

# Canadian Parliamentary Review



Volume 44, No. 4

*Governing by Time Allocation*  
**1971-2021**

# *Parliamentary Relatives:*

## *A Quebec political dynasty: the David family*

Few families fit the definition of a “political dynasty” better than the David family. For over 100 years now, the family has left their mark on Quebec and Canadian politics.

Laurent-Olivier David (1840–1926), a lawyer and newspaper editor, was elected as the Liberal member of the Legislative Assembly of Quebec for Montreal East in 1886. He did not seek re-election in 1890. Laurent-Olivier was defeated in Montreal East in the 1891 federal election and in Napierville in the 1892 provincial election. Appointed as senator for the senatorial division of Mille-Isles in 1903, Laurent-Olivier remained in office until his death.



Laurent-Olivier David



Athanase David

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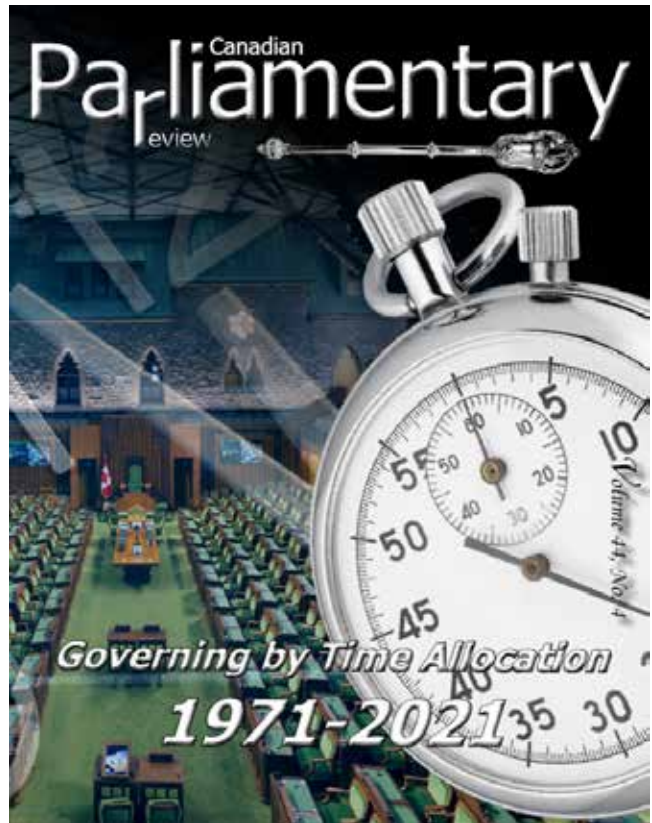
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**Hélène David**

His son, Athanase David (1882–1953), also had a long political career. Elected the Liberal MLA for Terrebonne in 1916, he served as provincial secretary in the cabinets of premiers Lomer Gouin and Louis-Alexandre Taschereau from 1919 to 1936. After a three-year break, Athanase was re-elected in Terrebonne in 1939. He resigned the following year after being appointed as senator for the senatorial division of Sorel.

Other members of Athanase David's family were active in politics. His brother-in-law, Louis-Joseph Lemieux (1869–1952), was the Liberal MLA for Gaspé from 1904 to 1910. His son in law, Jean Raymond (1907–1970), was the legislative councillor for the division of Rigaud between 1960 and 1968. His son, Paul David (1919–1999), a cardiologist, was appointed as a senator by Brian Mulroney in 1985 after a distinguished career in medicine.



**Françoise David**

A fourth generation of the David family also left its mark on Quebec politics. One of Paul David's daughters, Françoise David, first became known for her involvement in the labour and feminist movement before being elected as co-spokesperson for Québec solidaire in 2006. After being defeated as the party's candidate for the riding of Gouin in 2007 and 2008, Françoise was elected in 2012. She sat in the National Assembly for five years until her resignation in 2017.

Her younger sister, Hélène David, ran as the Liberal candidate in the riding of Outremont in 2014. Elected as an MNA, she played a number of roles in Philippe Couillard's government. Re-elected as the Liberal MNA for the riding of Marguerite-Bourgeoys in the general election of October 1, 2018, Hélène currently sits in the National Assembly.

**Mathieu Houle-Courcelles**

Analyst, Research Service,  
Library of the National Assembly of Quebec

# *Governing by Time Allocation: The Increasing Use of Time Allocation in the House of Commons, 1971 to 2021*

In its Winter 2000–2001 issue, the *Canadian Parliamentary Review* published the first study on the use of Standing Order 78 (commonly known as “time allocation”) in the House of Commons. “Silencing Parliamentary Democracy or Effective Time Management? Time Allocation in the House of Commons” chronicles the use of time allocation between December 1971 and June 2000. This article by the same author provides an update on the use of time allocation in the two subsequent decades, thus covering the periods from the 28th Parliament (1968–1971) to the 43rd Parliament (2019–2021).

**Yves Y. Pelletier**

The centralization of political powers in the hands of senior staffers within the Office of the Prime Minister and central agencies of the federal government cannot alone account for the reduction in the legislative role of Canadian Parliamentarians. In fact, changes to the Standing Orders of the House of Commons by its members over the years have limited the opportunities of private members to influence the final wording of government bills. With growing intervention by the Government of Canada in the post-war economy, the amount of government organizations, initiatives and measures increased rapidly, adding to the work of the House. Accordingly, it became necessary to set up mechanisms to manage the time allocated to debate each government bill, so that a final decision could be made in a reasonable period. A balance had to be struck between the right to speak for an appropriate length of time and Parliament’s right to reach decisions. Since the use of closure upset this balance, the House of Commons adopted a new procedure (or Standing Orders) in 1971 whereby a fixed period could be allocated for debate. By 2001, there had been 150 time allocation motions adopted by the House of Commons. In the following two decades, that number had more than doubled, reaching 331 adopted time allocation

motions by the end of the 43rd Parliament (J. Trudeau, 2019-2021). This article examines the use of time allocation motions and determines which Parliaments, from the 28th Parliament (P. Trudeau, 1968-1972) to the 43rd Parliament (J. Trudeau, 2019-2021), have made most frequent use of this Standing Order, and comparing its use to the number of seats held by the government, sitting days and bills introduced and passed in each Parliament.

## **Towards Time Allocation**

The passage of a bill in 1956 on public funding for a pipeline by a company partly owned by American interests set a precedent in the history of Canada’s Parliament. The St-Laurent government, using its majority in the House of Commons and imposing closure at each stage of the bill, ensured its passage in less than fifteen days. Finding his right to speak denied at each stage of the bill, Conservative MP Donald Fleming said: “The Canadian House of Commons has been gagged and fettered in this debate by a despotic government. You [the government] are jeopardizing the institutions that have proven themselves the bastions of democratic freedom and destroying the rights of the minority in the House. This stratagem was not given birth in any democratic mentality.”<sup>1</sup> The passage of this bill, and the vigorous reaction of opposition MPs and the public, gave rise to longstanding resentment over the use of closure. Furthermore, the Pearson government’s decision to apply closure to the debate on the Canadian flag in 1964 reinforced the need to pass a new means of time management less stringent than closure.

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*Yves Y. Pelletier received his PhD in Canadian History from Queen’s University. He is currently Associate Vice-President, Francophonie at the University of Ottawa. He gratefully acknowledges the Table Clerks at the House of Commons for providing the raw data on the use of time allocation in the House of Commons.*

Between 1964 and 1969, the House of Commons modernized its Standing Orders by adopting new rules for a trial period to find another way to manage the time of the House of Commons. Several procedural committees examined the question, but in the absence of a unanimous decision, they all agreed that the Standing Orders of the House of Commons could not be amended without unanimous consent. In June 1969, during the 28<sup>th</sup> Parliament (P. Trudeau, 1968-1972), the government majority on a newly created procedure committee proposed three new ways to apply time allocation to debates in the House. Standing Order 78 (1) would permit the allocation of a specified period of time when “there is agreement among the representatives of all parties”; Standing Order 78 (2) would apply when “a majority of the representatives of several parties have come to an agreement in respect of a proposed allotment of days or hours”; and Standing Order 78 (3), the most contentious of the three, would permit, “[when no] agreement could be reached under the provisions of Standing Order 78 (1) or 78 (2), that a minister of the Crown [may] propose a motion for allotting time.”<sup>2</sup> Although the opposition parties endorsed the first two recommendations of the report, Standing Order 78 (3) was passed by the committee after a vote pitting government and opposition MPs against each other, with Standing Order 78 (3) becoming the will of the government only.

Following a long debate and just one day before the House of Commons rose for the summer 1969 recess, the Trudeau government invoked closure on the debate. In response to this motion, the Leader of the Progressive Conservative Party, Robert Stanfield, said:

The use of closure to force through rule changes, which are opposed by every member of the opposition, is, of course, an aggravation, and the use of this method of forcing through rules is so completely foreign to the traditions of this House as to constitute a breach of privilege. If the rules can be changed in these circumstances, and if closure can be resorted to in order to implement these rule changes, and can be used so as to alter fundamentally the very nature and role of the House of Commons, then we are in a very sorry state indeed in so far as democracy and freedom are concerned.<sup>3</sup>

During this brief debate, the opposition members argued as one that parliamentary procedure should give all parties equal privilege in a limited debate and that amendments to Standing Orders should be based

on a consensus. In the defence of his government’s actions, Trudeau listed the parliamentary reforms his government had put in place since 1968, such as the funding of a research service for the opposition and the institution of supply days. “Are these the acts of a government which is seeking to muzzle the opposition?” Trudeau wondered, in the context of replacing a measure that was precarious and at times inefficient.<sup>4</sup> Despite a last-ditch attempt by the opposition to send Standing Order 78 (3) back to the committee with instructions to change it, the House of Commons passed it on July 24, 1969. At 1:50am, after a full day of debate, the House of Commons agreed to adopt the report of the procedure committee in a vote of 142 to 84. Ironically, the time allocation measure was passed by using a closure motion, the very procedure it was intended to replace.<sup>5</sup>

### **The First Use of Standing Order 78**

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An important precedent was set in the December 1, 1971, proceedings of the House of Commons with the presentation of the first time allocation motion. Under study was Bill C-259, *The Income Tax Act*, a voluminous tax bill of 707 pages, together with the 97 amendments proposed by the opposition, that was debated in the committee of the whole for over 25 days. On December 2 and 14, 1971, the House of Commons voted on two time allocation motions under Standing Order 78 (3), imposing a period of four days to complete debate in the committee of the whole and three days at third reading of the bill. The President of the Privy Council, Allan MacEachen, and the Minister of Justice, John Turner, supported the use of this rule to enable the government to assume its responsibilities and the House to assume its own by deciding on the bill.

For its part, the opposition described the use of the controversial Standing Order 78 (3) as anti-democratic, an adventure into the unknown, because of the “dangers, shoals and reefs of Standing Order 78”.<sup>6</sup> In arguing its disapproval, the opposition vigorously attacked the Trudeau government on a number of fronts. First, the government had promised that, despite the imposition of closure to ensure the passage of the time allocation rule, this measure would never be implemented. Second, the opposition rejected the government’s statement that the bill had been studied for months, indeed years, and a bill that had foiled tax experts warranted even longer study by MPs. Third, as the result of a number of reports criticizing the content of the bill, Stanfield believed that the use of Standing Order 78 (3) was a tactic “to save the political face of the Prime Minister and the Minister of Finance.”<sup>7</sup> The

opposition feared that “If, some day, Canada should live under a government with more pronounced dictatorial ideas, then, our parliamentary system might be ruined.”<sup>8</sup> In fact, it was argued that, if this motion meant the slow but gradual decay of Parliament, “the Commons will no longer represent a forum for public debate but will flounder and disintegrate as an anachronistic tower of Babel, scorned by the Canadian people.”<sup>9</sup>

Along with the opposition in the House, journalists also recognized the importance of this debate. From the *Globe and Mail* to the *Ottawa Citizen*, from the *Montreal Gazette* to *Le Droit*, the initial imposition of time allocation made headlines. All of them considered this initial use of time allocation to be closure and compared it to a guillotine or imposition by force. Despite strong political and media opposition, the government majority easily passed the two time allocation motions and enabled the House of Commons to pass the bill before the Christmas holidays. Despite the assurance of the President of the Privy Council that “what is occurring now would not constitute a precedent,” every subsequent government has made use of this rule in managing the time of its legislative agenda. In every case, the opposition used the same arguments to show the government it could not make Canada’s Parliament its instrument or manipulate it for its own ends.

### **By consensus: Standing Order 78 (1)**

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Under Standing Order 78 (1), the House can quickly pass many bills in the case of non-controversial bills, hold an emergency debate, or reach a decision. However, many bills can be passed quickly with the consensus of the parties, without invoking time allocation, as was the case with Bill C-37 of the second session of the 36<sup>th</sup> Parliament, a bill to change MPs’ pension plan, which the House of Commons passed in under two days. Since 1971, 10 motions of time allocation have been passed pursuant to Standing Order 78 (1). With this rule, the report stage and third reading of the bill on reforms to the *Canada Elections Act* (1993) took only 21 minutes, that is, six minutes for the report stage and 15 minutes for third reading. In addition, unanimous consent of the House permitted the passage of the bill to create the territory of Nunavut in one hour and 45 minutes and the official adoption of Canada’s national anthem in a single day. The adoption of a comprehensive bill on the status and use of Canada’s Official Languages in 1988 was limited to two hours at the report stage and third reading, with the consent of MPs.

In addition, political parties have used this approach to force a debate on urgent matters, including the impact of national or regional strikes on Canada’s economy. By way of example, the Chrétien government introduced a law obliging the Pacific coast ports to reopen barely 15 hours after a strike was called. The Reform Party and the Bloc Québécois agreed to the use of Standing Order 78 (1) to debate the pressing problem of labour relations on the west coast on the same day. However, MP Gilles Duceppe, speaking for his party, criticized this special legislation, which questioned the right to strike only 15 hours after it was declared. At the end of the day, no recorded division was required by the presence of a minimum of five members standing up to be counted, and the bill was passed. Accordingly, the Bloc Québécois acknowledged the impact of the walkout on the economy of Western Canada and permitted the passage of the bill.

In the past 25 years, there was only one Standing Order 78 (1) motion introduced. Conservative MP and Government House Leader Peter Van Loan had the consensus of the members of the House of Commons, to pass Bill C-3, *Supporting Vulnerable Seniors and Strengthening Canada’s Economy Act*, with no more than one sitting day allotted at second reading, and 1.5 hours allotted at report stage and third reading. This bill implemented key sections of the Conservative Party’s Economic Action Plan, including up to \$600 per year for single seniors and \$840 per year for couples to more than 680,000 seniors experiencing financial difficulty, alongside \$1 billion in additional transfers to the provinces and territories.<sup>10</sup>

### **With the Agreement of the Majority: Standing Order 78 (2)**

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Although the Standing Orders of the House of Commons were modified in 1971, the first use of Standing Order 78 (2)—which allows a majority of parties in the House of Commons to approve its use—was on June 21, 1994. During the 35<sup>th</sup> Parliament (Chrétien, 1993-1997), there were only three recognized parties in the House of Commons—the governing Liberals, the Bloc Québécois and the Reform Party—and thus only one of the two minority parties needed to consent to adopt a Standing Order 78 (2) time allocation motion. On that day, the Liberal Government introduced three motions to limit debate, with only MPs from the Reform Party objecting. The debate on C-33, *Yukon First Nations Self-Government Act*, C-32, *Excise Tax Act*, and C-35, the creation of the Department of Citizenship and Immigration were allotted no more than one hour for the report stage and third reading.

After the passage of the first Standing Order 78 (2) motion, Reform MP Ken Epp stood on a point of order, asking how Standing Order 78 can be used as it states “explicitly that there is agreement among the representatives of all parties. I submit that this action is not correct because we are still a party notwithstanding what is thought here and therefore this motion is not appropriate.”<sup>11</sup> The Deputy Speaker thus had the opportunity of speaking to the valid use of Standing Order 78 (2) where a majority of parties agreed (the Liberals and the Bloc Québécois) to the motion.

In the remaining years of the 35<sup>th</sup> Parliament, there were another seven Standing Order 78 (2) motions. The Bloc Québécois again supported the government’s use of this rule in limiting debate on several bills, including the firearms bill, which provoked heated debate. Nevertheless, the Liberal Party did get support from the Reform Party, despite its description of time allocation as a threat to parliamentary supremacy, on three occasions. In fewer than nine hours, with the Reform Party’s support, legislation was enacted to put an end to the strike in the rail transport sector in 1995. Perceiving this special legislation to be a measure that “denies both the right to strike and the right to negotiate,” the Bloc Québécois opposed it, preferring to have the government act on the recommendations of the report by Commissioner Allan Hope, a mediator the government itself had appointed the preceding year to advise it on the situation. The government ignored the recommendations of the report, tabled in early February 1995, and imposed an end to the strike according to its own conditions.

During the 38<sup>th</sup> Parliament (P. Martin, 2004-2006) – a minority government – there were two uses of Standing Order 78 (2), the first dealing with providing funds to the Minister of Finance for the management of the country, the other dealing with extending the legal capacity for marriage for civil purposes to same-sex couples. In both examples, the Bloc Québécois and the NDP supported the government to limit the debate in the House of Commons, with the Conservative Party opposing. There were also examples of the use of Standing Order 78 (2) during the 42<sup>nd</sup> Parliament (J. Trudeau, 2015-2019). In 2017, the NDP supported the government to limit debate on amendments to the Controlled Drugs Act while the Conservatives supported the government in 2018 on the adoption of the Trans-Pacific Partnership among 11 countries, including Canada.

In total, during this 50-year period, there were 19 motions approved by the House of Commons using Standing Order 78 (2) where a majority of parties agree to limit the time for debate on government bills.

### **Silencing the Opposition: Standing Order 78 (3)**

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Over the past 50 years since the adoption of the new rule of procedures of the House of Commons, the various governments have imposed time allocation motions 331 times. It has become standard practice for a government to impose time allocation, especially when the legislative measures may lead to major disagreements. Over the past 50 years, federal governments have each used this order for bills involving a social issue or a contentious national debate. For example, controversy over the free trade agreements, rights accorded to gays and lesbians, the *Clarity Act* (2000) and the Nisga’a treaty were reduced in the House somewhat by limiting debate. The National Energy Program (1981), the end of a postal strike (1983), the privatization of Petro-Canada (1990), the introduction of the GST (1991), the construction of the Confederation Bridge (1993) and the amendment of the *Canada Elections Act* (2000) are other examples of controversial bills passed more quickly as the result of time allocation. In addition, many bills on financial matters, including amendments to income and excise taxes and provincial transfers, were passed more easily thanks to this Standing Order. The number of time allocation motions presented under Standing Order 78 (3) permits an analysis of its use by each Parliament from the 28<sup>th</sup> to the 43<sup>rd</sup> Parliaments.

### **A Review of the Use of Time Allocation Over the Past 50 Years**

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In the original study, which covered the period from December 1971 when time allocation was first used in the House of Commons to June 2001, time allocation motions were adopted 150 times. In the following two decades, from 2001 to the dissolution of the 43<sup>rd</sup> Parliament on August 15, 2021, there were an additional 181 votes on time allocation. In total, 331 time allocation motions have been adopted by the House of Commons in the first 50 years since this Standing Order was adopted by the House of Commons (Table 1). Of these motions, 302 were adopted using Standing Order 78 (3), while another 29 motions were adopted with some level of consent of the other parties in the House of Commons—10 using Standing Order 78 (1) and 19 using Standing Order 78 (2).



**Table 1:**  
**The Use of Time Allocation in the House of Commons from the 28<sup>th</sup> Parliament to the end of the 43<sup>rd</sup> Parliament**

Parliament (Years) Prime Minister	Seats in the House of Com- mons <sup>A</sup> Maj. (+) /Min. (-)	Adopted Time Allocation <sup>B</sup>				# of Sitting Days <sup>C</sup> [(78 (3)/ Sitting Days (%)]	# of Govern- ment Bills Introduced <sup>D</sup> [(78 (3)/Bills Introduced (%))	# of Government Bills Passed <sup>E</sup> ((78 (3)/ Bills Passed (%))
		Total	78 (1)	78 (2)	78 (3)			
28 (1968–1972) P. Trudeau	+44	3	1	0	2	688 (0.3%)	204 (1.0%)	157 (1.3%)
29 (1972–1974) P. Trudeau	-46	0	0	0	0	256 (0%)	89 (0%)	57 (0%)
30 (1974–1979) P. Trudeau	+18	14	3	0	11	767 (1.4%)	276 (4.0%)	176 (6.3%)
31 (1979) Clark	-10	1	0	0	1	49 (2.0%)	28 (3.6%)	6 (16.7%)
32 (1980–1984) Trudeau/Turner	+12	21	1	0	20	725 (2.8%)	228 (8.8%)	178 (11.2%)
33 (1984–1988) Mulroney	+140	18	1	0	17	698 (2.4%)	285 (6.0%)	233 (7.3%)
34 (1988–1993) Mulroney/ Campbell	+43	31	2	0	29	529 (5.5%)	234 (12.4%)	200 (14.5%)
35 (1993–1997) Chrétien	+59	31	1	10	20	442 (4.5%)	216 (9.3%)	152 (13.2%)
36 (1997–2000) Chrétien	+9	29	0	0	29	376 (7.7 %)	134 (21.6%)	95 (30.5%)
37 (2000–2004) Chrétien/Martin	+43	14	0	1	13	419 (3.1%)	220 (5.9%)	96 (13.5%)
38 (2004–2006) Martin	-38	2	0	2	0	159 (0%)	83 (0%)	46 (0%)
39 (2006–2008) Harper	-60	1	0	0	1	292 (0.3%)	127 (0.8%)	65 (1.5%)
40 (2008–2011) Harper	-22	3	0	0	3	290 (1.0%)	132 (2.3%)	59 (5.1%)
41 (2011–2015) Harper	+24	92	1	0	91	507 (17.9%)	140 (65.0%)	105 (86.7%)
42 (2015–2019) J. Trudeau	+30	65	0	6	59	442 (13.3%)	102 (57.8%)	83 (71.1%)
43 (2019–2021) J. Trudeau	-24	6	0	0	6	174 (3.4%)	56 (10.7%)	27 (22.2%)
Total		331	10	19	302			

Sources: A) Seats in the House of Commons are reported in Appendix 10 General Election Results Since 1867, House of Commons Procedures and Practice, Third Edition 2017; B) The list of time allocation motions in the House of Commons for early Parliaments was tabulated by the Tables Clerks of the House of Commons, who shared their files. The list of time allocation for more recent Parliaments was tabulated using the Status of House Business of the House of Commons for the 41<sup>st</sup> to 43<sup>rd</sup> Parliaments. See: <https://www.ourcommons.ca/DocumentViewer/en/43-2/house/status-business>. C) Number of sitting days in the House of Commons is reported in Appendix 11: Parliaments Since 1867 and Number of Sitting Days, in House of Commons Procedures and Practice, Third Edition 2017; for more recent years, see: <https://www.ourcommons.ca/DocumentViewer/en/43-2/house/status-business>. D) Table of legislation introduced and given Royal Assent by session provided by the Library of Parliament. This information for more recent Parliaments is available at: LEGISinfo, <https://www.parl.ca/LegisInfo/Home.aspx?Language=E&Mode=1&ParliamentSession=43-2>. All calculations are those of the author.

## A Tool for Majority Governments

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Despite the promises made by the President of the Privy Council in 1971 that no precedent would be created with its initial use, time allocation has become a common tool in the management of the time of each Parliament. The period covered in this article includes all 16 Parliaments since time allocation was introduced in the House of Commons, starting with the 28<sup>th</sup> Parliament (a majority government for Prime Minister Pierre Elliott Trudeau) and concluding with the dissolution of the 43<sup>rd</sup> Parliament (a minority government for Prime Minister Justin Trudeau) in August 2021. There is a mix of majority and minority governments during this period, including 10 majority governments under Prime Ministers P. Trudeau, Mulroney, Chrétien, Harper and J. Trudeau, and 6 minority governments under Prime Ministers P. Trudeau, Clark, Martin, Harper and J. Trudeau.

During the Parliaments with a minority government, the total amount of time allocations adopted by the House of Commons was 13. As such, minority governments represent only 4 per cent of all time allocation motions adopted by the House of Commons. Therefore, time allocation is a tool—either for effective time management or silencing the opposition or its own backbenches—used by Parliaments with majority governments.

During the past 50 years, there were 10 majority Parliaments. The largest use of time allocation motions in a single Parliament was during the 41<sup>st</sup> Parliament (Harper, 2011-2015), the only Parliament where Prime Minister Harper had a majority government. A total of 92 motions on time allocation were adopted by the House of Commons, all but one using Standing Order 78 (3). As such, this Parliament is responsible for 30.2 per cent of all Standing Order 78 (3) motions during this 50-year period, or 27.8 per cent of all Standing Order 78 motions.

The second-largest use of time allocation motions in a single Parliament was in the subsequent Parliament—42<sup>nd</sup> Parliament (J. Trudeau, 2015-2019)—where the Liberal majority government passed 65 motions on time allocation, with 59 being Standing Order 78 (3) motions. As such, the 42<sup>nd</sup> Parliament is responsible for 19.6 per cent of all Standing Order 78 (3) motions during this 50-year period, or 19.9 per cent of all Standing Order 78 motions.

In those 8 years, the 41<sup>st</sup> and the 42<sup>nd</sup> Parliaments are responsible for 47.4 per cent of all time allocation

motions during this 50-year period, or 49.4 per cent when removing those adopted under minority governments.

Beyond the 41<sup>st</sup> and 42<sup>nd</sup> Parliament, the use of time allocations motions was significantly more limited. In the 34<sup>th</sup> Parliament (Mulroney, 1988-1993), 31 time allocation motions were passed, with 29 being passed using Standing Order 78 (3). In comparison, during the 33<sup>rd</sup> Parliament (Mulroney, 1984-1988), only 18 time allocation motions were passed during Mulroney's first majority Parliament, with 17 being passed using Standing Order 78 (3). The same upward trend was seen during Prime Minister Chrétien's mandate with government imposing 29 Standing Order 78 (3) motions during his second majority Parliament (36<sup>th</sup> Parliament), while imposing 19 Standing Order 78 (3) motions during his first majority Parliament (35<sup>th</sup> Parliament).

Out of the 10 majority Parliaments during the last 50 years, these six majority Parliaments represent 74.9 per cent of all time allocation motions since this Standing Order was approved by the House of Commons.

The size of a parliamentary majority does not account for the frequency of time allocation motions. In the 33<sup>rd</sup> Parliament (Mulroney, 1984-1988), Canadians elected the Progressive Conservative Party under the leadership of Brian Mulroney with the largest parliamentary majority in the 20th century: 210 Conservative MPs compared to a total of 71 members from all other parties. Despite its overwhelming numbers in the House, the Mulroney government applied Standing Order 78 (3) 18 times. On the other hand, following its re-election in 1988, this time with a reduced majority of 43 seats, the Mulroney government made greater use of time allocation, with 31 motions on time allocation, including 29 Standing Order 78 (3) motions.

In comparison, the majority governments of Prime Minister Stephen Harper and Justin Trudeau in the 41<sup>st</sup> and 42<sup>nd</sup> Parliaments, respectively, were among the smaller majority governments. It is in those Parliaments that the greatest number of Standing Order 78 (3) motions were adopted. Thus, a large parliamentary majority does not determine the frequency of time allocation motions.

## Time Allocations by Bill Stage

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Table 2 breaks down the time allocation motions by bill stage. The data is presented for three time periods: the time frame of the original study (1971 to 2000,

**Table 2:  
Time Allocation Motions by Bill Stage**

Stage	Frequency (28 <sup>th</sup> to 36 <sup>th</sup> Parliaments)		Frequency (37 <sup>th</sup> to 43 <sup>rd</sup> Parliaments)		Frequency (28 <sup>th</sup> to 43 <sup>rd</sup> Parliaments)	
Second Reading	56	37.8%	80	43.7%	136	41.1%
Committee	3	2.0%	2	1.1%	5	1.5%
Third Reading	12	8.1%	23	12.6%	35	10.6%
Report and Third Reading	65	43.9%	62	33.9%	127	38.4%
All Stages, or 3 stages	3	2.0%	3	1.6%	6	1.8%
Committee of the Whole	6	4.1%	0	0.0%	6	1.8%
Senate Amendments	3	2.0%	13	7.1%	16	4.8%
Total	148	100.0%	183	100.0%	331	100.0%

representing the 28<sup>th</sup> to 36<sup>th</sup> Parliaments); the subsequent Parliaments (2001 to 2021, representing the 37<sup>th</sup> to 43<sup>rd</sup> Parliaments); and for the entire 50-year period. In the time frame of the original study, the most common use of time allocation motions was at the report and third reading, at 43.9%, followed by second reading at 37.8%. In the subsequent period (2000 to 2021), the most common use of time allocation was at second reading (43.7%), thus speeding up the government's efforts to forward to the bill to the respective government-dominated Standing Committee of the House of Commons, followed by the report and third reading or simply third reading, representing 33.9% and 12.6% respectively. A new trend emerges during the last 20 years – that is the use of time allocation to review Senate amendments. In this period, the Senate exerted additional independence from the partisan House of Commons, thus 13 time allocation motions were used to deal with Senate amendments to House of Commons bills.

