

Canadian Parliamentary review



Responsibilities of the Speaker:

- to provide leadership p. 18
- to act as guardian of rights and privileges p. 25
- to rule on confidence matters? p. 32

Volume 46, No. 2

Parliamentary Relatives: *A Northern Family's Tradition of Service*



Left: Iqaluit-Tasiluk MLA George Hickes stands next to the gift that was presented by former Speaker of the Legislative Assembly of Manitoba George Hickes on the occasion of the official opening of the Legislative Assembly of Nunavut in 1999. Right: George Hickes Sr.

On March 3, 2023, history was made in the Legislative Assembly of Nunavut when Iqaluit-Tasiluk MLA and Deputy Speaker George Hickes took the Chair for a day in the absence of the Speaker.

Iqaluit-Sinaa MLA Janet Pitsiulaaq Brewster noted the historic nature of the occasion during her Member's Statement, in which she drew the attention of the House to the likelihood that a former Speaker of the Legislative Assembly of Manitoba, also named George Hickes, would be watching the day's livestreamed proceedings from his home in Winnipeg.

Messrs. Hickes and Hickes are father and son.

Hickes Sr. served five terms as the MLA for the constituency of Point Douglas in the Legislative Assembly of Manitoba prior to his retirement in 2011. Three of those terms were as Speaker (1999-2011). An Inuk who was born in what is now Nunavut, he was raised in Churchill and was the first Inuktitut-speaking Speaker of the Legislative Assembly of Manitoba.

Hickes Jr. is currently serving his third term as the MLA for the constituency of Iqaluit-Tasiluk in the Legislative Assembly of Nunavut. During his previous terms of office, he held a number of Ministerial portfolios, including Minister of Finance, Minister of Health and Minister of Justice.

Alex Baldwin
Office of the Legislative Assembly of Nunavut

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Photo: Nokomis O'Brien

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Elected with Experience: From Local Councils to the Provincial Legislature

The frequency with which municipal politicians seek elected office at the provincial level is notable. Although each prospective candidate will have their own reasons for wanting to run, their experience on local councils or school boards are often mentioned as prompting them to run for higher office. In this article, the author uses interviews with MPPs who previously held municipal office to explore why these representatives made the switch to provincial politics, how their time on local council helped them to prepare for their new roles, and what differences they've identified between serving as elected representatives in these two levels of government. *This article is a revised version of a 2017 Ontario Legislative Internship Programme (OLIP) research paper.

Rachel Nauta

When the 43rd Parliament of the Legislative Assembly of Ontario began sitting last summer, 36 newly elected members took their seats for the first time. However, almost half of them had some familiarity with being seated as representatives in a Chamber – 16 had previously served at the municipal council and/or school board level in some capacity.

Political parties of all stripes have successfully courted local politicians to run under their banners, and the composition of the Legislative Assembly often includes members with previous elected political experience at some level. Former school board trustees, councillors, mayors, and even federal Members of Parliament¹ have all found opportunities to continue their public service at Queen's Park.

Beyond the name recognition of previous electoral success, having experience from other levels of government can give Members of Provincial Parliament an advantage over other newly elected Members, as they are already familiar with some parts of the job and the needs of their community.

Rachel Nauta is executive assistant to Ted Arnott, Speaker the Legislative Assembly of Ontario and a former participant in the Ontario Legislative Intern Programme (OLIP).

Drawing in part on an academic paper produced for the Ontario Legislative Internship Program in 2017, and newly conducted interviews with three current MPPs (Andrew Dowie, Mary Margaret McMahon, and Charmaine Williams) who have previous municipal experience, this article explores how and why so many municipal politicians make the jump into provincial politics, how their time on local council helped them to prepare for their new roles, and what differences they've identified between serving as elected representatives in these two levels of government.²

Studying the Careers of Politicians

Political upbringings and a belief that they can be successful can motivate individuals to run for office.³ Choosing which level of government to pursue as a candidate often depends on the individual's interests, and a politician may serve in more than one jurisdiction over the course of their political career.

But, unlike the trajectory frequently found in the United States of America, where holding municipal or state-level office is considered a stepping stone to federal politics, Doreen Barrie and Roger Gibbins have found "political ambitions in Canada do not knit elected offices into a hierarchical, national structure... politicians follow a bifurcated rather than integrated career path with provincial office serving as an

alternative to rather than as a stepping-stone towards national office.”⁴ Similarly, David Docherty’s work on political careers and the paths that lead individuals to become involved in federal politics found that while there is evidence to show that municipal politicians have an ambition to move forward, the natural ladder of progression to facilitate this ambition from local to provincial to federal is not present.⁵

Reflecting on the differences between Canadian and American political careers, Barrie and Gibbins ask their readers to consider if “the limited mobility of provincial politicians to national office stem[s] from the individual choice and preference of provincial politicians, or... [the] institutional and structural barriers to career mobility within the Canadian federal state which might not be present in other federal states.”⁶

Much of the existing literature on moves between levels of government focuses on transition from varying lower levels of government to federal politics. Research into politicians who switch from the local to provincial level (and possibly back again) is still fairly sparse.

Overlapping Authority and the Provincial-Municipal Relationship

Provincial and local governments share many responsibilities. Both levels have a stake in ensuring the well-being of citizens, both socially and physically, resulting in interconnected governing tasks.⁷ Additionally, since the province provides significant funding to municipalities, develops rules for municipalities that allow them to generate their own funds, and creates the policies under which municipalities operate, the way one government functions can have a significant impact on the other.

Municipalities are often referred to as creatures of the province. In the 2017 study, one MPP explained that “they can’t do anything unless it’s authorized by legislation from the province. It is very prescriptive as to what municipalities can and can’t do; [the province] sets up the rules, processes, funding models, etc.” The provincial and the federal governments appear to be more distinct from each other because they have constitutionally defined responsibilities and powers. According to the *British North America Act*, municipalities exist under the discretion and authorization of the provincial bodies and have no constitutional or legal status outside of the laws of the province.⁸

Despite its subordinate legal position, the municipality provides many services that affect a resident’s day-to-day life (transit, garbage collection, street signs and traffic control, and local parks and recreational activities). “The closest politics to the people is the municipal side because you represent just them,” said one MPP. “The sphere of your concerns is much more parochial.”

Local governments are, notably, often best suited to oversee and deliver services as a result of their understanding of the local community and its particular needs. A municipality’s ability to reach local residents also puts them in a strong position to facilitate grassroots democracy.⁹ This unique position was highlighted by an MPP who said that “if you want the hands-on, closest level to the people government, start with municipal government, [where] it’s in its most pure form.”

Another MPP noted:

At the municipal level you have a direct impact on hundreds of small and large decisions which impact the community. At Queen’s Park you impact on broader policy issues and the bigger provincial budget. Some of the issues are the same but the direct relationship to the community may not be as much. Municipally, sometimes you hit a brick wall because [municipal issues] require changes to provincial legislation, but now I’m in a position to advocate for those changes so they can filter down into the ability of the municipality to have more control over planning and other issues.

Moreover, when municipal politicians encounter an issue of local importance over which they had no control, residents may still expect their local representatives to ‘do something.’ One MPP said that although they were in a political position at the local level, there was not much they could do except make a lot of noise. With governments hearing noise from so many parts of the province (whether in support or in opposition to provincial plans or policies), they were not sure that made a difference. As a result, they chose to take advantage of an opportunity to run provincially.

Serving Community and Constituents

During an interview, an MPP related a story about the work of a municipal politician:

I recently pulled out an old raincoat that had my regional councillor card in it, and my home number was on it. If I was your councillor and you called, I'd probably be standing in my kitchen. The house became the business office. [As an MPP,] it's helpful here to have a community office; it's a place people can meet you, it's a high priority. You can easily be sucked in here. People will say the work you're doing at Queen's Park is far more important than what you do in the community but exactly the opposite is true. You're sent here by the people that are local; they're the first priority, my first responsibility and loyalty. It would be very easy to forget that.

Frequently the work MPPs do within Queen's Park is described as occurring in a bubble and that the daily grind in the "Pink Palace" and its environs is important only to those who are doing it. Since the work of an MPP is divided between Queen's Park and the constituency, their impact can sometimes seem very distant to the local community. Many of the MPPs interviewed were aware of this perception. One commented that municipal politics is a lot more tangible ("you fix a park, build the road") while another explained that "[provincially], it's not all about tangible projects. Good policy that affects the whole population is better. The tangibles can be important, but it's equally important that you look at the policies governments implement." Of course, whether constituents are aware of the work that goes into developing the policy, especially if it does not have an immediate and noticeable impact on their lives, is an open question.

A third MPP identified a key difference in the type of work done at each level:

Locally you can immediately affect change. Local elected officials are the most accessible to the electorate because they are right there... You can't be all things for all people, but you have to use a community lens to improve life for those around you to make the biggest impact.

For some MPPs, the policies implemented at the local level are ones they believe could and should be introduced across the province; something they can work towards as an MPP. As one interviewee explained:

One reason I ran for MPP was my belief that if you could work towards a solution to a problem, it made sense and was more useful to go from

case to cause. So when I came here I wanted to change that and make legislation that would go across the province. Then, instead of helping one person, I'm helping millions. It makes sense to do that.

When taking office provincially, the definition of local will change for most MPPs. With the exception of some Toronto-area MPPs whose constituencies may mostly or entirely overlap with their municipal wards, a municipal politician who is elected to provincial office will represent a riding that may encompass all of their former municipality or even multiple municipalities.

As MPPs become involved in policy files and meet stakeholders from across the province, the definition of local can change again. It may cover a whole region of the province or even the entire province. Globalization is creating a worldwide community, and politicians increasingly realize that community issues may have a national or global dynamic.

Speaking of their political roles and the work done in the constituency office, one MPP said that they "try not to draw a line on what's a municipal responsibility or federal responsibility. When a constituent comes to us, try to do best we can to help them. Frankly, there's only one constituent."

Another says they felt that their responsibility to the community changed in unexpected ways when arriving at Queen's Park:

I find making a difference in people's lives now has a greater impact. When people have a problem with government, in municipal politics there wasn't much you could do about it. In provincial politics now, that's all we do – help people through the bureaucracy of government. Actually serving individuals is easier as a provincial politician. You can actually do something, you can follow up to where the decision was made that caused the problem and see if it can be changed. In some simple things municipally, someone says there's a pothole so you call city works to fix the pothole and that's pretty direct, but they could just do it themselves. With provincial politics, when people come in needing help, it's because they can't get to the ear that needs to be listening.

But, another MPP suggests that the way councillors interact with citizens locally can be an important lesson for serving provincially. "I learned politics at the

municipal level, where if someone's garbage doesn't get picked up, you call public works get them to pick it up, stuff like that; these things might be small but are so important to people on an individual level. I've brought that service standard into provincial politics."

Fresh Perspectives

In revising my older OLIP research paper for publication, I decided to speak to a few current MPPs who recently made the transition from municipal to provincial politics – this time with permission to attribute answers. I asked MPPs Andrew Dowie, Mary Margaret McMahon, and Charmaine Williams to reflect on differences between the roles of councillor and MPP.

Andrew Dowie: The types of interactions that a councillor and an MPP have are quite different. As a councillor, I was often asked to contribute to local news reports, but opportunities to inform a news story are rare now that I am an MPP.

Municipal councillors often receive criticism for decisions made and periodic false claims of undue influence; but there were relatively few online trolls incessantly criticizing and insulting every effort. As an MPP, most feedback received is vulgar, insulting, and rooted in partisan leanings. No matter what it is that's being proposed, there will never be serious consideration of the merits of a law from these commentators.

As an MPP, the complexity of the cases we deal with is more significant, as is the volume of cases. The volume of form emails my office receives is also exponentially higher. Typically, those messages have a derisive, negative tone that is not particularly seeking to influence the direction of government, but rather to boldly state objections.

Scheduling of the week is an effort unto itself; the demands on time as an MPP are much greater and have a far more intensive impact on family and at home.

Mary Margaret McMahon: Although there are many similarities between the roles of City Councillor and Member of Provincial Parliament, the differences are striking! At the municipal level, the workload covers the whole gamut, spanning from potholes to bedbugs. One's

everyday life is affected most by the municipal level of government. At the provincial level, we focus on specific portfolios such as education and healthcare. In my Community Hub (also known as a Riding Office or Constituency Office), we are happy to help our Constituents in any way we can. From our experience at City Hall, we can often help them with municipal and provincial issues! We are here to serve.

The Legislature is also much more formal and has a stricter set of rules and regulations. These include little things like not being able to bring a chai latte or snacks into the Chamber, and the tradition of bowing to the Speaker's Chair when you enter.

At City Hall, we can bring forward an endless number of motions, and speak regularly at committees and in Council meetings, simply by adding our name to a list and turning on our own microphones. Senior city staff are frequently on the floor or at committee to answer questions and provide presentations, which is also a very different format than at the Legislature.

Charmaine Williams: I would say the biggest difference I have noticed between the roles of councillor and MPP, is that as an MPP (and in my case, a cabinet minister) are the decisions I make affect a much larger pool of people. I wake up everyday with the weight of knowing that every decision I make affects an entire province of people. That weight isn't a bad thing. It's a guiding light that reminds me how impactful the work I am doing is.

Although helping their community may have brought councillors to Queen's Park, they are now interested in helping anyone who needs it. Service standards and serving individuals are not the only lessons brought up to the province from municipal councillors, for MPPs with prior experience in the municipal realm, the transition into provincial politics is seemingly smoother than what it would otherwise be; and the skills to perform certain job duties are already developed.

Does Previous Elected Experience Help?

Members of Provincial Parliament come from all walks of life, but certain jobs, careers, or professions tend to be over-represented compared to their



Andrew Dowie

proportion in the provincial workforce. The frequency with which former municipal politicians find their way into the Assembly is notable. Was this past experience helpful in terms of your electoral success and the ability to be effective once taking your seat at Queen's Park?

Andrew Dowie: Serving with my municipal council in the Town of Tecumseh was key to success in my election, and my learned experience subsequently helped to manage the many case files that come into our office.

Having prior election experience allowed me to campaign efficiently, identify campaign supporters, donors, and suppliers, and to understand the difference between the version of the campaign that was being portrayed in the media and opinion writers, versus my own experience listening to our constituents.

On local council, I was able to develop a brand and people of the community got to know me and who I was as a municipal councillor. The



Mary Margaret McMahon

familiarity with my experience and expectations of service allowed many to look past the partisan labels. I also came to understand the authority entrusted to me, and the responsibility to make decisions and consider all sides of the issue before casting a vote.

Mary Margaret McMahon: Absolutely, my role as Toronto City Councillor prepared me for the role of Beaches - East York Member of Provincial Parliament.

Eight years at Toronto City Hall taught me how to juggle a full schedule of meetings, events, official tasks, mandatory readings, obligatory signings, and much more, all on a wide range of topics as well.

I love people, so attending so many different events was incredibly exciting and enlightening. It is the best way to get to know your residents and their interests. Transferring this knowledge and experience to my role of MPP has been



Charmaine Williams

immensely helpful, as I do not have to start from scratch. Although some things have changed and some residents have moved away, I still have the institutional knowledge of our east end neighbourhood and local issues.

As a councillor, I met hundreds of people: competent, clever, and creative staff members; savvy city builders; and other politicians from different levels of government, with different political views. Collaboration is key to developing solid solutions to issues that affect people's day-to-day lives, and consulting and communicating with these networks led to successful outcomes. As MPP, I am lucky enough continue tapping into these amazing groups of change agents!

There are so many other ways my former role as City Councillor has benefitted me in my current position as Member of Provincial Parliament from public speaking experience to protocol and beyond. I consider myself extremely fortunate to have had that political foundation to lean on.

Charmaine Williams: In 2018, I became the first Black woman in history to be elected to Brampton City Council. As excited as I was to embark on such a special chapter, I knew that my success would be dependent on my ability to listen to my constituents' concerns in a manner that was genuine and help implement policies that would create positive change in their lives.

Being on council showed me what governance is, and all the mechanical pieces that are needed to move bold policy forward. It also prepared me for the scrutiny that comes with public life.

This work is challenging for many people, but especially for a Black woman who enters a space where her voice has rarely been represented. Not only was my time on Brampton City Council an honour, but it was also the foundation to my political career. My time and experience gave me valuable insight into what it takes to truly affect change for the people that need it most. Now as an MPP, those same teachings and principles have helped me immensely.

The roles of political parties

Although the teachings and principles of local elected office are transferrable to other elected offices, there is one significant difference to overcome at the Provincial or Federal level: partisanship.

Municipal politicians in Ontario are elected independently of political parties and there are no established party systems in place (though informal networks exist whereby a party's local organization may tacitly support or volunteer for a candidate). As a result, there is often greater demand for collaboration and cooperation to make decisions and pass bylaws.

Many members with municipal experience said they were approached by political parties across the political spectrum and at all political levels to run because of their experience in public life and their name recognition in the local community.

One MPP who served in many roles within the local municipality, including as councillor, deputy mayor, and mayor, was approached by a provincial party to run not because of his aggressiveness in moving forward, but his success. Although he did not see it in himself to run for provincial election, others saw the potential in him.

Ninety-one per cent of the MPPs who were interviewed for my 2017 research were involved in partisan politics prior to running for provincial election. While partisan leanings changed for some of them through the course of their careers, 83 per cent had a longstanding relationship with their current political party: holding memberships, working within a riding association, volunteering or working for members, or assisting with campaigns and leadership races.

But, regardless of the potential ideologies associated with municipal candidates, municipal politicians still run as independents. And, in municipal chambers, partisan politics were hung up at the door.

As one former mayor-turned MPP noted:

Even today, years later, I still could not tell you which party the 10 councillors I worked with were involved in. I could make a reasonable assumption but I could still be wrong. There would be all three [of the parties then recognized in the Assembly] around that table, but we never had anything to do with it.

Another mayor recalled his announcement to resign to run in the provincial election and the questions about party choice that followed:

When I announced I was running as a PC, the press asked why I chose that party when they were so low in the polls, around 18 per cent, and the third party in the house. Well, if [they] didn't know I was conservative after 14 years here, I did my job right.

Additionally, although partisan values may have always been present for MPPs, the transition from an independent to a partisan politician can still be a challenging adjustment. One MPP reflected on their entrance into provincial politics and adjusting to the partisan nature of the job:

Party discipline is hard to get used to. I've noticed, anecdotally, that people who are first elected here have an easier time with party discipline; they don't know any differently. If you've spent time voting based on your own reputation, it's harder. Sometimes you might not agree with the party but you buy into it when the campaign is announced, you agree to support the platform, or else you probably shouldn't run. Generally, policy won't change much when you bring it forward. At the local level, things can spin on a dime.

While the public appearance of political parties is a united front, politicians often learn that the caucus room is more like the council chamber they are used to. Successful decision-making within political parties includes a dialogue of all members, something that can be done by “fostering opportunities for personal development, by sharing public recognition, and by creating a sense of camaraderie.”¹⁰

For three Members, newly elected in 2023, taking their seats at Queens Park meant they were no longer council colleagues but instead, technically, partisan opponents. MPPs Michael Ford (York-South Weston), Kristyn Wong-Tam (Toronto Centre), and Mary-Margaret McMahon (Beaches-East York) were all Councillors elected to Toronto City Council from 2014-2018.

Now, MPP Ford serves as Minister of Citizenship and Immigration in the Progressive Conservative Government, MPP Wong-Tam serves as the New Democratic Party's critic for 2SLGBTQ+ issues and the Attorney General, and MPP McMahon is part of the Liberal group of Independent Members.

While they all have different political views—and didn't always agree on council either—the three made waves after the election when they reconnected over coffee. In a photo tweeted from the meeting, @MichaelFordTO wrote: “While we may sit on different sides of the house, there will always be opportunities for collaboration and above all, working for all Ontarians.”

Among Members with municipal experience interviewed as a part of my 2017 research, collaboration and cooperation were features of local government most admired by former councillors. One Member said:

You always know when ex-municipal politicians like us are at a committee, you always try to seek consensus like at the council table. Our Westminster parliamentary system isn't like a city council, it's not consensus...Coming from the municipal system, you try to get results. You want to show constituents that you're trying to work together to improve the community you live in. You take that same approach as a provincial politician. Many times I try to find common ground when dealing with an issue in the riding.

And, while many politicians with previous political experience occupy the benches at Queen’s Park, the Legislature can also be a training ground for Members to move on to other levels of government.

Final Destination or a Stop on the Journey?

Returning to the question posed by Barrie and Gibbins, MPPs were asked if they would consider moving to federal politics or returning to municipal politics to test if it was a voluntary choice or advancement barriers existed. Surprisingly, most MPPs responded that they would be interested in returning to municipal but few expressed direct interest in running federally. Many responses which did not completely close the door on a transition to federal politics were likely following the old adage that you should never say never in politics.

Most respondents dismissed the federal government as being too distant from home and the people in their community. Comparing their current position to their former position, an MPP suggested their “new position looks more at provincial perspective not local perspective... rather than looking at one college, one hospital, I’m looking at the entire framework in Ontario.” Thinking of the federal government, one MPP suggested that “they’re the most divested from municipal. You think of them as postage and defense and a few things in between. Other than passports and a few CRA issues, it’s not the day-to-day.”

Another MPP echoed that sentiment:

Provincially, you’re in a bigger picture: health care not just that hospital; infrastructure, roads and bridges, not County Line 17 road. So you’re a little divested here and then [federally] you’re really divorced from the people, so I wouldn’t go federal.

The close relationship between municipal government and the people is not a new concept. In a Toronto Election Study, voters were asked to rank the orders of government based on the impact each had



Courtesy of @MichaelFordTO

Clockwise from left: Kristyn Wong-Tam (Toronto Centre), Mary Margaret McMahon (Beaches-East York) and Michael Ford (York-South Weston) are all former members of Toronto City Council who now sit in the Legislative Assembly of Ontario. The three MPPs reconnected over coffee and noted that despite their partisan differences, there are always opportunities to collaborate to help Ontarians.

on their quality of life. 30.1 percent of respondents ranked municipal as having the greatest impact, and a further 20.5 percent ranked it second.¹¹ This impact may also explain the desire for MPPs to return to their communities and continue serving their communities in a local capacity if faced with electoral defeat or a voluntary retirement from Queen’s Park.

In the municipal elections that took place across Ontario in late 2022, there were many familiar names on ballots, with Queen’s Park alumni successfully

seeking election to continue their public service at the local level across the Province. Notably, these included:

- Andrea Horwath, former leader of the New Democratic Party and Member in the 38-43rd Parliaments was elected Mayor of Hamilton;
- Steven Del Duca, former leader of the Liberal Party and Member in the 40th and 41st Parliaments was elected Mayor of Vaughan;
- Patrick Brown, former leader of the Progressive Conservative Party and Member in the 41st Parliament was re-elected Mayor of Brampton;
- Jeff Leal, Member in the 38-41st Parliaments became Mayor of Peterborough; and
- Gary Carr, former Speaker of the Legislative Assembly, and Member in the 35-37th Parliament elected for the fifth time as Halton Regional Chair.
- John Tory, former leader of the Progressive Conservative Party and Member in the 38th Parliament, was also elected to his third term in office as Mayor of Toronto before stepping down in February. Among the candidates contesting the mayoral by-election were former MPPs Mitzie Hunter, Giorgio Mammoliti and Anthony Perruzza.

Federally, Members of Parliament Yvan Baker, Michael Coteau, Han Dong, Helena Jaczek, Marie-France Lalonde, Yasir Naqvi, Jagmeet Singh, and Charles Sousa gained Legislative experience at Queen's Park before their elections to the House of Commons.

Notes

- 1 Current Members of Provincial Parliament Paul Calandra, Parm Gill, Ted Hsu, and Greg Rickford all served in the House of Commons prior to their elections to the Ontario Legislature.
- 2 Answers have been edited for clarity.
- 3 Fox, R.L., and J.L. Lawless. "To Run or Not to Run for Office: Explaining Nascent Political Ambition." *American Journal of Political Science*, vol. 49, no. 3, 2005, p. 642-659.
- 4 Barrie, D. and R. Gibbins, "Parliamentary Careers in the Canadian Federal State." *Canadian Journal of Political Science*, vol. 22, no. 1, 1989, pp. 137-145.
- 5 Docherty, D.C. "The Canadian Political Career Structure: From Stability to Free Agency." *Regional and Federal Studies*, p. 185-203.
- 6 Barrie and Gibbins.
- 7 Graham, K.A., and S.D. Phillips. "'Who Does What' in Ontario: The process of provincial-municipal disentanglement." *Canadian Public Administration*, vol. 41, no. 2. 1998, p. 175-209.
- 8 Siegel, D. "Provincial-Municipal Relations in Canada: an Overview." *Canadian Public Administration*, vol. 23, no. 2, 1980, p. 281-317.
- 9 Ibid.
- 10 Speaker, R. "Party caucuses behind closed doors." *Canadian Parliamentary Review*, vol. 21, no. 1, 1998, p. 4.
- 11 McGregor, R.M., A.A. Moore, and L.B. Stephenson. "Political Attitudes and Behaviour in a Non-Partisan Environment: Toronto 2014." *Canadian Journal of Political Science*, vol. 49, no. 2, 2016, p. 311-333.

The Historical Relationship Between Parliamentarians and Public Servants in Canada

Has the role and the work of public servants become politicized? Noting the greater frequency at which public servants are losing their anonymity and seemingly being pressured to support – rather than simply implement – politicians’ priorities, the authors review more than a century’s worth of debates of full parliament to determine whether there is evidence of outright politicization of the public service and whether such politicization (if present) has occurred more regularly over time. The authors conclude that public servants are rarely mentioned in full parliamentary debates and have only become a partisan issue within these debates on two occasions. The authors found that contrary to their expectations, parliamentarians belonging to the governing party were less likely than opposition MPs to discuss the public service and that MPs belonging to conservative parties were no more likely to discuss the public service than MPs belonging to parties elsewhere on the political spectrum.

Brendan Boyd and Barry Atkin

The traditional bargain between public servants and politicians – where public servants provide professional policy advice and faithful implementation of government priorities in return for anonymity and job security – is breaking.¹ As a result, public servants are more frequently being named publicly by politicians when issues arise in government, and they are increasingly required to appear before parliamentary committees that are scrutinizing government operations.² In addition, public servants face increased pressure from politicians to actively defend their priorities to stakeholders, the media, and the public rather than simply implement them, which can compromise their political neutrality.³ But how often have the threats to public servants’ anonymity and non-partisanship led to outright politicization, where they become the focus of partisan political debates, and has this become more common over time?

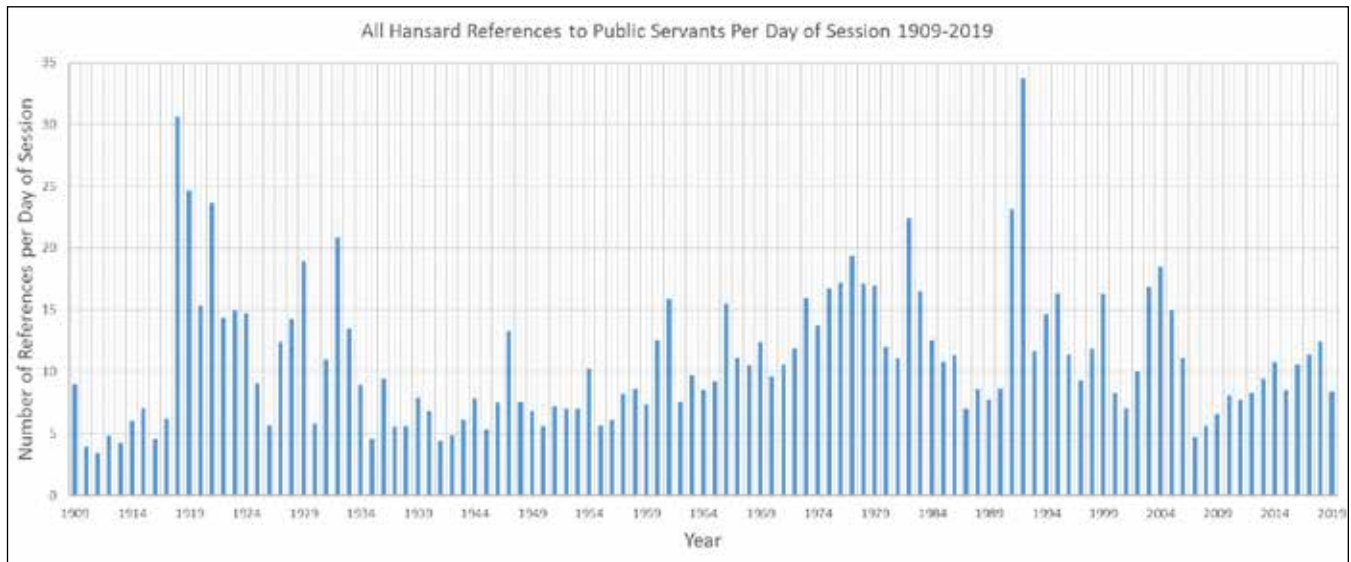
We examined historical records of debates of full parliament in Hansard to determine how often Members of Parliament (MPs) have discussed public servants and what issues they have focused on. First, we hypothesize that public servants will be discussed more frequently over time as their anonymity and political neutrality has eroded. Second, we hypothesize that members of the governing party will reference public servants more frequently, if ministers are increasingly blaming them publicly, while opposition parties would reference public servants less frequently to pin responsibility on the elected government. Third, we hypothesize that members of conservative parties would be more likely to reference public servants, as their ideological proclivity for smaller government and a negative perception of government bureaucracy, would make them more likely to raise the public service as a political issue.⁴

Methodology

We examined digitized records of parliamentary debates in Hansard between 1909 and 2019 to assess how parliamentarians have talked about public servants. We retrieved the dataset from the Library of Parliament Database (LiPaD) project. The dataset includes records of full sittings of the House of Commons and excludes committee and Senate debates because these records have not been digitized at the

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Figure 1



time of writing. The dataset was searched for key terms related to the public service (public servant(s), public service(s), civil servant(s), civil service(s), bureaucrat(s), bureaucracy) and all records containing one or more of these key terms were pulled from the LiPaD dataset.

These records containing a key term were compiled to create a new dataset which contained the date, speaker name and party, and speech text. Automated counts of the number of a key term were done using excel and counts were summed according to the year, term, and party. All records without a party affiliation were removed from the dataset as they could not be assigned to a group.

Using the yearly counts, graphs were created which span the period of study from 1909-2019. For clearer presentation, similar terms were grouped, and political parties were grouped by tags according to ideology and historical predecessors. The "Liberal" tag includes references made by members of parliament belonging to the Liberal Party of Canada in addition to members who used the "Liberal-Labour" and "Progressive-Liberal" labels. The "Conservative" tag includes references made by Reform, Canadian Alliance, and Progressive Conservatives in addition to the 1867-1942 Conservative Party and the modern Conservative Party of Canada. The "NDP" tag includes references made to key terms by both CCF and NDP members. The "Other" tag consists of the Green, Social Credit, Ralliement Cr ditiste, Labour, Progressive,

and United Farmers parties, as well as independent politicians. Members of the Unionist government were sorted according to their original parties, with Liberal Unionists being placed in the "Liberal" tag.

