commemorating the Indians at all," he told the Prime Minister; to Pope, Indigenous people and cultures were a part of the distant past, and not a part that he cared to remember. Nevertheless, his objections may have unintentionally saved future governments embarrassment. Chadwick's interest in First Nations culture was genuine and he strove for authenticity



Library and Archives Canada, e011313798



Library and Archives Canada, e011313800

in his presentation of First Nations regalia, but the figures appear as caricatures, especially to modern eyes reconsidering national symbols through an anti-racist lens. As a case in point, in June 2021, the Government of Newfoundland and Labrador committed to revisiting the blazon of its coat of arms, first devised in 1637, which describes similarly stereotypical First Nations supporters as “savages of the clime.” Had Chadwick’s design been adopted, the federal government would have faced pressure to redesign it sooner or later.

As much as Pope disliked Chadwick’s design, he must have appreciated the small flurry of heraldic chatter that it provoked. After all, he had an ulterior motive. As early as 1915, Pope had grumbled about the chaotic use of coats of arms on official stationery. Even offices of the same government organization sometimes used different emblems. Members of the House of Commons, for instance, typically used letterhead depicting the British coat of arms in green, but the Speaker’s stationery sometimes sported the seven-province shield with a lion and a unicorn as supporters and the British royal motto, “Dieu et mon droit.” A new Canadian coat of arms would be a step toward a common federal visual identity, instead of leaving departments to their own devices.



Library and Archives Canada, e011313793

Clockwise from top left: W.H. Sadd looks to the United States, Edgar J. Biggar’s Canadian menagerie; Randolph J. MacLean, Jr., thinks outside the shield.





**Above: Alexander Scott Carter's rendering of the Committee's proposed design: maple leaves rising;  
Below: the College of Arms' counter-proposal: the maple leaf minimized.**

## Beavers, Bison, Maple Leaves, and Moose

It took a year, but the chatter eventually turned into action. On March 26, 1919, the Privy Council struck a committee to consider the coat of arms question. Pope and Mulvey represented the External Affairs and Secretary of State's departments, while Dominion Archivist Arthur Doughty offered historical perspective and Lieutenant-General Willoughby Gwatkin, Chief of the Canadian General Staff, represented the military. Based in London, Gwatkin would also serve as the committee's liaison with the College of Arms, the English heraldic authority that would approve the final design. None of the committee members had any particular expertise in heraldry.

Although the public generally showed little interest in the coat of arms project, a few stories appeared in newspapers, and a few Canadians suggested designs. Commercial artist W.H. Sadd of Manotick, near Ottawa, proposed an American-inspired shield, featuring four coloured stripes honouring the four original provinces and nine blue maple leaves for the provinces of 1919. Geography teacher Edgar Biggar of New Toronto (now Etobicoke) presented no fewer than five ideas, with a variety of Canadian fauna as supporters and on the shields. For his part, Randolph J. Maclean, Jr., an electrician from Woodstock, New Brunswick, chose to think outside the shield: his design, a beaver beneath an arch representing the provinces, appeared on an autumnal maple leaf rather than on the typical escutcheon.

Across the Atlantic, Rudyard Kipling, of *The Jungle Book* fame, took an unexpected interest in the coat of arms project. Kipling hoped that the new emblem would honour Canada's military accomplishments. He suggested, during a meeting with the Canadian High Commissioner in London, a series of "honourable augmentations" to whatever design was selected, to represent the theatres where Canadian soldiers had served during the First World War.

The committee took none of these suggestions. Instead, the proposal that they sent to the College of Arms in London was a variation on the royal arms of the United Kingdom. In one of the quarters, they replaced the three lions of England with three fleurs-de-lis, the pre-Revolutionary arms of France, to represent Canada's French heritage. To further Canadianize the design, they added three red maple leaves on a white "chief" to the top of the shield. At the committee's request, the Toronto heraldic artist Alexander Scott Carter prepared an illustration.

The initial choice of red maple leaves on white has become the stuff of mythology, especially for those looking for ancestors for the Canadian flag. Eugène Fiset, the deputy minister of militia and defence, had first suggested these colours early in 1919: to Fiset, the red leaves evoked not only the splendour of the Canadian autumn, but also Britishness and wartime sacrifice, while white represented northern snows.

The committee liked the white, but Pope in particular hated the red leaves. Green leaves, he remarked, would suggest vernal vitality rather than autumnal decay. In the end, Pope got his way, but the final design would also feature white and red mantling (the flowing cloth around the helmet), probably an accidental vestige of the earlier design. Decades later, proponents of a distinctive national flag claimed that King George V himself had selected red and white as Canada's national colours, but there is no evidence to support this.

In London, the colours were about the only acceptable part of the Canadians' design. Sir Henry Farnham Burke, as Garter Principal King of Arms the highest-ranking English heraldic officer, believed that altering the royal arms for use in Canada would require an act of the British parliament. The English heralds proposed instead a very different design, retaining a red and white colour scheme but reducing the maple leaves from the dominant symbol to one-half of a wreath surrounding an imperial crown. The Canadian committee, however, insisted on its version of the royal arms. One frustrated committee member would later describe Burke as "a narrow-minded bureaucrat," and by the autumn of 1920, the committee was sounding out the willingness of King George V to override his heraldic advisors. For several months in early 1921, the process stalled.

### Parliamentarians to the Rescue

The nudge that the coat of arms committee needed to restart the project came from the Empire Parliamentary Association, predecessor to the Commonwealth Parliamentary Association. To mark the rebuilding of the Centre Block, the association's United Kingdom branch had commissioned an exact replica of the speaker's chair at Westminster as a gift for their Canadian counterparts. An illuminated presentation scroll was to accompany the chair and the branch hoped that it might feature the new Canadian coat of arms.



**The coat of arms committee's final proposal.**

The committee answered the call. On April 11, 1921, two days after receiving the Empire Parliamentary Association's request, Mulvey telegraphed Scott Carter in Toronto, requesting that he prepare a new rendering of the arms as quickly as possible. By the end of the month, the committee had submitted its favoured design to the Privy Council. Following advice from London that the King disapproved of placing the maple leaves above the royal arms, the committee had moved them to the bottom of the shield. Green leaves also replaced the red – a victory for Pope.

The design may have come too late for the Empire Parliamentary Association – in the end, no scroll accompanied the speaker's chair when it was delivered in May 1921 – but by the summer, the new design was wending its way to approval. Yet it still had its detractors. Offended by the Canadians' choice to seek the King's personal approval, Burke at the College of Arms continued to criticize the design. First, he suggested that the placement of the fleurs-de-lis might spark a diplomatic row, as it amounted



to a Canadian claim of sovereignty over France. The Canadian commissioner-general in Paris quietly sought confirmation that the French government would not interpret it that way. Undeterred, Burke continued to pitch new designs, conceding defeat only in October, when Mulvey indicated politely but firmly that the Canadians preferred the design that the King had approved. The Royal Proclamation authorizing the arms followed, dated November 21, 1921.

In time, the coat of arms would appear on passports, banknotes, coins, medals, military uniforms, official government documents, and unofficial souvenir items. The shield would adorn the fly of the Canadian Red Ensign – the placeholder national flag – for forty years, and bakers would edge the arms with icing on a massive birthday cake for the Centennial of Confederation in 1967. Rendered in stone rather than sugar, the arms appear in several places in the Centre Block. John Pearson’s patience was rewarded, for the traditionally mediaeval design complemented his spectacular Gothic revival masterpiece.

The arms also proved a means of achieving that other, practical goal, consistency in federal stationery. The Editorial Committee on Government Publications lost no time in recommending that the government require all federal departments to use the new arms in place of the British royal arms or earlier Canadian devices. Had there been a prize for early adoption, it should have gone to the Office of the Commissioner of the Northwest Territories, which arranged for an intaglio die to be engraved and letterhead printed by early February 1922, even before the King’s Printer had received the final line art. Over the next few years, the rest of the civil service fell into line.

True, the new coat of arms design did not inspire popular excitement. It reflected the preferences of a small group of civil servants, for whom Canada was

a British nation; the inclusion of fleurs-de-lis was the only nod to Canadians of non-British origin. Today, a coat of arms that emphasizes the emblems of “founding nations” may seem an inadequate representation of a diverse country.

Yet emblems can, and do, evolve with the countries they represent. Twice over the past century, the federal government has asked artists to reinterpret the “look and feel” of the arms, without changing the symbols included. The 1957 version, by Alan Beddoe, changed the maple leaves to red, in line with the committee’s original vision. The 1994 interpretation, by Cathy Bursey Sabourin, Fraser Herald at the Canadian Heraldic Authority, enlarged the maple leaves and added a maple motif to the mantling, further Canadianizing what to some might seem an Imperial emblem.

Canadians’ understanding of certain elements has also evolved, again, without changing the design. The arrangement of the maple leaves – three on a single stem – was an aesthetic choice for the committee, but until very recently the publications of the Department of Canadian Heritage interpreted the three leaves as representing unity among Canadians of different backgrounds. This interpretation dates back to at least the 1960s and has become part of the coat of arms’ story.

As we mark the one-hundredth birthday of the coat of arms of Canada, remembering its origins helps us to make sense of the coat of arms’ design. Like other emblems, it recalls the concerns that led to its creation, from the lofty and emotional affirmation of Canada’s place in British Empire to the mundane necessity of common letterhead. It will undoubtedly continue to evolve – artistically, symbolically, and perhaps even in terms of its elements -- over its next hundred years. After all, although its designers created an emblem with the masonry of the reconstructed Centre Block in mind, the coat of arms’ meaning is not carved in stone.



LAC, e011313796

**Signed, sealed, delivered: The first example of the coat of arms on official letterhead, February 1922.**

# Thoughts on Prayers: An Analysis of Prayers in the Legislative Assembly of British Columbia, 2003-2019

Proponents claim that the practice of starting each day's sitting of the Legislative Assembly of British Columbia (BC) with a prayer delivered by a different member affords more opportunities for representation of minority and non-religious viewpoints in what is otherwise a very Christian tradition. An analysis of 873 prayers delivered in the Legislature from October 6, 2003 to February 12, 2019 demonstrated that the actual practice is otherwise. The prayers are predominantly, and increasingly, religious, and fewer individual members are choosing to deliver one. While the practice was renamed in the Standing Orders to "prayers and reflections" in late 2019, this article posits that the practice, which fails to reflect the diversity of beliefs in BC, should be abolished.

**Teale N. Phelps Bondaroff, Ian Bushfield, Katie E. Marshall, Ranil Prasad, and Noah Laurence**

## Introduction

In November 2019, the Legislative Assembly of British Columbia (BC) voted unanimously to amend Standing Order 25, which establishes the routine business of the legislature. The amendment changed "the first item of business after the arrival of the Speaker's Procession in the Chamber" from 'prayers' to 'prayers and reflections.'<sup>1</sup> Additionally, in October 2019, the Clerk updated the list of sample prayers that are provided to MLAs, such that it now includes prayers from a number of faith traditions. While it is too soon to gauge the impact of this change on the content of the prayers and reflections delivered in the Legislature, it is clear that this change was made as a means of making this element of routine business more inclusive.

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*This article highlights some of the ongoing work on legislative prayer being conducted by the research team of the BC Humanist Association (BCHA). Since 1984, the BCHA has provided a community and a voice for Humanists, atheists, agnostics and the non-religious in BC. Humanism is a worldview that promotes human dignity without belief in a higher power. Dr. Teale Phelps Bondaroff is the Research Coordinator for the BCHA, and has a PhD in politics and international studies from the University of Cambridge. Ian Bushfield is the Executive Director of the BCHA. Dr. Katie Marshall is a member of the board of the BCHA and an Assistant Professor in the Department of Zoology at the University of British Columbia. Ranil Prasad and Noah Laurence were summer researchers with the BCHA, and their positions were supported in part by the Canada Summer Jobs Program.*

The question of whether the content of the prayers delivered in the Legislative Assembly of British Columbia accurately reflects the diversity of the population was one of the key questions explored in *House of Prayers*, a recent report released by the BC Humanist Association (BCHA). *House of Prayers* examined every available prayer (873) delivered in the Legislature from October 6, 2003 to February 12, 2019.<sup>2</sup> This study built on the work of Bueckert, Parisotto, and Roberts, published in this journal, who investigated the religion of prayers delivered prior to Speeches from the Throne.<sup>3</sup> Here we offer a summary of the quantitative findings of *House of Prayers*, which represented the first comprehensive investigation into the content of daily prayers in the Legislative Assembly of British Columbia. In so doing, our intention is to contribute to the discussion surrounding legislative prayer in Canada. Those interested in more details relating to the findings and analysis within *House of Prayers*, the coding and methodology used, recommendations, and an in-depth examination of the various issues relating to legislative prayer should consult that report.

## Legislative Prayer Across Canada

The practice of beginning legislative sittings with prayers in Westminster parliaments is believed to have been first adopted by the British Parliament in 1558, during the reign of Elizabeth I, and was adopted in Canada in 1877.<sup>4</sup> The Canadian House of Commons and the Senate both begin sittings with the Speaker reading a standard 'non-denominational' prayer, followed by time for silent reflection.

With respect to legislative prayer, there exists considerable variation of practices across Canada. We reached out to Clerks and Speakers across the country, examined standing orders, and reviewed Hansard,<sup>5</sup> and identified the following practices:

- Yukon: The Speaker reads one of four standard prayers.
- Alberta: The Speaker reads a prayer of their own devising. The current Speaker delivers ‘non-denominational’ prayer similar to that delivered at the UK parliament, while the previous Speaker would write prayers before each session.
- Northwest Territories: MLAs deliver prayer of their own devising, with the occasional ‘drum prayer’ also being delivered.
- Nunavut: MLAs deliver prayer of their own devising.
- Saskatchewan: The Speaker reads a standard ‘non-denominational’ prayer.
- Manitoba: The Speaker reads a standard ‘non-denominational’ prayer.
- Ontario: The Speaker reads the Lord’s Prayer. Since 2008, this has been followed by the reading of a prayer from a rotating schedule including Indigenous, Buddhist, Muslim, Jewish, Baha’i and Sikh prayers.
- Quebec: Begins sittings of the National Assembly with a quiet ‘moment of reflection,’ having abolished the practice of opening sittings with a prayer in 1976.
- New Brunswick: MLA reads prayers to God and Jesus for the well-being of the Queen and Lieutenant Governor General, followed by the Lord’s Prayer, both in French and English (or blended).
- Newfoundland and Labrador: Has never opened sessions with a prayer.
- Nova Scotia: The Speaker reads a shortened version of the Lord’s Prayer, which was written by Speaker Mitchell in 1972.
- Prince Edward Island: The Speaker reads prayers to God and Jesus for the well-being of the Queen and Lieutenant Governor General, followed by the Lord’s Prayer.<sup>6</sup>

### **Prayer Procedures in the Legislative Assembly of British Columbia**

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‘Prayers and reflections’ are delivered immediately once the Speaker calls Members to order. On days when a Speech from the Throne is to be delivered, a faith leader or Indigenous leader or Elder is invited to deliver the prayer. The general daily practice is

for a Member of the Legislative Assembly (MLA) to deliver a prayer or reflection. The current edition of *Parliamentary Practice in British Columbia* elaborates that typically, “the Speaker will invite a Member to ‘lead the House in prayer or reflection,’ the Member having been previously designated by their Caucus Whip.”<sup>7</sup> The Member can deliver a prayer or reflection of their own devising, or read one from a list of sample prayers provided by the Clerk.

Legislative procedures note that content delivered during this portion of the agenda “may be of any faith or denomination, may be reflective of different cultural traditions, may be a traditional land acknowledgement, and may also be a moment of reflection.”<sup>8</sup> It is also worth noting that the prayers and reflections are delivered “with both officers and strangers present and are the only proceedings not transcribed verbatim for publication in the Hansard transcript.”<sup>9</sup>

In October 2019, the list of sample prayers was updated “to ensure that prepared prayers provide a breadth of non-religious reflections, as well as prayers from major religious groups.”<sup>10</sup> The five previous sample prayers were edited and re-worded: One was replaced, the word ‘Amen’ dropped from the ending of the remaining four, and one had references to ‘God’ removed. The list was also expanded to include a ‘Traditional Land Acknowledgement’ and prayers representing the Buddhist, Christian, Hindu, Jewish, Muslim, and Sikh faith traditions.

### **Methodology**

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Recognizing the private nature of prayer, many legislatures across Canada, including the House of Commons and Senate, exclude members of the public from the chambers while prayers are being delivered. Similarly, many legislatures pause live broadcasts during this item and most do not Hansardize the content of the prayers or even record who is delivering them. In BC, the content of prayers and reflections is not transcribed by Hansard, though the prayers themselves are included in the video broadcast of the proceedings.

We therefore began our project by tasking 52 volunteers to transcribe all available prayers. In total, the team transcribed 877 prayers, which included every prayer delivered in the Legislative Assembly of British Columbia from October 6, 2003, when the video archive of proceedings began, to February 12, 2019, the end of the 3rd Session of the 41st Parliament. The transcribed prayers were then coded for a variety of

factors including structure, content, and religiosity. In order to ensure reliable results, each prayer was coded by two coders, with a third checking for intercoder reliability. The data was then analysed using a number of analytical tools.

Not all of the content delivered could be classified as prayers; some MLAs delivered poems, quotes, or called for moments of silence. For consistency, we refer to any statement given during the period designated for prayers as a 'prayer.' While 877 prayers were transcribed, the total number of prayers analyzed for any category of analysis varies. Two prayers contained significant portions that were either inaudible or unintelligible, and five were delivered entirely in an Indigenous language, which our team was unequipped to accurately transcribe or translate. Our team also transcribed 23 prayers that preceded Speeches from the Throne (what we refer to as 'Throne Prayers'). As these prayers were delivered by invited guests, they have been excluded from the analyses focusing on prayers delivered exclusively by MLAs (N=843). Additional findings from *House of Prayers*, as well as tables and graphs, are contained in the full report.

## Data

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### *Structure*

The study began by determining how often MLAs delivered a prayer from the list of sample prayers as compared to those of their own devising. We found that MLAs delivered one or a combination of prayers from the sample list 50.0 per cent of the time (434 prayers). When delivering sample prayers, MLAs would sometimes deliver them in combination or make minor changes to them. Combinations of sample prayers represented 4.7 per cent (41 prayers) of all prayers delivered, or 9.3 per cent of all sample prayers delivered. Of the sample prayers delivered, 139 (32.0 per cent) were coded as being changed in a minor fashion.

We then looked at prayer structure and content, which served as a key indicator as to the prayers' religiosity. This also served to inform whether the fact that MLAs were asked by the Speaker to 'lead us in prayer' necessarily increased the likelihood that they would adopt a structure typical of a 'conventional' prayer, even if they were delivering secular content. Including Throne Prayers offered at the opening of a new session, 91.9 per cent of prayers delivered in the Legislative Assembly of British Columbia (797 of 867) ended in 'Amen.' Interestingly, 88.7 per cent of the

prayers that were coded as 'secular' (see below) still ended in 'Amen.'

As part of the process of determining the religiosity of prayers, the study examined whether a prayer contained the name of a deity. Coders developed a glossary of names of deities and identified a total of 466 prayers delivered by MLAs and Throne Prayers (53.8 per cent) that contained the name or names of a deity. Working from a glossary of religious language, a total of 566 (65.3 per cent) prayers delivered in the Legislative Assembly of British Columbia were found to contain religious language, this included throne prayers. Note, coders were careful when encountering polysemous words – words, such as 'grace' or 'praise,' with similar origins and roots, and often usage, but which could have significantly different connotations when used in a religious or non-religious context. This was one of the reasons why human coders were employed, rather than relying on automated word counts. One noteworthy finding was that the Lord's Prayer was only delivered nine times, which offers an interesting point of contrast to other legislatures where this is part of the daily routine.

### *Religiosity*

One goal of the study was to assess the religiosity of the prayers delivered by MLAs. To accomplish this, four categories were developed:

**Not a prayer:** Anything that could not be classified as a prayer or invocation; it does not adopt a prayer structure or contain elements of a prayer (such as appealing to the divine or transcendent), does not employ religious language, and does not end in amen. These included recitations of secular poetry, quotations, and moments of silence/silent reflection.

**Secular invocation/prayer:** An invocation or call of thanks not specifically invoking or directed towards a deity or the transcendent. These include prayers ending in 'amen,' but otherwise do not include reference to the divine or transcendent, the supernatural, a deity/power, and do not include other religious language.

**Non-Sectarian Prayer:** Any prayer that invokes the divine or transcendent, a deity, power, or supernatural entity, or includes religious language, but could not be easily identified with a specific religious tradition.

**Sectarian Prayer:** Any prayer that could be identified as belonging to a specific faith tradition. Prayers included in this category were also coded with the



specific religion. Coders were instructed to look for a number of indicators, including the names of specific deities, references to religious texts or holidays, language closely associated with a specific tradition, or specific prayers (the Lord’s Prayer, Shema Yisrael, Bismillahir Rahmanir Raheem, etc.).

Coders were instructed to be very conservative when coding prayers as ‘sectarian,’ and to only include a prayer that unequivocally belonged to this faith tradition. For example, the structure and content of a prayer delivered in the form of a personal dialogue, spoken directly to a god, with multiple references to ‘Lord’ could point to it being a Christian prayer. However, the term ‘Lord’ is used to refer to a deity by a number of faith traditions. As a result, absent any other language specific to Christianity, such a prayer would have been classified as ‘non-sectarian.’ We recognized that this would likely result in under-selecting prayers that seemed to be ‘Christian’ but which used terminology that could belong to different faith traditions.

Including Throne Prayers, 49.5 per cent (429) of prayers delivered in the Legislative Assembly of British Columbia were ‘non-sectarian’ and 21.7 per cent (188) were ‘sectarian.’ Given the religious nature of both of these categories, this led us to conclude that 71.2 per cent of prayers delivered in the Legislative Assembly of British Columbia were ‘religious’ in nature.

**Table 1: Prayers in the Legislative Assembly of British Columbia by religiosity**

Prayer Type	Count	Percentage
Sectarian	188	21.7 per cent
Non-Sectarian	429	49.5 per cent
Secular	238	27.5 per cent
Not a prayer	12	1.4 per cent

Of those prayers classified as ‘sectarian,’ we found that 93.1 per cent (175) were Christian. Meaning that 20.2 per cent (175) of all the prayers delivered in the Legislative Assembly of British Columbia were identified as explicitly Christian. The next largest percentage was Jewish prayers, of which there were four (1.6 per cent of all sectarian prayers, 0.4 per cent of prayers overall).

### *Other Content*

Given the importance of truth and reconciliation, it was instructive to determine the extent to which Indigenous language and content was incorporated into prayers. Prayers were coded if they included a single word, sentence, sentences, or were delivered entirely in an Indigenous language, or if they included Indigenous content delivered in English. Including prayers offered at the opening of a new session, 4.8 per cent (42) of prayers used a single word from an Indigenous language – typically declarations of affirmation, or ritualized conclusions, used in a fashion similar to ‘amen’ or ‘thank you.’ The most common term was ‘SABAK,’ a Gitksan word often used by the MLAs for Stikine and Skeena.

Only one prayer contained a sentence in an Indigenous language and one prayer included more than one sentence. The five prayers delivered almost entirely in an Indigenous language were all prayers offered in conjunction with the opening of a new session. Three of these prayers were delivered by Elmer George Sr., an elder of the Songhees Nation. In total 5.6 per cent (49) of all of the prayers delivered in the Legislative Assembly of British Columbia contained at least one word from an Indigenous language. Three prayers were coded as containing Indigenous content delivered in English, which, when combined with the previous category, totaled 6.0 per cent (52) of all prayers containing Indigenous content.

Prayers were also coded if they included languages other than English or an Indigenous language. Similar to coding for Indigenous languages, coders were asked to differentiate between a word, sentence, or sentences. All but one of the instances of other languages spoken were in the form of individual sentences/expressions. In total, 1.2 per cent (10) of prayers contained sentences in other languages, and three of these were included in prayers offered on an opening day.

