

# Canadian Parliamentary review



***A Focus on Electoral  
Boundaries Redistribution***

2024, CanJIDocs 902

*Volume 47, No. 1*

# *Parliamentary Relatives*

## *The Winters' Tale: Family Ties in Newfoundland and Labrador's Legislature*



**Harry A.**



**James A.**



**James S.**



**Marmaduke G.**

Newfoundland and Labrador is known for its winters, and that reputation extends to our House of Assembly. Two generations of Winter brothers held senior roles in the executive and legislative branches of the Newfoundland government: brothers Marmaduke George Winter and James Spearman Winter, and James' sons Harry Anderson Winter and James Alexander Winter. The story began when James Spearman Winter and Marmaduke George Winter were born in Lamaline, on the tip of the Burin Peninsula, to James and Harriet (Pitman) Winter.

James S. had a very successful career in law and politics; he was elected MHA for Burin in 1873 and became Speaker on February 1, 1877. He became Justice of the Supreme Court in 1893, then returned to politics to become Prime Minister in 1897. He was called Newfoundland's first "outport" Prime Minister, being the first born in the province.

On a different path, Marmaduke began his career as a merchant. He worked abroad before returning home to start a company with his brother, Thomas. Unlike other family members, he was not elected to the House of Assembly. However, he did participate in the politics of the dominion. In 1910, he was appointed to Legislative Council, the upper chamber of Newfoundland's bicameral government. In 1923, he served as government house leader. His personal house, Winterholme, is a Queen Anne Revival style home that is now a National Historic Site.

The Winter legacy continued when James Spearman Winters' sons followed in their father's political footsteps. James Alexander Winter and Harry Anderson Winter founded the law firm Winter and Winter, before making their marks on the House of Assembly. Harry was a Rhodes Scholar and studied classics and law at Oxford. In 1923, he became the member for Port de Grave and assumed the role of Speaker on June 6. In 1947, he was appointed to the Supreme Court and remained there until his retirement.

James A. was elected MHA for Burin East in 1928, and then Burgeo and La Poile in 1932. He was appointed Speaker on April 10, 1933 and was the last before the suspension of responsible government. His achievements include appointment to the Commission of Government, being named Registrar of the Supreme Court, and being made a Companion of the Most Distinguished Order of St. Michael and St. George.

In Newfoundland and Labrador, it would be unusual for us to declare we had a run of successful winters but it could definitely be said of the Winter family in local politics.

**Lauren Kean**

Information Resources Technician, House of Assembly

Photo Credits: 1-3: House of Assembly (Frederic Steiger), 4: Ian Munn



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

The Review is published for the Canadian Region, CPA. Any opinions expressed are those of individual contributors and should not be attributed to any Branch of the Canadian Region.

#### Editor

Will Stos

#### Layout

Frank Piekkelko

#### Production Team

Teresa Austin	Karine Legault-Leblond
Nicky Borland	Bryony Livingston
Kim Dean	Vicky Luu
Yasuko Enosawa	Joëlle Malo
Michelle Giese	Joanne McNair
Claudette Henry	Tiffany Ribeiro
Geoffrey Hilton	Kate Sinnott

#### Intern

Kaitlin Gallant

#### Editorial Board

François Arsenault (Chair)  
Kate Ryan-Lloyd (Deputy Chair)

Caroline Bosc	Shannon Dean	Linda Kolody
Gerry Burla	Neil Ferguson	Heather Lank
Trevor Day	Till Hyde	Jeremy LeBlanc

#### Subscriptions

Four (4) issues in English or French  
Canada \$40.00 - International \$75.00  
Four (4) issues in English and French  
Canada \$75.00 - International \$125.00

Cheques should be made payable to:  
*Canadian Parliamentary Review*

#### Contact

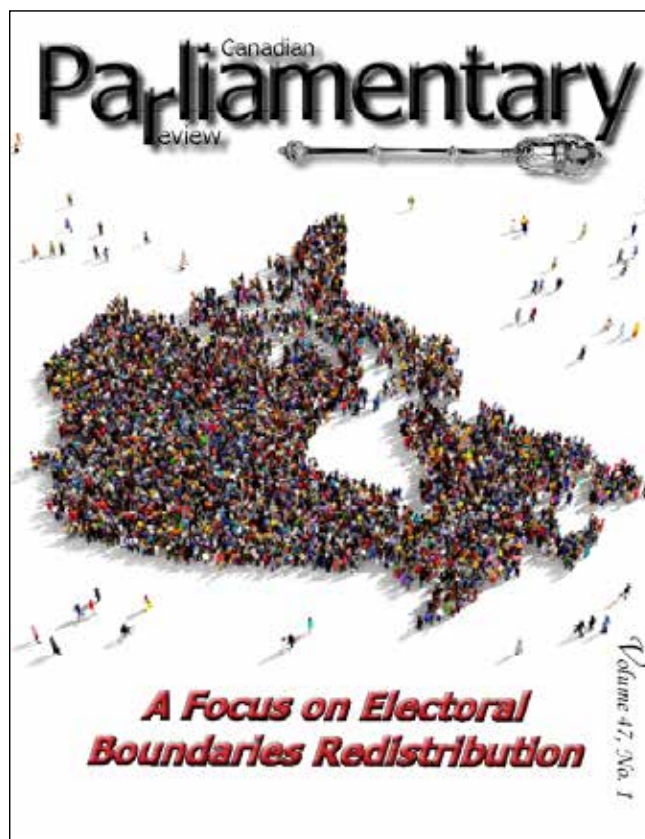
*Canadian Parliamentary Review*  
c/o Ontario Legislative Library  
Queen's Park  
Toronto, ON M7A 1A9

E-Mail: [revparl@ola.org](mailto:revparl@ola.org)  
Web: <http://www.revparlcan.ca> (New)  
<http://www.revparl.ca>

Editor: (416) 325-0231  
Fax: (416) 325-3505  
E-Mail: [wstos@ola.org](mailto:wstos@ola.org)

Legal Deposit:  
National Library of Canada  
ISSN 0229-2548

*Cette revue est aussi disponible en français*



#### A Focus on Electoral Boundaries Redistribution

*Will Stos*.....2

#### Adjusting Federal Electoral Boundaries in Canada: Redistribution 2022

*J.W.J. Bowden*.....3

#### When Electoral Boundaries Readjustment Comes to PROC

*Andre Barnes*.....14

#### The Surprising Case of Public Participation and Social Media Usage in Canada's Redistribution Process

*Valere Gaspard*.....21

#### Public Involvement in Redistribution: A Reflection

*Tamara A. Small*.....33

#### The Right to Effective Representation: Nova Scotia's Exceptional Constituencies Model and the Chéticamp Region

*Rémi Léger*.....39

#### Voter Parity and the Quest for Effective Representation in the Yukon

*Floyd McCormick*.....44

CPA Activities .....51

Legislative Reports .....54

#### Selflessly Stepping Aside: One MPP's Kindness for Another's "Double Crown"

*Kaitlin Gallant*.....88

# *A Focus on Electoral Boundaries Redistribution*

Canada's population is growing, but not uniformly. Some provinces and territories have had a faster pace of growth than others, and while certain communities or regions within these jurisdictions are growing, others are shrinking (in real terms, or as a proportion of the total population in a province or territory).

To account for these changes, after every decennial census, a federal process is initiated to review and, if necessary, adjust the boundaries of individual electoral districts according to section 51(1) of the *Constitution Act, 1867* and the *Electoral Boundaries Readjustment Act (EBRA)*. The various processes to adjust boundaries for provincial and territorial assemblies are distinct.

Although electoral boundaries readjustment has changed over the years (from a parliamentary-centred process to the current system run by independent and neutral electoral boundary commissions), the effects of readjustment on communities, provinces, and territories (and the people seeking election to represent voters) have frequently made this process keenly observed and sometimes hotly contested.

Indeed, the *Canadian Parliamentary Review's* plan to run a feature-length article by several EBRA commissioners as part of this theme issue had to be postponed to some point in the future – the potential threat of litigation against commissions following the recent adjustment process caused concern among some commissioners about adding comments to the public record beyond their reports.

Nevertheless, in this issue we have collected a strong series of articles that detail the history of electoral boundary adjustments in Canada (James Bowden), explain the current process used to facilitate assessment and adjustments every 10 years (Bowden and Andre Barnes), reflect on participation by members of the public and MPs in this process

(Barnes, Tamara Small and Valere Gaspard), and pose questions about how communities of interest (cultural and geographic) are affected by this process (Remi Leger and Floyd McCormick).

Judging by the length of this issue (even after postponing other planned articles), it's evident that there is a wealth of territory to cover here. A second thematic issue on the subject may be a possibility in the not-too-distant future.

In the meantime, we at the *Canadian Parliamentary Review* hope you enjoy this issue, and we would like to extend a sincere thanks to the members of the Canadian Study of Parliament Group, and particularly its President Charlie Feldman, for their tremendous efforts in soliciting and contributing submissions.

**Will Stos**  
Editor



# Adjusting Federal Electoral Boundaries in Canada: Redistribution 2022

This article describes the general process of decennial federal electoral boundaries redistribution in Canada under section 51(1) of the *Constitution Act, 1867* and the *Electoral Boundaries Readjustment Act*, which takes about two years from when the Chief Electoral Officer calculates the number of MPs per province to when the Governor General proclaims the Representation Order.

J.W.J. Bowden

## 1. Introduction

The most recent readjustment of Canada's federal electoral districts began in October 2021 when the Chief Electoral Officer calculated the number of MPs for each of the 10 provinces and will end on April 23, 2024 when the *Representation Orders* describing the names, populations, and boundaries of the 340 electoral districts of the 10 provinces enter into force.

## 2. What Happened Before the Commissions

For the first century after Confederation, the Parliament of Canada adjusted the boundaries of electoral districts directly through a series of *Representation Acts*, the last substantive version of which appeared in 1952 and first applied to the election of 1953.<sup>1</sup> These statutes both named and provided formal legal descriptions of the boundaries of each electoral district. This fundamentally political process produced rampant gerrymandering, where politicians choose their own voters and create electoral districts which favour one political party over others.<sup>2</sup> But

this old system also produced enormous disparities in the populations of ridings within a single province relative to the average number of people per MP (the population of the province divided by its number of MPs), whether these differences necessarily favoured one political party or not. For example, the census from 1956 lists the populations of the electoral districts established under the *Representation Act, 1952* and shows an enormous spread in Ontario ranging from 28,658 and thus -54.95 per cent of the average in Bruce to 167,310 and +163.12 per cent of the average in York – Scarborough.<sup>3</sup> Perhaps these divergences in population favoured certain political parties over others; but even if they favoured no party over another, they show enormous disparity in the voting power of Ontarians depending upon the electoral district in which they lived.

What is more, the various *Representation Acts* from 1952 and earlier did not even list the populations of each electoral district at all – because Parliament did not strive to create districts with, more or less, the same number of electors or people in the first place. Even the first *Representation Order* promulgated under *EBRA* in 1966 carried over this old method and did not list the populations of the final electoral districts.<sup>4</sup> The Representation Formula in section 51(1) and the Proportionate Representation of the Provinces Clause in section 52 of the *Constitution Act, 1867* merely required that the total number of MPs per province be proportional to the populations of the provinces and be readjusted after each decennial census; they remain silent on how electoral districts *within* each province are established and do not mandate that the populations of each riding be equal plus or minus

---

*James Bowden worked as a senior analyst in the Electoral Redistribution Directorate of Elections Canada from 2021 to 2023. His observations in this article come from his personal experience with Redistribution 2022 and academic expertise on electoral boundaries readjustment and political representation and do not express any views on the part of Elections Canada.*

an acceptable variance. In 1964, Parliament decided through the *EBRA* that electoral districts within a province should contain roughly equal populations and delegated its authority to establish those electoral districts to independent and non-partisan Federal Electoral Boundaries Commissions.

### 3. How Elections Canada Supported the Federal Electoral Boundaries Commissions

In general, Elections Canada acts as an intermediary throughout an electoral redistribution between the Federal Electoral Boundaries Commissions on one hand and Statistics Canada, Natural Resources Canada, the Speaker of the House of Commons, and the Privy Council Office on the other. Elections Canada, formally known as the Office of the Chief Electoral Officer, has existed continuously since 1920 and flows from Part II of the *Canada Elections Act*. In contrast, the Federal Electoral Boundaries Commissions derive their authority and temporary existence solely from the *EBRA*; they come into being when the Governor General issues a Proclamation Establishing Electoral Boundaries Commissions, and each commission ceases to exist automatically under the legal doctrine of *functus officio* once it has transmitted its final report to the Chief Electoral Officer. All the Federal Electoral Boundaries Commissions for Redistribution 2022 began upon their proclamation on November 1, 2021 and then died out at various dates between 1 December 7, 2022 and July 8, 2023.<sup>5</sup> Parliament designed the Federal Electoral Boundaries Commissions to function as independent and temporary entities as needed, and emphasised in section 12 of *EBRA* that “a commission is not an agent of His Majesty and the members of a commission as such are not part of the federal public administration.”<sup>6</sup> Any applications for judicial review against the decisions of a former commission therefore fall to the Attorney General of Canada.<sup>7</sup>

The commissions have always been separate and independent, but they originally relied on a different federal agency. Parliament enacted the *Representation Commission Act* in 1963 shortly before the original iteration of the *EBRA* in 1964. The Representation Commissioner provided logistical and administrative support to the Federal Electoral Boundaries Commissions, “prepare[d] maps showing the distribution of population in each province and setting out alternative proposals respecting the boundaries of electoral districts in each province,” and served *ex officio* as the fourth member of the first three iterations of the commissions in 1965, 1973, and 1976.<sup>8</sup> However,

the reports of these early commissions suggest that the Representation Commissioner exercised no real influence over their discussions and decisions and gave no indication that he had ever met with any of the other commissioners. The commissions also usually rejected the Representation Commissioner’s alternative proposals outright, thereby preventing him from establishing a common and consistent rationale for electoral redistributions across the 10 commissions and rendering him superfluous.<sup>9</sup> In 1979, Parliament abolished the office through the *Government Reorganization Act* at the behest of the first and only Representation Commissioner himself, Nelson Castonguay, and transferred all his functions and authorities to the Chief Electoral Officer.<sup>10</sup> Elections Canada assumed its current role with respect to the Federal Electoral Boundaries Commissions as of the electoral readjustment in 1983.

The Representation Commissioner and the Chief Electoral Officer have traditionally organised opening conferences to kick off each electoral redistribution. These conferences now gather all the commissioners together to share best practices and brief them on the process of electoral redistribution and their mandate under the *EBRA*.<sup>11</sup> Elections Canada marked the start of Redistribution 2022 with an opening conference held in Ottawa on November 30 and December 1 2021. The first day began with some remarks from Chief Electoral Officer Stéphane Perrault and included presentations from personnel at Elections Canada on the legal framework of redistribution, the administrative and technical support that Elections Canada provides the commissions, communications strategies, and what to expect at the public hearings. On the second day, the new commissioners also heard from other government departments which work with Elections Canada throughout the process, academics in the field, and former commissioners who worked on previous decennial redistributions. These included representatives from Statistics Canada on the census and Natural Resources Canada on the practices surrounding naming and describing the boundaries of electoral districts. Section 17 of *EBRA* mandates Statistics Canada and Natural Resources Canada with “a duty to assist” the Federal Electoral Boundaries Commissions. Statistics Canada explained that it would release four main groups of demographic data in 2022 – the main population and dwelling counts on February 9, followed by datasets on households on July 15, languages on August 17, and on Indigenous peoples on September 21 – and ended up releasing all these datasets either on time or slightly early.<sup>12</sup>

Elections Canada assigned at least one geography specialist to each of the 10 Federal Electoral Boundaries Commissions. These specialists provided probably the most vital support and worked most closely with the commissioners throughout the entire redistribution, in some cases participating in official meetings with the commissioners and attending the public hearings. The geography specialists drew up the boundaries of the electoral districts for the proposals, preliminary reports, and final reports for their commissions using the Commission Redistricting Tool, a custom plugin for ArcGIS Pro. This software allowed the geographers to move Statistics Canada's "dissemination blocks" (which roughly correspond to one cityblock) from one electoral district to another and subsequently calculate the population and deviation from the electoral quota of each electoral district.<sup>13</sup> In practice, Elections Canada sent these digital GIS boundary files to Statistics Canada, which, in turn, had 10 days to review and validate the population of each riding and send back a certification report to Elections Canada.<sup>14</sup> In addition, Elections Canada's geography specialists also wrote the legal descriptions of the boundaries of electoral districts for the proposals, preliminary reports, and final reports of the commissions.<sup>15</sup> Likewise, the Office of the Surveyor General of Canada within Natural Resources Canada then had up to 10 days to review and certify the accuracy of the legal descriptions of electoral districts based on the *Guidelines for Writing Descriptions of Federal Electoral Districts*, which ensure that all the legal descriptions are technically correct, unambiguous, consistent, and complete.<sup>16</sup>

Furthermore, Elections Canada also forwarded the names contained in the proposals, preliminary reports, and final reports of the commissions to the Geographic Names Board of Canada Secretariat within Natural Resources Canada, which reviews the spelling, form, and translation of the names. The Board first established guidelines for naming electoral districts in 1991 and updated them in 2001, 2012, and 2021. The Board recommends that the names of electoral districts reflect the character of Canada, be clear, concise, unambiguous, and practical within various settings (Parliament, the media, maps, web sites, etc.); they should also conform to official spellings and differentiate between hyphens and dashes. In practical terms, names should contain no more than three elements (thus two long dashes) and respect tradition and continuity; however, the commissions did not always adhere to that guideline and sometimes established electoral districts with four elements in their names. The Board also provided

guidance on Indigenous toponymy and how naming conventions differ between English and French. For instance, all cardinal points (North, South, East, and West) must be translated, and French requires hyphens between names and cardinal points, while English does not.<sup>17</sup>

Elections Canada's logistical support included setting up the web site for Redistribution 2022, the primary point of contact between the commissions and most Canadians, and then updating it throughout as needed. This web site, [Redistribution2022.ca](http://Redistribution2022.ca) in English and [Redécoupage2022.ca](http://Redécoupage2022.ca) in French, provides a general overview of electoral redistribution, including a breakdown of the Representation Formula under section 51(1) of the *Constitution Act, 1867* and the allocation of MPs to the provinces in 2022 (updated in June 2022 when Parliament enacted legislation to amend the Representation Formula), a timeline for electoral redistribution under the *EBRA*, the role of Elections Canada, the role of Federal Electoral Boundaries Commissions, and frequently asked questions. Elections Canada also mirrors these web pages on its main website [Elections.ca](http://Elections.ca). The web site provided separate pages for each of the commissions, which provide biographies of the chair and members and break down every step in the process of Redistribution 2022. The pages for "public participation" list the schedules for the public hearings of each commissions; the commissions for New Brunswick, Quebec, Ontario, and Manitoba chose to make their written submissions public, so Elections Canada uploaded the various thousands of letters and emails in an accessible HTML format (while redacting addresses) under this heading as well. The Map Viewer allowed one to compare the boundaries established under the previous *Representation Order* of 2013 with those in the proposal, the preliminary report, and the final report. The webpage for each commission also listed the proposal, preliminary report, and final report and made them available for download in both HTML and PDF. This web site now serves as an archive for Redistribution 2022, along with its equivalent website for Redistribution 2012.

Elections Canada also monitored and sent the commissions weekly summaries of the media coverage of electoral redistribution in general, which peaked when Parliament enacted remedial legislation to amend the Representation Formula, whenever a commission published its proposal, preliminary report, or final report, and when PROC reviewed and published its studies on MPs' objections to the preliminary reports. Elections Canada also fielded

questions on electoral redistribution from Facebook and Twitter (as the platform was then called) separately from the commissions, most of which only treated emails, letters, and notices of representation as official communications to consider during the public consultations held between the publications of the proposals and the preliminary reports.

#### 4. Redistribution 2022-2023 under the EBRA

Decennial electoral redistributions follow a series of steps under the *EBRA* and take about two and a half years in total. What Elections Canada calls Redistribution 2022 began on October 16, 2021 when the Chief Electoral Officer calculated the number of MPs per province by plugging in Statistics Canada's Population Estimate for July 1, 2021 into the Representation Formula under section 51(1) of the *Constitution Act, 1867*. And it will end on April 23, 2024, seven months after the Governor General proclaimed the *Representation Orders*. However, the bulk of the work occurred between February 2022 and September 2023.