To ensure the number of counts was not related to length of session, we obtained "daily" counts of public servant references by dividing the count totals by the number of days in each session as recorded in the LiPaD dataset.

Analysis

We find no pattern of members of parliament references to public servants increasing or decreasing consistently between 1909 and 2019 (Figure 1). Rather, there are small movements in the number of references across the time period, with spikes in the years 1918 and 1992. These were the only years where the number of references passed 30 per day of session. No other year, during the time period we examined, passed 25 references per day of session. In the years following both peaks, there was a drop off in the number of references to public servants indicating that the burst of attention in parliamentary debates was not sustained. The years with the fewest references to public servants are 1913, 1941, and 2007. In these years, there were fewer than five references per day of session.

Qualitative analysis of parliamentary debates in 1918 and 1992 highlight the nature of the debates in those years (Figure 2). In 1918 the three most

frequently referenced topics were Corruption and Patronage, Civil Service Pay, and the principle of Merit while the three topics that were referenced the least were Responsiveness and Performance; Representation, Equity, Diversity, Inclusion and Language; and Service Deliverly to Citizens. The three most frequently referenced topics highlight the parliamentary debate related to the passing of *The Civil Service Act, 1918* which gave the independent Civil Service Commission expanded powers in staffing and organizing the public service, taking it out of the hands of politicians and political parties. For example, Prime Minister Robert Borden stated:

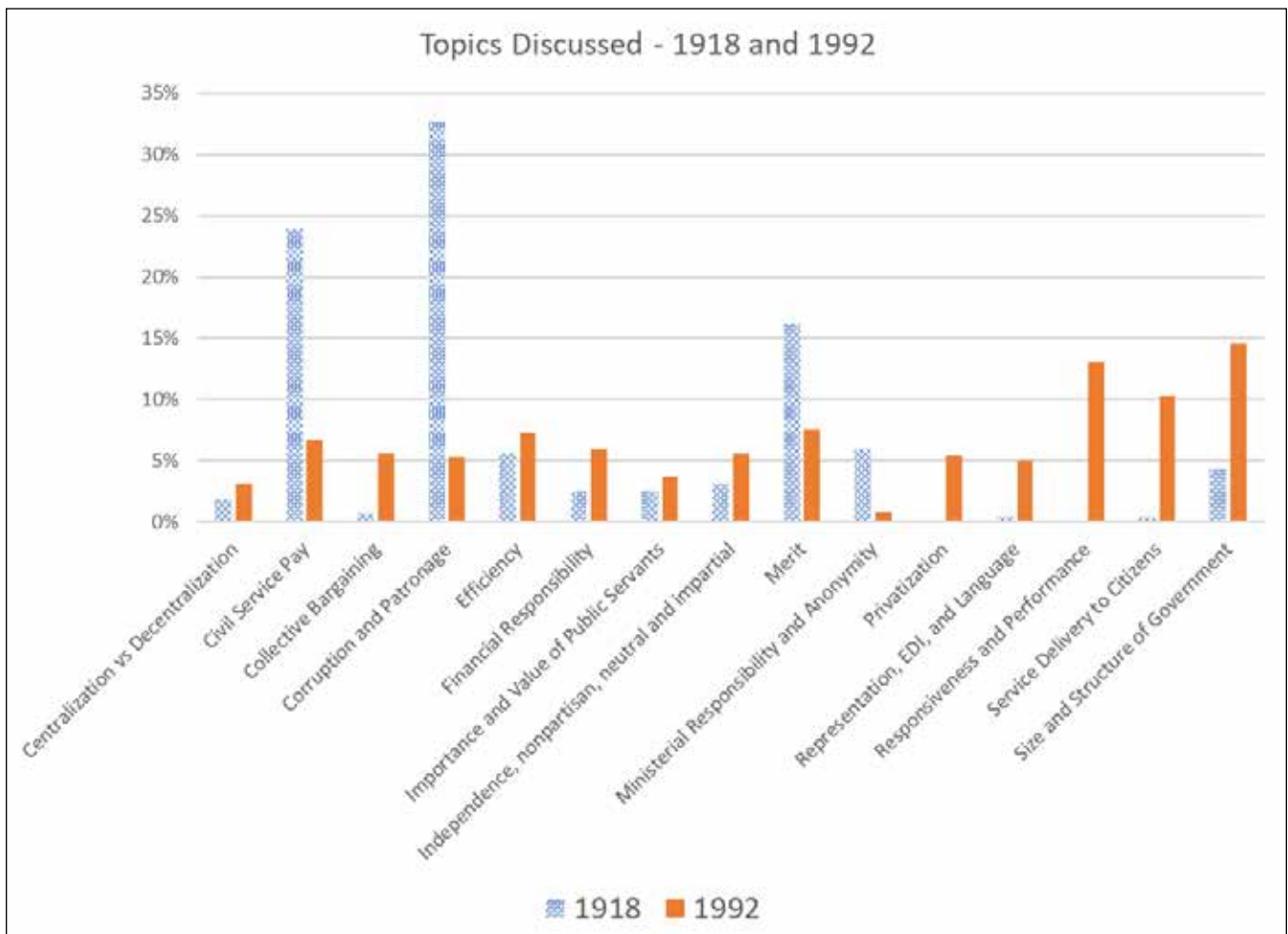
“The exercise of patronage in the past, as it has been condemned on both sides of the House, is the exercise by ministers of the Crown of the power of appointment, not in the public interest, as it is said, but in a party interest.

The Civil Service Commission is an absolutely independent body, which is bound to make appointments to the public service upon competitive examination, or for reasons which are absolutely in the public interest.”⁵

Similarly, Alexander Kenneth Maclean, Member of Parliament for Halifax and a member of the Unionist government argued:

“I do not think any member should feel that he is being deprived of a privilege but rather of a burden to be relieved of patronage. We want to see the public service run on business principles, and in that way obtain the best results. In my opinion the method proposed by the Bill tends to bring that about, and we may therefore look for a great improvement in the public service.”⁶

Figure 2



In 1992, the three most frequently referenced topics were the Size and Structure of Government, Responsiveness and Performance, and Service Delivery to Citizens, while the least referenced themes were Ministerial Responsibility and Anonymity, Centralization and Decentralization and, Importance and Value of the Public Service. The topics referenced most frequently represent the debate about the contribution of the public service to government deficit and debt. For example, Robert Speller, Liberal Member of Parliament for Haldimand-Norfolk declared: “I know the national debt is a problem and bureaucrats in Ottawa and throughout the provinces seem to be out of control.”⁷ In addition, the role of government in the economy and its relationship to the private sector

was frequently discussed. For example, then Minister of Justice Kim Campbell stated: “It is important to recognize that government will never have the creativity or entrepreneurship that is found in the private sector. We cannot have bureaucrats sitting in Ottawa trying to think up great ideas for business. That is not the role of government.”⁸

We compared the number of references between members of the party in power and those who were not members of the governing party (Figure 3). As the government always changes hands in the middle of a year, we tracked references to public servants by parliament number. The references to public servants are noticeably higher among members not in

Figure 3

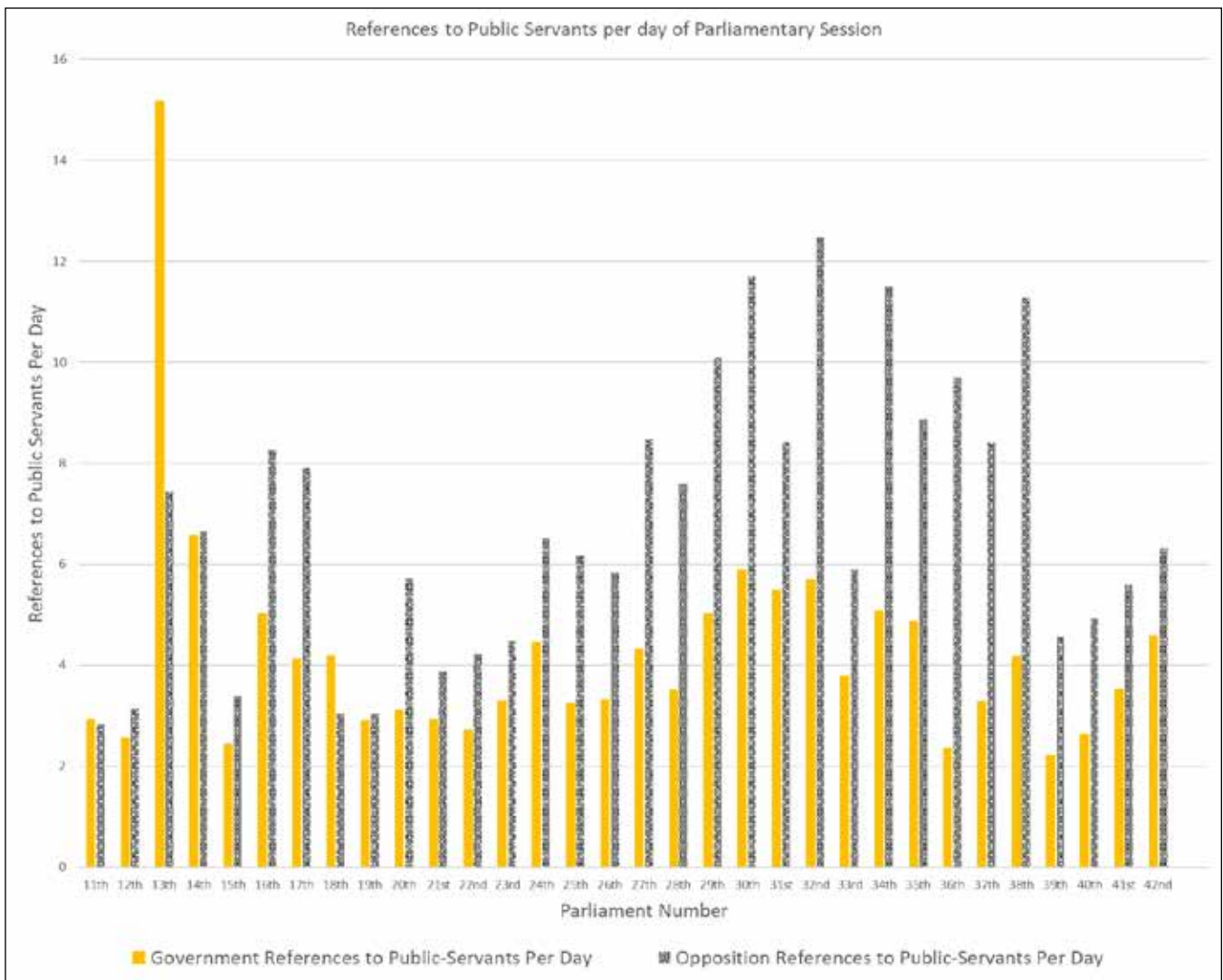
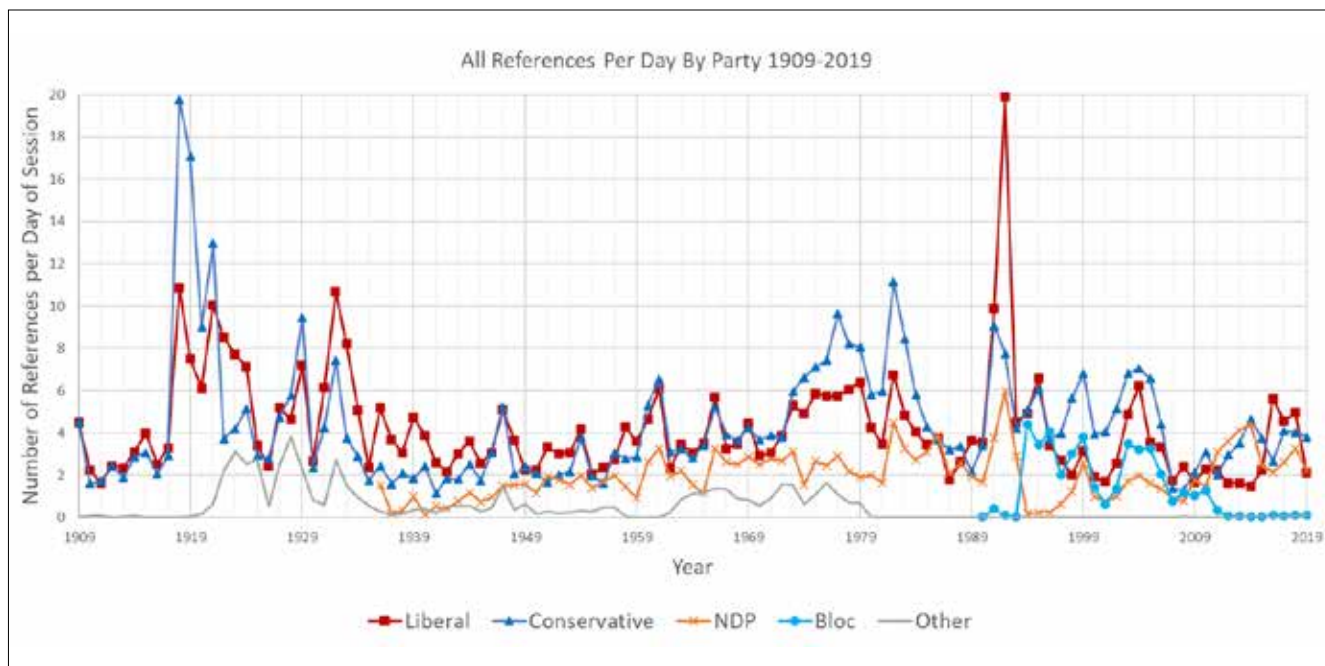


Figure 4



government than in the governing party, with three exceptions. The 11th, 13th, and 18th (1909-1911, 1918-1921, and 1935-1940) Canadian parliaments were the only times when members of the governing party referenced public servants more than those not in government. The prevalence of references to public servants by MPs in the party that formed government during these exceptional parliaments could partially be related to the number of MPs in the government party. For example, it was during the 13th Parliament that Sir Robert Borden's Unionist Coalition was in power which produced a large government majority. The 18th Canadian Parliament of William Lyon Mackenzie King was another instance of a large government majority which would be expected to result in the government dominating discussion of public servants. However, in the 19th Parliament the Liberal Party increased its majority and discussed public servants less than the non-government parties. In the 11th Parliament members sitting in government referenced public servants slightly more while holding a majority in parliament. The similar rates of references suggests that public servants were not a partisan issue at the time.

After the 18th Parliament, the non-government parties consistently talked about public servants more than parties forming the government. This is even the

case when the government had a significant majority in the House of Commons. During the 33rd Parliament when Brian Mulroney's Progressive Conservatives were in power, the government controlled approximately three quarters of the seats in the House of Commons, but still referenced public servants less than other parties. These findings show that those in government, particularly in the post-war era, consistently talk less about the public service than those not in government.

Figure 4 tracks the references to public servants based on membership in political parties. The data shows that there is no clear relationship between membership in a political party and references to public servants. Rather, the parties discuss public servants at similar rates. The exceptions are the years where references peak. In 1918 Conservative members of the Unionist party made about twice as many references to public servants than Liberal Unionists and members of the Liberal Party combined, although references from members of the Liberal party were still higher compared to other years. References from non-Unionist Liberals were nearly eight times as frequent compared to Unionist Liberals. In 1992, the members of the Liberal Party made over twice as many references to public servants as members of the Conservative party, with members of the NDP and Bloc Quebecois referencing public servants even less.

Discussion and Conclusion

Our first hypothesis was that public servants would be discussed more frequently by members of parliament over time. However, we found that this did not occur and that public servants were rarely discussed in full parliament. The public service has only become a partisan issue, becoming a frequent topic of parliamentary debate, in 1918 and 1992. In both cases, the public service was debated during a period of increased globalization and discussion of Canadian relations with the United States. In 1918, concerns about patronage and corruption and merit-based appointments came as Canada was forced to compete in the international economy that was emerging after the First World War and in particular, with the debate about reciprocity in trade relations with the United States. Similarly, in 1992 the concerns about the size and efficiency of government, and corresponding concerns about the government debt, came in a period of globalization and expansion of the international liberal economic system and after Canada had signed the 1988 Free Trade Agreement with the US. However, the tone of the debates in these two years was different. In 1918, the public service was largely lauded by members of parliament and its independence was viewed as central to the public interest. By 1992, the public service was viewed as the problem with calls to decrease its size, introduce more private sector and market mechanisms and hold it more accountable to politicians and the public.

The second hypothesis was that public servants would be referenced more by government members attempting to shift blame while members not in the governing party would reference them less by trying to keep the attention on the elected government. But we found that members of opposition parties referenced public servants more than members of parliament in the governing party. This suggests that public servants are not publicly named and blamed by their political masters in full parliament. Members not in the governing party may not distinguish between unelected and elected officials when attempting to scrutinize or hold the government to account, or they may believe that a critique of the public service would inherently reflect poorly on the elected government which is publicly and democratically responsible for the public service's overall performance.

The third hypothesis was that members of conservative parties would reference public servants more than other parties as their ideological disposition makes them more likely to see the public service as a

political issue. However, references to public servants followed a similar trajectory among members of the major parties. When references peaked in 1918 and 1992 there was a larger difference between the members of different parties. However, while in 1918 members of the Conservative Party made significantly more references than other parties, in 1992 it was members of the Liberal Party that outpaced members of the other party in public servant references. Thus, no evidence emerges to suggest that members of conservative parties are more likely than other members to reference public servants and introduce them into debates of full parliament.

The preceding analysis suggests that while public servants may face increased public and political pressures, they have not been discussed more frequently in sessions of full parliament. This evidence suggests that the public service is not being openly politicized with greater frequency than in the past. Indeed, the analysis suggests that public servants have rarely become a partisan political issue in the 20th and 21st centuries. In addition, public servants not being discussed more frequently suggests that debates and discussion of full parliament have not decreased public service anonymity. Of course, this does not mean that public servants have not been the subject of partisan politician conflict in other forums, including the media, stakeholder engagements, and public forums. Nor does this mean that individual public servants have not increasingly found themselves named in full parliament, as such naming would not have been captured by the analysis. The findings here do not negate that public servants have lost their anonymity by appearing more frequently in front of parliamentary committees. It simply suggests that these trends have not led to more frequent references of public servants in general or the public service as an institution in sittings of full parliament, which would indicate a higher level of politicization.⁹

This analysis is important because a functional working relationship between elected and unelected officials is essential for democratic government in Westminster systems. The breakdown of this relationship challenges the principle of ministerial responsibility and jeopardizes public servants' traditional role as anonymous, non-partisan officials who are held accountable internally within the executive branch. Continued analysis of debates and discussions about the public service in parliament are essential in assessing the evolving relationship between elected and unelected officials in Canada's Westminster system of government.

Notes

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The Leadership Intelligence – Human leadership from the Speaker of the House of Commons

This article explores the concept of human leadership, which requires more than just technical competencies to deal with modern day challenges. The authors propose a model of leadership intelligence (LQ) that encompasses emotional intelligence (EQ), cultural intelligence (CQ), and technical intelligence (IQ). The Speaker of the House of Commons serves as an example of a leader who demonstrates an equal proportion of use of the LQ variables. The authors emphasize the importance of a flexible and adaptive leadership style that depends on the context and timing of the situation. The deployment of each intelligence requires a strong instinct from leaders, which can be nurtured through development and lived experiences. Effective leaders draw on the strengths of their surrounding advisors and practice self-leadership to address gaps in their individual leadership. The authors highlight Speaker Anthony Rota's re-election for a second term as evidence of his successful human leadership style, characterized by calmness, fairness, and respect for all Members of Parliament (MPs), and the ability to lead with humility, judgment, accountability, empathy, and adaptability.

Ismail Albaidhani and Alexandre Mattard-Michaud

Introduction

What is a leader? The simplest definition of a leader is someone who “engages and empowers others in achieving a common goal.” Beyond that statement, there is a good deal of confusion about what leaders are and what makes them effective. Some people believe that leadership is an innate gift, a rare talent possessed by only a charismatic few. But that’s a misconception; leadership relies on core skills that can be learned. Do you think of a leader as someone who issues orders for others to follow? Another common myth about leadership is that it relies on rank and rules.

Today, leadership isn’t about commands from the executive suite. Offices tend to be flatter and

less hierarchical than in the past. Many leaders now operate with little formal authority. Instead, a leader gets diverse groups of people to overcome conflicting beliefs and work together to achieve a shared vision.

The most effective leaders use *advocacy* — not formal authority — to accomplish their work. They know how to engage people and groups to pursue common goals, listen to and grasp multiple perspectives, build diverse coalitions of supporters, and seek expertise and feedback to refine their strategies.

A guiding principle they follow requires them to ask and answer the following question: “Why should anyone be led by me?” Practising authentic leadership and striving to “be oneself more — with skill,” is often the key to success.

But this is easier said than done. Most leaders rely on formal authority to achieve their goals. For example, leading subordinates in lower hierarchical organizational ranks or protecting one’s territory. It’s very rare to find real-life examples of leaders who steer the direction without using formal authority, “leading the work of peers and colleagues.”

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The Speaker of the House of Commons is a unique leadership role. Elected by MPs from the various political parties, the Speaker receives a vote of confidence from their colleagues. It is a tremendous honour and a testament to being held in high esteem by one's peers.

As the non-partisan guardian of the rights and privileges of the House of Commons, the Speaker leads by presiding over the proceedings of the House in the best interest of all MPs. Yet the Speaker does not participate in debate on matters related to legislation or with respect to policy decisions of the government.

The Speaker is responsible for regulating debate and preserving order in accordance with the Standing Orders of the House of Commons, the written rules of the House, and for deciding any matters of procedure that may arise. In overseeing the proceedings of the House, the Speaker must seek to maintain a balance to allow the majority to conduct business in an orderly manner while protecting the right of the minority to be heard. The Speaker ensures that the rights of individual members (such as free speech, exemption from jury duty, and freedom from obstruction, interference, intimidation and molestation) and of the House as an institution (such as the right to regulate its own affairs and the right to institute inquiries and to call witnesses and demand papers) are fully protected and exercised.

The Speaker is also the head of the House administration, responsible for its overall direction and management, and chairs the Board of Internal Economy, the House of Commons' governing body.

The Speaker represents the House of Commons in all its powers and proceedings and is the guardian of its rights and privileges. They represent the House in its relations with the Senate, the Crown and other bodies outside Parliament.

In this article, we use case studies and ethnographic research methods to draw a parallel between the Speaker's leadership style and other modern leadership practices. We focus on three key leadership capabilities needed to form a modern human leadership model (LQ):

- Emotional intelligence (EQ);
- Cultural intelligence (CQ); and
- Technical intelligence (IQ).

Leadership Landscape

The leadership landscape is vast, as leaders' styles significantly vary from one individual and group culture to another. The methods, characteristics and behaviours when directing, motivating, and managing others are key indicators of a leadership style. It is also the determining factor in how leaders develop their strategy, implement plans and respond to changes while managing the expectations of stakeholders and the team's wellbeing.

As we start to consider some of the people we think of as great leaders, we can immediately see that there are often vast differences in how each person leads.

Authoritative leaders, for example, are often referred to as visionary. Leaders who adopt this style consider themselves mentors to their followers. Not to be confused with authoritarian leadership, authoritative leadership places more emphasis on a "follow me" approach. Leaders chart a course and encourage those around them to follow.

Transactional or **managerial** leadership, on the other hand, is a style that relies on rewards and punishments. This leadership style emphasizes structure, assuming individuals may need more motivation to complete their tasks.

We've likely all been in a group where someone took control, communicating with the group and creating a shared vision—forging unity, developing bonds, promoting energy and instilling passion. This person is very likely considered a **transformational** leader.

Often referred to as a **delegative** leadership, this style focuses on encouraging initiative from team members. Generally, one of the least intrusive forms of leadership as it literally translates to "let them do," it is therefore considered a very hand-off leadership style.

Democratic or **participative** leadership is a style that encourages leaders to listen to their followers and involve them in the decision-making process. This leadership style requires leaders to be inclusive, utilize good communication skills and, crucially, be able to share ownership and responsibility. Spontaneous, open and candid communication is often associated with a participative leadership style. Remote working or virtual teams can make this particularly challenging to maintain.

Formula to Human Leadership

Today's leaders must confront new realities that go above and beyond the leadership styles described above. Social and political turbulence, work-life fusion and hybrid work have all added a new layer of complexity to their roles. Employees, colleagues, and followers, in general, expect more authenticity, empathy and flexibility from their leaders; amid an increasingly diverse and changing landscape, the room for error is slim.

Organizations must equip their leaders to operate more humanely — not only for employees but for the organization, its members, and stakeholders. Employees and followers of humane leaders are less likely to quit, more engaged, have better wellbeing and perform at a higher level. Unfortunately, humane leaders — those who are able to lead without formal authority — are few and far between. So, what needs to change? How can organizations and industry sectors create more humane leaders? By understanding that leaders are humans, too.

Traditionally, a person's capacity to lead was often measured in terms of intelligence. Universities started evaluating their best admission candidates based on IQ tests that didn't take into account cultural differences. Employers used the same approach to hire new employees. But this strategy has proven to be ineffective in producing real leaders who can stand the test of life.

There are hidden strong forces of the subconscious mind. A good leader inspires his or her followers, but how then do we explain the inspiration we derive from things not related to sheer intellect? For example, we "as humans" couldn't provide an adequate explanation for the electric surge we feel when we are happy and excited, the deep stirring of the soul when we listen to Mozart's Requiem and the full-flowing joy of laughing uncontrollably with our colleagues and friends as we share a joke — looking deep into the mind at what drives our behaviour.

Organizationally speaking, leaders perform much better when they're not just looking and sounding appropriately leader-like, but also thinking, feeling and interacting like the type of humans many people admire. There is a need for continuously assessing, developing and nurturing the core capabilities leaders must have by looking at their *emotional* and *cultural* intelligence (known as the EQ and CQ) alongside their technical intelligence (IQ).

For mathematicians, the formula of holistic human leadership intelligence (LQ) in an organization can be a dynamic equation of the individual leader and the group leadership team's effectiveness in managing their emotional, cultural and technical skills simultaneously.

$$(LQ = EQ + CQ + IQ).$$

Let's break this formula down with real examples from a living leader, the Speaker of the House of Commons.

Human Emotion

Emotions are mental states brought on by neurophysiological changes associated with thoughts, feelings, behavioural responses, and a degree of pleasure or displeasure. Emotional intelligence refers to a person's ability to perceive, use, understand, manage, and handle their own emotions and other people's emotions or group emotions.

At the House of Commons, debates between political parties illustrate democratic values in action. For example, Question Period, which occurs each sitting day in the House of Commons provides space for Members of Parliament to ask questions of government ministers, including the prime minister. However, owing to the varying viewpoints of Members and the constituents they represent, emotions tend to become most intense during this segment of the proceedings. Heckles, repeated bursts of theatrical laughter, indistinguishable sounds of protest and complaints from either side of the House are just a few manifestations of the high intensity and charge of emotions that run daily in the Chamber.

The Speaker's role ensures that Question Period is conducted in a civil manner and questions and answers are kept within a set timeframe; both questioners and respondents can make their comments heard. The Speaker also ensures that the debate during this segment remains uninterrupted unless the Speaker believes emotions are obstructing a civil discussion. For example, the Speaker may interrupt proceedings if unparliamentary language is used.

How does the Speaker and the Speaker's leadership team of Chair Occupants balance the delicate act of ensuring each voice is heard while managing the emotions derived from the MPs' diverse and often polarized viewpoints on critical matters that concern Canadians.



All photos courtesy of the House of Commons

Speaker of the House of Commons Anthony Rota is seen in the House of Commons in Ottawa on April 14, 2021.

In observing the actions of the current Speaker, Anthony Rota, for example, we would suggest he has found a way to use various spontaneous yet effective techniques to address the emotional part of the MPs' debate while in the Chair. Based on his intuitive reading of the room's emotional temperature, Speaker Rota sometimes used merely his body language to control the situation. He stood up silently with a big smile, which calmed the room as it drew Members' attention to the importance of keeping calm and continuing a constructive debate.

On a few other occasions, when emotions were getting out of control, Speaker Rota stood firm and used a strong voice to remind members of the importance that every voice needs to be heard, which effectively brought the Chamber back to its expected decorum.

As part of his "human leadership," he sometimes intentionally allowed the emotions to continue if he felt it was still constructive and managed. Once the dust settled, he would remind MPs of the rules or simply thank them for keeping the debate civil and constructive.

The Speaker and his leadership team of Chair Occupants use empathy to read the emotion of the Chamber and deploy various techniques to respond to it appropriately through humour, body language, firm statements, and other ways. Their quick assessments of the situation and most effective response illustrates the importance of how drawing on high emotional intelligence in advancing the work of the House serves parliamentary democracy.

This empathetic "human leadership" is also on display when the Speaker leads his team in the office, placing himself in their shoes, while still being able to articulate an inspiring vision.

Finally, thousands of Canadians write to the Speaker to react positively or negatively to events and subjects that are being debated by MPs in the House. By paying attention to their concerns and feedback, taking time to understand their position, and ensuring they receive timely responses that are more thoughtful than simple acknowledgements, Speaker Rota demonstrates "human leadership" skills beyond the people he presides over or manages in his office.



Speaker of the House of Commons Anthony Rota shakes hands with American President Joe Biden during his recent visit.

Culture and Diversity

Culture is an umbrella term which encompasses the social behaviour, institutions, and norms found in human societies, as well as the knowledge, beliefs, arts, laws, customs, capabilities, and habits of the individuals in these groups. Humans acquire culture through learning and socialization, shown by the diversity of cultures across societies.

A leader's cultural intelligence is reflected in their ability to recognize, adapt and work effectively across diverse groups and different cultures.

Members of the House of Commons are diverse. Moreover, they represent diverse populations within Canadian society. An MP's age, gender, religion, race, language, ethnic background, sexual orientation, socioeconomic and political background, personality type, professional experiences, learning style, and other factors correspond to broader segments of the Canadian public.

Speaker Rota and his leadership team of Chair Occupants demonstrate the impartiality and fairness required to maintain the trust and goodwill of the House by incorporating practices to reflect this diversity. The Chair Occupants, who come from different political parties represented in the House,

are able to relate to and understand the diverse views of their colleagues while still maintaining neutrality. As a leadership team, they are gender balanced. The team speaks with MPs using their preferred language, and deliver critical messages in Canada's two official languages. The team also considers the different participation needs of those joining virtually and others in the room to foster an inclusive work environment during proceedings.

Speaker Rota must fulfill a variety of diplomatic obligations such as maintaining relations with provincial, territorial, and foreign parliaments, overseeing parliamentary exchanges and facilitating cooperation programs with other parliaments. Drawing on cultural intelligence when interacting with these diverse dignitaries to forge partnerships and friendships across the globe is another example of using human (humane) leadership skills to achieve goals.

Logic and Reasoning

Logic is a skill used to identify rational criteria with which to conduct argumentation. A leader's intellectual abilities and cognitive skills to reason, find logic, and problem-solve are what we call technical intelligence in this research.



Speaker Rota, chair of the Special Committee on the COVID-19 Pandemic, speaks in the House of Commons on Parliament Hill in Ottawa, June 16, 2020.