In total, of the 331 time allocation motions adopted during this 50-year period, 41.1 per cent were used at second reading, 38.4 per cent at report and third reading, 10.6 per cent at third reading and 4.8 per cent at Senate amendments. It is at these stages that the House of Commons serves as a public forum to discuss the merits of a bill. When the government invokes time allocation, it limits debate and can easily silence the opposition in the House of Commons along

with its own backbenchers. At the other extreme, the government majority on each Commons' committee ensures that Cabinet can decide on the length of committee deliberations before forcing the bill's return to the House, without the need for time allocation. Similarly, the Prime Minister's choice of senators often ensures that only the senatorial amendments sought by the government reach the House of Commons. That trend was reversed with more "independent" appointment of Senators over the last 20 years.

#### **Increasing the Productivity of Majority Governments?**

Table 1 also provides additional data to compare the use of adopted time allocation motions with the number of sitting days of each Parliament as well as the number of government bills introduced and passed. Over the past 50 years, in those 10 majority Parliaments in particular, the number of sitting days has varied greatly from a high of 767 sitting days in the 30<sup>th</sup> Parliament (P. Trudeau, 1974–1979) to a low of 376 sitting days for the 36<sup>th</sup> Parliament (Chrétien, 1997–2000). Similarly, the number of government-introduced bills has ranged from a high of 285 in the 33<sup>rd</sup> Parliament (Mulroney, 1984–1988) to a low of 102 government bills in the 42<sup>nd</sup> Parliament (J. Trudeau, 2015–2019). Those same two Parliaments also bookmark the number of government-passed bills. Thus, the question becomes: did time allocation increase the level of productivity of majority governments, as

determined by the passage of government-sponsored legislation? Table 3 summarizes key findings provided in Table 1 to highlight productivity outcomes.

During the 33<sup>rd</sup> Parliament (Mulroney, 1984–1988), the greatest number of government bills were both introduced and passed, 285 and 233 government bills, respectively. This Parliament had the third greatest number of sitting days, at 698. The Mulroney government achieved this outcome with the use of only 17 Standing Order 78 (3) motions, ranked #7 on the use of time allocation motions among the 10 majority Parliaments of this 50-year period. In contrast,

during the 41<sup>st</sup> Parliament (Harper, 2011–2015), the greatest number of Standing Order 78 (3) motions were adopted by the House of Commons, but the number of government bills introduced and passed rank this Parliament in #8 and #7 positions, respectively. This Parliament would also rank #6 for the number of sitting days.

Similarly, the 42<sup>nd</sup> Parliament (J. Trudeau, 2015–2019) had the second-highest use of Standing Order 78 (3) motions adopted by the House of Commons, but the number of government bills introduced and passed rank this Parliament in #10 and #10 rank, respectively.

**Table 3:**  
**A Top 10 rankings of majority Parliaments in the House of Commons between 1971 and 2021, using government bills introduced and passed as productivity measures and compared to the number of sitting days and the use of Standing Order 78 (3) during those respective Parliaments.**

Rank	Use of Time Allocation Motions (78 (3))	Sitting days	Government Introduced Bills	Government Passed Bills
#1	41st (2011–2015) Harper	30th (1974–1979) P. Trudeau	33rd (1984–1988) Mulroney	33rd (1984–1988) Mulroney
#2	42nd (2015–2019) J. Trudeau	32nd (1980–1984) Trudeau/Turner	30th (1974–1979) P. Trudeau	34th (1988–1993) Mulroney/ Campbell
#3	<b>(tied)</b> 36th (1997–2000) Chrétien	33rd (1984–1988) Mulroney	34th (1988–1993) Mulroney/ Campbell	32nd (1980–1984) Trudeau/Turner
#4	34th (1988–1993) Mulroney/ Campbell	28th (1968–1972) P. Trudeau	32nd (1980–1984) Trudeau/Turner	30th (1974–1979) P. Trudeau
#5	32nd (1980–1984) Trudeau/Turner	34th (1988–1993) Mulroney/ Campbell	37th (2000–2004) Chrétien/Martin	28th (1968–1972) P. Trudeau
#6	35th (1993–1997) Chrétien	41st (2011–2015) Harper	35th (1993–1997) Chrétien	35th (1993–1997) Chrétien
#7	33rd (1984–1988) Mulroney	<b>(tied)</b> 42nd (2015–2019) J. Trudeau	28th (1968–1972) P. Trudeau	41st (2011–2015) Harper
#8	37th (2000–2004) Chrétien/Martin	35th (1993–1997) Chrétien	41st (2011–2015) Harper	37th (2000–2004) Chrétien/Martin
#9	30th (1974–1979) P. Trudeau	37th (2000–2004) Chrétien/Martin	36th (1997–2000) Chrétien	36th (1997–2000) Chrétien
#10	28th (1968–1972) P. Trudeau	36th (1997–2000) Chrétien	42nd (2015–2019) J. Trudeau	42nd (2015–2019) J. Trudeau

**Table 4:**  
**The Amount of Standing Order 78 (3) motions introduced in the House of Commons, but not moved.**

Parliament	Prime Minister	Standing Order 78 (3) Motions		
		Tabled But Not Moved	Debated but question not put	Withdrawn
28	P. Trudeau	-	-	-
29	P. Trudeau	-	-	-
30	P. Trudeau	2	-	-
31	Clark	-	-	-
32	Trudeau/Turner	2	1	1
33	Mulroney	2	-	1
34	Mulroney/Campbell	4	-	-
35	Chrétien	1	-	-
36	Chrétien	-	-	-
37	Chrétien/Martin	1	-	-
38	Martin	-	-	-
39	Harper	-	-	-
40	Harper	3	-	-
41	Harper	10	-	-
42	J. Trudeau	25	-	-
43	J. Trudeau	1	-	-
	Total	51	1	2

As such, the increasing use of time allocation motions is not linked to a higher productivity level, as would be demonstrated by more government bills being introduced or adopted.

#### **Signalling the Intent of Using Time Allocation Motions**

This article has thus focused on Standing Order 78 motions adopted by the House of Commons over the past 50 years. Beyond those 331 motions, however, there are an additional 51 time allocation motions that

were tabled in the House of Commons, either by the government house leader or a minister of the crown (Table 4). Those notice of motions were not subject to a vote for adoption, and thus are not listed in Table 1. These motions signalled the government's intent to limit debate on the various stages of adopting a bill in the House of Commons. In the end, the government did not proceed with the adoption of those time allocation motions, as the notice itself had the effect of getting the opposition parties' procedural support for moving the bill to the next step.



**Majorities in the 41<sup>st</sup> and 42<sup>nd</sup> Parliaments under Prime Ministers Stephen Harper and Justin Trudeau, respectively, have increasingly used Standing Order 78 (3) when conducting government business in the House of Commons for time management purposes. However, these parliaments had relatively fewer sitting days and fewer government bills passed compared to earlier parliamentary majorities, meaning the use of this Standing Order appears to have less to do with productivity than with limiting the potential for MPs from all parties to engage in debate.**

Between the 28<sup>th</sup> Parliament (P. Trudeau, 1968–1971) to the 40<sup>th</sup> Parliament (Harper, 2008–2011), the number of notices of time allocation motions introduced but not voted on remained very small. In fact, during these 40 years, there were only 17 notices of time allocation motions that were not called to a vote, of which one was debated but not voted upon and another was withdrawn. During the 41<sup>st</sup> and 42<sup>nd</sup> Parliament, which already had the greatest amount of time allocations, motions adopted by the House of Commons, the government tabled even more notices of time allocation motions. In fact, during the 41<sup>st</sup> Parliament (Harper, 2011–2015), the government signalled an intent to use time allocation by tabling 10 additional motions that were not moved to a vote. In a similar fashion, during the 42<sup>nd</sup> Parliament (J. Trudeau, 2015–2019), the government served an additional 25 notices of time allocation motions that were not moved to a vote. Those 25 notices were in addition to the 65 motions on time allocation that the House adopted during that Parliament. Had all time allocation motions during the 41<sup>st</sup> and 42<sup>nd</sup> Parliament

been adopted, and which majority governments can ensure their adoption, there would have been 102 motions on time allocation in the 41<sup>st</sup> Parliament (Harper, 2011–2015), and 90 in the 42<sup>nd</sup> Parliament (J. Trudeau, 2015–2019).

### Conclusion

Since the initial debate in 1969, and the first use of time allocation in December 1971, governments have used this Standing Order to control the passage of bills through the labyrinth of Parliament. Considering the growing use of time allocation during the 1980s and 1990s, procedural committees of the House of Commons tabled a report in April 1993 and again in May 2000 recommending changes to the Standing Order. The opposition parties failed to get the support of the government members, especially the executive branch, which saw this as weakening its legislative control. The only significant change to time allocation came in the fall of 1989, when the House of Commons renumbered its Standing Orders, making

time allocation Standing Order 78 (instead of 75).<sup>12</sup> In the absence of a clear government desire to change this Standing Order, regardless of which party is in power, time allocation will remain the government's preferred time management method as it continues to serve the government exceedingly well. So long as this Standing Order is not amended, time allocation will continue to be a most effective way to limit debate, and thus silence both the government's own backbenchers as well as the opposition.

In recent Parliaments, the number of time allocation notices has neared 100 motions in a single Parliament, and in one case, exceeded 100 motions, albeit not all of them were submitted to a vote in the House of Commons. In recent Parliaments, and because of the increasing use of Standing Order 78, there are rarely any government bills receiving Royal Assent without the use of time allocation motions. At the same time, the number of sitting days is decreasing, as are the number of government bills introduced and passed. In this context, time allocation motions are not being used to increase the productivity of a Parliament, thus ensuring even more government priorities become embedded in legislation. The increasing use of time allocation is making it difficult for MPs from all parties to engage in parliamentary debate, and possibly improve the proposed legislation measures for the betterment of the legislation and Canadians.

## Notes

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- 1 Canada, House of Commons, *Debates*, May 15, 1956, 3932-3933.
- 2 Canada, House of Commons *Journals*, June 20, 1969, 1211-1212.
- 3 Canada, House of Commons *Debates*, July 24, 1969, 11557.
- 4 Canada, House of Commons, *Debates*, July 24, 1969, 11570-11573.
- 5 Canada, House of Commons, *Debates*, July 24, 1969, 11619-11621.
- 6 Canada, House of Commons, *Debates*, December 1, 1971, 10047.
- 7 Canada, House of Commons, *Debates*, December 2, 1971, 10079.
- 8 Canada, House of Commons, *Debates*, December 1, 1971, 10049.
- 9 Canada, House of Commons, *Debates*, December 14, 1971, 10449.
- 10 Canada, House of Commons, *LEGISinfo*, <https://www.parl.ca/LegisInfo/en/bill/41-1/C-3>.
- 11 Canada, House of Commons, *Debates*, June 21, 1994, 5694.
- 12 James R. Robertson, "House of Commons Procedure: Its Reform", Library of Parliament, February 2002. Accessed in September 2021 at <https://publications.gc.ca/Collection-R/LoPBdP/CIR/8215-e.htm#D.%20%C2%A0The%2035th>.

# Unfinished Business: A Snapshot of Recent Government Bill Practice

While the majority of parliamentary time is spent on government business, little scholarship appears to exist on the subject of government bills that do not receive Royal Assent. Government bills fail to complete the legislative process in both majority and minority parliaments. Further, some government bills are put on notice but never introduced. This work examines statistics from recent parliamentary sessions to document the varying rates at which government legislation is not passed in both the Senate and House of Commons, both in majority and minority parliaments.

**Charlie Feldman**

## Introduction

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Government bills<sup>1</sup> do not always complete the legislative process in both majority or minority parliaments. While much has been said about so-called “omnibus” bills<sup>2</sup> or critiquing individual pieces of legislation (simply check Twitter on any sitting day), little appears written about government bills that do not become law.<sup>3</sup>

Government bills are worthy of study because they require tremendous resources to develop and are unique indicators of a government’s desired agenda. Looking at government bills that do not complete the legislative process provides a window into the government’s legislative planning decisions and the prioritization by the government of its various legislative initiatives.

In broad strokes, legislative planning requires identifying the matters from the government’s agenda that require legislation, determining whether measures are to be advanced as stand-alone bills or combined with other initiatives (such as being included in budget implementation legislation), and deciding whether to introduce bills in the Senate or House of Commons – as well as when the bills should be introduced. Once bills are before Parliament, further legislative planning decisions are reflected in the order in which

bills are brought forward for debate, and whether any procedural tools – such as time allocation – are used to advance a particular bill.

A government bill – like any other piece of legislation – might not always be introduced with the intention of seeing it passed in that particular session.<sup>4</sup> However, the introduction of a government bill signals that resources have been spent – and cabinet decisions made – to develop the legislation and put it before Parliament.<sup>5</sup>

This article looks at government bills from the 35<sup>th</sup> Parliament to the present. During that time, the parliamentary journey of a government bill that did not receive royal assent typically ended because of prorogation or dissolution. However, government bills might be defeated at a particular stage of debate<sup>6</sup> or because the Senate or House decides not to proceed further with the bill.<sup>7</sup>

Bills that do not receive royal assent include bills that were introduced, as well as those that were only put on notice but never introduced.<sup>8</sup> This article discusses both of these contexts in turn.

## Government Bills Introduced in Parliament

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In the most recent parliamentary session—the 43rd Parliament, 2nd Session (September 23, 2020–August 15, 2021)—40 government bills were introduced<sup>9</sup>. Statistically, government bills in this session were just as likely to receive royal assent as they were not to complete the legislative process. While having a 50 per cent passing rate might not make for an ideal academic record, it is par for the course for government bills in recent minority parliaments.

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The graph below displays the percentage of government bills that did not receive royal assent in recent parliamentary sessions.<sup>10</sup> Non-solid bars indicate periods of minority government. The specific data is provided in the Appendix.

Averaging the below-depicted parliamentary sessions together,<sup>11</sup> around 38 per cent of government bills will not pass in any given parliamentary session. More specifically, the average non-pass rate is 31 per cent in majority parliaments and 49 per cent in minority parliaments.<sup>12</sup> Government bills did not pass in a given session between 17 per cent (42-1) and 56 per cent (40-3) of the time. In parliaments with more than one session, the percentage of government bills that do not pass tends to be greater in the second session than in the first.

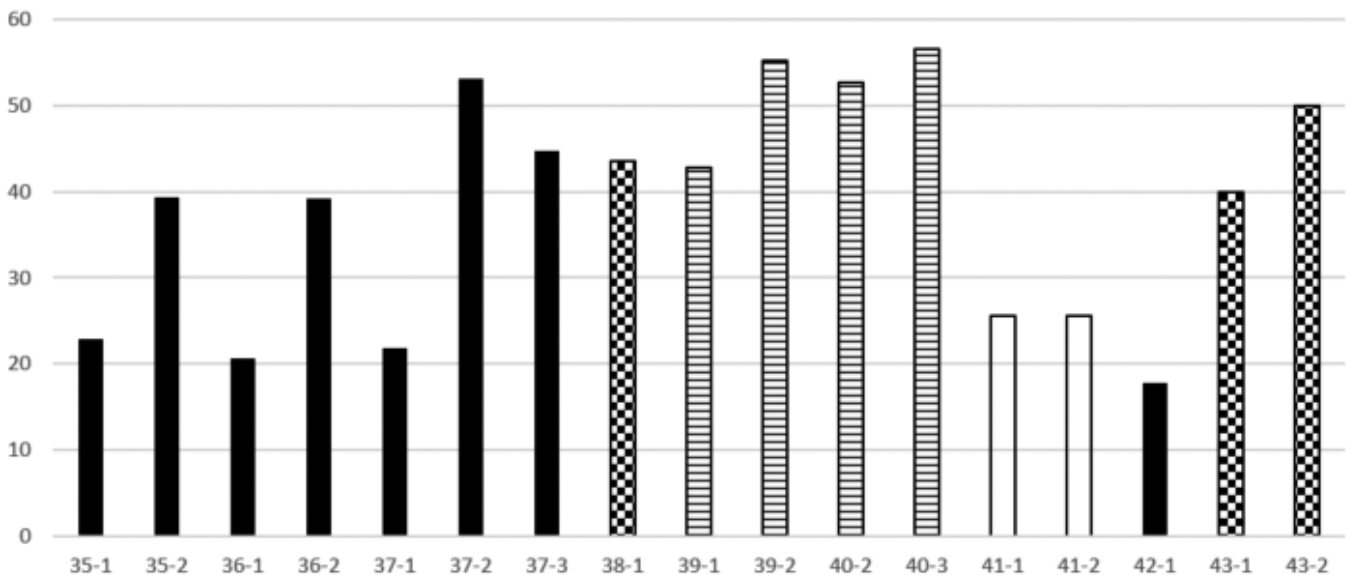
A bill that does not pass in one session might be reintroduced in a later session or combined with other items and reintroduced. This work examines whether a government bill received royal assent in a given session rather whether the policies contained therein were eventually enacted. It should be kept in mind that government bills can vary tremendously in length – from a single page to hundreds of pages – and range from the substantive to the arguably symbolic.

From the data available thus far – and keeping in mind that it is but a small sample, and perhaps impacted by the Covid-19 pandemic – recent Senate appointment reforms have had no significant impact on the percentage of government bills that have been passed. The average of figures from the 42nd and 43rd Parliaments (one majority and one minority parliament) puts the percent of government bills that did not receive royal assent at 36 per cent, which is down slightly from the 35th–41st Parliaments, wherein the average percentage of government bills that did not receive royal assent was 39 per cent across a mix of both majority and minority parliaments.

The distribution of government bills between the Senate and House of Commons has varied significantly in recent parliaments. On average, nine per cent of government bills are introduced in the Senate each session. No government bill was introduced in the Senate during the 1st Session of the 43rd Parliament. In contrast, 21 per cent of government bills (a total of 17) were introduced in the Senate during the 41st Parliament, 1st Session.

As explained by the Privy Council Office, “Most Government bills are first introduced in the House of Commons. However, a Government bill may be

**Percentage of Government Bills Not Passed, by Parliamentary Session**



**Black bar = Liberal majority government. White bar = Conservative majority government. Horizontal stripes = Conservative minority government. Checkerboard = Liberal minority government.**

first introduced in the Senate if it does not impose or increase taxes and does not provide for the spending of public money.”<sup>13</sup> Whether a non-fiscal government bill should be introduced in the Senate or House of Commons is a choice for the government to make. As a historical note, at the start of the 36th Parliament, the Senate’s Standing Committee on Internal Economy, Budgets and Administration agreed to “endorse the position that more government bills be introduced first in the Senate.”<sup>14</sup>

The graph below depicts the number of government bills introduced in the Senate and House of Commons in recent parliamentary sessions.

Of the bills introduced in the sessions represented in the graphs<sup>15</sup> 734 of the total 1146 government bills introduced in the House passed alongside 74 of the 116 government bills introduced in the Senate. As both of these percentages round to 64 per cent, one can argue that a government bill has a similar chance of receiving royal assent regardless of where it is introduced<sup>16</sup>. A government bill introduced in the Senate is slightly

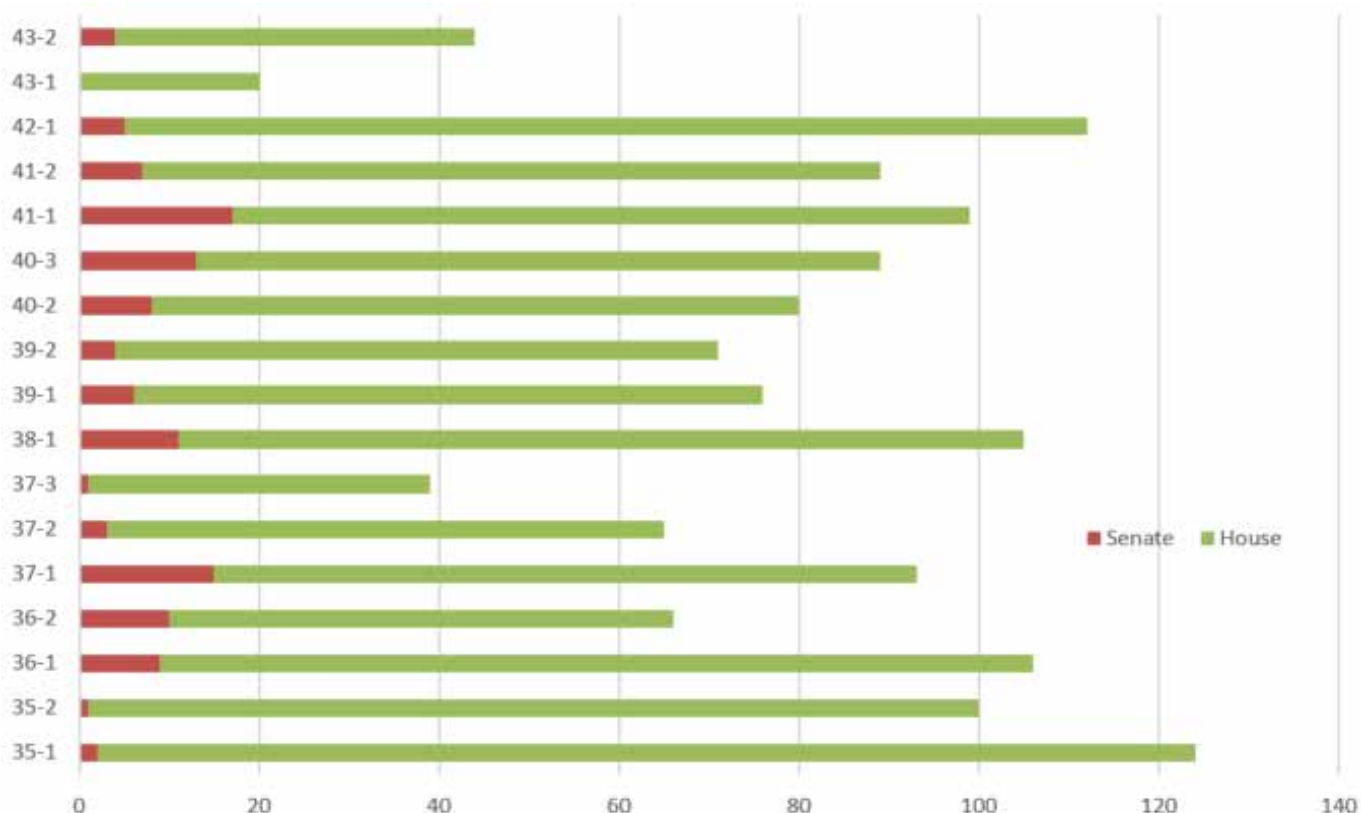
more likely to not complete the legislative process (45 per cent) than a House-introduced government bill (38 per cent)<sup>17</sup>.

Of the introduced government bills that do not receive royal assent, the vast majority are pending some action in the House of Commons at the time of prorogation or dissolution. In looking specifically at government bills from the 37th Parliament onward, a House-introduced government bill will end the legislative process pending some further House action approximately 80.71 per cent of the time. In contrast, a Senate-introduced government bill will end its legislative journey pending Senate action only 1.85 per cent of the time. Based on the data, a government bill is far less likely to have its legislative journey end in the Senate than in the House, regardless of the chamber in which it was introduced.

### Bills on Notice and Bills Withdrawn

Bills put on notice but never introduced provide a glimpse of what the government may have wanted to

**Number of Government Bills Introduced (By Chamber)**



advance or might seek to advance in the future. Recall that every government bill – whether introduced or not – requires a significant amount of resources to develop, from innumerable policy analysts to legislative drafters, jurilinguists, revisors, and an entire cabinet process.<sup>18</sup>

The government gave notice for two bills in the 43rd Parliament, 2nd Session, but never subsequently introduced them. First, on January 21, 2021, the Minister of Employment, Workforce Development and Disability Inclusion gave notice of a bill entitled “An Act to amend the Canada Recovery Benefits Act and the Customs Act”. While it is unclear why no bill was subsequently introduced with this title, Bill C-24 (introduced on February 25, 2021 by the same minister) amended both the *Canada Recovery Benefits Act* and the *Customs Act* in addition to the *Employment Insurance Act*. It may be that the proposals from the minister’s bill on notice were simply repackaged into a broader legislative piece.

Second, on June 21, 2021, the Minister of Public Safety and Emergency Preparedness gave notice of a bill entitled “An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments”. No such legislation was introduced prior to dissolution. Indeed, the House of Commons only sat for two more days after notice was given.

The title of this bill—“An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments”—echoes a portion of a previous government bill’s summary that mentioned the legislation would “rename the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police as the Public Complaints and Review Commission.” This legislation, Bill C-98 of the 42nd Parliament, was introduced in the legislature’s final days (June 19, 2019) and was reintroduced as Bill C-3 in the 43rd Parliament, 1st Session, in early 2020, but was never advanced. Whether the bill that was on notice in the 43rd Parliament, 2nd Session, was indeed an extension of the ideas first set forth in Bill C-98 in 2019 and subsequent Bill C-3 in 2020 will perhaps become clear if similar legislation is introduced and debated in the 44th Parliament.

In recent Parliaments, back-to-work bills were the only government bills on notice at the end of the session but not introduced.<sup>19</sup> It is understood that merely putting such bills on notice may encourage parties at a labour impasse to come to the table, given the threat

of a legislated resolution. As such, debate and passage of these bills may be unnecessary. Excluding the brief 40th Parliament, 1st Session, it appears that the 38th Parliament was the last parliamentary session with non-back-to-work government legislation on notice but not introduced at the end of a session.<sup>20</sup>

As a related twist, a government may put legislation on notice in the House of Commons but withdraw it from notice. If a bill is introduced and withdrawn before the next printing of the Notice Paper, there will be no public record of the bill being put on notice. However, several examples can be found of government bills that were published on the Notice Paper and then subsequently withdrawn.<sup>21</sup>

To provide one example, on April 16, 2013, the Minister of State (Democratic Reform) gave notice of a Bill entitled “An Act to enact the Canada Political Financing Act and to amend the Canada Elections Act and other Acts”. The Bill goes from the Notice Paper to the Order Paper, where it is published every day through May 7, 2013, the date on which it was withdrawn. Press reports suggest that the introduction of the measure was delayed after concerns with its content were raised in the governing party’s caucus.<sup>22</sup> It should be noted that the government is not required to indicate why it has chosen to withdraw a bill put on notice, and there may be no press or parliamentary indication of the reason.

## Conclusion

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Government bills are a vitally important part of the legislative process; however, their movement through Parliament has not generated much scholarship. Government bills do not always become law, regardless of the party in power and whether it enjoys a majority of seats in the Senate or House of Commons. Further, there are historical anomalies to appreciate, such as the government bill that passed both the Senate and House of Commons but was never presented for royal assent because of an unexpected dissolution<sup>23</sup>.

While this brief work does not attempt to delve into why certain bills do not pass, one can imagine a range of reasons, from bills introduced at the end of session with no reasonable chance of passage to significant policy disagreement between parliamentarians and the government. Further study in this area may help to shed light on the factors that contribute to the success or failure of government legislation to complete the legislative process, with potential implications for other types of bills introduced in Parliament.