##### (a) The Preliminary Steps: October 2021 to April 2022

The *EBRA* provides that a commission for each of the 10 provinces shall establish the electoral districts within its province in accordance with a series of criteria. Each commission consists of a chairperson, almost always a judge, appointed by the chief justice of that province, and two additional members appointed by the Speaker of the House of Commons. All three must be residents of the province in question. Interestingly, the *Act* specifies that the chief justice of a province and the Speaker of the House of Commons "appoint" the chairs and members of the commissions, and that "the proclamation establishing a commission shall name each of the members appointed to it."<sup>18</sup> This language removes any discretion from the executive and secures the non-partisan and professional membership of the commissions. The Governor General issued the proclamation establishing the Federal Electoral Boundaries Commissions on November 1, 2021.<sup>19</sup>

Step 4 in this timeline only happened because Parliament enacted the *Preserving Provincial Representation in the House of Commons Act* in June 2022 as a constitutional amendment under the Section 44 Amending Procedure after the Redistribution had already begun. This remedial legislation amended the Representation Formula under section 51(1) of the *Constitution Act, 1867* so that Quebec could keep 78

MPs instead of losing one. This legislation therefore reset the timeline of the Federal Electoral Boundaries Commission for Quebec from October 16, 2021 to July 9, 2022; since all steps of a redistribution under *EBRA* are cumulative and begin with the CEO's calculation of the number of MPs per province and end with the promulgation of the *Representation Order*, the transitional provisions of this remedial legislation also necessitated for the first time two *Representation Orders* – one for Quebec based on the calculation in 2022 and another for the nine provinces unaffected by the minor amendment and based on the original calculation in 2021. However, Elections Canada drafted the two *Representation Orders* simultaneously and transmitted them to the Minister responsible for Democratic Institutions at the same time with the intention that the Governor General would issue one proclamation containing the two *Representation Orders* as separate schedules, rather than issuing two separate proclamations. The normal procedure where one proclamation containing one *Representation Order* as a schedule will apply by default in the 2030s and thereafter, unless Parliament decides otherwise.<sup>20</sup>

##### (b) Readjusting the Federal Electoral Districts

The commissions could not begin their work until February 9, 2022, when the Chief Statistician released the first and main dataset from the decennial census of 2021, the Population and Dwelling Counts which show the populations of each province as well as those of each of the 338 electoral districts established in 2013.<sup>21</sup> The gap between the establishment of the commissions and the release of the Population and Dwelling Counts comes from the *Fair Elections Act* of December 2011, when Parliament repealed and replaced the Representation Formula and based it for the first time on the population estimates instead of the decennial census. Statistics Canada did not release additional and more detailed demographic data, like language, until August 2022.<sup>22</sup> The commissions therefore had to rely on the older demographic data from the census of 2016 and could not incorporate the new data into either their proposals or preliminary reports.

From February 9, 2022, the commissions had only 10 months by default to complete what Elections Canada calls the preliminary reports, or what *EBRA* calls "a report for presentation to the House of Commons."<sup>23</sup> However, the Chief Electoral Officer can grant a commission up to an additional two months to complete its preliminary report within a total of 12 months, thus by February 9, 2023.<sup>24</sup> During these 10 to 12 months, the commissions must first release



**Table 1: Timeline for the Work of the Federal Electoral Boundaries Commissions in 2022 and 2023**

<b>Commissions</b>	<b><i>Proposals Published</i></b>	<b>Public Hearings Held</b>	<b><i>Preliminary Reports Completed &amp; Tabled</i></b>	<b>MPs' Objections Published</b>	<b><i>Final Reports Completed &amp; Tabled</i></b>
Newfoundland & Labrador	June 28, 2022	August 15 to September 16, 2022	December 5, 2022 December 7, 2022	February 8, 2023 <i>Pro forma</i>	December 7, 2022 March 23, 2023
Prince Edward Island	May 2, 2022	June 7 to 9, 2022	November 25, 2022 November 29, 2022	February 8, 2023 <i>Pro forma</i>	November 29, 2022 March 23, 2023
Nova Scotia	April 27, 2022	May 30 to June 27, 2022	November 4, 2022 November 17, 2022	March 20, 2023	April 21, 2023 April 26, 2023
New Brunswick	June 16, 2022	September 7 to 29, 2022	November 28, 2022 November 30, 2022	March 20, 2023	April 14, 2023 April 18, 2023
Quebec	July 29, 2022	September 6 to October 13, 2022	January 31, 2023 February 1, 2023	May 18, 2023	June 16, 2023 June 21, 2023
Ontario	August 19, 2022	September 26 to November 8, 2022	February 8, 2023 February 10, 2023	June 7, 2023	July 8, 2023 July 19, 2023
Manitoba	June 16, 2022	September 7 to 22, 2022	December 2, 2022 December 6, 2022	March 20, 2023	April 21, 2023 April 26, 2023
Saskatchewan	May 9, 2022	June 20 to July 14, 2022	December 2, 2022 December 6, 2022	March 20, 2023	April 20, 2023 April 26, 2023
Alberta	June 10, 2022	September 6 to October 14, 2022	January 31, 2023 February 2, 2023	May 18, 2023	June 16, 2023 July 19, 2023
British Columbia	May 2, 2022	June 6 to 28 & September 12 to 29, 2022	February 7, 2023 February 8, 2023	June 2, 2023	July 2, 2023 July 19, 2023

their proposals and hold public consultations on those proposals before taking that public feedback into account in their preliminary reports. The commissions for Quebec, Ontario, Alberta, and British Columbia all requested and received extensions up to the maximum of 12 months.

Section 14(2) of *EBRA* says that the commissions “shall [...] prepare with all reasonable despatch, a report setting out its recommendations and the reasons therefor concerning the division of the that province into electoral districts.”<sup>25</sup> Elections Canada and the commissions refer to this first “report” as the proposal, which forms the

basis of discussion at the subsequent public hearings. Generally, the commissions for the provinces with fewer seats publish their proposals first. Each commission must hold at least one public hearing with at least 30 days' notice<sup>26</sup>; anyone interested in commenting on the proposal, either for or against, must then usually give written notice at least 23 days in advance before making what EBRA calls a "representation" at a public hearing.<sup>27</sup> In Redistribution 2022, the 10 commissions held 143 public hearings overall, ranging from a low of three in Prince Edward Island to a high of 27 in British Columbia. Anyone – an MP, a non-citizen of Canada, a non-resident of the province in question, or a minor – can make representations before a hearing or can send the commission an official response by mail or email during the period open for public consultation, as defined by each commission. The 10 commissions heard a total of 1,254 representations and received 4,795 emails and letters during the public consultations. Anyone could interact with the commissions via social media, but most of the commissions chose not to give these comments on social media the same weight as written comments submitted by email.

The commissions take these official representations and emails or letters into account in crafting their preliminary reports, or "reports for presentation to the House of Commons." The commissions send their preliminary reports to the Chief Electoral Officer; he, in turn, forwards them to the Speaker of the House of Commons, who tables and refers them to PROC.<sup>28</sup> MPs then have 30 days to file any objections to the boundaries or names of electoral districts contained within the commissions' preliminary reports by filing motions of consideration signed by at least 10 other MPs. Subsequently, PROC starts studying these objections within the next 30 sitting days of the House of Commons – or, potentially "within such greater period as the House of Commons may allow."<sup>29</sup> PROC filed objections on the preliminary reports of Nova Scotia, New Brunswick, Manitoba, Saskatchewan, Alberta, Quebec, British Columbia, and Ontario. The preliminary reports of the commissions for Newfoundland & Labrador and Prince Edward Island received no objections in Redistribution 2022 and thus also served as the final reports.

**Table 2: Public Participation in Redistribution 2022**

Province	Public Hearings			Representations	Written Submissions
	In Person	Virtual	Total		
Newfoundland & Labrador	11	1	12	27	13
Prince Edward Island	2	1	3	2	1
Nova Scotia	8	1	9	104	1,000
New Brunswick	8	1	9	37	66
Quebec	17	3	20	161	215
Ontario	12	11	23	462	1,899
Manitoba	2	2	4	28	43
Saskatchewan	12	1	13	95	99
Alberta	22	1	23	127	511
British Columbia	26	1	27	211	1,000
Totals	120	23	143	1,254	4,847



**A public meeting in British Columbia.**

In total, MPs registered 83 objections, 32 to the names and 51 to the boundaries of electoral districts, and PROC held ten hearings to study these objections between 31 January and 4 May 2023. PROC then produced eight separate studies for each of the preliminary reports of the commissions in question, outlining the objections that it endorsed collectively. The Speaker of the House of Commons then forwarded PROC's studies to the Chief Electoral Officer, who, in turn, sent them to the commissions.<sup>30</sup> Each commission then had 30 calendar days in which to respond to PROC's study, state its rationale for either accepting or rejecting each individual objection, change the boundaries and names of electoral districts as they deem necessary, and return this disposition of objection to the Chief Electoral Officer.<sup>31</sup> The disposition of objection becomes a new section in the commission's final report, which amends the preliminary report. The Chief Electoral Officer then forwards these final reports to the Speaker, who tables them in the House of Commons. Elections Canada made them available online the same day. It should be noted that the 30 calendar days refers only to a commission's duty to complete its final report but not to when the Speaker tables that document in the House of Commons after receiving it from the Chief Electoral Officer. Reasonable administrative delays

occur, because the 30-day deadline might expire on a weekend or when the House of Commons is adjourned, and the Chief Electoral Officer cannot control what the Speaker of the House of Commons does once he takes possession of a document.

A commission ceases to exist once it has submitted its final report to the Chief Electoral Officer, having by then discharged all its functions of office under *EBRA*. The names, populations, and legal descriptions of electoral districts in the final reports become definitive and feed into the *Representation Orders*; Elections Canada would only make minor edits as required if, for instance, Statistics Canada or Natural Resources Canada had made errors or typos in certifying the populations and legal descriptions of the electoral districts. At this stage, Parliament could only stop the process by enacting separate legislation, like an *Electoral Boundaries Readjustment Suspension Act* as it did in 1973, 1992, and 1994.<sup>32</sup> Parliament would also have to enact separate legislation to override anything contained in a *Representation Order*, as it did in 2005 in response to a ruling by the Federal Court.<sup>33</sup> But Parliament can enact legislation to change merely the names of electoral districts whilst leaving their boundaries intact, as, for example, it did in 2014.<sup>34</sup>

### (c) *Drafting and Promulgating the Representation Orders*

Elections Canada in conjunction with Statistics Canada and Natural Resources Canada verifies the accuracy of the translations of the names and legal descriptions of the 340 electoral districts for the 10 provinces as the commissions established them in their final reports. Elections Canada compiles the names, legal descriptions, and populations of all electoral districts into the draft *Representation Orders* and forwards them to the Minister responsible for Democratic Institutions.<sup>35</sup> Within the following five days after the Minister received the drafts, the Governor General must proclaim the *Representations Orders* into force.<sup>36</sup> In previous redistributions, this has occurred under two steps: the Governor-in-Council passes an Order-in-Council directing that the Governor General issue a proclamation, which contains the *Representation Order* as a schedule.<sup>37</sup> Section 51(2) of the *Constitution Act, 1867* provides that each of the three territories shall be represented by one MP, separately from the Representation Formula under section 51(1) of the *Constitution Act, 1867* and *EBRA*, which brings the total number of MPs from 340 to 343. However, the *Representation Orders* do not include the three territories, because each of them simply serves as one giant electoral district unto itself.

The Governor General proclaimed the *Representation Orders* on September 22, 2023 on the advice of cabinet under Order-in-Council P.C. 2023-905.<sup>38</sup> In this case, the Governor General issued the proclamation under the authority of both *EBRA* and the *Preserving Provincial Representation in the House of Commons Act*; the proclamation therefore contains two *Representation Orders* as two schedules: Schedule A contains the first *Representation Order* for Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia issued under section 24 of *EBRA*, while Schedule B contains the second *Representation Order* for Quebec issued under both section 24 of *EBRA* and the transitional provisions under subsection 5(5) of the *Preserving Provincial Representation in the House of Commons Act*. The new electoral boundaries will apply upon the first dissolution of parliament that occurs after April 22, 2024, seven months after the *Representation Orders* were proclaimed.<sup>39</sup>

Crucially, these seven months pertain to the day on which the Governor General dissolves Parliament on the Prime Minister's advice, and not to the day of the general election 36 to 50 days thereafter.

Therefore, if Parliament were dissolved on any date from September 22, 2023 to April 22, 2024, the general election would take place under the 338 electoral districts established under the previous *Representation Order* in 2013; and if Parliament were dissolved on or after April 23, 2024, the general election would take place under 343 electoral districts established in 2023. These seven months give Elections Canada time to prepare. For instance, the Chief Electoral Officer must appoint a new Returning Officer not only for any entirely new electoral districts (of which there are five in Redistribution 2022), but also for any electoral districts the boundaries of which have changed.<sup>40</sup> The *Canada Elections Act* also says that all electoral district associations within any riding the boundaries of which changed must file notice with the Chief Electoral Officer that it will continue "as the registered association for a particular electoral district" and re-register with Elections Canada.<sup>41</sup> Elections Canada must also prepare a series of new maps in conjunction with Natural Resources Canada: those for all 340 individual electoral districts set out under the *Representation Orders*, as well as maps of the electoral districts within each of the 10 provinces, and additional maps showing all the electoral districts within "all cities and metropolitan municipalities."<sup>42</sup> Finally, Elections Canada must also "provide an electronic version of each map containing its digital geospatial data to each registered party."<sup>43</sup>

## 5. How the Commissions Established Electoral Districts Under Different Rationales in 2022-2023

### (a) The Rules Under Section 15 of *EBRA*

Section 15(1) of *EBRA* contains the mandatory "Rules" that each commission must follow (with "shall" clauses), all while granting each commissions broad discretion in how they apply the rules. First, the population of each electoral district "shall, as close as reasonably possible, correspond to the electoral quota," the average number of people per MP and riding obtained by dividing the population of the province by its number of MPs.<sup>44</sup> Second, "the commission shall consider [...] in determining reasonable electoral districts the community of interest or community of identity in or the historical pattern of an electoral district" and "a manageable geographic size for electoral districts in sparsely populated, rural, or northern regions."<sup>45</sup>

The electoral quotas vary widely because of the rules in the Representation Formula which over-represent seven of the ten provinces.



Table 3: Calculating the Electoral Quotas in 2022

Province	Population	Number of MPs	Electoral Quota
Newfoundland & Labrador	510,550	7	72,936
Prince Edward Island	154,331	4	38,583
Nova Scotia	969,383	11	88,126
New Brunswick	775,610	10	77,561
Quebec	8,501,833	78	108,998
Ontario	14,223,942	122	116,590
Manitoba	1,342,153	14	95,868
Saskatchewan	1,132,505	14	80,893
Alberta	4,262,635	37	115,206
British Columbia	5,000,879	43	116,300

Section 15(2) then outlines discretionary “Departure from rules,” where:

“The commission may depart from [...] the rule [...] where [...] necessary or desirable in order to respect the community of interest or community of identity in or the historical pattern of an electoral district”<sup>46</sup> [or] “to maintain a manageable geographic size for districts in sparsely populated, rural or northern regions of the province.”<sup>47</sup> [...]

“but, in departing from the [electoral quota], the commission shall make every effort to ensure that [...] the population of each electoral district [...] remains within twenty-five percent more or twenty-five percent less of the electoral quota [...] except in circumstances view by the commission as being extraordinary.”<sup>48</sup>

Parliament also added the Extraordinary Circumstances Clause in 1986, which now allows

the commissions to establish ridings of which the populations vary by more than  $\pm 25\%$  of the province’s electoral quota.<sup>49</sup>

The broad criteria under section 15 of *EBRA* give the commissions a corresponding latitude in establishing the boundaries of electoral districts. The various reports of the 10 commissions demonstrate the contrasting – and sometimes contradictory – methodologies and rationales that they each adopted. Some commissions prioritised equality of population within a narrow deviation from the electoral quota, while others took advantage of the wide variation that *EBRA* permits to keep communities of interest intact. The Doctrine of Effective Representation starts from the premise of equality of population but tempers it with practical factors like the geographical size of an electoral district and with socio-demographic factors such as communities of interest, which allow electoral boundaries commissions, in principle, to deviate from an electoral quota within limits prescribed by their enabling statutes.

## Notes

- 1 *The Representation Act, 1952*, 1 Elizabeth II, chapter 48.
- 2 Nick Seabrook, *One Person, One Vote: A Surprising History of Gerrymandering in America* (Pantheon, 2022).
- 3 *Reports of the Census of Canada, 1961 (Volume I – Part 1): Population – Electoral Districts*, Catalogue 92-530 (Ottawa: Dominion Bureau of Statistics, 1962), at 5-23 to 5-37 of Table 5. Populations by electoral districts and census subdivisions, 1961 and 1956. While the *Representation Act, 1952* relied upon the Census of 1951 and not the Census of 1956, the populations of these electoral districts based of the census from 1951 would still have varied enormously and far beyond the plus or minus 25 per cent that *EBRA* allows today.
- 4 *Canada Gazette, Part II*, Volume 100, No. 13, “Electoral Boundaries Readjustment Act: Proclaiming the Representation Order to be in Force Effective Upon the Dissolution of 27<sup>th</sup> Parliament” (Ottawa: Her Majesty the Queen in Right of Canada, 13 July 1966), pages 733-808.
- 5 Her Excellency Mary May Simon, “Proclamation Establishing Electoral Boundaries Commissions,” SI/2021-98, *Canada Gazette, Part II*, Volume 155, No. 24, 24 November 2021, at pages 3937-3940. The *Canada Gazette* published the proclamation on November 24, but the Governor General signed off on it on November 1, and the Governor General-in-Council issued Order-in-Council P.C. 2021-953 authorising the promulgation of the proclamation on 1 November 2021.
- 6 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at section 12.
- 7 *Raïche v Canada*, 2004 FC 679.
- 8 *Representation Commissioner Act*, S.C. 1963, c. 40, at sections 9 to 10.
- 9 In 1965, all 10 commissions rejected the alternative maps provided by the Representation Commissioner to varying degrees of rudeness. For example, Nova Scotia’s Commission said: “[...] the Representation Commissioner supplied to the Commission maps with alternative proposals respecting the boundaries of the electoral districts in Nova Scotia. These proposals were carefully considered by the Commission. Although found to be helpful, they were not adopted.” *Report of the Electoral Boundaries Commission for Nova Scotia, 1965* (Ottawa: Queen’s Printer, 1965), at page 6. In contrast, Alberta’s Commission declared bluntly and brusquely: “They were rejected by the Commission in favour of its own proposals.” *Report of the Electoral Boundaries Commission for Alberta, 1965* (Ottawa: Queen’s Printer, 1965), at page 2.
- 10 *Government Organization Act*, S.C. 1979, c. 13, at Part V: Representation Commission, and sections 17 to 26; Allan MacEachen (President of the Privy Council), “Government Orders: Government Organization Act, 1978,” in House of Commons Debates, 30th Parliament, 4th session, volume III, 27 Elizabeth II, January 23, 1979, at pages 2465-2466. As MacEachen told the House of Commons: “the major remaining duties of the office arise only in approximately every two years in ten when electoral boundaries are readjusted. It thus seems appropriate to rationalize the responsibilities of the two independent offices [of the Representation Commissioner and the Chief Electoral Officer] for matters so crucial to democratic elections in Canada.”
- 11 John C. Courtney, *Commissioned Ridings: Designing Canada’s Electoral Districts* (McGill-Queen’s University Press, 2001), 84.
- 12 Statistics Canada, Table 98-10-0138-01 Household type including multigenerational households and structural type of dwelling: Canada, provinces and territories, census metropolitan areas and census agglomerations, July 13, 2022; Statistics Canada. Table 98-10-0228-01 Language spoken most often at home by age: Canada, provinces and territories and census divisions, August 17, 2022; Statistics Canada. Table 98-10-0287-01 Dwelling condition by Indigenous identity: Canada, provinces and territories, census metropolitan areas and census agglomerations with parts, September 21, 2022.
- 13 Nicholas Hinsperger (Geography Specialist at Elections Canada), correspondence with author, September 25, 2023. For instance, sometimes errors arose when the Commission needed to split a dissemination block with the Commission Redistricting Tool.
- 14 Kelly Matier (Statistics Canada), “Census and Demographic Data,” Elections Canada’s Launch Conference for Commission Chairs and Members, Government Conference Centre, Ottawa, December 1, 2021.
- 15 Nicholas Hinsperger (Geography Specialist at Elections Canada), correspondence with author, September 25, 2023.
- 16 Jean Gagnon (Office of the Surveyor General of Canada, NRCan), “Geographic Boundaries and Electoral District Names,” Elections Canada’s Launch Conference for Commission Chairs and Members, Government Conference Centre, Ottawa, December 1, 2021.
- 17 Steve Westley (Executive Director of the Geographic Names Board of Canada), “Geographic Boundaries and Electoral District Names,” Elections Canada’s Launch Conference for Commission Chairs and Members, Government Conference Centre, Ottawa, December 1, 2021.
- 18 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsections 5(1), 6(1), and 8. Emphasis added.
- 19 Her Excellency Mary May Simon, “Proclamation Establishing Electoral Boundaries Commissions,” SI/2021-98, *Canada Gazette, Part II*, Volume 155, No. 24, November 24, 2021, at pages 3937-3940. The *Canada Gazette* published the proclamation on November 24, but the Governor General signed off on it on November 1, and the Governor General-in-Council issued Order-in-Council P.C. 2021-953 authorising the promulgation of the proclamation on November 1, 2021.