During the transcription process several volunteers noted the presence of what they described as ‘subtle barbs’ or ‘partisan attacks’ where the MLAs delivering the prayer referenced issues before the House or included veiled praise or condemnation of another actor. One obvious example was a prayer delivered on October 19, 2011, that stated in part: “And we thank the people of Canada for the shipbuilding contract.” A less obvious example was a prayer quoting Cesar Chavez’s ‘Farm Workers Prayer,’ delivered on November 16, 2011, around the time that minimum wage increases that did not apply to farm workers were being

implemented. This content was often subtle; as a result only ten prayers were identified as containing overtly partisan content. Of these, one of the most partisan was a ‘prayer’ for Health Employees’ Union (HEU) members, who on April 29, 2004 were advised “to carefully appraise their opportunities and make choices that will be the right ones for themselves and their families.” This was reported on in the HEU strike bulletin at the time.

## Analysis

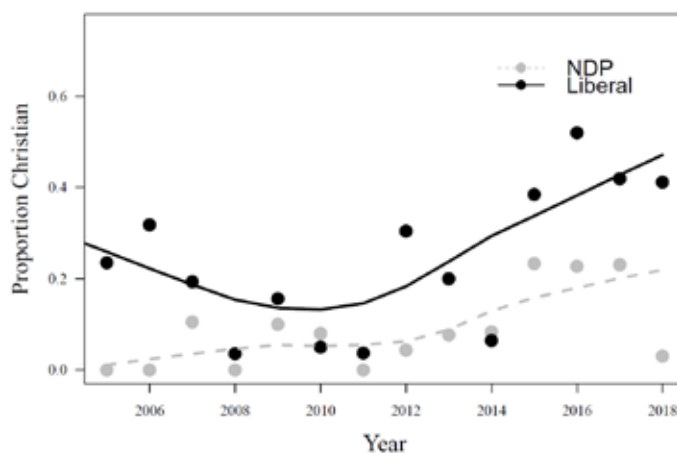
We started our analysis by examining the number of prayers delivered per MLA. When ‘league tables’ were constructed for every parliament covered by the study, we found that as time went on, fewer MLAs were delivering prayers. The frequency of prayers delivered by MLAs varied considerably, with some MLAs (30 out of 117) delivering a single prayer and three delivering over 30. Leonard Krog, MLA for Nanaimo, topped every table, suggesting that parties do not follow set rotations to decide who delivers prayers, but rather participation tracks MLA’s interest, with those most interested in delivering prayers volunteering more often than others.

The Legislative Assembly of British Columbia has been dominated by two parties during the period under review, the BC Liberals and BC New Democratic Party (BCNDP). While the BC Green Party elected three MLAs, only one delivered a total of two prayers. As a result, we chose to exclude the BC Greens from analyses based on party affiliation.

Compared with BC NDP MLAs, BC Liberal MLAs were significantly more likely to read one of the sample prayers than to deliver a prayer of their own devising. BC Liberal MLAs delivered a sample prayer 64.0 per cent of the time (vs. 35.0 per cent of the time for BC NDP MLAs). When they delivered sample prayers, BC NDP MLAs were more likely to alter these prayers, doing so 55.1 per cent of the time, compared to BC Liberal MLAs who altered sample prayers 22.5 per cent of the time. The use of the sample prayers has been on a steady decline, with more MLAs opting to deliver prayers of their own devising. There was no significant difference in this trend between parties.

We found that BC NDP MLAs were marginally more likely to deliver secular prayers as compared to BC Liberal MLAs (31.4 per cent vs. 26.0 per cent of prayers respectively). BC Liberal MLAs were significantly more likely to deliver sectarian prayers (the vast majority of which were Christian), with 26.0 per cent of

prayers delivered by BC Liberal MLAs being classified as sectarian, compared with 10.3 per cent of prayers delivered by BC NDP MLAs. Given these numbers, it was unsurprising that BC Liberal MLAs were significantly more likely to deliver Christian prayers, with 25.4 per cent of BC Liberal MLA prayers being Christian, compared with 9.2 per cent of BC NDP MLA prayers. For both parties, the number of sectarian and Christian prayers has been steadily increasing over time. Secular prayer use by MLAs from both parties has been on a general decline and the proportion of Christian prayers has been steadily increasing for both parties, more than doubling over the past decade.



**Figure 1: The proportion of all prayers that are Christian over time, separated by political affiliation. Lines represent a locally-weighted regression.**

With respect to Indigenous content, BC NDP MLAs were significantly more likely to use Indigenous language in their prayers (11.7 per cent vs. 0.2 per cent). Despite the overall small number of prayers containing Indigenous content (6 per cent), a steady increase in Indigenous content was observed.

The average prayer was 89 words long and prayers delivered by MLAs of both parties have been getting longer over time. Similarly, religious prayers (non-sectarian or sectarian) were generally found to be longer than secular prayers. Religious prayers delivered by BC Liberal MLAs were 2.09 times longer than secular prayers delivered by their caucus colleagues. Religious prayers delivered by BC NDP MLAs were 1.52 times longer. Overall, despite Christian prayers making up only 20.2 per cent of the total prayers delivered, they composed 25.6 per cent of the 70,079 words used.

## Discussion

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Demographic data for BC can be used in order to determine the extent to which the prayers delivered in the Legislature reflect the beliefs of British Columbians. The 2011 National Household Survey identified 44.6 per cent of the population as Christian, 44.1 per cent as having no religious affiliation, followed by 4.7 per cent Sikh, 2.1 per cent Buddhist, 1.8 per cent Muslim, 1.1 per cent Hindu, 0.5 per cent Jewish, and 4.1 per cent as 'other religion.' These numbers are in stark contrast to the findings of this study. Where the religion could be identified (sectarian prayers) every non-Christian religion, with the exception to Judaism, was under-represented. There were no apparent Sikh prayers, despite Sikhs making up nearly five per cent of the population of BC. A lack of diversity is further indicated by a paucity of Indigenous languages and content, which comprised a mere six per cent of prayers, and was largely relegated to the inclusion of a single word. It was, however, promising to see a gradual increase in the use of Indigenous languages over time.

Given the large proportion of religious prayers (71.2 per cent), it is also clear that prayers in the Legislative Assembly of British Columbia do not reflect the views of a significant and growing number of non-religious people, at least 44.1 per cent of the province. Furthermore, simply because religious content is removed, minimized, or obscured, does not imply that a prayer reflects the beliefs of the irreligious, given the diversity of such beliefs. It would also not be reasonable to conclude that the 27.5 per cent of the prayers delivered in the Legislative Assembly of British Columbia identified as 'secular' reflected the views of non-believing British Columbians.

The idea of allocating time for prayer strongly influences how this time is used. Far from being an ecumenical time allocated for a diversity of faith traditions to share their beliefs, the data indicates that this segment is generally perceived as a time for Christian prayer. As a result, other beliefs and traditions are perceived as guests in this space, and as guests they tend to adopt the structure of the space. This is reflected by the fact that 88.7 per cent of 'secular' prayers ended in 'amen,' an ending typically associated with Christian prayer. Even if 27.5 per cent did accurately reflect the views of the irreligious, non-believers would remain, along with many other faith traditions, severely underrepresented. This leads us to the conclusion that prayer in the Legislative Assembly of British Columbia excludes people of no faith and people from faith traditions other than Christianity.

Fewer MLAs seem to have an interest in delivering prayers, as evidenced by the fact that only a handful of MLAs delivered the majority of prayers and that the percentage of MLAs delivering prayers has diminished over time. We suspect that this indicates an increasing number of MLAs either oppose the practice or are, at the very least, ambivalent towards it. When we surveyed MLAs about their position on the practice of legislative prayer in BC, we found that those who opposed the practice also expressed a desire not to deliver prayers themselves. One MLA explained that "I do not support the practice as I believe there should be real and perceived separation of religion and state," noted that "Yes I have had the opportunity to deliver a prayer but declined."

## Conclusion

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The study identified a number of thought-provoking trends with regard to prayer in the Legislative Assembly of British Columbia. We found that fewer MLAs are delivering prayers and the prayers are becoming longer and more religious. The proportion of prayers that were identified as Christian more than doubled in the past decade – a trend that holds for both major political parties.

Prayers delivered in the Legislative Assembly of British Columbia do not reflect the diversity of beliefs of British Columbians. Far from promoting diversity, the practice has tended to favour one faith tradition over others and religious beliefs over irreligious beliefs. Ultimately, prayer in the Legislative Assembly of British Columbia excludes non-believers and members of minority faith traditions.

Reform is clearly needed. The fact that the Standing Order 25 has been amended from 'prayers' to 'prayers and reflections' represents a beginning, but further action is required to ensure that the Legislative Assembly of British Columbia becomes a more inclusive chamber, one where all British Columbians feel welcome. The update of the sample prayer list represents a further progress of a kind, however, the fact that MLAs chose to read one of the sample prayers 50.0 per cent of the time and that their choice of these prayers was not uniform suggests that altering or adding to the list represents no guarantee that the newly added prayers will be read in the Legislature with any degree of consistency. Furthermore, the process of amending this list is fraught with practical, and potentially constitutional, difficulties, such as requiring government officials to decide which religions and prayers to include on the sample list.<sup>11</sup>

If the Legislative Assembly of British Columbia wishes to continue this exclusionary practice it might consider adopting an approach similar to that practiced by the Scottish Parliament, whereby their “time for reflection” is delivered by a guest and the “pattern of speakers reflects the balance of beliefs in Scotland (based on the Census).”<sup>12</sup> Following such a practice on a daily basis would present a significant administrative burden, which likely explains why the Scottish Parliament takes time for reflection on a weekly basis. Likewise, the challenge of achieving an adequate representation of the populous is also significant.

Other options that could be considered by the Legislative Assembly of British Columbia would be replacing ‘prayers and reflections’ with an Indigenous territorial acknowledgement, with the procedures and protocols surrounding this practice being developed in consultation with Indigenous stakeholders. The latter part of this recommendation is critical in order to ensure that the practice represents the diversity of Indigenous peoples and traditions across the province and that the practice forms a meaningful part of reconciliation, rather than lapsing into perfunctory practice.

The prayers could be replaced with a time for silent reflection, similar to the practice in the Quebec National Assembly. There are so many religious traditions in the world with considerable diversity of beliefs and practices that crafting a single ‘non-denominational’ or ‘secular’ prayer is impossible. A time for silent reflections would provide an opportunity for MLAs to prepare for the upcoming sitting in whatever way they deem fit.

The most straightforward step would be to abolish the practice of legislative prayer completely. Those MLAs wishing to pray before a session could do so on their own time, and in a manner of their own choosing.

## Notes

1 See Ryan-Lloyd, K., Sogomonian, A., Sourial, S. & Wall E. eds. (2020). *Parliamentary practice in British Columbia*. 5th Ed. Victoria, BC: Legislative Assembly of British Columbia, 97; and see also MacMinn, E. G. (2008). *Parliamentary practice in British Columbia*. 4<sup>th</sup> Ed. Legislative Assembly of British Columbia, 56.

- 2 Phelps Bondaroff, T.N., Bushfield, I., Marshall, K.E., Prasad, R., & Laurence, N. (2019, September). “House of prayers: An analysis of prayers in the Legislative Assembly of British Columbia, 2003-2019.” *BC Humanist Association*, 1-138. Retrieved from [https://www.bchumanist.ca/house\\_of\\_prayers\\_report](https://www.bchumanist.ca/house_of_prayers_report).
- 3 Bueckert, C., Hill, R., Parisotto, M., & Roberts, M. (2017). “Religion, faith and spirituality in the Legislative Assembly of British Columbia.” *Canadian Parliamentary Review*, (Spring), 25-29.
- 4 Sandford, M. (2013). “Traditions and customs of the House: House of Commons background paper.” Retrieved from <https://www.parliament.uk/about/how/business/prayers/>; and Fizet, C. (2010, June 2). “Reopening the discussion on the use of ‘the Lord’s Prayer’ in the Ontario Legislature.” Paper presented at the *2010 Annual Meeting of the Canadian Political Science Association*, Concordia University, Montreal, Canada, p.2.
- 5 And see also Bueckert *et al.* 2017:25; Lanouette, M. (2009). “Prayer in the Legislature: tradition meets secularization.” *Canadian Parliamentary Review*, (Winter), 1-7, 6; Fizet 2010; and Boissinot, J. (2015, April 17). “The end of prayer in the councils of the nation.” *The Globe and Mail*. Retrieved from <https://www.theglobeandmail.com/opinion/editorials/the-end-of-prayer-in-the-councils-of-the-nation/article24010902/>.
- 6 See Phelps Bondaroff, T.N., Prasad, R., Laurence, N., Darveau-Morin, A., Bushfield, I., & Thom, A. (2020). “Legislative prayer across Canada.” *BC Humanist Association*, (August) 1-8. Retrieved from <https://www.bchumanist.ca/prayer-across-canada>.
- 7 Ryan-Lloyd *et al.* 2020:97.
- 8 *Ibid.*
- 9 *Ibid.*
- 10 K. Ryan-Lloyd, Acting Clerk of the House, correspondence with authors, August 21, 2019.
- 11 For a detailed exploration of these difficulties, see Bushfield, I., & Phelps Bondaroff, T.N. (2020). “Arbiters of faith: Legislative Assembly of BC entanglement with religious dogma resulting from legislative prayer.” *Secularism and Nonreligion*, 9, 1-16.
- 12 Scottish Parliament. (2019, June 27). “Scottish Parliament fact sheet: contributors to time for reflections: sessions 5.” Retrieved from [https://www.parliament.scot/ResearchBriefingsAndFactsheets/Factsheets/Contributors\\_to\\_Time\\_for\\_Reflection\\_Session\\_5.pdf](https://www.parliament.scot/ResearchBriefingsAndFactsheets/Factsheets/Contributors_to_Time_for_Reflection_Session_5.pdf) ; and see Lanouette 2009:6.



# *The Non-Partisan Paradox: Overcoming Gender Disparity in the Northwest Territories Legislative Assembly*

In the span of one general election campaign, the Northwest Territories went from being the Canadian jurisdiction with the lowest proportion of women parliamentarians in its assembly to the highest, one of the few Canadian jurisdictions with a gender-balanced Cabinet, and the sole jurisdiction with a woman first minister. In this article, the author outlines the institutional barriers that led to the underrepresentation of women in territorial politics, the historical developments which contributed to such a dramatic change, and why the results of next territorial election will be an important indication of whether this change will be short-lived or more permanent.

**Christopher Yurris**

## **Introduction**

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Serving as the Premier of the Northwest Territories from 1991 to 1995, Nellie Cournoyea was the second female and first Indigenous woman to become premier in Canadian history; she was only preceded earlier in the year by Rita Johnston in British Columbia.<sup>1</sup> Cournoyea's prominent role, alongside Mary Simon and Rosemary Kuptana, in the negotiations leading up to the Charlottetown Accord, earned the trio the nickname "the Mothers of Confederation".<sup>2,3</sup> However, in the years following Cournoyea's landmark feat and her successful tenure as an MLA, the Northwest Territories has lagged behind other Canadian jurisdictions in terms of the representation of women in the Legislative Assembly. Following the 2015 territorial election, only two female candidates were elected to the 19-seat legislature; at the time, this was the lowest proportion of female representation in a Canadian legislature (10.5 per cent).<sup>4</sup>

The place of women in territorial politics seemed to change drastically following the territorial election in October 2019 – nine women gained election into the legislature (47 per cent of seats). The NWT now had the distinction of being the jurisdiction with the greatest proportion of women in a Canadian legislature.<sup>5</sup> The selection of Cabinet resulted in women holding six of seven Cabinet positions, including Premier Caroline Cochrane.<sup>6</sup>

This article will briefly explore some possible institutional explanations for the historical lack of representation of women in the NWT Legislative Assembly. Next, I will examine several attempts at reform, both by individual Members, as well as through committees. This discussion will culminate in an exploration of the 2019 NWT election, which represented a seismic shift in terms of female representation in the Legislature that was subsequently reflected in Cabinet.

## **Institutional Explanations**

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There are several possible institutional explanations for the lack of female representation in the NWT Legislative Assembly before 2019. Graham White argued that the non-partisan nature of the Assembly has been paradoxical in explaining the lack of women MLAs.<sup>7</sup> White argues that the "baneful existence of political parties, which frequently operate as "old boys

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clubs" relegating women to unwinnable ridings, is simply not a factor".<sup>8</sup> This builds off Janine Brodie's idea of "party gatekeepers" preventing women from winning party nominations.<sup>9</sup> Therefore, the absence of parties and underrepresentation of women in the NWT's non-partisan legislature is paradoxical; despite the lack of "party gatekeepers," women were still severely underrepresented. White argues that political parties may in fact serve as a form of structural support, rather than a structural barrier, as they can play a significant role in recruiting and the training of candidates.<sup>10</sup> For example, recent initiatives in New Brunswick aimed to lobby parties to ensure 50 per cent of their candidates in the September 2018 election were women.<sup>11</sup>

Furthermore, the generally more amicable nature of proceedings in the Northwest Territories Legislative Assembly stands in stark contrast to behavior found in other Canadian legislatures. Melanie Thomas and Lisa Young recognize that:

The House of Commons is best suited for an adversarial, combative type of debate and does not favour mechanisms of consensus. Many female MPs indicated that they would have preferred to engage in the latter type of debate and found the combative style inefficient and ineffective<sup>12</sup>

Conversely, the deliberation in the Northwest Territories Legislative Assembly is mainly civil, as described firsthand by current Clerk of the Legislative Assembly, Tim Mercer:

For those accustomed to boisterous parliamentary debate, the relative civility of the NWT Legislative Assembly stands out immediately... For the most part, Oral Question Period is used to get answers from Ministers as opposed to attempting to discredit, embarrass or score political points.<sup>13</sup>

Additionally, the costs of campaigning in territorial elections, both in time and money, are relatively low, "since ridings typically have small, geographically concentrated populations".<sup>14</sup> Moreover, the maximum campaign spending limit of \$30,000 is rarely reached, especially in smaller communities.<sup>15</sup>

Despite the perception of low barriers of entry for candidates, as discussed by White, the final report suggested financial and opportunity costs related to candidacy were often a deterrent for prospective candidates; additional pressures further dissuading

female would-be-candidates. For example, quitting full-time jobs was considered too great a risk by several residents with uncertainty surrounding election results.<sup>16</sup> A proposal made in the report to mitigating this risk suggested "convincing employers to keep the position open and offer unpaid leave to employees who run for elected office."<sup>17</sup>

Moreover, some women are dissuaded from running to be an MLA as they are unwilling to take a pay cut and "reduce their current level of income to the level of earnings made by a Member of the Legislative Assembly".<sup>18</sup> This factor extends beyond a gender analysis and helps to explain the lack of professionals who have served in the Legislature. Before the 2015 election "only four lawyers ha[d] been elected to the Legislative Assembly since 1951 and only one of the current Members, a pharmacist, [was] a professional."<sup>19</sup> With that being said, there are many civil servants who have successfully run for MLA over the years.

The report also cited the financial costs and time associated with travel during a campaign in the territory's larger ridings, particularly in more widespread ridings consisting of fly-in communities.<sup>20</sup> For example, Shane Thompson, the current MLA for the sprawling constituency of Nahendeh, spent \$5,968.79 on travel during the 2015 election campaign, much of the total (\$8,525.57) spent on his campaign.<sup>21</sup> Similarly, former MLA for Nunakput (another vast riding) Herbert Nakimayak's entire budget (\$2,062.20) in the 2015 election was used for travel.<sup>22</sup>

This issue is exacerbated for women requiring childcare, leading to higher expenses; accordingly, the committee suggested that childcare should be an eligible campaign expense.<sup>23</sup> Moreover, the reimbursement of childcare costs for candidates who manage to reach a vote threshold is not an entirely new idea. For example, Elections Manitoba allows for reimbursement of "100 [per cent] of reasonable child care and disability expenses", contingent on a candidate earning five per cent of the vote.<sup>24,25</sup> Campaign finance is further complicated by the absence of political parties which creates an uphill battle for candidates wishing to challenge an incumbent.<sup>26</sup> The financial incumbency advantage in the Northwest Territories is exacerbated by the prevalence of corporate campaign donations; for instance, in 2015, incumbent in the riding of Mackenzie Delta, Frederick Blake Jr., would receive his entire campaign budget from three local businesses, whereas his challengers would receive no financial backing from the local business community.<sup>27</sup>

## Attempts at Reform

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Earlier criticisms had been levied at the territorial government for its inaction in addressing the lack of women representation in the Legislative Assembly. In the early 2000s Sandy Lee, then-MLA for Range Lake, was outspoken in her concern over the lack of women representation in the Legislature. In December 2003, Lee gave a Members' Statement declaring her disapproval that women were not represented in Cabinet and no Indigenous women were elected in the House.<sup>28</sup> Lee would expand this critique a year later, noting the issue went beyond elected representatives; appointed senior bureaucrats were also overwhelmingly men. She noted the "ratio of all senior government and board appointments [had] been 100 percent male to zero percent female" at the time of her statement.<sup>29</sup>

The push for increasing the representation of women in territorial politics continued to become a key issue for legislators in the territory. The Northwest Territories Status of Women Council and the Native Women's Association of the NWT have been active in attempting to address the underrepresentation of women in territorial politics. In collaboration with the Government of the Northwest Territories (GNWT), these organizations have offered their flagship program, the Campaign School for Women, since 2007. The campaign school's curriculum is "northern made" and includes modules on conflict management, public speaking, and fundraising.<sup>30</sup> Lee, who was a major proponent of the introduction of the campaign schools, promoted them in a Members' Statement in February 2007.<sup>31</sup>

Furthermore, the Northwest Territories' 18<sup>th</sup> Legislative Assembly (2015-2019) "supporting initiatives designed to increase the number of women running for elected office in the NWT"<sup>32</sup> one of its priorities. The Assembly established the Special Committee to Increase the Representation of Women. The introduction of temporary special measures "to overcome persistent barriers to women attaining political office" was one of the suggestions to increase the representation of women in the territory.<sup>33</sup> Speaker of the Legislative Assembly Jackson Lafferty released a discussion paper on May 31, 2018 outlining these measures, explaining their purpose and providing examples of political systems where they have previously implemented. In the discussion paper, Lafferty asserted that:

These measures are called "temporary" for two reasons. First, they are often put in place for a limited

timeframe, for example, two or three elections, after which the legislation establishing them automatically sunsets. Second, they often have the result of encouraging more women to run, which in turn renders them unnecessary, i.e. they are self-fulfilling.<sup>34</sup>

These temporary special measures would have instituted reserved seats for women in the event a certain percentage of women are not elected. The benchmark established by the United Nations "of women required in a legislature to bring about significant and lasting policy change is 30 per cent".<sup>35</sup> Similar measures were proposed in the lead up to the creation of Nunavut in the late 1990s; the Nunavut Implementation Commission (NIC) proposed a dual-member system, with one woman and one man elected per constituency.<sup>36</sup> Subsequently, a plebiscite would be held in 1997 proposing this dual-member model; the plebiscite would fail, with only 43 percent of the electorate supporting such a model and only 39 percent of eligible voters casting a ballot.<sup>37,38</sup> Although the idea of temporary measures in the NWT was explored, in the short term, this was deemed unnecessary, with a strong showing for female candidates in the 2019 territorial election.<sup>39</sup>

## The 2019 Territorial Election

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The need for further female representation in the NWT Legislative Assembly was a major headline in the lead up to election day. Significant breakthroughs were made in municipal politics in the years following the 2015 territorial election; women mayors were elected or acclaimed in four of the territory's largest population centres. In 2018, Lynn Napier-Buckley was re-elected mayor of Fort Smith. Rebecca Alty and Natasha Kulikowski were elected the mayors of Yellowknife and Inuvik, respectively. Kandis Jameson was acclaimed as the mayor of Hay River.<sup>40</sup> Likewise, the appointment of Margaret Thom as the Commissioner of the Northwest Territories (the territorial equivalent of a lieutenant governor) in 2017 marked the first time in over a decade the position was held by a woman.<sup>41</sup> Similarly, women achieved leadership milestones within Indigenous government. April Martel became the first female chief of the K'at'l'odeeche First Nation.<sup>42</sup> Eileen Marlowe also ran to become the chief of the Dene National Council and "held her own in the election against seasoned politicians Norman Yakeleya and Richard Edjericon, running a primarily online campaign and ultimately finishing a close second in the race".<sup>43</sup> Furthermore, in August 2019, two months before the territorial election, the federal government

announced \$1 million in funding to promote women in Northern politics (\$525K of which went to the NWT).<sup>46</sup>

As candidates began declaring their intention to run in the 2019 territorial election, the news media noted the influx of female candidates.<sup>47</sup> Once the nomination deadline passed, the number of women who put their name forward equalled that of the previous two elections combined.<sup>48</sup> Along with the quantity of female candidates putting their name forward, the women had varying career backgrounds in the private and public sector. For example, Caroline Wawzonek, who ran (and would win) in the riding on Yellowknife South, had worked as a lawyer in the territory for the past decade; Katrina Nokleby, who would be elected in the riding of Great Slave, worked as an engineer before seeking office.<sup>49,50</sup>

Furthermore, the representation of women emerged as an issue in the all-male race in the riding of Frame Lake between incumbent Kevin O'Reilly and challenger Dave Ramsay. Ramsay was opposed to temporary special measures, arguing that "it goes against democratic principles. I fundamentally disagree with guaranteeing any group seats."<sup>51</sup> Conversely, O'Reilly was quick to disagree with the accusations that such measures are undemocratic, arguing that having an insufficient representation of women in the House is undemocratic in its own right.<sup>52</sup>

In her address to caucus following the election, Range Lake MLA Caroline Cochrane asserted that notwithstanding the increase of women representatives, there was still work to be done to address the glass ceiling women still face in many areas of society.<sup>53</sup> The increase in representation would be reflected in the Cabinet; Cochrane would be selected the premier through secret ballot by her colleagues. She became the sole woman premier in Canada, as well as the first in the NWT in nearly a quarter-century. Subsequently, the selection of Cabinet, through a similar secret-ballot process, resulted in women achieving five out of seven positions – Cochrane and four others.<sup>54,55</sup>

## **Conclusion**

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The Northwest Territories non-partisan consensus model of government has had a paradoxical impact on the representation of women in the Legislative Assembly. It has been suggested that the absence of "party-gatekeepers" in consensus government should

be conducive to greater representation of women in the Legislative Assembly; likewise, it has been noted that the adversarial nature of partisan legislatures often dissuades women from getting involved in politics. However, the lack of political parties may have presented additional barriers for women hoping to get involved in territorial politics. Political parties play a seminal role in increasing the representation of women in legislatures. In the Northwest Territories, women are not recruited through political parties which may have instituted procedures to increase the percentage of women candidates; candidates are also not able to rely on parties for fundraising. Moreover, there were various disincentives that decreased the likelihood women would want to put their name forward, including the opportunity costs associated with running and the pay level of an MLA; these concerns are indicative of a broader trend in territorial politics, with professionals being noticeably absent from elected office.