**Government Bills in Recent Parliamentary Sessions (S= Senate; H= House)**

Parliamentary Session	Total Government Bills Introduced	Government Bills That Received Royal Assent	% of Government Bills Not Passed
35-1 (Jan 1994 - Feb 1996)	122 (S:2, H:120)	94 (S:2, H:92)	22.95%
35-2 (Feb 1996 - Apr 1997)	99 (S:1, H:98)	60 (S:0, H:60)	39.39%
36-1 (Sep 1997 - Sep 1999)	97 (S:9, H:88)	77 (S:9, H:68)	20.62%
36-2 (Oct 1999 - Oct 2000)	56 (S:10, H:46)	34 (S:5, H:29)	39.29%
37-1 (Jan 2001 - Sep 2002)	78 (S:15, H:63)	61 (S:14, H:47)	21.79%
37-2 (Sep 2002 - Nov 2003)	62 (S:3, H:59)	29 (S:1, H:28)	53.23%
37-3 (Feb 2004 - May 2004)	38 (S:1, H:37)	21 (S:0, H:21)	44.74%
38-1 (Oct 2004 - Nov 2005)	94 (S:11, H:83)	53 (S:7, H:46)	43.62%
39-1 (Apr 2006 - Sep 2007)	70 (S:6, H:64)	40 (S:4, H:36)	42.86%
39-2 (Oct 2007 - Sep 2008)	67 (S:4, H:63)	30 (S:1, H:29)	55.22%
40-2 (Jan 2009 - Dec 2009)	72 (S:8, H:64)	34 (S:3, H:31)	52.78%
40-3 (Mar 2010 - Mar 2011)	76 (S:13, H:63)	33 (S:5, H:28)	56.58%
41-1 (Jun 2011 - Sep 2013)	82 (S:17, H:65)	61 (S:11, H:50)	25.61%
41-2 (Oct 2013 - Aug 2015)	82 (S:7, H:75)	61 (S:6, H:55)	25.61%
42-1 (Dec 2015 - Sep 2019)	107 (S:5, H:102)	88 (S:5, H:83)	17.76%
43-1 (Dec 2019 - Aug 2020)	20 (S:0, H:20)	12 (S:0, H:12)	40.00%
43-2 (Sep 2020 - Aug 2021)	40 (S:4, H:36)	20 (S:1, H:19)	50.00%

## Notes

- 1 In this article, government bills are as indicated on LEGISinfo (<https://www.parl.ca/legisinfo>), but ceremonial bills (Bills S-1 and C-1) are excluded. Each divided bill from a government bill (such as Bills C-10A and C-10B in the 37th Parliament, 2nd Session) is considered to be a government bill distinct from its parent bill.
- 2 See Louis Massicotte, “Canada: If Controversial, Omnibus Legislation Is Here to Stay,” in *Comparative Multidisciplinary Perspectives on Omnibus Legislation*, Ittai Bar-Siman-Tov, ed. (Cham, Switzerland: Springer, 2021), [https://doi.org/10.1007/978-3-030-72748-2\\_11](https://doi.org/10.1007/978-3-030-72748-2_11); and Adam Dodek, “Omnibus Bills: Constitutional Constraints and Legislative Liberations,” *Ottawa Law Review*, vol. 48, no. 1, 2017.
- 3 This article is inspired by one of the few works on this topic in the Canadian context, Andrew McKelvy’s *Why Bills (don’t) Become Law: The Success and Failure of Government Legislation in Parliamentary Democracies* (American University political science doctoral thesis, 2016), presented in part at the Canadian Political Science Association Conference, 2015.
- 4 Consider, for example, that a government bill was introduced on the last sitting day of the House of Commons in both the 43<sup>rd</sup> Parliament (C-36) and the 41<sup>st</sup> Parliament (C-75).
- 5 See Privy Council Office, *Guide to Making Federal Acts and Regulations*, 2nd ed. (Ottawa: Privy Council Office and Department of Justice, 2001), <https://www.canada.ca/en/privy-council/services/publications/guide-making-federal-acts-regulations.html>.
- 6 For example, on February 15, 2005, the House of Commons defeated both Bill C-31, “An Act to establish the Department of International Trade and to make related amendments to certain Acts” and Bill C-32, “An Act to amend the Department of Foreign Affairs and International Trade Act” at Second Reading. See House of Commons, *Journals*, February 15, 2005, 38-1, no. 57, at pages 434-436.
- 7 An example can be found from the *Journals of the Senate of Canada*, 39-1, June 19, 2007 at page 1769: “Accordingly, pursuant to the recommendation contained in the report presented on June 12, 2007, and printed at page 1654 of the Journals of the Senate, Bill S-4, as amended, shall not be proceeded with at third reading until such time as the Supreme Court of Canada has ruled with respect to its constitutionality.”
- 8 Notice for the first reading and introduction of bills is required in the House of Commons but not the Senate. See: Senate Standing Order 54(1); Rule 5-7(j).
- 9 It should be noted, of course, that this Parliament occurred against the backdrop of the Covid-19 pandemic.
- 10 The 40th Parliament, 1st Session (November 18, 2008–December 4, 2008) is excluded as no bills received royal assent during that session.
- 11 It must be kept in mind that parliamentary sessions can vary greatly in terms of their length. For instance, 37-3 ran from February 2, 2004, to May 23, 2004, whereas 42-1 ran from December 3, 2015, to September 11, 2019. The number of government bills introduced can also fluctuate (from 122 in 35-1 to 20 in 43-1). It may be that an analysis using a weighted-average scheme is desirable; however, this work is meant to be general in nature.
- 12 Percentages are rounded throughout the calculations.
- 13 *Supra* note 5.
- 14 First Report, 36th Parliament, 1st Session, October 1, 1997, <https://sencanada.ca/en/content/sen/committee/361/inte/01rp-e>.
- 15 35-1 to 43-2. Again, 40-1 is excluded because no bills received royal assent during that session.
- 16 Of course, there is no way to account for each individual bill proposing a unique policy that may enjoy more or less support in a given parliament.
- 17 It must be kept in mind that some sessions only see one or two Senate-introduced bills. For the sessions examined herein, the 41st Parliament, 1st Session, had the most Senate-introduced government bills, at 17.
- 18 See the *Cabinet Directive on Law-Making*, <https://www.canada.ca/en/privy-council/services/publications/guide-making-federal-acts-regulations/guide-making-federal-acts-regulations-cabinet-directive-law-making.html>.
- 19 June 16, 2010, Minister of Labour, Bill entitled “An Act to provide for the resumption and continuation of air service operations”. September 19, 2011, Minister of Labour, Bill entitled “An Act to provide for the resumption and protection of air service operations”. February 5, 2014, Minister of Labour and Minister of Status of Women, Bill entitled “An Act to provide for the continuation and resumption of rail service operations”. February 13, 2015, Minister of Labour and Minister of Status of Women, bill entitled “An Act to provide for the resumption of rail service operations.”
- 20 June 9, 2005, Minister of Finance, Bill entitled “An Act to amend the Income Tax Act in respect of corporate income tax”, and October 6, 2004, Minister of State (Infrastructure and Communities), Bill entitled “An Act to establish the Office of Infrastructure of Canada, to amend the Canada Strategic Infrastructure Fund Act and to make consequential amendments to other Acts.”
- 21 A huge thank you to those who helped identify these needle-in-a-haystack bills, which include “Act to amend the Ending the Long-gun Registry Act” (notice: June 6, 2017; withdrawal: June 7, 2017) and “An Act to amend the Canadian Security Intelligence Service Act and to make a consequential amendment to another Act” (notice: October 16, 2014; withdrawal: October 20, 2014).
- 22 Steven Chase, “Harper government delays bill to address robo-calls issues,” *Globe and Mail* (Online), 17 April 2013.
- 23 Bill C-29, “An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1980” did not receive Royal Assent. While the Journals for both the Senate and House of Commons show the Bill as being passed on December 13, 1979, the Government later that same day lost a vote that it considered to be a confidence measure. Prime Minister Joe Clark sought and received from the Governor General a proclamation of dissolution the very next day without royal assent occurring in the interim.

# *(Re)Building Behaviour: How the B.C. Chamber Influences Politics, and How B.C. MLAs Want to Change It*

An opportunity to consider parliamentary (re)design does not come about often, but a global pandemic and an upcoming review of electoral boundaries have presented just such a situation in the Legislative Assembly of British Columbia. In this article, the authors use a survey of B.C.'s MLAs and interviews with MLAs representing each party in the Assembly to consider whether parliamentarians favour change in the Chamber. The authors ask: if new seats must be added and the Chamber rearranged as a result, would Members of B.C.'s Legislative Assembly be happy to adopt benches, or would they rather find a way to maintain individual desks and chairs? Thinking bigger, is there any desire to incorporate a circular seating plan, randomized seating, or ongoing virtual attendance? What sort of impact would these design changes have on political culture and behaviour in British Columbia? The authors conclude that the current seating arrangement (opposing desks situated two sword-lengths apart) was created at a time when the make-up of legislators was considerably different than it is today and that it may be time to consider whether a modern design would better serve parliamentarians and British Columbians. \*

**Rachel McMillan and Abby Koning**

*"We shape our buildings and afterwards our buildings shape us."*

Winston Churchill

## **Introduction**

Charles T. Goodsell was one of the first to contend that parliamentary design should be of interest not only to architects, but to political scientists.<sup>1</sup> The sites of political power perpetuate the *past*, he argued, by "[embodying] deeply-rooted cultural concepts in their form and substance."<sup>2</sup> Further, parliaments condition the *future* by molding the thoughts and behaviours of the actors within them "in preliminary, subtle and interactive ways."<sup>3</sup> Finally, parliaments manifest the *present* by articulating the "values and ideas currently extant in political life at the time of [a] building's construction, remodelling, refinishing, or rearrangement."<sup>4</sup> It is this final function of parliamentary architecture that is of particular significance to our discussion.

An opportunity to rearrange parliamentary chambers does not come about often, but a global pandemic and an upcoming review of electoral boundaries have presented just such a situation in British Columbia. If

new seats must be added and the Chamber rearranged as a result, would Members of B.C.'s Legislative Assembly be happy to adopt benches, or would they rather find a way to maintain individual desks and chairs? Thinking bigger, is there any desire to incorporate a circular seating plan, randomized seating, or ongoing virtual attendance? What sort of impact would these design changes have on political culture and behaviour in British Columbia?

To answer these questions, we circulated a survey to the 87 sitting Members of B.C.'s Legislative Assembly. The survey included satisfaction rating scales and open-ended questions to gauge Members' views on current and potential design features of the Legislative Chamber. The survey was completely anonymous, meaning no identifiable information was collected. A total of 47 Members replied for a response rate of 54 percent. To supplement the survey, we performed qualitative interviews with four MLAs, at least one from each of the represented political parties. Interviews were conducted in a semi-structured fashion with open-ended questions and confidentiality was guaranteed. Expanding on Goodsell's seminal work, we found that parliamentary design is certainly of interest to architects, political scientists, and elected officials.

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*Rachel McMillan and Abby Koning are 2021 B.C Legislative Interns.*



### **“Benches are the answer...”**

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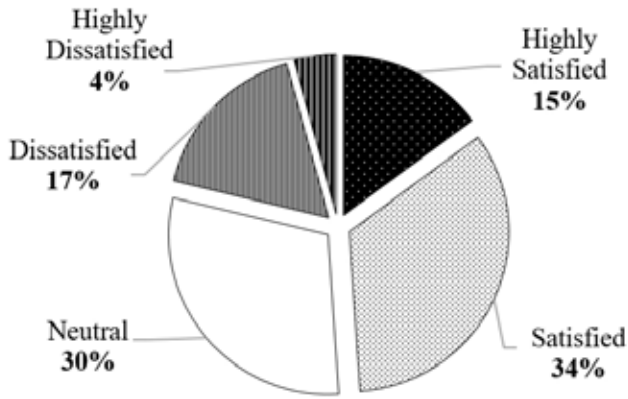
On the same day Government introduced the *Electoral Boundaries Commission Amendment Act, 2021*, a bill that could create up to six new seats in B.C.’s Legislative Assembly, Government House Leader Mike Farnworth was asked if and how the Chamber could physically fit six more bodies within its 12 by 18-meter walls. After beaming and thanking the reporter for “making [his] day,” the self-professed “parliamentary geek” responded: “Absolutely, and it’s called benches... Benches are the answer to any issue around that.”

Despite the House Leader’s enthusiasm, our survey suggests most Members do not share the same warm feelings about new furniture. A fair number did take issue with certain features of the current desks and chairs, including their lack of charging ports, their rough edges that snag clothing, their pinching arm rests, and their general size, be it because they are too big or too small. However, nearly half the MLAs who responded

indicated that they were satisfied or highly satisfied with individual desks and chairs. In fact, when asked how they would feel if the Chamber were to incorporate benches instead of chairs, nearly half indicated they would be highly dissatisfied with the switch.

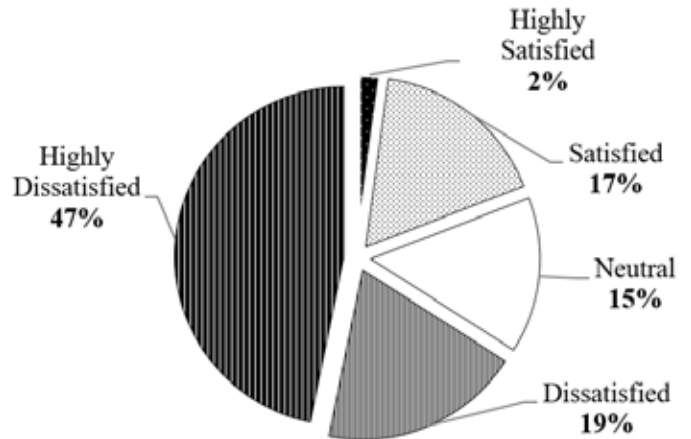
Physical footprint, cost, and historical value are all salient factors when deciding on what furnishings to include in the Legislative Chamber, but furnishings should also be evaluated for their impact on political culture and behaviour. For example, Goodsell noted that “the nature of furniture provided for individual members can affect their status as legislators.”<sup>5</sup> The greatest status, he argued, “is afforded by the individual desk and chair, clearly separate and self-standing.”<sup>6</sup> It is possible to see how the public might view legislators with standalone desks as being unique votes and voices, rather than undifferentiated components of a whole. Similarly, individual desks might encourage Members to view themselves as having greater autonomy or authority while still operating within party lines.

### Satisfaction with Individual Desks and Chairs



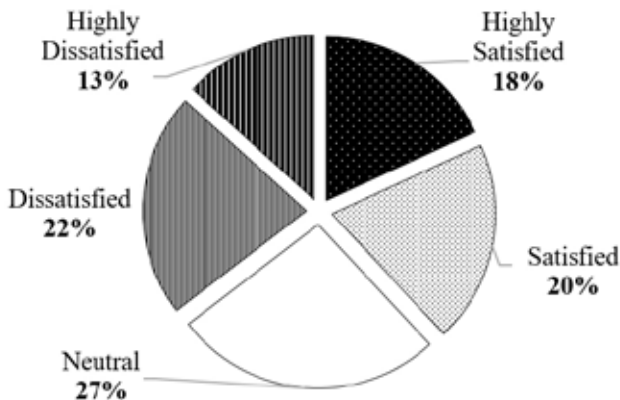
With their drawers, shelves, and large worktop, individual desks also imply that the Chamber is a place for work as well as a place for debate. As such, onlookers in the Gallery will often see Members reading through binders of material, jotting down notes, or responding to emails as Question Period or Estimates hum in the background. For better or worse, this arrangement discourages active listening, and potentially communicates to the public and to legislators that their full attention is not necessarily required when seated in the Chamber.

### Satisfaction with Benches

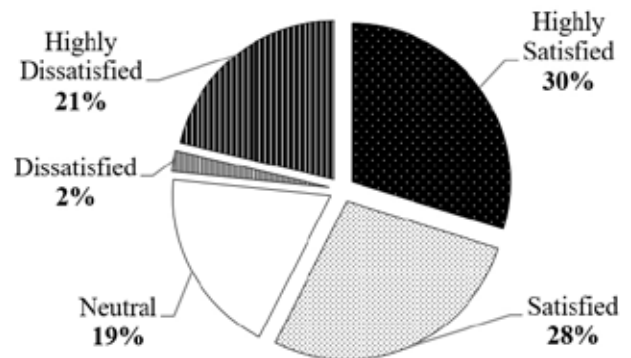


Finally, individual desks have become a tool for both protection and commotion in the Chamber. Solid pieces of furniture provide some element of “psychological protection” to those speaking, and in a setting such as the Chamber, this protection perhaps encourages unparliamentary behaviour like heckling.<sup>7</sup> Were Members’ bodies instead ‘exposed’ to colleagues across the aisle, it is possible the increased vulnerability would encourage greater restraint. Instead, the individual desk currently serves as the very instrument that MLAs

### Satisfaction with Current Seating Plan



### Satisfaction with Any Alternate Seating Plan





use to support or disrupt their colleagues. One MLA described desk-banging as “the least desirable aspect of Question Period”; a “violent” ritual that states “what I’m doing to this desk is what I want to be doing to you.” Whether or not this intent is real or perceived, workplace safety might be called into question when the sounds and sights of fists pounding on desks is commonplace.

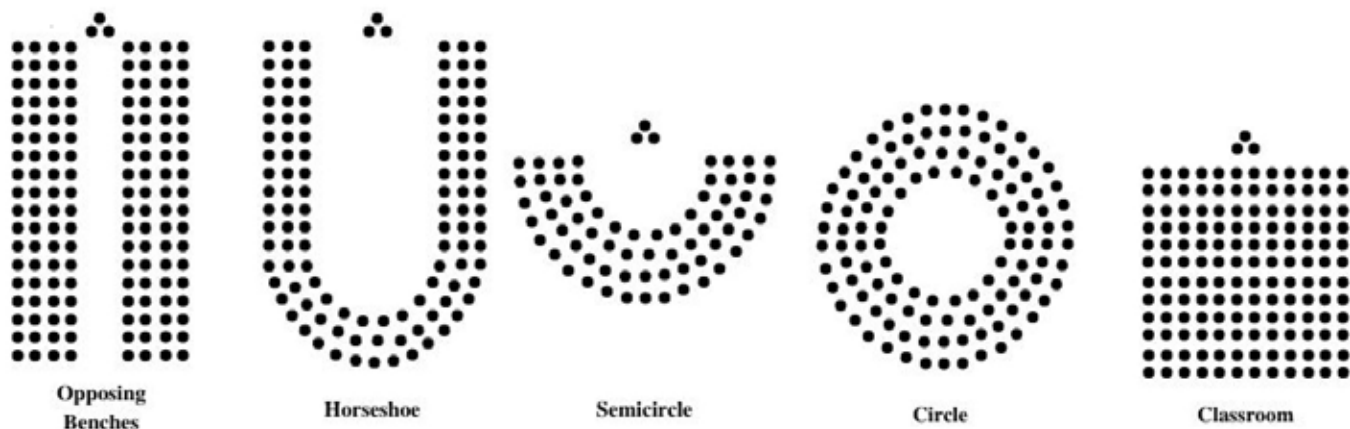
**“A mix of collaboration and confrontation...”**

Though the furniture on which they sit may vary, the physical arrangement of Members in B.C.’s Chamber follows closely in the footsteps of its counterpart at Westminster. Government and Opposition parties are arranged in a large rectangle, separated by an aisle but facing each other. The Speaker’s chair and the Table are centred at the head of the room. When asked about their satisfaction with this element of the Chamber, Members of B.C.’s Legislative Assembly were largely split. However, when asked about their satisfaction were the Chamber to incorporate an alternate seating plan, the majority of Members indicated they would be satisfied or highly satisfied with the change.

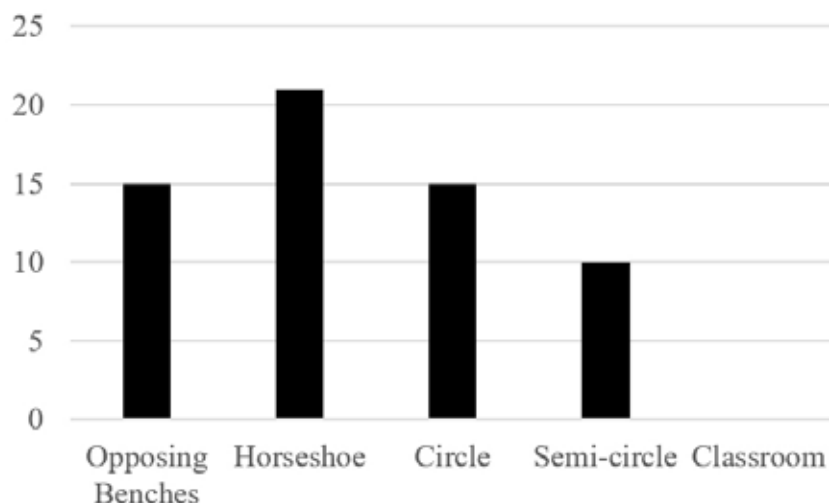
In their lexicon *Parliament*, architects Max Cohen de Lara and David Mulder van der Vegt categorized the seating plans of the 193 Member States of the United Nations into five types: opposing benches, horseshoe, circle, semi-circle, and classroom.<sup>8</sup> As it stands (or sits), B.C.’s Chamber falls into the opposing benches category. However, when MLAs were asked which of the five seating plans would be their preference, the horseshoe shape received the most support.<sup>9</sup> One class of responses seemed to appreciate the

arrangement’s ties to the Chamber’s current layout. For example, respondents noted that a horseshoe-style Chamber would “maintain some government/opposition front bench accountability” along with “a central authority.” In contrast, a second group appreciated the horseshoe arrangement’s ability to provide what opposing benches cannot, namely “a departure from hierarchy,” “a more connected design,” and a “less adversarial” environment. A third group entirely thought the horseshoe shape struck the perfect balance, a good “mix of collaboration and confrontation.”

The arrangement of seats in a legislature is perhaps the most studied element of design for its influences on political culture and behaviour. Many parliamentary architects have discussed their intent to instill particular behaviours through the arrangement of seats, and the above comments reflect much of this discourse. The opposing benches style is thought to enforce party discipline and facilitate an atmosphere of confrontation between Government and Opposition. Following the bombings of Westminster in 1941, Winston Churchill insisted that the opposing benches be reconstructed for these very reasons.<sup>10</sup> Similarly, when designing the Malaysian Parliament Building in 1965, English architect Ivor Shipley was of the firm belief that “the two-party system which existed should be clearly expressed in architectural terms,” and that the horseshoe plan previously in use in Malaysia “should be abandoned.”<sup>11</sup> One B.C. MLA observed that the opposing benches layout “sets a tone of not working together,” and another remarked that it “often places hostility ahead of the need to cooperate.”



## Seating Arrangement Preferences



Conversely, seating arrangements like the horseshoe or circle are thought to encourage consensus. In the Northwest Territories, the circular Caucus Room and Chamber were designed to “facilitate consensus-building, collaboration, and working together as a minority-led collective,” as well as reflect “the way in which Aboriginal groups traditionally make decisions in their own communities.”<sup>12</sup> This design likely plays a role in debate that “is generally more respectful and less puerile than in most partisan Legislatures.”<sup>13</sup> As many MLAs noted, it is also no mistake that the Simon Fraser University Morris J. Wosk Centre for Dialogue, the only facility in Canada purpose-built to forge relationships and advance dialogue, utilizes a circular seating plan. One MLA remarked that this function of rounded layouts is now reflected in schools: “As we [have grown] in our knowledge of how to help kids be successful and be cooperative, lines and rows of desks quickly became circles or U-shape[s], so that there was no kid at the front, no kid at the back. There wasn’t a visible hierarchy.” Though the rectangular marble walls in B.C.’s Chamber do pose a challenge to the implementation of a rounded seating plan, other jurisdictions have skirted this issue by switching the focal point of the room. For example, South Africa’s National Council of Provinces switched their Chamber “from portrait straight to landscape-curved” in an effort to “[symbolize] the government’s intention to embed a new parliamentary culture.”<sup>14</sup>

As Goodsell notes, a rounded layout “does not, of course, prevent bitter disagreement, acrimonious debate, and chamber deadlock; but it does not assume

stalemate acrimony as being the main purpose of parliamentary life.”<sup>15</sup> In a similar vein, introducing a new parliamentary seating plan does not guarantee that a change in behaviour will follow. For instance, Shipley’s best efforts to secure a two-party system in Malaysia did not materialize. Until 2018, Malaysia was led by a coalition government.<sup>16</sup>

### “Two and a half sword lengths and all that...”

Though the seats and shapes that Members find themselves in might impact political culture and behaviour, so too does the distance between Members of opposing parties. The distance across the floor between the Government and

Opposition benches in the House of Commons of the United Kingdom is meant to be the equivalent of two sword lengths, a tradition that dates back to when Members carried swords and needed a reminder to “seek resolutions by peaceful means.”<sup>17</sup> The custom, eloquently described as “two and a half sword lengths and all that” by one survey respondent, was later adopted by the physical and political architects of B.C.’s Chamber. Over time, the seats in British Columbia’s Chamber have come together to accommodate an ever-increasing number of representatives, meaning MLAs at one end are no longer separated by the traditional distance. According to one Member, the loss of two sword-length’s separation has made it possible to hear commentary across the aisle that would otherwise have passed unnoticed. As such, the Member notes, the end of the Chamber where seats come together is often embroiled in more conflict during Question Period.

But what if the distance between Government and Opposition were to shrink from two sword lengths to two centimeters? This has been the case in Iceland since 1916, where the seats for private members are assigned by lottery. When asked how they would feel if Government and Opposition Members sat amongst each other, Members of B.C.’s Legislative Assembly provided a decisive, and perhaps unsurprising, response: 74 percent indicated they would be dissatisfied or highly dissatisfied with seat neighbours from another caucus. Though in the minority, one MLA remarked that being surrounded by “colleagues but not teammates” would provide some healthy

discomfort. Having “teammates behind and beside [you]” provides a level of protection, they argued, that ultimately does not contribute to healthy debate.

Research has shown that who you are sitting beside or across from, as well as the distance between you, does have an impact on political behaviour. For example, in Iceland, researchers have found that two MPs from different parties will vote 0.5 to 1 percent more similarly when seated next to each other compared to MPs from different parties who sit apart. This effect on the MPs sitting together disappears when they are moved apart in later years.<sup>18</sup> While this may not translate to votes crossing the aisle in the British Columbian context, it is at least foreseeable that being in closer physical proximity to Members of the opposite team could open lines of communication and reduce heckling.

### **“...As we plan to shift back to normal”**

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It is important to acknowledge that at the same time we were surveying and interviewing MLAs, the physical Chamber was not being used in its traditional capacity. With the pandemic came a shift to virtual life, and the hybrid model that has been in use for months has become the new routine. Morden even described British Columbia as “[t]he closest thing to a pandemic virtual parliament in Canada.”<sup>19</sup> Though we are over a year into the pandemic and the Speaker is still having to remind Members to unmute their microphones, the question remains as to whether a permanent transition to the hybrid model will be in the B.C. Legislative Assembly’s future “as we plan to shift back to normal.”

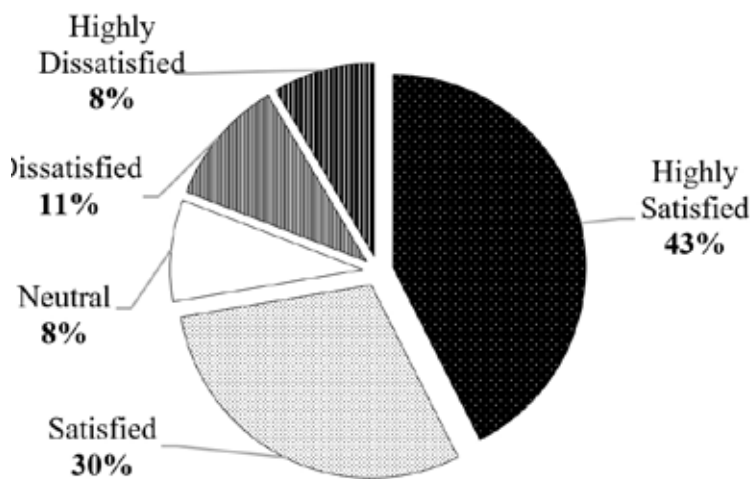
When asked about their general level of satisfaction with the current hybrid model, over three quarters of respondents indicated that they were satisfied or highly satisfied. While satisfaction might be high in the midst of the pandemic (when no one has much choice in the matter), we wondered how the level of satisfaction with the hybrid model might change post-pandemic. When asked if there was anything about the hybrid model that they would like to maintain beyond the pandemic, a large majority of respondents indicated that they appreciate some aspects and wanted to see those aspects carried into the future. Fifty-three per cent of respondents wanted to keep the hybrid model as it is now, and 23 per cent suggested keeping parts of the hybrid model but not to the extent that it is currently used. The last 23 per cent signified that they would not like any part of the hybrid model to remain after a full return to in-person life is deemed safe.