- 20 Her Excellency Mary May Simon, "Proclamation Declaring the Representation Orders to be in Force Effective on the First Dissolution of Parliament that Occurs after April 22, 2024," SI/2023-57, *Canada Gazette*, Part II, EXTRA, Volume 157, No. 2, September 27, 2023.
- 21 Statistics Canada, "Population and Dwelling Counts: Canada, Provinces and Territories," Table 98-10-0001-01, February 9, 2022; *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 13(1).
- 22 Statistics Canada, "Mother Tongue by Geography, 2021 Census," Interactive chart: 98-505-X2021003, August 17, 2022.
- 23 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 20(1).
- 24 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 20(2).
- 25 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 14(2).
- 26 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 19(2).
- 27 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 19(5).
- 28 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsections 20.1 & 21(1).
- 29 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at sections 22(1) & 22(2).
- 30 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 22(3).
- 31 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 23(1).
- 32 Bill C-208, *An Act to suspend the operation of the Electoral Boundaries Readjustment Act*, 29<sup>th</sup> Parliament, 1<sup>st</sup> Session, 21-22 Elizabeth II, 1973; *Representation Act*, S.C., 1986, c.8; Bill C-67, *An Act to suspend the operation of the Electoral Boundaries Readjustment Act*, 34<sup>th</sup> Parliament, 3<sup>rd</sup> Session, 40-41 Elizabeth II, 1991-1992; Bill C-18, *An Act to suspend the operation of the Electoral Boundaries Readjustment Act*, 35<sup>th</sup> Parliament, 1<sup>st</sup> Session, 42-43 Elizabeth II, 1994.
- 33 Parliament amended the *Representation Order*, 2003 in February 2005, but only in direct response to the Federal Court of Canada's ruling in *Raïche*, and on the recommendation of the special Miramichi and Acadie-Bathurst Electoral Boundaries Commission, which the Martin government established under the *Inquiries Act* in October 2004. *Raïche v Canada (Attorney General)*, 2004 FC 679; Privy Council Office, Order-in-Council P.C. 2004-1196, October 19, 2004; *Final Report of the Miramichi and Acadie – Bathurst Electoral Boundaries Commission* (Moncton: Her Majesty the Queen in Right of Canada, 8 December 2004); *An Act to change the boundaries of the Acadie-Bathurst and Miramichi electoral districts*, S.C. 2005, c.6.
- 34 *Riding Name Change Act*, 2014, S.C. 2014, c.19.
- 35 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at section 24.
- 36 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 25(1).
- 37 Privy Council Office, Order-in-Council P.C. 2013-0963, 27 September 2013; *Canada Gazette*, Part II, EXTRA, Volume 147, No. 2, "Electoral Boundaries Readjustment Act: Proclamation Declaring the Representation Order to be in Force Effective on the First Dissolution of Parliament That Occurs After May 1, 2014" (Ottawa: Her Majesty the Queen in Right of Canada, October 5, 2013), SI/2013-102; Privy Council Office, Order-in-Council P.C. 2003-1294, August 22, 2003; *Canada Gazette*, Part II, EXTRA, Volume 137, No. 6, "Electoral Boundaries Readjustment Act: Proclamation Declaring the Representation Order to be in Force Effective on the First Dissolution of Parliament that Occurs after August 25, 2004," (Ottawa: Her Majesty the Queen in Right of Canada, August 29, 2003), SI/2003-154; Privy Council Office, Order-in-Council P.C. 1996-022, February 7, 1996; *Canada Gazette*, Part II, Volume 130, No. 3, "Electoral Boundaries Readjustment Act: Proclamation Declaration the Representation Order to be in Force Effective on the First Dissolution of the Parliament that Occurs after January 9, 1997" (Ottawa: Her Majesty the Queen in Right of Canada, February 7, 1996), SI/96-9.
- 38 Privy Council Office, Order-in-Council P.C. 2023-905, "Order directing that a Proclamation do issue Declaring the Representation Orders to be in Force," September 22, 2023. This Order-in-Council lists both the *Electoral Boundaries Readjustment Act* and the *Preserving Provincial Representation in the House of Commons Act* as its two sources of authority.
- 39 Her Excellency Mary May Simon, "Proclamation Declaring the Representation Orders to be in Force Effective on the First Dissolution of Parliament that Occurs after April 22, 2024," SI/2023-57, *Canada Gazette*, Part II, EXTRA, Volume 157, No. 2, September 27, 2023.
- 40 *Canada Elections Act*, S.C. 2000, c.9, at subsection 24 (1.4) (b).
- 41 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at section 25(3); *Canada Elections Act*, S.C. 2000, c.9, at subsection 469.
- 42 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 28(1)(a-c).
- 43 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 28(2).
- 44 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 15(1)(a).
- 45 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 15(1)(b)(i)(ii).
- 46 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 15(2)(a).
- 47 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 15(2)(b).
- 48 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c.E-3, at subsection 15(2).
- 49 *Representation Act*, S.C. 1986, c.8, at section 6.

# When Electoral Boundaries Readjustment Comes to PROC

Changes to Canada's federal electoral boundaries affect every person living in a particular riding. Yet, the process for changing boundaries occurs only once every 10 years. As such, a generalized unfamiliarity tends to exist among the public, as well as members of Parliament, about how the process functions and unfolds. There is only an upside to having every Canadian gain a better understanding of the steps that are taken to determine in what riding they will live, and who else will reside in that riding with them. In this article, the author first explains how this process unfolds under Canada's *Electoral Boundaries Readjustment Act* (EBRA), including the important role played by the House of Commons Standing Committee on Procedure and House Affairs (PROC). He then offers some observations about the 2022 readjustments.

**Andre Barnes**

## Introduction

Canada's House of Commons both redistributes its seats and readjusts the boundaries of its electoral districts (or ridings) at intervals initiated by the occurrence of the federal census. The redistribution of seats is achieved by applying the rules found in section 51 of the *Constitution Act, 1867*. The process for readjusting ridings entails a series of linear, sequential steps, with each step assigned a deadline for completion.

During the electoral boundaries readjustment process, members of Parliament (MPs) are provided the opportunity to express their views about each province's proposed riding configurations and riding names directly to the independent and neutral electoral boundaries commissions (Commissions). The Commissions are responsible for making these determinations. This step in the process occurs when all 10 Commissions cause their reports to be tabled in the House of Commons. Once tabled, each report is deemed referred to the House of Commons Standing Committee on Procedure and House Affairs (PROC).

---

*Andre Barnes is a Research Analyst at the Library of Parliament and was assigned to the House of Commons Standing Committee on Procedure and House Affairs (PROC) for its studies of the 2012 and 2022 readjustments.*

The focus of this article will be on the work carried out by PROC during the electoral boundaries readjustment process. However, to better understand how PROC's role fits into the larger picture, I will first provide some context about the readjustment process.

## Background

The most recent electoral boundaries readjustment process began in October 2021 and the resultant new ridings will be applicable for a general election held after April 22, 2024.<sup>1</sup>

As a bicameral parliament, Canada's Lower House employs representation by population as the basis for determining its membership count. As Canada's population count changes and relocates internally within the country, the House of Commons alters its seat count to reflect those changes. By contrast, the Senate uses regional representation as the basis for its distribution of seats and its fixed membership count.

The legal basis for redistributing seats in the House is found in the *Constitution Act, 1867*, while the *Electoral Boundaries Readjustment Act* (EBRA) provides the legal framework for readjusting electoral boundaries. Further, the constitutional principles and legal requirements of the readjustment process can be challenged in court. As such, certain court decisions serve to inform the exigences that Commissions must follow during readjustments.



In each province, the work of:

- dividing the land area into electoral districts,
- describing the boundaries,
- establishing the population count within each electoral district, and
- giving each electoral district a name,

is carried out by an independent and neutral three-member Commission. Each Commission has the final say about a province's electoral boundaries and electoral district names. Though Elections Canada supports the work of the Commissions through a variety of professional, financial, technical, and administrative services, it plays no role in deciding the electoral boundaries or names of any riding.

Canada's three territories are not included in the readjustment process. Rather, under section 51(2) of the *Constitution Act, 1867*, each territory is itself a riding, with all three territories assigned one seat each. To alter the electoral boundaries or names of a territorial riding would require an amendment to the *Constitution Act, 1867*.

### **PROC and the electoral boundaries readjustment process**

#### *The Commission's reports*

In carrying out its work, a Commission ends up preparing as many as three versions of a province's federal electoral boundaries report.

The first version of a Commission's report must be prepared prior to holding public hearings. As MPs are members of the public, they are permitted to participate in a public hearing.

The second version contains revisions made following the conclusion of the public hearing stage. This second version is tabled in the House of Commons and referred to PROC. At this stage, MPs alone are given the opportunity to object to specific provisions found in the second version.

The third version responds to any objections filed by MPs and is the final version of the Commission's work. Should no MP object to any provision in a provincial Commission's second version report, then the second version becomes the final report and there is no need for a third version.

PROC's role in the electoral boundaries process begins once any of the 10 provincial Commissions cause the second version of their report to be tabled in the House. The 10 reports are tabled individually and, usually, not all on the same day. How quickly Commissions complete the second version of their reports can be influenced by the relative population size of the provinces and/or other complicating factors.

Due to the sequential nature of the readjustment process, with each step assigned a deadline, it is possible to predict with reasonable accuracy, when PROC's role in the process will begin. Table 1 sets out the date on which the second version of each Commission's report was tabled in the House.

The *EBRA* sets out requirements about the information each version of these reports must contain. In the case of the second version of a Commission's report, it must provide

the considerations and proposals of the [C]ommission concerning the division of the province into electoral districts, the descriptions and boundaries of the districts and the population of and name to be given to each district.<sup>2</sup>

Generally, a Commission's report also sets out contextual information about the process itself, the approach taken by the Commission in carrying out its work, and the reasons for its decisions. Further, Commissions often include information about how they interpreted their legal obligations under the *EBRA* and how they sought to balance these obligations, which are at times competing.

The *EBRA* applies equally to all 10 provinces, despite their geographic and demographic differences. However, the statute allows some flexibility for the Commissions to interpret legal requirements determining reasonable riding boundaries.<sup>3</sup> As such, each Commission may place greater or lesser emphasis on any of:

- voter parity,
- communities of interest,
- communities of identity,
- historical boundary patterns, and
- manageable geographic size of districts in sparsely populated, rural or northern regions of the province.

**Table 1 – A Timeline of the Studies Carried Out in 2023 by the Standing Committee on Procedure and House Affairs to Review the Ten Provincial Electoral Boundary Commission Reports**

Province	Date of Commission Tabling its Report in the House	MP Objections*	No. of MPs Appearing as Witnesses	Start of the Study by the Committee	No. of Meetings**	Presentation of Committee's Report in the House	Objections agreed to***
Nova Scotia	Nov. 17, 2022	3/1	3	Jan. 31, 2023	2	Mar. 20, 2023	0/1
Prince Edward Island	Nov. 29, 2022	0	0	Feb. 8, 2023	1	Feb. 8, 2023	--
New Brunswick	Nov. 30, 2022	0/1	1	Jan. 31, 2023	2	Mar. 20, 2023	0/0
Saskatchewan	Dec. 6, 2022	3/0	3	Feb. 2, 2023	2	Mar. 20, 2023	2/0
Manitoba	Dec. 6, 2022	2(3)/0	3	Feb. 2, 2023	2	Mar. 20, 2023	1/0
Newfoundland and Labrador	Dec. 7, 2022	0	0	Feb. 8, 2023	1	Feb. 8, 2023	--
Quebec	Feb. 1, 2023	11/10	18	Mar. 23, 2023	4	May 17, 2023	3/8
Alberta	Feb. 2, 2023	5/2	5	Mar. 23, 2023	2	May 17, 2023	2/1
British Columbia	Feb. 8, 2023	10(21)/10(21)	14	Apr. 18, 2023	3	May 31, 2023	2/6
Ontario	Feb. 10, 2023	19(24)/9(10)	18	Apr. 18, 2023	4	June 7, 2023	5/6
Total	--	53(70)/33(45)	92	--	23	--	

#### Notes

\* This category includes objections to electoral boundary configurations (represented as the numerator) and riding names (represented as the denominator). It also counts objections that were jointly prepared between two or more MPs as a single objection but includes the total number of MPs that were signatory to an objection in brackets. Lastly, it also counts objections filed in support of the status quo. For example, in Ontario, 19(24)/9(10) means that there were 19 electoral boundary configuration objections and a total of 24 MPs filed an objection or joint objection to an electoral boundary configuration, while there were nine riding name objections and a total of 10 MPs filed an objection or a joint objection to a riding name.

\*\* This category includes both the utilization of part of a two-hour or three-hour committee meeting and/or the entire two-hour or three-hour committee meeting.

\*\*\* This category includes objections agreed to by the Commissions, with electoral boundary configuration objections agreed to represented as the numerator, and riding name objections agreed to represented as the denominator. Source: Table prepared by the Library of Parliament from the website House of Commons, Committees – PROC.

#### Formal objections by members of Parliament

The tabling of a Commission's report in the House of Commons marks the start of a 30-calendar day window during which any MP may file an objection about the report with PROC's clerk.<sup>4</sup> For an objection to be eligible for consideration by PROC, it must meet

the following requirements, which are set out in the EBRA. That is, the objection must:

- be in writing, in the form of a motion;
- specify the provisions of the report being objected to and the reasons for the objection; and
- be signed by not less than 10 MPs.

The use of the term “objection” in the *EBRA*, to describe an MP’s desire to provide input about the second version of a Commission’s report, seemingly would imply that an objecting MP disagrees with the Commission’s proposal. However, during at least the last two electoral boundary readjustments, PROC deemed acceptable instances where MPs filed objections that expressed their support for the second version of the Commission’s report, without technically objecting to any provision.

The reason MPs’ objections filed in support of a Commission’s proposals were permitted by PROC could be viewed as an allowance for some counterbalance to the inherent features of the design of the electoral boundaries readjustment process.

The process is sequential, with the next step potentially overwriting the previous step. Further, it is the Commissions that make proposals, and the public and MPs that respond to these proposals by presenting feedback. One could make a case that in seeking public feedback, arguably, one is more likely to hear from those spurred into action by displeasure with a proposal, rather than those spurred into action by satisfaction with a proposal.

Broadly speaking, all MPs’ objections address one of two matters: proposed riding boundaries, or the proposed name for a riding. In filing an objection, an MP ought to consider providing the Commission with an alternative proposal, but they are not required to do so.

In the case of objections to the proposed configuration of a riding, it is not uncommon for an MP to object to the proposed configuration of more than one riding, such as objections to every riding in a city or in a region. Indeed, during the 2012 electoral boundaries readjustment, 12 Saskatchewan MPs each filed objections which, at their basis, challenged the configuration of the ridings for that entire province.<sup>5</sup>

#### *PROC’s studies of objections by members of Parliament*

The end of the 30-day period for MPs to file objections to the second version of a Commission’s report starts the clock on a subsequent period in the readjustment process. PROC then has 30 sitting days within which to consider MPs’ objections and report the matter back to the House.<sup>6</sup>

In 2012 and 2022, PROC as a full committee dealt with MPs’ objections to a provincial Commission’s

report. For the 2002 readjustment, PROC<sup>7</sup> empowered a subcommittee (the Subcommittee on Electoral Boundaries Readjustment) to carry out this work. In all cases, each province’s report was dealt with as a separate study and resulted in 10 separate committee reports.

At this stage in the process, the *EBRA* provides MPs with the opportunity to object to any provision in a Commission’s report. The statute is silent about any qualitative or quantitative information MPs could call to the Commission’s attention to make their objection legally, if not morally, socially, or historically, compelling to the Commission.

In the case of objections to electoral boundary proposals, MPs usually employ, as the basis of their objection, the criteria found in section 15 of the *EBRA*, which the Commissions must consider in determining reasonable electoral district boundaries.<sup>8</sup>

For objections to proposed riding names, MPs usually make their case by calling on their knowledge of the local area to propose adding or removing places or names from a proposed riding name. Since 1998, Commissions have consulted with the Geographical Names Board of Canada (GNBC) for naming advice. To this end, the GNBC secretariat has prepared a set of guidelines to assist provincial commissions in their reviews of federal riding names for suitability. However, MPs’ objections to proposed riding names rarely, if ever, refer to these GNBC guidelines.

It’s worth noting that PROC does not study a provincial Commission’s report. Rather, PROC’s role is to only study objections by MPs to a Commission’s report. As such, in the case where no MP files an objection to a province’s electoral boundaries report, then PROC reports back to the House only that no objections were filed for that province.

Some MPs, observers, and even on occasion, a Commission, have suggested that PROC could use its reporting power, at this stage, to raise considerations or make recommendations to the House about the operation of the broader *EBRA* process or corollary matters. For example, parliamentary resources for members of the House related to their representation function. However, it has been PROC’s view that any such examination ought to be conducted as a separate study, outside of the readjustment process.<sup>9</sup> As part of its mandate, PROC is empowered by the *Standing Orders of the House of Commons* to, at any time, review of and report on all matters relating to the election of members to the House of Commons.<sup>10</sup>

Further, the EBRA is silent about any evidentiary documentation that an MP may wish to provide to PROC when filing an objection. In 2012 and 2022, PROC received objections from MPs whose length, measured in pages, ranged from voluminous to minimal.

As is the case with nearly all reports by parliamentary committees, it is analysts from the Library of Parliament who draft PROC's substantive reports for each provincial Commission. For the 2012 and 2022 readjustments, the approach taken by analysts in summarizing MPs' objections as reflection of the will of PROC, was to put each objection in the best light possible. Or, put another way, to state the MP's objection in the way that the MP themselves would support.

*Reconsideration and disposition by Commissions of MPs' objections*

Upon completing its work of examining, considering, and compiling any MPs' objections to a Commission's report, PROC's Chair presents its findings in a committee report. This report is tabled in the House, along with a copy of the objection(s), minutes of proceedings and verbatim evidence.

Any recommendations made by PROC, concerning the boundary configuration of a riding or a riding's name, do not bind the decision-making of the Commissions. Rather, section 23(1) of the EBRA requires only that the Commissions "consider the matter of the objection and dispose of the objection." As such, a Commission will only modify its boundary proposals or proposed riding names where it agrees with an MP's objections.

The rejection rate by Commissions of MPs' objections tends to be high. In 2012 and 2022, the number of objections made by MPs that a Commission agreed with, in any given province, usually could be counted on one hand.

An important factor that can lead to an MP's objection being rejected by a Commission is the interrelated nature of all proposed ridings in a province. The creation of ridings meant to cover the entire geography of a province could be viewed as creating puzzle pieces. Using this analogy, a typical MP's objection focuses on changing the shape of a single puzzle piece, knowing that this change must necessarily result in a concomitant increase or diminution in size of the neighbouring piece.

In other words, moving a boundary in one riding often requires adjustments to be made in neighbouring ridings to maintain relative population balance or adhere to other legal factors. These repercussions may then ripple outward across the region, if not the entire province. As such, an MP proposing a change to the configuration of a riding on, for example, Vancouver Island, can end up affecting the configurations of the ridings east of the Rockies in British Columbia.

## **Observations on features of the *Electoral Boundaries Readjustment Act***

### **1. The process is federally run**

The advantages are numerous of having a federally run process for readjusting electoral boundaries, as compared with permitting each province to run their own processes, in the manner of their choosing. These advantages relate to uniformity and predictability. The current process is uniform and predictable with respect to:

- the qualifications of the commissioners, the process for their appointment, and their mandates and powers;
- the tasks and timelines for the completion of each Commission's work;
- the legal criteria that must be used by the Commissions in carrying out their work; and
- the resources, facilities and support provided to the Commissions.

It is probable that economies of scale are achieved by having the technical assistance and corporate memory provided to the Commissions come from a single entity, Elections Canada.

It is also important to be cognizant that a federally run boundaries readjustment process means that it is a "one size fits all" process. As such, the Commissions in, for example Ontario and Prince Edward Island, must follow the same process and adhere to the same timelines, despite their glaring differences in relative population size (14.8 million and 0.16 million, respectively), geographic size (1.076 million km<sup>2</sup> and 0.0057 million km<sup>2</sup>, respectively), and seats in the House of Commons (122 and four, respectively).