Early attempts at reform pushed the topic of female representation in the NWT Legislative Assembly into the public consciousness. Likewise, the campaign schools put forth by the GNWT, in consort with several other organizations, also promoted the issue. The campaign to improve women's representation in territorial politics continued in the 18<sup>th</sup> Legislative Assembly (2015-2019), with the establishment on the Special Committee to Increase the Representation of Women in the Legislative Assembly.

Consequently, the 2019 Northwest Territories election proved to be a critical juncture for the representation of women in territorial politics. An emphasis on women in politics in the territory was demonstrated through victories by female candidates in mayoral elections in several of the territory's larger population centres and strong showings in Indigenous leadership elections. An injection of federal funding and intense media coverage further acted as a catalyst for increasing the number of women candidates in the 2019 Territorial Election; Moreover, the plethora and diversity of women candidates who put their names forward dwarfed the previous two elections by comparison. It will be interesting to monitor future elections in the Northwest Territories, to determine whether the increased representation of women in the 2019 election is indicative of a longer-term trend rather a blip in the radar. An eventual return to an underrepresentation of women in territorial politics would necessitate a comprehensive review of what barriers to participation still remain and how they might be removed permanently.

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# *The Canadian Scene*

## **New Nunavut Speaker**

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On September 9, Nunavut's Legislative Assembly elected **Allan Rumbolt** as its new Speaker. Speaker Rumbolt, who had been previously served as Deputy Speaker, replaced **Paul Quassa**. Mr. Quassa resigned as Speaker and MLA for Aggu on August 13.

First elected as MLA for Hudson Bay in 2008, Speaker Rumbolt won re-election in 2013 and 2017. In addition to his time as Deputy Speaker, he served as the co-chair of the Legislative Assembly's Standing Committee on Government Estimates and Operations and as a member of the Management and Services Board.

Born in Newfoundland and Labrador, Speaker Rumbolt moved to Nunavut as an employee of the Northwest Company. He lived and worked in several communities before settling in Sanikiluaq, where he was elected to the municipal council and the District Education Authority.

Outside of politics he enjoys hunting, fishing and outdoor pursuits. He has been an active volunteer with Sanikiluaq's search and rescue committee. Speaker Rumbolt lives with his partner Mina in Sanikiluaq. He has two children, Garry and Paula.



**Hon. Allan Rumbolt**

## Regional Executive Committee, CPA\*

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Charles Robert, Clerk

**SENATE**

George Furey, Speaker

Gérald Lafrenière, Clerk (Interim)

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Nathan Cooper, Speaker

Shannon Dean, Secretary

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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 (February 2021 – July 2021).



Daly, Paul. "A critical analysis of the *Case of Prorogations*." *Canadian Journal of Comparative and Contemporary Law* 7 (1): 256-92, 2021.

- *R (Miller) v Prime Minister* is a landmark case about the scope of prerogative power and judicial review in common law systems. In this article, the author critically analyzes the seminal decision of the UK Supreme Court in what will no doubt come to be known as the *Case of Prorogations*, focusing on its likely importance, its reasoning, its doctrinal and historical coherence...

Geddes, Alexander G. "How to change laws without changing the law: Problems with the presumption of substantive change for plain language reforms." *Ottawa Law Review/Revue de droit d'Ottawa* 51 (1): 109-55, 2019-2020.

- Statutory interpretation is standing in the way of improving the clarity of Canadian legislation. Although legislators use plain language principles when they write new statutes, revising or amending existing statutes has been more difficult because one principle of statutory interpretation, the presumption of substantive change, creates problems for plain language law reform. This paper examines the presumption of substantive change and concludes that Canadian judges should reduce their reliance on it and legislators should supply more evidence to rebut it...

Hazell, Robert, Russell, Meg. "*Fixed-term Parliaments Act*: Joint Committee lays down marker for the future." Constitution Unit: 6p, April 12, 2021.

- The *Fixed-term Parliaments Act 2011* placed a legal obligation on the Prime Minister to make arrangements for a committee to review the legislation before the end of 2020. That committee was duly created, and published its report last month. The authors offer a summary of the committee's work and argue that the committee 'ignored' the weight of the evidence on several key areas.

Keyes, John Mark. "Parliamentary scrutiny of the quality of legislation in Canada." *The Theory and Practice of Legislation* 9 (2): 203-26, 2021.

- This paper looks at how legislative quality is addressed in Canada by private (non-Executive) members of the two legislative chambers forming part of the federal Parliament (the Senate and the House of Commons)...the paper concludes that, while there is some potential for considerable parliamentary contribution to legislative quality, it is in fact relatively limited. This largely results from the dominant role the Executive plays in the development and enactment of legislation. The paper suggests the current pandemic crisis might provide an opportunity to re-evaluate this dominance and approaches to addressing legislative quality in Canada.



Neal, Andrew W. "The parliamentarisation of security in the UK and Australia." *Parliamentary Affairs* 74 (2): 464–82, April 2021.

- This article examines the parliamentarisation of security through four decades of committee activity in the UK and Australia. Security governance has expanded since the Cold War from defence and secret intelligence to an array of problematisations that could arise in almost any policy area. This has driven parliamentary activity, with the effect that a much wider range of committees have done substantive work on security issues. The UK and Australia display similar levels of security parliamentarisation but of a different character due to differences in executive/legislative relations, party discipline, parliamentary rules and geopolitical circumstance

Pullinger, John. "Updating campaign regulation for the digital era." *Constitution Unit*: 5p, July 9, 2021.

- The chair of the Electoral Commission, argues digital campaign regulations need an 'overhaul' to make the electoral process more transparent and accessible to voters, thereby increasing confidence in the system in a manner that doesn't discourage parties, candidates and campaigners to take in part

in elections. He also calls on the UK's parliaments to show that they do not tolerate the use of online activities that undermine democracy.

Vasta, Ross (Chair). "A window on the House: practices and procedures relating to Question Time." *Parliament of the Commonwealth of Australia - House of Representatives Standing Committee on Procedure*: 149p, March 2021.

- The inquiry heard that public perception of Question Time is by and large not positive and there is significant scope for improvement. The Committee makes a range of recommendations in this report, and while many of these relate to specific changes to standing orders it is hoped that, if adopted, the net effect of the changes would be to improve the conduct of Question Time overall. The Committee considers a reformed Question Time would improve how the House, and indeed the Parliament, is viewed.

"Politics - House of Zoom" *Economist* 439 (9248): 26, June 5, 2021.

- Remote working has weakened parliament. Now MPs want "revenge."





## Ontario

The First Session of the 42<sup>nd</sup> Parliament saw a busy spring sitting before the House adjourned on June 3, 2021, and then briefly being reconvened for four days between June 10 and 14, 2021. During this time, the House passed eight Government Bills, 16 Private Members' Public Bills, and 13 Private Bills. In addition, the House appointed Ontario's first Poet Laureate and recommended the appointment of a new Chief Medical Officer of Health.

### Appointments

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#### *Chief Medical Officer of Health*

On June 1, 2021, the Minister of Health, **Christine Elliott** moved that an Address be presented to the Lieutenant Governor in Council which requested that Dr. **Kieran Moore** be appointed as the Chief Medical Officer of Health for the Province of Ontario. Dr. Moore's appointment came into effect following the retirement of his predecessor, Dr. **David Williams**, on June 25, 2021. Prior to his appointment, Dr. Moore held the role of Medical Officer of Health for Kingston, Frontenac and Lennox and Addington Public Health since July 1, 2017. During debate, members of all parties welcomed Dr. Moore into the role and thanked Dr. Williams for his service to Ontarians.

#### *Poet Laureate of Ontario*

On December 12, 2019, Bill 6, *An Act to establish the Poet Laureate of Ontario in Memory of Gord Downie*, introduced by the Member for Windsor-Tecumseh, **Percy Hatfield**, passed third reading and received Royal Assent. The legislation established an Office of the Poet Laureate of Ontario and outlined the qualifications, selection process, responsibilities and term of office for the Poet Laureate.

On April 28, 2021, the House passed a motion to appoint **Randell Adjei** as Poet Laureate of Ontario. The House permitted Mr. Hatfield to move the motion as a gesture of thanks for his work on the enabling legislation.

Mr. Adjei is Ontario's first Poet Laureate; he is a spoken word artist, public speaker and a member of the League of Canadian Poets. Mr. Adjei is from Scarborough, Ontario and is the Founder of R.I.S.E (Reaching Intelligent Souls Everywhere) an initiative to foster youth expression in the performing arts within a safe and inclusive space. In his new role, he will report to the Speaker and will be responsible for writing poetry, promoting art and literacy in the province and raising the profile of Ontario poets.

## Summer Sitting

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After the House adjourned for the summer on June 3, 2021, the Speaker was notified by an Order in Council that the House was required to reconvene on June 10, 2021, to conduct government business. The Speaker received two additional Orders in Council to reconvene on June 12 and June 13 and the House adjourned for the summer a second time after meeting on June 14, 2021.

During this four-day extension, Bill 307, *Protecting Elections and Defending Democracy Act, 2021* passed all three readings and received Royal Assent. The Bill responded to a June 8, 2021, decision by the Superior Court of Justice declaring certain provisions within Bill 254, *Protecting Ontario Elections Act, 2021* inoperative because they contravened the *Canadian Charter of Rights and Freedoms*. Bill 307 re-enacted the inoperative provisions and invoked s. 33 of the *Charter*, commonly known as “the notwithstanding clause”. The notwithstanding clause permits legislatures to declare statutory provisions to operate notwithstanding certain *Charter* protections for a renewable five-year period. This is the first time in Ontario’s history that a statute containing the notwithstanding clause has been proclaimed into law.

## Committee Activities

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The Select and Standing Committees have been quite busy during the spring sitting, with some committees meeting over constituency weeks and during adjournments.

### *Standing Committee on Estimates*

The Standing Committee on Estimates met on April 27, 2021, for the selection of Estimates and selected nine ministries for consideration:

- Ministry of Health
- Ministry of Natural Resources and Forestry
- Ministry of Long-Term Care
- Ministry of Education
- Ministry of Infrastructure
- Ministry of Agriculture, Food and Rural Affairs
- Ministry of Children, Community and Social Services
- Ministry of Energy, Northern Development and Mines
- Ministry of Indigenous Affairs

The committee completed the review and consideration of all selected ministries on June 17, 2021. The committee was authorized, to meet during the May constituency week and during the month of June in order to conduct these considerations.

### *Standing Committee on Finance and Economic Affairs*

The Standing Committee on Finance and Economic Affairs met to consider Bill 288, *An Act to enact the Building Opportunities in the Skilled Trades Act, 2021*. The committee held two days of public hearings and one day of clause-by-clause consideration on the Bill before reporting it back to the House, as amended, on May 31, 2021. The Bill received Royal Assent on June 3, 2021.

### *Standing Committee on General Government*

The Standing Committee on General Government considered two Government Bills, including Bill 276, *An Act to enact and amend various Acts*; and Bill 282, *An Act in respect of various road safety matters*. The committee held four days of public hearings and one day of clause-by-clause consideration on Bill 276, and two days of public hearings and one day of clause-by-clause consideration on Bill 282 before reporting them back to the House, Bill 276, as amended and Bill 282 without amendment. Both Bills received Royal Assent on June 3, 2021.

### *Standing Committee on the Legislative Assembly*

The Standing Committee on the Legislative Assembly was authorized by an Order of the House dated June 1, 2021, to conduct a comprehensive review of the *Lobbyists Registration Act, 1998*, pursuant to section 18.1 of the *Act*. The committee met to commence the review on June 24, 2021 and will have a period of one year to conduct the review and present its recommendations back to the House.

### *Standing Committee on Justice Policy*

The Standing Committee on Justice Policy met to consider Bill 251, *An Act to enact, amend and repeal various Acts in respect of human trafficking matters*. The committee held two days of public hearings and one day of clause-by-clause consideration on the Bill before reporting it back to the House, as amended, on May 17, 2021. The Bill received Royal Assent on June 3, 2021.

### *Standing Committee on Public Accounts*

The Standing Committee on Public Accounts continued its review of sections of the 2019 and 2020 Annual Reports of the Office of the Auditor General of Ontario. The Committee held public hearings with Ministry officials and other relevant entities in the course of its review of the following value-for-money audits:

- Retirement Homes Regulatory Authority
- Virtual Care, Use of Communication Technologies for Patient Care
- Blood Management and Safety
- Acute-Care Hospital Patient Safety and Drug Administration

The committee also reviewed the Auditor General's 2020 Special Report on Emergency Management in Ontario—Pandemic Response.

The committee tabled reports on the Office of the Chief Coroner and Ontario Forensic Pathology Service, Waterfront Toronto, and the Ontario Disability Support Program.

### *Standing Committee on Social Policy*

The Standing Committee on Social Policy met to consider Bill 283, *An Act to amend and enact various Acts with respect to the health system*. The committee held two days of public hearings and one day of clause-by-clause consideration on the Bill before reporting it back to the House, as amended, on May 20, 2021. The Bill received Royal Assent on June 3, 2021.

### *Select Committee on Emergency Management Oversight*

The Select Committee on Emergency Management Oversight continued to meet at least once every 30 days to receive oral reports from the Premier or his designate(s) on any extensions of emergency orders by the Lieutenant Governor in Council related to the COVID-19 pandemic and the rationale for those extensions. The Solicitor General acted as the Premier's designate at these meetings and provided the committee with an update, then answered questions.

The committee also tabled its Ninth and Tenth Interim reports. These interim reports provide summaries of the proceedings and will eventually be compiled into a final report.

**Tanzima Khan**  
Committee Clerk



## Alberta

### 2021 Spring Sitting Concludes

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The Legislative Assembly of Alberta began the 2021 spring sitting of the Second Session of the 30th Legislature on February 25, 2021. It was initially expected that the spring sitting would end on May 20. However, on May 2, following a scheduled constituency week break, **Nathan Cooper**, Speaker of the Legislative Assembly, approved an extension to the adjournment in response to ongoing public health concerns related to the COVID-19 pandemic. The Assembly resumed sitting on May 25 and adjourned on June 16. It is currently anticipated that the fall sitting will commence on October 25.

During the sitting, 26 Bills received Royal Assent, including 22 Government Bills, one Private Bill, and three Private Members' Public Bills. Included among the Government Bills were:

Bill 58, *Freedom to Care Act*, which provides for volunteer liability protection and allows non-profit and charitable organizations to apply for one-time exemptions from government regulations that impede the ability of the organization to serve the community;

Bill 61, *Vital Statistics Amendment Act*, which prevents dangerous offenders, long-term offenders, and high-risk offenders from legally changing their name in Alberta;

Bill 63, *Police (Street Checks and Carding) Amendment Act, 2021*, which clarifies the rules for street checks by police and formalizes the ban on carding; and

Bill 71, *Employment Standards (COVID-19 Vaccination Leave) Amendment Act, 2021*, which amends the *Employment Standards Code* to provide up to three hours of job-protected, paid leave to employees to receive a COVID-19 vaccination. Introduced in the Assembly on the evening of April 21, and with the support of the Official Opposition, multiple requests for unanimous consent were granted and Bill 71 moved from First Reading through Third Reading in less than half an hour.

One of the Private Members' Public Bills introduced this spring was Bill 217, *Polish-Canadian Heritage Day Act*, sponsored by **Dan Williams**, MLA (Peace River). Following a display of bipartisan cooperation, Bill 217 received unanimous consent to proceed through Second Reading, Committee of the Whole, and Third Reading all during the June 16 evening sitting. As consideration of Private Members' Public Bills occurs on Monday afternoons, as provided in the Standing Orders, the passage of this bill was notable for both the speed with which it was passed and because this occurred on a Wednesday evening. Bill 217 was also the final item of business completed by the Assembly before it adjourned for the summer.

### Remote Voting During Divisions

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In addition to the temporary Standing Order changes adopted earlier in the session, on May 25 the Assembly agreed to additional changes to allow Members to vote remotely via videoconference during recorded divisions. These temporary amendments were in effect for the remainder of the 2021 spring sitting.

These temporary amendments to the Standing Orders suspended the Order that permits the usual 15-minute interval between division bells to be reduced to one minute for divisions in Committee of the Whole or Committee of Supply after the first division vote is held. No changes were made to the process for requesting a division, which requires a minimum of three Members to rise in place following the Speaker's announcement of the result of the voice vote. Divisions were conducted following the usual procedure for those present in the Chamber, followed by an alphabetical roll call, by last name, for those Members connecting to the proceedings remotely. When voting remotely, Members were required to have their cameras on and their faces visible for the duration of the voting process. When called upon to vote, Members could be seen on both the Assembly TV broadcast and on large screens within the Chamber. Once the final division bells stopped ringing, the doors to the Chamber were

closed and, similarly, no additional Members were permitted to join the videoconference to vote.

### Membership Changes

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On May 13 **Drew Barnes**, MLA (Cypress-Medicine Hat), and **Todd Loewen**, MLA (Central Peace-Notley), left the United Conservative (UC) caucus to become independent Members. Following this change, the Legislative Assembly of Alberta now consists of 60 members of the UC, 24 members of the New Democratic Party and three independent Members.

### Committee Business

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The Standing Committee on Private Bills and Private Members' Public Bills (PMPB Committee) was busy throughout the spring sitting. Of the 10 Private Members' Public Bills considered by the Committee during the spring, it was recommended that only Bill 208, *Alberta Investment Management Corporation Amendment Act, 2020*, not proceed to Second Reading. It also recommended that one Private Bill, Bill Pr2, *The United Church of Canada Amendment Act, 2021*, proceed.

The Standing Committee on Resource Stewardship completed its review of the *Public Interest Disclosure (Whistleblower Protection) Act* and released its report as an intersessional deposit on June 29, 2021. The report includes 10 recommendations, including removing references to "good faith" in the Act, expanding the definition of "employee" to include regulated members of the College of Physicians and Surgeons of Alberta, expanding the prohibition against reprisals to protect former employees who make a complaint or seek advice in accordance with the Act, and amending the Act to provide that a complaint of reprisal is considered to be substantiated unless sufficient evidence to the contrary is provided to the Commissioner as part of an investigation under the Act.

After initially creating the Select Special Committee on Real Property Rights on March 22, the Assembly referred Bill 206, *Property Rights Statutes Amendment Act, 2020*, to the Committee for review. Previously considered after First Reading by the PMPB Committee, Bill 206 was returned to the Assembly with the recommendation that it proceed to Second Reading, which it received on division on April 12, after which it was referred to the Real Property Rights Committee. On June 24 the Real Property Rights Committee met to receive technical briefings on the *Acts* and issues within its mandate, which necessitated presentations from eight ministries. It is anticipated



that the Committee will receive written submissions and oral presentations from stakeholders in July and potentially hold public meetings in the fall.

On June 15, the Assembly struck the nine-member Select Special Child and Youth Advocate Search Committee for the purpose of inviting applications for the position of the Child and Youth Advocate and to recommend to the Assembly the applicant it considers most suitable to this position. The current Advocate, **Del Graff**, has indicated he will be retiring at the end of the current fiscal year.

The Standing Committee on Public Accounts, along with the Office of the Auditor General, will be hosting the annual CCPAC-CCOLA Conference on September 8 and 9, 2021. The two-day virtual program will focus on the impact that COVID-19 has had on government expenditures and new challenges now facing those responsible for scrutinizing these expenditures. The conference will include two keynote speakers: **Andre Picard**, health reporter and columnist for *The Globe and Mail*, and **Lindsay Tedds**, Associate Professor of Economics at the University of Calgary and Member, Post-COVID-19 Economic Recovery Working Group, Royal Society of Canada, 2020.

**Jody Rempel**  
Committee Clerk



## British Columbia

### Spring Sitting

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The First Session of the 42<sup>nd</sup> Parliament was prorogued on the morning of April 12, 2021, and the Second Session began with the delivery of the Speech from the Throne that afternoon by Lieutenant Governor **Janet Austin**. The Legislative Assembly also adopted a new Sessional Order enabling the continuation of hybrid proceedings through the end of June. A new

provision was added permitting the submission of electronic petitions. In addition, on May 10, the House adopted a Sessional Order changing the sitting times on Thursday afternoons from 1:30 p.m. to 6:00 p.m. to 1:00 to 5:30 p.m. to allow for an earlier adjournment through to the end of the Second Session.

The House adjourned on June 17 and is expected to return on October 4, 2021.

### Budget 2021-22 Presentation

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On April 20, the Minister of Finance, **Selina Robinson**, presented the provincial 2021-22 budget, which focused on proposed funding to meet the health and economic challenges of the COVID-19 pandemic and lay the foundation for a post-pandemic recovery. The Official Opposition Critic for Finance, **Mike Bernier**, called on the government to do more to support families and businesses affected by COVID-19, housing affordability, and unemployment. The Leader of the Third Party, **Sonia Furstenuau**, highlighted the need for action on climate change and societal inequality.

### Committee of Supply

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The Legislative Assembly adopted a Sessional Order on May 10 authorizing the Committee of Supply to sit in three sections to consider the 2021-22 Main Estimates; Section A was also authorized to consider bills at committee stage. Unlike 2020, when Committee of Supply proceedings were virtual, the spring proceedings took place in a hybrid format with a limited number of Members attending in person and others joining via Zoom.