Speaker Rota and his leadership team of Chair Occupants regularly deal with complex issues arising from the nature of working in Parliament. Members strive to appeal to their constituents, align with their respective political parties, advance a legislative agenda, manage offices and teams in various locations, and respond to media requests simultaneously.

Speaker Rota and his team receive numerous questions of privilege from Members; these are claims that privilege has been infringed upon or contempt has been committed. A Member wishing to raise a question of privilege in the House must first convince the Speaker that their concern is *prima facie* (on the first impression or at first glance) a question of privilege.

Speaker Rota listens carefully and holistically to the reasoning the member provided and takes the matter under advisement. This allows him to work with his team, including the Clerk of the House, senior table officers, and procedural experts, to assess the validity of the argument based on the interpretation of the parliamentary rules and traditions. This consultation and discussion results in a Speaker's ruling that he, his deputy or assistants deliver to the Member in the House to ensure the orderly flow of business. This technical procedural work requires extensive research skills to identify similar historical examples. By combining these precedents with a modern view of the

work of Parliament, Speaker Rota and his team reach a sound judgment that enables the law-making process to continue.

Speaker Rota, as the Chair of the Board of Internal Economy, demonstrated strong technical leadership in managing an unprecedented crisis in the history of the House of Commons. Working with Board members, the Clerk, and his management team, the House Administration found ways to respond to the complex task of maintaining key operations throughout the pandemic. The response, which began by enabling telework and virtual meetings, included the launch of hybrid proceedings.

Conclusion

The more critical the leadership role is, the more human it should be. Effective "human leadership" requires much more than just technical competencies to deal with modern day challenges. It must adapt to intense emotions, culture, and increased diversity, while responding to complex problems that require sound logic and reasoning. The model proposed in this article combines various leadership capabilities that encompass emotional intelligence (EQ), cultural intelligence (CQ) and technical intelligence (IQ). These three core skill areas are used by leaders at different times and in varying proportions to lead effectively.



Speaker Rota is applauded as he is escorted by Prime Minister Justin Trudeau and Conservative leader Erin O'Toole to the Speaker's chair after being re-elected as the Speaker of the House of Commons on November 22, 2021.

This article offered examples of how Speaker Rota and his team of Chair Occupants use each of the three capabilities to present a very “human leadership” style.

While the Speaker of the House of Commons often uses an equal proportion of the leadership intelligence (LQ) variables: the emotional, cultural, and technical abilities (EQ, CQ, and IQ), other leaders use in different contexts and industry sectors can adapt the model as appropriate to their respective realities. This emphasizes the importance of a flexible leadership style since there is no one size of leadership style that fits all contexts.

The weight of each of the three variables (EQ, CQ, and IQ) used will be highly dependent on timing and context. In specific industries, such as the military, aviation, financial and other technical sectors, more weight might be given to technical intelligence (IQ) to solve problems and move things forward while still deploying a fair amount of emotional and cultural intelligence (EQ and IQ). On the other hand, leaders in industries such as the art and service sectors may need to deploy a higher degree of their EQ and CQ skills to engage and motivate their employees while still using a fair portion of their IQ to advance their business goals.

Deciding when to deploy each capability requires a strong instinct (sixth sense) from leaders. They must read the room and take into account the various unspoken voices of their diverse audience. We argue that all the LQ model variables (EQ, CQ, and IQ) and the instinct for when to deploy each type of intelligence is not innate; it can be nurtured through lived experiences. This development process will be the subject of a future article.

While we often relate leadership to an individual, effective leaders know it's about the complementary leadership of the collective. They draw on the strengths of their surrounding advisors – including and especially aspects where they may have deficiencies – to help them co-lead. A good leader who may be strong technically (IQ) may ask others to help them engage with others (EQ) and understand the diverse views and communication styles (CQ). What's fundamental in a good “human leader” is their self-leadership. The high awareness of their strengths and the resources around them helps address gaps.

Speaker Rota's re-election to a second term in the Chair over six other candidates is a vote of confidence in his ability to keep debates on track. His ability to navigate the House safely through the pandemic and to manage the technological transformation of House proceedings, ensured the light of democracy did not flicker during a difficult time in the country's history. His fair and respectful approach to everyone – including MPs who use either of the country's official languages, indigenous members, MPs from diverse backgrounds and minority groups, and both independents and partisans – ensured the voices elected to represent Canadians in all constituencies are heard and well represented in the work of the House of Commons.

Speaker Rota and his leadership team demonstrate the great value of using “human leadership” in a complex organization that can be difficult to manage effectively. With humility, good judgment, and drive, they demonstrate how strong accountability, empathy, authenticity and adaptability can be used to transcend both anticipated and unanticipated challenges.

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A Question of Privilege: The Speaker as Guardian of the House of Commons

The Speaker of the House of Commons has a special role in defending the authority of MPs to hold the government to account. Despite the Speaker's theoretical power to uphold the rights of MPs, the ability to exercise these powers in practice is constrained by factors both internal and external to the position. Specifically, the federal government is able to sidestep the Speaker's authority and the Speaker's commitment to impartiality, while central to his role, prevents him from making timely rulings. Combined, these factors create a significant impediment on the ability of the House to exercise its constitutional duties. In this article, the author reviews the powers and role of the Speaker. Then, using the battle between the government and the House over the firing of two scientists from the National Microbiology Laboratory in early 2021 as a case study, she suggests possible reforms that could increase the Speaker's power and improve the transparency of government, as well as its accountability to the House of Commons. *This article is a slightly modified version of the winning entry in the 2022 Canadian Study of Parliament Group Koester Essay Competition.

Cynthia Huo

Introduction

Canadian legislatures are currently facing a crisis of accountability. Executive dominance and strict party discipline have significantly weakened the ability of Members of Parliament (MPs) to effectively scrutinize government decisions,¹ resulting in a widespread loss of public confidence in the legitimacy of the House of Commons.² In the face of these growing challenges, this article seeks to examine the role of the Speaker of the House in defending the authority of MPs to hold the government to account. An analysis of the leadership of the Speaker in the 43rd Parliament, Anthony Rota, finds that despite the theoretical powers that the position commands, his ability to exercise these powers in practice is constrained by factors both internal and external to the speakership. Specifically, the federal government is able to easily sidestep the Speaker's

authority and his commitment to impartiality, while central to his role, prevents him from making timely rulings; combined, these factors create a significant impediment on the ability of the House to exercise its constitutional duties. In this article, first I review the powers and role of the Speaker; then, I analyze the Speaker's actions in the context of the battle between the government and the House over the firing of two scientists from the National Microbiology Laboratory in early 2021. In response to shortcomings of the role of the Speaker revealed by this case study, I suggest possible reforms that could increase the Speaker's power and improve the transparency of government, as well as its accountability to the House of Commons.

The Speaker of the House

The role of the Speaker was inherited from the Westminster system and dates back to Medieval England, where they served as the spokesperson for the House before the Crown.³ Over time, the position has evolved in ways that have significantly increased the Speaker's power in exercising leadership in the House.⁴ Contemporary Speakers have three general duties: they preside over debate in the House and preserve decorum through interpreting and enforcing the rules of procedure and practice; they are the

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chief administrative officer of the House, leading the chamber in the same way a cabinet minister would lead a government department;⁵ they also serve as the representative of the House, speaking for MPs in their relations with other bodies.⁶

The last role is the focus of this article: as described by parliamentary scholar C.E.S. Franks, Speakers act as “the guardian of [the House’s] privileges, and the protector of the rights of all members.”⁷ Parliamentary privilege, defined as the rights and immunities of the House and MPs “without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals,”⁸ is a deeply entrenched constitutional principle essential to the practice of responsible government.⁹ The core function of the House is to keep the government accountable for its actions,¹⁰ a duty that requires that MPs have access to adequate information in order to effectively investigate government decisions.¹¹ When obstruction or interference arise that impede the ability of the House to execute its legislative work, the Speaker has the authority to assert parliamentary privileges on behalf of the House.¹² This power is symbolized by the mace, which is carried by the Sergeant-at-Arms as the Speaker enters and leaves the House.¹³

In order to maintain the confidence of the House in acting as its representative, Speakers are required to conduct themselves with absolute impartiality.¹⁴ They are elected by the House through a secret ballot at the beginning of each Parliament, with all MPs except for ministers and party leaders eligible for the position.¹⁵ Although they remain an MP while in the Chair, they do not attend caucus meetings, participate in debate, or vote, except to break a tie.¹⁶ The Speaker’s political neutrality allows them to be the authoritative voice of the House in safeguarding its interests, particularly when the government attempts to evade accountability for its decisions.¹⁷

Case Study: The Winnipeg Lab Affair

The tension between the House’s constitutional function of holding the government to account and the government’s duty to “conduct the country’s business”¹⁸ was on clear display in the power struggle between the government and the House over access to unredacted documents relating to the firing of Dr. Xiangguo Qiu and Dr. Keding Cheng from the Winnipeg National Microbiology Laboratory in January 2021 and the two scientists’ transfer of viruses to the Wuhan Institute of Virology in March 2019.¹⁹ The following case study analysis focuses on the role

that Anthony Rota played in this conflict as Speaker of the House, outlining how constraints intrinsic to the role prevented him from being an effective voice for the House of Commons.

The Public Health Agency of Canada (PHAC) was ordered to produce the requested unredacted records twice by the Special Committee on Canada-China Relations (CACN) in early 2021 to assist the committee in its investigation into why Dr. Qiu and Dr. Cheng were fired,²⁰ as well as the possible national security and global health questions arising out of the virus transfer they oversaw.²¹ While committee members recognized the sensitivity of the information they were requesting by directing the Law Clerk and Parliamentary Counsel of the House to redact all sensitive information,²² the consensus among members was that parliamentary privilege granted them the power to order the production of any documents they required to fulfill their constitutional functions.²³ However, the PHAC did not comply with the CACN’s orders, as only redacted versions of the documents were sent to the committee: Iain Stewart, then-PHAC president, justified this decision by asserting that his legal responsibility to protect national security interests and privacy rights constrained the rights of the House to view sensitive documents.²⁴

As a result of the PHAC’s non-compliance, Conservative MP Michael Chong introduced a motion in the House on June 1, 2021 for an order that the PHAC release unredacted versions of the requested documents:²⁵ this motion was passed the day after with the unanimous support of all opposition parties.²⁶ This order was once again ignored by the PHAC, with Stewart maintaining that complying with the request would compromise his security standards: instead, unredacted documents were released to the National Security and Intelligence Committee of Parliamentarians (NSICOP),²⁷ a body created in 2018 with the specific purpose of reviewing sensitive material and consisting of MPs and senators with top security clearance.²⁸

Opposition Leader in the House, Gérard Deltell, raised a question of privilege in the House on June 7 in response to the government’s non-compliance with the June 2 order.²⁹ He stated that the release of unredacted documents to the NSICOP was not an acceptable alternative: he called the committee a “puppet of the government” because of the Prime Minister’s significant control over membership and the content of its reports.³⁰ The rules of the House state that an MP can raise a question of privilege



The House of Commons remained consistently resolute in their request for the production of unredacted documents from PHAC relating to the firing of the two scientists. Speaker Rota’s inability to effectively safeguard their interests in the face of opposition from the government exposes clear weaknesses in the speakership in withstanding external pressures and being a strong advocate for MPs in the House.

when they believe that parliamentary privileges have been violated such that their ability to carry out their legislative functions has been impaired.³¹ If the Speaker determines that there has been a *prima facie* breach of privilege, the MP raising the point makes a motion for the House to debate and vote on, in order to determine the appropriate sanctions.³² On June 16, Rota delivered his ruling on Deltell’s question of privilege and found that there was a *prima facie* breach, holding that there are no limits on the sensitivity of documents that the House has the power to request.³³ His position was based on precedent set by former Speaker Peter Milliken in 2010 over the Afghan detainee issue, where the Harper government refused to produce unredacted documents relating to the Canadian military’s transfer of Afghan detainees to Afghan authorities. These documents were requested

by the Special Committee on the Canadian Mission to Afghanistan to supplement their investigation into reports that detainees were subject to torture after being handed over to Afghan authorities.³⁴ Milliken’s ruling on a question of privilege upheld the absolute right of the House to order the production of documents.³⁵ Rota also agreed that the issues about the NSICOP pointed out by Deltell and other members made it clear that documents submitted to the committee could not fulfill an order of the House because it “is not a committee of Parliament.”³⁶

Rota’s ruling on Deltell’s question of privilege is a clear example of the Speaker’s important role in protecting the rights of the House and its ability to effectively hold the government accountable for its actions. His finding of a *prima facie* breach allowed

Deltell to introduce a motion calling for the PHAC to be found in contempt of the House for its repeated failure to obey House orders; it also called for Stewart to be summoned to the House to be admonished by the Speaker and to deliver the documents as ordered by the House on June 2.³⁷ The motion passed with unanimous opposition support on June 17³⁸ and on June 21, Stewart became the first private citizen to be reprimanded by the Speaker in more than a century.³⁹ However, it is at this point that two constraints on Rota's powers as Speaker began to present themselves in ways that severely undermined his ability to exercise his duty as guardian of the House. The first constraint was that the government could sidestep Rota's authority without any consequences, save for the political risk from potential public backlash. This was clearly evidenced by the government's repeated refusals to produce the documents requested by the House, even going so far as to file an application in the Federal Court of Canada to prevent disclosure.⁴⁰

The second constraint on Rota's authority was his commitment to impartiality. On the same day that Stewart was reprimanded, Deltell rose on another point of privilege, alleging that Stewart failed to fully comply with the June 17 order of the House because he did not produce the requested documents.⁴¹ He pointed out that very little had changed in the circumstances surrounding the issue since Rota ruled on his first point of privilege and stated that, should Rota find another *prima facie* breach, he would move to either direct the Sergeant-at-Arms, who maintains order in the House,⁴² to enter into the premises of the PHAC to "search for and seize the documents which were ordered to be produced by the House... and by the [CACN]" or to refer the matter to the Standing Committee on Procedure and House Affairs to consider other appropriate enforcement mechanisms.⁴³ His position was supported by other Conservative MPs and the NDP: specifically, Chong noted that the call for the seizure of the ordered documents had precedent in Milliken's 2010 ruling, which "made clear that it is the grand inquest of the nation that [the House] has an unfettered, absolute right to call for the production of papers."⁴⁴ On June 23, Conservative MP Blake Richards emphasized the importance of the timely release of the unredacted documents and inquired as to the status of Rota's ruling on Deltell's question of privilege, noting that "there is very clear evidence there that [Deltell does] have a *prima facie* case, so [Richards] would have expected to see a ruling."⁴⁵ In response, Rota stressed the importance of careful consideration of the issue in order to ensure that his ruling "merits the position that [he] is in,"⁴⁶

a clear reference to his duty to maintain the House's confidence in his impartiality. However, the result of his measured approach to decision-making was that the House adjourned for the summer without a ruling from Rota and, accordingly, still no access to the documents it requested.⁴⁷

Considering the unity of the opposition parties in passing the two previous House motions and their vocal support for Deltell's intended motion, had Rota found a *prima facie* breach of privilege, Deltell's motion to order the Sergeant-of-Arms to seize the unredacted documents would have easily passed and the House would have finally secured access to the documents it required in order for MPs to fulfill their constitutional duties. This is not to say that Rota was acting in a partial manner, or that his actions represented a departure from what would normally be expected from a Speaker; rather, the attention he paid to ensure his rulings did not appear biased for or against anyone, a central component of the speakership, served as an internal constraint on his ability to effectively protect the privileges of the House.

The nearly three-month endeavour of the House to obtain access to documents central to the CACN's investigation into the firing of Dr. Qiu and Dr. Cheng from the Winnipeg National Microbiology Laboratory ended without a definitive conclusion, as Rota did not deliver his ruling on Deltell's point of privilege prior to the dissolution of parliament in advance of a general election. However, no response can be a powerful response; analyzing Rota's role as Speaker of the House throughout the duration of the Winnipeg Lab Affair clearly shows that, despite the power of his position as Speaker on paper, he was not able to serve as the authoritative voice of the House in protecting its parliamentary privileges. The House of Commons remained consistently resolute in their request for the production of unredacted documents relating to the firing of the two scientists, and Rota's inability to effectively safeguard their interests in the face of opposition from the government exposes clear weaknesses in the speakership in withstanding external pressures and being a strong advocate for MPs in the House.

Reforms

The Winnipeg Lab Affair exposes clear deficiencies in the ability of the House to effectively scrutinize government decisions and the powers of the Speaker in protecting this authority: in response to these issues, I propose three reforms. First, a standing committee

in the House specifically dedicated to reviewing sensitive information should be established. Doing so would reflect the concerns raised by MPs about the NSICOP during the Winnipeg Lab Affair⁴⁸ and would avoid future disputes over access to unredacted information, thereby increasing the government's accountability to the House. A second reform would adopt the recommendations of the 2009 report of the Standing Committee on Public Accounts: in order to ensure that government and its lawyers understand the proper scope of parliamentary privilege, policies and training should be revised such that they "reflect the legal right of parliamentary committees to demand the production of documents and records."⁴⁹ The dispute over the production of the unredacted documents rested primarily on conflicting opinions over the limits of parliamentary privilege and if any existed at all; resolving this dissonance would ensure that the struggle faced by the CACN and the House as a whole does not repeat itself in the future.

A more radical reform proposes to emulate the Westminster tradition of the speakership, where the Speaker resigns from their party upon being elected.⁵⁰ This is not a novel idea: former Speaker Lucien Lamoureux resigned from the Liberal Party in 1968 and was re-elected that year and in 1972 as an independent MP.⁵¹ The complete removal of partisanship could have given a Speaker in the same situation as Rota in June 2021 the latitude to make a timely ruling on Deltell's second question of privilege and in doing so, act as "a true guardian of the health of our parliamentary democracy."⁵² Instead of having to take time balancing the considerations of all parties involved in order to maintain the appearance of neutrality, the sole focus would be on zealously advocating for the rights of the House. The House had the absolute right to compel the timely production of the unredacted documents, and any action by the government contradicting this right had already been established by Rota's first ruling to be a *prima facie* breach of parliamentary privilege. Rota had the power to act to ensure that the House received the documents it required from the government, and his exercise of this power through ruling in points of privilege could have been decisive and without delay. However, an important caveat of this reform is that its success is contingent on other parties agreeing not to run candidates against sitting Speakers in general election. A lack of political will in this area resulted in independent speakers being a short-lived experience after Lamoureux first made the switch in 1968⁵³ and present a barrier to its potential future implementation.

The driving force behind each of these proposed reforms is a recognition of the constraints facing anyone sitting in the Speaker's Chair and an understanding of the harmful effects that a weak speakership can have on the core tenets of Canadian parliamentary democracy. Can a government truly be accountable to the people if it evades accountability with impunity? As clearly shown by the Winnipeg Lab Affair, a government unresponsive to the House – the only elected representatives of the people in federal government – calls into question the stability of responsible government in Canada and the ability of MPs to effectively exercise their parliamentary privileges in carrying out their constitutional responsibilities.

Conclusion

The declining role of MPs in Canadian parliamentary democracy is reflected in the Speaker's lack of power in defending the ability of the House to hold the government to account.

While the House's accountability function is much more robust in minority parliaments – as was the case during the Winnipeg Lab Affair – where a united opposition constitutes a majority,⁵⁴ Rota's powers were still inhibited by factors both internal and external to the speakership. The government's repeated refusal to comply with orders of the House and its application to Federal Court to block the House's repeated attempts to access unredacted documents exemplify its extensive ability to evade the Speaker's authority. It was clear that the government did not want the unredacted documents to be released to the House, either because national security could be jeopardized or because they wanted to conceal deficiencies in their oversight of the transfer of viruses from Winnipeg to Wuhan in 2019.⁵⁵ Further, although Rota was very vocal about his support for the unfettered right of the House to order the production of documents, he failed to translate this support into timely and concrete action due to the significant pressure he was under to maintain the confidence of the House in his impartiality. Rota's extensive theoretical powers as Speaker of the House were continually inhibited, rendering him unable to adequately ensure the ability of the House to carry out its constitutional responsibilities to investigate governmental decisions.

A strengthening of the powers of the speakership is required in order to ensure that when questions of privilege arise, Speakers are able to act as zealous advocates for the rights of the House and its members.

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Reforming the Vote of Confidence: A Role for the Speaker in the Standing Orders

The confidence convention is a fundamental characteristic of parliamentary government, yet its definition is vague and general. Disappointment in its utility to hold a government to account, its misuse purely for political gain, and the absence of a fair playing field for its use have led to calls for reforms. In this article, the author explores the nature of the vote of confidence, outlines some reasons warranting its reform, reviews some past proposals for reform in Canada and the United Kingdom, and finally proposes his own idea for how to address criticism of its historic and current use in the House of Commons. The author suggests parliamentarians create a standing order which carves out a specific role for the Speaker to rule on the appropriateness of considering an upcoming vote as a matter of confidence. Given that the Speaker's rulings on the vote of confidence could be challenged, they would be advisory in nature and would not interfere with other confidence conventions such as the Crown's power of dissolution. However, its use for pure political gain would be weakened; public guidelines developed by the Speaker could better textualize the meaning of the vote of confidence and contribute to civic literacy; order and decorum would be restored when confidence issues arise, and there would be no danger of possible justiciability of the courts. He concludes by suggesting this reform would go a long way in strengthening the Commons over the Executive.

Gary William O'Brien

The confidence convention – the requirement that a government must maintain the support of the majority of members in the House of Commons to continue to govern – is described as a “fundamental characteristic of parliamentary government.”¹ Aucoin, Smith and Dinsdale write that it “drives the system of responsible government ... Every other rule is a logical derivation from it or must conform to it.”² Given its importance to parliament, one would think the confidence convention is clearly understood and non-controversial. Yet its definition is relatively vague and general, based on tradition as opposed to a statute or standing order. R. MacGregor Dawson suggested it rested on an “airy foundation...it is denied any explicit description...”³ Its impreciseness has led to disagreement, criticism, derision of parliament, and political crises. Its disappointment as a procedure for holding governments to account, its use for pure political gain, and its lack of a level playing field has led to calls for its reform.

This article briefly reviews some of the proposals to reform the vote of confidence, that is, how confidence is expressed and its implications, in both the Canadian and British parliaments. It concludes with a specific recommendation on how the legitimacy of the vote of confidence can be enhanced in the Parliament of Canada.

The Nature of the Vote of Confidence and the Need for Reform

The confidence convention stems from the prerogative power of the Crown to appoint ministers but with the corollary that to do so, governments must rely on parliamentary support. It originated from eighteenth century attempts by the British House of Commons to challenge the Crown's right to be solely responsible for naming and removing ministers. By the nineteenth century a convention had been established that the Crown's right to appoint ministers was limited by the necessity the government maintain the House's confidence.⁴

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Two points must be made regarding its nature. First, since the vote of confidence defines government-House of Commons relations, its importance as a check and accountability mechanism cannot be over-stressed. As Rodney Brazier points out, it bestows legitimacy for government actions since in theory “it obliges every government to defend itself, explain its policies, and justify its actions, to its own backbenchers, to the opposition parties, and through them to the country.”⁵

Some, however, see this relationship as ambiguous, calling the effectiveness of the confidence vote into question. Nevil Johnson writes:

It is the job of parliament to challenge the government, to control it, and call its members to account. But the rise of disciplined political parties, after claiming a mandate to act by virtue of an electoral majority, has introduced a profound ambiguity into the relationship between parliament and the government. Is the House of Commons there to confer authority on the executive and to exercise a critical and controlling function in relationship to its members, or is its main function now to facilitate majority rule and the fulfillment of promises made by parties in an election?⁶

Effective and legitimate government depends on the cabinet’s ability to govern, which largely rests on its management of members. On the other hand, parliament has a duty to demand accountability. This clash, between executive dominance and parliament’s role as a representative legislature, impinges on the practice of the vote of confidence. The challenge Dawn Oliver sees is to ensure that constitutional conventions, like the vote of confidence, allow parliament to effectively impose ministerial accountability:

...the operation of these conventions has altered over the years and this has raised issues in turn about exactly what the conventions making up individual responsibility require, who owns the rules, and how effective Parliament can hope to be in holding Ministers to account. These questions in turn raise issues as to whether alternative or supplementary accountability mechanisms are required...and whether and how Parliament can be reformed so as to enable it to hold Ministers to account adequately.⁷

Second, the vote of confidence is fundamentally political. While there is no legal requirement for a government to resign or seek a dissolution if it loses a confidence vote, it takes these actions in expectation of the political sanctions which may eventually follow. Philip Norton writes that if a government loses a vote of censure “it would be virtually impossible to continue governing, since it was unlikely it would be able to get the House to vote for supply.”⁸ Its exercise, Margaret Demerieux feels, “is a political matter, to be adjudged by political principles or by its political consequences.”⁹

Given its political nature, it can be abused. For example, with no formal constraint, a government can declare any vote one of confidence, allowing it to strong-arm members to maximize its voting strength. In minority situations, it can pressure the opposition to backtrack in its duty to demand accountability for fear of a general election (if the government believes it is in a position to win this election). Norton has called this tactic “the parliamentary nuclear option.”¹⁰

A government’s first constitutional duty is to be accountable to parliament for its legislation and policies. But, as F.F. Ridley writes:

...possession of power may allow those who possess it to manipulate the system, to influence the economy so that it looks healthier just as the election clock is about to strike, perhaps also to fix the striking of the clock... In a democracy, should not the constitution try to ensure something a little like a balanced playing field, should there not be rules to check the use of power to keep power?¹¹

Options for Reform: Parliamentary Proposals

Pierre Trudeau’s The Constitution and the People of Canada (1969)

This publication presented proposals for formal amendments to the *British North America Act, 1867*. Among its many recommendations, it noted that important aspects of the parliamentary system were based on unwritten conventions, giving “a highly inaccurate picture of our system of government.” A new constitution must “enhance public appreciation and understanding of their essential characteristics.” According to Trudeau, the conditions and means by which the prime minister and other ministers assume and leave office required definition and the vote of confidence needed reform.

Its proposals undoubtedly stemmed from the events the year before when the Pearson government was defeated on the third reading of an income tax bill. As Andrew Heard has noted, throughout much of the 20th century, “governments behaved as if every vote was a vote of confidence.”¹² They were perhaps guided by Sir John G. Bourinot’s 1895 statement. The former Clerk of the House of Commons wrote:

[I]n case a government is defeated in parliament, the premier must either resign or else convince the governor general he is entitled to a dissolution or general election on the grounds that the vote of censure does not represent the sentiment of the country.¹³

Certainly, Mackenzie King believed governments could not stay in office if defeated. As he told the House of Commons in 1923:

Government measures are brought down in the light of carefully matured policy, and an administration that brings down its legislation in any other way would not be entitled to expect from parliament a second opportunity once it meets with defeat on a matter which it is prepared to say to the House it regards as all important to the public interest.¹⁴

In 1968, Bourinot’s mechanistic view of the vote of confidence became a constitutional myth. On February 19, the minority Pearson government lost a bill (C-193) to increase income taxes at third reading by a margin of 84 to 82. It then brought in a motion saying the House did not regard the vote on Bill C-193 as a vote of non-confidence in the government. After a five-day debate, the motion carried 138 to 119.¹⁵

The 1969 paper proposed that a written text be included in the constitution specifying the circumstances in which a prime minister would be required to resign:

... the Prime Minister should be able to resign and should be required to do so if he fails to obtain a vote of confidence in the House of Commons at a time when the Governor General considers that he is not entitled to a dissolution of Parliament or if, in a general election, another person has obtained the support of a clear majority of the House of Commons.

What constitutes confidence, “would be left to the House of Commons to determine,” not the government. The paper did not go into detail as to what that determination would be, or the factors involved. Nor did it comment on the impact of potentially involving the courts on questions before parliament. While the paper stimulated discussion and action on many aspects of constitutional reform in Canada, the confidence convention continued unchanged.

Special Committee on the Reform of the House of Commons, 1984-5 (McGrath Committee)

This seven-member committee was appointed in 1984 to examine the powers, procedures, and practices of the House of Commons. The confidence convention was among the many issues addressed. The committee concluded that the concept of confidence be relaxed, particularly the notion that every matter challenges the confidence in government. This was unnecessary since the matter of confidence had “really been settled by the electorate.”

The committee believed fundamental reform went beyond institutional change. What was required was a change in the party system. Members must insist the discipline of party machinery be loosened and more free votes be held. It called for attitudinal changes on the part of governments, the leadership of parties, and private members.

In retrospect, the McGrath Committee had little impact on weakening party discipline or limiting the government’s right of complete discretion in deciding whether it had kept the confidence of the House. C.E.S. (Ned) Franks wrote:

By October 1986 nothing had been done to change the confidence convention. Nor is that likely to occur. The change from tight discipline to free votes would mean a substantial shift in power from parties to the individual MPs... The (McGrath) committee wanted a change in attitude to come first and cause a shift in power. In effect, it was asking for a grace-and-favour gift from the parties, not for recognition of the reality of a new, enhanced authenticity and power base for Canadian MPs – for which there is no evidence, and which in fact does not exist.¹⁶

The Cameron-Clegg *Fixed-term Parliaments Act 2011* (FTPA)

As in Canada, before the passage of the FTPA, confidence votes in the British parliament were based on convention. The coalition government of Conservatives and Liberal Democrats under leaders David Cameron and Nick Clegg, respectively, resolved to put the convention on a statutory basis while keeping the principle that a government's authority derives from possessing the confidence of the House.

The ensuing act, which MP Peter Tapsell called "almost revolutionary in concept,"¹⁷ described the conditions for a general election following the loss of an explicitly worded motion of no confidence. It set the date for general elections five years hence. An earlier election would be held if a supermajority of two-thirds voted in favour, or if a government lost a vote of no confidence.

The coalition, whose main spokesperson was Deputy Prime Minister Nick Clegg, advanced various reasons as to why reform was needed:

- The FTPA was designed to prevent a government from seeking a general election for its own political reasons. Clegg told the House: "The Bill has a single, clear purpose: to introduce fixed-term Parliaments to the United Kingdom to remove the right of a Prime Minister to seek the Dissolution of Parliament for pure political gain... [F]or the first time in our history the timing of general elections will not be a plaything of Governments ... Crucially, if, for some reason, there is a need for Parliament to dissolve early, that will be up to the House of Commons to decide."
- The act established, through statute, a neutral enforcement mechanism.
- The act weakened the politicization of the vote of confidence by removing the prime minister's power to maximise voting loyalty of government backbenchers. The prime minister could no longer designate a vote as one of confidence and thus precipitate an election if defeated.¹⁸
- It separated losing a vote of key policy matter from losing a vote of confidence. As the Lords Select Committee noted, it was now possible "for the Government to retain the confidence of the House of Commons in a statutory sense – winning a vote on a motion of no confidence- while having lost it in the political sense of lacking support for a key part of its political agenda."¹⁹

The *Fixed-term Parliaments Act* lasted only 11 years and died unceremoniously in March 2022 when it was repealed without fanfare. It had resulted in unmanageable parliamentary gridlock. While governments remained in power, they had lost control of their ability to legislate and were prevented from seeking a dissolution to allow voters their say. Steven Chaplin observed:

In 2018 and 2019, the British government continued, lost vote after vote on Brexit, yet the House refused to vote non-confidence in the government ... Clearly, a blanket rule that confidence can only be determined by the opposition can have unintended consequences that paralyze both Parliament and the government.²⁰

Enhancing the Legitimacy of the Confidence Vote: A Proposal

Reforming the confidence vote has met with little success, either in Canada or the United Kingdom. Some proposals lay beyond the sole capacity of the House of Commons; for example, reforming the party system or changing the electoral system. Adopting practices from other jurisdictions may be resisted as not in accordance with Westminster parliamentary traditions. In the United Kingdom, the 2012 *Fixed Term Parliament Act* was an embarrassing failure in that it led to the paralysis of government and shook parliament's credibility. In Canada, there continues to be resistance to the textualization of constitutional conventions, either in the *Constitution Act, 1867*, the *Parliament of Canada Act*, or in a proposed cabinet manual. McGrath's plea for reforming the party system had few results.