### **2. The 10 provincial Commissions are neutral and independent**

The current electoral boundaries readjustment process is designed to insulate the work of the



Commissions from the influence of political calculations. The Commissions are meant to operate in a neutral fashion and are independent of Parliament and the government of the day. This was not always the case.

From 1872 to 1903, seat readjustments in the House of Commons for the existing provinces were made by government bills. These bills contained a description of the boundaries for each electoral district. This seat readjustment process has been described as, “a highly biased task focused on maximizing the governing party’s electoral successes.”<sup>11</sup>

In 1903, the process for readjusting seats and electoral boundaries was changed. While the practice of bringing in a government bill to readjust seats and electoral boundaries remained, the bill did not contain any details about the placement of electoral boundaries. After the bill was read a second time, it was referred to a special committee of the House whose membership was drawn from all parties.<sup>12</sup> This special committee was empowered to prepare schedules that described the electoral boundaries for all districts. However, the process “remained highly partisan.”<sup>13</sup> Further, members were not provided with guidelines upon which to base their decisions.

In 1964, Parliament passed the *EBRA*. The legislation assigned the responsibility for drawing and readjusting the boundaries of electoral districts to nonpartisan electoral boundaries Commissions.

The Commissions:

- conduct their work at arm’s length from Parliament;
- have a membership chosen by independent representatives (i.e., the chief justice of each province and the Speaker of the House of Commons);
- consult widely in making their proposals;
- are empowered to modify their proposals following consultations;
- must justify their decisions according to legal criteria and historical precedent, and;
- have the final say on decisions related to boundary configurations and riding names.

### **3. The relationship between the federal decennial census and electoral boundaries readjustment**

Canada’s first decennial census was held in 1871 under the *Census Act* (CA).<sup>14</sup> The CA provided that,

following the 1871 census, a census must be taken every 10 years thereafter. According to Statistics Canada, the main purpose of the 1871 census was to determine the “appropriate representation by population in the new parliament.”<sup>15</sup>

Further, section 51 of the original *British North America Act 1867*, later renamed the *Constitution Act, 1867*, provided that representation in the House of Commons must be readjusted following the completion of the decennial census.

### **4. The electoral boundaries readjustment process is sequential in nature**

During the 2022 readjustment, a fair number of objections filed by MPs had, as their basis, an agreement with the first version of a Commission’s report and a disagreement with the revisions made by the Commission following the public hearing stage.

In these cases, MPs told PROC that they had heard from individuals or communities of interest or identity who had studied the first version of a Commission’s report and were highly satisfied with the proposed configurations. As such, they decided not to attend the public hearings to tell the Commissioners about their satisfaction.

However, many participants did attend the public hearings, of which many were dissatisfied with the first version of a Commission’s report. These participants proposed that revisions be made to the report.

As such, during the 2022 readjustment process, there were numerous instances of individuals and communities who had silently supported the first version of a Commission’s report, only to find themselves surprised and disappointed by the changes that ended up being made by the Commission in its revised second version. However, at that point in the process, the public hearing stage was completed, and it was too late for the public to directly provide its input to the Commissions.

### **5. Some regions within a province lost seats**

The formula for assigning seats in the House of Commons to Canada’s 10 provinces is set out in sections 51(1), 51(1.1), and 51A of the *Constitution Act, 1867*. Section 51(1) contains the six rules put in place through the *Fair Representation Act*, which became law in December 2011.

In June 2022, Bill C-14, *An Act to amend the Constitution Act, 1867 (electoral representation)* amended rule 2, and had the effect of preventing the loss of one House seat for Quebec during the 2022 seat redistribution.

As such, during the 2022 seat redistribution, no province had their seat count in the House of Commons reduced.

However, within two provinces, some regions did lose seats. This was the case in the regions of eastern Quebec, downtown Toronto, and Northern Ontario. Each of these regions saw the seat count for that region reduced by one.

In broad terms, the reason for the seat losses in these regions is due to the uneven distribution of population bases within each province. By total geographic area, Canada is the second largest country in the world. However, in 2022, 73.7 per cent of Canadians lived in a large urban centre.<sup>16</sup> Moreover, in 2017, it was found that 66 per cent of Canadians lived within 100 km of the US border.<sup>17</sup>

## Conclusion

With great knowledge of their own riding and the communities that surround it, MPs can make important contributions to the Commissioners' research and information gathering process through written or oral interventions at public meetings. Further, according to the process set out in the EBRA, MPs have a second opportunity to formally interact with each provincial Commission, after each tables its report for review by the PROC. At this latter stage, whether these objections are accepted or rejected, depends largely on the nature of the objection and its effect on the complex inter-connected nature that an adjustment made to one riding would have on others. This article, which has described the process at the PROC and offered observations on certain features of the EBRA, finds that there are important advantages to having an independent, neutral, federally-run process for boundary readjustment. However, employing a process that follows a series of sequential steps does produce certain inevitable characteristics to the work.

## Notes

1 Government of Canada, *Proclamation Declaring the Representation Orders to be in Force Effective on the First Dissolution of Parliament that Occurs after April 22, 2024*.

- 2 *Electoral Boundaries Readjustment Act*, R.S.C., 1985, c. E-3, s. 20(1).
- 3 EBRA, s. 15.
- 4 The EBRA is silent on whether an MP from province X can duly file an objection with PROC about the second version of a Commission's report for province Y. As such, any MP may duly file an objection about the second version of a Commission's report for any province.
- 5 House of Commons, Standing Committee on Procedure and House Affairs, *Report of the Federal Electoral Boundaries Commission for Saskatchewan 2012*, Fifty-seventh Report, June 2013.
- 6 Section 22(1) of the EBRA sets out that PROC may request a time extension of undefined length, from the House, beyond 30-sitting days, to complete its consideration of a Commission's report.
- 7 According to the Sixteenth Report of the House of Commons Standing Committee on Procedure and House Affairs. The Subcommittee was composed of one member from each party, plus the Chair. Note: at that time, HAFF was the acronym for the committee instead of PROC.
- 8 In drawing electoral boundaries, s. 15 of the EBRA requires Commissions to consider the following factors: voter parity, communities of interest, communities of identity, historical boundary patterns, and manageable geographic size of districts in sparsely populated, rural or northern regions of the province.
- 9 See, for example, PROC's Sixteenth Report, 37<sup>th</sup> Parliament, 3<sup>rd</sup> Session, presented in the House of Commons in April 2004, or after the completion of PROC's role in the electoral boundaries readjustment process.
- 10 *Standing Orders of the House of Commons*, Standing Order 108(3)(a)(iii).
- 11 Marc Bosc and André Gagnon, eds., "Chapter 4: The House of Commons and its Members – Historical Perspective," *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., 2017.
- 12 *Ibid.*
- 13 *Ibid.*
- 14 *Census Act* (33 Victoria, Chapter XXI).
- 15 Statistics Canada, *History of the Census of Canada*. URL: <https://www12.statcan.gc.ca/census-recensement/2011/ref/about-apropos/history-histoire-eng.cfm>
- 16 Statistics Canada, *Canada's large urban centres continue to grow and spread*. URL: <https://www150.statcan.gc.ca/n1/daily-quotidien/220209/dq220209b-eng.htm>
- 17 Statistics Canada, *Population size and growth in Canada: Key results from the 2016 Census*. URL: <https://www150.statcan.gc.ca/n1/daily-quotidien/170208/dq170208a-eng.htm>

# *The Surprising Case of Public Participation and Social Media Usage in Canada's Redistribution Process*

During each electoral boundary redistribution process, members of the public are invited to provide feedback to the commissions' proposed reforms to federal electoral boundaries. While participation rates in public consultation processes during the 20th century are reportedly low, little research has examined participation rates in the 21st century. Additionally, how public participation has been affected by the creation of redistribution social media accounts for the 2023 process is not yet understood. This article seeks to address these gaps. The results show that while (formal) public participation in the process has increased in the 21st century, a closer examination of the data shows there has been a mild decrease in participation for 2023 in comparison to 2013. However, if comments submitted through social media to the commissions are included, then participation rates for the 2023 process increase substantially compared to past decades.

**Valere Gaspard**

## **Introduction**

Each decade, 10 independent electoral boundaries commissions are formed across Canada (one for each province) to revise the electoral boundaries in their province, and welcome feedback from both the public as well as Members of Parliament (MPs).<sup>1</sup> Members of the public are invited to provide feedback about the commissions' proposed reforms to their province's federal electoral boundaries by attending public hearings, giving presentations at those hearings, or providing written feedback (referred to as oral representations, or written representations). Though the independent commissions are under no obligation to change their proposals based on feedback from the public or MPs, they have been known to act on some of these suggestions in past processes<sup>2,3,4</sup> showing that participation in the process has demonstrable impacts.

Despite many opportunities to participate, redistribution processes in the 20<sup>th</sup> century saw low

public participation that was dominated by political elites (elected officials, constituency party executives, or defeated candidates).<sup>5</sup> For the 2023 redistribution process, official social media accounts (on Twitter (now X), Facebook, and Instagram) were created for the first time.<sup>6</sup> This innovation should allow more information about the process to be shared with a wider audience and give the commissions another way to solicit engagement from the public. However, the effects of this innovation, as well as how residents of provinces choose to participate in the redistribution process in the 21<sup>st</sup> century, have yet to be examined.

Building on past studies about the redistribution of electoral districts in Canada and its public consultation process, this research paper addresses three questions: first, who can participate in the redistribution process, and how can they participate? Second, do the rates of participation for the 2023 redistribution process differ from past decades? And third, how has the introduction of social media effected participation in the redistribution process? To address these questions, I rely on data from each of the commissions about rates of participation through representations, and the number of social media comments received by the commissions on Twitter (X), Facebook, and Instagram.

The results demonstrate that while public participation in the process has increased in the 21<sup>st</sup>

---

*Valere Gaspard is a PhD student at the University of Ottawa and a Research Fellow at the Leadership and Democracy Lab. His doctoral studies and research are supported in part by funding from the Social Sciences and Humanities Research Council. The views of the author do not reflect those of any employer.*

century, a closer examination of the data shows there has been a mild decrease in participation through representations in 2023 (6,101) from 2012 (6,463). However, if comments submitted through social media to the commissions are included, then participation rates in 2023 increase substantially compared to past decades (23,495). Although, the trade-off of this scenario is that while there is increased participation (via social media), the feedback provided in social media comments is often less detailed than feedback via representations. Therefore, if the trends from 2023 continue in future redistribution cycles, participation in this process may progressively move online and away from traditional forms of feedback (representations), but that this change may also result in some less detailed feedback for the commissions.

The article proceeds in five parts. First, I provide a brief review of past research on the public consultation process to contextualize my own contribution. Second, I outline technical information about the public consultation process, including the types of participation and who can participate. Third, I offer a short methodology to explain how the data was collected. Fourth, I summarize and provide discussion of the results. Finally, I conclude by pointing to some problems in the current process and the key findings of this paper.

## Literature review

The literature on Canada's federal electoral redistribution process is succinct but covers several important topics. My focus is strictly on research relating to public hearings and public participation, but I acknowledge the contributions of work on other topics such as the historic debates about the utility of the commissions<sup>7</sup> or how communities of interest are considered by the commissions.<sup>8,9</sup>

Commissions are very serious about guarding their independence.<sup>10</sup> After a commission has developed a boundary proposal for its province, it is required to hold at least one public hearing in the province so that it can hear 'representations' (the official word used for oral or written feedback on a boundary proposal) from interested persons.<sup>11,12</sup> Public hearings are important for participatory and representative democracy<sup>13</sup> since it gets residents involved in another part of the democratic process. Hearings also assist in maintaining transparency and public confidence in the redistribution process,<sup>14</sup> and give an opportunity for the commissions to understand the views of both communities at large and specific groups in those communities.<sup>15</sup> While

commissions are under no obligation to accept any of the opinions expressed by members of the public or MPs (to ensure they maintain their independence),<sup>16</sup> they are still tasked with increasing public awareness of the redistribution process.<sup>17,18</sup>

Both members of the public and MPs are allowed to take part in public hearings and submit representations,<sup>19</sup> and these representations are submitted from all kinds of individuals or groups.<sup>20</sup> Commissions do not usually record the exact number of people that attend public hearings (but typically record the number of oral or written representations), making it more difficult to gauge participation rates in communities.<sup>21</sup> MPs are known to take full advantage of participating in public hearings – even though they receive their own opportunity to give feedback on proposals in Parliament<sup>22</sup> – and that participation at public hearings is usually dominated by political elites (mayors, constituency party executives, or defeated candidates).<sup>23</sup> However, a greater number of constituents or members of the public tend to participate in public hearings when there are controversial changes that affect a specific riding or region.<sup>24</sup> Members of the public typically care most about preserving existing electoral boundaries<sup>25</sup> while MPs are found to care most about providing feedback when boundary proposals affect their own self-interest or electoral prospects.<sup>26</sup>

Feedback given at public hearings can be very impactful, since commissions are known to act on, or at the very least consider, suggestions made at public hearings.<sup>27</sup> During the redistribution process for 2003, approximately two-thirds of proposed boundaries were modified after the commissions held public hearings, showing that public feedback can affect the outcomes of the process.<sup>28,29</sup> Overall, research shows that there is both a normative reason (to increase public participation in a democratic process) and substantive reason (to affect the outcome of the process) for members of the public to participate in public hearings. However, there remains a gap in understanding how the emergence of social media impacts public participation, as well as if participation rates have changed in the 21<sup>st</sup> century.

## Public consultation process

In this section, I outline relevant technical information about the redistribution process and public hearings, as well as the addition of social media to the 2023 process. There are seven key steps in the redistribution process:

- A calculation of the number of seats allocated to each province is made using a formula set out in the *Constitution Act, 1867*;
- A commission for each province is established and they are given population data about their province;
- Each commission develops and publishes a boundary proposal for its province;
- Each commission must hold at least one public hearing, and members of the public or MPs can participate by submitting oral or written representations;
- The commissions report to the House of Commons through its Speaker to allow MPs to provide objections during a parliamentary committee;
- The commissions write a final report (they can consider or dispose of any objections) and submit it to the Speaker of the House of Commons through the Chief Electoral Officer;
- Representation orders finalize the process and new boundaries are established.<sup>30</sup>

During the public hearing stage of the redistribution process, commissions can weigh any representations they receive (from members of the public or MPs) and choose to address or ignore any feedback. Official English and French social media accounts on Twitter (X) (@FedBoundaries and @LimitesFed), Facebook (Redistribution Canada and Redécoupage Canada), and Instagram (@FedBoundaries and @LimitesFed) were introduced for the 2023 redistribution process. Based on a content analysis of the posts made by these accounts, they are primarily used for posting news releases, giving updates on the larger process, and providing reminders for public hearings in each of the provinces.

It should be noted that each commission does not have its own social media account. Instead, two accounts on each platform post information about each of the provinces and the commissions. Although the commissions could use the feedback that they receive from social media users (specifically, from comments on posts pertaining to their province), it is unclear to what extent commissions consider or read feedback on social media. For example, Alberta's commission mentions using any materials that were made available to it, including social media posts,<sup>31</sup> while other commissions do not mention social media.

This distinction is important when assessing the data from social media, since it is possible that commissions could be on either extreme of reviewing any social media comments they receive or excluding all

comments from their decision-making. If participation on social media increases in future redistribution cycles, then commissions may be incentivized to better incorporate feedback via social media in their decision-making process.

While detailed explanations are given about how the redistribution process functions, the rules about who can participate during each part of the process are not at the forefront of the information provided to the public. The redistribution process ultimately occurs for the purpose of determining the boundaries of districts for federal elections. To vote in a federal election, an individual must be a Canadian citizen who is 18 years or older on election day.<sup>32, 33</sup> However, public hearings are open to the public, and not limited to voters or even residents of the province. Table 1 explains that the only legal restriction for participating in the redistribution process relates to being a member of a provincial commission, which requires an individual to be a resident of the province and to not be a MP, Senator, or member of a provincial legislative assembly.

Discussing how participation in the federal redistribution process is extended to non-citizens while voting in federal elections is limited to citizens falls outside the scope of this article; however, it is helpful context to consider that the entire population of a province (or even individuals outside of it) can participate. This means legal barriers to participation in the redistribution process are very low. Individuals do not need to provide their identity to participate (unlike in federal elections where proof of identity or vouching is required to vote).<sup>34</sup> However, there might still be non-legal barriers to participation, such as time commitments, getting to the physical location of public hearings, internet access for virtual public hearings, or simply being unaware of the process. These topics merit further consideration by scholars.

## Methodology

The data on participation rates used in this article come from four main sources: the redistribution websites for both 2013<sup>35</sup> and 2023,<sup>36</sup> past research that compiled data on participation rates in the redistribution processes for 1987 and 1996,<sup>37</sup> physical copies of the commissions' reports for the 2003 process, and the social media websites that hosted the official redistribution accounts for the 2023 process (Twitter (X), Facebook, and Instagram). A description of each source and the data it provides is discussed in turn.

The redistribution websites provide the data for the number of hearings, the number of presentations, and

Table 1: Types of participation

Type of Participation	Must be a Canadian Citizen?	Must be a resident of the province?	Any additional restrictions or requirements?	Is this type of participation considered in the Commission's decision-making?
<b>Member of a Provincial Commission</b>	No	Yes	Cannot be a member of the Senate, House of Commons, a provincial legislative assembly, or a legislative council of a province.	N/A
<b>Attend a public hearing</b>	No	No	Must attend in-person or virtually	Yes
<b>Submit a representation</b>	No	No	No	Yes
<b>Comment on social media</b>	No	No	Access to Internet and at least one social media account	Varies (some commissions claim to review social media feedback)
<b>Voting in a federal election</b>	Yes	Yes (must provide proof of address)	Must be 18 years or older Must provide proof of identity	N/A

Sections 5 and 6 of the Electoral Boundaries Readjustment Act restrict membership of a provincial commission. Otherwise, the legislation outlining the rules of the redistribution process remain silent on citizenship or residency requirements for attending a public hearing or submitting a representation.<sup>38</sup> In contrast, only Canadian citizens that are 18 years or older can participate in federal elections.<sup>39</sup>

the number of written submissions for both the 2013 and 2023 processes. Both websites for 2013 and 2023 include a list of public hearings that occurred. However, the total number of presentations and written submissions are less clear. While the 2023 website provides totals for written submissions, the reports from each commission give the total numbers of presentations and written submissions for both 2013 and 2023. In certain cases, the numbers in the reports are unclear, unlisted, or only give approximate estimations instead of an exact number. For 2023, specifically, some totals for the number of written submissions on the redistribution website do not match the total listed in the report from the commission. To address these anomalies, the author consulted with another researcher in this journal's volume to find a consensus on the exact numbers.<sup>40</sup>

John C. Courtney's 2004 book *Elections* is the second data source. It lists the total number of submissions for all 10 federal commissions for the 1987 and 1996 processes. While the chapter does not provide an exact breakdown of submissions per province, it gives a comparison of how national totals of submissions have changed over time. The third source of data – for the redistribution process of 2003 – comes from physical copies of the commissions' reports for that decade.

The final source of data is a compilation of comments made by users on posts from any of the six official redistribution social media accounts. This compilation covers comments made on posts from January 14, 2022, to May 31, 2023. It should be noted that in addition to posts from the official redistribution accounts, numerous advertisements on social media platforms about the redistribution process were made



to promote awareness of the process. Comments on these advertisements are not part of the dataset since it would be very difficult to confirm whether each advertisement that was published is captured in the data (in some cases the advertisements can no longer be found online while in other cases, comments on the advertisements can no longer be accessed). Therefore, while the data for the number of social media comments is accurate, it is substantially lower than if comments on advertisements were also incorporated.

In addition to what is included as data, it's important to highlight what is not included. The number of attendees at public hearings is not included in the dataset since some commissions did not make this number available or did not track the number of attendees at hearings. If commissions have the resources to count the number of attendees at each hearing for future redistribution processes, this data could enhance our understanding of this topic in future research. Furthermore, the data does not include the number of objections made by MPs during their distinct opportunity to review the commissions' reports during parliamentary committee, but does include any oral or written representations made by MPs at public hearings. The number of objections made during parliamentary committee is not included as this paper concerns itself with participation in public hearings and not with the distinct opportunity given to MPs under the *Electoral Boundaries Readjustment Act*.<sup>41</sup>

## Results and discussion

To address the second and third research questions, I begin by examining the total participation rates for each redistribution process from 1987 to 2023. The totals illustrated in Table 2 constitute all written and oral representations submitted to the 10 commissions. The data for 2023 does not include social media comments.