### Burial Site at Former Kamloops Indian Residential School

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Following the confirmation on May 28 that the remains of 215 Indigenous children were present on the grounds of the former Kamloops Indian Residential School, Premier **John Horgan** made a ministerial statement in the Legislative Assembly on May 31. Expressing horror and heartbreak, the Premier reiterated the government's commitment to working with Indigenous peoples to address the terrible legacy of residential schools. Official Opposition Critic for Indigenous Relations and Reconciliation, **Peter Milobar**, acknowledged the strength and perseverance of the Tk'emlúps te Secwépemc people and the importance of respecting and supporting them as they grieve, and pledging to work together to heal the painful wounds

left by residential schools. Member of the Third Party, **Adam Olsen**, spoke about the impact of residential schools on his family and the trauma experienced by generations of Indigenous peoples and called for more resources for Indigenous healing services, language preservation, cultural development, and governance. Speaker **Raj Chouhan** then led Members in a moment of silence.

The Canadian flag on the Legislative Precinct was lowered to half-mast. On June 8, the Songhees and Esquimalt Nations held a ceremony to honour the 215 children which began with a canoe protocol in Victoria's Inner Harbour, followed by prayers and a drum circle on the front lawn of the Legislative Precinct.

## Legislation

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The House has adopted 12 bills during the Second Session, including:

The *Employment Standards Amendment Act, 2021* - provides up to three hours of paid leave for employees to receive each of their COVID-19 vaccines.

The *Employment Standards Amendment Act (No. 2), 2021* - authorizes up to three days of paid sick leave related to COVID-19 for employees until December 31, 2021, and establishes a framework for the introduction of a permanent paid sick leave entitlement, to be implemented through regulation by January 1, 2022, after stakeholder consultations.

The *Electoral Boundaries Commission Amendment Act, 2021* - increases the maximum number of electoral districts that the Commission may propose to the Legislative Assembly from 87 to 93. It also eliminates the three regions that were collectively guaranteed a minimum of 17 electoral districts, regardless of their population or the recommendations of the Commission.

The *Accessible British Columbia Act* - requires government and other organizations to establish accessibility committees and to develop accessibility plans; and provides for the development and enactment of accessibility standards.

## Parliamentary Committees

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The Select Standing Committee on Public Accounts released its annual report on June 3, summarizing its activities between December 2020 and March 2021 in reviewing reports of the Office of the Auditor General and approving the Office's *Financial Statement Audit*

*Coverage Plan for 2022-2024.*

## Re-appointment of Ombudsperson

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On May 13, the Legislative Assembly recommended to the Lieutenant Governor that **James (Jay) Michael Chalke** be re-appointed as Ombudsperson for a second six-year term. Mr. Chalke's re-appointment was unanimously recommended by a special committee tasked with selecting and recommending a candidate for the position. Mr. Chalke was first appointed to the position in 2015 for a six-year term ending on July 1, 2021.

## Legislative Assembly Administration

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At its May 27 meeting, the Legislative Assembly Management Committee (LAMC) approved temporary modifications to Members' travel guidelines on airfare, retroactive to January 1, 2021, and through to December 31, 2021, to permit the reimbursement of prepaid flights. Members of the Legislative Assembly are required to pay in advance for flights for work-related travel and then seek reimbursement once the flights are taken. However, due to the COVID-19 pandemic, air travel options have become more limited, sometimes requiring Members to book multiple flights in advance. As a result, the length of time before some flights are taken can be significant, resulting in Members personally carrying these costs.

LAMC also approved the Legislative Assembly *Accountability Report 2019-20*, summarizing key activities of Assembly departments and providing the Auditor General of British Columbia's audit opinion that the Assembly's 2019-20 financial statements are fairly and accurately presented.

The Clerk of the Legislative Assembly, **Kate Ryan-Lloyd**, provided LAMC with copies of mandate letters for the members of the Clerk's Leadership Group outlining their organizational priorities for the 2021-22 fiscal year. LAMC Members were asked to provide input to the Speaker to assist in the development of a mandate letter for the Clerk of the Legislative Assembly setting out priorities for 2021-22, which will be presented to LAMC later this year.

## Restoration of Knowledge Totem

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The Knowledge Totem stands prominently on the Legislative Precinct and refers to the oral traditions of the Indigenous peoples of the northwest coast. Carved by Coast Salish master carver and artist **Cicero August**

on the occasion of the 1990 Commonwealth Games in New Zealand and to acknowledge Victoria's role as host of the 1994 Games, the Knowledge Totem will undergo a restoration this summer to replace damaged sections with new wood and will be repainted and sealed against further damage. With the passing of the artist earlier this year, the refurbishment will be undertaken on the Precinct by his son, **Doug August**, with the support of his son and daughter-in-law. Their refurbishment skills will be shared with students from the Songhees Nation who will be invited to visit the Precinct as the work moves ahead.

**Lisa Hill**  
Committee Research Analyst



## Manitoba

### 3rd Session of the 42<sup>nd</sup> Legislature

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The Third Session of the 42<sup>nd</sup> Legislature resumed on March 3, 2021, and adjourned for the Summer on June 1, 2021. It was an extremely busy session as 51 Government Bills were introduced in time to meet the criteria for Specified Bill status, which resulted in them receiving guaranteed passage before the House rose in June. Four other bills were passed in this period as well, two from the Government and two from the Official Opposition:

*Bill 71 – The Education Property Tax Reduction Act (Property Tax and Insulation Assistance Act and Income Tax Act Amended)* is designed to reduce school taxes by means of a system of rebates. *The Property Tax and Insulation Assistance Act* was amended by adding Part II.1 to provide for the following rebates in future years beginning in 2021 with:

- 25 per cent of school taxes on farm and residential properties;
- 10 per cent of school taxes on other properties.

*Bill 73 – The Employment Standards Code Amendment Act (COVID-19 Vaccination Leave)* amended *The Employment Standards Code* to entitle an employee to up to three hours of paid leave for each time the employee is vaccinated against COVID-19. It also expands job protection for an employee who is temporarily unable to work due to circumstances related to the COVID-19 pandemic to include leave for employees who suffer side effects after receiving a COVID-19 vaccine.

*Bill 213 – The Reporting of Supports for Child Survivors of Sexual Assault Act (Trained Health Professionals and Evidence Collection Kits)* requires the minister to report annually, by health authority, on the number of health professionals with special training to examine children who have been sexually assaulted and on sexual assault evidence kit inventory.

*Bill 223 – The Spirit Bear Day Act* proclaims May 10 of each year as Spirit Bear Day as a teddy bear called Spirit Bear had become symbolic of Jordan's Principle. Jordan River Anderson's tragic death, after living in a hospital his entire life, led to the development of Jordan's Principle, a policy intended to prevent First Nations children from being denied prompt and equal access to government services because of jurisdictional disputes between different levels of government.

The House is set to resume on October 6, 2021. The upcoming sitting period also promises to be extremely busy, especially for Committees, as the Official Opposition designated five Bills to be delayed until the Fall. One Bill, in particular, has so far received an unprecedented number of registered presenters to a Government Bill, namely Bill 64. At the deadline for submitting this information, there is an indication that the House might agree to withdraw the Designated Bills so that they may not be going forward after all. A further update will be provided in the next submission. The five Bills are listed below:

*Bill 16 – The Labour Relations Amendment Act* amends *The Labour Relations Act* in a number of different areas affecting collective agreements and includes a provision reducing the threshold for holding a decertification vote from 50 per cent to 40 per cent and for holding a displacement vote from 45 per cent to 40 per cent. The Official Opposition opposed the Bill on numerous grounds claiming it undermined the collective bargaining process as it would allow employers to fire striking workers and make it easier to decertify a union;

*Bill 35 – The Public Utilities Ratepayer Protection and Regulatory Reform Act (Various Acts Amended)*, amends various Acts, changing the governance, mandate and funding provisions for the Public Utilities Board (PUB). It also established a new legislative framework for the regulation of electricity rates, natural gas rates and basic auto insurance rates, as well as water and wastewater rates within the City of Winnipeg. The Official Opposition delayed the Bill stating it would diminish the PUB’s power and open the door for the breaking up of Manitoba Hydro;

*Bill 40 – The Manitoba Liquor and Lotteries Corporation Amendment and Liquor, Gaming and Cannabis Control Amendment Act*, enables the Manitoba Liquor and Lotteries Corporation (MLLC) to enter into an agreement with a third party to sell the types of liquor set out in the agreement from a specified location instead of in just rural areas. The Official Opposition argued the Bill would lead to privatization of liquor stores across the province;

*Bill 57 – The Protection of Critical Infrastructure Act*, allows an owner or operator of infrastructure to apply to the Court of Queen’s Bench for an order to respond to interference with infrastructure and establish a critical infrastructure zone. The Bill also includes penalties of up to \$5,000 or imprisonment of 30 days for an individual and \$25,000 for an organization for each offence. The Official Opposition argued the Bill was “anti-protest” and aims to silence any protester dissent; and

*Bill 64 – The Education Modernization Act*, a comprehensive 309-page Bill that establishes a new governance and delivery model for elementary and high school education. This new Bill replaces *The Public Schools Act*, *The Education Administration Act* and *The Community Schools Act*. The Bill reduces the existing 37 different school divisions into one centralized authority with 15 regions as well as the French school division. The Official Opposition argued the Bill introduces sweeping new powers to the Premier and the Cabinet by overhauling Manitoba’s public education funding model, interfering in collective bargaining units for educators and school staff, and also lays the groundwork for deep service cuts and layoffs at schools. This Bill will be discussed in more detail below under Standing Committees.

## **Standing Committees**

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Since the last submission, the following Standing Committees met in April and May to complete clause-by-clause consideration of numerous Bills:

- Social and Economic Development met nine times to pass 22 Bills
- Legislative Affairs met six times to pass 17 Bills
- Justice met twice to pass seven Bills
- Agriculture and Food met once to pass two Bills.

Since the House rose on June 1, 2021, the Standing Committee on Crown Corporations met on three occasions. On June 10, the Committee met to consider annual reports and financial statements of the Manitoba Public Insurance Corporation. On June 21, the Committee met to consider annual reports and financial statements of Manitoba Liquor & Lotteries. Finally, on June 29, the Committee met to consider the annual reports of the Manitoba Hydro-Electric Board. It should also be noted that the Committees respected COVID-19 protocols at all of these meetings with Members participating virtually.

The Committees Branch will become even busier in the Fall as many meetings will be required to accommodate the record-breaking number of registered presenters for Bill 64 – *The Education Modernization Act*. The previous record of 424 registered presenters (268 actually presented) occurred in 2008 during consideration of *Bill 17 – The Environment Amendment Act (Permanent Ban on Building or Expanding Hog Facilities)*.

## **Reflecting back on 2020**

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Previous CPR submissions have detailed much of the COVID-19 related happenings, mostly COVID-19 related, in the Manitoba Legislature during the past 18 months. Near the end of the most recent sitting, commencing May 31, 2021, more steps were taken to minimize unnecessary contact:

- Members in the Chamber were limited to four Government Members, two Official Opposition with everyone else attending virtually.
- Committee of Supply and the most recent Crown Corporation meetings had only the Committee Clerk and Chair Member in the Committee room with other Members attending virtually.

Reflecting on some of the changes over the year 2020, many of which may become permanent, provides a sense of the incredible accomplishments made during this turbulent time in history.

Spring 2020 saw the House sit for a small number of days to pass financial and other COVID-19 related legislation:

- While very few Members were able to attend the Chamber due to reduced seating available to ensure physical distancing, sanitization and other COVID-19 measures in the Chamber were strictly enforced.

Summer 2020 saw Assembly staff go to extraordinary lengths to establish a process for hybrid virtual sittings of the House and Committees that proved essential for the proper functioning of the Legislature:

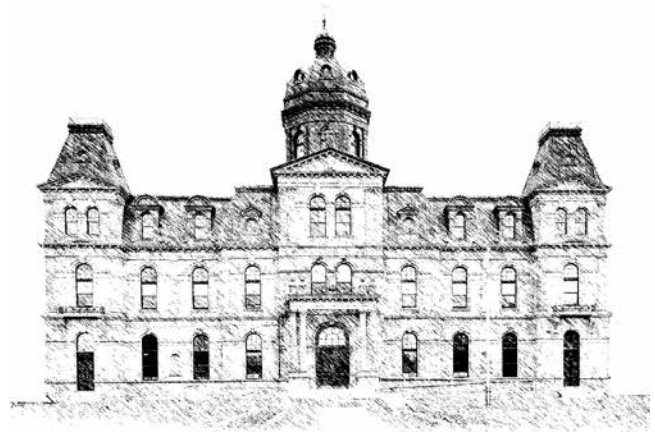
- Media Services, Hansard, LBIS, Clerks and other procedural and administrative staff partnered together to create a process to allow for all Members to participate to their fullest capacity;
- Processes and procedures were created or adapted, including Sessional Orders, to ensure the smoothest operation possible in the circumstances;
- Work areas in Hansard were modified to ensure better physical distancing for Proofreaders, Transcribers and Editors;
- Committee rooms were restructured and fitted with new technology to allow for physical distancing and hearing from public presenters virtually.

Fall 2020 going forward saw the House return to its normal daily schedule of sitting days with all staff adapting to the new technology to allow for a virtually seamless transition:

- Information on MLAs speaking in debate was provided on a daily basis from each Caucus to allow for the creation of a House business plan to navigate each sitting day;
- Moderators and Technicians were hired and trained to operate the new technology;
- Pages had to learn a new way of calling divisions in a virtual environment;
- Seating plans and division lists had to be drawn up on a weekly and sometimes daily (or hourly) basis to reflect changes to Members sitting in the reduced capacity of the Chamber.

**Greg Recksiedler**

Research Officer/Clerk Assistant



## New Brunswick

### Virtual Sittings

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During the Spring session, Members were able to participate virtually in House and Committee proceedings after Motion 60 was passed on May 11 following a free vote in the House. The motion proposed that the Legislative Assembly adopt a Special Order to allow Members to participate in proceedings, either in person or by virtual means using the Zoom platform, in emergency or extraordinary circumstances at the discretion of the Speaker, following consultation with the Chief Medical Officer of Health and with the agreement of all House Leaders. The Special Order expires when the COVID-19 state of emergency ends.

### Legislation

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A total of 33 bills were introduced during the Spring session. Certain bills of note that were debated during the session included:

- Bill 28, *An Act to Amend the Municipal Elections Act*, introduced by **Keith Chiasson**, allows permanent residents of Canada to vote in municipal elections. The Bill was referred to the Law Amendments Committee for consultation.
- Bill 35, *An Act Respecting Empowering the School System*, introduced by Education and Early Childhood Development Minister **Dominic Cardy**, passed following several days of debate and makes numerous amendments to the *Education Act* and regulations. Notably, the Bill authorizes teachers who hold approved master's degrees and complete approved training to perform prescribed psychoeducational testing for the purpose of developing personalized learning plans for students.



- Bill 48, *An Act to Amend the New Brunswick Income Tax Act*, introduced by Finance and Treasury Board Minister **Ernie Steeves**, reduces provincial personal income tax as a result of carbon tax revenue.
- Bill 51, *An Act Respecting Image-capturing Enforcement Systems*, introduced by Attorney General and Justice and Public Safety Minister **Hugh J.A. (Ted) Flemming**, allows for the use of image-capturing enforcement systems, such as school bus cameras, photo radar, red-light cameras and automated licence plate readers to gather evidence of specified offences under the *Motor Vehicle Act*.
- Bill 58, *Bee Act*, introduced by Agriculture, Aquaculture and Fisheries Minister **Margaret Johnson**, modernizes the management of New Brunswick's bee industry and better protects the health of bees.
- Bill 61, *An Act to Amend the Human Tissue Gift Act*, introduced by **Jean-Claude (JC) D'Amours**, proposes that the province provide for "deemed consent" for organ and tissue donation. The Bill was referred to the Law Amendments Committee for consultation.
- Bill 63, *An Act to Amend the Tobacco and Electronic Cigarette Sales Act*, introduced by Mr. D'Amours, prohibits the sale of substances used in electronic cigarettes that have a noticeable flavour such as fruit, chocolate and menthol. The Bill was the only Private Member's Public Bill passed during the session.

### **Acting Auditor General**

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Effective May 3, **Janice Leahy** was appointed as the Acting Auditor General of New Brunswick. Ms. Leahy replaced **Kim Adair-MacPherson**, who announced her resignation earlier this year after a 10-year term, followed by a 1-year extension. Ms. Leahy has been the Deputy Auditor General since 2011 and has 28 years of experience in public accounting. The process to appoint a new Auditor General is expected to commence in the summer.

### **Independent Selection Process**

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On June 10, the House passed Motion 76, which was introduced by **Robert McKee**. The motion urged the government to ensure the candidate selection process for the President of the New Brunswick Liquor Corporation and Cannabis NB is independent and impartial, and that a third-party search firm engaged to conduct the search, interview candidates and submit its hiring recommendations.

### **Standing Committees**

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The Standing Committee on Estimates and Fiscal Policy, chaired by **Glen Savoie**, Government House Leader and Minister responsible for La Francophonie, met in the Legislative Assembly Chamber for four weeks in April to review and approve the budgetary estimates of various government departments. The Committee tabled its report on May 11.

The Standing Committee on Procedure, Privileges and Legislative Officers, chaired by **Jeff Carr**, tabled its second report on June 11. The report resulted from the Committee's work in response to an order of reference passed unanimously by the House in the form of Motion 52, introduced by **Isabelle Thériault**. It directed the Committee to undertake a review of initiatives that would encourage more women to offer as candidates in provincial elections. The report included a summary of information presented during consultations with members of six different women's advocacy organizations and one independent expert. The Committee made recommendations in three broad categories: inclusive and safe workplaces, family-friendly initiatives, and incentives and support.

The Standing Committee on Climate Change and Environmental Stewardship, chaired by **Jake Stewart**, held organizational meetings in April and June to discuss the use of pesticides and herbicides, including glyphosate, in the province and the planned public hearings, which were previously scheduled for March 2020 but were postponed due to the COVID-19 pandemic. The Committee held the public hearings on June 22-25, 2021 and heard from various stakeholders and scientific experts as well as a First Nations organization. The Committee plans to continue the consultation process in September.

The Standing Committee on Economic Policy, chaired by **Greg Turner**, remained active during the Spring session, considering various bills.

### **Select Committees**

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On June 9, the House appointed the Select Committee on Accessibility in New Brunswick, chaired by **Kathy Bockus**. 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 House appointed the Select Committee on Public Universities on June 10. The Committee, chaired by **Bill Hogan**, is charged with the responsibility of inviting representatives of New Brunswick's publicly funded universities and the Maritime Provinces Higher Education Commission to appear before the Committee to discuss and provide insight into university administration, programming, performance measurement, accountability and transparency.

### No Mow May

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The New Brunswick Legislative Assembly participated in the "No Mow May" campaign, which was promoted by The Nature Conservancy of Canada (NCC) as an effort to increase the food sources and habitats for bees and other pollinators, whose populations have been in decline worldwide.

### Sitting Days and Standings

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The House adjourned for the summer on June 11, for a total of 39 sitting days in the session, and is scheduled to resume sitting on November 2, 2021. The standings in the House are 27 Progressive Conservatives, 17 Liberals, three Greens and two People's Alliance.

**Shannon Jensen**  
Research Officer



## Newfoundland and Labrador

The 49<sup>th</sup> General Assembly of Newfoundland and Labrador was dissolved on January 15, 2021. Writs of the election were issued and polling day was set for February 13, 2021. However, due to a sudden spike in COVID-19 infections and a return to Alert Level 5 (most restrictive), the polling period was extended. Information about electoral process variations can be

found here: <https://www.assembly.nl.ca/business/electronicdocuments/2021-CEO-Adaptation-Report.pdf>

The results of the 2021 General Election were announced on March 27, 2021, and a Liberal majority government was returned. Current standings are 22 Liberal Members, 13 Progressive Conservative Members, two New Democratic Members, three Independent/Non-Affiliated Members. Thirty-nine members of the 50<sup>th</sup> General Assembly of Newfoundland and Labrador were sworn in on April 12, 2021. **Derek Bennett**, MHA for Lewisporte-Twillingate, was elected Speaker on that day. An application for a judicial recount was made for the district of St. John's East, Quidi Vidi, therefore no Member was sworn in for that district at that time. Justice **Donald Burrage** of the Supreme Court of Newfoundland and Labrador subsequently denied the application as he was "not satisfied that it had been 'made to appear by affidavit' that any of the prerequisites for a recount under section 165 of the *Elections Act, 1991* had been shown to exist." The related decision can be found at <https://canlii.ca/t/jfvc1>. **John Abbott** was subsequently sworn in as the MHA for St. John's East-Quidi Vidi on May 18, 2021.

Lieutenant Governor **Judy Foote** delivered the Speech from the Throne on Thursday, April 15, 2021. The House sat to consider Interim Supply and related matters in April and May. The Budget was delivered on May 31, 2021. The House debated the budget in June, and an amendment and sub-amendment were moved and defeated. The Budget was passed and the House adjourned to the call of the Chair on June 23, 2021.

### COVID-19 Considerations

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No changes were made to the parameters put in place for earlier sittings during the COVID-19 pandemic. The House met in person with physical distancing measures in place. Members continued to speak from a seated position and wore masks at all times except when speaking in debate. Tours are suspended and the galleries remain closed.

### Privilege and the *sub judice* convention

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Before the 49<sup>th</sup> General Assembly dissolved, the Member for Humber-Bay of Islands raised two points of privilege relating to a report of the Commissioner for Legislative Standards. The Commissioner found that the Member had violated the Member's Code of Conduct and the House accepted the Commissioner's report in November, 2018. At that time, Speaker

**Scott Reid** declined to rule on whether those points of privilege were *prima facie* because the matter raised was directly connected to the issue before the court. The court action was initiated by the Member for Humber-Bay of Islands himself and names two sitting Members of the House of Assembly, as well as the former Premier and the Commissioner for Legislative Standards. In the first session of the 50<sup>th</sup> General Assembly, the Member again raised a point of privilege on the same matter. In this instance, the Member asserted that a ruling by the Supreme Court (in an action brought by the former Member for Mount Scio) impacted the earlier decision of the House and subsequently affected his parliamentary privileges. Although the matter is still *sub judice*, Speaker Bennett exercised discretion and ruled that the matter was not *prima facie*. The Speaker ruled that a decision of the House had already been made, therefore the matter was one of procedure, not privilege. Standing Order 49 states that “No Member may reflect upon any vote of the House except for the purpose of moving that such vote be rescinded.” Therefore, in order for the matter to be reviewed by the House, the Speaker ruled that any Member could give notice of a motion that the vote of the House be rescinded and the matter be reviewed. The point of privilege and subsequent ruling can be found here: <https://www.assembly.nl.ca/HouseBusiness/Hansard/ga50session1/21-06-22.htm> and <https://www.assembly.nl.ca/HouseBusiness/Hansard/ga50session1/21-06-23.htm>.

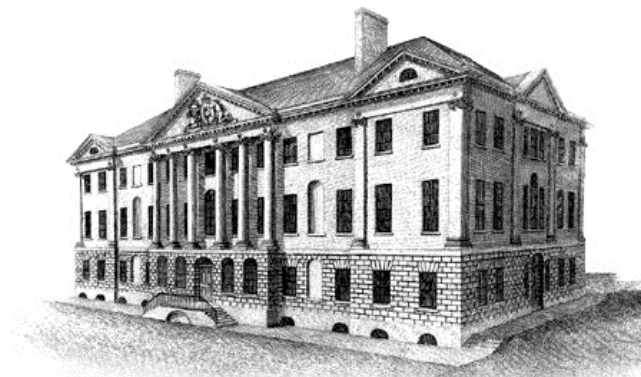
### **50<sup>th</sup> General Assembly, Newfoundland and Labrador**

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The 50th General Assembly is a milestone assembly for the Legislature of Newfoundland and Labrador. While still somewhat constrained by public health measures, we were determined to mark the occasion. In a joint project, the House of Assembly Communications Team and the Legislative Library developed a public information campaign to highlight the history of democracy in Newfoundland and Labrador. The campaign was launched as the First Session of the 50th General Assembly began. Campaign content – including tweet-size tidbits of research as well as images of items, documents, people and places of interest – continues to be shared on a daily or semi-daily basis via Twitter. Items of interest include the early days of the Legislature (meeting at Mary Travers’ tavern in downtown St. John’s), relocation to the Colonial and Confederation Buildings, the rise of women in the House of Assembly, and a focus on family ties amongst generations of Members. We were particularly interested to note that the first law passed by our Legislature in March 1833, was actually the

*Quarantine Act!* The 50th General Assembly campaign continues to highlight the rich and fascinating history of democracy in Newfoundland and Labrador. Follow @NL\_HOA and #NLLeg50 on Twitter to learn more.