Bittner and Thomas describe how, at the federal level, “[t]here seems to be some concern that anything that takes MPs away from the Chamber is uniformly bad, despite no clear explanation of why this is perceived to be problematic.”<sup>20</sup> Similarly, the respondents of our survey who were opposed to maintaining any part of the hybrid model post-pandemic provided little explanation as to why it should be discontinued. Bittner and Thomas cite critics of the federal virtual model that argue it creates a “feeble” or “fake Parliament.”<sup>21</sup> In the B.C. context, one Member took issue with the hybrid model allowing Members to read from their computer screens, calling into question the level of engagement or quality of debate when looking at one’s colleague through a screen. Another MLA stated that “[p]ersonal interaction is very important to the quality of governance.” It is difficult to express exactly what is lost without face-to-face interaction, but there is something to be said about missing the humanity of politics. Representing this in an Estimates debate, Premier John Horgan commented that Members having only met and interacted with each other online “does not lead to collegiality,” but rather “leads to misunderstanding and distrust.”<sup>22</sup> Loss of direct and frequent access to one’s fellow Members also leads to a loss of informal discussions, meaning Members are prevented from canvassing a wide range of issues that cannot be raised through formal channels but are nonetheless important to their work. Last, though certainly not least, some Members may simply be experiencing the widespread feeling of “Zoom fatigue.”

On the other hand, however, Bittner and Thomas argue that allowing for the continuation of virtual voting could be a significant benefit to representatives who are working parents or who must travel comparatively long distances to attend in person.<sup>23</sup> Many Members of the British Columbia Legislative Assembly appear to agree on both fronts. Eight respondents specifically mentioned the importance of maintaining a hybrid model for the benefits it provides to working parents, and nine referenced the ease of the travel burden – and carbon emissions from travel – for those in ridings that are farther away. Simply saving time and costs was enough to sway others. There was also a general sentiment among hybrid supporters that maintaining the hybrid model would foster diversity.

Although in many ways the hybrid model mirrors the traditional procedures in the Chamber, some practices have not been maintained through the change, including Members’ ability to heckle. The microphones of Members who participate virtually are muted when they have not been called upon to speak.

## Current Hybrid Model



Those who are physically present in the Chamber are able to interject as normal, under the watchful eye of the Speaker of course, but they account for less than half of the Members on any given day. One MLA described heckling as “simply part of Question Period...part of the energy in the room.” So what happens when we lose out on some of this energy? For some respondents, this change may not be a bad thing. In a 2021 survey of 800 British Columbians, there was “wide support” for initiatives promoting respectful behaviour within the Legislative Assembly.<sup>24</sup> In the same survey, 57 per cent of respondents supported establishing an all-party parliamentary committee to examine parliamentary decorum, including heckling. For Question Period in particular, 41 per cent of respondents wanted to eliminate clapping, 55 per cent wanted to eliminate the banging of desks, and 63 per cent wanted to eliminate heckling. At least for Members joining online, these changes have been realized.

Many of the Members who signified that the hybrid model was, at least in part, something they would be open to continuing highlighted the importance of choice; when hybrid is no longer necessary during a pandemic, Members should have the opportunity to decide whether or not they go back to work in the office full time, they argued. Some respondents raised the option of the virtual model for specific kinds of gatherings, such as meeting in committees or gathering to vote. Others suggested working from home a few days a week or a few weeks per session. On the surface, providing Members the opportunity

to pick the model that best suits the variables in their own lives seems to be a fair approach. However, what remains to be seen is the extent to which people’s perceptions of these choices, both the public and the Members themselves, impact political behaviour or value judgements more broadly. Like the critiques levied at the federal level, some Members or portions of the public might view those who choose to participate virtually more often as weakening Parliament. As working in person signifies going back to normal, will this form of participation be valued more? Will those Members who work from home for any variety of reasons be disadvantaged or left out of opportunities for informal interaction? In each aspect of Chamber design that we have discussed, we have looked at the potential implications of these design aspects on political behaviour, but these same design changes can communicate or foster certain values.

## Conclusion

Our interest in this topic sprouted from a practical question: if the number of MLAs in the Chamber is expanded, what changes will be made to accommodate their presence? However, the most interesting topics of discussion often bring up more questions than they do answers. Through our initial research we looked at potential design changes and the possibility that these changes will influence political behavior; but these same design changes can communicate, or even instill, particular values. What values would Members of British Columbia’s Legislative Assembly like to see represented in their parliamentary workplace, and what might they be ready to leave behind? Separate desks and chairs promote individualism and put a barrier between individuals and their fellow legislators. The ‘opposing benches’ style of seating and the two sword lengths promote competition and antagonism. The habit of Members sitting strictly among members of their own party encourages a mentality of us versus them. Alternatively, sitting side-by-side in benches with no desk as a shield, intermingled with colleagues in the shape of a horseshoe, semi-circle, or circle might promote the values of consensus and collaboration. In the case of the hybrid model, Members who advocated for its continuation voiced the importance of values such as diversity, work-life balance, and accessibility. If a decrease in heckling or an increase of overall civility is something MLAs or the public value, the hybrid model may also lend itself to this.

As Goodsell notes, “unless fire or wartime destruction intervene, long-used legislative houses and chambers are lovingly preserved as testaments to a venerable past.”<sup>25</sup> This dedication to the past was echoed by several other respondents, many of whom requested simply: “please don’t change it.” However, we believe British Columbia is being presented with a real opportunity to evaluate and adjust the values physically embodied in the Legislative Chamber. The Chamber was designed and constructed at a time when most British Columbians could not dream of occupying one of its seats, let alone vote for those who could. Given that the Chamber has not changed significantly since that time, it follows that the space is unable to accommodate the needs of those with diverse abilities and identities. Several MLAs recognized this and expressed a desire to adjust accordingly. In their words, “the building and its interior design need to adapt and change to reflect the body of people we serve,” and if other design changes accompany the addition of seats, this might just be possible.

“All fine architectural values are human values,  
else not valuables.”  
Frank Lloyd Wright

## Notes

- \* This article was researched and written when the chamber was not operating at full capacity.
- 1 Charles Goodsell, “The Architecture of Parliaments: Legislative Houses and Political Culture,” *British Journal of Political Science*, vol. 18, no. 3, 1988, 287.
  - 2 *Ibid*, 288.
  - 3 *Ibid*.
  - 4 *Ibid*.
  - 5 *Ibid*, 296.
  - 6 *Ibid*.
  - 7 *Ibid*, 298.
  - 8 David Mulder van der Vegt, Max Cohen de Lara, *Parliament*, XML: Amsterdam, 2016.
  - 9 The survey asked “Which style of seating plan is your preference and why?” and required a write-in response. In cases where respondents indicated multiple options as their preference, all were included in the tally to determine which option had the most overall support. If a respondent gave any indication that one of the options they listed was preferred over another they listed, only the primary preference was included in the tally.

- 10 Leanne-Marie McCarthy-Cotter, Matthew Flinders, Tom Healey, “Design and Space in Parliament,” in *Exploring Parliament*, ed. Cristina Leston-Bandeira, Louise Thompson, Oxford University Press: New York, 2018, 54.
- 11 Ivor Shipley, “The Parliament Building of Malaysia,” *Journal of the Parliaments of the Commonwealth*, vol. 46, 1965, 177-81.
- 12 Don Couturier, “The Northwest Territories Legislative Assembly Building: Honouring our Past and Embracing our Future,” *Canadian Parliamentary Review*, vol. 37, no. 1, 2014. <http://www.revparl.ca/english/issue.asp?param=218&art=1570>
- 13 Tim Mercer, “Consensus Government in the Northwest Territories: Westminster with a Northern ‘Twist,’” Canadian Study of Parliament Group Studies of Provincial and Territorial Legislatures, 2014, 9. [http://cspg-gcep.ca/pdf/CSPG\\_NWT\\_Legislature-e.pdf](http://cspg-gcep.ca/pdf/CSPG_NWT_Legislature-e.pdf)
- 14 John Parkinson, “Assemblies II,” in *Democracy and Public Space: The Physical Sites of Democratic Performance*, Oxford University Press, 2012, 81.
- 15 Charles Goodsell, “Architectural Power,” in *What Political Science Can Learn from the Humanities*, ed. R. A. W. Rhodes, S. Hodgett, Palgrave Macmillan, 2021, 213.
- 16 “Better politics by design; Parliamentary chambers.” *The Economist*, vol. 432, no. 9153, 27 July 2019, p. 52.
- 17 Robert Marleau, Camille Montpetit, “The Physical and Administrative Setting,” in *House of Commons Procedure and Practice*, McGraw-Hill: Montreal, 2000, 234.
- 18 Donghee Jo, Matt Lowe, “Social interactions of lawmakers and the partisan divide: A natural experiment in Iceland,” Working Paper, 2020. <http://www.dongheejo.com/assets/pdf/PCH.pdf>
- 19 Mike Morden, “Canadian Parliaments Respond to COVID-19,” *Canadian Parliamentary Review*, vol. 43, no. 3, 2020. <http://www.revparlcan.ca/en/canadian-parliaments-respond-to-covid-19/>
- 20 Amanda Bittner and Melanee Thomas, “Making a Bad Thing Worse: Parenting MPs and the Pandemic,” *Canadian Parliamentary Review*, vol. 43, no.3, 2020. <http://www.revparlcan.ca/en/making-a-bad-thing-worse-parenting-mps-and-the-pandemic/>
- 21 *Ibid*.
- 22 British Columbia, *Official Report of Debates of the Legislative Assembly (Hansard)*, 42nd Parl, 2nd Sess, (15 June 2021).
- 23 *Ibid*.
- 24 Mario Canseco, “British Columbians Want Data Access and Decorum in Legislature,” Research Co., last modified January 29, 2021. <https://researchco.ca/2021/01/29/bcpoli-plecas-proposals/>
- 25 Goodsell, 1988, 291.

# *Messaging, Partisanship and Politics: Discourse in Standing Committees in a Minority Parliament*

This article explores whether partisan discourse is used to impact the operations of House of Commons standing committees, during a minority Parliament. Using a discursive institutionalist lens, this paper tests two hypotheses. First, whether instances of partisanship are demonstrated by all political parties in standing committees during a minority Parliament. Second, whether partisanship in standing committees during a minority Parliament negatively impacts the efficiency of committees, their work and cross-party relationships on those committees. Analysis through a discursive institutionalist lens of quantitative data from two standing committees during the 2<sup>nd</sup> Session of the 43<sup>rd</sup> Parliament and qualitative data from interviews with Members of Parliament from each of the four recognized political parties, confirms both hypotheses. These findings suggest that further research should be conducted to continue to develop the literature on partisanship in standing committees.

**Valere Gaspard**

## **Introduction**

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House of Commons committees have had varying levels of importance throughout Canadian history. When the Dominion of Canada was created in 1867, a wide range of committees were established, but they were not integral to parliamentary business.<sup>1</sup> While of lesser importance at the beginning of the federation, House of Commons standing committees in Canada underwent various changes until 1965, when noticeable steps to implement major reforms to these committees were underway. After reforms implemented in 1968, standing committees were considered “an integral part of the work of the [House of Commons]”.<sup>2</sup> Despite becoming more integral to the work of the House, researchers note that committees require additional scholarly attention.<sup>3</sup> To contribute to this field of study, this article explores the following question: is partisan discourse used to impact the operations of House of Commons standing committees, during a minority Parliament?

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*Valere Gaspard is a graduate student at the University of Ottawa, a research fellow at Western University's Leadership and Democracy Lab, and an alumnus of the Parliamentary Internship Programme (2020-2021). This is a revised version of the essay he wrote as part of his internship.*

To answer this question, this article is divided into four sections. First, I define the discursive intuitionism lens that will be used to frame the remainder of the paper and provides a brief history of committees. Next, I define partisanship and partisan discourse. I then review the methodology and results of the research, including both quantitative data collected from the proceedings of two committees, as well as qualitative data from interviews with Members of Parliament (MPs). Last, I analyze the results and explain some possible implications of the findings, along with suggestions for future studies to expand the knowledge in this field.

## **Theoretical Framework**

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To examine the discourse that occurs in committees during a minority Parliament, the paper utilizes a discursive institutionalist lens. Discursive institutionalism assumes that institutions are defined by ideas and the way these ideas are communicated within the structure being examined.<sup>4</sup> It differs from normative institutionalism, which emphasizes defining appropriate behaviours within an institution, while discursive intuitionism focuses on the ideas and goals that the institution pursues.<sup>5</sup> While other forms of institutionalism focus on formal structures and hierarchy, discursive intuitionism emphasizes the ideas that are held by the members

of the institution.<sup>6</sup> The theory also presupposes that institutions emerge from the interactions of its members and its associated organizations, instead of assuming that there are established organizational structures.<sup>7</sup>

Discursive institutionalism also provides insights into the dynamics surrounding institutional changes, since it can help to explain the preferences, normative orientations, and strategies of actors.<sup>8</sup> Furthermore, by focusing on forms of discourse – specifically coordinative discourse between other policy actors and communicative discourse between an elected official and the public<sup>9</sup> – it may clarify why MPs within the current parliamentary committee system display more instances of partisanship.

### **History of Committees**

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While the Canadian House of Commons has several types of committees, this paper focuses specifically on standing committees.<sup>10</sup> A change that is central to understanding the findings of this paper occurred in 1991 when committees began to broadcast their proceedings.<sup>11</sup> While this made committees more accessible to the public, it may have also contributed to the development of the “permanent campaign” in Canada, by giving MPs additional opportunities to receive public coverage. Although not directly related to the progression of committees, this development is important to consider when discussing partisan discourse during committees, since the permanent campaign consists of maximizing all available resources and utilizing public resources to achieve electoral goals.<sup>12</sup>

### **Definition of Partisanship**

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Prior to explaining the methodology used to measure partisan discourse between MPs and their perception of partisanship in standing committees in Canada, it is important to clearly define partisanship. While some have defined partisanship as the active commitment of persuading others through an appeal to reason to share their views,<sup>13</sup> I employ a more simple and narrow definition, to try to minimize subjectivity in the collection and analysis of data. As a result, I define partisanship in accordance with the *Canada Elections Act*. While the *Act* does not provide a direct definition of partisanship, it defines *partisan advertising* as “an advertising message that promotes or opposes a registered party or eligible party or the election of a potential candidate, nomination contestant or leader of a registered party or eligible

party, otherwise than by taking a position on an issue with which any such party or person is associated.”<sup>14</sup> From this definition, partisanship will be considered the promotion or opposition of any of the four official political parties (the Liberal Party of Canada (LPC), the Conservative Party of Canada (CPC), the Bloc Québécois (BQ) or the New Democratic Party (NDP)), during the proceedings of House of Commons standing committees. Based on this definition of partisanship, partisan discourse in standing committees will consist of promoting or opposing one or more of these political parties, during standing committee proceedings.

### **Methodology**

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The existing literature on standing committees in the House of Commons and minority Parliaments in Canada, helped to inform two proposed hypotheses. Based on the permanent campaign in Canada, and how during a minority Parliament decisions are more often based on partisan reasoning,<sup>15</sup> the first hypothesis supposes ‘standing committees during a minority Parliament will demonstrate instances of partisanship from all political parties.’ The second hypothesis of this paper suggests ‘partisanship in standing committees during a minority Parliament is negatively impacting the efficiency of committees, their work and cross-party relationships on those committees’. These hypotheses are rooted in findings from the literature that partisanship has impacted the effectiveness of committees<sup>16</sup> and evidence which demonstrates that committee membership in Canada may be organized by political parties based on electoral or partisan needs.<sup>17</sup> If members of committees were chosen by their political parties for reasons that were not related to partisanship (for example, being interested or having expertise in the subject being covered by the standing committee), then this hypothesis would have less support from past literature. To test these hypotheses, I utilize both quantitative and qualitative datasets.

#### *Quantitative Data*

The quantitative data used was collected from two standing committees: the Standing Committee on Government Operations and Estimates (OGGO) and the Standing Committee on Fisheries and Oceans (FOPO). These committees were chosen at random from the 24 standing committees during the 2<sup>nd</sup> Session of the 43<sup>rd</sup> Parliament. The data consists of the number of instances of partisan discourse that took place during each committee from September 23<sup>rd</sup>, 2020 (the

beginning of the 2<sup>nd</sup> Session of the 43<sup>rd</sup> Parliament) up until the final committee meeting that took place in 2020. Instances of partisan discourse consisted of any time a member on a committee referred to a political party or an upcoming election. Five types of codes (Figure 1) were used to divide the types of statements made by the members of each committee. The first code is “context for proceedings”, which consists of a committee member using the name of a political party to contextualize something on committee; for example, saying that a member from ‘X party’ will have the floor to speak. The second code is “boasting”, which consists of a member of a committee speaking positively about their own political party or its accomplishments. The third code is “malicious”, which is when a member of a committee is speaking negatively about the political party of another member or is attacking another political party. The fourth code is “mention of an election”, which is simply referring to the prospect of an election or any partisan actions that can be taken during a future election. The final code is “praise or lowering tensions” which is when a member of committee compliments another member from a different political party by making direct reference to their party, or by attempting to diffuse any partisan debates that are occurring during committee proceedings.

While this way of measuring partisanship is narrower – since it does not account for potential partisan ‘talking points’ from each political party – it was adopted to try and best limit subjectivity or bias that could occur during the collection of the data. Since the data was being collected from the evidence section of each committee meeting (which consists of transcripts of the meetings)<sup>18</sup> it would be up to the author to differentiate what consists of partisan discourse or an argument that is relevant to the work of the committee. Therefore, the coding system listed in the previous paragraph was utilized, to limit this kind of subjectivity from impacting the quantitative dataset. The results of the quantitative data can be seen in Figures 2, 3 and 4.

#### *Qualitative Data*

The qualitative dataset consists of interviews with MPs from each of the four recognized parties in the House of Commons (LPC, CPC, BQ and NDP).<sup>19</sup> One MP from each of the listed political parties were interviewed but their identities have been kept anonymous. This was a decision made by the interviewer to limit any kind of vulnerability or harm that could be caused by participating in the interview.

To interpret the interviews of each of the MPs and to provide common ‘themes’ from the four interviews, a specific phenomenological approach was utilized. This approach emphasizes the use of nodes found within the interviews, to help create themes. The process begins by reading all the transcripts of the interviews that took place. After the initial reading, each transcript is read again, and each line of every transcript is assigned a node. This is done as a confirmation-procedure, to ensure that while the text is being repeatedly examined, “the phenomenon as a whole remains the same.”<sup>20</sup> After assigning a node to each line of every transcript, the nodes are examined collectively to create themes. By basing the themes off the nodes – instead of attempting to fit the text into preconceived themes – it permits the qualitative evidence to be “viewed as something that shows itself”.<sup>21</sup> This allows for “the investigator [to abstain] from making suppositions”<sup>22</sup> about the topic, and to focus on the subjectivity that comes with the experiences of each MP that was interviewed. Doing this also fits in well with discursive institutionalism, since both the phenomenological approach of examining the data and the theoretical lens emphasize the ideas being communicated by the actors within the institution.

As shown in Figure 5, there are five themes that appeared from the nodes: partisanship, control, strategy, efficiency, and collaboration. Under each theme is a sentence that summarizes common experiences that were expressed during the interviews, which help to describe each of the themes. The nodes included in Figure 5 were the types of sentiments or statements that helped to shape the five listed themes.

## **Results**

**Figure 1: Description of Codes**

<b>Partisan Codes</b>	<b>Coding Number</b>
Partisan Reference (Context for proceedings)	1
Partisan Reference (Boasting)	2
Partisan Reference (Malicious)	3
Mention of an election	4
Partisan Reference (Praise or lowering tensions)	5



Figure 2: OGGO – Number of Partisan Incidents by Party Per Session

Date of Meeting:	LPC	CPC	BQ	NDP
2020-10-08	2	2	1	1
2020-10-26	3	4	-	2
2020-11-02	4	3	1	2
2020-11-04	1	3	-	2
2020-11-16	1	3	-	1
2020-11-18	-	1	-	3
2020-11-25	2	3	-	1
2020-11-30	-	3	-	1
2020-12-02	1	2	1	1
2020-12-07	-	3	-	1
2020-12-09	-	3	-	-
<b>Total:</b>	14	30	3	15

Figure 3: FOPO – Number of Partisan Incidents by Party Per Session

Date of Meeting:	LPC	CPC	BQ	NDP
2020-10-14	1	-	-	-
2020-10-19	1	1	-	-
2020-10-21	1	-	1	1
2020-11-02	7	5	-	3
2020-11-16	-	-	-	1
2020-11-18	3	1	-	6
2020-11-25	-	-	1	-
2020-12-02	-	1	-	-
2020-12-07	-	-	-	-
2020-12-09	1	-	-	-
<b>Total:</b>	14	8	2	11

Figure 4: Total Types of Partisan Incidents

Partisan Codes	LPC (OGGO)	LPC (FOPO)	CPC (OGGO)	CPC (FOPO)	BQ (OGGO)	BQ (FOPO)	NDP (OGGO)	NDP (FOPO)
Type 1:	7	6	11	3	1	1	4	4
Type 2:	3	2	3	2	-	-	4	2
Type 3:	3	8	17	3	1	-	10	9
Type 4:	1	-	2	-	2	-	4	-
Type 5:	1	-	-	-	-	1	2	-
<b>Total:</b>	15	16	33	8	4	2	24	15
<b>Total (both committees):</b>	31		41		6		39	

**Note:** The total *types* of partisan incidents will be higher than the *number* of partisan incidents, since some partisan incidents contained two or more *types* of partisan codes.

Figure 5: Themes and Nodes from MP Interviews

	Partisanship	Control	Strategy	Efficiency	Collaboration
<b>Themes:</b>	Experiences of partisanship in committees, and a desire for it to subside for the sake of efficiency.	Expressions of who has control in a minority Parliament and a majority Parliament, as well as how this control is helpful.	Experiences of strategizing to create narratives on committees, for partisan points, or to work with other parties for specific goals.	Desires for efficient committees, as well as frustration with inefficiency caused by partisanship or strategizing.	Experiences collaborating with MPs from different parties, as well as their own.
<b>Nodes:</b>	<p>Good contributions from others, but they still want a news story and to take shots at others.</p> <p>Partisanship dictates the direction of committees.</p> <p>Shaming of others if they are being too partisan.</p> <p>In-person committees help strip away the partisanship.</p> <p>Majority Parliament is more ideological, minority is more partisan.</p> <p>Partisanship in committee hurts how Canadians engage with Parliament.</p>	<p>The opposition controls committee in a minority Parliament.</p> <p>Governing party must control one of the other parties to control the agenda in a minority Parliament.</p> <p>Offscreen actions within caucuses for decision-making (group texting in committees).</p> <p>Procedures are used to derail committee for partisan purposes.</p>	<p>Analyze the value of witnesses to support a narrative.</p> <p>Raise issues based on partisan/party goals.</p> <p>Listen to what others want, for the sake of accomplishing your goals.</p> <p>Off topic questions are used to fulfill a partisan agenda.</p> <p>Committees are useful to give MPs 'busy work'.</p>	<p>Virtual committees are slower because partisanship is easier.</p> <p>Partisanship can be put aside at times to get the job done.</p> <p>Committees lost their pertinence in a minority Parliament for electoral point gaining.</p> <p>Procedural games waste time and should stop.</p> <p>Committees should be more efficient.</p>	<p>Discussions with MPs from different parties to prepare for committee.</p> <p>Friendships with MPs from different parties.</p> <p>The best ideas can come from different parties.</p> <p>Desire to collaborate, in a minority or majority Parliament.</p> <p>Actors differ by committee.</p>

## Discussion

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In this discussion, first the quantitative results will be explained to see if they prove or disprove the two hypotheses proposed in the methodology section of the paper, and to explore how they may impact the literature on standing committees. The analysis will occur for the qualitative results. Finally, some recommendations of future research will be provided based on to the findings.

### *Quantitative Discussion*

Partisan incidents were recorded for each of the four recognized political parties in both committees. Apart from the LPC, which had the same number of partisan incidents during both the OGGO and FOPO committees, each political party had more recorded partisan incidents during the OGGO committee. Through a discursive institutionalist lens, this could be interpreted as the members of that committee having a more partisan idea or understanding of committees; thus, Members behaved with more partisanship in reaction to one another. Even though OGGO reviews the government's appropriations – making it a topic that could quickly become partisan – it should be noted that a MP can be critical of government decisions without being partisan and criticizing the party of the government (consistent with this paper's definition of partisanship). Another trend that should be considered is that the BQ scored significantly lower than the other three political parties during both committees. As shown in Figure 4, a total of six types of incidents were recorded for the BQ during both committees, while the second lowest score is 31 with the LPC. Since no literature on standing committees alluding to *why* specific political parties may behave in a partisan manner on committees was found, this topic may be worth exploring further. One potential answer could be that due to the ideology of the BQ – working exclusively for the interests of Québec<sup>23</sup> – its members may have fewer opportunities to express partisanship since the work of committees also focus on policy issues taking place outside of Québec. However, it is also possible that the members of the BQ that participated on those committees could have just been less partisan than other members of their party. Studying behaviour of Members on additional committees could provide evidence for a more conclusive answer. Based on this information, it seems that the first hypothesis, that there will be instances of partisanship from all political parties in standing committees during

a minority Parliament, could be confirmed, since all political parties did technically demonstrate some instances of partisanship. However, the low level of partisanship demonstrated by BQ Members suggests the first hypothesis should be considered only partially proven by the quantitative data.

From the types of partisan incidents that were coded (see Figure 1 and Figure 4), the highest number of incidents were under the “malicious” (Type 3) category with a total of 51 incidents out of the 117 that took place; this amounts to approximately 43.6 per cent of the total. The second highest number of incidents were under “context for proceedings” (Type 1) category with a total of 37 out of the 117, which is approximately 31.6 per cent. In third place, the “boasting” incidents (Type 2) consisted of a total of 16 out of 117, which is about 13.7 per cent. Next, the “mention of an election” incidents (Type 4) accounts for 9 out of 117, or about 7.7 per cent of the total. Finally, the “praise or lowering tensions” category (Type 5) only consists of 4 out of the 117 incidents, or 3.4 per cent. Based on these results, many partisan instances during standing committees consist of targeting Members from other political parties. This latter finding would seem to suggest that Members from different political parties may not work as well together during a minority Parliament as they might otherwise. These findings would slightly contrast with some parts of the literature, which suggests that Members from different political parties can work together to overcome partisan disagreements.<sup>24</sup> Members making ‘malicious’ statements towards one another in a partisan manner does not necessarily mean that the Members are not getting committee work done together. However, these statements do fill committee time and are likely part of the broader permanent campaign in Canada. Since committees as a public resource<sup>25</sup> are being used as a platform to make partisan statements, it seems that part of my second hypothesis – that partisanship in standing committees is negatively impacting the efficiency and work of committees – is confirmed. While it may seem that overt partisanship – especially the type of partisanship that targets other Members and their parties in statements – would negatively impact cross-party relationships, more evidence in support of this hypothesis in the qualitative section of this article would strengthen this confirmation. MPs can best speak to their relationships with other MPs. Therefore, while the quantitative data suggests that cross-party relationships on committees may be negatively impacted, it does not completely confirm it.

### *Qualitative Discussion*

Based on the nodes collected for Figure 5, the following five themes arose from the MP interviews: partisanship, control, strategy, efficiency, and collaboration. Under the partisanship theme, MPs expressed experiences and thoughts about seeing partisanship during committees but having the desire to reduce it for the sake of efficiency. This helps to further confirm the first hypothesis, since both the quantitative data and the experiences of the MPs who were interviewed allude to the notion that there is partisanship during committees. For the second theme of control, there were expressions that referred to how the operations of committees may change depending on whether there is a minority or majority Parliament. This finding demonstrates how the phenomenological approach that was taken to understand these interviews was helpful. If the data was placed into preconceived themes, the idea of control would have fallen outside the scope of partisanship and partisan discourse. Overall, it seems that the group dynamics (how MPs interact with one another) and the procedures of committees during a minority Parliament, are used to fulfil partisan purposes. This finding helps to confirm parts of the second hypothesis. If procedures are being used to derail committee for partisan purposes, partisanship is impacting the efficiency and work of committees.

The strategy theme further helps to confirm parts of the second hypothesis. Part of the experiences around strategizing on committee consisted of creating a narrative on committee to help serve partisan goals, as well as strategically listening to what other Members may wish to accomplish, to ensure your own goals can be accomplished. This idea of strategizing with others would be consistent with the portions of the literature on standing committees that refer to backroom deals happening during a minority Parliament.<sup>26</sup> There have also been cases – outside of the examined committee periods – that demonstrate how members of a committee may treat witnesses differently to help support a narrative they are trying to create.<sup>27</sup> In addition to further confirming the first hypothesis, these findings once again help to demonstrate that the efficiency and work of committees are being negatively impacted by partisanship. Ironically, the fourth theme – ‘efficiency’ – demonstrates that there is a desire from members to be more efficient and a shared frustration about the inefficiency caused by partisanship. Through the lens of discursive intuitionism, it seems that MPs have a common issue with the efficiency of committees but seem to believe that it is members from other parties

that are causing the problem. Since the discursive institutionalist lens assumes that institutions are also defined based on how ideas are communicated within the structure being examined, it may be worth further exploring if this communication between MPs is taking place.