After the 2003 redistribution process, there was a substantial increase to the number of representations submitted to the commissions, demonstrating that more individuals and groups are participating in public hearings in the 21<sup>st</sup> century. Since past assessments of public hearings for the 1987 and 1996 processes conclude that the public was not yet sufficiently involved in or informed about the redistribution process,<sup>42</sup> these results imply the public is either more informed about the process or has more reasons to participate. Since members of the public participate more when controversial changes are being made to their riding or region,<sup>43</sup> increases in participation could mean the commissions are now making more controversial decisions than in past processes. However, while participation has increased compared to the past century, there is a mild drop in participation for the 2023 redistribution process. These results address the second research question 'do the rates of participation for the 2023 redistribution process differ from past decades?' by showing that while participation through

Table 2: Total representations per decades

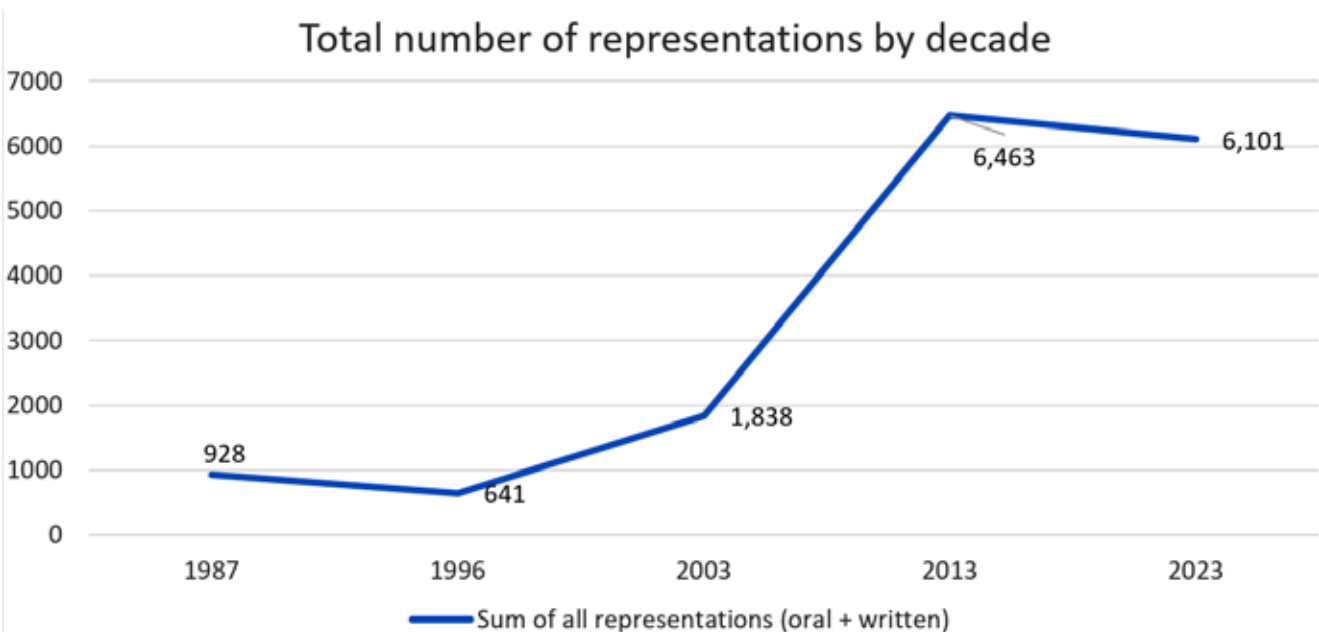


Table 3: Total public hearings for 2013 and 2023

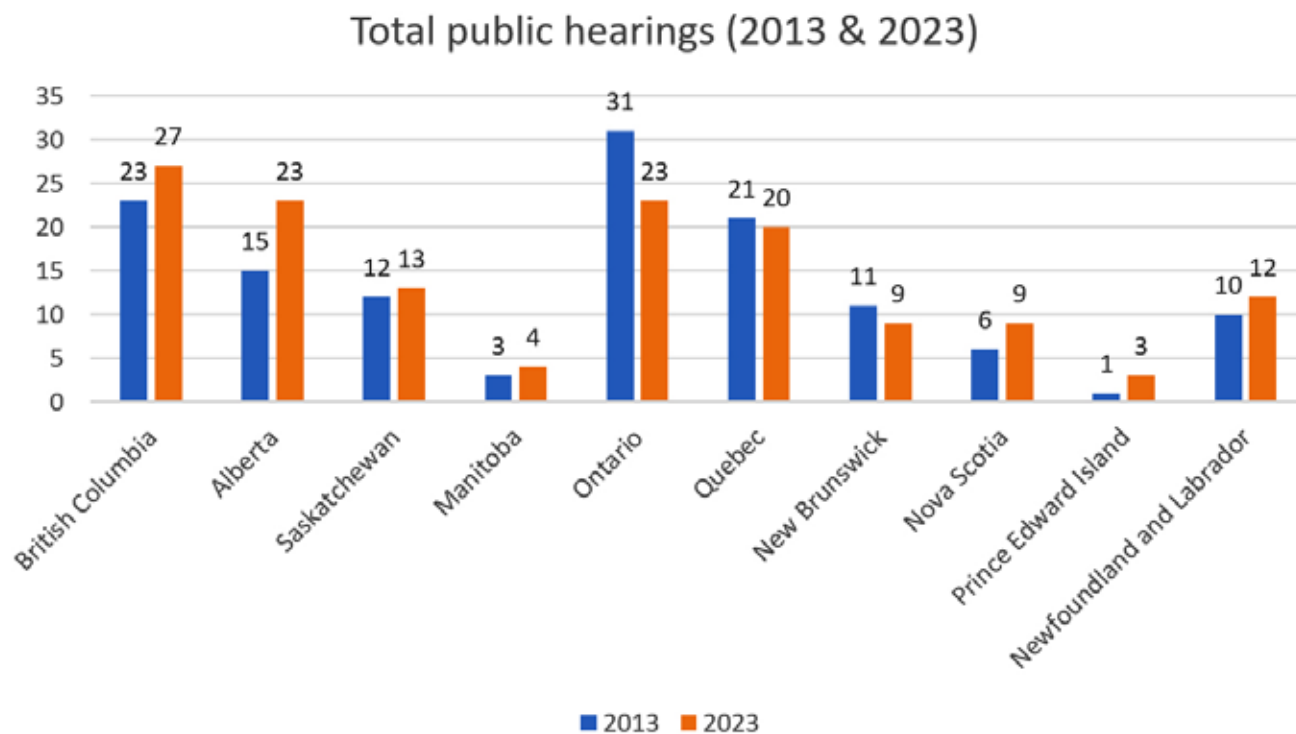
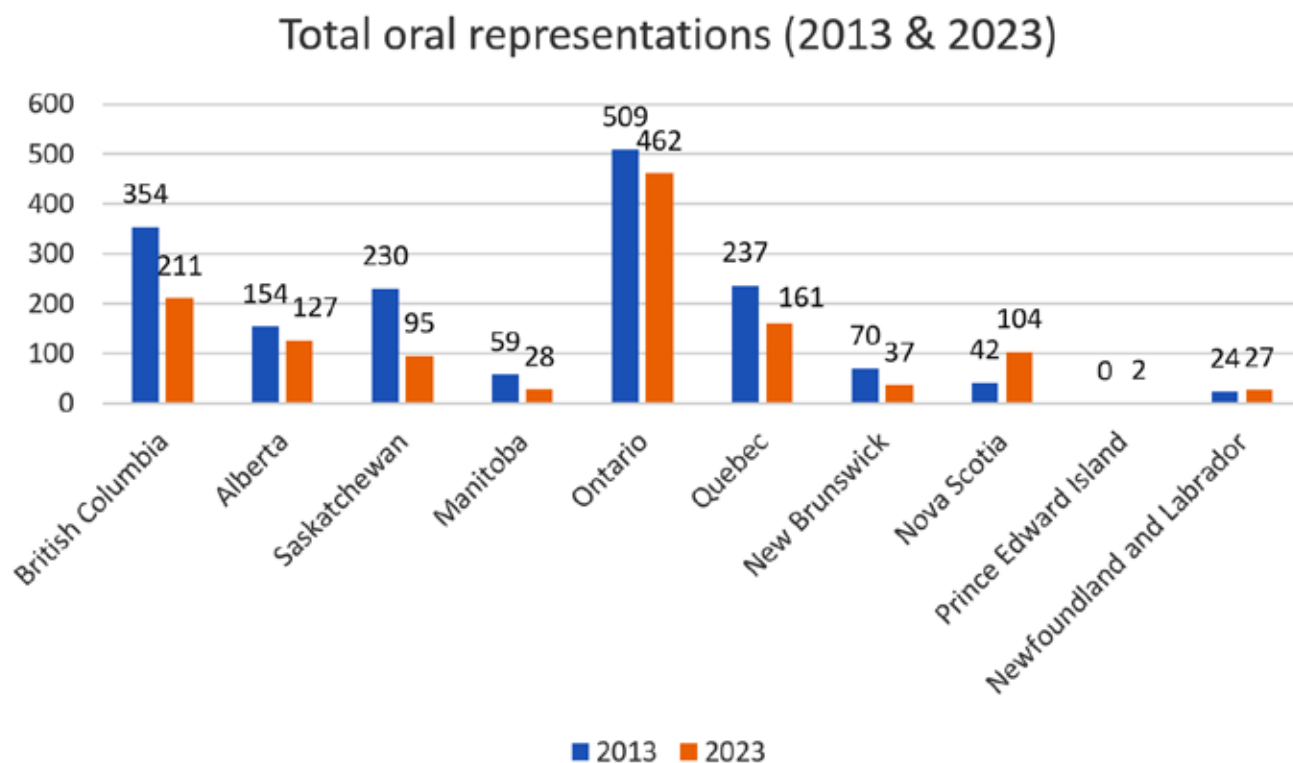
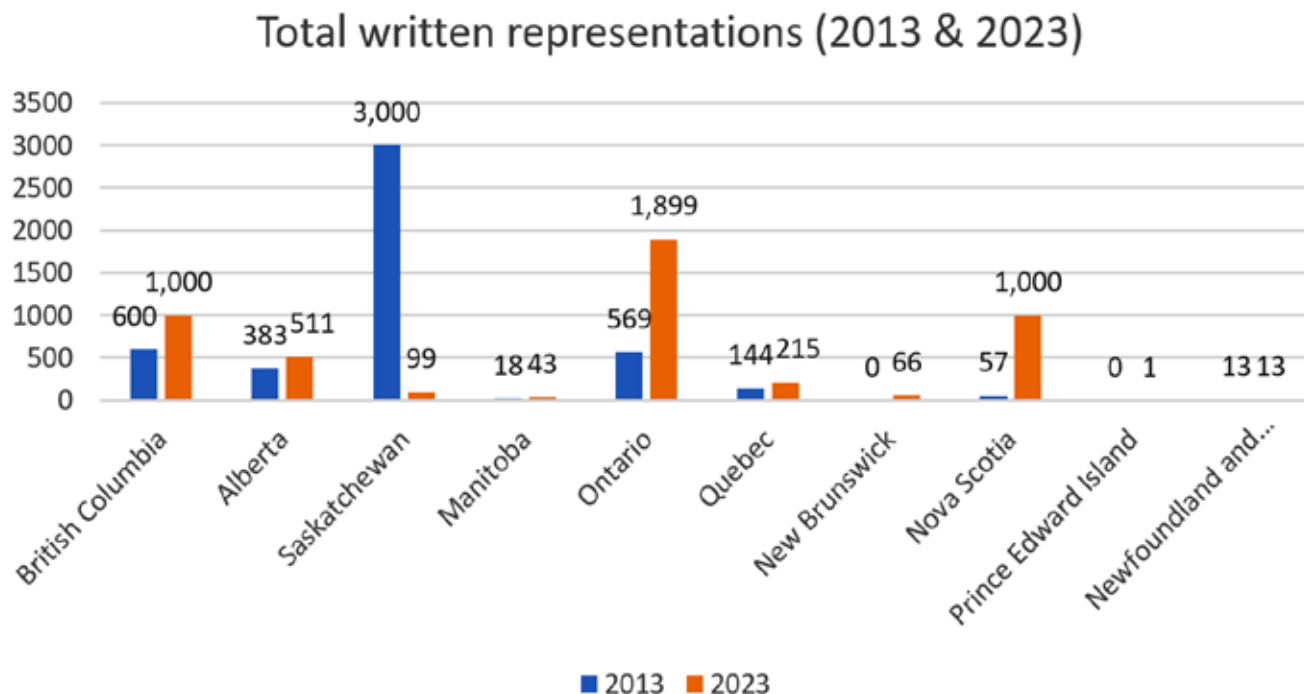


Table 4: Total oral representations for 2013 and 2023



**Table 5: Total written representations for 2013 and 2023**



representations has increased in the 21<sup>st</sup> century, it has decreased slightly for the 2023 process.

Next, I briefly examine the specific breakdowns of the number of public hearings, oral representations, and written representations by province for both 2013 and 2023. This is to help contextualize what kinds of representations (oral vs. written) are being used by participants. Table 3 compares the number of public hearings by province for 2013 and 2023.

Apart from Ontario, Quebec, and New Brunswick, all provinces held more hearings in 2023 compared to 2013. In addition to public hearings at a physical location, most commissions also held at least one virtual hearing, which likely made participation more accessible. Since we do not have the number of attendees per hearing (distinct from the number of presentations), the impact of virtual hearings on participation rates remains unknown.

While having more opportunities to participate is important, it's essential to gauge how individuals chose to participate in both 2013 and 2023. Table 4 gives the number of oral representations in both decades, while Table 5 provides the number of written representations.

In every province aside from Nova Scotia, Prince Edward Island, and Newfoundland and Labrador, there were more oral representations for 2013 than for 2023. However, as illustrated in Table 5, apart from Saskatchewan, as well as Newfoundland and Labrador (which received the same number of written representations in both decades), each province received more written representations for 2023 than for 2013.

While surveys or interviews would need to be conducted to assess individual variation for why some chose to make one type of representation over another, a potential circumstantial explanation could be the aftereffects of the COVID-19 pandemic. Specifically, at the time of the hearings, certain individuals or populations may not have felt as comfortable attending public events for prolonged periods. Alternatively, it could simply be the case that individuals think it is less time consuming to submit a written representation instead of speaking at a hearing, or that they prefer not to speak in front of an audience. Future research could survey individuals' preferred methods of participation and could add to this article's analysis of whether participation in the redistribution process changes over time.

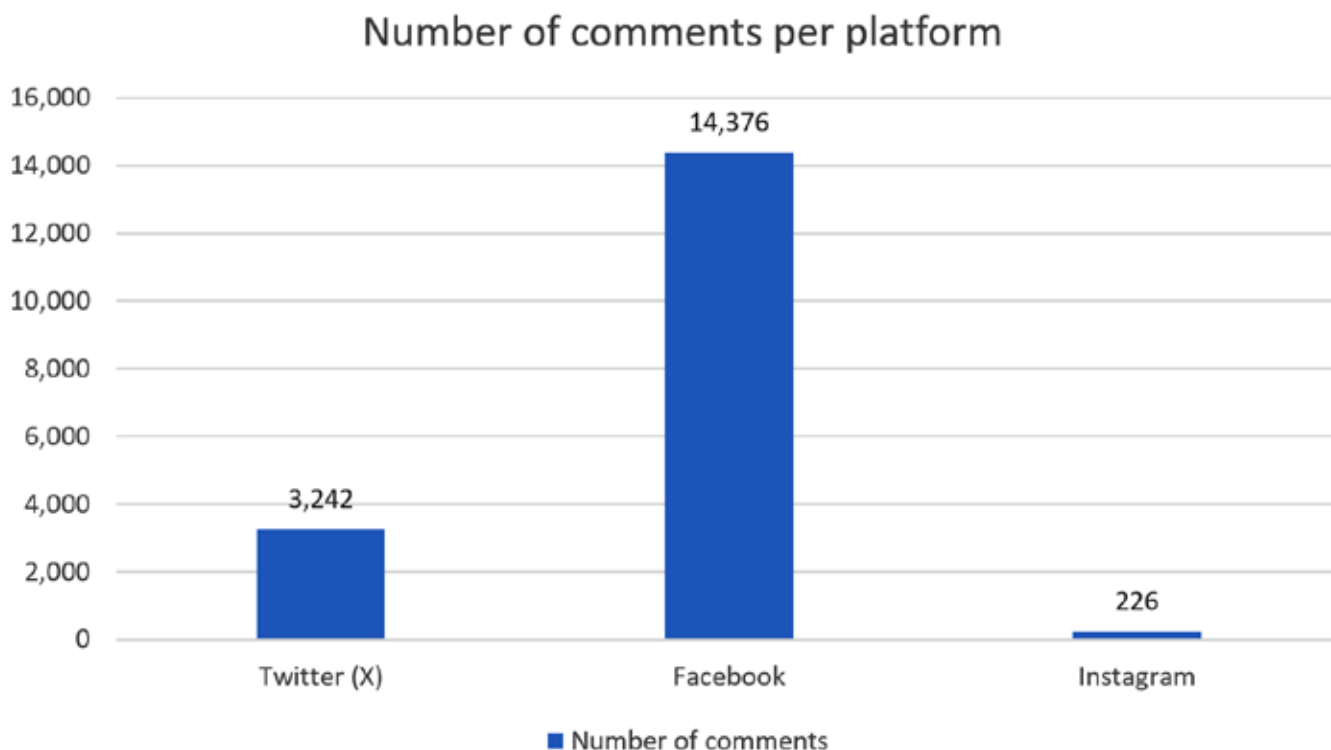
The final question this article poses is ‘how has the introduction of social media effected participation in the redistribution process?’ Based on the technical information about the public consultation process discussed earlier, it appears that the effects of social media on the process vary. Since the commissions are not required to review feedback they receive on social media, we cannot be sure if they used this information unless they explicitly mention it in their report or on their website. While it is unclear how the commissions used this information, Table 6 highlights the number of comments the official redistribution accounts received on Twitter (X), Facebook, and Instagram, showing that participation on social media is substantially higher than participation in the process through traditional feedback (representations).

It is worth noting that the number of comments received on Facebook alone exceeds the total number of both written and oral representations for 2023. This is best demonstrated by an updated version of the table illustrating the total representations per decade, which now includes social media comments on the redistribution accounts during the 2023 process (Table 7).

While the addition of social media makes the participation rate for 2023 drastically higher, it should be noted that comments received on social media are often less detailed than written or oral representations (see Table 8 below). Therefore, taking social media comments into account as an official type of feedback may be considered a major (or positive) increase to public participation from a normative perspective (which is concerned about increasing public participation for its own sake), but is much less impactful if viewed from a substantive perspective of participation (if participation is meant to influence the outcome of the process).

This puts the commissions in a predicament. On one hand, going through so many comments on social media could take away from resources that could be used on other aspects of the process. On the other hand, using social media as an official medium to receive feedback could drastically increase the levels of participation in the redistribution process. While this would facilitate the feedback process to a wide group of people, including non-residents of a province (and any individual with a social media account), the

**Table 6: Number of comments per platform**



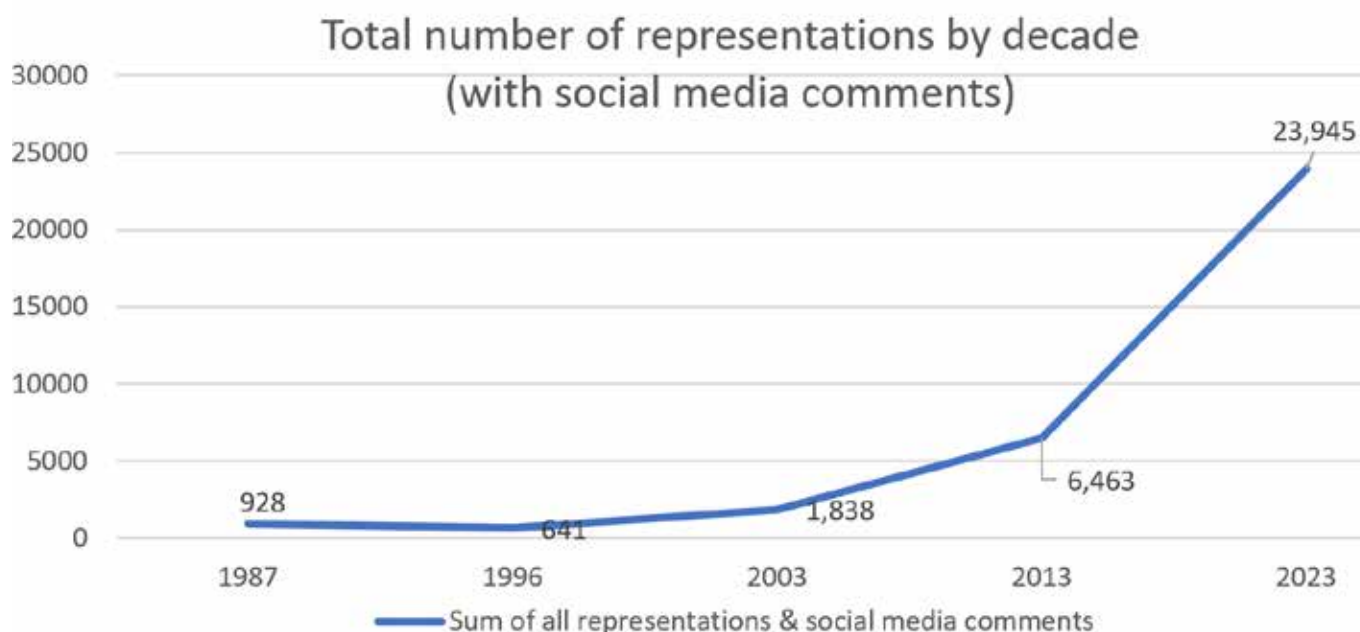
public hearing process is already technically open to these groups. As previously discussed, there are no legal restrictions on whether an individual must be a citizen or resident of a province to participate in public hearings. Non-residents could already be participating in the process; including social media as an official venue for feedback would simply make this participation more likely.