**Kim Hawley George**  
Clerk Assistant (A) and Law Clerk



## **Nova Scotia**

This scope of this Legislative Report is from January 2021 to July 12, 2021. It covers three key areas : 1. People: transitions in key positions at the House of Assembly; 2. Place: developments around the precinct; and 3. Work: legislative work accomplished over the last seven months.

### **People**

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#### *Leadership*

Since Nova Scotia’s last Legislative Report in January 2021, the Province has had a new Premier and a new Cabinet.

**Stephen McNeil** ended his seven-year tenure as Nova Scotia’s 28<sup>th</sup> Premier in February 2021, having previously announced his intention to retire from public office last summer. After stepping down as Premier, Mr. McNeil remained in his seat as the Member for Annapolis until May 3, 2021. To date, Mr. McNeil’s former seat in the Annapolis district is vacant.

Following a three-way leadership race, **Iain Rankin** of Timberlea-Prospect took the helm of the governing Liberal Party. Upon invitation of the Lieutenant Governor to form Government, Mr. Rankin became Premier-Designate on February 9, 2021, the day after McNeil officially tendered his resignation to the Lieutenant Governor.

On February 23, 2021, Lieutenant Governor **Arthur J. LeBlanc** presided over the Swearing-In Ceremony for the Executive Council of Nova Scotia. The swearing-in ceremony took place at the new Halifax Convention Centre on Argyle Street, midway between Province House on Hollis and Government House on Barrington. Alongside the new Premier, who became President of the Executive Council, sixteen MLAs took the Executive Council Oath and their respective Ministerial Oaths of Office, including three first-time Ministers: **Keith Irving** as Minister of Environment and Climate Change plus Chair of the Treasury and Policy Board, **Ben Jessome** as Minister of the Public Service Commission, and **Brendan Maguire** as Minister of Municipal Affairs.

#### *Seats*

Effective June 1, 2021, **Margaret Miller** resigned both her membership in the Liberal party caucus and her seat as the Member for the district of Hants East.

On June 24, 2021, **Tim Houston**, the leader of the Official Opposition, informed the Speaker that **Elizabeth Smith-McCrossin**, the Member for the district Cumberland North, had been removed from the Progressive Conservative Caucus. As a result, Ms. Smith-McCrossin now sits as an Independent.

Factoring in the resignations of Mr. McNeil and Ms. Miller from the House and the removal of Ms. Smith-McCrossin from the PC caucus, the 51-seat distribution in the House now stands as follows:

- Liberal 24
- Progressive Conservative (PC) 17
- New Democratic Party (NDP) 5
- Independent 3
- Vacant 2

Currently, there are less than 11-months left until the 5-year limit for the 63<sup>rd</sup> General Assembly expires. While the date at which the writ will happen to drop is stirring much speculation, what is certain is that Nova Scotia's 64<sup>th</sup> General Election will return an additional four seats to count in the distribution. Further to the new boundaries proposed by the 2018-2019 Electoral Boundaries Commission, the impending election will unfold across 55 electoral districts.

#### *Staff*

The House of Assembly also welcomed new faces to two of its supporting offices.

*Office of the Auditor General:* Nova Scotia's new Auditor-General **Kim Adair-MacPherson** made history as the first woman to hold the post since the Office's creation in 1909. Ms. Adair-MacPherson began her appointment on May 3, 2021 and brought a decade of experience from her tenure, in the same position in neighbouring New Brunswick. Promoted from his previous role as Assistant Auditor-General, **Mike MacPhee** joins Adair-MacPherson as Deputy Auditor-General.

*Office of the Clerk:* The Office of the Clerk underwent a complete turnover due to the retirement of Acting Chief Clerk **Annette Boucher** and the departure of Assistant Clerk **Nicole Arseneault** in December 2020. At the head of the Clerk's Table is the new Chief Clerk, **James Charlton**. The Chief Clerk previously served Nova Scotia for nearly a decade as Legislative Counsel and returned to the Province in November after serving as Alberta's Chief Legislative Counsel during both the Notley and Kenney Governments. Supporting the Chief Clerk are two new Assistant Clerks, **David Hastings** and **Cara Locke**. In May, Mr. Hastings arrived at the House from the consensus Government of the Northwest Territories, where he most recently worked as the Legislative Coordinator. In June, Ms. Locke came to the Legislature from the judiciary and from academia, by way of the Federal Court of Canada and the University of Toronto.

#### **Place**

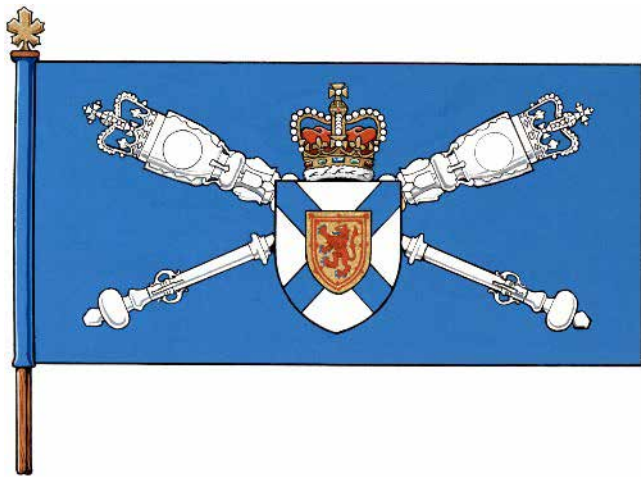
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Since first shutting on March 16, 2020, the doors of Province House remained closed to the general public throughout the Winter and Spring of 2021. Nevertheless, the oldest legislative building in Canada still found ways to engage with Nova Scotians. The staff who continued to work within Province House were also busy adapting the House for the Legislature's COVID-19 era sittings.

*Inclusion:* During the interim between the Second and Third Sessions of the 63<sup>rd</sup> General Assembly, Province House installed diaper-changing stations in the public washrooms located on the first floor. This January 2021 renovation to both the male and female public washrooms ensures that when Province House re-opens to the public-at-large, the changing stations are available to all parents—be they elected Members of the Legislature, citizens of Nova Scotia, or visitors to the Province.

*New Flag:* Coinciding with the opening of the Third Session, the House of Assembly unveiled its new

official flag on March 9, 2021. A registered heraldic emblem, the new flag was locally produced at the Flag Shop in Dartmouth. As depicted, the mace is set across a field of blue, in homage to Scotland:



*Solidarity:* The precinct is reflecting society’s reaction to the revelation of unmarked graves at former residential schools. To show solidarity with Indigenous communities, on July 1, Province House raised an orange flag bearing the Mi’kmaq hieroglyphic symbol for a child. That same evening, Province House was illuminated in orange light.



## Work

### *Standing Committees*

Although the House’s ten Standing Committees met in-person throughout the Fall of 2020, the Standing Committees began convening virtually in December 2020 when a surge in COVID-19 infections prompted the Province to tighten public health restrictions. At present, all the Standing Committees continue to convene virtually via Zoom.

### *The 63<sup>rd</sup> General Assembly*

*Prorogation of Second Session:* After passing 87 Bills, the House of Assembly rose for the Prorogation of the Second Session on December 18, 2020. Notably, the December Prorogation marked the first time since the 1970s that a legislative Session terminated without immediately commencing the next Session on that same day.

Ultimately, the 81-day Prorogation lasted three weeks longer than the House originally anticipated. On February 3, 2021, the Lieutenant Governor issued a second Proclamation extending the Prorogation beyond the initially-proclaimed Commencement date of February 16, 2021, until March 9, 2021.

*Commencement of Third Session and Speech from the Throne:* On a cold and snowy March 9, 2021, the Lieutenant Governor opened the Third Session with the Speech from the Throne. Lasting approximately half-an-hour, the Speech announced the Government’s goal to address three challenges in parallel: environment, economy, and equality.

While the Official Opposition agreed with many of the Government’s aspirations for the future of Nova Scotia, the Opposition also emphasized the present and pre-COVID-19 struggles of the healthcare system, including primary care, long-term care, and surgery waitlists. For its part, the NDP’s Address in Reply highlighted the disproportionate impacts of the pandemic on particular segments of society and pointed out that the Speech made no mention of “Black Lives Matter,” paid sick leave, provincial childcare, nor poverty reduction.

*Hybrid Sittings:* Prior to the Speech from the Throne, Members agreed to meet in a hybrid format to allow for social distancing inside the legislative chamber. According to the plan, the maximum capacity for in-person attendance inside the legislative chamber



would be 12 Members, consisting of the Speaker, three Members from each of the Liberal, PC, and NDP caucuses, plus both Independent Members. The remaining 39 Members were to join the sittings virtually, via Zoom.

After the Lieutenant Governor finished delivering the Speech from the Throne, the Government attempted to introduce a motion to suspend and amend the Rules. The thrust of the suspension/amendment motion was to implement the 12-person hybrid format for the entirety of the Third Session. As introduced, the Government motion also asked the House to waive the two-day notice period for motions and to pass the motion without debate.

However, Independent Member **Alana Paon** was the sole legislator who voted against passage without debate, prompting the House to adjourn until the two-day notice period expired. After reconvening in-person two days later with the bare quorum of 15 Members, the Independent Member spoke for an hour on a variety of concerns – it was not the proposed temporary changes to the Rules *per se* to which the Independent Member objected. The House then voted upon and passed the Government motion to suspend and amend the Rules. Except for one minor hitch (when all Government computers underwent a mandatory software installation during the Daily Routine), the hybrid format ran smoothly for the rest of the Third Session, capped off with the harmonious singing of O Canada at the Adjournment Ceremony on April 19, 2021.

### *Legislation*

During the Third Session of the 63rd Assembly the House passed *the Appropriations Act*, 16 other Government Bills, and two Private and Local Bills. Of the total 19 Bills, the following are notable:

Re-introduced from 2019, the *Biodiversity Act* polarized environmentalists and landowners. Immediately before Law Amendments Committee began hearing from the first of almost 50 witnesses, the Government pared pages from the introduced version of the Bill to eliminate a series of offences, fines, and emergency enforcement orders. The amendments passed at Law Amendments Committee also narrowed the ambit of the Bill to Crown land and mandated a five-year legislative review and public consultation.

The *Biodiversity Act* also made history as the first-ever

recorded vote during the hybrid proceedings. Instead of voting row-by-row from the location of their seat inside in the chamber (which was the pre-COVID-19 practice), Members were called alphabetically to vote.

The *Police Identity Management Act* was sparked by the traumatic events in April of 2020. Twenty-two Nova Scotians lost their lives when a gunman impersonating an RCMP officer embarked on a shooting spree across Portapique, Wentworth Valley, Debert and Shubenacadie.

On the whole, the *Police Identity Management Act* aims to prevent the use, possession, sale and fabrication of police articles, police uniforms, police vehicle markings and police vehicle equipment for the purpose of furthering unlawful activity. Passed with support from all parties, the legislation incorporates measures similar to those proposed by the Official Opposition in the wake of the tragedy. During debate, the NDP underscored that the legislation is part of a two-pronged approach, the second of which is a wider, ongoing public inquiry into the tragedy.

The *Adoption Records Act* also received all-party support. Recognizing that families come in diverse arrays, the legislation enacts a policy shift from sealed records to an open-access regime. Encompassing customary adoptions by Indigenous communities, the final version of the Bill included improvements suggested by the Assembly of Nova Scotia Mi'kmaw Chiefs to the Law Amendments Committee.

The *Emancipation Day Act* declares that August 1 shall be observed as Emancipation Day. Observing Emancipation Day is an acknowledgement of historic and system racism in the Province, but also a celebration of the vibrancy of Nova Scotia's African culture. On top of the Government Bill, each Opposition caucus introduced a Private Members' Bill of similar spirit.

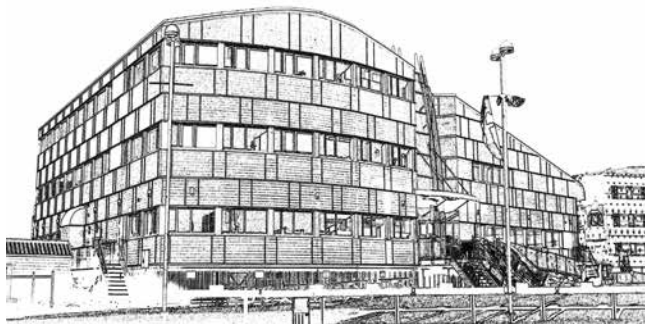
By creating a new dispute resolution process to circumvent the courts, the *Land Titles Initiative Acceleration Act* endeavours to expedite land ownership in five of Nova Scotia's African communities. The legislation also exempts claimants from the requirement to obtain subdivision approval.

### *Budget*

For the 2021-2022 Budget, the Committee of the Whole on Supply was conducted in hybrid proceedings, while the Subcommittee on Supply was

completely virtual. As for crunching the numbers, the Finance and Treasury Board projected a deficit of \$584.9 million from an estimated revenue of \$11.8 billion.

**Cara Locke**  
Assistant Clerk



## Nunavut

### House Proceedings

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The winter 2021 sitting of the 2<sup>nd</sup> Session of the 5<sup>th</sup> Legislative Assembly convened on February 22, 2021, and concluded on March 16, 2021. The proceedings of the Committee of the Whole during the winter 2021 sitting were dominated by the consideration of the government's proposed 2021-2022 main estimates. As a consequence of intercommunity travel restrictions related to the COVID-19 pandemic, one Member participated remotely during the proceedings through the Zoom platform.

Ten bills received Assent during the winter 2021 sitting:

- Bill 58, *An Act to Amend the Cities, Towns and Villages Act*;
- Bill 59, *Appropriation (Operations and Maintenance) Act, 2021-2022*;
- Bill 60, *Supplementary Appropriation (Operations and Maintenance) Act, No. 2, 2020-2021*;
- Bill 61, *Supplementary Appropriation (Capital) Act, No. 2, 2020-2021*;
- Bill 62, *An Act to Amend the Judicature Act*;
- Bill 63, *An Act to Amend the Traffic Safety Act*;
- Bill 64, *An Act to Amend the Nunavut Business Credit Corporation Act*;
- Bill 66, *An Act to Amend Certain Acts Respecting Nunavut Elections*;
- Bill 67, *An Act to Amend the Access to Information and Protection of Privacy Act*; and

- Bill 68, *An Act to Amend the Revolving Funds Act, No. 2*.

Bill 66 was introduced as a House Bill under the authority of the Legislative Assembly's Management and Services Board. Speaker **Paul Quassa** appeared before the Committee of the Whole on the occasion of its clause-by-clause consideration of the bill.

The spring 2021 sitting of the 2<sup>nd</sup> Session of the 5<sup>th</sup> Legislative Assembly convened on May 27, 2021, and concluded on June 9, 2021. As a consequence of the ongoing COVID-19 pandemic, the spring 2021 sitting was undertaken in a hybrid format. A total of nine Members participated remotely through the Zoom platform.

Ten bills received Assent during the spring 2021 sitting:

- Bill 36, *Mental Health Act*;
- Bill 53, *An Act to Amend the Royal Canadian Mounted Police Agreement Act*;
- Bill 57, *Tobacco and Smoking Act*;
- Bill 65, *Apprenticeship and Certification Act*;
- Bill 69, *Supplementary Appropriation (Operations and Maintenance) Act, No. 3, 2020-2021*;
- Bill 70, *Supplementary Appropriation (Operations and Maintenance) Act, No. 1, 2021-2022*;
- Bill 71, *Supplementary Appropriation (Capital) Act, No. 1, 2021-2022*;
- Bill 72, *Interim Appropriation (Capital) Act, 2022-2023*;
- Bill 73, *An Act to Amend the Student Financial Assistance Act*; and
- Bill 74, *An Act to Amend the Hamlets Act*.

On May 31, 2021, Speaker Quassa announced that all flags at the Legislative Assembly Precinct would be half-masted for a period of 215 hours in solidarity with the people of the Tk'emlúps te Secwépemc First Nation.

The pre-dissolution September 2021 sitting is scheduled to convene on September 9, 2021. The 5<sup>th</sup> Assembly is scheduled to dissolve on September 19, 2021. The 6<sup>th</sup> general election is scheduled to be held on October 25, 2021.

### Committee Hearings

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From June 21-22, 2021, the Standing Committee on Oversight of Government Operations and Public Accounts held televised hearings on the 2019-2020

Annual Report of the Representative for Children and Youth. From June 23-24, 2021, the Standing Committee on Legislation held televised hearings on Bill 55, *An Act to Amend the Property Assessment and Taxation Act*. A number of witnesses appeared before the standing committees through the Zoom platform.

### **Passing of Former Member**

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On June 9, 2021, Speaker Quassa announced the passing of **Fred Schell**, former Member for South Baffin.

### **Appointment of New Commissioner**

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The appointment of **Eva Qamaniq Aariak**, as Commissioner of Nunavut, was announced on January 12, 2021, by the Prime Minister of Canada. Ms. Aariak served as Premier of Nunavut from 2008 to 2013. Ms. Aariak's swearing-in ceremony was held in the Chamber of the Legislative Assembly on February 3, 2021. The ceremony was televised live across the territory and streamed on the Legislative Assembly's website. Speaker Quassa presided over the ceremony. A number of participants, including the federal Minister of Northern Affairs, participated remotely through the Zoom platform.

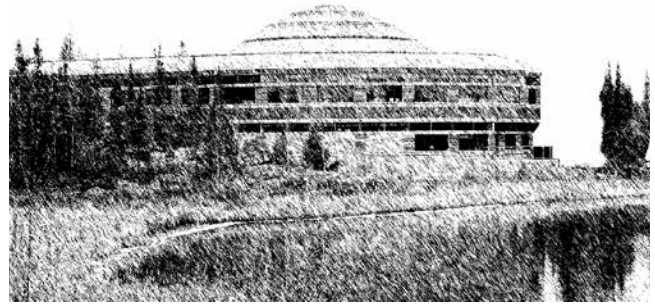
### **Order of Nunavut**

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On September 28, 2020, the Order of Nunavut Advisory Council, which is chaired by the Speaker of the Legislative Assembly, announced that the 2019 appointment to the Order would be **Peter Tapatai** of Baker Lake. Mr. Tapatai is a successful businessperson with a distinguished record of public service. Mr. Tapatai has been the recipient of numerous awards and recognitions, including the Queen Elizabeth II Diamond Jubilee medal. Mr. Tapatai is renowned for his work with the Inuit Broadcasting Corporation, including the creation of the iconic character "Super Shamou." Mr. Tapatai's investiture ceremony was held in the Chamber of the Legislative Assembly on March 8, 2021. The ceremony was televised live across the territory and streamed on the Legislative Assembly's website. Commissioner Aariak presided over the ceremony in her capacity as Chancellor of the Order.

**Alex Baldwin**

**Office of the Legislative Assembly of Nunavut**



## **Northwest Territories**

### **Session**

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The Second Session of the 19<sup>th</sup> Legislative Assembly resumed on May 27, 2021, as scheduled, after the previous sitting was adjourned on March 31, 2021. The Assembly sat until June 4, 2021, and remains adjourned until October 14, 2021.

The session was conducted in a manner that respected the Chief Public Health Officer's (CPHO) orders while ensuring essential government and legislative functions were able to continue. Restrictions set in May 2020 remained in place to ensure the safety of Members and staff, including modifications to seating arrangements in the Chamber, daily temperature checks, and increased sanitization measures.

Regular Members held two theme days in regard to the Government's response to COVID-19 and Housing, respectively. The Territory experienced historic flooding in the Dehcho Region that displaced many residents; this was also a primary topic among Members.

Three motions were moved during this sitting. Motion 35-19(2) and 36-19(2) were moved to establish the Territorial Electoral Boundaries Commission, tasked with reviewing the area, boundaries, name, and representation of the existing electoral districts. Motion 37-19(2) was moved calling the Government to establish a Northwest Territories Food Security Strategy.

On the final day of the sitting, the long-standing member for Monfwi tendered his resignation in the house. The member, **Jackson Lafferty**, was the longest-serving member of the current Assembly, serving since 2005. Mr. Lafferty served the House as a Regular

Member, Deputy Premier, Cabinet Minister. In the 18<sup>th</sup> Assembly, Mr. Lafferty served as Speaker. As a result, the Territory will undergo its first by-election in 16 years. The by-election has been scheduled for July 27, 2021.

The Legislative Assembly has been closed to the public since March 2020. Restrictions across the Territory have begun to ease, and the Legislative Assembly has received approval from the Chief Public Health Officer to reopen to the public on July 5, 2021. Public Affairs and Communications will be offering daily tours throughout the summer and have added a twice-weekly tour offered in French. The Great Hall has been opened for bookings on evenings and weekends for events such as weddings and receptions.

## Legislation

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During the May-June Sitting, the following bills received assent:

- Bill 25, *An Act to Amend the Education Act* - The Bill amends the Act to align the Yellowknife District Education Authorities (DEAs) elections with municipal elections in the City of Yellowknife.
- Bill 34, *Supplementary Appropriation Act (Infrastructure Expenditures), No. 1, 2021- 2022*
- Bill 35, *Supplementary Appropriation Act (Operations Expenditures), No. 1 2021- 2022*

During the May-June Sitting, the following bills received first and second reading, and have been referred to Standing Committees:

- Bill 29, *Resource Royalty Information Disclosure Statute Amendment 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*

## Standing Committees

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Standing Committees continued to meet virtually and in-person throughout the second quarter of 2021. Committees have begun to conduct more business in-person, some Committees have begun to make travel plans for the late summer.

On May 4, 2021, Members of the Legislative Assembly met as Caucus to discuss public allegations against **Steve Norn**, the Member for Tu Nedhé-Wiilideh.

Caucus provided direction to the Caucus Chair, **Rylund Johnson**, the Member for Yellowknife North, to file a complaint with the Integrity Commissioner in relation to the allegations.

On May 14, 2021, Members of the Standing Committee on Accountability and Oversight voted to remove Mr. Norn as Chair of the Committee. The Committee took this step to ensure that its focus remains on keeping the government accountable as the territory navigates the ongoing pandemic, the flooding in the Deh Cho region, and the work of the Legislative Assembly.

On June 1, 2021, the Standing Committee on Accountability and Oversight selected MLA **Kevin O'Reilly** as their Chair, which resulted in vacancies in the Deputy Chair of that Committee as well as the position of Chair of Standing Committee on Rules and Procedures. The committee subsequently selected MLA **Les Semmler** as Deputy Chair, which resulted in a vacancy in the position of Deputy Chair of Social Development.

The following Standing Committees selected new Chairs and/or Deputy Chairs:

- Chair, Standing Committee on Accountability and Oversight: Mr. O'Reilly, MLA Frame Lake
- Deputy Chair, Standing Committee on Accountability and Oversight: Ms. Semmler, MLA Inuvik Twin Lakes
- Chair, Standing Committee on Rules and Procedures: **Jackie Jacobson**, MLA Nunakput
- Deputy Chair, Standing Committee on Social Development: **Katrina Nokleby**, MLA Great Slave

The Standing Committee on Social Development released their Report on Housing Phase One: Needs for NWT Homeowners and Private Landlords which included 12 recommendations to the Government. The second phase of the review will examine the GNWT's public housing programs and homelessness programming. A report is expected for the next sitting in October 2021.

Committee Members of the Standing Committee on Economic Development and Environment travelled to Norman Wells for a week in June to continue public engagement on their Statutory Review of the *Wildlife Act* and *Species at Risk Act*. Members met with local leadership regarding committee priorities and received a tour of remediation sites in the area.