The final theme of collaboration demonstrates that MPs have a desire to work with MPs from different political parties and value their ideas. However, working with other MPs and reducing partisanship may be more difficult when MPs are not attending in-person committee meetings. It was easier for MPs from different political parties to have informal conversations and foster inter-party friendships during pre-pandemic times.<sup>28</sup> Therefore, while partisanship does negatively impact cross-party relations in standing committees – thus confirming the final part of the second hypothesis – improvement is possible. It may be as simple as giving MPs from different political parties more opportunities to communicate about their perceptions of committees or allowing for more informal collaborations.

### *Recommendations for Future Research*

Since this analysis looked at the partisan instances of members of the four recognized political parties and did not delve into the motivations of the individual political parties during committees, it would be worth exploring how each political party interprets the role of partisanship in committee and if (and how) MPs from different parties communicate with one and other about partisanship on committee. Research into these topics could assist in providing answers as to *why* members of committee are behaving in a partisan manner.<sup>29</sup> Finally, examining whether being partisan on committee or utilizing committee time to accomplish more policy goals is a better value to MPs should also be considered in future studies.

### **Conclusion**

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Partisan discourse has an impact on the operations of House of Commons standing committees during minority Parliaments. Using a discursive institutionalist lens and quantitative and qualitative data, I confirmed two working hypotheses. First, standing committees during a minority Parliament will demonstrate instances of partisanship from all political parties and, second, partisanship in standing committees is negatively impacting the efficiency of committees, their work and cross-party relationships on those committees.

Interviews with MPs from all recognized parties suggest there is a desire to improve the efficacy of committees and the collegiality among their members. Determining how best to balance the political and partisan goals of these MPs and their parties with the necessary environment for productive committee work will need to be considered for this desire to become reality.

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# *Nothing About Us Without Us: Representation of People with Intellectual Disabilities and Their Interests in Parliament*

How well are people with intellectual disabilities and their interests represented in the House of Commons and in the offices of members of Parliament (MPs)? A series of interviews was conducted with parliamentarians who have personal experience working alongside persons with disabilities, members of advocacy groups, and a person with intellectual disabilities who are or have worked in parliamentary offices. Using this information, the author explores the current state of representation of these individuals and their interests, the barriers they and others face in improving their representation, and makes recommendations for how to make the House of Commons more inclusive for persons with intellectual disabilities.

**Amélie Cossette**

## **Introduction**

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Every day, people with disabilities around the world face many barriers to exercising their basic human rights in all kinds of situations. In fact, the United Nations has stated that people with disabilities are the most disadvantaged minority in the world, not to mention the largest.<sup>1</sup> Canada is no exception.

In recent years, steps have been taken to promote the inclusion of people with disabilities, but discrimination remains an all too present phenomenon in their daily lives. Do policy makers truly understand their situation? This article explores how people with intellectual disabilities and their interests are represented in the House of Commons and in the offices of Members of Parliament (MPs).

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First, I provide an overview of the research process in order to contextualize the importance of this research. Next, I present a snapshot of the current situation in Canada. Then, I analyze the findings from the interviews conducted as part of this project. Finally, I propose recommendations on how to make the House of Commons more inclusive. All of this will be based on an approach centred on respect for fundamental human rights.

This article is an abridged version of a much longer research paper. In order to adhere to space requirements, a literature review has been condensed and the number of answers to my research questions have been reduced.

## **Approach**

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It is important to note that the experiences of each individual with an intellectual disability vary greatly depending on the level of disability, their living environment, and the resources available to them.<sup>2</sup>

Individuals with an intellectual disability face a great deal of prejudice because, in general, the public tends to focus on their limitations rather than their potential. When it comes to employing a person with an intellectual disability, many hiring managers are not any different in their perspective.

Misunderstanding the nature of disability is also present within the political sphere. For example, during debate over Bill C-7 it was apparent that many MPs failed to understand the realities of people with disabilities. Bill C-7, the proposed legislation to expand medical assistance in dying, was recently passed in the House of Commons. The Bill passed without the amendments to protect individuals with disabilities that many disability rights organizations had been calling for, resulting in an open letter with 147 signatures in opposition to the Bill.<sup>3</sup> The unaddressed concerns of these organizations sparked my interest in studying representation of persons with disabilities in the House of Commons and MPs' offices.

The socio-economic conditions of people with intellectual disabilities and the difficulties they face in participating in the democratic process are well documented, but there is little information regarding their representation in the House of Commons. This research attempts to add this aspect to the existing literature.

## Methodology

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In order to provide an accurate overview of how individuals with intellectual disabilities and their interests are represented in the House of Commons and in the offices of MPs, I explored the factors that make it difficult for people with intellectual disabilities to integrate into these work environments. Moreover, I examined whether there are measures in place to make it easier to include people with intellectual disabilities in the Canadian political system.

This research is based on qualitative methods, including a literature review and semi-structured interviews. A total of eight interviews were conducted in May and June, 2021. The individuals selected to take part in this process all have relevant experience with intellectual disabilities; either within civil society, research institutes, the House of Commons and the Senate, or elsewhere. An individual with Down syndrome working in a senator's office also participated in this project. The interviews generally consisted of seven substantive questions, each tailored to the subject's own expertise and a final open-ended question to provide space for additional comments on the subject matter.

The findings presented in this article provide a basis for better understanding how people with intellectual disabilities are represented in the House of Commons.

## Defining Terms

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**Disability** is an "evolving concept," as recognized by the United Nations in the preamble to the *Convention on the Rights of Persons with Disabilities*, which was adopted in 2006 and came into force in 2008. This convention provides the following definition of "persons with disabilities":

... those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.<sup>4</sup>

The focus is on the barriers that individuals with disabilities face, rather than their abilities and limitations. This approach to the concept of disability is based on a social, rather than a medical model, as has long been the case.<sup>5</sup>

In 2019, the Government of Canada adopted the *Accessible Canada Act*, which defines "disability" as:

any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society.<sup>6</sup>

Canada has a long history of discrimination against people with disabilities, closely linked to colonization. Before the medical and institutional view was imposed, Indigenous peoples' traditional view of disability was much more positive. People with disabilities were an integral part of the community and often held special roles, without being socially stigmatized.<sup>7</sup>

According to the Quebec Intellectual Disability Society (QIDS), an **intellectual disability** is diagnosed when significant limitations in intellectual functioning and limitations in adaptive behaviour are observed before the age of 18.<sup>8</sup>

**Ableism**, derived from the word "ability," is a key concept in understanding the various realities of individuals with disabilities in Canada, including those with intellectual disabilities.

The Ontario Human Rights Commission states that ableism is:

analogous to racism, sexism or ageism, [and] sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems or the broader culture of a society. It can limit the opportunities of persons with disabilities and reduce their inclusion in the life of their communities.<sup>9</sup>

This view is shared by many authors, such as Ostiguy, Peters and Shlasko: “Like other systems of oppression, ableism operates on many levels, including institutional policy and practice, cultural norms and representations, and individual beliefs and behaviors.”<sup>10</sup>

### **A Snapshot of the Situation**

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According to the 2017 Canadian Survey on Disability conducted by Statistics Canada, 22 per cent of Canadians, or approximately 6.2 million people, have at least one disability.<sup>11</sup> The QIDS estimates that between one to three per cent of the population is affected by an intellectual disability, which is believed to be the most common developmental disorder.<sup>12</sup>

According to Ready, Willing and Able, a national employability program for people with intellectual disabilities or an autism spectrum disorder, there are approximately 500,000 working age adults in Canada in these groups, while only one in four is currently employed.<sup>13</sup> Statistics demonstrate that individuals with intellectual disabilities are under-represented in the Canadian labour market. However, there are no statistics reporting how many of these individuals work in the offices of MPs. The House of Commons Human Resources Services are aware that there are some MPs who, at their discretion, hire people with intellectual disabilities, but they do not collect any data.

### **Findings**

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This section summarizes the findings of the semi-structured interviews.

When asked if the interests of people with intellectual disabilities are taken into account by members of the House of Commons when making decisions and drafting legislation, many of the interviewees noted that while there is still much progress to be made, the interests of people with intellectual disabilities are being taken into account more than in the past. For example, Senator Chantal Petitclerc stated the following:

More than in the past, but not enough. ... I think that the next step is to have this kind of lens that says when we have a bill, even if it is a bill that, at first glance, is not directly related to people with disabilities, including intellectual disabilities, we should have the instinct to say: OK, but how will it affect these people and/or what do they need to fully benefit from it and to have full access to their rights? [translation]

Mike Lake, an MP who has a son with an autism spectrum disorder, agreed:

Life experience matters, I think, in this regard; just like inclusion of people’s interests in a lot of different areas matter, when it comes to the decisions we make as a Parliament. ... We’re probably not as far advanced as we should be in terms of including the interests of people with intellectual disabilities, but we’re a lot further along than we were 15 years ago when I was first elected.

Anik Larose, Executive Director of QIDS, reiterated that MPs reflect the perceptions of mainstream society, and there are still many negative preconceptions. Moreover, she suggested these people are often forgotten or are invisible because they do not vote very often, so they have no economic or political weight.

In the same vein, Carleen McGuinty, Acting Manager - International, Canadian Human Rights Commission, shared a key point about the situation of people with disabilities: “One of the basic principles in the *Accessible Canada Act* and in the *Convention on the Rights of Persons with Disabilities* is “nothing about us without us.” [translation] Therefore, it is important to involve the relevant individuals and advocacy organizations in the drafting of various bills to better understand how decisions will impact this population.

A question asking if MPs from all parties have a good understanding of the reality of people with intellectual disabilities was intended to allow respondents to expand on their earlier answers to better gauge MPs’ overall understanding of intellectual disabilities.

Probably in light of his own experience, Mr. Lake responded that:

It would be different depending on what



someone's life experience would be, and that life experience might be living with someone with an intellectual disability.

Ms. Larose emphasized the concept of ableism in understanding the situation of people with intellectual disabilities. Ableist instincts often stem from a misunderstanding of intellectual disabilities; Samuel Ragot, Senior Policy Analyst and Researcher at the Institute for Research and Development on Inclusion and Society, emphasized the importance of exposure in order to better understand. He reiterated that: "one of the best ways to raise awareness about intellectual disabilities is to have people work closely with those who have them." [translation] He then stated:

In general, when you look at the profile of the MPs, ... the fact remains that there are still a lot of people who come from business backgrounds, who come from backgrounds where there is not a lot of people with a disability... I mean, when you're in an environment where it's survival of the fittest, where there's competition and so on, inevitably, people with disabilities, especially those with intellectual or developmental disabilities, have less of a place in those environments. [translation]

When interviewees were asked if they had any recommendations or strategies to ensure that people with intellectual disabilities and their interests are better understood and defended by MPs, Senator Pettigrew mentioned the possibility of setting up a training program to educate MPs about this reality in order to change their view.

The anonymous respondent emphasized the need to be proactive in increasing MPs' knowledge of intellectual disabilities, including by raising awareness through local organizations:

Any MP, in any community can find a local organization that supports people with intellectual disabilities and educate themselves on what that means and what that looks like. ... There's no excuse for not becoming more informed, I guess, is what I would say. ... You have to be intentional like any other kind of barrier you're trying to overcome. There has to be intention. It doesn't just happen organically.

In addition to these suggestions, consulting individuals with intellectual disabilities and

advocacy organizations was raised. However, Ms. Larose explained that consultation is not as simple as informing stakeholder groups of legislation and policies, and should not be treated as a box to be checked off. Rather, it should be a meaningful discussion where advocacy groups feel as though they are contributing and being engaged with as opposed to being used to further the appearance of consideration or solely for the purpose of information gathering.

It is interesting to note that Catalina Devandas-Aguilar, the United Nations Special Rapporteur on the Rights of Persons with Disabilities, provided a similar perspective in her report on her visit to Canada:

In relation to participation in decision-making processes, I was pleased to learn that, in general, the authorities consult with persons with disabilities and their representative organizations. For instance, I have learned about extensive consultations on Bill C-81. However, organizations of persons with disabilities express the need to transition from simply consulting with them towards actively involving them in all decisions that affect them directly or indirectly.<sup>14</sup>

The goal of informed representation should be to move towards a more collaborative approach that takes into account the needs and interests of the individuals involved according to the principle of "Nothing About Us Without Us."

Respondents were also asked if they were aware of any programs or policies that promote the inclusion of people with intellectual disabilities in the offices of MPs, particularly after the *Accessible Canada Act* was enacted in 2019. Although there are a wide range of programs on the Hill that provide opportunities for Canadians to work in our democracy, directly or indirectly, interviewees who were familiar with hiring procedures suggested there was no structural component yet. The anonymous respondent stated: "It's more word of mouth, still, I would say, or if somebody has a personal connection or a relationship to [a] kind of intellectual disability."

The same position was taken by Mr. Lake, who noted that each of the 338 individual Members of Parliament has independence to structure their own hiring procedures.

While the regulations surrounding the *Accessible*



**Michael Trinque (right), a person with Down syndrome who participated in the Friends of the Senate program more than a decade ago, subsequently worked with Senator Jim Munson (left) for 12 years and made a significant contribution to his parliamentary office. In this photo, Senator Munson and Mr. Trinque sit at the Senator's desk, planning for the Conference on Disabilities in Winnipeg.**

*Canada Act* are still being drafted, it will be interesting to monitor its implementation since it will also apply to parliamentary entities, including the House of Commons.<sup>15</sup>

In 1994, the Senate established the Friends of the Senate program, through which approximately five students per year work in a senator's office or the Senate Administration.<sup>16</sup> In an interview conducted with Michael Trinque, a person with Down syndrome who participated in this program more than 10 years ago, and his mother, Elizabeth Hurley, I asked Mr. Trinque about how he felt when he received a subsequent offer to be part of Senator Jim Munson's team, where he worked for 12 years. Without hesitating, he responded: "I felt very happy, and excited to work with Senator Munson and to meet new friends."

His mom added:

People with Down syndrome tend to take great pride in the valuable work they do, yet they're not visible, for the most part. Acceptance and visibility are what I hoped for, for Michael, and he most certainly has these, both at work and in his private life.

Michael's inclusion in Senator Munson's office and the success of this experience demonstrates that inclusive hiring, as described by Mr. Ragot, also works in the parliamentary environment. He noted that:

The positions of political attaché, parliamentary assistant and constituency manager necessarily require some form of ableism. It comes with the type of high functioning required for these positions. ... Not everyone can be a political attaché or a constituency assistant in life. ... But is there a way to find jobs for people with

an intellectual disability or an autism spectrum disorder? Yes, for sure. Inclusive hiring is also about workplace accommodation and finding tasks that are suitable for the employees, and employees who can perform those tasks. [translation]

There is no doubt that parliamentary offices can provide workplace accommodations to be more inclusive and accessible. For example, using plain language in documents often assists persons with intellectual disabilities and others alike. The anonymous respondent had also hired individuals with intellectual disabilities, and added that this kind of inclusivity can benefit everyone in the office: “And it really ended up working out really well, and added some depth to our team. It made our business better; it made the workplace environment better.” These positive experiences clearly demonstrate the benefits of workplace accommodations for both the person with an intellectual disability and the employer.

In order to address the under-representation of people with intellectual disabilities in the workplace, including MPs’ offices, it is important to understand the barriers they face. There is already a great deal of research on the prejudices against these individuals, but the purpose of this question was to focus specifically on MPs’ offices. Respondents in this research project unanimously agreed that individuals with intellectual disabilities would be able to contribute to this workplace. In fact, Michael Trinque made a significant contribution to the functioning of Senator Munson’s office, as he explained in our discussion when describing his duties:

There are so many, but here are my favorites, I water the plants, I love making tea, making tea is one of my favourites. I help do everything. What I mean, by everything is: I file, I shred paper, ... I do the red book for Senator Munson. He always brings that when he goes to speak at a Senate meeting, and also, I refill binders with many stacks of paper.

Some of the individuals who participated in the interviews also stated that they had experience hiring people with intellectual disabilities and made it clear that they have the ability and potential to work in the parliamentary environment.

However, the prejudices against them have likely limited the number of hires. While there are no specific centralized data to support this, it is clear

that only a small minority of MPs have hired people with intellectual disabilities. For example, Mr. Lake has included many individuals with intellectual disabilities on his team and has suggested that a combination of factors may account for the limited number of these individuals on the Hill:

I think maybe there’s a lack of understanding, but when you combine it with maybe a little bit of fear of risk and those types of things, I think that that probably explains it to some degree. They would absolutely be able to contribute if given the right opportunity.

Senator Petitclerc provided a similar opinion, herself having participated in the Friends of the Senate program:

We often have this preconception that people with intellectual disabilities are unproductive, incompetent and unable to do the work. And that’s not true. ... It’s true that we have to learn to adapt to their differences. This can be unsettling and, even if we don’t have prejudices, it can push us out of our comfort zone. So, we have to look past that and believe that although that person has some limitations and challenges, such as social or communication difficulties, they are able to do outstanding work in a specific field. ... We all win when we take this approach. [translation]

This lack of understanding of the realities and prejudices regarding the abilities of individuals with intellectual disabilities is often rooted in ableism, either consciously or unconsciously, as noted by Mr. Ragot:

I think a lot of people engage in ableism. They don’t necessarily do it consciously or maliciously, but they still do it. Despite the intentions, the result is the same. How do we fight this? Well, we need to implement inclusive hiring programs and ensure that we have policies that address social inclusion and economic participation of people with disabilities. [translation]

There are many reasons why people with intellectual disabilities are under-represented in the offices of MPs, however, it is possible to make these workplaces more accessible and inclusive, thereby benefitting everyone.

Although a question about the main biases about including people with intellectual disabilities in the workplace was not worded to analyze the specific context of MPs' offices, the main concerns expressed by employers apply to MPs, who are also employers. For example, Ms. Larose raised the following point:

'People with intellectual disabilities are childlike.' ... In terms of work, I think it's based a lot on that, or a fear that these people are unreliable or that they're going to have a breakdown. ... We see that, in general, these people are very hardworking, really enjoy their work and pay particular attention to their social network in the workplace. [translation]

The anonymous respondent spoke about the discomfort employers feel about doing things differently:

From an employer's point of view, there's this feeling of risk. ... There's also this discomfort with doing things differently. And when I, because of my disability, do it differently, that kind of makes you nervous because you think you know how to do this. And now I'm doing it differently.

This nervousness and discomfort on the part of employers, can sometimes make individuals with disabilities fear the potential impact this could have on their employment opportunities. Ms. McGuinty suggested that, when possible, people with intellectual disabilities will not disclose them to employers because of the prejudice they may experience.

Mr. Lake noted that under-representation of people with disabilities in the workplace is probably most likely due to lack of visibility. He said: "I think that probably the biggest issue is that it's not front of mind for a lot of people." Given that awareness of the permanent state of intellectual disability often stems from personal exposure to it, prejudices and assumptions related to the abilities of these individuals in the workplace can be deconstructed by engaging in inclusive hiring practices and providing accommodation for accessible jobs. This is true for both employers and MPs.

Despite some progress in recent years, including the enactment of the *Accessible Canada Act*, people with intellectual disabilities are still not very visible on Parliament Hill, suggesting a low level of

participation in the workforce. The final substantive question in the interviews was about best practices for making workplaces more inclusive, bearing in mind that most of these practices could be applied to MPs' offices. Respondents emphasized the need to provide pre-employment coaching for people with intellectual disabilities, while stressing the importance of providing support to employers as well. Mr. Lake explained that if MPs are proactive and deliberate on the issue it would greatly benefit everyone, knowing very well the hectic daily life of MPs.

Senator Petitclerc said changing the employer mentality is essential:

I think we have to stop thinking that we're doing it because it's a good cause. I think we have to get away from that and say we're doing it because that person has something to contribute. ... I think that what works is to have either a support worker or someone who is part of the individual's team who can guide us and help us succeed. [translation]

Mentoring and coaching, which came up many times in the interviews, increase the chances of succeeding in the inclusion process. Mentors can help support individuals with an intellectual disability in the workplace and contribute to the creation of routines for them; they can also assist with any questions from the employer. Interviewees also highlighted the importance of making workplaces accessible in order for inclusive hiring to become the norm.

## **Recommendations**

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Although some progress has been made regarding the representation of people with intellectual disabilities and their interests, there is still a long way to go to make the parliamentary environment more inclusive. Based on an analysis of the interviews, I am proposing five recommendations that could be implemented in the House of Commons and in the offices of MPs.

*Develop a specific program to promote the inclusion of people with intellectual disabilities in the House of Commons and in the offices of MPs*

Parliament Hill has a wide range of programs enabling Canadians to get involved in our democracy. Some are partisan, others are not. Some are paid, others operate on a volunteer basis. Some are run



**Edmonton-Wetaskiwin MP Mike Lake shares a moment with his son Jaden. Mr. Lake and his family have been active supporters of autism organizations, families and individuals around the country and world while sharing their story of life with Jaden, who lives with autism.**

by the House of Commons Administration, others by associations. Their duration, requirements, and eligibility criteria vary greatly. However, there is no specific program to increase the number of individuals with intellectual disabilities in the offices of MPs who sit in the House of Commons, unlike the Senate, which has had such a program since 1994.

A large number of MPs usually participate in the programs available to them. Since an important part of raising awareness about intellectual disabilities and eliminating prejudices is exposure, structures to help bring in these individuals should be put in place, both in parliamentary offices and in ridings.

It would be entirely conceivable to set up a program to make it easier to integrate a few individuals with an intellectual disability into the offices of MPs, while making supports available. Also, some existing program structures, such as the Page Program, could be adapted to create a more accessible format to support the inclusion of individuals with intellectual disabilities in the House of Commons. There are many possibilities, it just takes the will to implement them.

*Establish a centralized data collection system*

Access to accurate data is essential in order to provide an overview of any situation. Through the Canadian Survey on Disability, Statistics Canada is

able to provide data on individuals with disabilities by adopting a view based on the social model, as defined earlier.<sup>17</sup> However, the Human Resources Services of the House of Commons do not collect any data that can be used to conduct comparisons and analyses regarding the representation of individuals with intellectual disabilities in the offices of MPs. As explained above, MPs are employers and have responsibilities as such, which precludes the collection of centralized data. In order to ensure true diversity and the inclusion of people with intellectual disabilities, some kind of system should be established to help us understand the profile of employees in MPs' offices, both on Parliament Hill and in the ridings.

*Develop training for MPs on the realities of people with disabilities in Canada, with a focus on intellectual disabilities*

Currently, the only large-scale training that can prevent discrimination against people with intellectual disabilities in the offices of MPs is the *Members of the House of Commons Workplace Harassment and Violence Prevention Policy*. This policy was adopted in 2014 and updated in 2021. However, in the 30-page guide outlining this training, there is no mention of the terms "handicap". The passage most closely related to the topic details the definition of "harassment and violence," which reads as follows:

This concept includes harassment as outlined in the *Canadian Human Rights Act* based on grounds such as race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and a conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

While this policy may be invaluable to maintaining a respectful workplace in the House of Commons, it does not inform MPs about the realities of people with intellectual disabilities in Canada.

Since the laws that are passed by MPs directly and indirectly affect the lives of Canadians with intellectual disabilities, policymakers should be better informed. Of course, advocacy organizations or people with intellectual disabilities are occasionally consulted, but a consistent and systematic approach

for all MPs is needed. Training, or at least a briefing, following a general election or by-election would go a long way to increasing education and awareness.

*Encourage inclusive hiring practices by sharing positive experiences in the parliamentary environment*

An awareness campaign involving parliamentarians who have been proactive in inclusive hiring practices would make MPs' offices more accessible to people with intellectual disabilities. Sharing the rewarding experiences many senators have had through the Friends of the Senate program and hearing from MPs who have hired people with intellectual disabilities may encourage their parliamentary colleagues to move in the same direction.

*Develop an information tool containing best practices to educate MPs about intellectual disabilities and their realities*

The individuals who participated in this research project talked about the importance of personal experiences in promoting the inclusion of people with intellectual disabilities in MPs' offices. Yet, many people have never had any exposure to or education about this issue. By developing an information tool, such as a pamphlet, MPs could gain a basic and consistent level of understanding about intellectual disabilities. This tool should be developed in partnership with people with intellectual disabilities, based on the principle of "Nothing About Us Without Us," and with advocacy organizations.

## **Conclusion**

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Although the research conducted for this project is based on an imperfect methodology and prepared within a limited period of time, its analysis and conclusions reveal some important findings that must be taken into consideration if we are to have a truly inclusive country. The House of Commons is an important symbol of our democracy and should better reflect Canadian society.

Throughout the interviews lack of a proactive approach, fear of risk, and ableism were identified as gaps, prejudices, and problems. Now it is crucial to focus on solutions. Some recommendations are provided in this report, but advocacy organizations and people with intellectual disabilities could certainly provide additional insight.

A paradigm shift is taking place in Canada. For too long, people with intellectual disabilities have been seen as dependent on assistance and unable to contribute to society. Even though there is still a great deal of progress to be made, the rights of these individuals and their potential to contribute to society more fully as barriers to participation are removed are being increasingly recognized. At the federal level, the *Accessible Canada Act* and the introduction of Bill C-35 to establish a Canada Disability Benefit are significant steps forward.

However, other government decisions, such as extending medical assistance in dying to people who are not at the end of life do not reflect the position taken by advocacy organizations.

By proactively engaging people with intellectual disabilities to work in parliamentary spaces, MPs and Senators can not only develop a better understanding of their interests, but also set a positive and visible example of inclusion for all Canadians.

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# The Canadian Region



**Hon. Keith Bain**

## New Nova Scotia Speaker

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Victoria-The Lakes MLA **Keith Bain** was elected Speaker of the Nova Scotia Legislative Assembly on September 24. The long-time Progressive Conservative MLA, who was nominated by Premier **Tim Houston**, defeated New Democratic MLA **Lisa Lachance**. The vote took longer than usual as MLAs present lined up in groups to cast ballots in recognition of COVID-19 restrictions.

First elected in 2006 and re-elected three times subsequently, Speaker Bain told his colleagues he had been “honoured by the House” following his selection.

In describing Speaker Bain, Premier Houston said he’s “a thoughtful person, he’s an honest person, he understands the legislature.... He’s been a good MLA who cares about Nova Scotians [and] he will be an excellent Speaker.”

During his time as an MLA, Speaker Bain has served as Deputy Speaker, Chair of the Progressive conservative caucus, and on the Public Accounts Committee and the 2011 Select Committee on Establishing a Nova Scotia Electoral Boundaries Commission.

Prior to becoming an MLA, Speaker Bain was an elected member of the Victoria District School



**Hon. Tony Akoak**

Board, President of the Victoria County Fire Chief, a business owner and a volunteer for many community organizations.

## New Nunavut Speaker

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Gjoa Haven MLA **Tony Akoak** was acclaimed as Speaker of the Legislative Assembly at the Nunavut Leadership Forum on November 17, 2021. Two days later, he took the Chair at the first sitting of the territory’s 6th Legislative Assembly.

First elected in 2013 and re-elected in 2017 and 2021, Speaker Akoak served as a Deputy Chairperson of Committee of the Whole during the 4th and 5th Legislative Assembly. Speaker Akoak was previously employed as a public servant with the Legal Services Board of Nunavut. His professional experience also includes management positions with Arctic Co-operatives, Ltd.

Speaker Akoak has also volunteered as a Community Aerodrome Radio Station Observer/Communicator for search and rescue operation.

Outside of work, Speaker Akoak’s interests include hunting, camping and cooking. He and Annie Akoak have two children.



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\*As of December 31, 2021

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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 (August 2021 – October 2021).

Bilodeau, Roger. "Canada's judicial appointment process / Le processus des nominations à la magistrature au Canada." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 15 (3): 465-, September/septembre 2021.

- The recent appointment of the Honorable Justice Mahmud Jamal to the Supreme Court of Canada provides an opportunity to take stock of and reflect on the state of judicial appointments in Canada. ... En raison du fait que la Cour suprême du Canada traite des appels en français et en anglais, que les plaidoiries écrites peuvent être soumises dans l'une ou l'autre langue officielle, et que les avocats et avocates peuvent plaider dans la langue officielle de leur choix, on s'attend qu'un juge de cette cour puisse lire des documents et comprendre une plaidoirie sans devoir recourir à la traduction ou à l'interprétation. Idéalement, le juge doit pouvoir discuter avec un avocat pendant une plaidoirie et avec les autres juges de la Cour en français ou en anglais.