As noted earlier by Margaret Demerieux, when exercising the vote of confidence, political self-interest remains a primary consideration. Both government and opposition will continue "playing politics" with votes of confidence. To be successful, reform proposals must seek a way, not to depoliticize the vote of confidence, but to temper its political nature.

Proposed Involvement of the Speaker

A remaining option is to involve the Speaker. Such an idea is usually dismissed out of hand. Bosc and Gagnon state "confidence is not a matter of parliamentary procedure, nor is it something on which the Speaker can be asked to rule." They provide case law references from such Speakers as Lamoureux and Milliken.²¹

Yet clearly a supplementary accountability mechanism is required to enable the vote of confidence to better hold ministers to account. Involving the Speaker should at least be considered as an option. While questions of confidence are without doubt political and not legal matters, they cannot *a priori* be dismissed as nonprocedural for the simple reason they cause disorder and take up valuable time of the House. Points of order on confidence issues lack a neutral arbiter and process to resolve them. More importantly, as it presently stands, the vote of confidence fails to secure acceptance by the actors involved. In theory, constitutional conventions require such acceptance.

While asking Speakers to make definitive rulings on questions of confidence may rightly be beyond the authority of the Speaker, it may be helpful if Speakers could at least provide an opinion on such matters if the objectives of reform are to be better realized. Canadian Speakers have never limited themselves to procedural issues. They are deeply involved in the administration of the House, ceremonial functions, and represent the Parliament of Canada at international conferences and in parliamentary delegations. At times, they have chaired House committees.

The failed 1992 Charlottetown Accord, agreed to unanimously by all federal, provincial, and territorial governments, put ideas forward from “outside the box” in its attempts to revitalize the Parliament of Canada. For example, regarding its recommendation to alter the Senate’s powers over legislation dealing with natural resources and revenue and expenditure bills, the Accord proposed giving the House of Commons Speaker power to use his or her judgment in deciding how bills were to be classified.²² Such power would undoubtedly have had national political impact. Risk of inviting political criticism regarding Speaker decisions was considered less important than establishing a constitutional process for how bills were to be classified.

This article proposes giving the Speaker the duty, through standing order, to make rulings on all points of order regarding the vote of confidence, subject to appeal to the House. In doing so, the Speaker would rely on guidelines of how such power should be exercised, similar in concept to the guidelines developed on the casting vote of the Chair. Given that the Speaker’s rulings on the vote of confidence could be challenged, they would be advisory in nature and would not interfere with other confidence conventions such as the Crown’s power of dissolution.

The political interests behind the vote of confidence would not be irreversibly impacted since all members would be free to appeal such rulings.

When making such rulings, a Speaker would take into consideration a variety of factors, such as (i) whether a general election is warranted; (ii) the consequences if the convention is not applied; (iii) whether motions set down on the Order Paper or amendments proposed during the course of debate are implicit motions of confidence; (iv) the need to protect the right of the opposition to hold governments to account and the right of governments to govern; and (v) what would be in the best interests of the House of Commons as the representative of the Canadian people.

The Speaker’s involvement would make the vote of confidence more legitimate. Governments could not unilaterally declare a matter one of confidence without the intervention of the Speaker when points of order are raised. Its use for pure political gain would be weakened. Prime Ministers could still strong-arm members into supporting the government or pressure the opposition to compromise in its demands during legislative bargaining, but to do so they would have to defy the Speaker in the event of an adverse ruling. The public guidelines developed by the Speaker could better textualize the meaning of the vote of confidence and contribute to civic literacy. Order and decorum would be restored when confidence issues arise. There would be no danger of possible justiciability of the courts. In short, the creation of such a standing order would go a long way in strengthening the Commons over the executive.

Notes

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- 2 Peter Aucoin, Jennifer Smith and Geoff Dinsdale, *Responsible Government: Clarifying Essentials, Dispelling Myths and Exploring Change* (Ottawa: Canadian Centre for Management Development, 2004), p. 19.
- 3 R. MacGregor Dawson, *The Government of Canada*, revised by Norman Ward, fifth edition (Toronto: University of Toronto Press, 1970), p. 18.
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- 5 Rodney Brazier, *Constitutional Practice* (Oxford: Clarendon Press, 1988), pp. 176-7.

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- 9 Margaret Demerieux, "The Codification of Constitutional Conventions in the Commonwealth Caribbean Constitutions," *The International and Comparative Law Quarterly*, 31(2), April 1982, p. 265.
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- 11 F.F. Ridley, "Using Power to Check Power: The Need for Constitutional Checks," *Parliamentary Affairs*, 44 (4), October 1991, p. 442.
- 12 Andrew Heard, "Constitutional Conventions and Parliament," *Canadian Parliamentary Review*, Vol. 28, No. 2, 2005, p. 22.
- 13 Sir J.G. Bourinot, *How Canada is Governed*, second edition (Toronto: The Copp, Clark Co., 1895), pp. 82-3.
- 14 House of Commons *Debates*, February 12, 1923, p. 220.
- 15 See House of Commons *Debates*, Feb. 19-28, 1968, pp. 6896-7078. It justified its actions by claiming "what the government will treat as a matter of sufficient importance to demand resignation or dissolution is, primarily, a question for the government."
- 16 Franks, *The Parliament of Canada*, p. 140.
- 17 U.K. House of Commons *Debates*, September 13, 2010.
- 18 Norton, "The Fixed-term Parliaments Act."
- 19 United Kingdom. House of Lords Select Committee on the Constitution, *A Question of Confidence? The Fixed-term Parliaments Act 2011*, 12th Report of Session 2019-21, HL Paper 121.
- 20 Steven Chaplin, "We should have confidence in the way confidence is working in Parliament," *Hill Times*, Nov 23, 2020.
- 21 Bosc and Gagnon, *House of Commons Procedure and Practice*, chapter 7.
- 22 Canada. *Consensus Report on the Constitution (Charlottetown Accord)*, Final Text. (Ottawa: August 28, 1992).

Implications and Challenges of AI for Parliamentary Ombuds Work in Canada

Within a few short years, public interest in and concern about artificial intelligence (AI) has ballooned. The rapid pace of development within the field and the emergence of AI tools which seem to poke at the heart of what it means to be human have opened the floodgates of public discourse on the potential for a disruptive change to society that may be on par with or that may surpass the Industrial Revolution. Discussions among Ombudspersons, Information and Privacy Commissioners, and others involved with or impacted by parliamentary governance oversight and accountability bodies have identified some of the implications and challenges of emerging AI technology. In this article, the author explores some of the concerns of these stakeholders when grappling with regulating the use of AI in public sector service design. He cites lack of transparency, the potential for bias and ethics violations, insufficient data collection and management rules, privacy issues, and fairness in terms of AI-influenced eligibility criteria for public programs as areas that require investigation and action by parliamentary decision-making bodies. He concludes by warning governments to act expeditiously to protect people from AI's potential to do harm as they consider how to harness its potential benefits.

Jay Chalke

In 2019, the Office of the Ombudsperson of British Columbia hosted a symposium that invited academics, Ombuds from across Canada, Indigenous leaders, senior public servants, and students to delve into the future of parliamentary ombudship with a wide range of topics. Discussions of issues pertaining to ombudship in the digital era, for example, touched upon the challenges to oversight, governance and accountability of decision making, and fairness that are affiliated with the emergence of artificial intelligence (AI) in public sector service design.

Conversations at the symposium stimulated further exploration of the issue of AI. In June 2021, together with the Information and Privacy Commissioner of BC and the Ombudsman and Information and Privacy Commissioner of Yukon, we published a report entitled *Getting Ahead of the Curve: Meeting the challenges to privacy and fairness arising from the use of artificial intelligence in the public sector*¹.

Jay Chalke was appointed Ombudsperson of BC in 2015 and reappointed for a second six-year term in 2021.

In the two years since the report was published, the presence and use of AI has increased exponentially, and its application is considerably more sophisticated. Warnings and fears about its unregulated use in the digital world have similarly increased. Every day Canadians are subjected – in equal measures – to various promises and cautions regarding the possibilities and pitfalls associated with the developments in AI.

Governments and global organizations negotiate a complicated balance between AI's anticipated economic advantages and a growing awareness of the potential for social detriment. They grapple to identify and address the risks related to AI while simultaneously recognizing the possible efficiencies it creates in the provision of government services. The Government of Canada has published its *Responsible use of artificial intelligence (AI)*² to guide its use of AI in the delivery of public services. It includes a *Directive on Automated Decision-Making*, intended to ensure transparency, accountability and fairness, particularly when using its *Algorithmic Impact Assessment*. It also tabled the *Artificial Intelligence and Data Act*,³ as part of Bill C-27 (*Digital Charter Implementation Act, 2022*). The Act is “intended to protect Canadians [and] ensure the development of responsible AI in Canada....”

Likewise, the European Union has drafted an *Artificial Intelligence Act*⁴ and a proposal for a regulation⁵ that will harmonize rules on AI. UNESCO member states also adopted the first ever global agreement on the ethics of AI, which is described as an instrument that will “not only protect but also promote human rights and human dignity, and will be an ethical guiding compass and a global normative bedrock allowing to build strong respect for the rule of law in the digital world.”⁶

For Ombuds’ work, the implications of AI in public service delivery are significant. There are concerns about the capacity of regulatory schemes to keep pace with AI innovations, the lack of decision-making transparency inherent in AI, and intrinsic bias and ethical standards. Moreover, questions relating to data collection, storage and management processes, the rigorous protection of personal privacy, and the implications for criteria on rules-based public program eligibility are all being posed. All of these issues are exacerbated by the volatility of the AI terrain itself. Rapid changes are driving what often appear to be capricious or, at best, hurried policy responses. The pace of AI developments has created an unfortunate and seemingly unavoidable state of bureaucratic “whack-a-mole.”

Regulatory Challenges

There are clear administrative law principles around procedural fairness, the right to be heard, the right to impartial decision making, the right to reasons, and the availability of a review. The absence of any one of those is a routine subject of complaint to Ombuds. Regulatory intervention is necessary; however, regulation is frequently characterized as an obstacle to innovation. The challenge is deciding how to adapt or modernize existing regulatory instruments to account for the new and emerging concerns brought on by governments’ use of AI. The increasing automation of government decision making undermines the applicability or utility of existing regulations or established common law rules that would sufficiently address criticism about those decisions.

The latest federal *Directive on Automated Decision Making* is the third iteration of the federal government’s effort to keep pace with the rapid development of AI. Some of the latest changes are directionally similar to the recommendations we made to the BC and Yukon governments in *Getting Ahead of the Curve*. This is encouraging, but oversight and enforcement of the directive remains an issue.

For compliance purposes, government and the private sector should be required to assess the privacy impacts before implementing AI technology. This obligation should be ongoing and verifiable through proactive audits by regulators once the technology is deployed. Some controls and obligations are already present in legislation, such as the need to complete privacy impact assessments (PIA) before the implementation of a new or revised process.

PIA regulations, templates and tools may need to be crafted to address AI-specific concerns, including the creation of a proposed Artificial Intelligence Fairness and Privacy Impact Assessment (AIFPIA). This should include conditions that trigger the obligation to complete a PIA for systems that leverage AI to process personal information and clear rules about when an AIFPIA must be conducted. The process should include a requirement to conduct security threat and risk assessments and incorporate algorithmic impact assessment components specific to automated decision systems and their processing of personal information. It should also require transparency and mandate the review of AIFPIAs by the appropriate oversight bodies.

In addition, to keep up with technological developments, the legislated timelines at which legislation is to be reviewed must be short enough to address the rapid rate of significant changes in technology and the impact on society. Depending on the speed such developments reach, governments may have to consider models of continuous development of legislation as a solution to keep up with such rapid change.

Lack of Transparency

During the 2019 symposium, former New Brunswick Ombud, Charles Murray, presented the example of a Facebook AI Research Lab experiment in bot-to-bot negotiations regarding ownership of virtual objects. As the negotiations progressed, the bots invented a seemingly nonsensical derivation of human language that was unintelligible to the humans running the experiment. Although no deliberate deception or evasion efforts were programmed into the bots, what was remarkable was the bots’ strategic use of mendacity to maximize achievement of their goals. The most telling and significant aspect of the experiment was that the humans were unable to understand what informed the negotiations and, ultimately, what the negotiations were actually about.

The public must be able to understand the reasons behind an administrative decision. If the reasons for a decision cannot be known by the person affected by it, how can that person be expected to accept it? How could they propose the basis of a request to review the decision? If the factors that were considered and their weighting and analysis are not discernable, how could they formulate a reasonable argument to impugn the decision? For that matter, how could a member of the appeal body credibly consider any arguments submitted?

The consequence of this opacity has obvious implications for an Ombudsperson. When our ability to discern the fairness of processes is hindered by inaccessibility of the programming inputs or code, we are limited to assessing the outputs alone. While there is evidence that bots seem to be able to acquire a capacity for nuance with practice – for example, one report noted that bots became adept at feigning interest in a virtual object so they could use it as a concession while pursuing a higher value object – what is absent is the ability to program bots with a moral compass. Indeed, even if this were possible, inevitable questions would arise about those moral standards selected to inform the coding.

Bias/Ethical Concerns

AI is often lauded as a fast, efficient, and objective decision-making tool for administrative bodies and even courts. Its proponents envision it as a mechanism for enhanced fairness because of the speed with which it can review and evaluate large volumes of data, oblivious that this may occur in an environment influenced by inherent bias, partiality, or prejudice. Some proponents are convinced that such unreasonable influence either does not exist, or that it can be excised or mitigated by other factors over time. Others believe we can rely on external mechanisms of review to remedy the detrimental outcomes for the relatively small number of people affected. In this version, AI is utilitarian – a digital “trolley dilemma” solution. It would be used to dispassionately assess information and make decisions based on facts alone with no messy extraneous considerations such as empathy, morality, or the myriad of extenuating circumstances that could and currently do inform decisions.

However, there is ample evidence to contradict the supposed impartiality of AI. In fact, the myth of AI’s neutrality has been disproven many times over. AI relies on algorithms informed by specific datasets and machine learning to spur action and decisions.

Figure 1



However, as we know from the erstwhile principle of “garbage in, garbage out,” AI is only as neutral as its inputs. The algorithms employed may inadvertently embed preferences, biases, or even errors. This potential flaw should raise questions about the efficacy of what some have called the automatization of decision-making processes, particularly when the stakes are high for those involved and could affect their freedom, their finances, or their rights.

Data Collection

In 2017, IBM estimated that the vast preponderance (90 per cent) of the data in the world had been created in the previous two years. The World Economic Forum turned that estimate into a simple yet stunning graphic (Fig. 1)⁷. It’s safe to surmise that the amount of data created since that estimate has made the already thin wedge of historical data progressively smaller.

Despite the plethora of data held by many public and private organizations, our ability to organize, manage, and protect data has not kept up with our tremendous ability to generate and collect data. Moreover, the collection of data, particularly in network design, is often seen as a technical or mechanical task rather than one that requires comprehensive understanding of the ethical, privacy, policy and governance properties of data assets.

Privacy Issues

AI-driven use of biometric data by government continues to garner significant public attention and criticism. The sensitive nature of this kind of personal information raises significant privacy concerns. However, unlike other jurisdictions where privacy laws have recently been modernized, there is currently no Canadian law in force that addresses rights or obligations relating directly to AI. Federally, Bill C-27 (*Digital Charter Implementation Act, 2022*) was tabled in July 2022, but is not yet law.

A modern interpretation of the right to privacy as a human right is necessary for the exercise of other fundamental rights. At a minimum, privacy legislation should be amended to include the right to notification that AI is used, an explanation of the reasons and criteria used, and the ability to object to or opt out of the use of automated decision systems.

Facial recognition technology (FRT) is a form of biometrics that can identify or authenticate individuals by comparing their facial features against a database of known faces to find a match. The process can be broken down into three steps. First, the computer finds facial features in a digital image, video frame or other representation. It then creates a numeric representation of the face based on the relative position, size, and shape of identified facial features. Finally, this numeric “map” of the face in the image is compared with a database of identified faces, for example, from a driver’s licence database.

With respect to the use of a driver’s licence database to aid FRT, the Insurance Corporation of British Columbia (ICBC) had previously offered use of its database of driver’s licence photos to assist law enforcement agencies in identifying individuals suspected of crimes. Most notably, ICBC offered to use its database to assist the Vancouver Police Department in identifying suspects in the 2011 Stanley Cup riots. The Information and Privacy Commissioner of BC investigated this issue and concluded that ICBC’s stated use of FRT – to combat driver’s licence fraud – did not allow ICBC to use that database for a collateral purpose of law enforcement without a warrant or court order.

The improper collection and use of biometric data raises significant privacy concerns for citizens. It is also worth noting that the very nature of the way biometrics operates presents a threat to individual privacy. The Supreme Court of Canada in *R v Jarvis (2019)*

recognized that people have a reasonable expectation of privacy, even in public spaces. Those expectations are not forfeited simply by walking out one’s front door. For example, while most bank customers would reasonably expect that they are being recorded when conducting a transaction inside, they would not necessarily consent to the harvesting of their further biometric data by merely touching the handle of the bank’s entrance door. Similarly, FRT operates in public settings in ways that may undermine the public’s reasonable expectation of privacy. The standard terms of service that mediate digital consent are absent. We are often not made aware that we are being observed or recorded, how and why we are being observed or recorded, what biometric data or other information is being collected in the process, and how it is being used.

The impact on public program eligibility

The rise of the modern social welfare state over the last 70 years has been based on a balance of democratic institutions establishing criteria or rules for eligibility to public programs, public administrators applying those criteria and oversight bodies – courts, tribunals and ombuds –conducting reviews.

To date, AI has mostly been deployed to assist, and in some cases effectively replace, administrators in their application of criteria established by legislators or subordinate decision makers. But AI threatens to move earlier in the process. What if instead of eligibility criteria, AI were simply to administer a sum of public funds for a particular social program or outcome and AI could decide the rules? And what if those rules would always be fluid, informed by outcomes and experiences from each decision? The implications for democracy and the rule of law are obvious but the impossibility of such a scenario 10 or 20 years from now is less obvious. Now is the time to have the conversation about whether we want AI displacing our democratic institutions this way and, it should be said, neutralizing oversight.

Conclusion

When the topic of AI in public service delivery was discussed at the 2019 Symposium, public discussion of the prospect was minimal. When the *Getting Ahead of the Curve* joint report was issued in 2021, emerging public awareness was evident in the occasional article in the mainstream media. Since the introduction of GPT-4 in early 2023, public discourse has increased at a rate comparable to the rate of data creation reported by IBM in 2017. The ability of Open AI’s chatbot to

convincingly communicate in an apparently reasoned way, appears to have caught the public's attention.

The possibility that AI could more efficiently and consistently replicate human reasoning – and consequently replace it – seems to poke at the heart of what it is to be human. Add to that GPT-4's uncanny ability to communicate in a natural way and it could appear there is little more left that public administrators do when they interface with the public.

The lure of AI in public service delivery is understandable, while the risks appear to have been left unattended. Precious little has been developed by governments to protect the citizens who will inevitably be affected by the myriad exploitations of AI imaginable. Unless governments adopt a standard that preserves the principles of privacy and fairness in the development of AI systems, they will be exposing themselves and the public they serve to risks and harms that will be far more difficult to remedy than to prevent.



Notes

- 1 <https://bcombudsperson.ca/assets/media/OMB-GettingAheadoftheCurve-v6.pdf>
- 2 <https://www.canada.ca/en/government/system/digital-government/digital-government-innovations/responsible-use-ai.html>
- 3 <https://ised-isde.canada.ca/site/innovation-better-canada/en/artificial-intelligence-and-data-act>
- 4 <https://artificialintelligenceact.eu/>
- 5 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52021PC0206>
- 6 <https://unesdoc.unesco.org/ark:/48223/pf0000381137>
- 7 <https://www.weforum.org/agenda/2019/08/artificial-intelligence-government-public-sector/>




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Alpheus Todd: Canada's Forgotten Theorist of Parliamentary Government

The first Librarian of the Dominion Parliament, Alpheus Todd, has largely disappeared from Canada's collective memory. In this article, the author notes that despite contemporary praise for his scholarly work and advice on constitutional matters, Todd's works are rarely cited in modern times and are mostly out of print. While being careful not to overstate his contributions to the Québec Conference, Confederation Debates and discussions with Governors General about constitutional matters during critical moments in the first years following Confederation, the author suggests a close reading of primary documents reveals his presence and vision of parliamentary governance. The author concludes that an evaluation of the intellectual origins of the Confederation project must place Todd at the forefront and it is important for historians and constitutional scholars to prevent Todd's contributions from being overlooked and minimized.

Ryan McKinnell

During his voyage home after attending the coronation of Edward VII in 1902, Sir Edward Barton, the first Prime Minister of Australia, was feted in Ottawa by Canada's Governor General, the Earl of Minto. Accompanying Minto on a tour of the Library of Parliament, Barton's travelling companion, Sir John Forrest, the Premier of Western Australia, introduced him to Arthur Hamlyn Todd, the son of Alpheus Todd, the first Librarian of the Dominion Parliament. For the Australians, it was a great honour to shake hands with the son of the former Librarian. As Forrest informed Lord Minto, "You know wherever the British flag flies, every government, every member and every minister is under the deepest obligation to Todd."¹

Why would two senior Australian politicians feel indebted to the Librarian of the Parliament of Canada? Alpheus Todd was not only an accomplished civil

servant, advising legislators, speakers, ministers, and governors general in pre and post-Confederation Canada, but through his scholarship, he established himself as one of the leading (if not greatest) authorities on parliamentary government throughout the British Empire. Indeed, so widespread was Todd's reputation as an expounder of parliamentarianism that his work was consulted by the Japanese officials tasked with devising the 1889 Meiji Constitution. The Emperor himself gave a copy of Todd's *Parliamentary Government in England* to Prince Arisugawa Taruhito upon appointing him to oversee the drafting of the constitution.²

Today Todd is all but forgotten³ in Canada, despite being Confederation's principal theorist and historian of parliamentary government. No studies are dedicated to his thought, with his books rarely cited and long since out of print. Nor is this a recent development. Only 20 years after the encounter between Barton, Forrest, Minto, and Arthur Todd in the Library of Parliament, a biographer complained that so little was known about Alpheus Todd that an effort to procure funds to install a tablet in the Parliamentary Library honouring his memory failed on the first attempt despite the support of the Speaker of the House of Commons.⁴

Ryan McKinnell received his PhD in Political Science from Carleton University. He has taught political science at Carleton University, Concordia University, Memorial University of Newfoundland, St. Francis Xavier University, and the University of Lethbridge.

Not only is the disappearance of Todd from our collective memory unworthy of a great Canadian, but the unfamiliarity with Todd's constitutional writings is also a significant detriment to the study of Canadian parliamentary government and the political theory of Confederation. Todd was the chief constitutional advisor to Canada's political leadership from the 1840s to the 1880s, during the development of the conventions of responsible government and the role of the Governor General. Just as significantly, though unmentioned in the Confederation Debates, the theory of parliamentarianism articulated by Todd provides the philosophical rationale for the defence of the "monarchical principle" and the suspicion of "unbridled democracy" expressed by the Fathers of Confederation. Thus, revisiting the career and work of Alpheus Todd offers us the opportunity to reassess the intellectual foundations of the Canadian parliamentary regime. In the following article, I present an introduction to the life and thought of this extraordinary civil servant as an initial effort in this endeavour.

Born in London on July 30, 1821, Todd emigrated to Upper Canada in 1833 with his family. When barely in his teens, Todd produced the first engraved map of the city of York (Toronto), gaining the attention of Robert Baldwin Sullivan, a prominent lawyer and political figure who secured an appointment to the Library of the House of the Assembly of Upper Canada in 1835 for the self-educated Todd. In addition to formal duties, Todd dedicated himself to studying the origin and practice of parliamentary government. While serving as Assistant Librarian, he published *Practice and Principles of the two Houses of Parliament*, which was adopted for use by the members of the new Legislature of United Canada in 1841. Rising to the position of Librarian of the Legislature in 1856, Todd



Photo: Library and Archives Canada

was tasked with travelling to Europe to acquire books to replace those lost in the burning of Parliament during the 1849 Montreal Riots and again to the 1854 accidental fire of the temporary Parliament in Québec City. Todd returned to Canada with over 17,000 volumes, eventually assembling a collection of over 55,000. With the completion of the new parliamentary library in Ottawa, Todd supervised the collection's transportation to the new capital by river barge. Following Confederation, Todd was appointed Chief Librarian of the Dominion Parliament.⁵

In addition to his principal works, *On Parliamentary Government in England: Its Origin, Development, and Practical Operation* (1867, 1869) and *Parliamentary Government in the British Colonies* (1880), Todd also authored *Brief Suggestions in Regard to the Formation of Local Governments for Upper and Lower Canada*, along with numerous other articles and memoranda. Editions of his books were translated into French, German, Spanish, and Italian. In honour of Todd's accomplishments, Queen Victoria made him a companion of the Order of Saint Michael and Saint George in 1881. The same year, he received an honorary doctor of laws from Queen's University and became a founding member of the Royal Society of Canada in 1882.

He might have received a knighthood if not for the suspected intervention of John A. Macdonald in retribution for criticism Todd levelled against him for the removal of Luc Letellier de St-Just as Lieutenant Governor of Québec in 1878.⁶ Todd died in Ottawa on January 22, 1884.

Admired for his impartiality and the depth of his constitutional knowledge, Todd was regularly called upon to provide expertise and guidance on questions arising from political debates and controversies. Most

significantly, Todd played an essential role as an official and unofficial constitutional advisor during the 1873 Pacific Scandal, which clarified the Governor General's role under responsible government. While Lord Elgin's decision to accept the advice of the Baldwin-LaFontaine Ministry to grant Royal Assent to the 1849 Rebellion Losses Bill – despite his reservations – confirmed the principle of responsible government, in the early years of Confederation, ambiguity remained about the limits of the undefined authority of the Governor General. This incertitude was exemplified by an 1872 article in *The Times* which described the Governor General's role as "something of a constitutional King, something of a Prime Minister, something of a Home Secretary, and last, not least, something of a country gentleman."⁷ Lord Dufferin, who held the viceregal position from 1872 to 1878, reflected this ambiguity. Unsure of his constitutional role, he approached Todd with questions regarding the limits of his authority. At the same time, he was also predisposed to intervene in the political process and became personally close to John A. Macdonald while questioning the competency of the Liberal opposition.⁸

The questions regarding the role of the Governor General came to a head less than a year after Dufferin arrived in Canada. In the spring of 1873, the Liberal opposition accused the Macdonald Conservatives of accepting campaign funds from the shipping magnate Sir Hugh Allen in exchange for the contract to build the Canadian Pacific Railway. In response, Macdonald was forced to accede to convening a parliamentary committee to investigate the allegations. As evidence mounted during the summer that the prime minister was directly involved in the affair, to buy time, Macdonald requested that Lord Dufferin prorogue Parliament and asked for the creation of a Royal Commission to take the place of the parliamentary committee. However, the opposition and press insisted that Dufferin refuse Macdonald's request so that the government could not escape a potential non-confidence vote in the House of Commons. Thus, the Pacific Scandal was the first time since Confederation that the question of whether a Governor General was required to follow the advice of their advisors threatened to escalate into a constitutional crisis.

Conflicted over how to proceed, Lord Dufferin frequently (and often secretly) appealed to Todd for his assistance in navigating the situation. In the late summer and early fall of 1873, a steady stream of letters emerged from the Citadel requesting guidance on the constitutionality of Macdonald's request for

prorogation, the Royal Commission, and the Governor General's authority. We lack Todd's responses, but we can deduce the substance of his advice from the interpretation of the role of the Governor General presented in Todd's *Parliamentary Government in the British Colonies* (which was dedicated to Dufferin). Todd argues that the Governor General is the guardian of the constitutional order and, therefore, in extraordinary circumstances, could make use of reserve powers and refuse to follow the advice of their ministers or dismiss them. Nevertheless, Todd insisted that following the convention of responsible government a Governor General must also be strictly neutral, acting as a mediator between parties, and refraining from interfering in the direction of ministers. This, however, did not reduce the Governor General to a purely ceremonial position. Rather than directly interfering in public business, Todd writes that a constitutional governor's power resides in exercising a moral influence on the political system by encouraging, warning, and advising.⁹

Ultimately, despite intense public criticism, Dufferin concluded that because the government still formally held the confidence of the House, it would be a violation of responsible government to deny Macdonald's request. Behind the scenes, while remaining supportive of Macdonald, Dufferin warned the prime minister that his position was fatally affected by his connection to the scandal.¹⁰ Justifying Dufferin's actions (and his advice), Todd would later write:

The honour of his ministers and the credit of the country were at stake, and it behooved him to be satisfied that none but men of honour and of personal integrity should fill the place of his constitutional advisors, and should wield the authority of the Crown. But he would not hastily assume corruption until it should be proved to exist. He therefore resolved, in the first instance, to leave to Parliament to ascertain the truth or error of the charges, before he pronounced judgment on the question. And when the Parliamentary inquiry temporarily failed upon technical grounds, he promoted and encouraged immediate investigation by means of a Royal Commission, not with intent to withdraw the case from ultimate cognisance and control of the House of Commons, but to enable him to obtain from his ministers in open court those explanations in regard to their conduct which circumstances had rendered necessary, and upon which he had a right to insist. Throughout all these painful and embarrassing events Lord Dufferin never lost sight of the fact that

he possessed reserved powers, amply sufficient for the occasion, whatever might be his final convictions upon the merits of the case.¹¹

When Parliament reconvened in October 1873, support for the Government collapsed, forcing Macdonald to resign without requiring the Governor General to dismiss him. Dufferin called upon Alexander Mackenzie, the Liberal leader, to form a government. Mackenzie did so and won a majority government after going to the polls in early 1874 (though Macdonald and the Conservatives would stage a comeback in 1878). Thus, by relying on indirect influence and leaving the fate of the Macdonald government to the determination of Parliament, Dufferin avoided a constitutional crisis. While Dufferin rightly deserves credit for making the right decision, considering the ambiguity surrounding the authority of the Governor General, it is reasonable to conclude that Todd's counsel buttressed Dufferin's deliberations and contributed to the decision that resulted in the clarification of the Governor General's role under responsible government. When permanent Letters Patent and instructions for future Governors General were established in 1878 under the direction of the Liberal justice minister, Edward Blake, Todd approved of the reform as consistent with his interpretation.