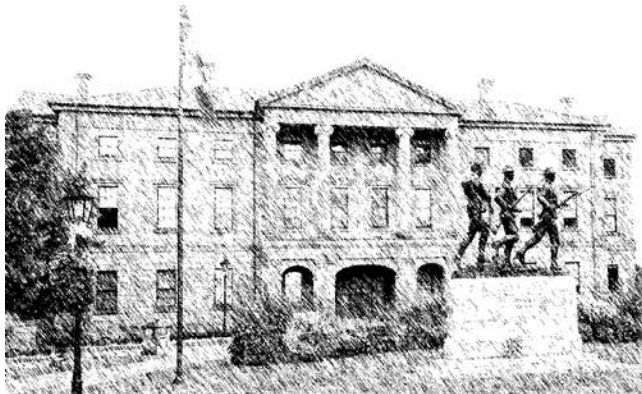
The Standing Committee on Government Operations released three reports: the Report on the Review of the 2019-2020 Annual Report of the Information and Privacy Commissioner, Report on the Review of the 2019-20 Northwest Territories Ombud Annual Report, and their Report on the Review of the Auditor General's 2020 Audit of Early Childhood to Grade 12 Education in the Northwest Territories. The Committee travelled to Inuvik in June to carry out public engagement on their review of the *Official Languages Act*. Committee plans to hold more public meetings throughout the Territory later in the summer.

### **Inquiry before a Sole Adjudicator**

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On June 28, 2021, **Frederick Blake Jr.**, the Speaker of the Assembly, appointed retired Justice **Ron Barclay** as a Sole Adjudicator pursuant to the *Legislative Assembly and Executive Council Act* to inquire into a complaint against the Member for Tu Nedhé-Wiilideh, made by the Member for Yellowknife North.

**Glen Rutland**  
Acting Clerk



## **Prince Edward Island**

### **2<sup>nd</sup> Session, 66<sup>th</sup> General Assembly**

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The 2<sup>nd</sup> Session of the 66<sup>th</sup> General Assembly adjourned to the call of the Speaker on May 13, 2021, after 35 sitting days. It had opened with a Speech from the Throne on February 25. The total duration of the winter-spring sitting was lengthened by the observance of planning weeks, in which the House does not sit, after every third sitting week, in accordance with recent changes to the parliamentary calendar. By unanimous consent the House opted to continue to sit during the week of May 10 despite it being scheduled as a planning week.

### **Death of His Royal Highness The Prince Philip, Duke of Edinburgh**

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Upon preliminary reports of the death of His Royal Highness on April 9, the House adjourned for the day. Speaker **Colin LaVie** and Premier **Dennis King** both issued statements to express their condolences, noting **Prince Philip's** multiple visits to Prince Edward Island over the years and his connection to Islanders. On April 20, the House expressed its sympathy in a Humble Address to Her Majesty the Queen.

### **2021-22 Operating Budget**

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After reviewing the Estimates of Revenue and Expenditure in Committee of the Whole House over several days, the House passed Bill 20, *Appropriation Act (Current Expenditures) 2021* on May 13, approving an operating budget of \$2.3 billion for the 2021-22 fiscal year. A deficit of \$112 million is forecast.

### **Government and Private Member's Bills**

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During the winter-spring sitting the House reviewed 36 bills, 26 of which passed all stages and received Royal Assent.

Government introduced 20 bills, 17 of which received Royal Assent. Among these, Bill 12, *Missing Persons Act*, authorizes police to apply to judicial justices of the peace for search orders or records access orders when investigating cases of missing persons. Bill 17, *Interpretation Act*, replaces a statute of the same name, to guide the form, application, presentation and interpretation of legislation, but with modern and inclusive language. Bill 8, *An Act to Amend the Planning Act*, makes changes to permit public meetings and inspections under the target Act to take place by electronic methods; this was necessitated by the COVID-19 pandemic.

Sixteen private member's bills were introduced by members of the Official Opposition and Third Party, and nine of these received Royal Assent. These included Bill 107, *Poverty Elimination Strategy Act*, which legislates targets for the reduction and elimination of poverty in PEI; and Bill 105, *Broadband is an Essential Service Act*, which requires the Minister of Transportation and Infrastructure to develop a Broadband Connectivity Strategy that aims to deliver high-speed internet connectivity to all residents of PEI by 2025. Bill 106, *An Act to Amend the Health Services Act*, also ultimately passed after significant debate, amendment, and a casting vote by the Speaker to break a tie on whether



to adopt a Committee of the Whole House report that did not recommend the bill (the Speaker voted against adoption of the report so that further debate could be had on the bill). The main end of the bill is to shift certain responsibilities for and authority over Health PEI from the Minister of Health and Wellness to the Health PEI Board of Directors.

### **Bills Relating to the Legislative Assembly**

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Five private member's bills relating to offices and functions of the Legislative Assembly were passed during the sitting; they arose from the work of the Standing Committee on Legislative Assembly Management, and thus were sponsored by Deputy Speaker **Hal Perry**.

Bill 109, *An Act to Amend the Audit Act*, shifts the duties of the Legislative Audit Committee to the Standing Committee on Legislative Assembly Management; makes the appointment of the Auditor General a decision of the Legislative Assembly rather than the Lieutenant Governor in Council; enables the Auditor General to report to the Legislative Assembly more than once per year; and makes several other changes to the operations, oversight and authority of the Auditor General and his office.

Bill 111, *An Act to Amend the Public Interest Disclosure and Whistleblower Protection Act*, changes the mechanism of the Commissioner's appointment from a decision of the Lieutenant Governor in Council, to a decision of the Legislative Assembly.

Bill 112, *An Act to Amend the Conflict of Interest Act*, makes various changes to the Act that covers conflicts of interest for Members of the Legislative Assembly. These include clarifying the definition of "furthering a person's private interests"; reducing the value of gifts that must be reported to the Commissioner from \$500 to \$200; lengthening the period in which former ministers may not receive or be involved with contracts or benefits from Government from six months after leaving office to 12 months; and adding a process for members of the public to request an investigation of an alleged breach or contravention of the *Act*.

Bill 113, *An Act to Amend the Election Act*, makes extensive changes to the *Election Act* to modernize its language, update the powers and authority of the Chief Electoral Officer, provide for deferred elections in cases where it is impractical to proceed with an election in a district after the writ has been issued, and generally reflect current electoral processes and necessities.

Lastly, Bill 110, *Ombudsperson Act*, establishes a provincial Ombudsperson as an officer of the Legislative Assembly with the authority to investigate decisions, recommendations and acts of Government that aggrieve or may aggrieve persons. PEI did not previously have an Ombudsperson.

### **Speaker's Ruling**

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On April 20, Speaker LaVie issued a ruling on a Point of Order raised by **Heath MacDonald**, the Member for Cornwall-Meadowbank. Mr. MacDonald sought clarity on the admissibility of a substantive motion that had been read in the House, on the basis that matters raised in the motion had already been decided with the passage of another motion earlier in the session. After examining the two motions in question, and citing the Legislative Assembly's rule that members shall not reflect upon any vote of the House, as well as Beuchesne citation 558, Speaker LaVie found that the motion before the House did contain an operative clause that was the same as found in the earlier motion, and thus he ruled it out of order.

**Ryan Reddin**

Director of Parliamentary Research



## **Saskatchewan**

### **Spring sitting of the first session of the twenty-ninth legislature**

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The spring sitting began on April 6, 2021, with the presentation of the budget. It was a 30-day compressed sitting that concluded on May 14, 2021. In accordance with the *Rules and Procedures of the Legislative Assembly of Saskatchewan*, completion day of the first session of a new legislature must be 29 sitting days after the budget motion is moved.

The spring sitting saw 36 bills advance through the legislative process and receive Royal Assent. Of note was the passage of Bill No. 601, *The Saskatchewan Strategy for Suicide Prevention Act, 2021*, a private members' public bill. This bill was re-introduced by opposition member **Doyle Vermette** after previously being voted down in the prior legislature. The government stated that they had heard on doorsteps during the fall election campaign that passing this legislation would be a meaningful step in supporting suicide prevention efforts across Saskatchewan. Accordingly, the government chose to support the bill. Bill No. 601 received Royal Assent on April 30.

In addition to Bill No. 601, a public bill and a private bill also received Royal Assent on April 30. This was unique because one bill from each of the three types of bills received Royal Assent that day. The remaining bills received Royal Assent on May 13, 2021.

The Assembly and committees completed all their business by working during the Easter week period and extending it to Saturday, April 10, 2021, and incorporating all subsequent Fridays. It was the first time that the Assembly sat on a Saturday since 1991. Committees also worked on several additional Saturdays to consider the estimates and bills.

The Assembly adjourned on May 14, 2021, and will reconvene on October 27, 2021, in accordance with the parliamentary calendar. The Assembly will observe the parliamentary calendar for the duration of the twenty-ninth legislature.

### **Modifications to the rules and procedures due to COVID-19**

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The Assembly and its committees continued to operate under temporary modifications to the rules and procedures due to COVID-19 during the spring sitting. Committees only met in the Chamber during the spring sitting to maximize physical distancing.

As mentioned in the last *Canadian Parliamentary Review*, on April 6, 2021, the Standing Committee on House Services proposed changes to the practices and procedures in order to test the remote participation of one member during committee proceedings. The remote participation pilot project was never utilized because MLAs stayed in Regina for the duration of the spring sitting due to provincial travel restrictions.

Also due to the travel restrictions, the Assembly agreed to allow officials from Saskatchewan Research

Council (SRC) and Innovation Saskatchewan to participate remotely during their estimates deliberations. On Monday, May 3, Speaker **Randy Weekes** issued a media release stating a COVID-19 case was confirmed within the Legislative Assembly Service, which necessitated the temporary suspension of the video broadcast of proceedings. The Assembly live-streamed audio only until the video broadcasts resumed a week later. Because of the temporary suspension of video broadcast, the officials from SRC and Innovation Saskatchewan participated instead via telephone.

The modifications to the rules, procedures and practices that were adopted in the Standing Committee on House Services report will expire on October 1, 2021.

### **Photo of the Legislative Assembly**

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Prior to the Assembly adjourning, Speaker Weekes organized a photo to be taken to document the Legislative Assembly and the context of its proceedings during the COVID-19 pandemic. The members were organized into their two voting tranches to ensure that physical distancing was adhered to, and the photo captured the Assembly's appearance during this historic time.

**Stacey Ursulescu**  
Procedural Clerk



## **Yukon**

### **Election Results**

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As previously noted, no party won a majority of seats in the territory's April 12 general election. The breakdown by party of the 19 seats in the 35<sup>th</sup> Yukon Legislative Assembly is: Liberal Party – 8; Yukon Party – 8, NDP – 3.

Premier **Sandy Silver** (Klondike), the Leader of the Yukon Liberal Party, was re-elected as an MLA for a third successive term. Yukon Party Leader **Currie Dixon** (Copperbelt North) was elected in the riding that he had represented as an MLA in the 33<sup>rd</sup> Legislative Assembly when he served in Cabinet of the late **Dennis Fentie**. The Leader of the NDP, **Kate White** (Takhini Kopper-King) was re-elected as a Member for a third successive term.

### **Liberal-NDP Confidence and Supply Agreement**

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On April 28, Premier Silver and Ms. White signed a “confidence and supply agreement” (commonly referred to as “the CASA”) between their respective caucuses, effective through January 31, 2023. Although the CASA does not establish a coalition government, it provides that the Yukon Liberal Leader will not ask for a dissolution of the Assembly and that NDP MLAs “will neither move nor vote non-confidence”, and “will vote in favour of the government on confidence motions.”

The CASA lays out several legislative and policy areas in which the two parties agree to work together: “[m]aking democracy work for people...[a]ddressing climate change and protecting the environment... [c]reating jobs and building a sustainable economy... [i]mproving the services people count on...[and m]aking life more affordable for people”. Included in the final policy area is a temporary cap (to the rate of inflation) on residential rent increases. The agreement notes that the NDP’s “support for policy and legislation which does not relate to confidence or supply is not subject to this agreement and will be decided on an issue-by-issue basis”.

As well, the CASA provides for the Liberal government to conduct “meaningful consultation” with the NDP caucus on certain issues, for additional caucus resources and staff to be allocated to the NDP, and for the government’s legislative drafting services to be available to the NDP caucus for the preparation of NDP private members’ bills.

Included among a number of other provisions in the CASA are that the House meet within one month of the government’s swearing-in; that a Liberal MLA be nominated to be Speaker, and an NDP MLA to be Deputy Speaker; that the 2021-22 budget be introduced and passed during the first Sitting; and that a special committee of the Assembly be established “to examine electoral reform and bring recommendations to the Assembly for consideration.”

While some of the provisions (for example, passing the budget, establishing a special committee of the Assembly, determining the composition of standing committees) of the CASA to which the two party leaders subscribed are decisions that are within the power of the Legislative Assembly to take, their two caucuses together control a majority of votes in the House (10 of 18, excluding the Speaker’s casting vote).

### **Court challenge – Vuntut Gwitchin election**

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Vuntut Gwitchin is Yukon’s northernmost riding, as well as the riding with the fewest number of electors in the territory. The community that is located in Vuntut Gwitchin is the village of Old Crow, a fly-in community north of the Arctic Circle. On April 19, a judicial recount in the riding having confirmed the existence of a tie (78 votes each) between the two candidates seeking to represent the riding in the Legislative Assembly – incumbent Liberal **Pauline Frost**, the Minister of Health and Social Services, and NDP candidate **Annie Blake** – the winner was immediately determined by a draw, pursuant to the *Elections Act*. Ms. Blake was declared elected, and on the following day, the NDP Caucus was sworn in.

On April 23, Ms. Frost filed a legal petition with the Supreme Court of Yukon challenging the validity of the election held in Vuntut Gwitchin. The respondents to the petition are Ms. Blake and Yukon’s Chief Electoral Officer, **Maxwell Harvey**. The challenge that was heard in court June 23-24 hinges on the qualification to vote of one individual (an intervenor in the case), on the basis of residency. That individual, **Christopher Schafer**, a member of the Vuntut Gwitchin First Nation who considers his permanent home to be in Old Crow, had cast his vote by way of special ballot from the correctional facility in Whitehorse in which he had been incarcerated at the time of the election. Chief Justice **Suzanne Duncan’s** August 5 decision upheld the validity of the election held in the riding.

### **Cabinet**

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On May 3, the Liberal government’s Cabinet was sworn in by Yukon Commissioner **Angélique Bernard**. The seven-member Cabinet comprises **Sandy Silver** (Premier; Executive Council; Finance), **Tracy-Anne McPhee** (Deputy Premier, Justice; Health and Social Services), **John Streicker** (Energy, Mines and Resources; Yukon Development Corporation, Yukon Energy Corporation, Public Service Commission, French Language Services Directorate), **Ranj Pillai** (Economic Development; Tourism and Culture;

Yukon Housing Corporation; Yukon Liquor Corporation; Yukon Lottery Commission), **Jeanie McLean** (Education; Women's Directorate), **Richard Mostyn** (Community Services; Yukon Workers' Compensation Health and Safety Board), and **Nils Clarke** (Highways and Public Works; Environment).

### 2021 Special Sitting

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On May 4, the Premier asked Commissioner Bernard to summon the new Assembly to meet on May 11 for the First Sitting of the First Session of the 35<sup>th</sup> Yukon Legislative Assembly. The Assembly accordingly convened and on May 31, after 11 sitting days, the 2021 Special Sitting concluded.

### Presiding Officers

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On May 11, on motion moved by the Premier and seconded by the Leader of the Official Opposition and the Leader of the Third Party, the House elected **Jeremy Harper** (Mayo-Tatchun) as its Speaker. Prior to his 2021 election to the Yukon Legislative Assembly Mr. Harper, who is of Northern and Southern Tutchone heritage, and a member of Selkirk First Nation, had served as a Wolf Councillor for the First Nation.

Also on the first day of the Sitting, on motions moved by the Government House Leader (Ms. McPhee), the Legislative Assembly elected Ms. Blake as Deputy Speaker and Chair of Committee of the Whole, and **Emily Tredger** (Whitehorse Centre) as Deputy Chair of Committee of the Whole.

### Government Bills

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During the Sitting, three government bills were introduced: Bill No. 2, *Act to Amend the Childcare Act (2021)*, standing in the name of Ms. McLean, and two appropriation bills standing in the name of Mr. Silver (Bill No. 200, *Third Appropriation Act 2020-21*, and Bill No. 201, *First Appropriation Act 2021-22*). The bills having progressed through all stages during the Sitting, at the conclusion of the final sitting day, they were assented to by Commissioner Bernard.

On May 12, the main appropriation bill passed first reading and second reading, and was referred to Committee of the Whole. Of the three government bills, though, only Bill No. 201 had not passed third reading prior to May 31, the date that had been identified as the final sitting day. As the main appropriation bill was still in Committee of the Whole at 5:00 p.m. on that final day, it was expedited through all remaining

stages, pursuant to Standing Order 76 (commonly referred to as "the guillotine clause").

### Private Members' Bills

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On the first day of the Sitting, the pro forma bill, Bill No. 1, *Act to Perpetuate a Certain Ancient Right*, was introduced by Ms. Tredger, a member of the Third Party caucus. Two other private members' bills received first reading during the Sitting – Bill No. 300, *Act to Amend the Civil Emergency Measures Act*, and Bill No. 301, *Act to Amend the Taxpayer Protection Act*, both of which were introduced by Official Opposition MLA **Brad Cathers** (Lake Laberge).

### Motion for an Address in Reply to the Throne Speech

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On May 17, the Motion for an Address in Reply to the Speech from the Throne (Motion No. 20), which had been moved by Minister McLean on May 12, was further considered, and carried.

### Private Members' Motions

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During the Sitting, the House debated three private members' motions. The motions, each moved by a member of the Official Opposition, were considered on May 19 during Opposition Private Members' Business. During the 2021 Special Sitting, no Third Party motions were identified for debate. There are no government backbenchers.

The first private member's motion considered was Motion No. 40, standing in the name of Mr. Dixon. The motion sought to have the Standing Committee on Statutory Instruments review the *Child Care Act* and all corresponding regulations, conduct public hearings, and report on its findings recommendations to the House. Motion No. 40 was negatived.

The second private member's motion debated was Motion No. 14, moved by **Patti McLeod** (Watson Lake). Motion No. 14, which urged the Minister of Highways and Public Works to initiate upgrades to the Alaska Highway crosswalks in the Town of Watson Lake, carried.

The third private member's motion considered during the Sitting, Motion No. 30, standing in the name of **Scott Kent** (Copperbelt South), urged the Yukon government to develop a type 1 diabetes strategy by September 2022, in partnership with the Yukon T1D Support Network, and in consultation with certain groups and individuals. Motion No. 30 carried.

## Special Committee on Electoral Reform

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On May 26, a Special Committee on Electoral Reform was established when Motion No. 61, moved by the Government House Leader, carried. In the course of conducting an examination into electoral reform, the Committee is empowered to hold public hearings. The Committee's final report must be presented to the Legislative Assembly by March 31, 2022. The Order of the House establishing the Committee also provides for the Chair to have a deliberative casting vote.

The Committee consists of 3 MLAs – Mr. Sreicker (Government caucus), Mr. Cathers (Official Opposition caucus), and Ms. White (Third Party caucus). At its organizational meeting on July 2, Ms. White was elected Chair, and Mr. Cathers was elected Vice-Chair. Planning and budgetary work are underway on an expedited basis.

## Auditor General's Report

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On June 7, the Office of the Auditor General of Canada (OAG) presented a performance audit report, *Report of the Auditor General of Canada to the Legislative Assembly of Yukon – Mental Health Services in Rural Yukon – Department of Health and Social Services*, to Speaker Harper. In light of COVID-19 mitigation protocols, both the presentation of the report and the in-camera briefing provided by OAG officials to the Assembly's MLAs later that morning were held virtually.

**Linda Kolody**  
Deputy Clerk



## Québec

### Proceedings of the National Assembly of Québec

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#### *Membership*

On April 12, 2021, **Denis Tardif**, Member for Rivière-du-Loup–Témiscouata, returned to the caucus of the parliamentary group forming the Government.

On May 5, 2021, **Marie-Ève Proulx**, Minister for Economic Development and Member for Côte-du-Sud, resigned from Cabinet.

On June 2, 2021, **Pierre Fitzgibbon**, Member for Terrebonne, resigned as Minister of Economy and Innovation. **Éric Girard**, current Minister of Finance and Member for Groulx, has taken over his responsibilities.

Since June 4, 2021, **Sylvain Roy**, Member for Bonaventure, has been sitting as an Independent Member. Similarly, **Claire Samson**, Member for Iberville, has been sitting as an Independent Member since June 15, 2021. Consequently, the National Assembly is now composed of 74 Coalition avenir Québec Members, 28 Québec Liberal Party Members, 10 Québec solidaire Members, seven Parti québécois Members and six Independent Members.

#### *Terms for the continuation of Assembly proceedings*

In keeping with the six previous motions adopted since the start of the pandemic in the spring of 2020, the parliamentarians adopted a motion on April 13, 2021, concerning the renewal of all COVID-19-related measures for ordinary hours of meeting from April 12 to May 14, 2021, which also included terms for the consideration of the budget estimates. On May 25, 2021, a final motion on the renewal of all



such measures was adopted for the last three weeks of proceedings, including extended hours of meeting from June 1 to June 11, the date of adjournment of proceedings for the summer period. The measures, which had been in effect since the resumption of proceedings in September 2020, were essentially put in place to ensure the safety of all during the pandemic. It should be noted that the measures were adjusted over the months, in compliance with public health directives.

Note that the above measures included the presence of 36 MNAs in the House, excluding the Chair, in order to allow more Opposition Members to be present during Routine Proceedings. The distribution was as follows:

- No more than 20 Members from the parliamentary group forming the Government;
- No more than eight Members from the parliamentary group forming the Official Opposition;
- No more than three Members from the Second Opposition Group;
- No more than three Members from the Third Opposition Group;
- No more than two independent Members.

The motions carried also enabled the renewal of several other terms, such as ensuring quorum for Tuesday morning sittings, set at seven Members from the parliamentary group forming the Government, three Members from the parliamentary group forming the Official Opposition, one Member from the Second Opposition Group and one Member from the Third Opposition Group. Parliamentarians were also given permission to take the floor and vote from seats that were not the ones usually assigned to them. In addition, the ministers were divided into two groups for the purposes of Oral Questions and Answers. One group participated in Tuesday and Thursday sittings, while the other participated in Wednesday sittings and, during periods of extended hours of meeting, Friday sittings. To that end, the Government House Leader communicated to the opposition groups, not later than 6:00 p.m. on the evening preceding a sitting, a preliminary list of the ministers who would be present during Oral Questions and Answers the following day.

Moreover, the previously adopted procedure for recorded divisions was maintained. Under that measure, 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. However, parliamentarians were entitled to individually record a vote that differed from the vote of their group or to choose not to vote. In addition, if an independent Member was absent, the Government House Leader was authorized to record the Member's vote regarding a stage in the consideration of a bill according to the prior instructions sent by the absent Member to the Government House Leader.

In compliance with public health rules, procedure masks were to be worn at all times during Assembly sittings and parliamentary committee meetings, except when taking the floor during proceedings.

In order for MNAs to comply with the curfew ordered by the Government, the Assembly's modified sitting schedule was also maintained for the last week of regular hours of meeting between May 25 and 27, 2021. Once the curfew was lifted throughout Québec on May 28, 2021, MNAs were able to sit according to the schedule set out in the Standing Orders for extended hours of meeting.

#### *Bills introduced and passed*

From April to July 2021, 24 public bills were introduced in the National Assembly, including 13 private Members' bills. During the same period, 14 government bills and four private bills were passed in the National Assembly. The following are some of the bills passed:

- Bill 60, *An Act to amend the Public Service Act and other provisions*
- Bill 78, *An Act mainly to improve the transparency of enterprises*
- Bill 79, *An Act to authorize the communication of personal information to the families of Indigenous children who went missing or died after being admitted to an institution*
- Bill 83, *An Act respecting mainly the health insurance plan and prescription drug insurance plan eligibility of certain children whose parents' migratory status is precarious and amending the Act respecting end-of-life care (amended title)*
- Bill 84, *An Act to assist persons who are victims of criminal offences and to facilitate their recovery*
- Bill 86, *An Act respecting the demise of the Crown*
- Bill 95, *An Act to amend the Act respecting the governance and management of the information resources of public bodies and government enterprises and other legislative provisions*

*Estimates of expenditure and passage of Appropriation Act No. 2, 2021–2022*

The first part of the debate on the budget speech, which lasted for 13 hours and 30 minutes, ended on April 13, 2021. The motion that was adopted during this sitting also set out the terms and conditions surrounding the examination of the estimates in committee, in particular with regard to the time devoted to their study, which cannot exceed one hundred hours.