Bowman, Benjamin. "Missing an opportunity? The limited civic imagination of votes at 16." *Parliamentary Affairs* 74 (3): 581-96, July 2021.

- The debate over reform to the voting age at Westminster elections is dominated by a concept of young people as deficient and disengaged citizens. In the contemporary context of young civic action, new approaches to the civic can support a regeneration of the vote in young people's expanded political toolbox. A conceptual approach to the debate on voting reform is presented alongside a critical appraisal of the opportunities available, to all sides of the debate, to contribute to young political regeneration.

Burton, Rebecca. "Parliamentary privilege, search warrants and intrusive powers: are memoranda of understanding fit for purpose?" *Australasian Parliamentary Review - Journal of the Australasian Study of Parliament Group* 35 (1): 111-40, Winter/Spring 2020.

- The rule of law is a principle under which all citizens, including Members of Parliament, are subject to the same laws that are publicly promulgated and equally enforced. However, in order to effectively discharge their duties and preserve the independence of the legislature from other areas of government, Members of Parliament have special immunities under the law of parliamentary privilege...this paper explores parliamentary privilege in Australia and how Australian jurisdictions have navigated the competing requirements of the law of parliamentary privilege and the rule of law...

Eichhorn, Jan, Bergh, Johannes. "Lowering the voting age to 16 in practice: Processes and outcomes compared." *Parliamentary Affairs* 74 (3): 507-21, July 2021.

- Research into the possible consequences of lowering the voting age to 16 used to be rather speculative in nature, as there were few countries that had implemented earlier enfranchisement. This has changed over the past decade. We now have a range of countries in different locations, mostly in Europe and South America, where 16- and 17-year-olds can vote in some or all elections...

Fleming, Thomas G., Schleiter, Petra. "Prorogation: comparative context and scope for reform." *Parliamentary Affairs* 74: 964-78, 2021.

- In August 2019, the UK government's attempt to prorogue parliament for five weeks raised the question whether the UK's prorogation rules ought to be reformed. The authors place this discussion in comparative perspective by contrasting the UK's prorogation rules with (i) equivalent procedures in 26 European democracies and (ii) recent changes in other areas of UK executive-legislative relations. These comparisons suggest that the UK's current prorogation rules are increasingly anomalous...

Foster, Stephanie. "Review of the parliamentary workplace: responding to serious incidents." Department of the Prime Minister and Cabinet (Australia) 108p., 27 July 2021.

- On 16 February 2021, the Prime Minister, Scott Morrison, tasked a review of the procedures and processes involved in identifying, reporting and responding to serious incidents that occur during parliamentary employment. This was triggered by deeply distressing reports of an alleged sexual assault in a Ministerial office in March 2019 made public the previous day...this final report has been released following briefing with the Opposition, minor parties, independents and staff. The Australian government has accepted the recommendations in full.

Hall, Thomas B. "Can a senator be suspended without pay? The Duffy case." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 15 (3): 623-, September/septembre 2021.

- This article examines four questions: (1) Does parliamentary privilege give the Senate the power to discipline a senator by suspending him or her? (2) Does parliamentary privilege give the Senate the power to discipline a senator by withholding his or her statutory salary? (3) Does the Senate Standing Committee on Internal Economy, Budgets and Administration (the Internal Economy Committee) have the legal authority to withhold a senator's statutory salary? (4) Can a court of law review the Senate's withholding of a senator's statutory salary?

Loughran, Tom, Mycock, Andy, Tonge, Jon. "Votes at 16 in Wales: both a historic event and a long-term process that requires a commitment to supporting young people's democratic education." LSE blog 3p., August 2, 2021.

- The authors reflect on the key lessons that can be drawn from the process of lowering the voting age in Wales, identify features that were unique to the Welsh context, and propose important policy recommendations for ensuring the long-term success of 'Votes at 16' in Wales.

Matthews, Felicity. "The value of 'between-election' political participation: do parliamentary e-petitions matter to political elites?" *The British Journal of Politics and International Relations* 23 (3): 410-29, November 2020.

- Responding to the crisis of democracy, legislatures worldwide are developing new participatory mechanisms to promote parliamentary engagement and provide additional opportunities for citizens to influence policymaking. Yet despite the prevalence of such initiatives, little is known about whether political elites are receptive to public input. This article addresses this important gap, presenting original research that examines the e-petition system in the United Kingdom's national legislature...

Neranjana, Kassandra. "(Mis)Direct democracy: social constraints and legal solutions for referenda concerning electoral reform in Canada." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 15 (3): 595-, September/septembre 2021.

- This article will argue the social bases that constrain referenda consequently constrict progress for the present struggle to enact proportional representation electoral systems. This article will propose potential legal solutions by examining referendum law to combat some of these deficiencies.

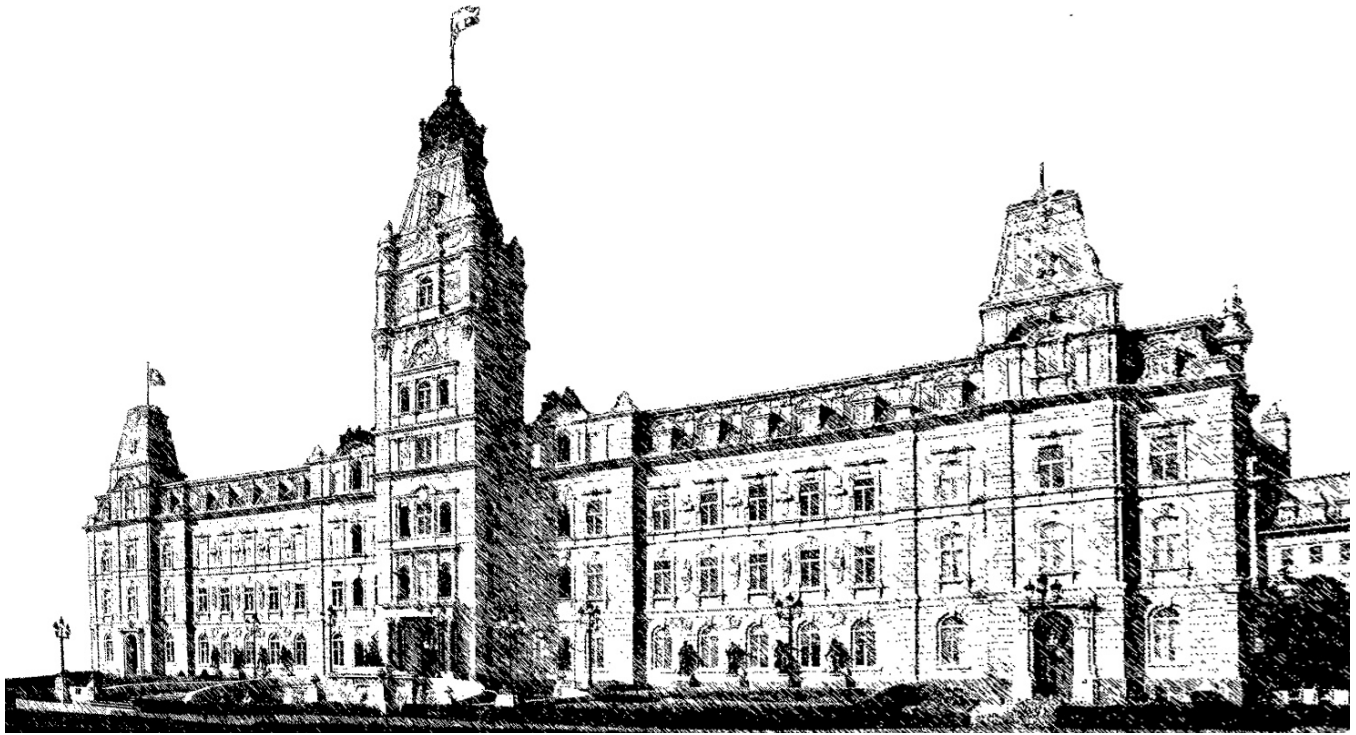
Russell, Meg, Serban, Ruxandra. "The muddle of the 'Westminster Model': A concept stretched beyond repair." *Government & Opposition* 56 (4): 744-64, October 2021.

- The term 'Westminster model', widely used in both the academic and practitioner literatures, is a familiar one. But detailed examination finds significant confusion about its meaning...to end the muddle, and the risk of flawed inferences and false generalization, comparative scholars should drop this term, and select cases based on more precise attributes instead.

Young, Alison. "The 'Dissolution and Calling of Parliament Bill' – a return to constitutional normality?" Constitution Unit: 4p., July 28, 2021.

- The author argues that the *Dissolution and Calling of Parliament Bill* transfers power from parliament to the government, and not to the people and that it is wrong to place the blame for the extraordinary events of 2019 on the provisions of the *Fixed-term Parliaments Act*.





## Québec

### Proceedings of the National Assembly of Quebec

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#### *Membership*

On August 1, 2020, **Gabriel Nadeau-Dubois**, Member for Gouin, was appointed Leader of the Second Opposition Group, replacing **Manon Massé**, Member for Sainte-Marie–Saint-Jacques. **Christine Labrie**, Member for Sherbrooke, replaced Mr. Nadeau-Dubois as House Leader of the Second Opposition Group.

On August 18, 2021, **Pierre Arcand**, Member for Mont-Royal–Outremont, was appointed Chair of the Official Opposition Caucus in place of **Frantz Benjamin**, Member for Viau.

On September 1, 2021, **Pierre Fitzgibbon**, Member for Terrebonne, returned as Minister of Economy and Innovation. He was also appointed Minister Responsible for Regional Economic Development.

On September 9, 2021, **Joël Arseneau**, Member for Îles-de-la-Madeleine, was appointed Leader of the Third Opposition Group in place of **Pascal Bérubé**, Member for Matane-Matapédia.

Since June 21, 2021, **Claire Samson**, Member for Iberville, has been sitting under the banner of the Conservative Party of Québec. In addition, **Louis-Charles Thouin**, Member for Rousseau, returned to the caucus of the parliamentary group forming the Government on September 14, 2021. Consequently, the National Assembly is now composed of 75 Coalition avenir Québec Members, 28 Quebec Liberal Party Members, 10 Québec Solidaire Members, seven Parti Québécois Members and five independent Members, including one affiliated with the Conservative Party of Québec.

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

When the National Assembly reconvened on September 14, 2020, the parliamentarians adopted a motion establishing the rules for Assembly sittings until December 10, 2021. The motion, essential to the continuation of proceedings in the context of the pandemic, renewed most of the measures put into place since proceedings resumed in September 2020.

The measures still set out that the National Assembly sits with a reduced number of Members. However, the number of Members was increased, from 36 to 61 (not counting the Chair), who can be in Chamber at the same time, according to the following distribution:

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

During Routine Proceedings, the number of Government Members allowed in the Chamber was decreased to leave more space for Members in Opposition, and when Independent Members are absent, Members belonging to the parliamentary groups are entitled to fill in for them, according to a specific order.

As more Members were able to be present in Chamber, the measure providing for ministers to split into two groups to participate in Question Period was not renewed. All ministers may now attend simultaneously.

Parliamentarians are still allowed to take the floor and vote from seats that are not the ones usually assigned to them. Procedure masks are also still required, except when taking the floor to speak.

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 is valid for all the Members of their group. However, parliamentarians are entitled to individually record a vote that differs from the vote of their group or to choose not to vote. In addition, if an Independent Member is absent, the Government House Leader is 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.

#### *Legislative agenda*

Since the resumption of proceedings, on September 14, 2021, five Government bills have been passed: Bill 59, *An Act to modernize the occupational health and safety regime*, Bill 64, *An Act to modernize legislative provisions as regards the protection of personal information*, Bill 97, *An Act to amend the Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances*, Bill

99, *An Act to amend mainly the Food Products Act*, and Bill 105, *An Act to establish a perimeter around certain places in order to regulate demonstrations in relation to the COVID-19 pandemic*.

#### *Rulings from the Chair*

September 14, 2021 – Ruling concerning the distribution of certain measures and speaking times during limited debates following changes in the composition of the Assembly.

A ruling was handed down following changes in the composition of the Assembly. Since the Member for Iberville had moved from the group forming the Government and become an Independent Member, the President made changes to the distribution of measures and speaking times during limited debates. The Member for Iberville was granted three questions per two 10-sitting cycles, in substitution for questions from the parliamentary opposition groups according to the rotation established at the beginning of the Legislature for questions granted to Government Members.

#### *Other events*

##### *Disclosure of Members' expenses*

On September 16, 2021, the National Assembly published the Members' expense reports for the last fiscal year on its website. This measure follows the recommendations on working conditions and the various allowances granted to Members made by the committee that the President entrusted with the mandate to reflect on the National Assembly's transparency, notably concerning the disclosure of the expenses of Members and House Officers.

##### *National Day for Truth and Reconciliation*

On September 30, 2021, following a motion carried unanimously in the Chamber on September 29, **François Paradis**, President of the National Assembly, announced that orange lighting would illuminate the façade of the Parliament Building from dusk until the dawn of October 1, in solidarity with First Nations communities.

#### **Proceedings in committees**

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Below are some of the highlights of the parliamentary committee proceedings held between July and September 2021.

### *Organization of proceedings*

A motion on the organization of parliamentary proceedings, in force until December 10, 2021, was adopted by the National Assembly on September 14, 2021. It provided for several changes to the usual parliamentary committee procedure in order to ensure compliance with public health measures in effect due to the COVID19 pandemic and to ensure the participation of as many Members as possible in committee proceedings. In particular, the motion provided for the possibility of holding a meeting simultaneously in two rooms, thanks to technology enabling communication between the rooms. Independent Members would have to inform the House leaders and Committees Secretariat when they wanted to participate in the proceedings of a parliamentary committee of which they were not a member. In rooms where the number of Members was limited, it would be possible for certain Members of the parliamentary group forming the Government to vote by proxy on behalf of an absent Member. Parliamentary committee schedules, especially during ordinary hours, were also modified. Tuesday sessions would end at 7:15 p.m. instead of at 9:30 p.m.

The measures already in place to avoid distributing and handling paper documents in committee, such as projecting amendments onto large screens during clause-by-clause consideration of bills, were maintained. In addition, for public hearings, witnesses' participation by videoconference was encouraged. However, upon request, witnesses could testify in person at the Parliament Building. The Committee on Public Administration was also authorized to hold its proceedings, including its deliberative meetings, virtually.

### *Bills*

In August and September 2021, four parliamentary committees held special consultations and public hearings related to five public bills, including the Committee on Labour and the Economy for Bill 100, *Tourist Accommodation Act*. The Committee heard 13 individuals and organizations. Among other things, Bill 100 provides for new rules applicable to tourist accommodation establishments, notably requiring them to be registered and to communicate information about their accommodation offerings and related activities and services. The bill also provides for certain measures to reduce the administrative burden of tourist accommodation operators.

The Committee on Culture and Education held nine sittings and heard over 50 witnesses on Bill 96, *An Act respecting French, the official and common language of Québec*. That is the greatest number of witnesses to have been heard in special consultations during the current legislature. The purpose of Bill 96 is to affirm that that French is the only official language of Québec and that French is the common language of the Québec nation. It proposes, among other things, new fundamental language rights as well as various measures to reinforce French.

The Committee on Citizen Relations also heard close to 20 testimonies, in three sittings, in the framework of special consultations on Bill 101, *An Act to strengthen the fight against maltreatment of seniors and other persons of full age in vulnerable situations as well as the monitoring of the quality of health services and social services*. The bill provides for, in particular, clarifying the definition of "maltreatment" by making express reference to the harm and distress that are caused on the physical, psychological, sexual, material and financial levels.

Four sectorial committees carried out clause-by-clause consideration of public bills:

- The Committee on Institutions' clause-by-clause consideration of Bill 64, *An Act to modernize legislative provisions as regards the protection of personal information*, began on February 2, 2021, and ended on August 24, 2021. The Committee required over 95 hours to complete the mandate.
- The Committee on Labour and the Economy completed clause-by-clause consideration of Bill 59, *An Act to modernize the occupational health and safety regime*, on September 22, 2021. Clause-by-clause consideration of this bill began on March 9, 2021, and required over 187 hours. The Committee also completed, in a little less than 15 hours, clause-by-clause consideration of Bill 100, *Tourist Accommodation Act*.
- The Committee on Planning and the Public Domain continued clause-by-clause consideration of Bill 49, *An Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions*. So far, over 80 hours have been dedicated to clause-by-clause consideration of this bill.
- The Committee on Agriculture, Fisheries, Energy and Natural Resources completed clause-by-clause consideration of Bill 99, *An Act to amend mainly the Food Products Act*, in around 14 hours. The Committee also completed clause-by-clause consideration of Bill 97, *An Act to amend the Act*

*respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances, in a little less than 3 hours.*

#### *Orders of reference*

The National Assembly gave the Committee on Health and Social Services an order of reference to proceed, on August 26 and 27, 2021, with special consultations and hold public hearings on mandatory COVID-19 vaccination of caregivers in the health sector and other categories of workers who are in prolonged contact with the public. The special consultations provided an opportunity to hear around 20 witnesses.

On September 14, 2021, the Committee on Institutions also undertook the consideration and approval of the Regulation to amend the Regulation respecting the conditions of exercise of the duties of returning officer, tabled in the National Assembly on April 14, 2021. In the framework of this mandate, the Committee heard the Chief Electoral Officer of Québec. It should be noted that the *Election Act* requires this order of reference to be carried out.

#### *Select Committee on the Evolution of the Act respecting end-of-life care*

During July and August 2021, the Select Committee, created by the National Assembly on March 31, 2021, gauged public opinion respecting end-of-life care, notably through an online questionnaire. It held its second phase of special consultations, virtually, from August 9 to 23, 2021. A total of 42 witnesses were heard during that phase. Under the National Assembly motion creating the Select Committee, virtual deliberative meetings were authorized. The Committee is currently preparing its report, which must be tabled in the Assembly in November 2021.

#### *Committee chairs*

On August 7, 2021, **David Birnbaum**, Member for D'Arcy-McGee, was appointed Vice-chair of the Select Committee on the Evolution of the Act respecting end-of-life care. On September 8, 2021, **Frantz Benjamin**, Member for Viau, was appointed Vice-chair of the Committee on Institutions.

**David Bordeleau**

Sittings and Parliamentary Procedure Directorate

**Mathieu LeBlanc**

Parliamentary Committees Directorate



## The Senate

The Forty-third Parliament was dissolved by Proclamation of Governor General **Mary May Simon** on August 15, with the federal general election scheduled by statute to occur on September 20.

#### Senators

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On June 22, **Bernadette Clement**, **Jim Quinn** and **Hassan Yussuff** were appointed to the Senate.

Ms. Clement, who was appointed to represent Ontario, is a lawyer and politician who has served as Mayor of Cornwall since 2018. Ms. Clement was the first woman to be elected as Mayor of Cornwall and the first Black woman to serve as a mayor in Ontario. Prior to this, she served three terms as city councillor.

Mr. Quinn, who was appointed to represent New Brunswick, has served as President and Chief Executive Officer of Saint John Port Authority since September 2010. Mr. Quinn has extensive experience in the marine and public sectors, including with the Canadian Coast Guard and the Canadian International Development Agency. He is the Honorary Lieutenant-Colonel for the 3rd Field Artillery Regiment (The Loyal Company), 5th Canadian Division.

Mr. Yussuff, who was appointed to represent Ontario, is the past President of the Canadian Labour Congress. Mr. Yussuff is also a prominent international activist. In 2016, he was elected for his second term as President of the Trade Union Confederation of the Americas, which represents more than 55 million workers in 21 countries.

Further appointments were made on July 29 when **David Arnot**, **Michèle Audette**, **Amina Gerba**, **Clément Gignac** and **Karen Sorensen** were also appointed to the Senate.



Mr. Arnot, who was appointed to represent Saskatchewan, became the Chief Commissioner of the Saskatchewan Human Rights Commission in 2009. Previously, he worked as the federal Treaty Commissioner for the Province of Saskatchewan, a provincial court judge, a Crown prosecutor, and as Director General of Aboriginal Justice in the Department of Justice Canada. He is the former Chair of the Canadian Judges' Forum of the Canadian Bar Association. As a judge with the Provincial Court of Saskatchewan, Mr. Arnot worked closely with the Poundmaker First Nation to pioneer the use of sentencing circles and restorative justice measures. Mr. Arnot holds a Juris Doctor from the College of Law at the University of Saskatchewan.

Ms. Audette, appointed to represent Quebec, is a recognized Indigenous leader and comes from the Innu community of Uashat mak Mani-Utenam in Quebec. She was elected President of the Quebec Native Women Inc. at 27 years of age. In 2004, she was appointed Associate Deputy Minister to the Secrétariat à la condition féminine of Quebec. From 2012 to 2015, she served as President of the Native Women's Association of Canada. She was appointed one of the five commissioners responsible for conducting the National Inquiry into Missing and Murdered Indigenous Women and Girls. Since 2019, she has been Assistant to the Vice-Rector of Academic and Student Affairs, and Senior Advisor for reconciliation and Indigenous education at the Université Laval.

Ms. Gerba, appointed to represent Québec, is an entrepreneur with over 25 years of experience and has acted as an economic link between Canada and Africa for many years. Ms. Gerba is Chair of the Board of Directors of *Entreprendre ici*, an organization set up to support entrepreneurs from cultural communities. Ms. Gerba has served on several public and private boards, including the Université du Québec à Montréal and its executive committee and the organization ENSEMBLE for the respect of diversity. She is a member of the Canadian Council on Africa, the African Business Roundtable, and member and former president of the Rotary Club of Old Montreal.

**Clément Gignac**, who was appointed to represent Quebec, is an economist with over 35 years of experience in the public and private sectors. He was the Senior Vice-President and Chief Economist at iA Financial Group, where he managed diversified funds with assets in excess of \$5 billion. Mr. Gignac previously worked as an economist and strategist for major financial institutions, including as Vice-President and Chief Economist for National Bank Financial from 2000 to 2008. In 2009, Mr. Gignac was elected as a member

of the National Assembly of Québec. He was named Minister of Economic Development, Innovation and Export Trade in the Quebec government, and went on to serve as Minister of Natural Resources and Wildlife from 2011 to 2012.

Ms. Sorensen, appointed to represent Alberta, has served three terms as Mayor of Banff. Ms. Sorensen previously served as a municipal councillor for six years and as a school board trustee for four years. After a 17-year career in the hotel industry in Ontario, British Columbia, and Alberta, she founded Catalyst Enterprises Consulting in 2000, providing customer service and sales training in the hospitality industry, and sharing her expertise as a keynote speaker.

During this period there were also a number of departures from the Senate.

Senator **Jim Munson** retired from the Senate on July 13. Senator Munson was appointed to the Senate on December 10, 2003, by Prime Minister **Jean Chrétien**, to represent the province of Ontario. Prior to joining the Senate, he was a journalist with CTV and served as the bureau chief in Beijing, covering the Tiananmen Square protests. As a senator, he served as the Whip of the Senate Liberal Caucus from 2008 to 2016. He served on numerous committees over the years, including as Chair of the Standing Senate Committee on Human Rights in the 42nd Parliament and as Deputy Chair of the Standing Committee on Internal Economy, Budgets and Administration in the 42nd and 43rd Parliaments.

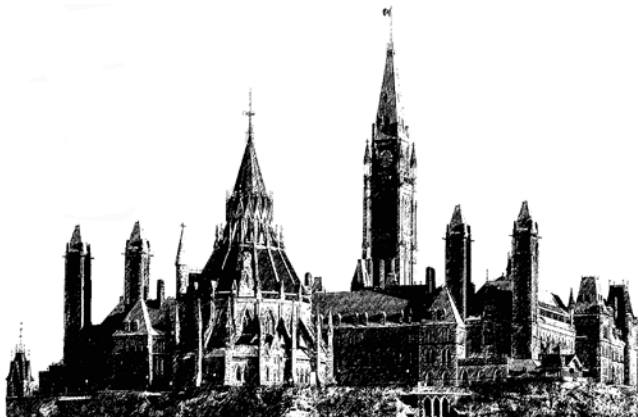
Senator **Carolyn Stewart Olsen** retired from the Senate on July 26. She was appointed to the Senate on August 27, 2009, by Prime Minister **Stephen Harper** to represent the province of New Brunswick as a member of the Conservative Party of Canada. Prior to joining the Senate, she was a registered nurse and had a 20-year nursing career in New Brunswick, Ontario and Quebec. She served as Prime Minister Stephen Harper's press secretary when he was in opposition and in government. As a Senator, she served on numerous committees including the Standing Committee on Internal Economy, Budgets and Administration and as Chair of its Special Subcommittee on Diversity.

Senator **Linda Frum** resigned from the Senate on August 27. Senator Frum was appointed by Prime Minister Harper on August 27, 2009, to represent Ontario as a member of the Conservative Party of Canada. She had a career as an author and journalist prior to her appointment to the Senate and served as a volunteer for community organizations. As a senator,

she served as the Caucus Chair of the Conservative Party of Canada in the Senate from 2015-2017 and on numerous committees, including the Standing Senate Committee on Foreign Affairs and International Trade and the Special Senate Committee on the Charitable Sector.

Senator **Judith Keating** died in office on July 15. Senator Keating, an accomplished legal and constitutional expert with over 30 years of senior public service experience in the Government of New Brunswick, was the first woman to serve as Deputy Minister of Justice and Attorney General of New Brunswick. Senator Keating was an advocate for the equal status of the English and French languages in New Brunswick, the equal and just treatment of women in the legal profession, and Indigenous issues in her role as provincial chair of the Working Group on Truth and Reconciliation in New Brunswick. She was appointed to the Senate on January 31, 2020, by Prime Minister **Justin Trudeau** and was a member of the Independent Senators Group.

**Ferda Simpson**  
Procedural Clerk



## House of Commons

This account covers the period from July to end of September 2021.

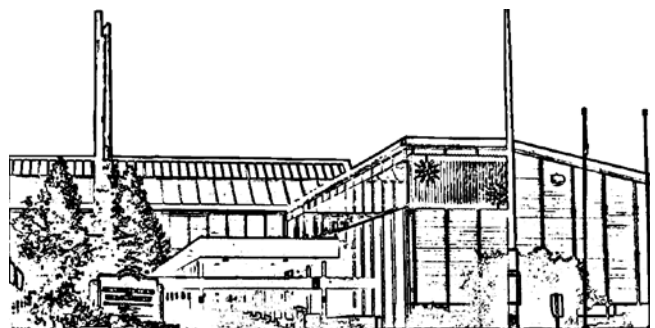
The Forty-Third Parliament was dissolved by means of a proclamation from Governor General **Mary Simon** on August 15, 2021. The General Election was held on September 20, 2021.

During the final year of the Forty-Third Parliament, the House adopted a hybrid format that permitted Members to attend House of Commons and committee proceedings in person or remotely by video conference due to the

safety measures prompted by the COVID-19 pandemic. Also introduced during the pandemic was a remote voting application that greatly accelerated the taking of recorded divisions in the House of Commons during the hybrid arrangement. Prior to its implementation, recorded votes in the adapted Chamber took an average of 45 minutes each due to the process of individually registering the votes of Members participating remotely. The motion adopted by the House on January 25, 2021, reflecting the changes to the Standing Orders and usual practices of the House allowing for the conduct of proceedings according to the recommendations from public health authorities was in effect until June 23, 2021.

The General Election resulted in the Liberal Party winning enough seats in the House of Commons to form a minority government. Based on the unofficial results from Elections Canada, party standings in the House are as follows: the Liberal Party with 159 seats, the Conservative Party with 119 seats, the Bloc Québécois with 32 seats, the New Democratic Party with 25 seats, the Green Party with 2 seats, and 1 Member sitting as Independent. The Green Party is below the twelve Member threshold required for recognized party status in the House of Commons. The complete official list of elected Members of Parliament should be available on October 11, 2021, the last day for the return of the writs of election. At the time of writing, we continue to await word as to when the Forty-Fourth Parliament will convene.

**Nellie Winters**  
Table Research Branch



## Yukon

### 2021 Fall Sitting

On October 7, the 2021 Fall Sitting of the First Session of the 35<sup>th</sup> Yukon Legislative Assembly began. It is anticipated that the Sitting will consist of 31 sitting days, with the final sitting day being December 2.