Since commissions ultimately have the prerogative to include or disregard any feedback they receive, their independence should temper any concerns about malicious intentions or interference from individuals or groups outside of Canada during public hearings. Therefore, while the introduction of social media has not greatly affected the 2023 redistribution process, the commissions do have an opportunity to try using feedback on social media as an additional method for increasing public participation in future redistribution processes. This begs another point of analysis – how does the feedback from traditional forms of participation (representations) differ from this new form of participation (comments on social media)? While a full analysis merits its own research project, this article offers a preliminary comparison using a small random sample from the written representations and the social media comments for


the 2023 process. Table 8 illustrates three examples of feedback given through written representations and social media comments. Any identifiable information (names and social media handles) has been removed from this publicly available information.

Table 8 illustrates that feedback in the form of written representations are often longer and more detailed. As shown in the written representation to Manitoba's commission, individuals submitting this kind of feedback may provide maps of their proposed changes, or a detailed personal experience, as demonstrated by the feedback for the commission in New Brunswick. However, written representations may also be as short as a social media comment, as seen in the feedback to Ontario's commission. Although the sample of social media comments shows that feedback online is likely to be shorter and less detailed, some still provide feedback or criticisms of Canada's electoral system. Furthermore, the opportunity to engage in the redistribution process on social media also serves at least two additional purposes – it gives individuals an easily accessible opportunity to ask questions, or it gives them another venue for engaging in the process (which assists the commissions with their task of increasing public awareness about the redistribution process). While feedback in representations is

**Table 7: Total representations per decades (with social media comments)**



**Table 8: Sample comparison of written representations and social media comments**

Samples of written representations	Samples of social media comments
<p>Example #1 (Manitoba):</p> <p>“In my version of the Winnipeg West riding I wanted it to more closely represent the city of Winnipeg so I removed the portion of the riding that included Rural Manitoba including the communities like St. Francois Xavier and Elie in favour for communities closer to Winnipeg like Oak Bluff and Headingley. Going into the city I kept the changes of including Tuxedo but kept the riding borders along Kenaston and over the bridge to Century street and eventually Century. This was done to smooth the borders between the new Winnipeg West and Winnipeg Centre. I also extended the riding borders north to include the perimeter high-way to create smoother borders with the Portage-Lisgar and Kildonan-St.Paul ridings. Overall, the new riding I’ve created features most of the old Charleswood–St. James–Assiniboia–Headingley riding and extends it to cover Oak Bluff and to create a smoother border with Kildonan-St.Paul and also removes the awkward borders that Portage-Lisgar has in the proposed map.”</p> 	<p>Example #1 (Facebook):</p> <p>“Pretty sad when Northern Ontario loses a riding and our voices are once again being ignored, but the area around Brampton will get an extra one. Yeah, great, more votes from an area that doesn’t even know that there is anything north of the French River.”</p>
<p>Example #2 (New Brunswick):</p> <p>“I have reviewed the redistribution of the electoral districts and am very concerned about the impact this will have on Saint John. While I currently live in Rothesay, I grew up in Saint John and spent all my working life in that city. I am a Saint John supporter and I believe that the proposed electoral districts will have very negative consequences on the future success of Saint John. I understand by reviewing the Electoral Boundaries Readjustment Act that the commission shall consider “the community of interest or community of identify in or the historical pattern of an electoral district in the province”. How can the Commission split a city in half and put the population into two different districts and abide by this dictate? Do not the people of Saint John consider themselves “Saint Johners”? What happens in the east side of Saint John impacts those in the west side. People living in the east side work in the west side and vice versa. Businesses advertise their services and products to both those in the east side and the west side. And, most of all concerning, is the fact that the Council and businesses of Saint John must engage with two different MP’s (who may represent two different parties) to solicit any kind of support from the Federal Government. We can already see this impact of this decision on the schedule of public hearings where hearings are being held in Moncton and Fredericton, but not Saint John. I am requesting that the New Brunswick Commission rethink this decision and put forward revised electoral districts for the southern part of New Brunswick that enable the city of Saint John to remain intact as one federal district. Thank you.”</p>	<p>Example #2 (Twitter (X)):</p> <p>“Why does PEI get 4 mp’s for 167k people? Make our votes and equal! My vote is worth 1/3 of theirs.”</p>
<p>Example #3 (Ontario):</p> <p>“Thank you, it does seem the Ottawa south is not actually Ottawa south today. It was Ottawa south in the eighty’s. With the expansion it is now Ottawa East. Nepean is actually southwest Ottawa. Thanks.”</p>	<p>Example #3 (Instagram):</p> <p>“What is going to happen when there is no longer enough space in the house of commons to add more seats?”</p>



typically (but not always) more detailed than social media feedback, it is still important to note that the commissions received more feedback online than through representations for the 2023 process. When a plurality of public feedback is online, it may be important to meet the public where they are willing to participate. If this trend continues in the next decade, the commissions will likely be faced with a critical question on the nature of participation during the next redistribution cycle: do the commissions value all, or only certain types of participation in the redistribution process?

## Conclusion

This article sought to address three key questions about participation in the redistribution process:

First, who can participate and how?

Second, do participation rates for 2023 differ from past decades?

Third, has social media affected participation?

An analysis of the legislation (and absence of participatory restrictions) pertaining to the redistribution process shows the formal threshold to participate is very low and does not limit non-citizens or non-residents from contributing. Additionally, participation rates have increased in the 21<sup>st</sup> century, but a minor decline in participation through representations occurred for the 2023 redistribution cycle. While data on public participation is available online for 2013 and 2023, it is not always presented clearly. Some commissions have given different total participation rates on different parts of the redistribution website and others only report an approximate estimate instead of an exact number. This results in a gap in transparency and makes it more difficult to assess engagement in this process. Having a standardized reporting format for all commissions could increase transparency in the process, but it may limit the commissions' capabilities to discuss issues in their report that are specific to their province or regions. Finally, the number of social media comments substantially exceeds the number of representations in all 10 provinces for 2023, yet, it is unclear which commissions may have considered feedback on social media (unless it's specifically stated in their report). If these trends continue during the next redistribution cycle, the commissions may need to consider better incorporating feedback from social media platforms as part of their consultation with the public, or they

risk missing a substantial amount of feedback from individuals interested in the redistribution process. The introduction of social media to the redistribution process ultimately presents the commissions with a critical question on the nature of public participation: do the commissions value all, or only certain types of participation?

## Notes

- 1 Redistribution Canada, *Redistribution of Federal Electoral Districts 2022*, Redistribution Canada, Gatineau, 2023.
- 2 John C. Courtney, *Commissioned ridings: designing Canada's electoral districts*, McGill-Queen's University Press, Montreal, 2001.
- 3 Munroe Eagles, & R. Kenneth Carty, "MPs and electoral redistribution controversies in Canada, 1993-96", *The Journal of Legislative Studies*, 5(2), 2007.
- 4 Carmen Moreau-Vena, "Federal Representation 2004: Redistribution Following the 2001 Census", *Electoral Insight*, 4(2), 2002.
- 5 John C. Courtney, *Elections*, UBC, Vancouver, 2004.
- 6 Information on the creation and administration of these accounts is found the 2023 Redistribution website: "The *Electoral Boundaries Readjustment Act* gives the Office of the Chief Electoral Officer the ability to provide administrative support services to assist the 10 electoral boundaries commissions (hereinafter "commissions") in fulfilling their mandate under the Act. The section of the Office of the Chief Electoral Officer that operates under the name of Elections Canada provides, among other things, administrative support to the commissions in their communication efforts. As a result, the social media accounts for Redistribution 2023 on Twitter [X], Facebook and Instagram (collectively referred to as "social media accounts") are administered by Elections Canada."
- 7 Keith Archer, "Conflict and Confusion in Drawing Constituency Boundaries: The Case of Alberta", *Canadian Public Policy*, 19(2), 1993.
- 8 James Bickerton, and Glenn Graham, "Electoral Parity or Protecting Minorities? Path Dependency and Consociational Districting in Nova Scotia", *Canadian Political Science Review*, 14(1), 2020.
- 9 Jennifer Smith, "Community of Interest and Minority Representation: The Dilemma Facing Electoral Boundaries Commissions", *Electoral Insight*, 4(2), 2002.
- 10 John C. Courtney, "Parliament and Representation: The Unfinished Agenda of Electoral Redistributions", *Canadian Journal of Political Science*, 21(4), 1988.
- 11 Government of Canada, *Electoral Boundaries Readjustment Act*, Ministry of Justice, Ottawa, 2019, 19(1).
- 12 Redistribution Canada, *Redistribution of Federal Electoral Districts 2022*, Redistribution Canada, Gatineau, 2023.

- 13 Stewart Hyson, "Electoral boundary redistribution by independent commission in New Brunswick, 1990-94", *Canadian Public Administration*, 42(3), 2000.
- 14 Lisa Handley, *Challenging the Norms and Standards of Election Administration: Boundary Delimitation*, International Foundation for Electoral Systems, Arlington Virginia, 2007.
- 15 David Small, "Drawing the Map Equality and Efficacy of the Vote in Canadian Electoral Boundary Reform", *Royal Commission on Electoral Reform and Party Financing*, 11, 1991.
- 16 John C. Courtney, *Elections*, UBC, Vancouver, 2004.
- 17 Lisa Handley, *Challenging the Norms and Standards of Election Administration: Boundary Delimitation*, International Foundation for Electoral Systems, Arlington Virginia, 2007.
- 18 Government of Canada, *Electoral Boundaries Readjustment Act*, Ministry of Justice, Ottawa, 2019, 19(1-6).
- 19 Government of Canada, *Electoral Boundaries Readjustment Act*, Ministry of Justice, Ottawa, 2019, 19(1-1.1).
- 20 John C. Courtney, "Parliament and Representation: The Unfinished Agenda of Electoral Redistributions", *Canadian Journal of Political Science*, 21(4), 1988.
- 21 John C. Courtney, *Commissioned ridings: designing Canada's electoral districts*, McGill-Queen's University Press, Montreal, 2001.
- 22 John C. Courtney, *Commissioned ridings: designing Canada's electoral districts*, McGill-Queen's University Press, Montreal, 2001.
- 23 John C. Courtney, *Elections*, UBC, Vancouver, 2004.
- 24 John C. Courtney, *Elections*, UBC, Vancouver, 2004.
- 25 John C. Courtney, "The Concept of "Community of Interest" in Determining Electoral District Boundaries", *Electoral Insight*, 4(2), 2002.
- 26 Munroe Eagles, & R. Kenneth Carty, "MPs and electoral redistribution controversies in Canada, 1993-96", *The Journal of Legislative Studies*, 5(2), 2007.
- 27 John C. Courtney, *Commissioned ridings: designing Canada's electoral districts*, McGill-Queen's University Press, Montreal, 2001.
- 28 Munroe Eagles, & R. Kenneth Carty, "MPs and electoral redistribution controversies in Canada, 1993-96", *The Journal of Legislative Studies*, 5(2), 2007.
- 29 Carmen Moreau-Vena, "Federal Representation 2004: Redistribution Following the 2001 Census", *Electoral Insight*, 4(2), 2002.
- 30 Redistribution Canada, *Redistribution of Federal Electoral Districts 2022*, Redistribution Canada, Gatineau, 2023.
- 31 Commission of Alberta, *Final Report*, Redistribution Canada, Gatineau, 2023.
- 32 Elections Canada, *Ways to Vote*, Elections Canada, Gatineau, 2023.
- 33 Elections Canada, *Ways to Vote*, Elections Canada, Gatineau, 2023.
- 34 Elections Canada, *ID to Vote*, Elections Canada, Gatineau, 2023.
- 35 Redistribution Canada, *Redistribution of Federal Electoral Districts 2012*, Redistribution Canada, Gatineau, 2013.
- 36 Redistribution Canada, *Redistribution of Federal Electoral Districts 2022*, Redistribution Canada, Gatineau, 2023.
- 37 John C. Courtney, *Elections*, UBC, Vancouver, 2004.
- 38 Government of Canada, *Electoral Boundaries Readjustment Act*, Ministry of Justice, Ottawa, 2019.
- 39 Elections Canada, *Ways to Vote*, Elections Canada, Gatineau, 2023.
- 40 I would like to thank James Bowden (author in this journal's volume) for his work reviewing the anomalies in the data for the representations of the 2023 redistribution process.
- 41 Government of Canada, *Electoral Boundaries Readjustment Act*, Ministry of Justice, Ottawa, 2019, 22(1-2).
- 42 John C. Courtney, *Elections*, UBC, Vancouver, 2004.
- 43 John C. Courtney, *Elections*, UBC, Vancouver, 2004.

# Public Involvement in Redistribution: A Reflection

The Canadian Constitution requires that federal electoral districts be reviewed after each decennial census to reflect population changes. This process, known as redistribution, has two phases: representation and readjustment. Public participation is a crucial stage in the readjustment process. The Electoral Boundaries Readjustment Act requires each boundary commission to hold at least one public hearing in the province after the boundary commission develops an initial map proposal. This article offers a reflection on the involvement of the public in the most recent redistribution process. The data in this paper is collated from the 2022 reports of the 10 boundary commissions; data collected from the 2012 redistribution is also used as context. The starting place for analysis will be the work of John Courtney where he draws several conclusions about the involvement of the public in his foundational analysis of boundary commissions prior to 1994. Since it has been almost 20 years since the publication of these works, this gives us an opportunity to reflect on those conclusions using the most recent processes.

**Tamara A. Small**

By the next federal election, expected in 2025, the House of Commons will increase from 338 seats to 343, with increases in Alberta (3), Ontario (1), and British Columbia (1). The *Constitution Act, 1867* requires that federal electoral districts be reviewed after each decennial census, to reflect changes in the Canadian population. This process, known as redistribution, involves many different political actors. The Chief Electoral Officer (CEO) is central to the first phase. Under the direction of Parliament, the CEO applies the Representation Formula (or two formulas in this case) to determine the new allocation of seats. This first phase of the 2022 redistribution took place in late 2021. The second phase, readjustment, involves the revising or drawing of new electoral boundaries within provinces. The leading actors here are the members of the independent electoral boundary commissions, one for each province. Each commission is composed of three members: a judge and two other members. Each commission is supported by Elections Canada staff, who provide administrative and technical assistance. The readjustment phase began in early 2022 and the work of the 10 boundary commissions concluded

in Fall 2023. Within the readjustment phase, there is one more set of political actors of note: the public. Thousands of people across Canada take it upon themselves to provide feedback on the preliminary proposals of their respective boundary commission. Typically, this feedback is negative in the sense that citizens are critical of changes to their ridings made by the commission in their initial proposal and are hoping for some sort of alteration.<sup>1</sup>

This article offers a reflection on the involvement of the public in the most recent redistribution process. The data in this paper is collated from the 2022 reports of the 10 boundary commissions; data collected from the 2012 redistribution is also used as context. The starting place for analysis will be the work of John Courtney<sup>2</sup> where he draws several conclusions about the involvement of the public in his foundational analysis of boundary commissions prior to 1994. Since it has been almost 20 years since the publication of these works, this gives us an opportunity to reflect on those conclusions using the most recent processes.

## Public Hearings: In Law and In Practice

Opportunities for citizens and stakeholders to provide input into the policymaking process is commonplace in Canada. There are different motivations for

---

*Tamara A. Small is a professor in the Department of Political Science at the University of Guelph.*

providing these opportunities. Sometimes public and stakeholder engagement is required by law; other times they are the results of government's trying to ensure legitimacy of government action.<sup>3</sup> In this case, the *Electoral Boundaries Readjustment Act*, 1985, known as *EBRA*, which governs the second phase, requires public participation. More specifically, Section 19 of *EBRA* requires that each boundary commission "hold at least one sitting in that province for the hearing of representations by interested persons." Members of Parliament, according to the law, are 'interested persons' and can participate in hearings. The public hearings are held relatively early in the readjustment timeline. The public is allowed to provide feedback prior to the production of any final constituency map proposals developed by the boundary commissioners. Based on feedback in the public hearings, the commissioners may revise their map, and usually do. However, consistent with the independence of this process, commissioners are not obligated to accept any of the opinions of the public or MPs. *EBRA* also requires that a notice of public hearing be advertised in the *Canadian Gazette*, the official newspaper of the Government of Canada, as well as one local newspaper for at least 30 days before a hearing sits.

The official rules in *EBRA* represent the bare minimum of how the boundary commissions engage with the public. In practice, notice of public hearings are advertised in a multitude of newspapers and media across the province. For instance, the *Report of the Federal Electoral Boundaries Commission for the Province of Ontario*<sup>4</sup> notes that beyond the traditional media, the Commission contacted other organizations across the province including Indigenous organizations and governments; local governments and associations; the Ontario Chamber of Commerce and related businesses and labour councils; and law and political science departments. The Commission's goal was to reach as many Ontarians as possible.

Moreover, there seems to be a growing recognition of the changing media landscape in the advertising strategy of redistribution. Research by Brin and Charlton<sup>5</sup> show that the weekly reach of community newspapers is around 14 per cent. They also note that the internet including social media are now the main sources of news for Canadians. Thus, focussing only on traditional media would no longer be a terribly effective way of informing people about the hearings and changes to the maps. In 2012 and again in 2022, there were two centralized websites, one in each official language, for the redistribution process. In addition to providing general information, each

provincial boundary commission had their own section which advertised public hearings. Indeed, these websites are the main sources of data about the involvement of Canadians used in this analysis. In 2022, social media was used for the first time; there was a Twitter, Facebook, and Instagram account in each official language. Consistent with social media use by the Canadian government, these accounts were used to provide unidirectional information about the work of the commissions including advertising public hearings. Written feedback on map proposals was not accepted through social media channels.

**Table 1. Public Hearings Held in 2012 & 2022**

	2012	2022		
	<i>In-Person</i>	<i>In-Person</i>	<i>Virtual</i>	<i>Both</i>
<b>AB</b>	15	22	1	23
<b>BC</b>	23	26	1	27
<b>MN</b>	3	2	2	4
<b>NB</b>	11	8	1	9
<b>NL</b>	9	11	1	12
<b>NS</b>	6	8	1	9
<b>ON</b>	31	12	11	23
<b>PEI</b>	1	2	1	3
<b>QC</b>	21	17	3	20
<b>SK</b>	12	12	1	13
<b>TOTAL</b>	<b>132</b>	<b>120</b>	<b>23</b>	<b>143</b>

Public hearings during the 2022 redistribution took place between May and October 2022. Table 1 presents a summary of the number of public hearings, by province, in 2012 and 2022. In the most recent readjustment, there was a total of 143 public hearings across the country. Four scheduled hearings (in Manitoba and New Brunswick) were cancelled in 2022 for lack of notice of representation. As we can see from Table 1, in practice, most boundary commissions hold well beyond the required one hearing. Rather, the commissions tend to hold public hearings in various centres around their province to provide members of the public with many opportunities to make in-person presentations. One innovation seen in 2022 was the extensive use of virtual hearings. Several of the reports highlight the practical and technical reasons for this innovation. For instance, in the Ontario report, they note "the public's ability to utilize and access remote

meeting technology in their homes or community facilities, the efficiency of remote hearings, and the potential for restrictions on in-person meetings in light of the pandemic<sup>6</sup> as reasons for their extensive use of virtual hearings. Indeed, they had almost as many in-person hearings as virtual ones. In comparing 2012 to 2022, virtual hearings were generally supplemental. While there were eight fewer in-person hearings, there were still 16 more hearings in 2022. Here, technology was used to create more opportunities for members of the public to get involved in the process. This is consistent with the growing use of digital technologies for citizen and stakeholder engagement with governments in Canada.<sup>7</sup>

### Participation in Public Hearings

There are two ways that Canadians can make a submission to their respective boundary commission. First, they can make an oral presentation directly to the boundary commissioners. *EBRA* requires a 'notice of representation' to the secretary of the commission within 23 days after the date of the last advertisement of a hearing. However, if the commissioners decide that it is in the public interest, they may hear a representation without notice. Though not mentioned in *EBRA*, the second way that members of the public can participate in the process is to make a written submission in the form of a snail mail or e-mail.