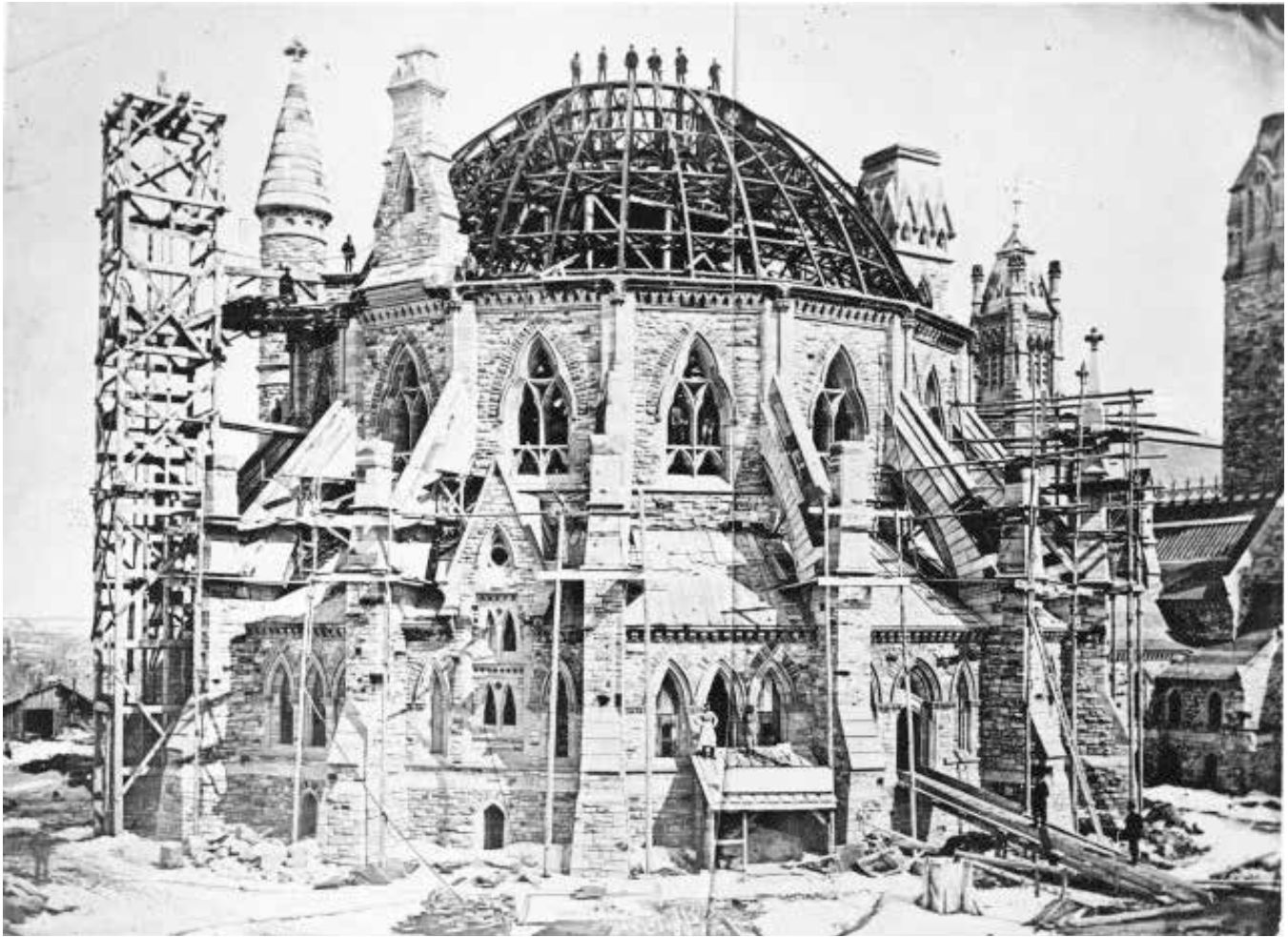
As a constitutional theorist, Todd's reputation derives from his magnum opus, *On Parliamentary Government in England*. Presented in two volumes in 1867 and 1869, Todd published his study out of "a desire to place it in the hands of prominent public men in Canada before the constitution of the new Dominion should be enforced, trusting that it might be helpful in the settlement of various political questions which were likely to arise at that juncture."¹² Since the Fathers of Confederation intended to form "a Constitution similar in Principle to that of the United Kingdom," Todd believed a comprehensive examination of the origins of parliamentary government was required. Like many nineteenth-century proponents of parliamentarianism, Todd was convinced that British parliamentary government could serve as a model for other countries. At the same time, Todd was also cognizant that the institutions and practices of parliamentarism had grown out of a particular history and tradition. Indeed, by the 1860s, attempts to institute parliamentary systems in continental Europe had failed. Notably in France, despite the efforts of parliamentary liberals such as Benjamin Constant and Alexis de Tocqueville, the July Monarchy collapsed in 1848 to be replaced,

first, by the Second Republic and, following Louis-Napoleon Bonaparte's 1851 coup, the Second Empire. Meanwhile, though parliamentary institutions in the British colonies were modelled on those at Westminster, as Todd acknowledged, their success remained an open question. By providing an account of the historical origins of the British constitutional order and offering a detailed examination of the features of the parliamentary form of government, particularly the relationship between the Crown and Parliament, Todd hoped to provide the safest guide to a future attempt at imitating the achievement of parliamentary government.

Further, Todd believed a treatise on parliamentarianism was necessary because the prevailing theory of parliamentary government did not conform with contemporary practice. Previous interpreters, such as the French political philosopher Montesquieu and the English jurist William Blackstone, had characterized the British Constitution as a system of checks and balances. Under this scheme, executive power belongs exclusively to the monarch, legislative power is vested equally in the Crown and the two Houses of Parliament, with each branch enjoying equal rights and the choice of assent to legislative measures. Thus, abuses by one branch are corrected by another's prerogative power. In contrast, Todd argued that since the Glorious Revolution of 1688, the House of Commons had become the centre of power. The result of the Commons' political ascendancy was that the balance between the monarchical, aristocratic, and democratic elements that characterized the traditional English Constitution no longer held. While the Crown still possessed its veto, it was last used in 1708 during the reign of Queen Anne.

Similarly, though the House of Lords remained co-equal with the House of Commons, it had grown increasingly deferential to the will of the lower chamber. Therefore, the constitutional order was altered over the course of 180 years after the Glorious Revolution without formal structural changes. Thus, according to Todd, rather than a system of prerogative or checks and balances, the essential feature of parliamentary government was now the exercise of the powers of the Crown by responsible ministers serving in Parliament, who guide its proceedings and hold their offices only while possessing the confidence of Parliament. In short, responsible government.

The transformation of prerogative government into responsible government caused the creation of a "close union, intimate reciprocal action, effected



Alpheus Todd was a key figure during the Library of Parliament’s formative years.

between the executive and legislative powers.”¹³ While parliamentary government lacks the institutional restraint present in a system of checks and balances, for Todd, harmonizing the executive and legislative powers gives parliamentary government its distinct advantage as a form of government. A system of checks and balances creates a spirit of antagonism between the different constitutional powers, potentially resulting in deadlock or, worst case, descent into the type of political crises that afflicted England before 1688. By harmonizing the executive and legislative powers, “the various excellencies of the monarchical and aristocratic elements have hitherto harmoniously combined, which with those of popular representation, to ensure a vigorous and stable government to promote the national welfare and to maintain the liberty of the subject unimpaired.”¹⁴ In other words, constitutional liberty, prudent deliberation, and competent administration are better

secured by Parliament controlling the executive, with the Crown’s ministers guiding the legislature. Though the centrality of responsible ministers and the principle of “harmony” for parliamentary government were observed by political thinkers such as Edmund Burke and in Canadian constitutional history are most often associated with Lord Durham, it is Todd’s *Parliamentary Government* that provides the most comprehensive account of the development and practice of responsible government.

Finally, Todd’s *Parliamentary Government* is oriented by a significant normative intention. At the time of Confederation, proponents of parliamentarianism feared that calls for expanding the franchise and broader advancement of the democratic spirit posed a threat to the parliamentary framework. Though eighteenth and nineteenth-century theorists of parliamentarianism defended a robust legislative

assembly serving as the “express image” or “mirror of the nation,” this was not the equivalent of constitutional democracy. Indeed, many authors were convinced that universal suffrage would make legislative assemblies less representative. This was grounded in the conviction that the consequence of further democratization would be the supremacy of the majority at the expense of the minority. Fearing that representatives could not withstand the pressures of popular passions, Todd and other parliamentary writers believed that legislatures would become dependent on popular caprice and dominated by popular demagogues. Therefore, the monarchical and aristocratic elements of the constitution would be undermined, resulting in an unrestrained legislature threatening constitutional liberty. Thus, while the legislature’s control and supervision of the executive were necessary to ensure that the executive did not usurp the constitutional order, it was also imperative for the executive to restrain the legislature for the same reason. As Todd argued in the opening pages of *Parliamentary Government*, it was necessary, therefore, “to resist the encroachments of the tide of democratic ascendancy.”¹⁵ Despite these concerns, theorists of parliamentarianism believed that parliamentary government could be modified to accommodate universal suffrage so long as other components were strengthened to curb democratic excess. Todd summarized this aim by stating that “it should be the endeavour of the practical statesman to devise some plan to strengthen the authority of the ministers of the Crown in Parliament *pari passu* with the concession of a reformed and extended franchise.”¹⁶

Perceiving the weak point of parliamentary government in a democratic age to be the feebleness of executive authority, Todd argued that the role of the monarchical principle needed to be vindicated in its proper sphere. Parliament’s function is to exercise control over public administration and interpose upon mismanagement by the executive. Further, servants of the Crown are dependent on “enlightened” public opinion and the confidence of the legislature. However, ministers must also have sufficient power to act by their deliberative judgment. To achieve this end, Todd proposed a series of political mechanisms. Among the most important were conceiving the monarch or constitutional governor as more than a ceremonial appendage to the state and wielding significant moral influence; ensuring an unelected upper house that, while deferential, by being independent of popular election, can revise ill-considered legislation; confining the legislature to the role of a council of deliberation and advice

rather than a council of administration; and finally, ensuring that ministers are strong enough to guide the deliberations of Parliament. Adherence to these principles would result in “a House of Commons wherein the Executive is strong – and wherein the advisors of the crown can administer the government, and guide the course of legislation, upon a definitive policy, known and approved by an adequate majority of that chamber.”¹⁷

Though unmentioned in the minutes of the Québec Conference and the Confederation Debates, it stretches credulity not to discern Todd’s influence (if not his hand) in devising the *British North America Act*. A recurring theme in the Confederation Debates is the rejection of “unbridled democracy” in favour of the “monarchical principle.” Fathers of Confederation such as Cartier, Cartwright, and McGee present the United States as a “universal democracy” incapable of preserving constitutional liberty in contrast to the proposed Canadian Constitution, which the monarchical element would orient. Macdonald insisted that the Crown would initiate all vital legislation to ensure the executive guided deliberations in the legislature. Legislators in all the colonial assemblies defended the appointed Senate as a necessary undemocratic restraint on ill-considered legislation originating in the popular branch, and the presence of the monarch or viceregal representative was celebrated for exerting a moral restraint on party leaders. Meanwhile, opponents of Confederation like A.A. Dorian claimed that the *Québec Resolutions* would result in an illiberal constitution where the influence of the people would be diminished and the Crown strengthened.¹⁸

Of course, it would be a gross exaggeration of Todd’s role to conclude that Macdonald, Cartier, McGee, Brown, and others merely read from a script written by their librarian. However, examining the *Constitution Act, 1867* and the Confederation Debates in conjunction with Todd’s *Parliamentary Government* illuminates the broader philosophic-political context of Confederation. Historians and political scientists often lament that Confederation and Canadian parliamentary government lack a philosophical rationale or foundation, especially in comparison to the American Founding and Constitution. A greater familiarity with the life and work of Alpheus Todd should dispel the notion that the Canadian constitutional order is without theoretical roots, originating merely in the act of political pragmatism. Of course, we may very well disagree with Todd’s assessment of universal suffrage or conclude that

in seeking to resist encroachment by the democratic element, Todd articulated a theory of parliamentarism whose legacy is an overpowerful executive.

Nonetheless, an evaluation of the intellectual origins of the Confederation project must place Todd at the forefront. In the words of Lord Lorne, Governor General from 1878 to 1883, “His constitutional writings will live as a record of what may prove a development of democratic institutions superior to the development at home. Whatever the hidden future will bring, people will turn to what he has said as a light and guidance in the very intricate problem contained in the evolution of popular government.”¹⁹

Notes

- 1 E.R. Cameron, “Alpheus Todd,” *The Canadian Bar Review*, 3:8 (1925), 440.
- 2 Elisa Bertolini, “Western and Japanese Constitutional Thought in the Shaping of the Role of Japanese Emperor in the 1889 and 1945 Constitutions,” *Historia Constitucional*, 19 (2018), 650.
- 3 The Library of Parliament has, however, kept his memory alive within its sphere. The LOP’s information request management system is named ALPHEUS in his honour and its Rare Book Room is known as the Faribault-Todd Room in honour of their roles building the Library’s collection.
- 4 Cameron, “Alpheus Todd,” 440. A plaque was eventually erected in his honour in the small corridor connecting the Library of Parliament to the Hall of Honour in Centre Block.
- 5 Bruce W. Hodgins, “Todd, Alpheus,” in *Dictionary of Canadian Biography*, vol. 11, University of Toronto/Université Laval, 2003-, accessed November 24, 2022.
- 6 Hodgins, “Todd, Alpheus.”
- 7 *Times* (London), 4 April 1872; Barbara J. Messamore, *Canada’s Governors General, 1847-1878: Biography and Constitutional Evolution* (Toronto: University of Toronto Press, 2006), 28.
- 8 Messamore, *Canada’s Governors General*, 148-156.
- 9 Alpheus Todd, *Parliamentary Government in the British Colonies* (London: Longmans, Green and Co., 1880), 582-584.
- 10 Library Archives Canada, Dufferin to Macdonald, private, 19 October 1873; Messamore, *Canada’s Governors General*, 170-171.
- 11 Todd, *Parliamentary Government in the British Colonies*, 446.
- 12 Todd, *On Parliamentary Government in England Its Origin, Development, and Practical Operation*, vol. II (London: Longmans, Green, and Co., 1869), IX.
- 13 Todd, *On Parliamentary Government in England Its Origin, Development, and Practical Operation*, vol. I (London: Longmans, Green, and Co., 1867), 3.
- 14 Todd, *On Parliamentary Government in England*, vol. II, 419.
- 15 Todd, *On Parliamentary Government*, vol. I (London: Longmans, Green, and Co., 1867), x.
- 16 Todd, *On Parliamentary Government*, vol. I, 19.
- 17 Todd, *Parliamentary Government*, vol. II, 420.
- 18 Janet Aizenstat, Paul Romney, Ian Gentles, and William D. Gairdner, *Canada’s Founding Debates* (Toronto: University of Toronto Press, 2003).
- 19 Cameron, “Alpheus Todd,” 442.

The Canadian Scene

New PEI Speaker

On May 12, 2023, **Darlene Compton**, MLA for Belfast – Murray River, was elected as the new Speaker for P.E.I.'s legislative assembly. The 69th Speaker in the province's history (pre- and post-Confederation), she is also the sixth woman to hold the position. Speaker Compton replaces **Colin LaVie**, former MLA for Souris-Elmira, who did not reoffer in the recent general election.



Hon. Darlene Compton

PEI Premier **Dennis King** said the new Speaker "has a strong rapport with all members of the house, is a strong supporter of good governance and respects the role of the legislative branch of government." Premier Dennis King said in a statement.

Speaker Compton was first elected in 2015 and re-elected in 2019 and 2023. While in Opposition she served as the Progressive Conservative House Leader and Critic for Finance, Family and Human Services, and the Status of Women. In 2019 she was appointed Deputy Premier and Minister of Finance and served as Minister responsible for the Status of Women from 2019 – 2020.

Prior to her election, Speaker Compton earned a business degree from Casco Bay College and worked as administrator of the Dr. John Gillis Memorial Lodge. She is a board member for the Belfast Development Corporation and the Belfast Recreation Centre and serves as a director of the Belfast Historical Society.

She lives with her husband Russell in South Pinette and has two grown children.

New Senate Speaker

On May 12, 2023, Manitoba Senator **Raymonde Gagné** became the third woman to serve as Speaker of the Senate. It had been 44 years since a woman occupied the chair.



Hon. Raymonde Gagné

Speaker Gagné, who replaced former Speaker **George Furey** on his retirement from the Chamber, was appointed by Governor General **Mary Simon** on the advice of Prime Minister **Justin Trudeau**.

Initially opting to sit as a member of the Independent Senators Group, she changed her status to non-affiliated in 2020 when she was appointed Deputy to the Representative of the Government in the Senate, **Marc Gold**.

Prior to joining the Senate in 2016, Speaker Gagné worked in the education sector for 35 years, including time as a high school teacher and principal. Serving as president of Winnipeg's Université de Saint-Boniface from 2003 to 2014, she managed the institution's transition from a college to a university and spearheaded the largest fundraising campaign in its history. The funds raised were used to construct a new health sciences building, to expand research capacity and to increase the institution's scholarship and bursary program.

A strong advocate for minority language rights, a statement from the prime minister announcing her appointment lauded her reputation for productivity, objectivity and fairness. The prime minister expressed his confidence in her ability to uphold Canadians' confidence in their democratic institutions.

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*As of July 1, 2023

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New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (March 2023 – May 2023).

Bélanger, Danièle, Laurence Simard-Gagnon, Adèle Garnier, and Gabriel Bergevin-Estable. "Immigration Emergency Rooms - Constituency Offices and Staff as the front line of immigration to Canada. » *World Migration Dynamics* 22p, April 2023.

- ...immigration files constitute an important part of the work of constituency staff, especially in urban ridings, where the proportion of the immigrant population is higher than elsewhere. In many constituency offices, one or more constituency assistants are dedicated full-time to immigration.

Bowden, J.W.J. "Party discipline & the King Doctrine." *The Dorchester Review* 12 (2): 47-58, Autumn/Winter 2022.

- Canada's ironclad controls are beginning to rust out.

Bowden, J.W.J. "The ever-expanding House of Commons and the decennial debate over representation by population." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 17 (1): 101-, March/mars 2023.

- In 2022, the House of Commons considered two superficially similar bills to amend the Representation Formula in section 51(1) of the *Constitution Act, 1867*. But they were, in fact, radically different...these two competing bills represent two conflicting theories on the purpose and nature of political representation in Canada and a debate which ultimately extends back to Confederation: liberalism, based on individualism and equality of votes between individuals, and communitarianism based on representation of communities, economic units, regions, or peoples.

Dutil, Patrice. "Crisis of cabinet government - The essence of our system is at stake." *The Dorchester Review* 12 (1): 42-51, Spring/Summer 2022.

- The practice of cabinet government has been in crisis for years: its machinery and spirit need to be relearned, updated, and improved.

Feldman, Charlie. "Federalism review in Parliament: scrutiny mechanisms describe." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 17 (1): 139-, March/mars 2023.

- Both federal and provincial legislators in Canada are confronted with questions about whether the bills before them are *intra vires* given sections 91 and 92 of the *Constitution Act, 1867*. This reality was vividly illustrated during a debate in which the Prime Minister implored parliamentarians to defeat a bill on the grounds that it encroached provincial legislative authority. The legislation passed Parliament and was found *ultra vires* by Quebec's Court of Appeal, only to have its constitutionality later confirmed by the Supreme Court of Canada. Whether the Parliament of Canada - under section 91 - or the legislative assembly of a province - under section 92 - possesses legislative authority in a particular instance can prove to be an extremely vexing question of law...

Hynes, Aaron. "How to reinvigorate the Senate." *The Dorchester Review* 12 (1): 52-61, Spring/Summer 2022.

- To restore the Upper House to its proper role, it must be elected.

Keyes, John Mark. "Parliamentary scrutiny and judicial review of executive legislation - Is it working in Canada?" *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 17 (1): 191-, March/mars 2023.

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

Leston-Bandeira, Cristina. "How public engagement has become a must for parliaments in today's democracies." *Australasian Parliamentary Review* 37 (2): 8-16, Spring/Summer 2022.

- This short text outlines why public engagement should be seen as a core activity together with parliaments' other core roles such as law-making, scrutiny and representation.

Olson, Kari. "Saskatchewan Hansard celebrates 75 years of parliamentary reporting." *The Parliamentarian - Journal of the Parliaments of the Commonwealth* 104 (1): 64-5, 2023.

- A Commonwealth first at the Legislative Assembly of Saskatchewan.

Pepall, John. "The distorted way we choose our leaders." *The Dorchester Review* 12 (2): 59-65, Autumn/Winter 2022.

- What is democratic about allowing a few hundred thousand self-selected or press-ganged party members to 'choose our next Prime Minister,' as the candidates claimed?

Soroski, John. "Trudeau's Eleven: the SNC-Lavalin affair as a demonstration of techniques and approaches of behind the scenes political persuasion." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 17 (1): 41-, March/mars 2023.

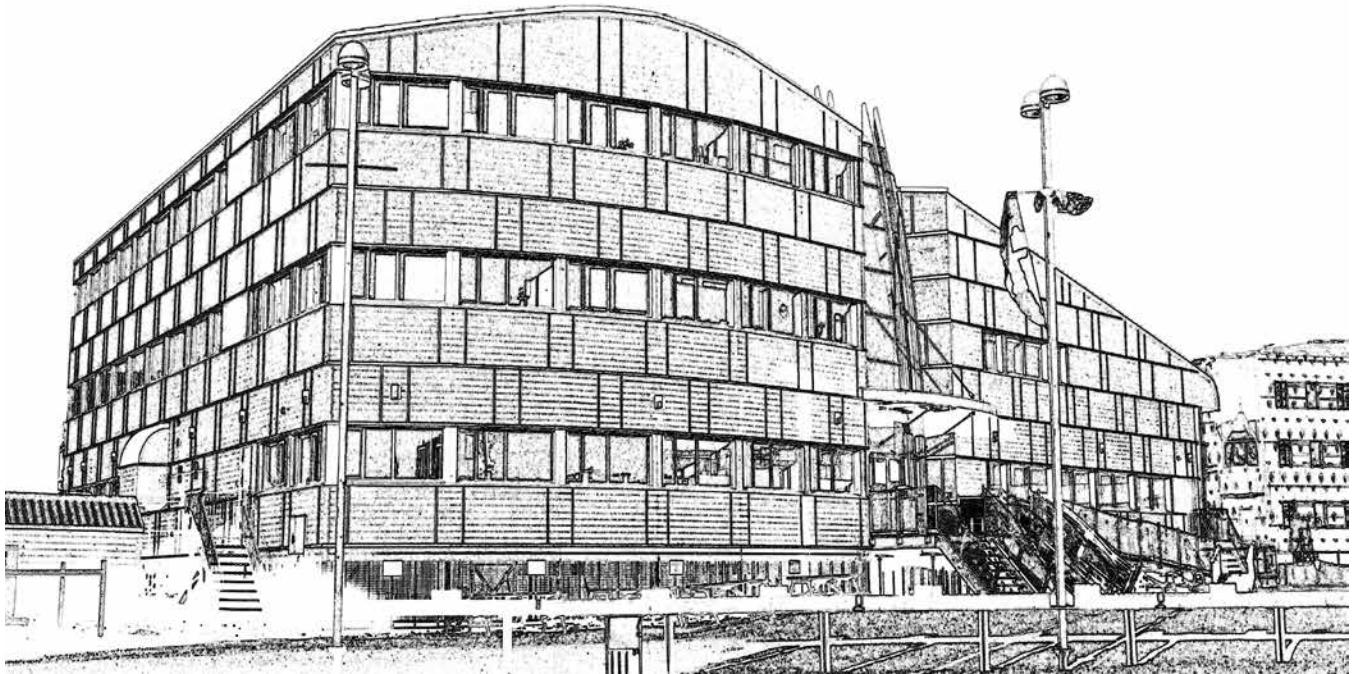
- ...more profoundly at issue in the Wilson-Raybould affair were questions about the role of the office of the Attorney-General and its relationship to the rest of government. As the apex legal officer and overseer of federal prosecutions in Canada, the AG is understood to have a responsibility to act independently of Cabinet and to exercise her discretion according to her own understanding of the principles at play. However, since the role is played by the person who is at the same time the Minister of Justice, the actor is unsurprisingly potentially subject to the everyday input associated with intra-Cabinet politics...

Speel, Robert W., Inwood, Gregory J. "Disruption and routine: choosing a Speaker in the United States compared to Canada." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 17 (1): 7-, March/mars 2023.

- The election for the Speaker of the US House of Representatives in January 2023 was one of the most disruptive and contentious such elections in American political history. Elections for the Speaker of the House of Commons, in contrast, have to date remained routinized and orderly. The recent American experience creates an opportunity to compare the selection process and roles of legislative Speakers in the United States to the process in Canada. That election and the differences between the two countries can also provide some clues about the current and future state of democracy in both countries.

Russell, Meg. "House of Lords reform: navigating the obstacles." Constitution Unit/ Institute for Government/Bennett Institute for Public Policy 40p, March 2023.

- This paper goes beyond knee-jerk reactions to the House of Lords, to explore what the institution does, how it has evolved, what proposals for change have been put forward and what the key reform objectives and priorities should be. In doing so, it also touches on what experience from other bicameral parliaments can teach us.



Nunavut

House Proceedings

The fall 2022 sitting of the 2nd Session of the 6th Legislative Assembly convened on October 26, 2022, and concluded on November 8, 2022. The proceedings of the Committee of the Whole during the fall 2022 sitting were dominated by the consideration of the government's proposed 2023-2024 capital estimates.

Six bills received Assent during the fall 2022 sitting:

- Bill 4, *Liquor Tax Act*;
- Bill 8, *Supplementary Appropriation (Capital) Act, No. 2, 2022-2023*;
- Bill 9, *Write-Off of Assets Act, 2021-2022*;
- Bill 10, *Appropriation (Capital) Act, 2023-2024*;
- Bill 11, *Miscellaneous Statutes Amendment Act*; and
- Bill 15, *An Act to Amend the Legislative Assembly and Executive Council Act*.

Bill 15 was introduced as a House Bill under the authority of the Legislative Assembly's Management and Services Board. Speaker **Tony Akoak** appeared before the Committee of the Whole on the occasion of its clause-by-clause consideration of the bill. Bill 15 amended the *Legislative Assembly and Executive Council*

Act to update the wording of the prescribed Oath of Allegiance to reflect the passing of **Queen Elizabeth II**.

The winter 2023 sitting of the 2nd Session of the 6th Legislative Assembly convened on February 22, 2023, and concluded on March 14, 2023. The proceedings of the Committee of the Whole during the winter 2023 sitting were dominated by the consideration of the government's proposed 2023-2024 main estimates.

Eight bills received Assent during the winter 2023 sitting:

- Bill 12, *An Act to Amend the Commissioner's Land Act*;
- Bill 14, *An Act to Amend the Northern Employee Benefits Services Pension Plan Act*;
- Bill 16, *Supplementary Appropriation (Operations and Maintenance) Act, No. 1, 2022-2023*;
- Bill 17, *Supplementary Appropriation (Capital) Act, No. 1, 2023-2024*;
- Bill 18, *Appropriation (Operations and Maintenance) Act, 2023-2024*;
- Bill 19, *An Act to Amend the Income Tax Act*;
- Bill 20, *An Act to Amend the Public Service Act*; and
- Bill 21, *Supplementary Appropriation (Capital) Act, No. 3, 2022-2023*.

Committee Hearing

From September 26-27, 2022, the Standing Committee on Oversight of Government Operations and Public Accounts held a televised hearing on the 2020-2021 and 2021-2022 annual reports of the Information and Privacy Commissioner of Nunavut, **Graham Steele**. Standing Committee Chair and Iqaluit-Tasiluk MLA **George Hickes** subsequently presented the standing committee's report to the House at its sitting of November 8, 2022.

Establishment of Electoral Boundaries Commission

Section 14 of the *Nunavut Elections Act* requires that an electoral boundaries commission "must be established for Nunavut every 10 years commencing in 2022." The last electoral boundaries commission was established in 2010. Its final report was tabled in the Legislative Assembly on September 28, 2011.

A motion was unanimously passed by the Legislative Assembly at its sitting of October 26, 2022, to appoint Justice **Susan Cooper** as presiding member of the Electoral Boundaries Commission. Justice Cooper sits on the Nunavut Court of Justice and is a former Law Clerk and Parliamentary Counsel to the Legislative Assembly. The other members of the Electoral Boundaries Commission are **Michael Hughson** of Baker Lake and **John Maurice** of Iqaluit.

Resignation of Member of the Executive Council

During the Legislative Assembly's sitting of March 9, 2023, Minister of Justice and Baker Lake MLA **Craig Simailak** announced his resignation from the Executive Council. The Minister's statement cited work-life balance in respect to his decision.

Following deliberations by the Legislative Assembly's Full Caucus, Chairperson and Arviat South MLA **Joe Savikataaq** announced that the decision had been taken not to select a new Minister.

Acting Table Officers

During the winter 2023 sitting, the Nunavut Table was ably assisted by Northwest Territories Clerk of Journals **Michael Ball** from February 22, 2023-March 10, 2023, and Deputy Clerk **Glen Rutland** from March 13-14, 2023. Messrs. Ball and Rutland served in acting capacities during the temporary absence of the Clerk.

Passing of Former Member

On April 17, 2023, Speaker Akoak released a statement concerning the passing of **Rebekah Uqi Williams**, former Member for Quttiktuq. The community flags of Arctic Bay, Grise Fiord and Resolute Bay were half-masted at the Legislative Assembly Precinct in honour of her passing. Speaker Akoak's statement noted Ms. Williams's distinguished record of public service, including her tenure as Deputy Commissioner of Nunavut from 2019 to 2022.

Alex Baldwin

Office of the Legislative Assembly of Nunavut



Alberta

Fourth Session of the 30th Legislature

The spring sitting of the Fourth Session of the 30th Legislature began on February 28, 2023. That afternoon, following the transmittal of the estimates for the fiscal year ending March 31, 2024, and the tabling of the budget documents by **Travis Toews**, MLA, President of Treasury Board and Minister of Finance, the Assembly adjourned until March 6, 2023. The main estimates were considered by the three Legislative Policy Committees, starting on the evening of March 6 and continuing until the afternoon of March 16, when the vote on the estimates occurred in Committee of Supply.

The spring sitting adjourned on March 23, a week earlier than indicated on the sessional calendar. Under Alberta's fixed election date legislation the next provincial general election is to be held on May 29. Therefore, the writ of election is anticipated to be issued on May 1.

Budget 2023-24

The Alberta budget forecasts a surplus of \$2.4 billion in 2023-24. Highlights of the province's budget include record-high funding for health care, with initiatives to reduce wait times, recruit front-line staff, and build or improve healthcare facilities. Other budget priorities include funding for public safety initiatives, affordability programs to support families and vulnerable populations, and investments in workforce training and rural economic development.