On April 20, 2021, the budget speech came to an end once voting on the Government's budgetary policy, and on the motions stating a grievance with regard to it, had been completed. On May 11, 2021, following the examination of the estimates in committee, the Assembly met as a Committee of the Whole to examine the estimates for the National Assembly and passed, on May 12, 2021, the 2021–2022 estimates of expenditure and *Bill 24, Appropriation Act No. 2, 2019–2020*.

*Ruling from the Chair*

*Statements made by the Minister of Education regarding the participation of public health authorities in the drafting of a protocol for measuring air quality in schools.*

On April 20, 2021, the President ruled on the point of privilege or contempt raised on April 1, 2021 by the House Leader of the Second Opposition Group concerning certain statements made by the Minister of Education with regard to the participation of public health authorities in drafting a protocol for measuring air quality in schools.

Parliamentary jurisprudence has recognized that the deliberate misleading of the Assembly or of its committees can constitute contempt of Parliament. It has also affirmed on numerous occasions that two conditions must be met to overturn the presumption that parliamentarians must be taken at their word. First, the Member must have misled the Assembly or a committee when speaking, and, second, the Member must subsequently acknowledge having done so deliberately.

The Chair has also ruled on several occasions that a Member giving two contradictory versions of the same facts in the context of parliamentary proceedings could also have the effect of misleading the House and justify raising a point of contempt of Parliament.

In all cases, the intentional nature of the act must be proven in order to conclude that a Member knowingly misled the House. In other words, for an allegation of misleading the Assembly to give rise to a point of privilege, there must be a clear demonstration of the intent to mislead or hinder parliamentary proceedings.

Opposition group leaders reported several statements on the public health authorities' role in drafting documents regarding CO2 testing in schools. Some statements were made by the Minister of Education, the Minister of Families and the Premier in the context of parliamentary proceedings, and others were made by public servants who work for the Ministère de la Santé et des Services sociaux, members of the Direction générale de la santé publique du Québec and the INSPQ, and these were reported on by the media.

After considering those statements, it appears that not all actors involved shared the same point of view with regard to the role of public health authorities in developing the protocol for testing air quality in schools and related directives. In this regard, the evidence clearly showed a persisting disagreement.

In arguments on the point of privilege, some called on the Chair to separate fact from fiction, in other words, to determine who was telling the truth in this matter.

In determining whether a Member has *prima facie* misled the House, the Chair's role is not to settle a factual debate or to decide which version of the facts should prevail. In determining whether a question of privilege is in order, the Chair need only consider whether the conditions established in jurisprudence have been met.

At no time was it shown that the Minister admitted to misleading the House or that he knowingly sought to mislead the House or to hinder parliamentary proceedings. In fact, it was not alleged that the Minister of Education made contradictory statements on this matter. On the contrary, it was affirmed that the Minister repeated the same statements over and over again. Yet the evidence of contradictory statements made by a Member is a crucial element to demonstrate that the House has been misled and to justify raising a point of contempt.

There was no evidence that the Minister of Education knowingly attempted to mislead the House. This was rather a matter of several individuals interpreting the

same situation differently. Jurisprudence is clear in this regard: varying interpretations of the same situation by different people cannot give rise to contempt of Parliament.

It is, of course, important that Members, and even more so Ministers, provide the clearest information possible during debates, particularly in order to maintain public trust and support. In this regard, the role of public health authorities in developing the protocol for testing air quality in schools was an important issue for many people. The Minister of Education could certainly have been more specific in his remarks. This is not to say, however, that he attempted to mislead the House. The Chair is not required to determine which version of the facts stated by a Member or a body it prefers. For these reasons, the point of privilege raised was declared out of order.

*Access to a bill's text by a third party before the bill's introduction*

On April 29, 2021, the President ruled on the point of privilege or contempt raised by the Government House Leader on April 15, 2021, immediately after the introduction of Bill 790, *An Act to amend the Act respecting labour relations, vocational training and workforce management in the construction industry to right the power imbalance*.

The Government House Leader alleged that a third party had access to the bill's text before the bill's introduction, which would constitute contempt of Parliament. To support his allegation, he stated that, on the day before the bill was introduced, FTQ-Construction had published a press release on its website that made reference to the bill's title and number, the measures it contained and its date of introduction.

The Chair recalled that its role is to determine whether the facts submitted constitute *prima facie* contempt of Parliament. When it performs this role, it must rely on jurisprudence and the principles that arise therefrom. It must also analyze the facts that are brought to its attention.

According to parliamentary jurisprudence, contempt of Parliament is an act or omission that hinders the work of the Assembly or the Members or that undermines their authority or dignity.

A cardinal principle emerges from various rulings rendered in this regard, in particular during the

current legislature: Members must be the first to be apprised of information that is intended for them. It follows that this information must remain confidential until it is officially disclosed, in accordance with the rules of parliamentary procedure.

As regards legislative matters, in particular, the Chair reiterated the applicable rule: all bills must remain confidential until the Assembly agrees to their introduction.

The Chair further examined four elements of the bill that were allegedly disclosed prematurely, which were the bill's title, text, date of introduction and number.

As regards the bill's title, it was included under "Notices Appearing for the First Time" on the *Order Paper* the day before the bill's introduction. It, therefore, obviously became public at the time the *Order Paper and Notices* were published on the Assembly's website. As it happened, the press release in question was published after the *Order Paper*. It therefore could not be concluded that the Assembly's rights had been breached on this basis.

As for the bill's content, great caution must be taken when a parliamentarian communicates information about it. Special caution is particularly called for when the title provides a good overview of the content of the legislative measures, as is the case for Bill 790, which consists of three sections. Indeed, in a context such as this one, it is likely that there will be little difference between the general policy directions and the bill's text.

These rules were established to protect each Member's ability to fulfill his or her role as a legislator and as a representative of the people of Québec.

It is not reprehensible to want to inform the public about parliamentary proceedings. On the contrary, it is a part of a legislator's duty to do so. However, it is important to ensure that the communication of a bill's general policy directions does not lead to the disclosure of all or most of its contents.

The rule whereby parliamentarians must be the first to be apprised of information that is intended for them applies to all Members, regardless of their role in the legislative process. Each Member is responsible for ensuring that the rules of confidentiality are well understood and applied by every person involved in parliamentary work. This also applies to Opposition Members and it is important to avoid compromising

the confidentiality of specific legislative measures contained in a bill. Jurisprudence has often stated that a bill's general policy directions may be communicated, and this statement still holds true. However, the more targeted the measure introduced is and the fewer the sections used to set it out are, the more disclosing it before its introduction is likely to raise issues. This is a cautionary note as regards the degree of prudence that the Chair expects from each parliamentarian and the line they must not approach too closely.

The confidentiality of a bill's contents does not extend to the author's intentions regarding the date of its introduction. Each Member is free to choose the most appropriate time to submit a proposal to the Assembly for consideration and he or she is also at liberty to announce or not to announce the date on which he or she wishes to do so. Of course, such information is strategic, and the timing of the bill's introduction requires a certain confidentiality, because a group may want to keep it secret until the last minute. However, this strategic aspect of a bill's date of introduction is not of the same nature as other information that is reserved first and foremost for parliamentarians and whose disclosure may constitute contempt of Parliament.

Regarding the question of communicating the bill's number, it is true that the number alone does not reveal any of the substance of the bill to which it is assigned. However, the number is assigned near the end of the drafting process and appears on the cover page of the official document tabled in the Assembly. Parliamentarians, therefore, do indeed have reason to be concerned that a third party may have had access to this information before them. Some may assume, rightly or wrongly, that a third party had access to the bill's final draft.

In this case, it would appear that the bill's number was leaked as a result of a mistake made while texting rather than a deliberate attempt to undermine the authority or dignity of the Assembly and its Members by sending a copy of the bill. The Chair also took into account the apology of the House Leader of the Second Opposition Group on behalf of the Member for Hochelaga-Maisonneuve, which was the appropriate thing to do in the circumstances.

That said, given that the bill number becomes public only once the introduction stage is completed and copies of the bill on which the number appears are made available to Members, such a disclosure should not be made again, as the Chair may be less

understanding now that parliamentarians are aware of the issue.

As to whether the union had access to the bill's text before the bill's introduction, the House Leader of the Second Opposition Group categorically states that the text was not provided to the union and that if the union was able to write the press release in question, it was because it relied on documents it had published several months, and even years, ago on the subject, the matter being the subject of a long-standing union request.

The Chair acknowledged these explanations, which were corroborated by the documents tabled, and observed that, in light of the facts and explanations provided, there was no reason to believe that the House Leader of the Second Opposition Group should not be taken at his word when affirming that the Member or the staff of the Second Opposition Group did not breach the bill's confidentiality.

In light of all the facts submitted and after giving close consideration to each of the points raised by the Government House Leader in his question, the Chair could not conclude that the Member had acted in contempt of Parliament in the circumstances and therefore declared that the point of privilege or contempt was out of order.

#### *Other events*

##### *The National Assembly's Citizen Round Table*

On April 19, 2021, the National Assembly published a call for applications in order to consult participants in the context of the Citizen Round Table, a consultation on how to facilitate the participation of citizens in parliamentary work and activities.

Seven virtual focus groups made up of a total of 44 citizens were held between June 14 and 17, 2021. The participants had the opportunity to express themselves on the difficulties that hinder their participation at the National Assembly and propose concrete ways to improve existing consultation mechanisms or to implement new ones. These groups were created by a random draw from among the 330 eligible applications, taking into account the demographic representativeness of the Québec population.

The Citizen Round Table is part of a parliamentary reform process. The report on the consultation will be submitted to the parliamentarians in order to fuel their

reflection on the reform. The highlights will be made public in the fall of 2021.

*Ontario-Québec Parliamentary Association: The first virtual meeting on the theme of sexual exploitation of minors and human trafficking*

On April 30, 2021, the first virtual meeting of the Ontario-Québec Parliamentary Association on the theme of sexual exploitation of minors and human trafficking was held in the presence of the President of the National Assembly, **François Paradis** and the Speaker of the Legislative Assembly of Ontario, **Ted Arnott**.

The discussions allowed the Québec and Ontario parliamentarians to reflect together on possible common responses to combat this concerning phenomenon. At the end of the meeting, they committed to continuing their joint efforts against the sexual exploitation of minors and human trafficking. In the coming months, they will continue to share experiences, best practices and information on this cross-border issue. They will also continue to raise awareness among parliamentarians and other political actors on the need to act and react to counter this problem. A follow-up on the situation is planned during a specific working session at the 26th General Assembly of the Ontario-Québec Parliamentary Association, which will be held in Québec City when health measures allow it.

### **Committee Proceedings**

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Below are some of the highlights of the parliamentary committee proceedings held between April and June 2021.

#### *COVID-19*

Two new motions intended to adapt to health standards were adopted by the National Assembly on April 13 and May 25, 2021. These two motions renewed most of the changes to parliamentary procedure that were in place in the winter of 2021. Special consultations continued virtually, while sittings devoted to clause-by-clause examination of bills and other mandates were conducted in person. During proceedings held in the Parliament Building, the quorum was set at three members instead of one-third of all committee members, and votes were held in accordance with a procedure for recorded divisions whereby a member of the Government and a member of the Official Opposition were empowered to vote for the members of their parliamentary group as a whole.

Members continued to be entitled to record a different individual vote.

#### *Bills*

Eight public bills were the subject of special consultations and public hearings, while 17 clause-by-clause examinations were conducted by sectoral parliamentary committees.

The Committee on Labour and the Economy continued clause-by-clause consideration of Bill 59, *An Act to modernize the occupational health and safety regime*. This 293-section bill aims to reform the legislative framework for the prevention of industrial accidents and occupational diseases as well as the terms and conditions for workers' compensation by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST). At the end of the sessional period, the members of the Committee had met 25 times, for a total of 114 hours dedicated to the clause-by-clause consideration of the bill.

The Committee on Institutions completed its mandates to conduct special consultations and clause-by-clause consideration of Bill 86, *An Act respecting the demise of the Crown*. This Act provides that the activities of the Parliament of Québec, the Government and the courts are not affected by the demise of the Crown. Moreover, the oath of allegiance provided for in the *Constitution Act, 1867* does not have to be taken again by the Members of the National Assembly in the event of the demise of the Crown.

The Committee on Citizen Relations conducted special consultations and clause-by-clause consideration of Bill 79, *An Act to authorize the communication of personal information to the families of Indigenous children who went missing or died after being admitted to an institution*. The purpose of this bill is to support Indigenous families in their search and to regulate the sharing of personal information between them and the health network or religious congregations that hold it.

Finally, the Committee on Institutions continued clause-by-clause consideration of Bill 64, *An Act to modernize legislative provisions as regards the protection of personal information*. Clause-by-clause consideration of this bill, which clarifies, among other things, the requirements for collecting, using and disclosing personal information as well as the rules for managing incidents regarding the confidentiality of such information, has lasted 83 hours so far.



As usual, several private bills were examined at the end of the sessional period. The Committee on Planning and the Public Domain examined four bills concerning municipalities while the Committee on Public Finance took three sittings to complete consideration of Bill 219, *An Act respecting an immovable located on Rue University in Montréal*, concerning the former Royal Victoria Hospital. It should be noted that, unlike public bills, private bills are passed in principle by the Assembly after they have been examined in committee.

#### *Examination of the budget estimates*

The budget estimates were examined between April 27 and May 6, 2021. The purpose of this important annual exercise is to examine and then adopt the amounts set out in the annual budget for each department and body of the State. It usually allows MNAs to question members of the Conseil exécutif on their departmental appropriations for a total of 200 hours. Several elements of the usual procedure for this mandate have been modified for a second year in a row by agreement between the parliamentary groups. The 100 hours normally available to government Members were reduced by half. A limited number of officials were able to accompany ministers in person during committee work. While this examination is usually conducted according to the schedule for extended hours of meeting, the chosen schedule allowed proceedings to be suspended between the various components under examination in order to allow the rooms to be cleaned, and it respected the curfew in force at that time. Consequently, the examination of the budget estimates was conducted over two weeks this year, as opposed to one week in 2020.

#### *Select committee*

On a motion carried by the National Assembly on March 31, 2021, a new temporary select committee was created to examine the issues related to extending medical aid in dying to persons who are incapable of caring for themselves and those who are suffering from a mental illness. Chaired by **Nancy Guillemette** (Roberval), the *Select Committee on the Evolution of the Act respecting end-of-life care* is composed of 11 members from all the parliamentary groups. An initial phase of special consultations, which gave the Committee the opportunity to hear over 40 experts on the subject, was held in May. A consultation document and an online consultation will allow the Committee to gauge public opinion this summer, before conducting the second phase of public hearings. According to the motion that established the Committee, the Committee's report is expected in November 2021.

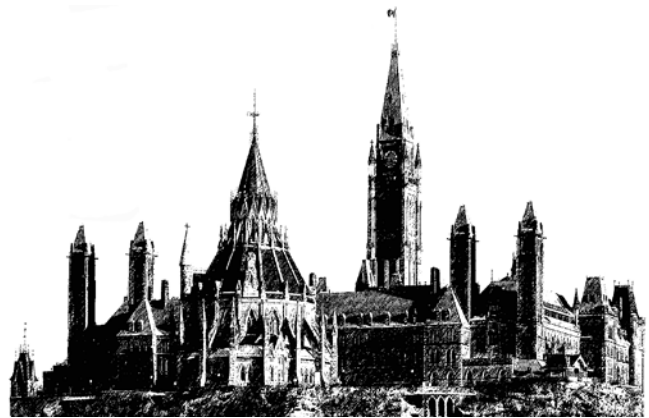
It was also a select committee that was originally tasked, between 2009 and 2012, with considering the issues surrounding the right to die with dignity. The *Select Committee on Dying with Dignity* recommended in its report to recognize medical aid in dying as end-of-life care. In 2014, the National Assembly passed the *Act respecting end-of-life care*.

**Stéphanie Labbé**

Sittings and Parliamentary Procedure Directorate

**Astrid Martin**

Parliamentary Committees Directorate



## House of Commons

This account covers key highlights of the period from April to end of June 2021 continuing the second session of the 43<sup>rd</sup> Parliament.

### Procedure / Privilege

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#### *Questions of privilege*

On May 28, 2021, **Karen Vecchio** (Elgin-Middlesex—London) rose on a question of privilege regarding the conduct of the member for Pontiac while attending the House proceedings remotely via video conference. On June 7, 2021, the Speaker returned to the House with a ruling. He concluded that there was a *prima facie* breach of privilege, noting that the events constituted a serious breach of the rules of decorum and an affront against the dignity of the House. Ms. Vecchio moved that the *prima facie* contempt concerning the misconduct of the Member for Pontiac be referred to the Standing Committee on Procedure and House Affairs. The motion was adopted on division.

On June 1, 2021, **Michael Chong** (Wellington—Halton Hills) moved a motion to obtain unredacted documents produced by the Public Health Agency of Canada (PHAC) following the March 31, 2021, and May 10, 2021, orders of the Special Committee on Canada-China Relations (CACN). The motion stipulated, among other items, that the documents were to be deposited with the Law Clerk and Parliamentary Counsel within 48 hours of adoption which occurred on June 2, 2021. On June 7, 2021, the Speaker confirmed that PHAC had met the deadline, but that the documents sent contained redactions; unredacted documents were sent to the National Security and Intelligence Committee of Parliamentarians (NSICOP). In response to these events, **Gérard Deltell** (Louis-Saint-Laurent) rose on a question of privilege regarding the government's alleged non-compliance with the order of the House. On June 16, 2021, the Speaker delivered his ruling indicating that there was a *prima facie* breach of privilege. Mr. Deltell moved to find PHAC to be in contempt. The motion ordered the president of PHAC to attend the Bar of the House to receive an admonishment and to deliver the documents ordered on June 2, 2021. The motion was adopted on June 17, 2021. On June 21, 2021, **Iain Stewart**, the President of the Public Health Agency of Canada appeared at the Bar of the House.

When the House rose for the summer on June 23, 2021, there were four questions of privilege that remained with the Speaker. On June 10, 2021, **Michael Barrett** (Leeds—Grenville—Thousand Islands and Rideau Lakes) rose on a question of privilege related to the proceedings of the Standing Committee on Access to Information, Privacy and Ethics and the Standing Committee on Finance. On June 16, 2021, **Pierre Poilievre** (Carleton) rose to allege that the government was effectively introducing a new tax without the approval of the House in relation to the inflation that would result from the government's spending. On June 18, 2021, **Charlie Angus** (Timmins—James Bay) rose on a question of privilege regarding the government's response to a motion adopted on June 7, 2021, relating to the implementation of the Truth and Reconciliation Commission's calls to action. Mr. Angus alleged that the government ignored the House's order and took unsatisfactory action. Though Mr. Stewart, the President of the Public Health Agency of Canada appeared at the Bar of the House on June 21, 2021 and received admonishment, **Gérard Deltell** (Louis-Saint-Laurent) rose on a new question of privilege because documents, as ordered by the House, were not produced.

#### *Points of Order—Virtual Chamber*

On April 14, 2021, **Claude DeBellefeuille** (Salaberry—Suroît) rose on a point of order indicating that a member was seen to be disrobed when participating in the sitting remotely via video conference. The following day, the Leader of the Government in the House, **Pablo Rodriguez** (Honoré-Mercier), rose on a point of order and requested that the Speaker commence an immediate investigation to determine the provenance of the screenshot of the Member for Pontiac that was shared to allow the House to then determine appropriate action. On April 21, 2021, **Sébastien Lemire** (Abitibi—Témiscamingue) rose on a point of order to apologize for having taken a screenshot and mentioned that he was uncertain how it was provided to the media. On April 26, 2021, the Speaker reiterated the seriousness of the issue and reminded members and staff with privileged access to the video conference that photos and screenshots of proceedings are absolutely prohibited.

#### *Point of Order—Vote Validity and Correction*

On June 9, 2021, **Rachel Harder** (Lethbridge) rose on a point of order seeking unanimous consent to change her electronic vote from nay to yea. Unanimous consent was denied. The Assistant Deputy Speaker **Carol Hughes** (Algoma—Manitoulin—Kapusking) acknowledged that it is usually accepted when a member wishes to change their vote and put the question a second time; there was no unanimous consent. The Deputy Speaker reiterated the validity of the precedent, put the question a third time and it was negated.

On June 10, 2021, **Blake Richards** (Banff—Airdrie) rose on a point of order to question the validity of the vote of Deputy Prime Minister and Minister of Finance **Chrystia Freeland** (University—Rosedale) on a motion to adjourn the House. The rules of voting via the electronic app indicate that members must be in Canada; Mr. Richards suggested this was not the case. The Assistant Deputy Speaker **Carol Hughes** (Algoma—Manitoulin—Kapusking) ruled that she would allow the vote out of anticipation that Members know and respect voting protocols.

#### *Privilege and Immunities*

On June 17, 2021, a supply day, **James Bezan** (Selkirk—Interlake—Eastman) moved that the House formally censure Minister of National Defence **Harjit Sajjan** (Vancouver South) for his conduct in executing his ministerial responsibilities. After debate,

the question was put on motion and was passed on recorded division.

On June 15, 2021, the Speaker tabled a report from the Conflict of Interest and Ethics Commissioner entitled “Ratansi Report” which concluded that **Yasmin Ratansi** (Don Valley East) had contravened section 8 of the Conflict of Interest Code for Members of the House, but determined Ms. Ratansi acted in good faith after becoming aware of the situation. The Commissioner recommended that no sanction be imposed. On June 22, 2021, pursuant to subsection 28(9) of the Code, Appendix I of the Standing Orders, Ms. Ratansi addressed the House.

### Legislation

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#### *C-29 An Act to Provide for the Resumption and Continuation of Operation at the Port of Montreal*

On April 27, 2021, Minister of Labour **Filomena Tassi** (Hamilton West—Ancaster—Dundas) introduced Bill C-29, *An Act to provide for the resumption and continuation of operations at the Port of Montreal*. During the debate on Government Business N<sup>o</sup>. 5, a motion to dispose of the bill, **Scott Duvall** (Hamilton Mountain) moved a sub-amendment on the bill. The debate continued until 8 p.m. as per Standing Order 57 and the motion, as amended, was agreed to. The House proceeded to the immediate consideration of Bill C-29 which was adopted at all stages with the House adjourning at 1:56 a.m.

#### *C-10 – An Act to Amend the Broadcasting Act and to Make Related and Consequential Amendments to Other Acts*

On June 21, 2021, Bill C-10 – An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts was adopted by the House. On June 4, 2021, pursuant to Standing Order 78(3), the Minister of Middle Class Prosperity and Associate Minister of Finance, **Mona Fortier** (Ottawa-Vanier), moved the motion that not more than five hours be added to the proceedings at the committee stage. On June 7, 2021, the question was put and adopted. The Standing Committee on Canadian Heritage continued its study of the bill as per the order of the House. On June 14, 2021, rising on a point of order, **Blake Richards** (Banff—Airdrie) stated that several amendments adopted in Committee should be nullified. When the allocated time for the committee study of the Bill expired, the Chair of the Committee indicated that amendments that had not been moved

or debated could not be voted on. The committee appealed the decision and the amendments were moved and voted upon. Mr. Richards stated that the amendments improperly adopted in committee should instead be introduced at the report stage. The Speaker determined that CHPC had exceeded its authority by voting on amendments that had been moved after the five hours of proceedings allowed by the motion and ruled that certain inadmissible amendments adopted by the committee be declared null and void and withdrawn from the bill as reported to the House and that the bill is reprinted accordingly. On June 21, 2021, a motion to dispose of Bill C-10, Government Business N<sup>o</sup>. 10, was adopted. As per the order, the House proceeded to report stage and the House adopted Bill C-10 at third reading.