To what extent did citizens get involved in 2022?

Table 2 summarizes the reported participation rates in the two redistributions by submission type. When discussing public involvement in hearings, one of the first claims that Courtney<sup>8</sup> makes in the book *Commissioned Ridings* concerns participation rates. He writes:

Exact attendance numbers and participation rates have not always been recorded or published, so it is impossible to know precisely how many individuals have taken advantage of the widely publicized invitation to the public to attend a hearing and present a brief or testify before a commission. The available data show that the number of participants and briefs presented to commissions has never been large.<sup>9</sup>

I come to similar conclusions based on a systematic review of the reports from the 2012 and 2022 redistributions. The total number of submissions in the most recent process, regardless of type, was around 6,100. To be sure, this number is an approximation. Given that each commission operates independently of the others, each commission presents its public hearing data in very different ways. For instance, the report by Newfoundland and Labrador's Commission simply lists all the people (name, location and

**Table 2. In-Person and Written Submission to Provincial Boundaries Commission in 2012 & 2022**

	2012			2022			% of change
	<i>In-Person</i>	<i>Written</i>	<i>Total</i>	<i>In-Person</i>	<i>Written</i>	<i>Total</i>	
<b>AB</b>	154	383	537	127	511	638	18.8
<b>BC</b>	354	600	954	211	1000	1211	26.9
<b>MN</b>	59	18	77	28	43	71	-7.8
<b>NB</b>	-	-	70	37	66	103	47.1
<b>NL</b>	24	3	27	27	13	40	48.1
<b>NS</b>	42	57	99	104	1000	1104	1015.2
<b>ON</b>	509	569	1078	462	1899	2361	119.0
<b>PE</b>	-	-	-	2	1	3	-
<b>QC</b>	237	144	381	161	215	376	-1.3
<b>SK</b>	230	3,000	3230	95	99	194	-94.0
<b>TOTAL</b>			<b>6453</b>	<b>1254</b>	<b>4847</b>	<b>6101</b>	<b>-5.5</b>

*Note: The dash indicates that the number was not provided in the report*

position, if relevant) that attended each hearing. The BC report provides a very useful table that lists the number of presenters and the number of attendees by hearing. The Québec report<sup>10</sup> notes: “The Commission received over 300 comments and submissions, and 161 individuals, including 34 MPs, 16 wardens and 41 municipal officials, appeared before the Commission at various public hearings.” As there is no standard table or reporting of this information, it is difficult to come to any definitive statements about citizen involvement in the process. Moreover, any round number in the table is probably not an exact number. In both time periods, the written submission data lacks precision compared to the in-person information. Nevertheless, we can see that written submissions are significantly more common than in-person submissions. In 2022, the ratio was 4:1.

Comparing the two time periods, it appears there was slightly less participation in 2022 compared to 2012 at about five per cent. When you consider in-person submissions, the number is more dire. There were 21.5 per cent fewer in-person submissions in 2022 than in the previous redistribution. This again highlights the importance of written submissions. However, there seems to be more participation overall compared to Courtney’s analysis where he reports that public submissions to all 10 federal commissions came to 928 in the 1980s and 641 in the 1990s.<sup>11</sup> What might account for the differences between the two sets of redistributions? Is it that Canadians today are just much more interested in electoral boundaries compared to 20 years ago? We can probably look to technology as one possible explanation for the difference. As noted, the two recent redistributions in this analysis come at a time of widespread use of the internet and other digital technologies. One benefit of digital technology for politics is that it makes participating simpler and more efficient. Thus, sending an email to a boundary commission is significantly easier than by mail. Related to this is ‘clicktivism’ which refers to the “simplification of online participatory processes.”<sup>12</sup> Digital technologies can make the work of community and interest groups easier by allowing them to share templates or provide talking points that members can quickly use and send along. Indeed, there was some discussion of this in the Alberta report (discussed below). While not technology related, the Nova Scotia<sup>13</sup> report noted that the Commission received “hundreds of postcards.... expressing opposition to a particular boundary change being proposed,”<sup>14</sup> indicating a coordinated approach to engagement.

To what extent is the citizen involvement in the readjustment phase not ‘large’ as Courtney mused? This is a difficult question to answer as there is no compendium of participation rates in government consultations. That said, Justin Longo conducted a fascinating analysis of seven prominent engagement exercises undertaken by the federal government between 1997 and 2017. He reports participation rates ranging from under 1,000 to more than 300,000 Canadians. To be sure, factors such as the topic of consultation, type of consultation activity and the use of technology can affect rates. That said, using Longo’s work as a gauge, public engagement in redistribution fits somewhere in the middle.

Courtney goes on to note:

Commissions in the bigger provinces rarely hear from more than a few hundred individuals, and in the smaller provinces sometimes no more than a few dozen. It is clear as well that the numbers fluctuate from one boundary readjustment to another and from one area within a province to another according to the degree of public concern about the possible impact of the proposals on a particular region or riding.<sup>15</sup>

Given the differences in how reports provide data, it is very difficult to suss out the extent to which this claim holds. To be sure, the largest province unsurprisingly had the largest number of submissions by a wide margin. The final column in Table 2 is an attempt to assess differences between the two redistributions. Here I present the percentage of change between the total submission numbers between the two points in time. As mentioned, there is a slight decrease in the overall percentage in both types of submissions at 5.4 per cent. However, there is considerable variation in participation between provinces in the Table, with only one province, Manitoba, having very similar rates between the two time periods. Nova Scotia, despite being seventh in population size, had the fifth highest in-person submissions in 2022. Indeed, there was a 1000 per cent increase in participation from 2012 where only 99 people participated overall. This might speak to greater concern in Nova Scotia about changes to boundaries. At the same time, Nova Scotia was the site of that concerted postcard campaign. Saskatchewan moved in the opposite direction between 2012 and 2022, submissions decreased by 94 per cent. Even if we just focus on in-person participation at public hearings, the decrease is still close to 60 per cent. The 2022 redistribution was clearly less interesting or concerning to residents than the previous one.



Recall that *EBRA* considers MPs interested persons and allows for their participation in the public hearing phase. Of this, Courtney<sup>16</sup> notes that participation “come almost invariably from mayors, councillors, and other elected officials, defeated candidates, and constituency party executives taking advantage of the opportunity to express their opinions about the proposed district boundaries.” This claim also remains true in the current redistribution. Every report, except PEI, makes some reference to the participation of politicians in the public hearings. In several of the smaller provinces, politicians were some of the biggest actors. As noted earlier, the NL report lists the names and positions of participants; using that information, we determined that 48 per cent of in-person submissions were from people involved in politics including MPs, former MPs, staffers and local politicians. Using a similar process of reviewing each of the written submissions found on the webpage of the New Brunswick commission, we find that while 61 per cent of submissions were from ‘regular people,’ 19 per cent of submissions came from mayors while four sitting MPs wrote a submission.

Obviously, sitting Members of Parliament have a vested interest in changes to boundaries. As Eagles and Carty<sup>17</sup> put it, MPs “are inclined to see themselves as interested and expert parties in the map-making exercise, with something of substance to offer.” The reports indicate that MPs did participate in 2022. However, in line with the lack of consistency in reporting of submission data, I do not have exact numbers for all 10 provinces. Some of the commissions like Québec (see above), Manitoba and Alberta specifically note the number of MPs and the participation type. Manitoba received written or oral submissions, in some cases, both, from nearly 80 per cent of sitting MPs from the province; in Alberta, in-person presentations were made by 12 sitting MPs. In other reports, such as Ontario and BC, they reference participation of MPs more broadly but provide no specific number. One of the more interesting discussions of MPs in 2022 comes from the *Report of the Federal Electoral Boundaries Commission for the Province of Alberta*<sup>18</sup>, where in a section called ‘A Matter of Concern’ they describe what seemed like “a calculated effort, led by a particular MP, to persuade the Commission to maintain the existing electoral boundaries.”<sup>19</sup> After the MP had made an in-person submission at a public hearing, the Commission received a “voluminous influx” of email that “echoed or mirrored the talking points” of that MP. It is worth noting here MPs have a second opportunity to weigh in after the report is sent to Parliament. MPs can file written objections to a report. The general public only participates in the initial stage of the process.

To what extent does public involvement matter in the redistribution process? While it would be difficult to quantify, the following comment from the *Report of the Federal Electoral Boundaries Commission for the Province of British Columbia*<sup>20</sup> indicates that participation matters a great deal:

The Commission’s collective knowledge of British Columbia was enhanced by the hearing process and travel to the hearing locations. The Commission has endeavoured to incorporate much of the advice it received into the design of the electoral boundaries proposed in this Report. In particular, it has searched for alternatives to river crossings and the division of communities. While not all the submissions could be reflected here, all have been considered, and so the Report provides significant modifications to the Proposal canvassed in the public hearings.

The reports also provide evidence of commissioners engaging with specific feedback from people in their work. Here are two brief examples:

Québec: Lastly, many constituents were critical about the length of electoral district names in Quebec. They urged the Commission to make a special effort to shorten the names and even offered suggestions. The Commission noted that concern and is now proposing several shorter names, some of which are based on those suggestions.

Saskatchewan: Some presenters who argued in favour of blended ridings stressed a community of interest based on individual consumer trading patterns—i.e., shopping, visiting a doctor or dentist, or commuting for work. The Commission agrees with the 2012 Commission that these are important links among communities that should be fostered, but they do not establish a community of interest for federal electoral purposes.

Returning to Courtney, he reminds us that the theory behind the 10 provincial commissions rather than a national one is that local commissions are “more likely to be familiar with the local communities, the history, the population shifts, and the geography of a province.”<sup>21</sup> These comments, along with all 10 reports acknowledging and expressing gratitude to all the Canadians that participated by writing a submission or attending in-person, indicate that the true holders of that local knowledge are the people who live in those communities. The participation by Canadians in the redistribution process may not be large, but it is of consequence.

## Notes

- 1 Courtney, John C. 2001. *Commissioned Ridings Designing Canada's Electoral Districts*. Montreal-Kingston: McGill-Queen's University Press.
- 2 Ibid; Courtney, John C. 2004. *Elections*. Vancouver: UBC Press.
- 3 Longo, Justin. 2017. "The Evolution of Citizen and Stakeholder Engagement in Canada, from Spicer to #Hashtags." *Canadian Public Administration* 60 (4): 517–37. <https://doi.org/10.1111/capa.12229>
- 4 "Report of the Federal Electoral Boundaries Commission for the Province of Ontario." 2023. 2022 Federal Electoral Districts Redistribution. 2023. [https://redecoupage-redistribution-2022.ca/com/on/index\\_e.aspx](https://redecoupage-redistribution-2022.ca/com/on/index_e.aspx).
- 5 Brin, Colette, and Sébastien Charlton. 2022. "Digital News Report 2022: Country Data Canada." Reuters Institute for the Study of Journalism. 2022. <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022/canada>.
- 6 "Report of the Federal Electoral Boundaries Commission for the Province of Ontario," p. 16
- 7 Longo.
- 8 Courtney, 2001.
- 9 Ibid., p. 127.
- 10 "Report of the Federal Electoral Boundaries Commission for the Province of Québec." 2023. 2022 Federal Electoral Districts Redistribution. 2023. [https://redecoupage-redistribution-2022.ca/com/qc/rprt/qc\\_e.pdf](https://redecoupage-redistribution-2022.ca/com/qc/rprt/qc_e.pdf). p. 10.
- 11 Courtney, 2001, p. 134.
- 12 Halupka, Max. 2014. "Clicktivism: A Systematic Heuristic." *Policy & Internet* 6 (2): 115–32.
- 13 "Report of the Federal Electoral Boundaries Commission for the Province of Nova Scotia." 2023. 2022 Federal Electoral Districts Redistribution. 2023. [https://redecoupage-redistribution-2022.ca/com/ns/index\\_e.aspx](https://redecoupage-redistribution-2022.ca/com/ns/index_e.aspx).
- 14 Ibid., p. 10.
- 15 Courtney, 2001.
- 16 Courtney, 2001, p. 126.
- 17 Eagles, Munroe, and R. Kenneth Carty. 1999. "MPs and Electoral Redistribution Controversies in Canada, 1993–96." *Journal of Legislative Studies* 5 (2), p. 77.
- 18 "Report of the Federal Electoral Boundaries Commission for the Province of Alberta." 2023. 2022 Federal Electoral Districts Redistribution. 2023. [https://redecoupage-redistribution-2022.ca/com/ab/index\\_e.aspx](https://redecoupage-redistribution-2022.ca/com/ab/index_e.aspx).
- 19 Ibid., p. 30.
- 20 "Report of the Federal Electoral Boundaries Commission for the Province of British Columbia." 2023. 2022 Federal Electoral Districts Redistribution. 2023. [https://redecoupage-redistribution-2022.ca/com/qc/rprt/index\\_e.aspx](https://redecoupage-redistribution-2022.ca/com/qc/rprt/index_e.aspx), p. 14.
- 21 Courtney, 2004, p. 53.

# *The Right to Effective Representation: Nova Scotia's Exceptional Constituencies Model and the Chéticamp Region*

This article explores the current debate in Nova Scotia over whether to create a so-called protected, or exceptional, provincial constituency for the Acadian population of Chéticamp. In addition to having been a controversial issue before the most recent provincial Electoral Boundaries Commission, the matter is currently before the Supreme Court of Nova Scotia. The author contends that this matter raises fundamental questions about both the normative and institutional requirements of the right to effective representation as guaranteed by the *Canadian Charter of Rights and Freedoms*. The article addresses these issues by analyzing the model Nova Scotia has implemented to ensure effective representation of Acadian and African Nova Scotians. The author concludes the analysis by explaining why he believes a protected constituency for the Acadian region of Chéticamp is consistent with Nova Scotia's model of effective representation.

**Rémi Léger**

## **Creating protected constituencies**

In 1991, the Supreme Court of Canada clarified the meaning and scope of section 3 of the *Canadian Charter of Rights and Freedoms*. This section states that "every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein." In *Reference re Prov. Electoral Boundaries (Sask.)*, commonly known as the *Carter* reference, the Court ruled that the right to vote conferred by this section is a right to effective representation. Judge McLachlin, writing for the majority, summarized the decision as follows: "It is my conclusion that the purpose of the right to vote enshrined in s. 3 of the *Charter* is not equality of voting power *per se*, but the right to 'effective representation.'"<sup>1</sup>

What is the right to effective representation? The *Carter* reference states that section 3 guarantees a right to relative, rather than absolute, electoral parity. "The section," the Court stated clearly, "does not guarantee equality of voting power."<sup>2</sup> Moreover, it clarified that "such relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective representation."<sup>3</sup> The Court went on to list factors that may justify a shift away from relative electoral parity. These factors include "geography, community history, community interests and minority representation."<sup>4</sup> In summary, effective representation strives for relative electoral parity, while allowing for derogations under certain conditions.

In 1992, Nova Scotia created, for the first time in its history, an independent Commission tasked to put forward a proposal to redraw provincial electoral boundaries. In the wake of *Carter*, effective representation guided the Commission's terms of reference. On the one hand, it was required to create a designated seat for the province's Mi'kmaq population. However, according to the Commission's Final Report, because of "a widespread sentiment [among the Mi'kmaq] that more time was needed to

---

*Rémi Léger is a political science professor and director of the French cohort program in public and international affairs at Simon Fraser University.*

discuss and resolve issues and achieve consensus,”<sup>5</sup> this aspect of the terms of reference was not carried out.

On the other hand, the Electoral Boundaries Commission had a mandate to ensure effective representation of Acadian and African Nova Scotians. In this case, the Commission’s terms of reference were not to create designated seats that would guarantee representation for these populations in the legislative assembly, but rather to create constituencies conducive to their representation. Consequently, the proposed electoral map included three protected constituencies for Acadian Nova Scotians (Argyle, Clare and Richmond) and one protected constituency for African Nova Scotians (Preston).

These protected constituencies – or “exceptional” constituencies, as the latest Electoral Boundaries Commission puts it – are not designated seats. The unique feature of these protected constituencies is that they break with the rule that a constituency’s population cannot exceed 25 per cent of the average population of all constituencies in the province. This feature is intended to promote effective representation of Acadian and African Nova Scotians. The electoral boundaries of protected constituencies are drawn to ensure that Acadian and African Nova Scotians represent a meaningful share of the electorate.

The Argyle, Clare, Richmond, and Preston protected constituencies were retained when the electoral map was redrawn in 2002. The provincial Electoral Boundaries Commission’s terms of reference at the time stated that all electoral districts had to respect a variance of plus or minus 25 per cent from the electoral quota, except in “extraordinary circumstances.” These extraordinary circumstances were defined as “the desire to promote minority representation by Nova Scotia’s Acadian and Black communities.”<sup>6</sup> In its Final Report, the Commission recommended maintaining the four protected constituencies, noting that these constituencies had prompted comments during the public consultations and suggested reassessing the model when the map was next redrawn.<sup>7</sup>

### **Abolishing the protected constituencies**

In 2012, Nova Scotia abolished the four protected, or exceptional, constituencies. The provincial Electoral Boundaries Commission’s terms of reference stated that “no constituency may deviate by a variance greater or less than 25 per cent from the average number of electors per constituency.”<sup>8</sup> This requirement sealed

the fate of the protected constituencies from the outset, as their population was below the allowable variance.

The Commission initially interpreted its terms of reference broadly, tabling an Interim Report that proposed keeping the four protected constituencies. In this Report, the Commission explained that a narrow interpretation of its terms of reference could raise “significant social, cultural, and political issues,”<sup>9</sup> as it would be forced to abolish protected constituencies, thereby limiting the effective representation of Acadian and African Nova Scotians.

However, the province’s Attorney General ruled that the Interim Report was unlawful, as the commissioners had not, in his view, complied with their terms of reference.<sup>10</sup> The Commission ultimately decided to recommend an electoral map abolishing the four protected constituencies. The only Acadian member of the commission argued, in a dissenting opinion, that the Commission should have gone against its terms of reference. As a result, the protected constituencies were merged into larger ones, considerably reducing the electoral weight of Acadian and African Nova Scotians. Between the old Argyle constituency and the new Argyle-Barrington constituency, the percentage of francophone electors fell from 47.4 per cent to 25.1 per cent; between Clare and Clare-Digby, the percentage fell from 65.5 per cent to 32.4 per cent; and between Richmond and Cape Breton-Richmond, the percentage fell from 24.3 per cent to 17.8 per cent.<sup>11</sup>

Nova Scotia elections in 2013 and 2017 were held using this new electoral map.

### **Restoring protected constituencies**

The Fédération acadienne de la Nouvelle-Écosse (FANE), an organization promoting the interests and defending the rights of Acadian Nova Scotians, immediately voiced its opposition to the new electoral map. In 2014, the province referred the issue of protected constituencies to the Nova Scotia Court of Appeal.<sup>12</sup> In its reference filed in early 2017, the court ruled that the Attorney General had “violated the precepts of s. 3 of the *Charter*” by preventing the Commission from “expressing its authentic view of effective representation.”<sup>13</sup>

In 2017, the Nova Scotia Government, in response to the reference, set up a Commission to study the effective representation of Acadian and African Nova Scotian electors. The FANE harshly criticized the decision, arguing that the province should instead set

up an electoral boundaries commission to propose an electoral map that respects section 3 of the *Canadian Charter of Rights and Freedoms*.<sup>14</sup>

In its Final Report, issued in early 2018, the Commission made a number of recommendations but did not take a position on restoring protected electoral districts, stating that “populations have changed since 2002,” and that it respects the independence of the future provincial Electoral Boundaries Commissions.<sup>15</sup> However, the Commission did recommend that provincial law guarantee the independence of boundary commissions and authorize the creation of exceptional constituencies.