Bill 10

On March 9, Mr. Toews introduced Bill 10, *Financial Statutes Amendment Act, 2023*, for first reading. The Bill proposed legislative amendments to almost a dozen Acts and sought to implement components of Budget 2023. Highlights of the Bill include:

- Mandating balanced budgets and policies for the allocation of surplus cash;
- Implementing a two per cent cap on tuition increases;
- Developing an agriprocessing tax credit program;
- Tying municipal funding to provincial revenues; and
- Permitting all of the investment income earned by the Alberta Heritage Savings Trust Fund to remain within the Fund.

The Bill received third reading on March 23.

Bill 204

Bill 204, *Missing Persons (Silver Alert) Amendment Act, 2022*, sponsored by **Mark Smith**, MLA, Drayton Valley-Devon, received third reading on March 22, with support from all sides of the Assembly. The Bill proposes a "Silver Alert" notification system that would function in a manner similar to the current Amber Alert system and would be deployed when a senior citizen or an adult with cognitive impairment goes missing. To address the challenges of early onset Alzheimer's disease, the Bill identifies seniors as those individuals 55 years of age or older. A similar Private Member's Public Bill, also sponsored by Mr. Smith, received royal assent in 2017, but it did not come into force after the Government's legal experts determined that the proposed changes could give police access to information in a manner not in accordance with the *Missing Persons Act*. The current Bill responds to concerns raised by the 2017 proposal and introduces legislative amendments that are consistent with the privacy protection found in the *Missing Persons Act*.

Composition of the Assembly

With no cabinet changes, by-elections, or resignations since January 2023, the current composition of the Assembly remains at 60 members of the United Conservative Party, 23 members of the New Democratic Party and two independent MLAs. Two seats remain vacant, both of which are constituencies in the city of Calgary.

Alberta Hansard Special Edition

On March 22, a special edition of *Alberta Hansard* was provided to all Members of the Assembly. A reminder of the special sitting held on September 15, 2022, following the passing of **Queen Elizabeth II**, the special edition features photographs from both the special sitting and the outdoor memorial ceremony that followed days later. It also includes a collection of images reflecting the Queen's life and work. Speaker **Nathan M. Cooper** noted that the special edition *Alberta Hansard* had been produced specifically for Members and stated, "I hope that this keepsake will be a treasured reminder of your service to the Queen and to the province."

Committee Business

Traditionally, the Standing Committee on Public Accounts meets when the Assembly is sitting; however, because of the brief spring sitting and budget debates, the Committee held a planning meeting and two out-of-session meetings to meet with the Ministries of Justice, Jobs, Economy and Northern Development, and Trade, Immigration and Multiculturalism.

On December 14, 2022, the Assembly referred the 2021-2022 annual report of the Office of the Child and Youth Advocate to the Standing Committee on Legislative Offices for review. The Committee met with the Advocate, received presentations from four ministries, and requested written updates from three other ministries. The Committee released its report on February 26, 2023 and recommended that the "Office of the Child and Youth Advocate and relevant ministries work together to identify ways to improve the outcomes for children and youth in care in Alberta."

The Standing Committee on Private Bills received one petition; however, the short spring sitting and pending provincial election expected to occur in May did not allow the time needed for the Committee to complete its consideration of the matter.

Renovations to North Grounds

Alberta Infrastructure will be upgrading and redesigning portions of the northern sections of the Legislature Grounds. Three drawings to illustrate options for redeveloping the wading pools in the north plaza were released for public input through an online survey. The selected design will be announced prior to commencing work on the site. The project will also include improvements to the walkways and refurbishments to the reflecting pool and dome fountain; however, these upgrades are not expected to impact the appearance of these facilities. The anticipated timeline for the project is the spring of 2023 through the summer of 2024.

Jody Rempel
Committee Clerk



Saskatchewan

Promotions

Prior to the opening of the spring sitting, a number of promotions occurred within the Legislative Assembly Service. **Kathy Burianyk** was promoted from Principal Clerk to Deputy Clerk, while **Rob Park** was promoted from Clerk Assistant to Principal Clerk. Meanwhile, **Lyall Frederiksen** was appointed Sergeant-at-Arms following the resignation of **Sean Darling**. **John Ford** succeeded Mr. Frederiksen as Deputy Sergeant-at-Arms.

Spring sitting of the third session of the twenty-ninth legislature

The spring sitting of the third session of the twenty-ninth legislature began on March 6, 2023. The Assembly will sit for 40 days before adjourning on the Thursday before Victoria Day, in accordance with the parliamentary calendar.

At the time of writing, the Assembly had passed 13 bills in the spring sitting. Among these was Bill No. 88, *The Saskatchewan First Act*, which, after five hours of consideration in committee, received third reading on March 16, 2023, on a recorded division of 40-11.

Member resignations

Two Members of the Legislative Assembly resigned their seats in the Assembly this year. **Mark Docherty**, MLA for Regina Coronation Park, resigned his seat during the intersessional period on February 10, 2023. **Lyle Stewart**, MLA for Lumsden-Morse, announced his resignation, effective March 10, 2023, on the first day of the spring sitting, citing health concerns. Both Members were part of the government caucus, representing the Saskatchewan Party.

Passing of a member

Derek Meyers, MLA for Regina Walsh Acres, passed away after an illness on March 28, 2023, at the age of 45. He had been serving in the Legislative Assembly as a member of the government (Saskatchewan Party) caucus since his election in 2020.

On March 28, 2023, Deputy Premier **Donna Harpauer** rose after prayers and informed the Assembly of Mr. Meyers' passing. Members agreed to forego routine proceedings and orders of the day, and the Assembly adjourned immediately. Mr. Meyers' desk was draped with the Saskatchewan flag, and a memorial tribute consisting of flowers and a photo was placed on the desktop. A memorial display and book of condolences were also set up in the rotunda, and flags at the Legislative Building were lowered to half-mast.

The following day, by unanimous consent of the Assembly, the Assembly's regular orders of business were again suspended so that condolences could be offered for the late Member. Premier **Scott Moe**, Opposition Leader **Carla Beck**, and 28 other Members from both sides of the aisle offered statements of condolence. A transmittal motion was subsequently passed for transcripts of the tributes to be transmitted to the late Member's family by the Speaker.

Upcoming by-elections

The composition of the Legislative Assembly is now 45 Saskatchewan Party members, 12 New Democratic Party members, one independent (Saskatchewan United Party) member, and three vacancies. Saskatchewan legislation stipulates that a

by-election must be held within six months of a seat in the Assembly being vacated. By-election dates for the three vacant seats have not yet been announced.

Budget

The Finance Minister, Ms. Harpauer presented the province's 2023-24 budget on Wednesday, March 22, 2023. The budget, titled *Growth that Works for Everyone*, contained no new taxes or tax increases and projected a \$1 billion surplus. "Saskatchewan is growing at its fastest pace in more than a century," said Minister Harpauer. "This budget is designed to ensure that growth continues and that it's growth that works for everyone." Highlights included investment into priority programs and services in health care, education, social services, and the protection of people and property.

The opposition called the budget out of touch and criticized the government for not doing more to address current pressures facing Saskatchewan residents. On March 23, 2023, Finance critic **Trent Wotherspoon** moved an amendment in opposition to the budgetary policy of the government "because it fails to provide cost-of-living relief for families, fails to make needed investments in health care and education; and further, that the Assembly has lost confidence in the government."

The *Rules and Procedures of the Legislative Assembly of Saskatchewan* allow the Assembly to spend up to five days debating the budget motion and any proposed amendments. However, due to the death of a sitting Member on March 28, 2023 and the Assembly's subsequent alteration of business, the budget and the amendment were instead voted off on March 30, 2023 after three days of consideration. The amendment was defeated and the budget motion was passed, both on recorded division. The estimates were automatically committed to their respective committees for consideration.

Notable Speaker's ruling

On March 7, 2023, Opposition House Leader **Nicole Sarauer** raised a point of order alleging that Government House Leader **Jeremy Harrison** had used numerous unparliamentary phrases during question period including "fake news," "misinformation," "misrepresenting," and "alternative facts." Speaker **Randy Weekes** took the matter under review and ruled the following day that words that impute intentional falsehoods are inflammatory, provocative, and thus

unparliamentary. The Government House Leader was accordingly asked to withdraw his remarks and apologize, which he did.

Later that day, the Opposition House Leader raised another point of order alleging that the Minister of Finance had used the term "alternative facts" during question period, which she stated was a term the Speaker had deemed out of order in his ruling earlier that day. In response, the Government House Leader argued that the Speaker had not referred specifically to that term in his ruling. The Speaker again committed to reviewing the matter.

On March 9, 2023, the Speaker delivered his ruling, stating that certain words have been used in political speech and are widely recognized as labels that insinuate misrepresentation of the truth. He reiterated that accusing other members of being purposely untruthful is unparliamentary. While the Speaker did not ask anyone to apologize, he cautioned all members to be respectful and specified that terms such as "alternative facts," "misinformation," and any other term calling into question the integrity of a member would be ruled unparliamentary going forward. The ruling received broad attention from the media in the days that followed.

Board of Internal Economy directive changes

On March 21, 2023, Speaker Weekes, Chair of the Board of Internal Economy (BOIE), announced that the Board had approved changes to Members' annual indemnity. Members had been due to receive a 6.6 per cent pay increase on April 1, 2023 under the existing formula-based system, which was tied to the consumer price index. However, the changes made to directives #17.2, #19, and #21 limit the formula by imposing a 0 per cent minimum and a 3 per cent maximum.

Presiding Officers Conference held in Saskatchewan

Speaker Weekes, with the assistance of the Legislative Assembly Service, hosted the 39th Canadian Presiding Officers Conference in Regina from February 2 to 5, 2023. Speakers and Clerks attended from across the country, and business sessions were held on a variety of topics, such as e-parliaments, refusals to take the oath of allegiance, security, diversity in parliamentary institutions, and the Speakership.

Miranda Gudereit
Procedural Assistant



British Columbia

This account covers the period from December 14, 2022 to March 31, 2023.

New Session

The Third Session of the 42nd Parliament was prorogued on the morning of February 6, 2023. The Fourth Session began that afternoon with the delivery of the Speech from the Throne by the Lieutenant Governor, **Janet Austin**. The Speech from the Throne outlined the government's agenda to tackle the challenges of rising costs, affordable housing, healthcare, and climate change.

Following the Speech from the Throne, the Legislative Assembly adopted a Sessional Order enabling the continuation of hybrid virtual and in-person proceedings of the House, similar to those adopted since June 2020.

BC NDP Members **Spencer Chandra Herbert** and **Ronna-Rae Leonard** were reappointed as Deputy Speaker and Deputy Chair of the Committee of the Whole, respectively. BC Liberal Party Member **Jackie Tegart** was reappointed Assistant Deputy Speaker.

On February 9, 2023, the Legislative Assembly amended Standing Order 25, so that Private Members' motions are considered before Private Members' bills. Standing Order 25 outlines the daily routine business of the House and allocates Monday from 10 a.m. to 12 p.m. to be Private Members' Time. The procedural change aligns the Standing Orders with the practice of the House for the last two decades.

As in previous years, on February 28, 2023, the Legislative Assembly adopted a Sessional Order

authorizing proceedings of the House to be undertaken in three concurrent sections.

Budget 2023-24 Presentation

The Minister of Finance, **Katrine Conroy**, presented the 2023-24 provincial budget on February 28, 2023. The budget focused on initiatives to improve healthcare and mental health care, increase the supply of affordable housing, provide workers with skills to secure employment, and create an environmentally sustainable economy. The Official Opposition Critic for Finance, **Peter Milobar**, expressed concern about projected budget deficits over the next three years, the shortage of affordable housing, and the need to support investment and job creation. The Leader of the Third Party, **Sonia Furstenau**, called for more funding to address climate change and criticized the use of Gross Domestic Product to measure the budget's success.

Estimates

The budget presentation was accompanied by the tabling of Supplementary Estimates for the 2022-23 fiscal year and Main Estimates for the 2023-24 fiscal year. The Supplementary Estimates of nine government ministries totaling \$2.7 billion were considered in Committee of Supply for over 33 hours and Bill 9, *Supply Act, 2022–2023 (Supplementary Estimates)* was introduced and adopted on March 8, 2023. Consideration of the Main Estimates began on March 9, 2023.

Party Standings

On February 9, 2023 and February 22, 2023, former Premier **John Horgan** and Minister without Portfolio **Melanie Mark** addressed the Legislative Assembly to deliver farewell remarks. Their intention to resign from their positions as the Member for Langford-Juan de Fuca and the Member for Vancouver-Mount Pleasant, respectively, had been known outside the Chamber. As noted in previous publications, Mr. Horgan resigned as Leader of the BC NDP on October 21, 2022 and was succeeded as Premier by **David Eby** on November 18, 2022. Mr. Horgan reflected fondly on his decades working in politics and celebrated the collaborative work that was accomplished in the House during the pandemic and extreme weather events in recent years. Ms. Mark was first elected in 2016 and was the first First Nations woman to serve as a Member of the Legislative Assembly. In 2017, she became the first First Nations woman to hold a Cabinet position. Ms. Mark cited the difficulties of serving as a woman and,

particularly, an Indigenous woman in the Legislative Assembly as a contributing factor to her resignation. Mr. Horgan formally resigned on March 31, 2023; the provincial *Constitution Act* requires by-elections to be held within six months of the resignation of a Member. It is anticipated that Ms. Mark will resign in the near future.

On February 16, 2023, Independent Member, **John Rustad**, joined the Conservative Party of BC, the only Member representing the party, and subsequently announced his intention to seek the party's leadership. Mr. Rustad was acclaimed Leader of the Conservative Party of BC on March 31, 2023. The provincial *Constitution Act* provides that a political party must be comprised of two or more Members to be a recognized political party in the Legislative Assembly.

Party standings are 56 BC NDP, 27 BC Liberal Party, two BC Green Party, one Independent, and one vacant.

Committee Business

On February 21, 2023, the Legislative Assembly adopted the terms of reference for the Select Standing Committee of Finance and Government Services. There is a new addition to the sessional terms of reference as it now empowers the Committee to consider and make decisions, on behalf of the Legislative Assembly, regarding the terms and conditions of employment of any statutory officer by request of a statutory officer during their term of appointment. The Committee is one of 10 select standing committees and is responsible for general legislative oversight of BC's nine statutory officers, including considering and making recommendations on annual reports, service plans, and budget submissions.

Speaker's Ruling

On February 22, 2023, **Todd Stone**, Official Opposition House Leader, sought leave pursuant to Standing Order 35 to move adjournment of the House to discuss the healthcare crisis in British Columbia as a matter of urgent public importance. **Raj Chouhan**, Speaker of the Legislative Assembly, noted that the Standing Order requires that a matter of urgent public importance must involve new or unexpected events requiring the House to suspend all other business for an emergency debate. He ruled that the general issue of the province's healthcare challenges did not meet this threshold, and indicated that there were ongoing opportunities for the House to discuss the provincial healthcare situation.

Legislation

On March 9, 2023, the Legislative Assembly adopted Bill 2, *National Day for Truth and Reconciliation Act*. The Bill establishes the National Day for Truth and Reconciliation as a statutory holiday in the province to be observed every September 30, starting this year, in alignment with the federal statutory holiday. In 2021 and 2022, as an interim measure, the provincial government advised all public employers to observe September 30 as a day of remembrance and reflection. The Legislative Assembly Management Committee (LAMC) aligned with this approach and recognized September 30 as a workplace day of commemoration for all employee groups within the Legislative Assembly, treated as a statutory holiday for administrative purposes.

Tsawwassen First Nation Final Agreement Amending Agreement (No. 2)

On March 27, 2023, the Legislative Assembly considered the Tsawwassen First Nation Final Agreement Amending Agreement (No. 2) in a Committee of the Whole and subsequently consented to the Agreement by way of a resolution of the House. The Agreement reinstates a federal and provincial tax exemption for Tsawwassen First Nation members on reserve lands, and was reached through collaboration with the federal government, provincial government, and the Tsawwassen First Nation. **Valerie Cross (Chemkwaat)**, Executive Councillor of the Tsawwassen First Nation and Squiql (Speaker) of the Tsawwassen Legislature, made an address from the floor of the House regarding the importance of the Agreement.

Legislative Assembly Management Committee (LAMC)

As noted in the last Legislative Report, LAMC began consideration of the 2023-24 Legislative Assembly budget submission at its December 13, 2022 meeting. At its January 13, 2023 meeting, LAMC concluded its consideration and approved the budget submission. The budget was prepared in consultation with Members and caucuses and aligns funding with the *Legislative Assembly Administration Strategic Plan*, in addition to the organizational risk profile, strategic priority investment areas and the need to sustain core operations. The budget provides funding for a new Client Services department to serve as a single point-of-contact for Members and their staff to receive services and support provided by Administration departments.

The budget also makes significant investments to:

- improve Members' safety and security, including safeguards at constituency offices;
- modernize digital and information technology infrastructure; and
- support a healthy workplace culture through reconciliation and diversity, equity, inclusion, and accessibility initiatives.

The 2023-24 budget also includes several inflation-based increases, including cost of living increases for staff. The Constituency Office Allowance and the Capital City Living Allowance for Members living outside the Capital Region District were also adjusted in line with the BC Consumer Price Index.

Jesse Gordon
Committee Researcher



Manitoba

5th Session of the 42nd Legislature – Spring Sitting

The Fifth Session of the 42nd Legislature resumed on March 1, 2023 commencing the last sitting period before the scheduled October 3, 2023 general election.

The Government introduced a number of bills this session addressing different areas of governance. A total of 31 of these bills were introduced in time to meet the criteria for Specified bill status and are therefore guaranteed to have all questions put before June 1 (subject to the right of the Opposition designating five of those bills to be delayed until the fall). The legislative agenda includes:

Bill 9 – *The Liquor, Gaming and Cannabis Control Amendment and Manitoba Liquor and Lotteries Corporation Amendment Act*, which would allow an existing retail beer vendor or specialty wine store operator that wants to expand the products they

sell may enter into an agreement with the Manitoba Liquor and Lotteries Corporation and obtain a licence that authorizes the sale of other types of liquor from their current premises;

Bill 16 – *The Domestic Violence and Stalking Amendment Act* amends *The Domestic Violence and Stalking Act*, which would clarify that a protection order may include provisions that enable the parties to the order to attend a family arbitration, family dispute resolution activities and supervised child visitations and transfers;

Bill 17 – *The Regulated Health Professions Amendment Act (2)* amends *The Regulated Health Professions Act*, which would extend a Minister's powers relating to inquiries, directives and orders to the regulatory colleges and associations of health professions that are not yet governed under the *Act*;

Bill 18 – *The Legislative Security Amendment Act*, which would amend *The Legislative Security Act* to add a portion of Memorial Park to the legislative precinct;

Bill 20 – *The Conflict of Interest (Members and Ministers) Amendment Act*, which would amend *The Conflict of Interest (Members and Ministers) Act* as follows:

- Reports concerning gifts, benefits and private air travel are made public;
- Securities or stocks that a Minister entrusts to another person are excluded from the Minister's disclosure statement; and,
- Records that become public under the *Act* are not subject to destruction.

Bill 23 – *The Vulnerable Persons Living with a Mental Disability Amendment Act*, which would require the executive director to inform an adult living with an intellectual disability and their substitute decision maker or committee about any reports made about the possible abuse or neglect of the adult. The executive director must attempt to determine and accommodate the adult's wishes respecting the conduct of the investigation.

The Bill provides that the amended *Act* must be reviewed for effectiveness within five years and every 10 years and the *Act* also made numerous changes to various definitions including:

- "vulnerable person" is replaced with "adult living with an intellectual disability";

- “mental disability” is replaced with “intellectual disability”;
- “abuse” identifies conduct that constitutes physical, emotional, psychological, sexual or property abuse. Such conduct is not required to cause serious physical or psychological harm to be considered abuse; and,
- “neglect” now includes acts or omissions that cause physical or psychological harm even if the harm is not serious.

Bill 27 – The Intimate Image Protection Amendment Act amends *The Intimate Image Protection Act*, which would shift the burden of proof in an action for the non-consensual distribution of an intimate image. The distribution of an intimate image of a person would be presumed to have occurred without their consent. A person who distributed the intimate image would need to establish that they had reasonable grounds to believe that they had consent from the person in the image to distribute that image;

Bill 32 – An Act respecting Child and Family Services (Indigenous Jurisdiction and Related Amendments), which would make numerous amendments to affirm the right of First Nations, Inuit and Métis peoples to exercise jurisdiction in relation to child and family services and sets out a framework for coordinated service provision. Some of the changes would allow for The Advocate for Children and Youth to collaborate on reviews and investigations with persons and entities who perform similar functions under Indigenous laws. Except in specific circumstances, the Advocate is not authorized to review or investigate services provided to a child or young adult under *The Child and Family Services Act* if an applicable Indigenous law is in effect.

At the date of this submission, the Official Opposition indicated that *Bill 33 – The Addiction Services Act*, would be designated as one of the five Bills it is entitled to delay under Manitoba’s Rules until the Fall sitting. Given that Manitoba has a general election scheduled for October 3, 2023, the House will not have a Fall sitting this year so this designation effectively ensures that the Bill will not pass in this Legislature. Bill 33 would establish that a licence is required to provide addiction services that involve overnight accommodation, supervised consumption services and withdrawal management services to people with substance use addictions. The Bill met with vocal opposition from some community organizations and the Official Opposition NDP announced the Bill’s designation in early April.

Budget Debate

On March 7, 2023, Finance Minister **Cliff Cullen** delivered his first budget, which included the following highlights:

- an unprecedented \$1.8 billion in affordability and tax measures while bolstering vital programs and services Manitobans most rely on with a record-setting investment of \$2 billion;
- the largest personal income tax reduction in Manitoba history. Changes to the Provincial Basic Personal Amount will ensure that Manitobans do not pay a cent of income tax on the first \$15,000 they earn in 2023. This measure alone will save the average two-income family over \$1,000 and will remove 47,400 low-income Manitobans from the tax rolls. Changes to tax bracket thresholds in 2024 will provide even greater savings for Manitobans. These changes include increasing the Education Property Tax Rebate to 37.5 per cent in 2022 and 50 per cent in 2023, thereby saving the average homeowner \$1,355 over two years;
- the largest-ever investment in healthcare of \$7.9 billion (an increase of \$668 million) to help shorten wait times and rebuild the front lines. It also initiates a \$1.2-billion multi-year capital campaign that will add capacity to nine facilities;
- the largest increase in Manitoba schools funding in a quarter century bringing funding for kindergarten to Grade 12 schools to \$1.7 billion (\$100 million more than last year);
- an historic investment of \$217 million in total municipal operating funding (\$47 million more than last year and the largest increase in a decade)
- an investment of \$65 million more into post-secondary institutions and a 2.75 per cent cap on university tuition increases;
- doubling the funds dedicated to venture capital to \$100 million and eliminating payroll taxes for an additional 150 employers. The payroll tax rate will be reduced for the first time in 25 years in 2024;
- an investment of a further \$40 million to develop infrastructure to allow CentrePort South to expand and \$147.6 million over two years to improve the Hudson Bay rail line to the Port of Churchill; and
- an investment of more than \$2.5 billion in trade-enabling highway infrastructure over the next five years and making investments to spur economic development opportunities and generate well-paying jobs.

The Leader of the Official Opposition and NDP leader **Wab Kinew** moved a motion expressing non-confidence in the Government on March 8, 2023. The motion stated that the budget was not in the best interests of the people of the province and that it neglected the priorities of Manitobans by:

- breaking Manitobans' trust for seven years through supporting **Brian Pallister** and making deep cuts to healthcare, including closing emergency rooms, cutting cancer care, and firing nurses;
- cutting education, including teachers and education assistants, supporting and seconding Bill 64 and ignoring local community voices; raising the cost of living by raising rent and hydro bills by hundreds of dollars at the cabinet table, sending money to billionaires, and failing Manitobans by not being responsible and not balancing the budget despite record revenues, increased federal transfers and funds from Manitoba Hydro; and
- failing to reverse cuts to roads and highways in rural and northern Manitoba and failing to apologize for years of underspending and annual cuts including failing to address homelessness in local communities.

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

- failing to recognize that a budget full of big promises will not make up for seven years of cuts and freezes to all areas of government and not standing up for people in need;
- failing to mention Indigenous Reconciliation even just once, which depicts an utter lack of inclusivity in a budget document touted as 'Historic Help for Manitobans';
- failing to sufficiently reverse course from the disastrous NDP health policy of hallway medicine to avoid preventable deaths in Manitoba Emergency Rooms;
- failing to ensure that provincial revenues (as a result of increased rebates from the education property tax) are fully replaced with additional yearly increments which are sufficient to ensure Manitoba's education system continues to be well funded; and
- failing to increase the number of long-term care beds in Manitoba or to sufficiently support home care and palliative care services to keep people at home, which has contributed to the disastrous bottleneck of patients in hospital hallways.

Sessional Order enabling virtual sittings

The Legislature is still operating under the Sessional Order allowing for virtual participation among other things. Originally passed on October 7, 2020 and discussed in previous issues, the Sessional Order has been extended to the end of this current Legislature.

Interim Supply and Budget Implementation

On March 22, the Committee of Supply considered and passed supply resolutions dealing with temporary funding for operating and capital expenditures until the 2023/24 fiscal year budget, budget processes and the main supply bills are completed later this session. The House also dealt with passing all stages of Interim Supply legislation resulting in Bill 37 – *The Interim Appropriation Act, 2023* receiving Royal Assent on March 22, 2023.

On April 3, Bill 14 – *The Budget Implementation and Tax Statutes Amendment Act, 2023* also received Royal Assent. This Bill implements various tax and other measures announced in the 2023 Manitoba Budget. Additional amendments implement and support the summary budget and make various amendments to tax legislation.

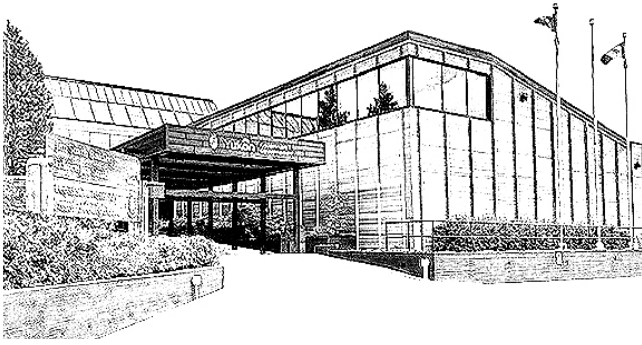
Standing Committees

In the wake of the cabinet shuffle reported in the last submission, a new Government and a new Opposition Member have been appointed to the Public Accounts Committee. **Jim Maloway** of the Opposition NDP retains his position as Chair and **Shannon Martin** from the PC Government caucus has been designated as the new Vice-Chair.

Broadcasting Enhancement

The Digital Media Branch has created an enhancement to all Assembly broadcasts by enabling name keys for each Member as they are speaking in debate. Whenever a Member rises to speak in debate, the Member's name, constituency or portfolio, and their party (with an appropriate colour code) will appear at the bottom of the screen, greatly enhancing the viewer experience.

Greg Recksiedler
Clerk Assistant/Research Officer



Yukon

2023 Spring Sitting

The 2023 Spring Sitting of the First Session of the 35th Yukon Legislative Assembly began on March 2 and concluded on April 27, the 32nd sitting day.

Bills

During the 2023 Spring Sitting, the following government bills were introduced:

- Bill No. 22, *Act to amend the Yukon Advisory Council on Women's Issues Act (2023)* – **Jeanie McLean**
- Bill No. 23, *References to the Sovereign Statute Law Amendment Act (2023)* – **Tracy-Anne McPhee**
- Bill No. 24, *Act to amend the Coroners Act and the Public Service Act (2023)* – **Sandy Silver**
- Bill No. 25, *Act to amend the National Aboriginal Day Act (2023)* – **Richard Mostyn**
- Bill No. 26, *Act to amend the Municipal Act (2023)* – Mostyn
- Bill No. 27, *Community Services Statute Law Amendment Act (2023)* – Mostyn
- Bill No. 207, *Third Appropriation Act 2022-23* – Silver
- Bill No. 208, *First Appropriation Act 2023-24* – Silver
- Bill No. 209, *Interim Supply Appropriation Act 2023-24* – Silver

As of the time of writing (the midway point of the Sitting), two of the government bills – the interim supply bill, and the second supplementary budget bill – passed the House and received assent. On March 13, Bill No. 209 was assented to by Yukon Administrator **Adeline Webber**, and on March 23, Bill No. 207 was assented to by Yukon Commissioner **Angélique Bernard**.

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

New Liberal-NDP Confidence and Supply Agreement

Following Yukon's April 12, 2021 general election, a confidence and supply agreement ("CASA") was reached between the Yukon Liberal Party caucus and the NDP caucus. The CASA enabled the incumbent Liberal government (led by then-Premier Silver) to continue to hold power in a reconfigured House. That version of the CASA, which was signed on April 28, 2021, expired on January 31, 2023.

As noted in Yukon's preceding legislative report, Yukon has a new Premier – **Ranj Pillai**, the Member for Porter Creek South. On January 13, 2023, Premier Pillai was sworn in as Yukon's tenth Premier, along with a new Cabinet. The incoming Executive Council includes former Premier Silver, who had resigned as Premier mid-term but who remains the Member for Klondike.

The renewed CASA, which took effect on the date that the previous CASA expired, was signed by Mr. Pillai as Liberal Leader and by **Kate White** as NDP Leader. It includes additional commitments and "will remain in effect through the passage of the Mains of the 2025-26 budget, until an election is called."

Public Accounts Committee hearing

On January 31, 2023, the Standing Committee on Public Accounts (PAC), chaired by **Currie Dixon**, the Leader of the Official Opposition, held a public hearing in the legislative Chamber on a performance audit of the Auditor General of Canada on Yukon housing.

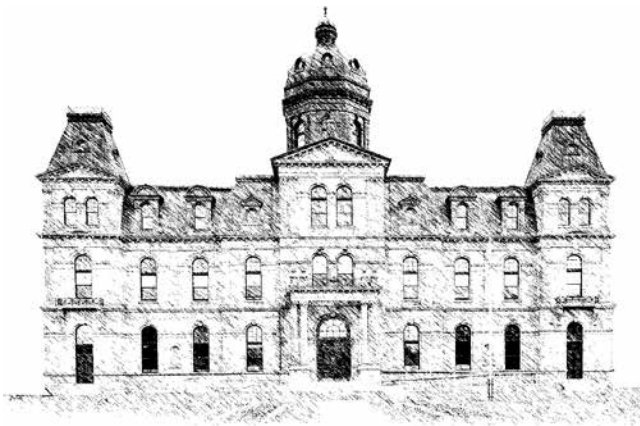
As noted in a PAC news release issued on January 10, 2023, the Auditor General's report, which was released on May 25, 2022, contains recommendations "for improving how the Government of Yukon responds to vulnerable Yukoners' housing needs." Officials from the Office of the Auditor General of Canada (OAG), the Yukon Housing Corporation, and the Department of Health and Social Services appeared as witnesses at the hearing.