## Government Bills introduced

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

- Bill No. 3, *Act to Amend the Assessment and Taxation Act and the Municipal Act (2021)* — **Richard Mostyn**
- Bill No. 4, *Act to Amend the Motor Vehicles Act (2021)* — **Nils Clarke**
- Bill No. 5, *Act to Amend the Territorial Lands (Yukon) Act (2021)* — **John Streicker**
- Bill No. 6, *Act to Amend the Safer Communities and Neighbourhoods Act (2021)* — **Tracy-Anne McPhee**
- Bill No. 7, *Act to Amend the Family Property and Support Act (2021)* — Ms. McPhee
- Bill No. 8, *Workers' Safety and Compensation Act* — Mr. Mostyn
- Bill No. 9, *Act to Amend the Cannabis Control and Regulation Act (2021)* — **Ranj Pillai**
- Bill No. 10, *Act to Amend the Territorial Court Judiciary Pension Plan Act (2021)* — Ms. McPhee
- Bill No. 202, *Second Appropriation Act 2021-22* — **Sandy Silver**

As of the time of writing, no new private members' bills have been introduced.

## Opposition Private Members' Motions

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On October 13, the first of the Sitting's biweekly "opposition day" Wednesdays, two motions were considered.

The first motion debated during Opposition Private Members' Business that day was Motion No. 112, moved by **Annie Blake** (Vuntut Gwitchin), a member of the Third Party caucus. The motion, which urged the Yukon government to provide full coverage for Trikafta, the cystic fibrosis drug treatment, carried unanimously (18 ayes, nil nay).

The second motion considered on October 13 was Motion No. 113, standing in the name of **Currie Dixon**, the Leader of the Official Opposition. Mr. Dixon's motion sought to restrict the use of the "guillotine clause" (i.e. Standing Order 76) by limiting the application of that standing order to appropriation bills, as opposed to government bills in general. At the end of the sitting day, debate was adjourned on a government amendment seeking to refer the matter to the Standing Committee on Rules, Elections and Privileges for the committee's consideration.

## Public Accounts Committee – First Report

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As noted in Yukon's previous legislative report, 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 **Jeremy Harper**.

On August 18, the Standing Committee on Public Accounts held a public hearing on mental health services in rural Yukon. At the hearing, witnesses from the Department of Health and Social Services answered questions from the Committee.

On October 18, Mr. Dixon, the Chair of PAC, presented the Committee's first report in the Legislative Assembly. In the report, the Committee recommended that the Department of Health and Social Services provide the Committee with an update by January 31, 2022, on progress made on the four recommendations contained in the OAG's June 2021 performance audit.

## Tributes in remembrance of Jack Cable

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On July 21, **Jack Cable**, a former Yukon Commissioner and previous Leader of the Liberal Party, passed away. The lawyer, chemical engineer, MBA, and former Captain in Canada's Reserve Force hailed from Ontario, moving to Yukon in 1970. Mr. Cable served as the MLA for Riverside from 1992 until 2000 and as Liberal Leader from 1992 to 1997. After retiring from politics, Mr. Cable was appointed as Yukon's Commissioner in late 2000, a position he held for more than five years.

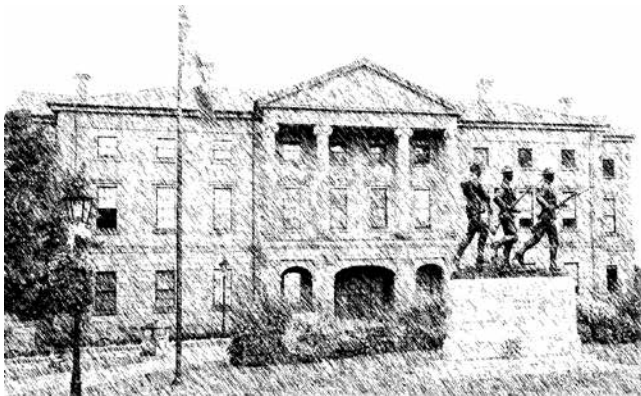
On July 22, Premier Silver issued a statement which noted that Mr. Cable "...was a mentor to me and several other MLAs and was known for his depth of knowledge, compassionate approach and strong leadership...."

In a statement released the same day by the Official Opposition Leader, Mr. Dixon observed, "...Known as 'Gentleman' Jack, [Cable] was respected by members of all parties during his tenure as a Member...His conduct and demeanour in the Assembly were a reminder of what we should aspire to and enabled him to work constructively with others...."

On October 13, 2021, Mr. Cable was tributed in the Legislative Assembly by Premier Silver, former Commissioner and Official Opposition MLA **Geraldine**

**Van Bibber**, and Third Party Leader **Kate White**. Those present in the Chamber included current Yukon Senator **Pat Duncan**, who had been a caucus mate of Mr. Cable prior to her becoming Premier of Yukon; his son, **Dan Cable**, the Clerk of the Legislative Assembly; his daughter **Sue Edelman**, a former Member whose tenure as an MLA had included four years' serving alongside her father (from 1996 to 2000); and his wife, **Faye Cable**.

**Linda Kolody**  
Deputy Clerk



## Prince Edward Island

### Second Session, Sixty-Sixth General Assembly

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Having adjourned to the call of the Speaker on May 13, 2021, the Second Session of the Sixty-sixth General Assembly will resume on October 19, 2021, in the Honourable George Coles Building. Pandemic-related precautions will remain in effect: public galleries will remain closed, and members' seats will continue to be separated by added distance or plexiglass barriers. Proceedings will be live-streamed on the Legislative Assembly's website and Facebook page and broadcast on Eastlink TV. Virtual hybrid proceedings are provided for in the Rules of the Legislative Assembly, but to date, they have not been employed.

### House Business

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In terms of business carried over from the last sitting, there remain three Government Bills, five Private Members' Bills, and 31 Motions available for debate. Government typically presents its capital budget during the Fall sitting.

### Resignation of Member

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On August 18, 2021, **Heath MacDonald** resigned as the Member for District 16: Cornwall-Meadowbank, in order to run as the Liberal candidate in the district of Malpeque in the September 20, 2021, federal election. He was elected, receiving 41.8 per cent of the vote. As a member of the provincial Liberal Party, Mr. MacDonald had served in the Legislative Assembly since 2015, being re-elected in the 2019 general election. During the 2015-2019 period, he served as Minister of Economic Development and Tourism, and then as Minister of Finance. From 2019 until his resignation, he served as Third Party House Leader.

A by-election for District 16 has not yet been scheduled.

### Committee Business

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The Assembly's standing committees have held many meetings since the House adjourned in May. The Standing Committee on Natural Resources and Environmental Sustainability met with government representatives, agricultural and environmental groups to discuss a sustainable irrigation strategy for PEI, the work of the Land Matters Advisory Committee, and a 2020 application to the AgriRecovery Program that was denied. The Standing Committee on Public Accounts reviewed the 2021 annual report of the Auditor General, the provincial 2019-20 Public Accounts, a special Auditor General's report on COVID-19 Financial Support Programs, implementation of audits from 2017 and 2018, and other matters. The Standing Committee on Health and Social Development met with many different groups and individuals as it examined a range of topics, including firefighting resources, recruitment and retention of healthcare professionals, dementia care, a women's health strategy, Indigenous reconciliation, adoption disclosure and legislation, and anti-racism efforts. The Standing Committee on Education and Economic Growth was also quite busy with diverse topics of study, including labour shortages, protections for temporary foreign workers, diversity and discrimination in the public school system, the back-to-school plan as the pandemic continues, the economic impact of the pandemic on women, and recruitment and retention of early childhood educators.

**Ryan Reddin**

Director of Parliamentary Research



## Saskatchewan

### Resignation of a member

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On August 15, 2021, **Buckley Belanger**, MLA for Athabasca, a member of the Opposition (NDP) caucus, resigned his seat in order to run as a Liberal Party candidate in the federal election. As per section 46 of *The Legislative Assembly Act, 2007*, a by-election to fill a vacancy in the Legislative Assembly must be held within six months after a seat in the Assembly becomes vacant. A date for the by-election has not yet been announced.

### Independent member and resignation of Deputy Speaker

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**Nadine Wilson**, MLA for Saskatchewan Rivers, resigned from both the Saskatchewan Party caucus and her role as Deputy Speaker on September 30, 2021. The resignation came in the wake of a government caucus requirement to disclose COVID-19 vaccination status.

Following the resignations of Mr. Belanger and Ms. Wilson, the composition of the Assembly is now 47 Saskatchewan Party members, 12 New Democratic Party members, one independent member, and one vacancy.

### New cabinet responsibility

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On September 20, 2021, Premier **Scott Moe** announced a small change to cabinet. In addition to her existing role as Minister of Corrections, Policing and Public Safety, **Christine Tell** became the Minister Responsible for the Firearms Secretariat, a new cabinet responsibility.

### Provincial Auditor competition

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In February, **Judy Ferguson**, the Provincial Auditor of Saskatchewan, announced her intention to retire

on June 30, 2021 after leading the office for nearly eight years. Ms. Ferguson was officially appointed as Saskatchewan's Provincial Auditor on June 1, 2015, following almost two years of service as Acting Provincial Auditor.

The Standing Committee on Public Accounts is currently conducting a competition for a new Provincial Auditor. The task of selecting a new auditor, overseeing the competition, and unanimously recommending an individual to the Legislative Assembly for appointment is the responsibility of the Standing Committee on Public Accounts. The committee's process for recruiting and selecting a candidate has been outlined in the steering committee's first report of the twenty-ninth legislature, which can be found on the Legislative Assembly of Saskatchewan website.

While the competition is underway, **Tara Clemett** is serving as Acting Provincial Auditor.

### Prorogation and the opening of a new session

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At the request of the government and pursuant to the order adopted by the Assembly on May 14, 2021, the first session of the twenty-ninth legislature will be prorogued on the morning of October 27, 2021. The second session of the twenty-ninth legislature will be opened in the afternoon with Lieutenant Governor of Saskatchewan **Russ Mirasty** delivering the Speech from the Throne.

**Miranda Gudereit**  
Procedural Assistant



## British Columbia

As anticipated, the House resumed on October 4, 2021. This marks the first time since March 2020 that all Members of the Legislative Assembly can attend Chamber proceedings in person. It will also

be the first time since March 5, 2020 that three Table Officers will be present at the Table, during Routine Business and formal divisions. A limited number of Members may still attend proceedings virtually, as required. COVID-19 safety protocols remain in place, including a proof of vaccination program (see below) and a requirement to wear a face-covering in the Chamber and in common areas of the buildings on the Legislative Precinct.

### **Parliamentary Committees**

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The Select Standing Committee on Children and Youth released its first report of this Parliament on July 21, 2021, entitled *Annual Report 2020-21*. The report summarizes the activities of the Committee from December 9, 2020, to March 31, 2021, which include its review of five reports of the Office of the Representative for Children and Youth, including the Office's *Annual Report 2019/20 and Service Plan 2020/21 to 2022/23*.

The Special Committee to Review Provisions of the *Election Act* was appointed on April 13, 2021, to conduct a review of the annual allowance paid to political parties under section 215.02 of the *Election Act*, including, but not limited to, a review of whether an annual allowance paid to political parties should be continued to be paid after 2022 and, if so, the amount of the annual allowance; and the number of years the annual allowance should be paid. Under amendments to the political financing provisions of the *Election Act* adopted in 2017, corporate and union donations were eliminated, individual political contributions were restricted to \$1,200 per year, and an annual allowance to political parties was established in 2018 at a rate of \$2.50 per vote received in the last provincial general election, which decreased to \$1.75 per vote received in 2021 and 2022. The Committee undertook a public consultation from April 19 to May 28, 2021, during which it heard from academics, stakeholders and individuals at three public hearings. The Committee released its report on August 9, 2021, recommending that the annual allowance be continued at the rate of \$1.75 per vote in 2023 and adjusted thereafter according to the change in the Consumer Price Index for the previous year.

From June 21 to 24, 2021, the Select Standing Committee on Finance and Government Services held meetings with British Columbia's nine statutory officers to receive financial and operational updates. These meetings provide an opportunity for Committee Members to receive an update from the statutory

officers following the Committee's fall meetings during which it considers the annual reports, service plans and budget submissions of each office, making budgetary recommendations for the fiscal year ahead. The Committee released its *Interim Report on Statutory Offices* on August 24, 2021.

### **Legislative Assembly Management Committee**

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#### *Respectful Workplace Policy*

On July 8, 2021, the Legislative Assembly Management Committee formally adopted the Respectful Workplace Policy which applies to all Legislative Assembly employees, caucus staff and Members. The policy builds on existing workplace policies and standards of conduct and replaces the Respectful Workplace Policy that was adopted in principle on July 3, 2019. The policy's objective is to achieve a respectful workplace by identifying roles and responsibilities for preventing and addressing incidents of bullying, harassment, discrimination and violence within the Legislative Assembly. It also establishes a complaints process and outlines the roles and responsibilities of the Independent Respectful Workplace Office - which are to provide training, advice, mediation and coaching, receive confidential complaints, conduct investigations, and ensure compliance with the policy. Comprehensive training on the policy is expected to be provided in the coming months.

#### *Recognition of National Day for Truth and Reconciliation*

Following the adoption of legislation by the federal Parliament establishing September 30 as a National Day for Truth and Reconciliation, in fulfillment of one of the calls to action by the Truth and Reconciliation Commission, the provincial government announced that the public sector and schools would be closed that day. As the Legislative Assembly has yet to consider provincial legislation to create a statutory holiday, the Legislative Assembly Management Committee adopted a motion at its August 27 meeting that September 30, 2021, be recognized as a workplace day of commemoration for all employee groups at the Legislative Assembly and be treated as a statutory holiday for administrative purposes. The Clerk of the Legislative Assembly encouraged all employees to use the day as an opportunity for reflection and to take part in commemorative events to honour Indigenous survivors of the residential school system, as well as their families and communities.

## Legislative Assembly Proof of Vaccination Program

Recognizing the importance of B.C.'s COVID-19 immunization program, the Committee agreed on September 3, 2021, to implement a proof of COVID-19 vaccination program at the Legislative Assembly applicable to Members, caucus staff, and employees working on the Legislative Precinct, which is also applicable to visitors to the Parliament Buildings. The Committee resolved that appropriate program details would be finalized by the Legislative Assembly Administration under the oversight of the Speaker. The Clerk of the Legislative Assembly subsequently advised that corresponding with the broader provincial proof of vaccination requirement, everyone aged 12 and older accessing buildings on the Legislative Precinct will be required to have proof of at least one dose of a COVID-19 vaccine by September 13, 2021, and proof of two doses by October 24, 2021. The requirement will be in place until January 31, 2022, and may be extended, subject to a re-evaluation by the Committee.

### Appointment of Sergeant-at-Arms

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Following an external competition, **Ray Robitaille** was selected to fill the Sergeant-at-Arms position. Mr. Robitaille has over 35 years of experience with the Canadian Armed Forces and the Calgary Police Service, with progressive leadership and six years at the executive level, including his time as Deputy Chief of Police with the Calgary Police Service. He began his position at the Legislative Assembly on October 18, 2021.

### Knowledge Totem Refurbishment Ceremony

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As noted in the Summer 2021 edition, a refurbishment of the Knowledge Totem that stands on the Legislative Precinct was undertaken in recent months, led by **Doug August, Sr.** (Sume'lh), son of **Cicero August**, the original artist and Coast Salish master carver of the totem. On September 9, 2021, the Speaker of the Legislative Assembly hosted a ceremony to celebrate the raising of the totem with Mr. August and the refurbishment team, representatives from the Songhees Nation, Members of the Legislative Assembly, and the Clerk of the Legislative Assembly.

**Lisa Hill**  
Committee Research Analyst



## Alberta

### 2021 Fall Sitting

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The 2021 fall sitting is scheduled to begin on October 25, 2021. The seating plan will have changed significantly since the spring sitting due to a variety of membership changes including: the appointment of six Members to cabinet, changes to the United Conservative Party (UC) caucus, and the resignation of a Member so that she could run in the recent federal election.

### Vaccine Mandate

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On September 30 Premier **Jason Kenney** announced that a vaccine mandate would be implemented for public service employees. The policy requires employees to submit proof of full vaccination by November 30 or provide a privately obtained negative polymerase chain reaction (PCR) test result that has been completed within 72 hours of each workday. Eligible employees may request an exemption under the *Alberta Human Rights Act*. As part of the public service, Legislative Assembly staff are subject to this policy unless the Special Standing Committee on Members' Services orders an exemption or variation.

### Cabinet Changes

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On July 8 Premier Kenney expanded and made changes to the membership of his Cabinet. **Rajan Sawhney**, MLA, formerly the Minister of Community and Social Services, is now the Minister of Transportation. **Jason Luan**, MLA, has been promoted from Associate Minister of Mental Health and Addictions to Minister of Community and Social Services. Other Cabinet appointments include **Mike Ellis**, MLA, moving from Chief Government Whip to

Associate Minister of Mental Health and Addictions, and **Ron Orr**, MLA, taking on the role of Minister of Culture. New Associate Minister appointments include:

- **Tanya Fir**, MLA, as Associate Minister of Red Tape Reduction;
- **Nate Horner**, MLA, as Associate Minister of Rural Economic Development, under the Ministry of Jobs, Economy and Innovation;
- **Whitney Issik**, MLA, as Associate Minister of Status of Women, under the Ministry of Culture and Status of Women; and
- **Muhammad Yaseen**, MLA, as Associate Minister of Immigration and Multiculturalism, under the Ministry of Labour and Immigration.

Additional changes to non-ministry roles were also announced including the appointment of **Joseph Schow**, MLA, as Deputy Government House Leader, and **Brad Rutherford**, MLA, as Deputy Government Whip.

On September 21 two members of Cabinet exchanged portfolios, as the **Jason Copping**, MLA, was sworn in as Minister of Health and the **Tyler Shandro**, MLA, now serves as Minister of Labour and Immigration.

### Caucus Changes

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On July 14 the UC caucus announced its decision to invite **Pat Rehn**, MLA, back into the caucus. Mr. Rehn had been removed from the caucus in January after it was reported that he had been absent from his constituency for significant periods of time. On August 15 **Laila Goodridge** submitted her resignation as MLA for Fort McMurray-Lac La Biche to compete – successfully, as it turned out – in the federal election as the Conservative Party of Canada candidate for Fort McMurray-Cold Lake. A by-election for Fort McMurray-Lac La Biche has not yet been called.

The composition of the Assembly is currently 60 Government Members (UC), 24 Members of the Official Opposition (New Democratic Party), two independent Members, and one vacant seat.

### Committee Business

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The Select Special Child and Youth Advocate Search Committee met on August 23 to approve a position profile and a communications plan for recruiting candidates. Applications for the position will be accepted until October 8.

The Select Special Committee on Real Property Rights continued to meet over the summer to receive presentations and review written submissions from stakeholders and members of the public. The Committee also planned public consultation meetings in various locations throughout the province; however, this initiative was postponed following the declaration of a public health emergency due to the COVID-19 pandemic.

The Standing Committee on Legislative Offices met on October 7 to conduct the annual review of the salaries of the Officers. The Committee has also provided its recommendation that a search committee be struck during the fall session to recruit a candidate for the position of Information and Privacy Commissioner. **Jill Clayton**, the current Commissioner, has advised the Committee that she will not be seeking reappointment in 2022 following the completion of her second five-year mandate.

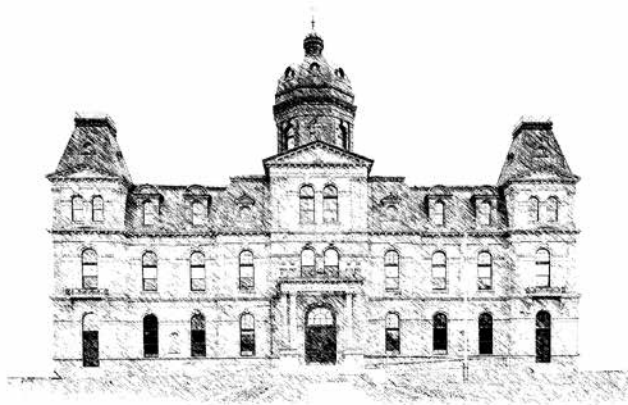
### CCPAC-CCOLA Conference

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On September 8 and 9 the Standing Committee on Public Accounts, and the Office of the Auditor General, Alberta, hosted the 2021 CCPAC-CCOLA Conference. More than 130 delegates attended the two-day virtual conference. Attendees included representatives from across Canada and the international community, including members of Public Accounts Committees from most Canadian jurisdictions, Auditors General from across Canada, and various others involved in supporting the work of Public Accounts committees. There were two keynote speakers: **Andre Picard**, a columnist from the *Globe and Mail*, discussed the impact of the pandemic on healthcare systems, seniors long-term care and society as a whole; and **Lindsay Tedds**, an economics professor from the University of Calgary, discussed public finance during and in the aftermath of the pandemic. Business sessions included a presentation by the Deputy Auditor General, Australian National Audit Office; a panel on audit and oversight of rapidly deployed pandemic spending; a panel on the follow-up of Auditor recommendations by Public Accounts committees; and a panel on the importance of Public Accounts committees focusing on post-expenditure accountability as opposed to policy. In addition, Ms. Clayton hosted a roundtable discussion on pandemic-related information and privacy issues.

**Jody Rempel**  
Committee Clerk





## New Brunswick

### Resignations

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On August 16, **Lisa Harris** resigned as the MLA for Miramichi Bay-Neguac to run as the federal Liberal candidate for the Miramichi-Grand Lake riding. First elected in the 2014 general election, Ms. Harris was re-elected in 2018 and 2020. Ms. Harris served as Deputy Speaker, Minister of Seniors and Long-Term Care, Minister of Celtic Affairs, and Deputy Government House Leader. Ms. Harris also served on various committees and was the first woman to chair the Standing Committee on Public Accounts.

On August 18, **Jake Stewart** resigned as the MLA for Southwest Miramichi-Bay du Vin to successfully run as the federal Conservative candidate for the Miramichi-Grand Lake riding. First elected in the 2010 general election, Mr. Stewart was re-elected in 2014, 2018 and 2020. Mr. Stewart served as Minister of Aboriginal Affairs and on various committees.

### Standing Committees

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Due to the resignation of Mr. Stewart, who chaired the Standing Committee on Climate Change and Environmental Stewardship, an election was held on September 7 and **Bill Hogan** was elected Chair. Mr. Hogan had been the Vice-Chair of the Committee. **Kathy Bockus** was then elected Vice-Chair to fill the vacancy.

The Committee extended the public hearings that occurred in June on the use of pesticides and herbicides, including glyphosate, in the province. Various First Nations, First Nations organizations, and stakeholders appeared in September. A report with recommendations is expected to be presented to the House during the next session.

The Department of Environment and Local Government also appeared to brief the Committee on freshwater health in the province. Three departmental publications were considered and the Committee plans to continue its discussions on this topic at a later date.

In September, the Standing Committee on Public Accounts elected **Chuck Chiasson** as Chair and **Ross Wetmore** as Vice-Chair following the resignations of Ms. Harris as Chair and Mr. Stewart as Vice-Chair. The same week, the Committee reviewed the annual reports of various government departments, Crown Corporations, and other provincial entities, including the New Brunswick Power Corporation, the two provincial health authorities, and Vestcor Inc.

### Select Committees

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The Select Committee on Public Universities, chaired by Mr. Hogan, met on September 28 and 29. The four publicly funded universities and the Maritime Provinces Higher Education Commission appeared before the Committee to discuss and provide insight into university administration, programming, performance measurement, accountability and transparency.

### New Brunswick Day Celebrations

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On August 2, Speaker **Bill Oliver** hosted the New Brunswick Day Opening Ceremony on the grounds of the Legislative Assembly. The event was attended by Lieutenant-Governor **Brenda Murphy**, Premier **Blaine Higgs**, Official Opposition Leader **Roger Melanson**, Green Party Leader **David Coon**, People's Alliance Leader **Kris Austin**, and other local Members. The event was a celebration of both New Brunswick Day and the lifting of the mandatory order, effectively removing all restrictions related to the pandemic in the province. A moment of silence was also held to honour the individuals who lost their lives to COVID-19. Remarks were given and the Speaker raised the New Brunswick flag to commemorate the day. After the official opening, approximately 3,000 members of the public enjoyed artisanal kiosks showcasing art by New Brunswickers and live multicultural and Indigenous performances.

### Proof of Vaccination and Entry to Building

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Starting in September, following an increase in COVID-19 infections in the province, all full-time and part-time employees of the Legislative Assembly, including political staff, contractors, volunteers, and onsite vendors/suppliers, were required to provide

proof of full vaccination to Human Resources. Those who did not provide proof were required to wear a mask in the workplace at all times, except when they were alone in their personal workspace, and to follow Covid-19 testing requirements. Starting in October, all visitors to the Legislative Assembly building were required to provide proof of full vaccination, or medical exemption, and government-issued identification to security upon entry.

## Standings

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The standings in the House are 26 Progressive Conservatives, 16 Liberals, three Greens, two People's Alliance, and two vacancies.

**Alicia R. Del Frate**

Parliamentary Support Officer



# 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 October 6, 2021, for an intense jam-packed six-day session pursuant to a Sessional Order passed by leave on the first sitting day. The Sessional Order, discussed below, was in part prompted by the resignation of Brian Pallister as Premier on September 1 and as an MLA on October 4. Deputy Premier and Government House Leader, **Kelvin Goertzen**, assumed the reins as Manitoba's 23<sup>rd</sup> Premier on September 1, agreeing to do so for a two-month period as the Progressive Conservative Party will select its next leader on October 30. Manitoba will then have its first female Premier as the leadership race is between **Heather Stefanson**, former Health Minister and current MLA and **Shelly Glover**, a former Manitoba MP. The Sessional Calendar indicates that the House is scheduled to return on November 16, 2021, usually with a Throne Speech, however that date is not set in stone and it is possible that the new Premier could decide to call back the House at a later date.

Prior to the resumption of the Session, the House Leaders agreed to have a seating plan with two-thirds of MLAs in the Chamber in which the MLAs were separated by a desk instead of sitting side by side, with the remaining number of Members participating virtually. The seating plan required a fourth row of MLA desks due to the numbers of 24 PCs, 12 NDP and two Independent Liberal Members in the Chamber. Masks were worn by all present to enter, exit and move around the Chamber. The House continued the practice adopted in previous Sessions under COVID-19 with document tables used for materials to be distributed rather than having Pages deliver Bills and other items directly to desks. Members not present in the Chamber were still able to engage fully in the proceedings on a virtual basis pursuant to a prior Sessional Order, detailed in a previous edition, allowing for such participation. The Public Gallery was not open as the Legislative Building remains closed.

## Sessional Order

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This sitting period had promised to be extremely busy, especially for Committees, as the Official Opposition designated five Bills to be delayed until these Fall Sitzings. Bill 64 – *The Education Modernization Act*, had received an unprecedented number of over 500 registered presenters. However that Bill, along with the other four government Designated Bills detailed in the previous edition, were withdrawn from any further proceedings as part of the Sessional Order agreed to by all parties. The Sessional Order also dealt with the passage of certain business including completion of Departmental Estimates and all the steps or segments of the financial Main and Capital process to pass Budget 2021. Finally, the Order guaranteed passage of the following two Bills:

- *Bill 72 – The Disability Support Act and Amendments to The Manitoba Assistance Act* supports the creation of the program that will be separate from Employment and Income Assistance (EIA) and include disability support payments and shelter assistance tailored to the unique and specific needs of individuals with severe and prolonged disabilities. *The Manitoba Assistance Act* had also been amended to strengthen requirements for participation in programming and supportive planning that would help people move closer to employment and labour market attachment;
- *Bill 232 – The Emancipation Day Act* which proclaims August 1 of each year as Emancipation Day in order to properly recognize the heritage of Manitoba's people of African descent and the contributions that members of the Black community have made and continue to make to Manitoba.

## **Standing Committees**

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The Committees Branch was still active during this short session even though it did not have to manage the expected 500 plus presenters that would have been required to complete the Designated Bill process. The Chief Electoral Officer requested that a Standing Committee be called to deal with some electoral concerns as voting by mail in Manitoba was restricted to absentee voters and to homebound voting. In order to allow voting by mail for the upcoming by-election and all subsequent elections for eligible voters, it was necessary to have a recommendation go forward to a Standing Committee for adoption.

An Advisory Committee of Elections Manitoba met on October 7 and recommended that the following proposals be presented to Members to consider at a Legislative Committee hearing:

- Proposal to Modify the Voting Process titled “Vote Anywhere in your Electoral Division on Election Day” dated November 2020.
- Proposal to Modify the Voting Process titled “Vote by Mail – By-election” dated October 2021.