### Truth, Reconciliation, and the Rights of Indigenous Peoples

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In June 2021, three government bills relating to the rights of Indigenous peoples received Royal Assent. C-5 sponsored by the Minister of Canadian Heritage **Steven Guilbeault** (Laurier—Sainte-Marie) formally establishes a federal holiday to be observed on September 30 as the National Day for Truth and Reconciliation. C-15 sponsored by Minister of Justice **David Lametti** (LaSalle—Émard—Verdun), provides that the Government of Canada must take all measures necessary to ensure that the laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples. The Minister of Immigration, Refugees and Citizenship **Marco Mendicino** (Eglinton—Lawrence) sponsored C-8, prompted by the Truth and Reconciliation Commission’s call to action 94, which amends the *Citizenship Act* to include, in the Oath or Affirmation of Citizenship, a solemn promise to respect the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples.

### Committees

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Pursuant to subsection 5(1) of *An Act to amend the Criminal Code (medical assistance in dying)*, the House adopted a motion on April 16, 2021, to establish the Special Joint Committee on Medical Assistance in Dying, composed of five senators and of 10 members.

On May 26, 2021, the House adopted a motion moved by **Kristy Duncan** (Etobicoke North) under Private Members’ Business. The motion sought the creation of a new Standing Committee on Science and Research, effective in the 44<sup>th</sup> Parliament.

On May 27, 2021, the Minister of Canadian Heritage, Mr. Guilbeault (Laurier—Sainte-Marie) tabled the Certificate of Nomination and biographical notes of **Daniel Therrien** for his reappointment to the position of Privacy Commissioner. Pursuant to Standing Order 111.1(1), the nomination was referred to the Standing Committee on Access to Information, Privacy and Ethics. On June 3, 2021, the reappointment was adopted on division.

### **Financial procedures**

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On Monday, April 19, 2021, the House considered the ways and means motion N<sup>o</sup>. 2 for the budget presentation. This comes after more than two years since the last budget presentation in the House (Budget 2019 was tabled on March 19, 2019). The fourth and final day for the budget debate took place on April 26, 2021, and the main motion was adopted.

Pursuant to Standing Order 83(4) and 69(1), on April 30, 2021, it was moved and agreed on recorded division that Bill C-30, *An Act to implement certain provisions of the budget tabled in the House on April 19, 2021*, be read the first time and ordered for a second reading at the next sitting of the house.

On May 3, 2021, pursuant to Standing Order 81(4)(a), the Leader of the Opposition, **Erin O'Toole** (Durham), moved a motion to refer to committees of the whole all votes of the Main Estimates for the fiscal year ending March 31, 2022, under Department of Finance and under Department of Foreign Affairs. It was adopted and all votes under both departments were deemed withdrawn from the standing committees to which they were originally referred. On May 28, 2021, pursuant to Standing Order 81(4)(b), the motion to extend the consideration by the Standing Committee on National Defence of all votes under the Department of National Defence in the main estimates beyond May 31, 2021, was deemed adopted.

On May 26, 2021, the House resolved itself into a committee of the whole for the consideration of all votes under the Department of Finance in the Main Estimates for the fiscal year ending on March 31, 2022; the votes were deemed reported. On June 17, President of the Treasury Board **Jean-Yves Duclos** (Québec) moved that the Main Estimates for the fiscal year ending March 31, 2022, be concurred in.

On June 23, 2021, the House's final sitting day prior to summer recess, the House deemed the Budget Implementation Act, 2021, N<sup>o</sup>. 1 adopted at third reading.

### **Private Members' Business**

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Reinstated from the previous session, Bill C-237 *An Act to establish a national framework for diabetes*, sponsored by **Sonia Sidhu** (Brampton South), was adopted at third reading on June 2, 2021.

Bill C-228 – *An Act to establish a federal framework to reduce recidivism*, sponsored by **Richard Bragdon** (Tobique—Mactaquac), was adopted on recorded division by the House on May 5, 2021.

Bill C-220 – *An Act to amend the Canada Labour Code (bereavement leave)*, sponsored by **Matt Jeneroux** (Edmonton Riverbend), was reinstated from the previous session. The Bill was adopted by the House on May 12, 2021.

This quarter, Bills C-218 *An Act to amend the Criminal Code (sports betting)* sponsored by **Kevin Waugh** (Saskatoon—Grasswood), C-208 *An Act to amend the Income Tax Act (transfer of small business or family farm or fishing corporation)* sponsored by **Larry Maguire** (Brandon—Souris), C-206 – *An Act to amend the Greenhouse Gas Pollution Pricing Act (qualifying farming fuel)*, sponsored by **Philip Lawrence** (Northumberland—Peterborough South), and C-204 – *An Act to amend the Canadian Environmental Protection Act, 1999 (final disposal of plastic waste)*, sponsored by **Scot Davidson** (York—Simcoe) were all adopted by the House.

Bill C-210 – *An Act to amend the Canada Revenue Agency Act (organ and tissue donors)*, sponsored by **Len Webber** (Calgary Confederation), was adopted by the House. On June 6, 2021, C-210 received Royal Assent, coming into force immediately and authorizing the Canada Revenue Agency to enter into an agreement with a province or territory regarding the collection and disclosure of information required for establishing or maintaining an organ and tissue donor registry in the province or territory.

### **Other**

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#### *Retirements, Promotions and Party Affiliation*

On May 11, 2021, **Diane Finley** (Haldimand—Norfolk) rose to tender her resignation as a Member of the House effective immediately. She had initially signalled her intent to resign on November 26, 2020. Many Members rose to offer their thanks and good wishes.

On June 15, 2021, a take-note debate, on a motion moved by **Mark Gerretsen** (Kingston and the Islands) on June 3, allowed for Members not seeking election in the 44<sup>th</sup> Parliament to address the House. Resolved into a Committee of the Whole, nine members spoke before the House adjourned at 8:37 PM.

On June 10, 2021, **Jenica Atwin** (Fredericton) crossed the floor to join the Liberal caucus.

## Reflection

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On May 10, 2021, the Minister of Veterans Affairs and Associate Minister of National Defence, **Lawrence MacAulay** (Cardigan), made a statement noting that Volume II of the Book of Remembrance entitled *In the Service of Canada* was returned to the House. **Alex Ruff** (Bruce—Grey—Owen Sound), **Luc Désilets** (Rivière-des-Mille-Îles), New Democratic Party Leader **Jagmeet Singh** (Burnaby South) and Ms. **Atwin** (Fredericton) also made statements.

As the House debated several issues during this period, there were also a few moments of silence. On May 28, 2021, the House paused for reflection following the discovery of the unmarked graves of 215 children at the site of a former residential school in Kamloops, British Columbia. Over one week later, the House halted for a moment of silence following the murder of the Afzaal family in London, Ontario.

**Nellie Winters**

Table Research Branch



## The Senate

### Legislation

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On April 30, a message was brought from the House of Commons with Bill C-29, *An Act to provide for the resumption and continuation of operations at the Port of Montreal*, and with leave it was placed on the Orders of the Day for second reading later in the sitting. Following a Committee of the Whole on the subject matter of the bill, it was passed at second reading and at third reading, without amendment, and received Royal Assent by written declaration later that day.

On May 4, the Senate passed Bill S-223, *An Act respecting Kindness Week*, at third reading. Following the bill's adoption by the House of Commons later that month, it received Royal Assent by written declaration on June 3.

Bill C-14, *An Act to implement certain provisions of the economic statement tabled in Parliament on November 30, 2020 and other measures*, was adopted by the Senate at third reading, without amendment, on May 5.

On May 6, the Senate passed Bill C-3, *An Act to amend the Judges Act and the Criminal Code*, at third reading, without amendment. Also on May 6, the Senate passed Bill S-204, *An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs)*, and Bill S-205, *An Act to amend the Parliament of Canada Act (Parliamentary Visual Artist Laureate)*, at third reading. Later that day, Bill C-3 and Bill C-14 received Royal Assent by written declaration.

On June 1<sup>st</sup>, Bill S-4, *An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts*, was read a third time and passed. On June 3, the Senate passed Bill C-5, *An Act to amend the Bills of Exchange Act, the Interpretation Act*

and the Canada Labour Code (National Day for Truth and Reconciliation), at third reading, without amendment, and it received Royal Assent by written declaration later that day.

Bill C-210, *An Act to amend the Canada Revenue Agency Act (organ and tissue donors)*, was passed by the Senate at third reading, without amendment, on June 8. On June 10, the Senate passed Bill C-8, *An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94)*, at third reading, without amendment. On June 16, Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, was adopted by the Senate at third reading, without amendment. On June 17, Bill S-211, *An Act to establish International Mother Language Day*, and Bill S-222, *An Act to amend the Income Tax Act (use of resources)*, were read a third time and passed.

The following bills were passed by the Senate at third reading, without amendment, on June 21: Bill C-33, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2022*; Bill C-34, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2022*; Bill C-220, *An Act to amend the Canada Labour Code (bereavement leave)*; Bill C-228, *An Act to establish a federal framework to reduce recidivism*; and Bill C-237, *An Act to establish a national framework for diabetes*. Later that day, the following bills received Royal Assent by written declaration: Bill C-8, Bill C-15, Bill C-33, Bill C-34 and Bill C-210.

On June 22, the Senate passed Bill C-208, *An Act to amend the Income Tax Act (transfer of small business or family farm or fishing corporation)*, and Bill C-218, *An Act to amend the Criminal Code (sports betting)*, at third reading, without amendment.

On June 28, Bill S-203, *An Act to restrict young persons' online access to sexually explicit material*, was read a third time and passed. On June 29, the Senate passed Bill C-12, *An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050*, and Bill C-30, *An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures*, at third reading, without amendment. The following bills received Royal Assent by written declaration on June 29: Bill C-12, Bill C-30, Bill C-208, Bill C-218, Bill C-220, Bill C-228 and Bill C-237.

## Chamber and Procedure

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On April 20, the Senate adopted two motions of note, the first of which was to unite with the House of Commons to present a humble Address to Her Majesty the Queen expressing the Senate's condolences following the passing of His Royal Highness **Prince Philip**, Duke of Edinburgh.

The second motion appointed a Special Joint Committee of the Senate and the House of Commons to review the provisions of the *Criminal Code* relating to medical assistance in dying and their application, pursuant to *An Act to amend the Criminal Code (medical assistance in dying)* S.C. 2021, c. 2. The committee comprises five members of the Senate and ten members of the House of Commons, with one chair from each chamber. The motion authorized the committee to hold hybrid meetings or meetings entirely by videoconference and included several related provisions. The committee was organized on May 17.

On June 1, a motion was adopted by the Senate to approve the reappointment of **Daniel Therrien** as Privacy Commissioner, for a term of one year.

On June 23, the Senate adopted a motion stipulating conditions for sittings scheduled to occur on June 28 and 29. In addition, the motion extended, to the end of June 29, the provisions of previous orders or decisions concerning hybrid sittings of the Senate that were set to expire on June 23, and the provisions of the order of February 8 concerning seating, voting and speaking in the Senate Chamber.

## Committees of the Whole

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As mentioned above, a Committee of the Whole on the subject matter of Bill C-29, *An Act to provide for the resumption and continuation of operations at the Port of Montreal*, was held on April 30. Representatives of the Syndicat des débardeurs du port de Montréal – Canadian Union of Public Employees (CUPE 375) and the Maritime Employers Association, as well as **Filomena Tassi**, Minister of Labour, and **Omar Alghabra**, Minister of Transport, each accompanied by officials, appeared as witnesses.

On May 27, the Senate resolved into a Committee of the Whole to consider the subject matter of Bill S-4, *An Act to amend the Parliament of Canada Act* and to make consequential and related amendments to other Acts. **Dominic Leblanc**, President of the



Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, accompanied by officials, appeared as witnesses.

On June 3, the Senate resolved into a Committee of the Whole to consider the subject matter of Bill C-5, *An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation)*. **Steven Guilbeault**, Minister of Canadian Heritage, accompanied by officials, appeared.

The Senate again resolved into a Committee of the Whole on June 10 to consider the subject matter of Bill C-8, *An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94)*, as well as other matters related to the responsibilities of the Minister of Immigration, Refugees and Citizenship. **Marco Mendicino**, Minister of Immigration, Refugees and Citizenship, accompanied by officials, appeared as a witness.

### **Speaker's Rulings and Statements**

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On June 3, rulings were delivered on three points of order raised during the sitting. The first point of order was raised by Senator **Mary Jane McCallum** in relation to orders of reference to committees. The senators who spoke to it were largely in agreement and the Speaker confirmed that the Senate is the ultimate authority in terms of giving instructions to its committees.

The second point of order was raised by Senator **Donald Plett** with respect to the voting process. The Speaker pro tempore, ruled that a senator who did not vote when senators names were called and sought to register their vote afterward would require leave of the Senate.

The third point of order was raised by Senator **Lucie Moncion** concerning motions to adjourn the Senate. The Speaker pro tempore ruled that, pursuant to rule 5-13(2), a senator cannot move the adjournment of the Senate unless already engaged in debate on an item that has been called.

On June 17, the Speaker ruled on a point of order raised by Senator Plett on May 6 concerning a written notice of a question of privilege. The latter was troubled by the content of the written notice and that it seemed to impugn his motives. However, as the notice was withdrawn, its content was not reflected in either the *Journals of the Senate* or the *Debates of the*

*Senate*. The Speaker felt restricted in dealing with such an ephemeral document that never came before the house, and which colleagues never had the chance to debate and consider. Nevertheless, given the content of the notice, the Speaker reminded all colleagues of the importance of restraint and prudence. He also stated that senators should avoid being unduly harsh in their comments and should never impugn the motives of colleagues.

On June 29, the Speaker ruled on a point of order raised the previous day by Senator Plett with respect to the question being put on motion. On June 28, after Senator **Leo Housakos** exercised the right of final reply in relation to his motion, some senators were not entirely clear as to whether the Speaker was asking to dispense with reading out the motion in full or putting the question on the main motion. Some senators participating remotely in the hybrid sitting faced technical challenges at the time, while some in the Senate Chamber also expressed a level of misunderstanding as to what had occurred. The Speaker ruled that, given the particular circumstances, the process of putting the question on the motion was incomplete and the Senate would immediately proceed to vote on it in an orderly manner.

It may also be noted that the issue of the use of Indigenous symbols arose during proceedings on June 10, and the Speaker has invited the Standing Committee on Rules, Procedures and the Rights of Parliament to review the issue.

### **Committees**

On April 20, four committees presented their reports on bills. The Standing Senate Committee on Legal and Constitutional Affairs presented its fifth report, on Bill C-3, *An Act to amend the Judges Act and the Criminal Code*, without amendment but with certain observations appended to the report. The Standing Senate Committee on Social Affairs, Science and Technology presented its second and third reports, on Bills S-205 and S-223, respectively, without amendment but with certain observations appended to the reports. The Standing Senate Committee on Human Rights presented its second report, on Bill S-204, *An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs)*, without amendment. These four bills were placed on the Orders of the Day for third reading at the next sitting. In addition, the Standing Committee on Ethics and Conflict of Interest for Senators presented its second report,

entitled *Consideration of matters relating to the Ethics and Conflict of Interest Code for Senators*, regarding amendments to the Code in relation to the *Senate Harassment and Violence Prevention Policy*. The report was placed on the Orders of the Day for consideration at the next sitting.

On May 4, the Standing Senate Committee on National Finance presented its fourth report, on Bill C-14, *An Act to implement certain provisions of the economic statement tabled in Parliament on November 30, 2020 and other measures*, without amendment. The bill was placed on the Orders of the Day for third reading at the next sitting. On May 27, the Standing Senate Committee on Foreign Affairs and International Trade tabled its third report, entitled *Subject matter of Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures*.

On June 1, the Standing Committee on Audit and Oversight presented its fourth report entitled *Intersessional Authority*, which was placed on the Orders of the Day for consideration at the next sitting and adopted on June 3. The Standing Senate Committee on Aboriginal Peoples tabled its second report, entitled *Subject matter of Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures*.

On June 2, the Standing Senate Committee on Legal and Constitutional Affairs tabled its sixth report, entitled *Subject matter of Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures*. The Standing Committee on Ethics and Conflict of Interest for Senators presented its third report, entitled *Consideration of matters relating to the Ethics and Conflict of Interest Code for Senators*, recommending amendments to the Code.

On June 3, the Standing Senate Committee on Human Rights tabled its third report, entitled *Forced and Coerced Sterilization of Persons in Canada*, which was placed on the Orders of the Day for consideration at the next sitting. A motion to adopt the report and request a government response was adopted on June 22. The Standing Senate Committee on Social Affairs, Science and Technology presented its fourth report, on Bill C-210, *An Act to amend the Canada Revenue Agency Act (organ and tissue donors)*, without amendment. The bill was placed on the Orders of the Day for third at the next sitting. The Standing Senate Committee on Banking, Trade and Commerce tabled its second report entitled *Subject matter of Bill C-30, An*

*Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures*.

On June 8, the Standing Senate Committee on Banking, Trade and Commerce presented its third report, on Bill C-218, *An Act to amend the Criminal Code (sports betting)*, without amendment but with certain observations, which were appended to the report. The bill was placed on the Orders of the Day for third reading at the next sitting. The Standing Committee on Audit and Oversight presented its fifth report, entitled *Nomination of External Members*. With leave of the Senate, the report was considered at the start of the Orders of the Day and was adopted at that time.

On June 9, the Standing Senate Committee on National Finance presented its fifth report, on Bill S-222, *An Act to amend the Income Tax Act (use of resources)*, without amendment. The bill was placed on the Orders of the Day for third reading at the next sitting.

On June 10, the Standing Senate Committee on Aboriginal Peoples presented its third report, on Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, without amendment but with observations. With leave of the Senate, the bill was placed on the Orders of the Day for third reading later that day. The Standing Senate Committee on Agriculture and Forestry presented its second report, on Bill C-208, *An Act to amend the Income Tax Act (transfer of small business or family farm or fishing corporation)*, without amendment. The bill was placed on the Orders of the Day for third reading at the next sitting.

On June 15, the Standing Senate Committee on Social Affairs, Science and Technology tabled its sixth report, entitled *The implementation and success of a federal framework on post-traumatic stress disorder (PTSD) by the Government of Canada*. The committee also presented its seventh, eighth and ninth reports, on Bill C-220, *An Act to amend the Canada Labour Code (bereavement leave)*, Bill S-211, *An Act to establish International Mother Language Day*, and Bill C-237, *An Act to establish a national framework for diabetes*, respectively, all without amendment. The three bills were placed on the Orders of the Day for third reading at the next sitting.

The Standing Senate Committee on Legal and Constitutional Affairs presented its seventh report, on Bill S-203, *An Act to restrict young persons' online access to sexually explicit material*, with amendments.

The report was placed on the Orders of the Day for consideration at the next sitting and was adopted on June 21. The Standing Senate Committee on National Security and Defence presented its second report, on Bill C-228, *An Act to establish a federal framework to reduce recidivism*, without amendment but with certain observations, which were appended to the report. The bill was placed on the Orders of the Day for third reading at the next sitting.

On June 16, the Standing Senate Committee on Human Rights tabled its fourth report, entitled *Human Rights of Federally-Sentenced Persons*. The report was placed on the Orders of the Day for consideration at the next sitting. A motion to adopt the report and request a government response was adopted on June 23.

On June 17, the Standing Senate Committee on National Finance tabled its sixth report, entitled *The expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2022*. The Standing Senate Committee on Social Affairs, Science and Technology presented its tenth report, on Bill S-230, *An Act to amend the Citizenship Act (granting citizenship to certain Canadians)*, without amendment. The bill was placed on the Orders of the Day for third reading at the next sitting.

On June 22, the Standing Senate Committee on Energy, the Environment and Natural Resources tabled its third report, entitled *Subject matter of Bill C-12, An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050*. The report was placed on the Orders of the Day for consideration at the next sitting.

### Retiring Senators

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Senator **Michael Duffy** retired from the Senate on May 26, 2021. He was appointed to the Senate on January 2, 2009, on the advice of Prime Minister **Stephen Harper** and represented the province of Prince Edward Island. Prior to joining the Senate, for over 40 years he was a broadcast journalist, political commentator, and reporter with several media outlets. Senator Duffy served on several committees during his time at the Senate, including the Standing Senate Committee on Transport and Communications, the Standing Senate Committee on National Security and Defence, and the Standing Senate Committee on Foreign Affairs and International Trade.

**Max Hollins**  
Procedural Clerk

# *NWT Makes History... Again: Women MLAs form majority*

On October 1, 2019, a general election in the Northwest Territories ushered in a profound change to the make-up of its Legislative Assembly. Prior to the election, just two of the territory's 18 MLAs were women. After a determined campaign to encourage more women to become involved in territorial politics, nine women were elected along with 10 men in the newly reconfigured 19-member assembly. NWT had gone from having the lowest proportion of women parliamentarians in an assembly to the highest and virtually achieving gender parity. A 2021 by-election has brought women MLAs to a majority position in the assembly. In this article, the author recounts the events leading up to this historic moment.

## **Will Stos**

The Northwest Territories has been called a trailblazer in terms of diversity and representation. Since responsible government returned in 1983, a majority of its MLAs and premiers have been Indigenous. Nellie Cournoyea became the Canada's first Indigenous woman premier and only the second woman premier in the country in 1991.

However, despite Cournoyea's early success, rarely have more than 10 per cent of territory's MLAs been women; and, on the eve of its most recent general election in 2019, the jurisdiction had the lowest proportion of women parliamentarians in the country. The territory's MLAs were well aware of how it was lagging in terms of parliamentary gender equity.

The 18th Legislative Assembly of the Northwest Territories made "supporting initiatives designed to increase the number of women running for elected office" one of its priorities. The members of the Assembly unanimously adopted a motion on March 8, 2018 that set a goal of increasing the representation of women in the chamber to 20 per cent by 2023 and by 30 per cent by 2027.

A special committee of MLAs chaired by Julie Green was formed in October 2018 to research and recommend ways to achieve this goal. Some ideas proposed in the committee's interim report and endorsed by the Assembly included: making child

care an allowable election expense and an eligible expense from constituency work allowances, creating a four-month parental leave for MLAs, making family-friendly changes to the legislative building, and providing more funding for campaign schools.

A recommendation for "special temporary measures" that would have guaranteed a minimum number of women MLAs was ultimately rejected over fears of the appearance tokenism, but the committee supported revisiting the idea if the 2019 election did not bring about positive change in terms of women's representation.<sup>1</sup>

The publicity generated by the committee prompted many women to become engaged in the discussion and debate over representation and encouraged some to put themselves forward as candidates or work on behalf of other candidates.

The result was staggering. The Northwest Territories went from having the lowest proportion of elected women parliamentarians in a Canadian Assembly to the highest. The non-partisan Assembly elected a majority of women MLAs to its six-member cabinet and a woman was elected premier. When Jane Weyallon Armstrong was elected as the first woman MLA for Monfwi in a 2021 by-election, the Northwest Territories became the first jurisdiction in Canada where women constituted a majority in an elected assembly.

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*Will Stos is Editor of the Canadian Parliamentary Review.*



deciding to run, "gender never came into my mind." She said. "I went in there with good intentions, with a good heart.... I want to do good work for my people."<sup>2</sup>

Weyallon Armstrong did hear about the nature of her historic candidacy when campaigning, however. "A lot of people said ... that we need a woman there. A woman's view is very important."



Notes

- 1 Julie Green. "Women Achieve Parity in NWT Legislative Assembly Without Guaranteed Seats." *Canadian Parliamentary Review* 42:4, 2019. URL: <http://www.revparlcan.ca/en/women-achieve-parity-in-nwt-legislative-assembly-without-guaranteed-seats/>
- 2 Sara Minogue. "'Gender Never Came Into My Mind,' Says Woman Who Brought N.W.T. Legislature to Canada's 1st Female Majority." *CBC News*, July 29, 2021. URL: <https://www.cbc.ca/news/canada/north/nwt-mla-female-majority-reaction-1.6121722>