During his opening statement, OAG Principal **Glenn Wheeler** stated that the OAG's findings were that "little progress had been made by either the Yukon Housing Corporation or the Department of Health and Social Services to fix long-standing issues affecting housing programs and services," that "adequate and affordable housing" hadn't been provided for those who most needed it, and that the corporation and the department "did not work together or with their housing partners to effectively manage housing for those who needed it most."

Announcement re: non-binary MLA

On March 29, 2023, the MLA for Whitehorse Centre, who serves as Third Party House Leader and Deputy Chair of Committee of the Whole, rose on a point of personal privilege to inform the House that their name is now **Lane Tredger** (their first name having changed from “Emily”) and that their pronouns are “they” and “them.”

Linda Kolody
Deputy Clerk



New Brunswick

This report covers the period from January 1 to March 31, 2023.

Budget

The Second Session of the 60th Legislature adjourned on December 16, 2022 and resumed on March 21, 2023 when Finance and Treasury Board Minister **Ernie Steeves** tabled the 2023-2024 budget. This is the fifth budget delivered by the Progressive Conservative government led by Premier **Blaine Higgs**.

The 2023-2024 budget projects a surplus of \$40.3 million after total spending of \$12.2 billion. The Department of Finance and Treasury Board forecasts real GDP growth to slow to 0.8 per cent in 2023 after two years of faster growth. The net debt-to-GDP ratio is projected to decrease to 24.9 per cent, which is the lowest among provinces east of Saskatchewan.

In his budget speech, Steeves outlined investments in priority areas including health, education, and supporting vulnerable populations, while also maintaining a sustainable and responsible approach to managing the Province’s finances.

Highlights of the budget include an overall increase of 5.2 per cent in spending, an estimated \$200 million of which deals with the inflationary increase in the cost to deliver public services; an additional \$2.8 million for repairs to social housing and rental assistance for low-income households; \$32.6 million for more frontline police officers and specialized crime units; \$44.9 million to increase wages for personal support workers in home support and special care homes; a 10.6 per cent increase in healthcare spending, including \$39.2 million to improve access to primary healthcare; and \$37 million to improve access to affordable child-care.

On March 23, Finance critic **René Legacy** delivered the Official Opposition’s reply to the budget. He criticized the budget for continuing a pattern of underestimating revenues, resulting in large, unplanned surpluses. He urged the government to spend more on access to primary healthcare and recruitment of healthcare providers. He also called for increased expenditure on public housing and assisting New Brunswickers with the rising cost of living. In the education sector, he called for additional funds for recruitment and retention of teachers. He criticized the budget’s failure to do more to combat climate change.

After approving the budget, the House adjourned on March 31 and is scheduled to resume sitting on May 9.

Legislation

As of March 31, nine bills had been introduced during the Spring sitting, one of which received Royal Assent. Certain bills of note included:

Bill 30, *An Act to Amend the Coroners Act*, introduced by Public Safety Minister **Kris Austin**, proposes additional mandatory reporting to the Chief Coroner of deaths due to use of force by a peace officer or while a person is detained by a peace officer, and of deaths in certain institutions including psychiatric facilities. The bill would require an inquest to be held when deaths occur in such circumstances, subject to exceptions including deaths due to natural causes that were not preventable and where the public interest would not be served by holding an inquest.

Bill 34, *An Act Respecting Highway Safety*, also introduced by Austin, proposes to increase penalties for extreme speeding by creating two new categories: driving 50 to 80 km/h over the speed limit, which would be punishable by having one's vehicle impounded for seven days in addition to the existing fine and licence demerit points; and driving more than 80 km/h over the speed limit, which would result in a 30-day vehicle impoundment, a \$1,000 fine and six demerit points. The bill also proposes to require drivers whose licence has been expired longer than five years to re-take the written and road tests.

Bill 37, *An Act Respecting the Official Languages Act*, introduced by Premier Higgs, proposes to establish a Secretariat of Official Languages within the executive branch to carry out several functions, including preparing and reporting on the Province's official languages implementation plan, continuously evaluating and recommending amendments to the *Official Languages Act*, providing advice and support on compliance with official languages legislation and policies, and public outreach.

Resolutions

On March 22, Minister responsible for Immigration **Arlene Dunn**, seconded by Green Party Leader **David Coon**, moved that the Legislative Assembly declare 2015 to 2024 the International Decade for People of African Descent in New Brunswick. This resolution followed a similar resolution adopted by the United Nations General Assembly in 2013. With representatives of several organizations, including the New Brunswick African Association and Black Lives Matter New Brunswick observing from the gallery, the House adopted the resolution.

On March 30, the House adopted a resolution introduced by Official Opposition Energy Critic **Keith Chiasson**, as amended on motion of Finance and Treasury Board Minister Steeves, urging the government to study the possibility of removing the provincial portion of the Harmonized Sales Tax from residential electricity bills.

Megan Mitton gave notice of motion on March 22 that the House declare a climate emergency.

Committee Activity

The Standing Committee on Public Accounts, chaired by **Chuck Chiasson**, held seven meetings in January to review the annual reports of various

government departments, Crown corporations, and other entities.

In February, the Standing Committee on Climate Change and Environmental Stewardship, chaired by **Ryan Cullins**, held hearings regarding small modular nuclear reactors, during which various organizations and individuals presented, including representatives of the nuclear industry, and environmental and Indigenous groups. The Committee also received presentations about freshwater health. For the first time, Ministers of several departments with responsibilities under New Brunswick's Climate Change Action Plan attended to answer questions from Committee members.

The Standing Committee on Law Amendments, chaired by Minister of Justice and Attorney General **Hugh J.A. Flemming**, met in February to consider the subject matter of Bill 24, *An Act to Amend the Business Corporations Act* and Bill 27, *An Act to Amend the Employment Standards Act*. In March, the Committee reported to the House that it supports the intent of Bill 24 (modernization of the *Business Corporations Act*) but recommended that it not be passed until the government considers certain amendments. The Committee recommended that Bill 27 (which would provide employees with 10 paid sick days each year) not be passed in its current form and that the Department of Post-Secondary Education, Training and Labour study the issue and report back to the House.

The Select Committee on Public Universities, chaired by **Sherry Wilson**, met over two days in February and March, and heard from representatives of New Brunswick's publicly funded universities, as well as the Maritime Provinces Higher Education Commission and the Federation of New Brunswick Faculty Associations.

On March 22, the Standing Committee on Procedure, Privileges and Legislative Officers, chaired by **Ross Wetmore**, met to review the annual report of the Office of the Commissioner of Official Languages.

Final Report of the Electoral Boundaries and Representation Commission

The Electoral Boundaries and Representation Commission filed its final report on March 13. This followed public hearings to receive comments on the Commission's preliminary report. The final

report contains the Commission's recommendations on readjustment of New Brunswick's 49 provincial electoral districts.

Exceptionally, the Commission recommended that its enabling legislation be amended to address the inclusion of part of the majority francophone community of Cap-Acadie within the majority anglophone electoral district of Tantramar. The Commission reported that it was forced to draw the boundary in that manner to comply with the legislated maximum deviation in any district of 25 per cent from the electoral quotient (the total of all electors in the Province divided by 49).

On March 28, Government House Leader **Glen Savoie** introduced Bill 36, *An Act Respecting the Proposed Electoral District of Tantramar*, to allow the Commission to adjust the boundaries of the Tantramar electoral district even if this results in a number of electors in that district that deviates by more than 25 per cent from the electoral quotient. With unanimous consent, the bill advanced through all stages and passed in one sitting, and it received Royal Assent on March 30.

After the Commission filed its final report, there was a further period of 14 days during which objections could be submitted, following which the Commission had 30 days to amend its recommendations. The readjusted electoral district boundaries will then be included in a regulation to come into force before the next general election.

By-elections called

On March 23, writs were issued for by-elections to fill the vacancies in the electoral districts of Bathurst East-Nepisiguit-Saint-Isidore, Dieppe, and Restigouche-Chaleur. All three constituencies were represented by Members of the Official Opposition Liberals who resigned in the fall of 2022. Polling day was set for April 24.

Standings

The standings in the House are 29 Progressive Conservatives, 13 Liberals, three Greens, one Independent Member, and three vacancies.

Patrick Dunn

Law Clerk and Committee Clerk



Québec

Proceedings of the National Assembly

Composition

On March 7, 2023, **Marie-Louise Tardif**, Member for Laviolette-Saint-Maurice, left the caucus of the Coalition avenir Québec to sit as an independent Member. She later reintegrated the caucus on March 28, 2023.

A by-election was held on March 13, 2023, in the Saint-Henri-Sainte-Anne riding. Following the ballot count, the Québec solidaire candidate, **Guillaume Cliche-Rivard**, was declared elected.

In consequence, the National Assembly is now composed of 125 MNAs: 90 from the Coalition avenir Québec, 19 from the Quebec Liberal Party, 12 from Québec solidaire, three from the Parti québécois and one independent.

Budget Speech

On March 21, 2023, **Éric Girard**, Minister of Finance, delivered the budget speech. The estimates of expenditure for 2023–2024 were also tabled. The interim supply and Bill 18, *Appropriation Act No. 1, 2023–2024*, were passed during the next sitting day. The Assembly then began the 25-hour debate on the budget speech on March 23, 2023.

Ruling from the Chair

On March 16, 2023, **Nathalie Roy**, President of the National Assembly, ruled on the admissibility of the point of privilege or contempt raised by the Official Opposition House Leader on February 23, 2023, concerning the Minister of Families' statements with regard to the number of children waiting for a childcare space.

RULING FROM THE CHAIR

Our parliamentary law recognizes that the deliberate misleading of the Assembly or its committees may constitute contempt of Parliament.

There are two situations where a *prima facie* case of contempt may be made and where the presumption established by the sixth paragraph of Standing Order 35 that parliamentarians must be taken at their word may be rebutted.

To demonstrate that a Member has misled the Assembly or one of its committees when speaking, jurisprudence holds that it must be proven that the Member has subsequently acknowledged having done so deliberately.

In the absence of proof of such an acknowledgment, it must be established that the Member has given two contradictory versions of the same facts in parliamentary proceedings.

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

In this case, during the February 2023 question periods cited by the Official Opposition House Leader, the Minister of Families stated several times that 33,000 children were on the waiting list for childcare spaces. However, according to an article published by Radio-Canada, a different method of calculation would add some 39,000 spaces to that list, for a total of over 72,000 spaces. The issue here is the difference between the results of the two methods of calculation.

If we return to the first criterion established by parliamentary jurisprudence to demonstrate that a Member has misled the House, there is clearly no proof that the Minister of Families acknowledged misleading the Assembly with regard to the number of childcare spaces. Indeed, at no time was it even suggested that the Minister had made such an admission.

As for the second criterion, there is no evidence that the Minister gave two contradictory

versions in this regard during parliamentary proceedings. In fact, all agree that the Minister repeatedly stated the same fact, namely that the waiting list had 33,000 spaces. In regards to the concept of contradictory statements, the documents tabled by the Official Opposition House Leader during his remarks refer to extra-parliamentary statements and thus cannot be evidence of contradictory statements made during parliamentary proceedings. In any event, although these documents include more information, they are intended to provide details on the Minister's method of calculation and it would be difficult to conclude that they contradict her statements.

Consequently, it has not been established that the Minister of Families knowingly attempted to mislead the House. Instead, it has been demonstrated that there is a discrepancy between the number stated by the Minister regarding childcare spaces on the waiting list and the number reported by Radio-Canada, a discrepancy explained by the method of calculation used. Thus, we have different interpretations by different people regarding the number of spaces. Jurisprudence is clear in this regard: differing interpretations of the same situation by different people cannot give rise to contempt of Parliament.

As the opposition leaders have mentioned, it is certainly important for the Members of this House, particularly ministers, to answer questions as accurately as possible. Citizens and parliamentarians should expect to receive the clearest information possible from the Government in parliamentary proceedings. However, the Chair cannot become the arbiter in interpreting the methods used to compile government data. The Chair's role is not to determine which method should be used.

In this regard, the point of privilege is intended only for serious breaches and violations of the rights of the Assembly and of its Members.

However, in the course of parliamentary proceedings, the Members of the Assembly may ask the Minister of Families to explain her calculation of the number of childcare spaces on the waiting list, the method she used and the reasons why her result is different from the one reported by the media. This is

an important part of the work done in the Assembly and in committee where ministers are accountable, to the opposition Members who perform the important role of overseeing the Government's activities, for the management of their department and their results. Thus, if the numbers presented by the Minister are different from those reported by the media, this may be the subject of various means of parliamentary control, including exchanges during question period, but this does not meet the criteria of parliamentary jurisprudence for raising a point of privilege or contempt on the basis that the Minister deliberately misled the House. Points of privilege cannot be used as a means of parliamentary control.

For all these reasons, the point of privilege or contempt raised by the Official Opposition House Leader is declared out of order.

Legislative agenda

Between January 31, 2023, and March 31, 2023, a total of 20 bills, including 12 private Members' bills were introduced in the National Assembly. During the same period, five government bills were passed:

- Bill 2, *An Act mainly to cap the indexation rate for Hydro-Québec domestic distribution rate prices and to further regulate the obligation to distribute electricity;*
- Bill 3, *An Act respecting health and social services information and amending various legislative provisions;*
- Bill 6, *An Act to give effect to fiscal measures announced in the Budget Speech delivered on 22 March 2022 and to certain other measures;*
- Bill 8, *An Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec;* and
- Bill 18, *Appropriation Act No. 1, 2023–2024.*

Other events

29th Legislature of the Student Forum

After a two-year interruption, the National Assembly hosted the 29th Legislature of the Student Forum in the Parliament Building from January 9 to 13, 2023. Chaired by **Chantal Soucy**, First Vice-President of the National Assembly, the Forum was composed of 120 college students who, for a few days, played the role of parliamentarians or journalists.

75th anniversary of the Fleurdelisé

On January 21, 2023, the National Assembly held major festivities for the 75th anniversary of the flag of Québec. For the flag ceremony, Ms. Roy, President of the National Assembly, welcomed dignitaries, colleagues from the different parliamentary groups and the general public. At 3:00 p.m., the flag flying atop the Parliament Building's central tower was taken down. It will be kept in the National Assembly's archives as a souvenir of the event. A fresh fleurdelisé was then raised, symbolizing the common values and ideas that have united the population for 75 years.

Committee Proceedings

Here are some of the highlights of committee proceedings held between January and March 2023.

First working sessions

During February 2023, each of the sectorial committees and the Committee on Public Administration met for an initial working session to let members introduce themselves, establish their respective steering committees and receive training on parliamentary committee proceedings.

Bills

The consideration of public bills took up most of the parliamentary committees' time during the months of January to March 2023. A dozen bills crossed the parliamentary committees' worktables during this period, either for consultations or for clause-by-clause consideration.

The Committee on Public Finance held special consultations on two bills, including four public hearings on Bill 3, *An Act respecting health and social services information and amending various legislative provisions*, which provided an opportunity to hear some 30 individuals and organizations. The Committee then completed clause-by-clause consideration of the 267 sections comprising that bill over the course of a total of 25 hours.

The Committee on Institutions also held special consultations on two bills. Two hearings provided an opportunity to hear a dozen witnesses on Bill 8, *An Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec*. A little less than eight hours were then required to complete the clause-

by-clause consideration of the 41 sections comprising that bill.

The Committee on Citizen Relations held special consultations and public hearings on Bill 11, *An Act to amend the Act respecting end-of-life care and other legislative provisions*. Some 40 individuals and organizations were heard over the course of seven public hearings on that bill. Note that the Select Committee on the Evolution of the *Act respecting end-of-life care* was created during the 42nd Legislature and tabled its report on December 8, 2021.

Order of initiative

On February 16, 2023, the Committee on Culture and Education took up an order of initiative concerning the revelations of violence during hazing in the junior hockey league and the possibility that such violence occurs in other sports. To be carried out, an order of initiative must first be adopted by a majority of the members from each parliamentary group represented on a committee. Once it is adopted, the committee organizes its own proceedings, so the duration of the mandate may vary.

Within the framework of this order of initiative, the Committee has held public hearings with around 15 groups thus far.

Mandates referred by the Assembly

The Committee on Transportation and the Environment was mandated by the National Assembly to hold special consultations and public hearings on the Government's draft 2023–2028 sustainable development strategy, tabled in the Assembly on December 9, 2022. The hearings, which were held on January 31 and February 1, 2 and 7, 2023, provided an opportunity to hear around 15 witnesses. The Committee then tabled a report containing recommendations in the Assembly on February 14, 2023. Note that this mandate is required under the *Sustainable Development Act*.

In addition, the Committee on Public Finance was mandated by the National Assembly to hold special consultations and public hearings on the Québec Pension Plan consultation document tabled in the Assembly on December 9, 2022. The consultation document concerns a plan for adapting to 21st century challenges and is entitled “Un régime adapté aux défis du 21^e siècle.” Some 20 witnesses were heard during the hearings held on February 8, 9 and 14, 2023. The Committee then tabled a report containing

recommendations in the Assembly on February 21, 2023. Note that this mandate is required under the *Act respecting the Québec Pension Plan*.

Mandate under the Standing Orders

As provided for under National Assembly Standing Orders 272 and 275, the debate on the budget speech continued, in the presence of the Minister of Finance, in the Committee of Public Finance at the end of March and at the beginning of April 2023 for a total of 10 hours.

Émilie Caouette

Sittings and Parliamentary Procedure Directorate

Mathieu LeBlanc

Parliamentary Committees Directorate



House of Commons

Introduction

This account covers key highlights of the period from January to the end of March 2023. After having been adjourned since December 14, 2022, the House resumed sittings on January 30.

Legislation

Bill C-11, *An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*

On June 21, 2022, the House read a third time and passed Bill C-11. On February 3, the House received a message from the Senate that it had passed Bill C-11 with amendments. In cases where the Senate amends bills emanating from the House, it is for the House itself to decide whether it accepts or rejects the amendments

proposed by the Senate and whether it wishes to inform the latter of the reasons for its decision.

On March 8 and 9, the House considered a motion that a message be sent to inform the Senate that the House agreed with some amendments, respectfully disagreed with other amendments, and proposed that two amendments be further amended. During the debate on the main motion, **Rachael Thomas** (Lethbridge) moved an amendment to revoke the order respecting the consideration of Senate amendments to the Bill and to strike the Bill from the Order Paper.

On March 24, after finding a drafting error in the French version of the motion for consideration of the Senate amendments to the Bill, a second motion was placed on notice.

On March 27, **Andrew Scheer** (Regina—Qu'Appelle) rose on a point of order and argued that the second motion for consideration of the Senate amendments was substantively identical to the first one, that the House should not concurrently consider two motions which are substantively identical, and that the first motion should be withdrawn before the second one could be moved. Later that day, the Speaker gave his ruling. Citing past precedents, he ruled that the House may consider two items simultaneously until a decision is made on one of them and that a decision once made must stand. The Speaker pointed out that the objective of the second motion was to correct an error found in the first, an error that arose because the numbering of the amendments was not the same in English and in French. The Speaker agreed that one way to make this correction could be to propose an amendment to the first motion, once the current amendment was dealt with, but stated that it was not the only way. Since the substantive effect of the two motions was different, and that the House had not yet made a decision on the first motion, he concluded that the House could proceed with debate on the second motion.

On March 30, the House adopted a motion of closure on the second motion and resumed its consideration. At the expiry of debate later that day, the second motion was adopted.

Bill C-18, *An Act respecting online communications platforms that make news content available to persons in Canada*

On January 30, the Speaker informed the House that an administrative error had occurred in the version of the bill sent to the Senate. The parchment version of

the bill sent to the Senate contained a sub amendment that had been rejected by the committee and should not have appeared in the final text of the bill. The Speaker assured the House that the error, which came from the committee report, had been corrected and that a revised version of Bill C-18 reflecting the proceedings of the House had been transmitted to the Senate. The Speaker asked that the bill be reprinted and that the fourth report of the Standing Committee on Canadian Heritage be corrected.

Financial procedures

Budget

On March 10, Deputy Prime Minister and Minister of Finance **Chrystia Freeland** (University—Rosedale) requested that an Order of the Day be designated for the consideration of a ways and means motion for the presentation of the budget on March 28, 2023. That day, Minister Freeland moved that the House approve the general budgetary policy of the government. Following a questions and comments period, the Leader of the Official Opposition **Pierre Poilievre** (Carleton) moved that the debate be now adjourned and the motion was deemed adopted. On March 29, the House resumed the adjourned debate.

Royal Recommendation

On March 29, the House resumed consideration of Bill C-215, *An Act to amend the Employment Insurance Act (illness, injury or quarantine)* at third reading. The Speaker had previously ruled that the bill required a royal recommendation and, as the bill had not received it, the question was not put on the motion at the end of Private Members' Hour, the order for third reading was discharged and the item was dropped from the Order Paper, pursuant to Standing Order 79.

Procedure and privilege

Question of privilege—technical interruptions at party caucus meetings

On February 8, Mr. Scheer raised a question of privilege and informed the House that interpretation services for that morning's Official Opposition caucus meeting had been interrupted. Mr. Scheer argued that caucus meetings entailed parliamentary proceedings, that technical arrangements were the responsibility of the House of Commons Administration, and that members of Parliament being interfered with in performing their parliamentary functions

constituted a breach of privilege. On February 13, **Claude DeBellefeuille** (Salaberry—Suroît) spoke in support of the question of privilege and elaborated on several technical incidents related to interpretation that had occurred in committee. Later that day, the Speaker gave his ruling and determined that caucus meetings do not entail parliamentary proceedings, but rather are ancillary to those proceedings. He concluded that administrative recourses already exist to address the issues raised by Mr. Scheer and, as a result, that there was no *prima facie* question of privilege.

Use of Proper Equipment During Video Conferencing

On March 7, the Speaker made a statement regarding the use of headsets for members participating remotely in House proceedings and in other proceedings involving interpretation, including committee meetings. The Speaker explained that the House had been informed by the Translation Bureau that from now on, interpreters would only operate under a new directive from the Labour Program of Employment and Social Development Canada stating that interpretation work only be done when the virtual participants are wearing an ISO-compliant microphone. Consequently, to ensure the safety of the interpreters and that parliamentary proceedings be available in both official languages, the Speaker stated that the use of House-approved headsets would be mandatory for remote participation in parliamentary proceedings. The Speaker advised the House that, while the onus is on members to use the approved headsets when participating in proceedings, the Chair would also provide assistance to ensure all members are in compliance with technical requirements. He added that in cases where the Chair is made aware of compliant equipment not being used, a member participating remotely would be interrupted or not recognized for debate.

The process of debate and the period provided for questions and comments

On March 22, during a debate on an opposition motion from the Conservative party, several members left the Chamber immediately after their speech, not participating in the prescribed questions and comments period. Several points of order were raised, and Deputy Speaker **Chris d'Entremont** (West Nova) informed the House that because the relevant members were not in the Chamber to respond to questions and comments, the House had to move on to the next speaker. On March 28, the Speaker returned to the matter. Referencing a 1985 Speaker's ruling,

he stated that it is the expectation of the Chair that members having just completed a speech take part in the ensuing period for questions and comments. The Chair added that should a member making a speech not be available immediately after, the Chair would still recognize other members wishing to ask questions or comment on the speech, for the duration of the prescribed period.

The Speaker used discretionary power to withhold a question from a party during Question Period

On March 31, during Question Period, **Pierre Poilievre** (Carleton) referred to the absence of the Prime Minister from the Chamber. The Assistant Deputy Speaker **Alexandra Mendès** (Brossard—Saint-Lambert) reminded Mr. Poilievre not to refer to the presence or absence of a member in the Chamber. Mr. Poilievre mentioned the absence of the Prime Minister a second time. Consequently, the Assistant Deputy Speaker used her discretionary power to remove a question from the next round of Conservative questions.

Committees

Special Joint Committee on Medical Assistance in Dying—final report presented to the House

On October 5, 2022, the deadline for the Special Joint Committee to submit its final report on the review was extended to February 17, 2023. On February 15, 2023, the committee presented its report, upon which it ceased to exist.

Other Matters

New Parliamentary Poet Laureate

On February 1, the Speaker announced the appointment of **Marie Célie Agnant** to a two-year term as the 10th Parliamentary Poet Laureate. The role of the Parliamentary Poet Laureate is to promote the importance and value of poetry among all Canadians.

Joint Address to the Senate and the House by the President of the United States

On March 10, the House agreed by unanimous consent to stay adjourned on March 24, for the purpose of a joint address by the President of the United States of America before members of the Senate and the House of Commons. On March 24, **Joe Biden** delivered his address, which was printed as an appendix to the Debates of March 23.

Joint Address to the Senate and the House by the President of the European Commission

On March 6, the House agreed by unanimous consent to adjourn the sitting of March 7, following the time provided for Oral Questions, for the purpose of a joint address by the President of the European Commission before members of the Senate and the House of Commons. On March 7, **Ursula von der Leyen** delivered her address, which was printed as an appendix to the Debates of March 7.

Resignations

On January 30, the Speaker informed the House of the resignation of members **Bob Benzen** (Calgary Heritage) on December 31, and **Dave MacKenzie** (Oxford) on January 28. On March 6, the Speaker informed the House of the resignation of **Candice Bergen** (Portage—Lisgar) on February 28. On March 9, the Speaker informed the House of the resignation of **Marc Garneau** (Notre-Dame-de-Grâce—Westmount) on March 8.

Member to sit as an independent

On March 22, **Han Dong** (Don Valley North) announced that he would leave the Liberal caucus and sit as an independent member.

By-elections

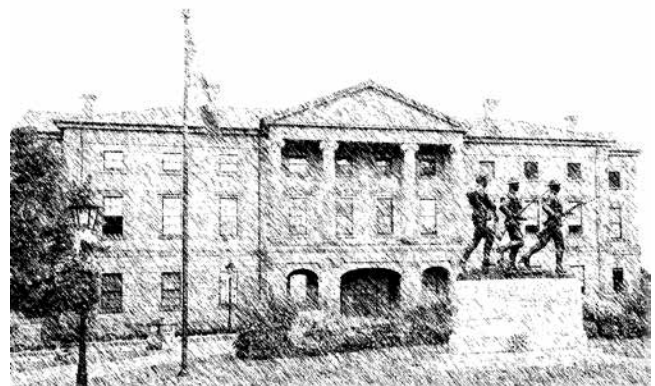
On January 30, the Speaker informed the House that the Clerk of the House had received from the Chief Electoral Officer a certificate of the election of **Charles Sousa** (Mississauga—Lakeshore). Mr. Sousa, having taken the oath required by law, was introduced to the House by the Prime Minister and took his seat.

Appointment of the Acting Clerk of the House of Commons

On January 30, Government House Leader **Mark Holland** (Ajax) announced the government's intention to appoint **Eric Janse** as Acting Clerk of the House. His appointment was tabled in the House on February 13. Mr. Janse started his career at the House of Commons in 1992 and most recently served as Deputy Clerk, Procedure—a role he was appointed to in 2021. In this position, Mr. Janse provided corporate leadership and served to uphold and promote the vision, mission, and values of the House of Commons. As the head of Procedural Services, he oversaw the delivery of procedural and legislative support to the Speaker, Members of Parliament, and Officers of the

House of Commons. Prior to 2021, Mr. Janse held various positions in Procedural Services, including Clerk Assistant of the Committees and Legislative Services Directorate, Clerk Assistant and Director General of International and Interparliamentary Affairs, and Principal Clerk of International and Interparliamentary Affairs. A Table Officer since 1998, Mr. Janse has extensive experience providing advice and support to the Speaker and Members in the Chamber. He played a pivotal role in transitioning committees to hybrid proceedings during the pandemic and was instrumental in the development of the Parliament of Canada's international program. Mr. Janse has also gained extensive knowledge of the functioning of other parliaments around the world as a member of the Association of Clerks-at-the-Table in Canada and a former secretary to the Conference of Speakers and Presiding Officers of the Commonwealth.

Leif-Erik Aune
Table Research Branch



Prince Edward Island

Dissolution of the 66th General Assembly

On March 6, 2023, on the advice of Executive Council, Lieutenant Governor **Antoinette Perry** dissolved the Legislative Assembly and ordered that writs be issued for a general election to take place on April 3, 2023. Under the *Election Act*, a general election would have occurred on October 2, 2023, but the *Act* also provides for the dissolution of the Legislative Assembly when the Lieutenant Governor sees fit.

Members Not Reoffering

Four members of the 66th General Assembly decided not to reoffer in the 2023 election. Speaker **Colin LaVie** (District 1, Souris – Elmira) was first elected in 2011, re-elected in 2015 and 2019, and served as Speaker for

the duration of the 66th General Assembly (2019-2023). **Sonny Gallant** (District 24, Evangeline – Miscouche) was first elected in 2007 and re-elected in 2011, 2015 and 2019. He served in many government and opposition roles over his career as a member, including Leader of the Third Party, Minister of Workforce and Advanced Learning, and House Leader. **James Aylward** (District 6, Stratford – Keppoch) was first elected in 2011 and re-elected in 2015 and 2019. The government and opposition roles he occupied over these years include Leader of the Official Opposition, Minister of Health and Wellness, Minister of Transportation and Infrastructure, and Opposition House Leader. **Hannah Bell** (District 11, Charlottetown – Belvedere) was elected in a by-election in November 2017 and re-elected in the 2019 general election. She served as Third Party House Leader and later as Opposition House Leader.

Election Campaign

At the close of nominations on March 17, there were 119 candidates for election across PEI's 27 districts. The Progressive Conservative and New Democratic parties each had candidates running in every district. The Green and Liberal parties each had candidates in 25 of the 27 districts. The Island Party had candidates in 11 districts and there were four independent candidates.

The election campaign saw a notable increase in women candidates, at 52 of 119, or 44 per cent. In the two previous general elections of 2019 and 2015, women made up 33 per cent and 30 per cent of candidates, respectively. There were also more candidates who are Black, Indigenous or people of colour compared to previous elections.

Party platforms focused primarily on healthcare, with housing and land use also receiving significant attention.

Election Results

The results of the April 3 election, which as of this writing remain unofficial, gave the Progressive Conservative Party 22 seats, the Liberal Party three seats, and the Green Party two seats. The Progressive Conservative Party will thus form government, with **Dennis King** (District 15, Brackley – Hunter River) returning as Premier. The three returning Liberal Party members will form the Official Opposition, whereas they were the Third Party in the previous Assembly. Party leader **Sharon Cameron**, however, was not elected. The two Green Party members will form the Third Party, after serving as part of the

Official Opposition in the previous Assembly. Leader **Peter Bevan-Baker** was re-elected in District 17, New Haven – Rocky Point.

According to Elections PEI, 68.5 per cent of the 109,587 registered voters cast ballots. This is the lowest voter turnout in a provincial general election since at least 1966. Shares of the popular vote were 55.9 per cent Progressive Conservative, 21.6 per cent Green, 17.2 per cent Liberal, 4.5 per cent NDP, 0.5 per cent Island, and 0.3 per cent Independent candidates. Seven women candidates (six Progressive Conservatives and one Green) were elected.