On October 13, the Standing Committee of Legislative Affairs met to consider the proposals related to voting anywhere and voting by mail during a by-election, and passed the following motions:

- THAT pursuant to subsection 28.1(5) and subject to subsection 28.1(6) of *The Elections Act*, the Standing Committee on Legislative Affairs approve the proposal to modify the voting process tabled in the House on October 7, 2021, and recommend that the Chief Electoral Officer direct that the voting process be modified for any upcoming by-elections occurring before April 1, 2022.
- THAT pursuant to subsection 28.1(5) and subject to subsection 28.1(6) of *The Elections Act*, the Standing Committee on Legislative Affairs approve the aspects pertaining to electronic strike-off contained within the proposal to modify the voting process tabled in the House on December 1, 2020, and recommend that the Chief Electoral Officer implement all aspects governing the adoption of electronic strike-off for the next general election.
- THAT pursuant to section 28.1(4) of *The Elections Act*, the Standing Committee on Legislative Affairs has completed consideration of the proposal to modify the voting process tabled in the House on December 1, 2020, and does not

approve the aspects of the proposal pertaining to electronic tabulators at this time, but recommends that legislation be brought forward to implement all aspects governing the adoption of electronic tabulators for the next general election.

The committee report containing these motions was subsequently concurred in on the following sitting day after the committee report was presented to the House.

## **Amendments to the Rules, Orders and Forms of Proceedings**

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On October 12, the Standing Committee on the Rules of the House met to consider amendments to the Rule Book. A considerable amount of work was done behind the scenes to make this happen including multiple meetings with House Leaders and considerable efforts in terms of research, drafting, and translation. The new Rules will come into force at the commencement of the Fourth Session of the Forty Second Legislature. Some of the major changes include:

- Replace all gender-specific language with gender-neutral language;
- Changes to the Sessional Calendar to provide sufficient sitting days for the completion of Designated Bills during the Fall Sittings;
- Clarification of terminology and additional definitions for better certainty;
- Changes allowing Opposition staff to be present at tables placed immediately before the front row on the Opposition side of the House during consideration of Estimates meeting in the Chamber;
- Including the names of individuals in Hansard referenced by MLAs making Members’ Statements without leave of the House being required;
- Clarification of speaking times in debate;
- Removing the ability to challenge rulings from Supply Chairs;
- Allowing House Leaders to alter the Estimates sequence without requiring leave;
- Clarification of Supply terminology;
- Streamlining the Main and Capital process with the Capital Supply Resolution to be considered in Estimates.

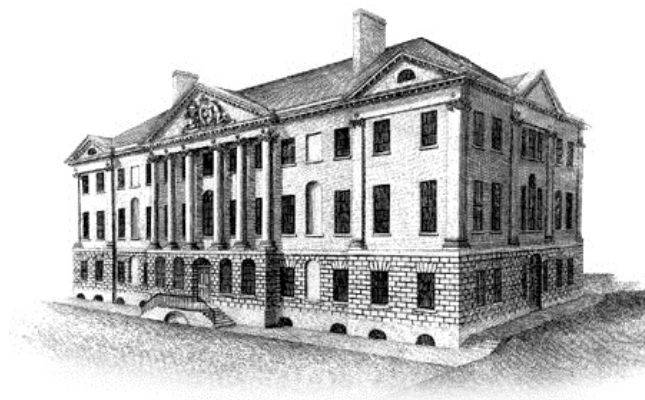
## **A fond Adieu**

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On October 14, 2021, the Speaker paid tribute to **Monique Grenier**, who announced her retirement

effective January 2022. Monique began her career in the offices of Legislative Counsel from 1987 to 1999 after which she subsequently excelled as both Clerk Assistant/Journals Clerk and Clerk Assistant/Committee Clerk serving the Assembly in both capacities with legendary skill and proficiency.

**Greg Recksiedler**  
Research Officer/Clerk Assistant



## Nova Scotia

When Nova Scotia was preparing its last Legislative Report in July 2021, rumours of an impending election campaign were aswirl. With the ink still fresh on the writs returned for 41<sup>st</sup> General Election, we now write to cover two major developments: 1. The newly-composed 64<sup>th</sup> General Assembly and 2. The legislative work the Assembly undertook during the First Session.

### **41<sup>st</sup> General Election and 64<sup>th</sup> General Assembly**

As foreshadowed in our previous Report, on July 17, 2021, (the now former) Premier **Iain Rankin** (Timberlea-Prospect) visited Government House to ask the Lieutenant Governor to dissolve the Legislature. One month later, Nova Scotians chose a new House of Assembly. As a result, the Province now also has a new Premier, along with a new 19-member Executive Council.

#### *Election of Members of the House of Assembly*

Nova Scotia's 41<sup>st</sup> General Election was the first to unfold across 55 electoral districts, encompassing a four-seat increase in the House's size. Through

redrawing existent boundaries and reviving protected districts, the additional four seats effectuated the voter parity recommended by the independent Electoral Boundaries Commission in 2012 (and again in 2019), as well as the constitutional right to effective representation interpreted by the Nova Scotia Court of Appeal in 2017. (*Reference re the Final Report of the Electoral Boundaries Commission*, 2017 NSCA 10.)

From the 759,341 Nova Scotians registered to vote, 55.67 per cent turned out for an election that brought an end to the tenure of the Liberal party, whose elected officials had run the Province for a period of almost eight years. In the end, the former leader of the Official Opposition **Tim Houston** (Pictou East) prevailed to stand as Nova Scotia's 30th Premier.

Eleven incumbents opted not to re-offer. Of those 40 incumbents who did indeed reoffer, seven were unseated (five Liberals (Halifax Citadel-Sable Island; Eastern Shore; Lunenburg; Antigonish; Guysborough-Tracadie), one Progressive Conservative (Northside-Westmount), and one Independent (Cape Breton-Richmond)). Cape Bretoners were captivated by a nail-biting judicial recount in redistributed district of Glace-Bay-Dominion on August 30, 2021. The Supreme Court of Nova Scotia confirmed the victory of the presumptive Member-Elect, **John White**, with a total margin of 29 votes over the runner-up (a 4-vote correction to Elections Nova Scotia's total of 33 votes).

Coincidentally, the recount occurred simultaneously with the 4.5-hour-long Swearing-In Ceremony. On that same day, nearly all other Members-Elect convened caucus-by-caucus to take their constitutional oath and sign the roll.

#### *Composition*

Upon Commencement, the standings of registered parties in the 64<sup>th</sup> General Assembly were as follows:

**Progressive Conservative: 31**

**Liberal: 17**

**New Democratic Party: 6**

**Independent: 1**

Amongst the 55 successful candidates who returned to the House were 24 first-time MLAs. A landmark number of four African-Nova Scotian MLAs (including one incumbent) took their oaths

as legislators (Cole Harbour; Halifax-Armdale; Halifax-Needham; Preston). Another milestone was marked when constituents of Waverley-Fall River-Beaver Bank voted the first Nova Scotian of Chinese descent to take a seat in the House. The House also welcomed the first Muslim-Nova Scotian MLA (Halifax-Armdale). As for gender, the Legislature's membership not only includes 19 MLAs presumed to identify as female, but now also includes the first-ever non-binary MLA (Halifax Citadel-Sable Island).

(What is technically the 56<sup>th</sup> seat has been vacant since its inception. In 1992, the House allocated a seat for a Mi'kmaq representative "to be chosen and to sit in a manner and upon terms agreed to and approved by representatives of the Mi'kmaq people". See *House of Assembly Act*, RSNS (1992 Supp.), c. 21, s. 6.)

## Legislative Work

### *Election of Presiding Officers*

After the Swearing-In Ceremony on August 30, the next item on the House's calendar was the Speaker's Election on September 24. The Chief Clerk fulfilled the duty of ensuring the House has its Guardian and Spokesperson. To synchronize with the Public Health restrictions in force outside of the precinct at that time, the Chief Clerk coordinated the Speaker's Election through a hybrid format. Ten MLAs attended the chamber, while the rest appeared virtually, but in close proximity to Province House—in the unexpected event that their physical participation be required.

As it happened, MLAs did have to step away from their screens and enter the chamber because the Speaker's Election went to a secret ballot between two nominees. The Premier put forward the MLA for Victoria-the Lakes, **Keith Bain**, who had previously served as Deputy Speaker. Across the aisle, the Leader of the New Democratic Party (Halifax-Chebucto) nominated the MLA for Halifax Citadel-Sable Island, **Lisa Lachance**. Remarkably, this departure from the trend of acclaiming an unchallenged nominee was only the second time in the history of the Assembly that MLAs themselves elected a peer to serve as Speaker. (The first secret ballot elected **Ronald Russell** to preside over the 57th General Assembly in 1998. At that time, Speaker Russell ascended the dais for a third term.)

The historic suspense lasted for a thirty-seven-minute voting period. To secretly and safely cast their ballots, MLAs located off-site quickly came to



Above: The Speaker and Clerk first wore wigs in the legislative chamber on February 21, 1825. Below: Speaker's Top Hat (precise date unknown) was procured from C.S. Lane, purveyor of Hats, Furs, Trunks, & Waterproof Goods at 113 Granville Street and manufactured by Christy's London.





**Wigs fell out of fashion in the legislative chamber during the 1880s.**

Province House, queued in a physically-distanced line, and then entered the chamber one-by-one. There, each MLA marked their ballot behind a tartan-draped screen and deposited their ballots in the traditional receptacle – the Speaker’s top hat. The Chief Clerk did not, however, utilize the oldest headpiece in the House’s forgotten collection, which the Legislative Library dusted off for the occasion. (See photos).

Ultimately, the Chief Clerk declared the MLA for Victoria-The Lakes as Speaker of the House of Assembly. The new Speaker was reluctantly dragged up to the Chair, in true Westminster fashion.

The occasion also shattered ceilings. Next, by unanimous Resolution of the House, the Member for Halifax Citadel Hill Sable-Island was appointed Mx Deputy Speaker, thereby becoming Nova Scotia’s first non-binary Presiding Officer. Also breaking records was the MLA for Preston, **Angela Simmonds**, who, by that same unanimous Resolution was appointed

Madam Deputy Speaker, thereby becoming Nova Scotia’s first African-Nova Scotian Deputy Speaker. Together, the two Deputy Speakers also share the role of chairing the Committees of the Whole House.

#### *Fall Sitting*

The House’s Fall Sitting consisted of 17 daily meetings, including some days that extended late into nights (the latest of which was November 3, when the House rose at 10:12 pm). On November 5, the House adjourned *sine die*. Under the *House of Assembly Act*, the House is mandated to return for its Spring Session sometime between January 1 and June 30.

#### *Throne Speech*

After the Speaker’s Election, the House returned for the Speech from the Throne on October 12. In tandem with the Province’s phased lifting of COVID-19 restrictions, the masked event involved relaxed physical-distancing limits and group-gathering restrictions. However, caution surrounding the arrival of COVID-19’s fourth wave did necessitate paring down much of the splendour and frills that ordinarily herald in the beginning of the Legislative Session.

Entitled, “A Healthy Nova Scotia: Solutions for Nova Scotians”, the Lieutenant-Governor delivered the 13-page Speech in less than 45 minutes. The main policy priorities announced from the Throne were fivefold:

- **Health:** Offering world-class access to healthcare through recruiting professionals and investing in universal mental health support;
- **Seniors:** Building the capacity of long-term care and enhancing household support for independent living;
- **Economy:** Supporting the middle-class with employer options to distribute tax returns to employees; increasing the threshold for taxing young trade workers; addressing the housing crisis;
- **Environment:** Addressing climate change by green measures, sustainable development, and renewable energy;
- **Accountability:** providing tools to hold the Government accountable, including reinvigorating the Public Accounts Committee, fixing the provincial election date, and strengthening privacy protections and freedom of information.

### *Debate on Address in Reply*

The House began transacting regular business on October 13 - the day immediately after the Throne Speech. Due to the idiosyncrasies of Nova Scotia's recent practice, the Address in Reply has yet to be voted upon and is still on the Order Paper. Twenty-four members have spoken so far during the Debate.

(Nova Scotia has not voted upon the Address in Reply since the 58<sup>th</sup> General Assembly in 1999. Unlike many other legislatures, Nova Scotia's *Rules and Forms of Procedure* do not restrict the duration of the Debate on the Address in Reply, nor do the Rules restrict the House's capacity to proceed with regular business while the Address in Reply remains outstanding (and in perpetuity).

In sum, 24 members have spoken so far during the Debate.

### *Abolition of Daily Prayer*

Early into the First Session, the 64<sup>th</sup> Assembly jettisoned an old Parliamentary tradition. Two substantially-similar Resolutions (one introduced by the Premier, the other by the Leader of the Official Opposition) proposed to amend the House's *Rules and Forms of Procedure* by replacing the Daily Prayer with an inclusive opportunity for solemn individual thought. Both Resolutions passed after unanimous waiver of notice and unanimous waiver of debate. Pursuant to Rule 16, Members now observe a "Moment of Quiet Reflection" before the Speaker calls the House to Order.

### *Bills*

Throughout the four weeks of the Fall Sitting, a total of 95 Bills were introduced for the House's consideration. Of those 95 Bills, 20 were passed (including three Private or Local Bills), one was defeated, and 74 now rest on the Order Paper.

### *Government Bills*

Towards accomplishing the priorities announced in the Throne Speech, the Government introduced a total of 17 Public Bills. All 17 passed and received Royal Assent.

"Interestingly, the two Bills most fervently debated actually received all-party support on their fundamental principles, while umbrage was voiced

on the details. The fervent debate on these two Bills prompted recorded divisions:

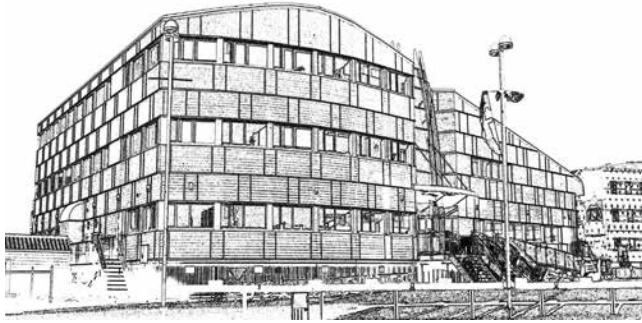
- Bill 1, *Elections Act (amended)* – fixing the provincial election date to "the third Tuesday in July in the fourth calendar year following election day for the most recent general election." The controversy revolved around the summer election day.
- Bill 57, *Environmental Goals and Climate Change Reduction Act* – the bulk of the 32 proposed amendments aimed for higher targets and faster action. The pair of amendments that did pass were aspirational in nature and explicitly added:
  1. African Nova Scotian communities as a group with whom the Government aims to work with on climate change priorities (Tony Ince, MLA for Cole Harbour); and
  2. A goal to create a panel to address environmental racism and recommend redress (Suzy Hansen, MLA for Halifax-Needham).

### *Private Members' Public Bills*

On the Opposition's side of the House, Private Members introduced a total of 75 Bills. None of the Private Members' Bills have passed, while 1 was defeated. Notably, the following 9 Bills were moved for debate on Second Reading during Opposition Business:

- Bill 2, *Healthcare Professionals Recruitment Accountability Act*
- Bill 5, *Municipal Government Act (amended) and Halifax Regional Municipality Charter (amended)*
- Bill 12, *Dismantling Racism and Hate Act*
- Bill 22, *Redressing Harm and Environmental Racism Act*
- Bill 56, *Affordable Child Care Accountability Act*
- Bill 15, *Gender-based Analysis Plus Implementation Act*
- Bill 29, *Green Jobs Training Act*
- Bill 19, *Owl's Head Act*  
- Defeated on a recorded division (28-22).
- Bill 26, *Emergency "911" Act*

**Cara Locke**  
Assistant Clerk



# Nunavut

## House Proceedings

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The pre-dissolution September 2021 sitting convened on September 9, 2021, and concluded on September 16, 2021.

Three bills received Assent during the pre-dissolution September 2021 sitting:

- Bill 55, *An Act to Amend the Property Assessment and Taxation Act*;
- Bill 75, *An Act to Amend the Summary Conviction Procedures Act*; and
- Bill 77, *Supplementary Appropriation (Capital) Act, No. 2, 2021-2022*.

A total of 81 bills were introduced during the life of the 5<sup>th</sup> Legislative Assembly, of which 77 received Assent.

## Dissolution of the 5<sup>th</sup> Legislative Assembly, Holding of the 6<sup>th</sup> General Election and Convening of the 6<sup>th</sup> Legislative Assembly

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The 5<sup>th</sup> Legislative Assembly was dissolved on September 19, 2021. The Chief Electoral Officer issued writs of election on September 20, 2021.

A number of incumbents did not stand for re-election: **Paul Quassa** (Aggu), **Allan Rumbolt** (Hudson Bay), **Pat Angnakak** (Iqaluit-Niaqunngu), **Elisapee Sheutiapik** (Iqaluit-Sinaa) and **Pauloosie Keyootak** (Uqqummiut).

At the close of nominations, a total of 58 individuals had submitted declarations of candidacy to stand for election in the territory's 22 constituencies. Five candidates were declared elected by acclamation: **John Main** (Arviat North-Whale Cove), **Joe Savikataaq** (Arviat South), **Margaret Nakashuk** (Pangnirtung), **David Akeeagok** (Quttiktuq) and **David Joanasi** (South Baffin).

The 6<sup>th</sup> general election was held on October 25, 2021. Returning Members were:

**Joelie Kaerner** (Amittuq)

**Craig Simailak** (Baker Lake)

**Tony Akoak** (Gjoa Haven)

**Adam Arreak Lightstone** (Iqaluit-Manirajak)

**George Hickes** (Iqaluit-Tasiluk)

**Lorne Kusugak** (Rankin Inlet South)

Newly-elected Members were:

**Joanna Quassa** (Aggu)

**Solomon Malliki** (Aivilik)

**Pamela Hakongak Gross** (Cambridge Bay)

**Daniel Qavvik** (Hudson Bay)

**P.J. Akeeagok** (Iqaluit-Niaqunngu)

**Janet Pitsiulaaq Brewster** (Iqaluit-Sinaa)

**Bobby Anavilok** (Kugluktuk)

**Joseph Quqqiaq** (Netsilik)

**Alexander Sammurtok** (Rankin Inlet North-Chesterfield Inlet)

**Karen Nutarak** (Tununiq)

**Mary Killiktee** (Uqqummiut)

Mr. Sammurtok previously served as a Member of the 4<sup>th</sup> Legislative Assembly for the constituency of Rankin Inlet South.

On November 17, 2021, Members-elect gathered in the Chamber of the Legislative Assembly for the convening of the Nunavut Leadership Forum. By convention, the Forum consists of all Members of the Legislative Assembly, and is used to conduct the selection process for the Speaker, Premier and members of the Executive Council (Cabinet) of Nunavut. The Forum's proceedings were televised live across the territory. As a consequence of the ongoing state of public health emergency under the *Public Health Act*, the Visitors' Gallery remains closed to the general public.



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

Three Members subsequently accepted nominations to serve as Premier: Messrs. Akeeagok (P.J.), Kusugak and Savikataaq. Each candidate was permitted to deliver a speech. Members not standing for Premier were permitted to ask up to two questions to the candidates. In a secret ballot vote, Mr. Akeeagok was elected as Premier on the first round of balloting.

A total of sixteen Members subsequently accepted nominations to serve on the Executive Council. The Assembly's Full Caucus had previously announced that eight Ministers would be chosen. The following Members were elected: Mr. Akeeagok (David), Ms. Hakongak Gross, Mr. Joanasié, Mr. Kusugak, Mr. Arreak Lightstone, Mr. Main, Ms. Nakashuk and Ms. Quassa.

Commissioner **Eva Qamaniq Aariak** presided over the swearing-in ceremony for the Members of the 6<sup>th</sup> Legislative Assembly, which took place on the morning of November 19, 2021, in the Chamber of the Legislative Assembly. The event was televised live across the territory.

The 1<sup>st</sup> sitting of the 6<sup>th</sup> Legislative Assembly took place that afternoon. At the beginning of the sitting, Mr. Akoak formally took the Chair. Dragging duties were performed by Ms. Gross and Mr. Simailak, who moved and seconded the formal motion of appointment. During the sitting, motions were passed to formally recommend the appointments of the Ministry. Motions were also passed to appoint Mr. Hickes as Deputy Speaker and Messrs. Malliki and Savikataaq as Deputy Chairpersons of the Committee of the Whole. The swearing-in ceremony for the members of the Executive Council took place after the sitting of the House. Ministerial portfolios were announced during the ceremony.

**Alex Baldwin**

Office of the Legislative Assembly of Nunavut

## Erratum

In "Thoughts on Prayers: An Analysis of Prayers in the Legislative Assembly of British Columbia, 2003-2019," Vol 44, No. 3, pp 12-18, there was a summary of the prayer practices of Assemblies across Canada. Of Nova Scotia, the article noted: "The Speaker reads a shortened version of the Lord's Prayer, which was written by Speaker Mitchel in 1972". A member of the Canadian Parliamentary Review's editorial board explains that this assertion is incorrect and the error has been made in numerous sources over the years.

The text of the prayer used until it was dispensed with recently, was written by Speaker Mitchell in 1972, and contained the entire Lord's Prayer preceded by the following words:

*"O Lord in whom we trust, and with whose guidance and grace this land was founded,*

*We pray that you will give to each of us the courage required to become servants of God through our service to this province.*

*Assist us in our deliberations so that our legislation will reflect a true spirit of justice and equity to all people.*

*Bless, we pray, our Queen and members of the Royal Family.*

*Give to the Members of this Assembly good health for the physical strains they must endure and good judgement and clear understanding for those decisions which they must make.*

*O Lord, we pray that with your help, our nation shall remain united and one in which all of its peoples may live and prosper and that it shall ever remain strong and free."*

Thus, this prayer is far from being a **shortened** version of the Lord's Prayer.

It is now moot as the prayer has been replaced by a moment of reflection. On October 14, 2021, the Leader of the Official Opposition moved the following motion, which was passed without debate:

*Be it resolved that Rule 16 of the Rules and Forms of Procedure of the House of Assembly is amended by striking out "read prayers" and substituting "allow a moment of reflection."*

We regret the error.

# *FitzGibbon and Winder: Bully Boys and Officers of Parliament*

How many Clerks of the House of Assembly and Legislative Librarians also have “guerrilla fighter” on their resume? Probably only two – celebrated hero of the War of 1812, James FitzGibbon, and the lesser known William Winder. In this article, the author recounts the exploits of Parliament’s Bully Boys.

**Carrie Hull**

The book *The Medical Profession in Upper Canada, 1783-1850* contains this intriguing passage about William Winder, Librarian for the Parliament of Upper Canada and later the Province of Canada:

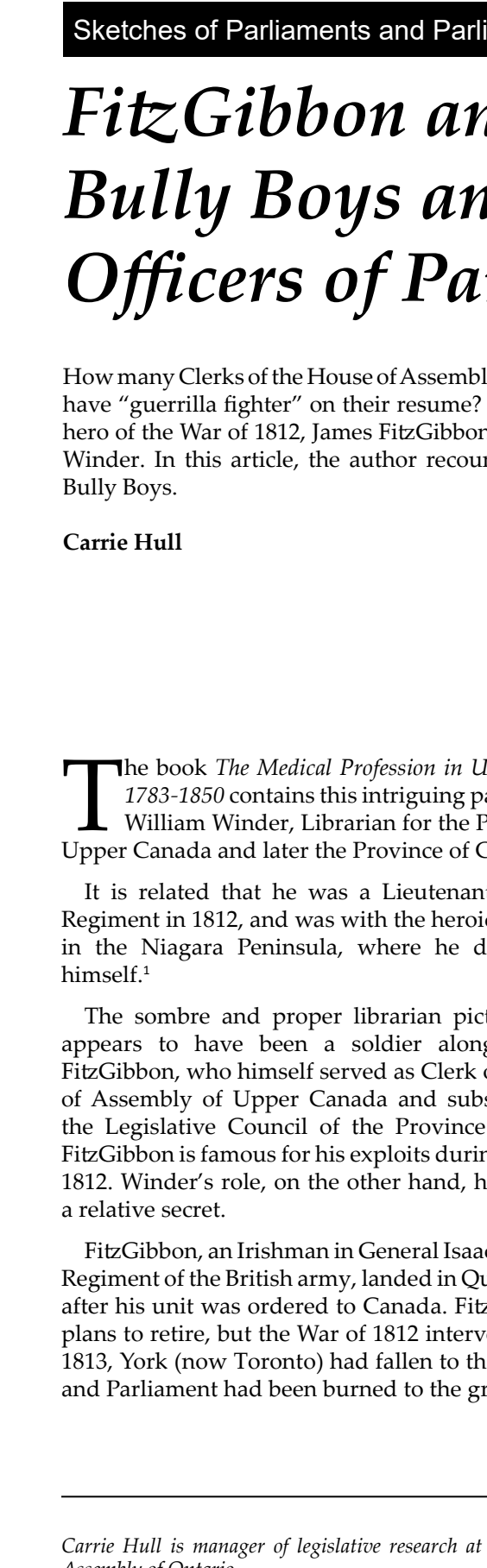
It is related that he was a Lieutenant in the 49<sup>th</sup> Regiment in 1812, and was with the heroic FitzGibbon in the Niagara Peninsula, where he distinguished himself.<sup>1</sup>

The sombre and proper librarian pictured below appears to have been a soldier alongside James FitzGibbon, who himself served as Clerk of the House of Assembly of Upper Canada and subsequently of the Legislative Council of the Province of Canada. FitzGibbon is famous for his exploits during the War of 1812. Winder’s role, on the other hand, has remained a relative secret.

FitzGibbon, an Irishman in General Isaac Brock’s 49<sup>th</sup> Regiment of the British army, landed in Quebec in 1802 after his unit was ordered to Canada. FitzGibbon had plans to retire, but the War of 1812 intervened and by 1813, York (now Toronto) had fallen to the Americans and Parliament had been burned to the ground.

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FitzGibbon was initially asked to gather intelligence about the enemy in the Niagara Peninsula. One story has it that he disguised himself as a settler to gain admission to the American encampment at Stoney Creek. Based on the information he gleaned about troop numbers, the British conducted a night-time attack leading to the surrender of two brigadier-generals and the capture of 100 prisoners.

FitzGibbon was then given permission to hand-pick 50 men “to be employed in advance of the Army, and with authority to act against the Enemy as he pleased and on his own responsibility solely.”<sup>2</sup> Essentially, FitzGibbon created a troop of what we might now call guerrilla fighters, one of whom was his friend William Winder.

FitzGibbon’s fighters quickly gained a reputation as daring and crafty soldiers, tracking the movements of the enemy and earning the nicknames the Bully Boys, the Bloody Boys, and the Green Tigers. One of the men in the unit told the story that their uniforms—all green—were stolen from American soldiers.

The Green Tigers’ most celebrated success was the Battle at Beaver Dams, just outside of St. Catharines. FitzGibbon’s men had successfully cut off American communication between Fort Erie, Fort Niagara, and nearby Fort George. The American unit near Fort George, roughly 500 soldiers, decided to march on Beaver Dams to launch a surprise attack on June 24, 1813.



**Meeting Between  
Laura Secord and Lieut.  
Fitzgibbon, June 1813.**

Photo Credits:  
Library and Archives Canada,  
Acc. No. 1997-229-2 / C-011053,  
e010944077; C-126093

Unbeknownst to the Americans, Laura Secord overheard soldiers discussing the planned attack, leading her to walk 27 kilometres from Queenston. She was found by a band of Kahnawake (Mohawk) warriors, who took her to FitzGibbon to relay her message. As a result, the Kahnawake were able to ambush the invading Americans. Three hours into the battle, FitzGibbon and his men appeared on horseback and tricked the Americans into believing that they represented a much larger force. The Americans surrendered. FitzGibbon later conceded that the Mohawks had so terrified the enemy that he had simply warned the Americans that they would be slaughtered by these fierce warriors if they failed to show the white flag.

A few weeks later, FitzGibbon ordered Winder and Lieutenant-Colonel Thomas Clark to lead a raid on Fort Schlosser in western New York (now Niagara Falls). The men were successful, capturing a gunboat, two bateaux, a cannon, small arms, and supplies.

Following the war, Winder became a medical doctor and FitzGibbon a public servant. In 1836, Dr. Winder was appointed Librarian for the Parliament of Upper Canada, and eventually the Province of Canada, a position he retained until 1856. FitzGibbon became Clerk of Upper Canada's Lower House in 1827, and Clerk of the Upper House of the Province of Canada in 1841. Throughout, Winder remained FitzGibbon's friend, as well as his personal physician.



**Dr. William Winder  
(1780-1863)**

## Notes

- 1 William Canniff, *The Medical Profession in Upper Canada, 1783-1850* (Toronto: William Briggs, 1894), p. 664.
- 2 Ruth McKenzie, "FitzGibbon, James," in *Dictionary of Canadian Biography*, vol. 9, University of Toronto, Université Laval, 2003-, accessed February 12, 2021.