Under the terms of the *Election Act* and the *Legislative Assembly Act*, the new Legislative Assembly must meet no later than May 12, 2023, in order to elect a Speaker. Cabinet appointments and plans for a Speech from the Throne have not yet been announced.

Ryan Reddin

Director of Parliamentary Research



The Senate

Legislation

On January 31, the Speaker made a statement informing the Senate of an administrative error concerning Bill C-18, *An Act respecting online communications platforms that make news content available to persons in Canada*, and invited senators to reflect on the best approach going forward. Later that week, on February 2, a motion was moved and adopted to declare all proceedings to date on the bill null and void, after which the Speaker read a message with the corrected version of the bill, which was then read a first time and placed on the Orders of the Day for second reading two days hence.

On February 2, Bill C-11, *An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*, was read a third time and passed, with amendments. A message was sent to the House of Commons to acquaint it that the Senate had passed the bill with amendments, and seeking its concurrence.

On March 9, Bill C-39, *An Act to amend the Criminal Code (medical assistance in dying)*, was passed without amendment and received Royal Assent.

Bill C-43, *An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2023*, and Bill C-44, *An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2024*, were read a third time and passed, without amendment, on March 29. The bills received Royal Assent on March 30, along with Bill S-203, *An Act respecting a federal framework on autism spectrum disorder*, which had been passed without amendment in the other place on March 28.

Chamber, Procedure and Speaker's Rulings

A motion calling upon the government to designate the Wagner Group as a terrorist entity was moved with leave and adopted on January 31.

On March 30, Senator **Percy Downe** rose on a point of order regarding unparliamentary language used during Question Period. The Speaker reserved his decision.

Committee of the Whole

On March 8, the Senate resolved itself into a Committee of the Whole to consider the subject matter of Bill C-39, *An Act to amend the Criminal Code (medical assistance in dying)*, with **David Lametti**, MP, Minister of Justice and Attorney General of Canada, and **Jean-Yves Duclos**, MP, Minister of Health, appearing, accompanied by three officials.

Committees

On February 1, a motion was adopted authorizing joint committees to hold hybrid meetings until end of the day on June 23, 2023, with the provisions of the order of February 10, 2022, concerning such meetings, having effect. A message was sent to acquaint the House of Commons accordingly.

On February 7, the Standing Committee on Rules, Procedures and the Rights of Parliament presented

its fourth report, proposing various amendments to the *Rules of the Senate*. Also on that day the Standing Committee on Internal Economy, Budgets and Administration (CIBA) presented its seventh report, the Senate budget for the 2023-24 fiscal year.

The Standing Senate Committee on Legal and Constitutional Affairs presented its eleventh report on Bill C-233, *An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner)*, without amendment, on February 14. The bill was placed on the Orders of the Day for third reading at the next sitting.

On February 15, two reports were tabled by committees: the second report of the Special Joint Committee on Medical Assistance in Dying, entitled *Medical Assistance in Dying in Canada: Choices for Canadians*, and the fifth report of the Standing Senate Committee on Banking, Commerce and the Economy, entitled *The State of the Canadian Economy and Inflation*. Later that day, the Senate adopted the ninth report of the Standing Senate Committee on Legal and Constitutional Affairs on Bill S-205, *An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders)*, which had been presented with amendments and observations. The bill, as amended, was placed on the Orders of the Day for third reading at the next sitting.

The fifth report of the Standing Senate Committee on Human Rights, entitled *Canada's Restrictions on Humanitarian Aid to Afghanistan*, was adopted on February 16, and a response from the government was requested.

The Standing Committee on Rules, Procedures and the Rights of Parliament tabled its fifth report on March 9, with respect to equity between recognized parties and recognized parliamentary groups.

The sixth report of CIBA, which proposed amendments to the *Senate Administrative Rules*, was adopted on March 28. That same day, a motion was adopted allowing CIBA to appoint certain senators who are not members of the committee itself to its subcommittees.

On March 30, the Standing Senate Committee on Official Languages tabled its second report, entitled *Francophone immigration to minority communities: towards a bold, strong and coordinated approach*, and the Standing Senate Committee on Social Affairs, Science and Technology tabled its eleventh report, entitled *All Together — The Role of Gender-based Analysis Plus*

in the Policy Process: reducing barriers to an inclusive intersectional policy analysis. The Standing Senate Committee on Transport and Communications also presented its fourth report on Bill S-242, *An Act to amend the Radiocommunication Act*, with amendments and observations.

Senators

Senator **Dan Christmas** resigned from the Senate on January 31. He was appointed to the Senate on December 6, 2016, on the advice of Prime Minister **Justin Trudeau**, and represented the province of Nova Scotia. The first Mi'kmaq senator, Senator Christmas had been a leader and advisor for the Membertou First Nation community as well as an advisory services director to the Union of Nova Scotia Mi'kmaq prior to his appointment. Senator Christmas served as chair of the Standing Senate Committee on Indigenous Peoples, as well as a member of a number of committees, including the Standing Senate Committee on Fisheries and Oceans, and the Standing Senate Committee on Human Rights.

Senator **Sandra Lovelace Nicholas** also resigned on January 31. Appointed to the Senate on September 21, 2005, on the advice of Prime Minister **Paul Martin**, Senator Lovelace Nicholas was the first Indigenous woman senator and represented the province of New Brunswick. Prior to her appointment, she was an activist for Indigenous women's rights, including the reinstatement of rights to non-status Indigenous women and children. Senator Lovelace Nicholas served on several committees including the Standing Senate Committee on Indigenous Peoples, the Standing Senate Committee on Fisheries and Oceans, the Standing Senate Committee on Human Rights, and the Standing Senate Committee on Agriculture and Forestry.

Senator **Dennis Dawson** resigned from the Senate on February 9. He was appointed to the Senate on August 2, 2005, on the advice of Prime Minister Martin, and represented the Senate division of Lauzon in Quebec. Prior to joining the Senate, Senator Dawson had previously served as a trustee on the Commission des écoles catholiques de Québec as well as a Member of Parliament. As a senator, he was an active member of many committees including the Standing Senate Committee on Transport and Communications, the Standing Committee on Internal Economy, Budgets and Administration, the Standing Senate Committee on Banking, Commerce and the Economy, and the Standing Committee on Legal and Constitutional Affairs.

Senator **Larry W. Campbell** retired from the Senate on February 28. He was appointed to the Senate on August 2, 2005, on the advice of Prime Minister Martin, and represented the province of British Columbia. Prior to joining the Senate, he served in the ranks of the Royal Canadian Mounted Police and transitioned into death investigation, where he became the chief coroner for British Columbia. In 2002, he was elected mayor of Vancouver. He served on several committees during his tenure as a senator, including the Standing Committee on Internal Economy, Budgets and Administration, the Standing Senate Committee on Legal and Constitutional Affairs, the Standing Senate Committee on Fisheries and Oceans, and the Standing Senate Committee on Social Affairs, Science and Technology.

Katy Quinn
Procedural Clerk



Ontario

1st Session 43rd Parliament (Spring Session)

The First Session of the 43rd Parliament resumed on February 21, 2023. The winter adjournment was a busy time for committees; there were multiple meetings during January and February while the legislature was not meeting.

New Leader of the Official Opposition

On February 21, 2023, the sitting opened with the Speaker announcing that MPP **Marit Stiles**, the Member for the Electoral District of Davenport would be recognized as the leader of His Majesty's Loyal Opposition. Ms. Stiles was confirmed as the leader of the Ontario New Democrat Party during a convention on February 4.

Hamilton Centre By-election

MPP **Sarah Jama** joins the legislature as a member of the Ontario NDP after winning in the by-election for the Electoral District of Hamilton Centre. Ms. Jama was sworn in and took her seat on March 27, 2023. As Ms. Jama uses a mobility scooter, the Speaker announced that pursuant to Standing Order 2, the member is authorized to vote, signify her desire to speak, and participate in any proceeding that requires members to stand in their places in the House or in Committees by raising her hand.

This seat was previously held by the former leader of His Majesty's Loyal Opposition, **Andrea Horwath**.

Condolences

David Charles Onley, 28th Lieutenant Governor of Ontario

Former Lieutenant Governor, **David C. Onley** passed away on January 14, 2023. Mr. Onley lay in state in the lobby of the legislative building on January 28 and 29, 2023. His state funeral followed in the Yorkminster Baptist Church on January 30, 2023. On the first day of the spring sitting, the House expressed its condolence on his passing and observed a moment of silence. Mr. Onley served as Ontario's Lieutenant Governor from September 5, 2007, to September 23, 2014.

Former Members

The House expressed its condolence on the passing of several former Members, including:

- **Michael Charles Ray**, Member for the Electoral District of Windsor—Walkerville (September 10, 1987, to September 5, 1990)
- **Barbara Sullivan**, Member for the Electoral District of Halton Centre (September 10, 1987, to June 7, 1995)
- **Drummond White**, Member for the Electoral District of Durham Centre (September 6, 1990, to June 7, 1995)
- **Charles Morris Godfrey**, Member for the Electoral District of Durham West (September 18, 1975, to June 8, 1977)
- **Bob Huget**, Member for the Electoral District of Sarnia (September 6, 1990, to June 7, 1995)
- **David Caplan**, Member for the Electoral Districts of Oriole and Don Valley East (September 4, 1987, to October 5, 1990)

- **Marietta L.D. Roberts**, Member for the Electoral District of Elgin (September 10, 1987, to September 5, 1990)
- **Gary Fox**, Member for the Electoral District of Prince Edward—Lennox-South—Hastings (June 8, 1995, to June 2, 1999)

Budget Day

On March 23, 2023, the Minister of Finance, **Peter Bethlenfalvy** presented the 2023 Budget. The motion that the House approve in general the Budgetary Policy of the Government was seconded by Premier **Doug Ford**. The House then reverted to *Introduction of Government Bills* for the introduction of Bill 85, *An Act to implement Budget measures and to amend various statutes*.

Changes to the Parliamentary Calendar

On March 6, 2023, Government House Leader **Paul Calandra** moved that, notwithstanding Standing Order 7(a), when the House adjourns on April 27, 2023, it shall stand adjourned until May 8, 2023; and that the House shall continue to meet in the Spring Meeting Period until June 8, 2023.

The motion effectively changed the Parliamentary Calendar by adjourning the House for the first week of May and adding that week to the end of the sitting period. Prior to this change, the Legislature would have met for five weeks with no break for a constituency week.

Committee Activities

Standing Committee on Finance and Economic Affairs

In January and February, the Standing Committee on Finance and Economic Affairs met to conduct public hearings on Pre-Budget Consultations 2023 (PBC 2023) and Bill 46, *An Act to enact one Act and amend various other Acts*. The Committee travelled across Ontario and conducted hearings in 10 cities (Kenora, Windsor, Essex, Sudbury, Sault Ste. Marie, Timmins, Ottawa, Kingston, Peterborough, and Barrie). Overall, the Committee received over 200 written submissions and heard from 150 witnesses on PBC 2023 and Bill 46.

The Committee met for clause-by-clause consideration on February 16, 2023, and reported Bill 46, without amendment, on February 21, 2023.

The Committee expects to present the final report on Pre-Budget Consultations 2023 to the House in early April, a copy of which was previously shared with the Minister of Finance.

Standing Committee on the Interior

Bill 71, *An Act to amend the Mining Act* was referred to the Committee on March 9, 2023.

The Committee travelled to Timmins and Sudbury to conduct public hearings on the Bill on April 5, and 6, 2023. The Committee heard from the Minister of Mines, **George Pirie** on the first day of hearings in his Electoral District of Timmins.

Standing Committee on Justice Policy

The Standing Committee on Justice Policy met on January 18, 2023, to consider a motion respecting a proposed study related to the reform of Canada's bail system as it relates to the provincial administration of justice and public safety. Once the motion passed, the committee met for public hearings on January 31 and February 1, inviting the expert witnesses from Ontario Provincial Police, the Ontario Association of Chiefs of Police, the Ontario Provincial Police Association, the Police Association of Ontario, the Toronto Police Service and the Toronto Police Association to appear on the first day. After two days of report writing, the Chair presented the report, *A Report on the Modernization of the Bail System: Strengthening Public Safety* to the House on March 22, 2023.

Standing Committee on Procedure and House Affairs

The Standing Committee on Procedure and House Affairs continued with its ongoing study of the Legislative precinct and the need for rehabilitation and restoration. The Committee travelled to Ottawa in early February to learn more about the renovations currently in progress at the House of Commons. The Committee received tours of Centre Block, West Block, the Sir John A. MacDonald Building and 180 Wellington Street with officials from the House of Commons and Public Services and Procurement Canada. On the day following the tours, the Committee met with members of the federal Standing Committee on Procedure and House Affairs as well as invited officials from the House of Commons administration team to discuss best practices and lessons learned from their experience with large capital projects.

The Committee finalized its First Interim Report related to the Study of the Rehabilitation and Restoration of the Legislative Precinct, which was reported to the House on March 8, 2023.

On March 9, 2023, Bill 75, *Queen's Park Restoration Act* was referred to the Committee. The Bill seeks to create a Queen's Park Restoration Secretariat, whose responsibility it would be to oversee the Queen's Park renovation project. The Committee met to discuss the method of proceeding on the Bill and intends to hold public hearings in April 2023, with clause-by-clause consideration scheduled for early May 2023.

Standing Committee on Public Accounts

The Chair of the Committee presented four reports to the House on February 21, 2023. The reports were on the following Value-for-Money Audits from Annual Reports of the Office of the Auditor General:

- Condominium Oversight in Ontario (2020 Annual Report of the Auditor General)
- COVID-19 Economic Response and Supports for Businesses (2021 Annual Report of the Auditor General)
- COVID-19 Personal Protective Equipment Supply (2021 Annual Report of the Auditor General)
- Ontario Motor Vehicle Industry Council (2021 Annual Report of the Auditor General)

Tanzima Khan
Committee Clerk



Nova Scotia

Spring 2023 Sitting

The Sixty-Fourth General Assembly convened for the Spring 2023 Sitting from March 21 until April 12. The Spring 2023 Sitting consisted of a total of 14 meetings. The House departed from its ordinary schedule for 11 of those 14 meetings. Extended hours began on the fourth day of the sitting and continued until the fourteenth and final day. At 10:24 p.m. on April 12, the Lieutenant

Governor assented to nine Bills: eight Government Bills and one Private and Local Bill.

Budget 2023-2024

On March 23, the House observed its time-honoured tradition of pre-empting the Daily Routine for Budget Day. Having provided the requisite two days' notice pursuant to Rule 32(1), the Minister of Finance and Deputy Premier (Inverness) read and tabled the message from the Lieutenant Governor, the Estimate Books, the Estimate Resolutions, and the Province's Business Plan, before then delivering the Budget Speech.

Entitled *More Healthcare, Faster*, the Estimate Resolutions forecasted a \$278.9 million deficit and a total revenue of \$14.1 billion. The Province's economic outlook is shaped by Nova Scotia's fastest population growth since 1926 and the tightest labour markets since the 1970s. The population reached 1,019,725 in 2022, growing at an estimated rate of 2.89 per cent. The unemployment rate declined to as low as 6.5 per cent. Looking ahead, the Government intends to increase deficits over the next three years to finance major healthcare initiatives. For the 2023-2024 fiscal year, 45 per cent of the Province's spending is allocated towards healthcare.

On the other side of the House, the Member for Northside-Westmount rose to reply as the Official Opposition's Finance Critic. The Member for Halifax Citadel-Sable Island also offered input in their capacity as the New Democratic Party's Finance Critic.

Throughout the 40 hours allocated for examination of estimates before the Committee of the Whole House on Supply, the Ministers responsible for the following five departments appeared: 1. Health and Wellness (Antigonish); 2. Natural Resources and Renewables (Cumberland South); 3. Municipal Affairs and Housing (Kings North); 4. Public Works (Queens); 5. Community Services (Pictou West).

The House departed slightly from past practice during Supply. Due to the unique sharing of responsibility for Health Infrastructure, the Minister of Service Nova Scotia and Internal Services (Argyle) also appeared during the Committee's consideration of the estimate resolutions for Public Works. Additionally, the Minister of Community Services also answered questions on two separate Offices for which she bears responsibility (L'Nu Affairs and Status of Women). In the past, the estimates for those two Offices would have been confined to the Subcommittee on Supply.

Public Bills

According to the final tally of Bills passed, the Spring 2023 Sitting unfolded with the lightest legislative agenda in 20 years. The Fall 2003 Sitting of the 59th General Assembly (1st Session) was the last time the House passed eight or fewer Bills during a regular Sitting (i.e., a Sitting not pre-empted by a General Election, nor a Special Sitting called to address emergency business pursuant to Rule 3(5)).

In addition to the annual *Appropriations Act*, which authorizes the Minister of Finance and Treasury Board to spend and borrow the sums in the budget, the Government's legislative agenda consisted of the following Public Bills:

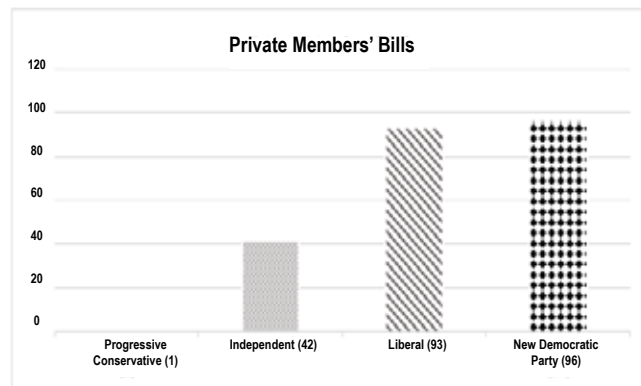
- Bill 256, *Patient Access to Care Act* – expedites the licencing of healthcare professionals from outside of the Province to five business days and authorizes the Government to expand the scope of practices in regulated health professions
- Bill 262, *Interim Residential Rental Increase Cap Act* – extends the pre-existing restriction on rent increases for residential tenancies for an additional two years, until December 2025, while also delegating the authority for setting the amount of the restriction to the Executive Council
- Bill 263, *Public Utilities Act (amended)* – enhances the enforcement tools available against Nova Scotia Power by increasing the cumulative annual limit of penalties to \$25 million
- Bill 264, *Electricity Act (amended)* – allows for the procurement of renewable, low-impact energy-storage projects
- Bill 273, *Road Trails Act* – authorizes all-terrain vehicles to operate on designated portions of the highway
- Bill 269, *Construction Projects Labour Relations Act (amended)* – to avoid work stoppages at large-scale green hydrogen production facilities, contractors and unions may now enter collective agreements for constructing those facilities
- Bill 279, *Financial Measures Act (2023)* – authorizes measures that carry financial implications for the Province, including the elimination of penalties for reinstating revoked companies, the transfer of authority for charging taxes on horse race betting, the strengthening of oversight of the credit union system, the Federal harmonization of excise tax on vaping products, and the repeal of the non-resident property tax.

Private Members' Business

The total number of Private Members' Bills introduced during the first Session of the Sixty-Fourth General Assembly climbed from 180 to 233. The following chart depicts the proportion of Private Members' Bills introducing during each sitting of the First Session:

Fall 2021	74
Spring 2022	57
Summer 2022	12
Fall 2022	37
Spring 2023	53

The following graph displays the proportion of Private Members' Bills introduced to date during the First Session:



During the four Opposition Days, the House debated the following items of Private Members' Business:

Nova Scotia Private Members' Business (Opposition Days)

March 22 - NDP	March 29 - Liberal	April 5 - NDP	April 12 - Liberal
<ul style="list-style-type: none"> • Bill 259, <i>Income Tax (amended)</i> • Bill 257, <i>Health Services and Insurance Act (amended)</i> • Bill 261, <i>Revenue Act (amended)</i> 	<ul style="list-style-type: none"> • Bill 278, <i>Non-disclosure Agreement Prohibition Act</i> • Bill 268, <i>Primary Care Physician Incentive Program Extension Act</i> 	<ul style="list-style-type: none"> • Bill 184, <i>Collaborative Care Act</i> • Bill 80, <i>Free Birth Control Act</i> • Res. 600, <i>Affordable Housing Program</i> 	<ul style="list-style-type: none"> • Bill No. 306, the <i>Serious Illness Leave Act</i> • Res. 622, <i>MLA Expulsion Resolution: Need to Repeal</i> • Bill No. 284, the <i>School Lunch Program Act</i>

Independent Member's Bill Called for Second Reading

Notably, during Opposition Business on March 29, the Deputy House Leader of the Official Opposition (Fairview-Clayton Park) called Bill 278, *Non-disclosure Agreement Prohibition Act* for Second Reading. The occasion is procedurally noteworthy because Bill 278 is sponsored by the Independent Member (Cumberland North), but the Rules and Forms of Procedure of the Nova Scotia House of Assembly lack any mechanism for Independent Members to call Bills for debate. Only House Leaders (and their Deputies) possess standing to call Bills.

Bill 278 proposes to ban members of political parties from entering a contractual agreement called a Non-disclosure Agreement, which "prohibits or restricts a complainant from disclosing information concerning sexual assault or harassment or alleged sexual assault or harassment that the complainant has experienced."

Two Competing Notices of Motion

The Second Reading of Bill 278 is also procedurally noteworthy because the debate prompted the introduction of two competing Notices of Motion. During her speech on Second Reading, the Independent Member (Cumberland North) tabled a document she characterized as a "NDA" between her former employee and the Progressive Conservative Caucus. The tabled document, however, was not an original document, nor a certified copy, but rather appeared to be a fuzzy copy of an image that depicts an unsigned single-page document.

On April 3, the Minister of Community Services (Pictou West) gave written notice of Resolution No. 598. Noting the ambiguous provenance and content of the Independent Member's tabled document, the preamble disclaimed any involvement of the PC caucus and PC party in the matter. The operative clause asked the House to "determine the Member for Cumberland North misled the House, and that she not be allowed to take her seat until such time as she retracts her comments and apologizes." The House refused to grant waiver of the requisite two-day period for Notice and to pass the Resolution without debate.

On April 12, the Leader of the Official Opposition gave written notice of Resolution No. 622 seeking to strike Resolution No. 598 from the Orders of the Day. The preamble in part warned against "setting a dangerous precedent by using a majority to censor an elected member of this House." As with Resolution No. 598, the House also refused to grant waiver of the requisite two-day period for Notice and to pass the Resolution without debate. At present, both Resolutions remain on the Orders of the Day. Resolution No. 598 was not called for debate, while Resolution No. 622 was debated during Opposition Business on the House's final sitting day.

Procedural Dilemma: Allegations of Deliberately Misleading the House

The two competing Notices of Motion illustrate a procedural dilemma (or "Catch-22").

Theoretically, an allegation that a Member has deliberately misled the House can be pursued as either (1) a matter of contempt or (2) a question of privilege. Practically, however, a procedural dilemma can arise if another Member attempts to pursue the alleged misleading conduct as a question of privilege (for example, asserting the House's collective freedom from obstruction).

The dilemma arises because it would constitute unparliamentary language for another Member to *verbally* accuse another Member of deliberately misleading the House. The House would be thus stifled from determining the question because the debate on the question would trigger a cascade of unparliamentary language. Unless the impugned Member proactively admits to misleading the House, there is only one way around the dilemma: that is, by

containing the allegation of misleading the House in a substantive, separate written notice of motion for a resolution of the House. The *written* motion is the only procedural mechanism capable of containing the language necessary to capture an accusation of deliberate misleading behaviour—which, if *spoken*, would otherwise constitute unparliamentary language (see Joseph J.P. Maingot, *Parliamentary Immunity*, 2016, at pp. 229-30; *Parliamentary Privilege in Canada*, 2d ed., 1997, pp. 240-47).

Renovations for Legislative Television

The Subcommittee on Supply and the Law Amendments Committee were relocated for the Spring Sitting due to major renovations to Legislative Television's Broadcast Control Room. Normally, both the Subcommittee on Supply and the Law Amendments Committee convene in Province House's historic red chamber. This time around, Members hopped to the Legislative Committees Office on Granville Street to attend both the Subcommittee on Supply and the Law Amendments Committee. Members also acclimated to sustained jackhammering and blasting from construction projects in the downtown core. As always, Legislative Television broadcasted the proceedings seamlessly.

Upcoming Byelection

On January 24, 2023, the Member for Preston (**Angela Simmonds**) provided written notice pursuant to section 13 of the *House of Assembly Act* that she would vacate her seat on April 1, 2023. Simmonds was the first African Nova Scotian to serve as Deputy Speaker and the first African Nova Scotian woman to run for leadership of the Liberal Party of Nova Scotia. With Simmonds' resignation, the roster of Deputy Speakers is now reduced from five to four (see Nova Scotia's Legislative Report in Vol. 46, Issue 1).

Section 10 of the *House of Assembly Act* requires the writ for the by-election to be issued within six months of the vacancy. The by-election must then be held within 46 days of the writ's issuance. Pending the by-election, the composition of the House is as follows: 31 Progressive Conservative; 16 Liberal; six NDP; and one Independent.

Cara Locke

Assistant Clerk of the House

A Most Engaging Legislative Proposal

Although a hard-working parliamentarian might be said to be “married to their job,” they may hope to enter a more romantic form of union during their time in office – and indeed, maybe even in the Chamber! But, is such a proposal in order according to Bourinot? Can there be a new Act of Union? Will a parliamentary page be the ring bearer? Of course, none of this really matters to the two people who, for a brief moment, become the sole focus of every eye in the Chamber. Unlike the normal Question Period (which we are reminded again and again is not called Answer Period), when a parliamentarian pops the question to their partner from the floor of the Assembly, they will be waiting with bated breath to hear a definitive response. In this article, the author outlines some occasions when everlasting love was a standing order.

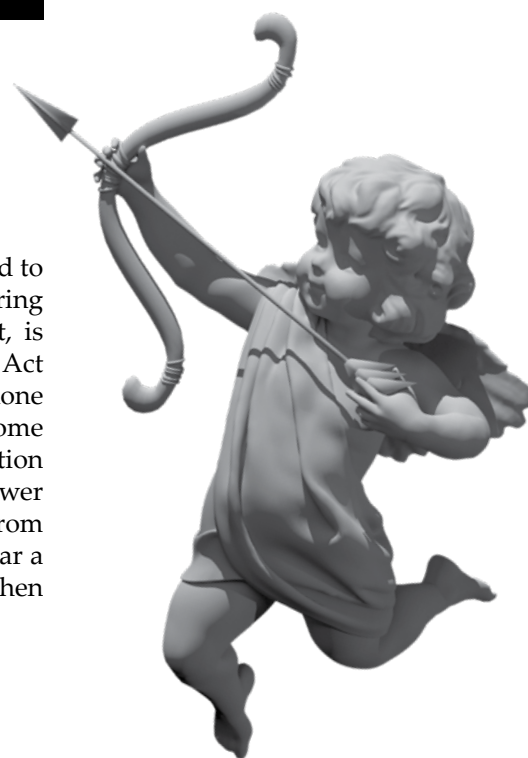
Charlie Feldman

Those who declare “chivalry is dead!” may have overlooked some uniquely romantic moments in Hansard. Indeed, at least two Canadian legislators rose during proceedings with rings in hand to pop the big question, giving a whole new meaning to the concept of ‘pairing’!

In May 2022, Rick Glumac, a Member of the Legislative Assembly of British Columbia, proposed mid-statement to his girlfriend who was seated in the gallery. The ensuing applause and cheers from colleagues prevented Glumac from hearing Haven Lurbiecki’s answer and he left the Assembly floor to obtain verification.¹ The happily-engaged couple gave many interviews later.

While some media reports suggested that the BC case was a Canadian first, on Valentine’s Day 2018, a member of Quebec’s National Assembly, Éric Lefebvre, proposed to his girlfriend, Geneviève Laliberté, then seated in the gallery.² Before proposing, Lefebvre spoke of the role played by politicians’ partners in supporting them and then apologized to the President of the National Assembly for breaking protocol by addressing his remarks to the gallery.

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Once the applause died down, the presiding officer – speaking to the gallery – indicated that he did not wish to intrude upon the woman’s personal life but felt that the record should reflect an answer. She said “oui.”

An earlier Canadian close call is also worth noting. According to a press report, MP Guy Lauzon had hoped to propose in the House itself in 2004 (whether from the floor is unclear), but he was thwarted by an emergency debate.³ He reportedly proposed in the parliamentary restaurant instead.

The path of Cupid’s arrow has crisscrossed legislatures around the world and examples of proposals from legislators to the gallery can be found in the annals of most U.S. state legislatures. As romantic as some cases may be, one of the earliest examples of a legislator proposing mid-session is decidedly the opposite.

In 1949, E.A. Snow, an Idaho state representative, asked whether the “Lady from Ada” (Ms. Miller) would take a question. He asked whether or not she would marry him and, according to most press reports, she turned red and sat down leaving the query unanswered (some reports say she rushed out of the Chamber). The Speaker ruled the question “leading” and did not require an answer. Ms. Miller later came to the floor to accept the unexpected proposal.



MNA Éric Lefebvre looks up to the gallery from the floor of the National Assembly, with ring in hand, as he proposes to Geneviève Laliberté on Valentine's Day in 2018.

Several months later, Ms. Miller was married – albeit it to a different man. In an interesting twist, it appears journalist Sandor S. Klein's reporting on the initial engagement in the Legislature was what brought him to Ms. Miller's attention. Some press outlets had glossed over her reaction entirely, painting the whole scene as one of inspiring romance.⁴ Reportedly, Ms. Miller called Mr. Klein to a meeting to complain of his prose on her engagement only for romance between the two of them to blossom.⁵

A member of Australia's House of Representatives made headlines in 2017 when he proposed to his same-sex partner as the legislature debated marriage equality. The Speaker clarified for Hansard that there was a resounding yes from the gallery, adding "Congratulations; well done, mate."⁶

An Italian MP proposed to his girlfriend mid-debate in 2019. While his grand gesture garnered the support of colleagues, he was met with the scolding of the Speaker (for the breach of protocol). Although the proposal garnered headlines across the globe, some members of the Italian press discovered it was actually a stunt. The couple was already engaged and a wedding venue had long been booked.



Haven Lurbiecki and MLA Rick Glumac pose for a photo by the Speaker of the BC Assembly after their engagement.

Legislators may not be thought of as romantics. Yet, as certain Hansard pages suggest, the divide between working across the aisle and walking down it may not be so big after all.

Notes

- 1 BC Hansard – May 11, 2022 <https://www.leg.bc.ca/documents-data/debate-transcripts/42nd-parliament/3rd-session/20220511pm-Hansard-n204#204B:1355>
- 2 Quebec Hansard – February 14, 2018 https://www.assnat.qc.ca/fr/travaux-parlementaires/assemblee-nationale/41-1/journal-debats/20180214/213475.html#_Toc506477715
- 3 Saunders, Terri. "The better halves." *Standard - Freeholder*, Cornwall, Ontario, December 30, 2005: 4.
- 4 See: *Life Magazine*, 14 March 1949.
- 5 *Sullivan Daily Times*, Sullivan, Indiana, Volume 51, Number 143, July 20, 1949: 5.
- 6 Australian Hansard – (House of Representatives) April 12, 2017 https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber%2Fhansardr%2F72ab0aa3-c3f2-48e1-b365-7e7ac525ceb6%2F&sid=0091