A few months later, the province established a new Electoral Boundaries Commission. Its Interim Report, released in late 2018, proposed four electoral distribution options, three of which included restoring protected electoral districts, including two that would have ensured effective representation of the Acadian population of Chéticamp. Ultimately, the Commission recommended restoring the protected constituencies of Argyle, Clare, Richmond, and Preston on the grounds of effective representation of Acadian and African Nova Scotians. It also proposed keeping Chéticamp in the Inverness constituency. However, the Final Report includes a letter of dissent signed by four of the nine commissioners who wanted to guarantee effective representation of this fourth Acadian region.<sup>16</sup>

This new map was in effect for the 2021 provincial election.

### **Creating a protected constituency for the Acadian region of Chéticamp**

In June 2021, the FANE filed a notice of motion with the Supreme Court of Nova Scotia seeking an exceptional constituency for the Acadian region of Chéticamp.<sup>17</sup> Chéticamp is one of four historical Acadian regions in Nova Scotia, or as Sally Ross and Alphonse Deveau put it, the four Acadian “homelands” in the province,<sup>18</sup> or “historical anchor communities,” as the most recent provincial Electoral Boundaries Commission calls them.<sup>19</sup> The other Acadian historical regions are Argyle, Clare and Richmond, each already with an exceptional constituency.

In Nova Scotia, the Acadian regions are spread across the province, not only far from each other but also far from the legislative assembly, for historical reasons. The history of the Acadian Expulsion is well known, but less is known about their return to Nova Scotia,

especially about the deliberate policies designed to scatter them across the territory. The letter formally authorizing their return, signed by the Minister of Colonies in London in 1764, required “that great care is taken to disperse them in small numbers that it may not lie in their power to disturb and annoy that Government.”<sup>20</sup> As a result, Nova Scotia’s Acadians are presently anchored in four historical regions, in addition to the presence of a more recent Acadian and francophone community in the Halifax region.

The claim for a protected constituency for the Chéticamp region is not new. Since the early 1990s, the FANE advocated for it in public consultations held by various commissions tasked with reviewing the province’s electoral map. In the wake of the Provincial Court of Appeal’s reference in 2017, the Final Report of the Effective Representation Study Commission in 2018, and dissension in the latest Electoral Boundaries Commission, the Chéticamp case raises fundamental questions about the interpretation of the right to effective representation.

I would suggest that effective representation is necessarily contextual; it must account for factors that vary from province to province or territory to territory. In line with this interpretation, many Canadian provinces developed normative and institutional standards based on their own history, geography and ethnocultural particularities. Nova Scotia has designed a model based on protected or, exceptional, constituencies for historical minorities, while other provinces have implemented other provisions.

For example, the Ontario government adopted special provisions for the northern part of the province.<sup>21</sup> Alberta legislation allows up to four electoral districts to deviate by up to 50 per cent from the electoral quota under certain conditions.<sup>22</sup> Newfoundland and Labrador allows two constituencies on the island to deviate by more than 25 per cent from the electoral quota, in addition to guaranteeing four constituencies for Labrador, including special provisions for communities north of Lake Melville.<sup>23</sup>

These examples show how important context is in institutionalizing the right to effective representation in Canada. In *Carter*, the Court stressed the importance of relative electoral parity while acknowledging that certain factors may need to be considered to ensure effective representation. The legislation passed by several provinces shows that factors such as history, geography and “communities of interest”<sup>24</sup> differ from one province to another.

Returning to the situation in Nova Scotia, it is my contention that the province must ensure the effective representation of the Acadian population of Chéticamp, in a manner that is equivalent to the Acadian populations of Argyle, Clare and Richmond. The reason is simple: creating protected constituencies for three of the four Acadian regions is unfair to the excluded region. Nova Scotia made the decision to ensure effective representation of Acadian and African Nova Scotians by creating protected, or exceptional, constituencies; it cannot continue to exclude one of the four Acadian regions from its model.

The latest provincial Electoral Boundaries Commission examined the effective representation of the Acadian population in the Chéticamp region, proposing two options to this end.<sup>25</sup> The first option was to designate the Inverness constituency as a dual-member riding, meaning a single constituency with two MLAs. In this scenario, the Acadian electorate would have had the option of registering on the general electoral list and voting for the MLA for the geographic riding, or the Acadian electoral list, which would have elected an Acadian MLA. The second option was to create a virtually all-Acadian constituency whose electorate would deviate by about 80% from the provincial average.

However, I would suggest that the Commission did not consider the most obvious option – creating an electoral district where the Acadian population represents a significant percentage of the electorate. The Nova Scotia model does not guarantee that Acadian or African Nova Scotian MLAs are elected. Rather, protected, or exceptional, constituencies are designed to improve these populations' chances of electing one of their own, and to expand their influence over the selection of candidates. Both the dual-member constituency and an exceptionally small constituency would have effectively guaranteed an Acadian MLA for Chéticamp,<sup>26</sup> which does not fit the Nova Scotia model as it was developed.

In summary, the Acadian population of Chéticamp should be represented by a constituency where they, like the Acadian populations of Argyle, Clare, and Richmond, make up a significant proportion of the electorate.

## Conclusion

The current debates in Nova Scotia over the right to effective representation, including whether to create a protected constituency for the Acadian region of

Chéticamp, raise fundamental questions about the interpretation of this right and its institutionalization. I have argued that effective representation, by definition, necessitates taking contextual factors into account, and hence its interpretation and institutionalization can vary depending on context. As for Nova Scotia, it is clear that the province has developed a unique model of effective representation, and it is also clear that the Acadian population of Chéticamp must be treated in the same way as the Acadian populations of Argyle, Clare and Richmond. Finally, this paper is also a call to further explore the institutional frameworks and standards developed by provinces and territories to better understand how the right to effective representation has been institutionalized and its implications for Canadian democracy.

## Notes

- 1 *Reference re Prov. Electoral Boundaries (Sask.)*, [1991] 2 S.C.R. 158, p. 183.
- 2 *Ibid.*, p. 160.
- 3 *Ibid.*, p. 184.
- 4 Judge McLachlin clarified that the list of factors that may justify a derogation from relative electoral parity is “not closed.” (*Ibid.*, p. 184).
- 5 Nova Scotia Provincial Electoral Boundaries Commission, *Effective Political Representation in Nova Scotia: The 1992 Report of the Provincial Electoral Boundaries Commission*, Halifax, 1992, p. 146.
- 6 Nova Scotia Provincial Electoral Boundaries Commission, *Just Boundaries: Recommendations for Effective Representation for the People of Nova Scotia. The Final Report of the Nova Scotia Provincial Electoral Boundaries Commission*, Halifax, 2002, p. 5.
- 7 *Ibid.*, p. 37.
- 8 Nova Scotia Provincial Electoral Boundaries Commission, *Interim Report*, Halifax, 2012, p. 2.
- 9 *Ibid.*, p. 3.
- 10 In a letter sent to the Chair of the Commission, the province's Attorney General wrote: “I have been advised by the Chief Legislative Counsel of the House of Assembly that the terms of reference are legally binding upon the Commission, and that the interim report is therefore null and void.” (Ross Landry, Attorney General and Minister of Justice, Letter to Teresa MacNeil, Chair of the Electoral Boundaries Commission, June 14, 2012.)
- 11 Commission on Effective Electoral Representation of Acadians and African Nova Scotians, *Representation: Toward More Effective Representation for Acadian and African Nova Scotians*, Halifax, 2018, p. 42.
- 12 Province of Nova Scotia, *Court Opinion Sought on Electoral Boundaries Legislation*, News Release, October 3, 2014.



- 13 *Reference re the Final Report of the Electoral Boundaries Commission*, [2017] NSCA 10, p. 57.
- 14 Fédération acadienne de la Nouvelle-Écosse, 2017, "La Fédération acadienne réagit à l'annonce de la création d'une Commission sur la représentation effective," Dartmouth, April 28, 2017. <https://www.acadiene.ca/2017/04/28/la-federation-acadienne-reagit-a-lannonce-de-la-creation-dune-commission-sur-la-representation-effective/>.
- 15 *Supra* note 11, p. 7.
- 16 Nova Scotia Provincial Electoral Boundaries Commission, *Balancing Effective Representation with Voter Parity, Final Report*, Halifax, 2019, pp. 46-53.
- 17 The hearings were heard by the Nova Scotia Supreme Court on Monday, October 23, 2023. Note that the author of the text prepared an expert report for the Court on this matter.
- 18 Sally Ross and Alphonse Deveau, *The Acadians of Nova Scotia: Past and Present*, Halifax, Nimbus Publishing, 1992.
- 19 *Supra* note 16.
- 20 An excerpt from the letter is quoted in Sally Ross and Alphonse Deveau, *The Acadians of Nova Scotia: Past and Present*, Halifax, Nimbus Publishing, 1992, p. 74. The letter requests "that great care is taken to disperse them in small numbers that it may not lie in their power to disturb and annoy that Government."
- 21 In addition to Ontario leaving the electoral boundaries the same in the north in 2005 and 2015 to ensure that no electoral district would be abolished, the province, after filing the Final Report of the Electoral Boundaries Commission for the Far North, created two new constituencies in the Far North to ensure effective representation of Indigenous peoples and francophones.
- 22 *Electoral Boundaries Commission Act*, RSA 2000, c E-3, s 15.
- 23 *Electoral Boundaries Act*, RSNL 1990, c E-4, s 15.
- 24 In 2004, the Federal Court, in the *Raïche* case, reiterated how important it is for an electoral boundaries commission to factor in communities of interest (*Raïche v. Canada (Attorney General)*, [2004] 1 F.C.R. 93).
- 25 Nova Scotia Provincial Electoral Boundaries Commission, *Striking a Balance Between Effective Representation and Voter Parity, Interim Report*, Halifax, 2018, pp. 30-45.
- 26 For dual-member ridings, the Commission agrees that "the possibility of electing an Acadian MLA is not just increased, it is guaranteed." For the exceptionally small riding, it would not, by definition, have guaranteed an Acadian MLA, but since the vast majority of the electorate would have been Acadian, we can reasonably assume that the political parties would have fielded an Acadian candidate.

# Voter Parity and the Quest for Effective Representation in the Yukon

In 2018, a bill attempting to establish new electoral boundaries in the Yukon following the recommendations of an electoral district boundary commission was defeated at second reading. As a result, the electoral boundaries in the territory remain the same as the ones established in 2008 despite population changes which have created significant variance within some of these districts. Legislation to establish boundaries recommended by a newly created electoral district boundaries commission will need to pass by spring 2025 if they are to be in place in time for the next general election (scheduled for November 3, 2025). In this article, the author describes the history of electoral district boundary commissions in the territory since the advent of partisan politics, explains why the recommendations in 2018 were not accepted, and outlines what he believes to be the two primary considerations the new commission must reconcile: providing fair and effective representation for rural communities and ensuring voter parity for Whitehorse area districts.

**Floyd McCormick**

## Introduction

On October 26, 2023, the Commissioner of the Yukon granted assent to Bill No. 29, *Act to Amend the Elections Act (2023)*. Pursuant to the amendments enacted on that day, an electoral district boundaries commission was established on December 14, 2023.<sup>1</sup> If the Yukon is to have new electoral district boundaries for its next general election (scheduled for November 3, 2025), the legislation to establish those boundaries will have to be in place by the spring of 2025.

The last time the Yukon Legislative Assembly attempted to establish new electoral district boundaries the enabling legislation – Bill No. 19, *Electoral District Boundaries Act* – was defeated at second reading, on November 19, 2018. As a result, the electoral district boundaries currently in effect in the Yukon are those established in the *Electoral District Boundaries Act* that received assent on December 14, 2008.

In addressing the Yukon's electoral district boundaries, the new commission will have to consider a number of factors, including the principle of equality of voting power (voter parity).<sup>2</sup> The focus of this article

will be to demonstrate the effect that voter parity has had on the drawing of electoral district boundaries in the Yukon. To do this the article will (1) examine the debate on Bill No. 19 to determine the role voter parity played in the bill's defeat; (2) place voter parity in the broader context of Yukon electoral district boundaries reviews since 1977; and (3) offer some ideas as to how the new electoral district boundaries commission, and the MLAs, might balance the requirement of voter parity with other important considerations.

## The Yukon and its Assembly

At 482,443 square kilometres, the Yukon is the smallest of Canada's three territories but is larger than Newfoundland and Labrador and New Brunswick combined.<sup>3</sup> Statistics Canada estimates the Yukon's population at 45,148 making it Canada's most populous territory.<sup>4</sup> The Yukon's population is unevenly distributed. Approximately 79 per cent of Yukoners (35,770) live in or near Whitehorse, the capital city. No other Canadian jurisdiction has such a high concentration of population in one community. The population of Dawson City, the next largest community, is 2,370.<sup>5</sup>

This imbalance is growing. In August 2023, the Yukon Bureau of Statistics reported that the Yukon's population increased by 8,598 from June 30, 2013, to June 30, 2023. Almost 88 per cent of that increase (7,528) occurred in the Whitehorse area.<sup>6</sup>

---

*Floyd McCormick is a retired former Clerk of the Yukon Legislative Assembly.*

The Yukon has had a fully elected Council/Legislative Assembly since 1909. Recognition of political parties in electoral law and the rules of the Legislative Assembly started with the 1978 general election. The Yukon has 19 electoral districts; 10 in Whitehorse, seven rural districts and two “country-residential” districts that include electors who live within, and outside of, Whitehorse. The Yukon’s northernmost community, Old Crow, has its own electoral district, Vuntut Gwitchin. This district has approximately 200 electors, many fewer than any other district, and isn’t included in calculating the territory’s electoral quotient.

Bill No. 19 was introduced during the 34<sup>th</sup> Legislative Assembly when the Assembly included 11 Liberals, six Yukon Party (conservative) members and two New Democrats. On April 12, 2021, Yukoners elected the 35<sup>th</sup> Assembly, which includes eight Liberals, eight Yukon Party MLAs and three New Democrats. NDP support for the Liberal minority government is outlined in a confidence and supply agreement.

### **Voter parity and the Defeat of Bill No. 19**

In May 2017, the Yukon established an electoral district boundaries commission chaired by R.S. Veale, Chief Justice of the Supreme Court of the Yukon. Speaker Nils Clarke (Riverdale North, Liberal) tabled the commission’s interim report in the Assembly on November 20, 2017, and the final report on April 19, 2018.<sup>7</sup>

The government is required to introduce a bill to implement the recommendations of an electoral district boundaries commission.<sup>8</sup> Government members are not, however, obliged to support the bill and, in this case, they did not. The bill was defeated by 11 votes to seven. Ten Liberals and one Yukon Party MLA voted against the bill; five Yukon Party MLAs and two New Democrats voted in favour.<sup>9</sup>

Liberal members gave three reasons for voting against the bill. The first was that implementing the bill would expand the number of electoral districts from 19 to 20. In response to this recommendation, then-premier Sandy Silver (Klondike, Liberal) said, “I have yet to meet a Yukoner who believes this Chamber needs to add another member.”<sup>10</sup>

The second reason was the commission’s lack of adherence to voter parity. Using elector projections in the commission’s final report, the Liberals noted

that by 2026 only nine of the 20 proposed districts would conform to the +/-25 percent variance from the electoral quotient that the Liberals pointed to as the “Canadian standard.” Silver also mentioned that the 2002 and 2008 electoral district boundary commissions proposed only two and four non-compliant districts (respectively). The commission deviated from the voter parity standard – in terms of Whitehorse districts compared to rural districts and between Whitehorse districts – in favour of what it felt was more effective representation. Nonetheless, Silver concluded that, “This proposal seems to take us in the wrong direction with regard to ridings being outside of that 25 percent variance.”<sup>11</sup>

The third reason for the bill’s defeat was a lack of public consultation on the commission’s final report. This was particularly important, said Silver, because “the proposal that we are considering today differs significantly from the interim report that was presented to the public.”<sup>12</sup> The interim report had only proposed minor adjustments to some existing boundaries.

Yukon Party MLA Brad Cathers also voted against the bill. Cathers opposed the elimination of country-residential districts. This, said Cathers, would excise approximately 350 voters from his district (Lake Laberge). Cathers also mentioned the lack of consultation on the final report as a problem since the proposal to eliminate country-residential districts surfaced late in the process when electors in Lake Laberge had little time to respond.<sup>13</sup>

Then-Official Opposition Leader Stacey Hassard (Pelly-Nisutlin, Yukon Party) spoke in favour of the bill. He wasn’t keen to add another electoral district. However, in referencing “proper representation” he said, “It is important, especially for rural Yukon, to ensure that their voices are heard here in the Assembly.” He also said that all the people he spoke to in Pelly-Nisutlin favoured the proposed changes.<sup>14</sup>

Addressing the lack of public consultation, then-NDP leader Elizabeth Hanson (Whitehorse Centre) pointed out that the Commission’s tight timelines and the lack of opportunity for public consultation on the final report were conditions set out in the *Elections Act*. Hanson, and other members who voted for the bill, also argued that the commission had fulfilled its mandate as provided for in the *Elections Act*. The Assembly should, therefore, support the bill to enact the recommendations of a non-partisan body that had analyzed the issues in detail.<sup>15</sup>

While members complained about the lack of consultation on the final report, no member suggested referring the final report to a committee when it was tabled in April 2018. Similarly, there was no discussion about referring Bill No. 19 to a committee for public consultation.

The Veale Commission's deviation from voter parity obviously played a role in the defeat of Bill No. 19. And while some members opposed adding a 20<sup>th</sup> district on other grounds as well (cost), the commission's recommendation that the additional district be a rural district contributed to the deviation from the variance. More public consultation might have shown support for the commission's approach to voter parity which, in turn, might have affected the fate of Bill No. 19. However, whether the proposed boundaries could have withstood a legal challenge is an open question.

### **Electoral district boundaries in the Yukon: From consensus to dissent**

If we place the debate on Bill No. 19 in a larger historical context we can see the effect that voter parity has had on electoral district boundary reviews once it became a required factor for consideration.

In 1977, the Assembly consisted of 12 independent members, five representing Whitehorse and seven representing rural Yukon. An electoral district boundaries commission chaired by Justice H.C.B. Maddison was established that year. Members gave direction to the commission in anticipation of the territory's political system formally adopting partisan politics and taking on responsible government. The 16 electoral districts that emerged from this process (a debate on providing direction to the Commission, the Commission's report, the Assembly's debate on the report and on the subsequent enabling legislation) included the following features:

- Boundaries were drawn to encourage participation by indigenous persons in territorial elections and indigenous representation in the Assembly;
- Pursuant to the above point, the remote, indigenous community of Old Crow would have its own electoral district;
- Whitehorse city limits would be followed in the drawing of electoral district boundaries. Districts would be entirely within, or entirely outside of, Whitehorse; and,
- Whitehorse would have fewer than half the seats in the Assembly (seven) even though it contained a majority of the Yukon's population and electors.

There was a high degree of consensus on these points. Consensus did not mean unanimity. Members expressed differing views about the wisdom of partisan politics, the optimum number of electoral districts, and the precise boundaries of certain districts, among other things. Voter parity was addressed but not as it was with regard to Bill No. 19. During debate on the motion to provide direction to the commission, MLA Eleanor Millard (Ogilvie) said, "population is certainly a consideration but...we must really keep in mind the ratio between Whitehorse and the outlying districts...and equal representation from Whitehorse and outside communities would not be fair to the outside communities."<sup>16</sup>

Later, in debating the enabling legislation for the new boundaries, Millard was pleased "that the principle of representation by population was virtually ignored to establish Old Crow as its own constituency..."<sup>17</sup> No member contradicted these views.

All but one member supported the legislation in spite of their concerns. The member who voted against the legislation did so due to changes to his electoral district.<sup>18</sup> All members agreed that giving rural Yukon the majority of the seats was fair.

The Assembly did, at times, adjust boundaries based on the number of electors. In 1984, for instance, the legislature amended the district boundaries in the Whitehorse subdivisions of Porter Creek and Riverdale. Each subdivision had two districts and the amendments sought to equalize the number of electors between the districts in each subdivision.<sup>19</sup> However, while greater voter parity was seen as fair for Whitehorse districts that shared a boundary, that idea was not applied across the territory. The consensus on the over-representation of rural Yukon held through four general elections from 1978 to 1989.

In May 1991, Mr. Justice Kenneth M. Lysyk was appointed as the sole commissioner of a new electoral district boundaries commission. Lysyk's recommendations differed greatly from those of the Maddison Commission and the debate on Lysyk's report was much more contentious than what had occurred in 1977. This difference was largely because Lysyk's mandate directed him to consider "the principle of equality of voting power amongst electoral districts."<sup>20</sup> This was a first for the Yukon.<sup>21</sup>

Lysyk's mandate did not direct him to give primacy to voter parity over other considerations. However, it

was the first criterion listed in his mandate. Also, in June 1991, the Supreme Court of Canada had ruled: “Relative parity of voting power is a prime condition of effective representation.”<sup>22</sup> In the same ruling the court referred to voter parity as the *first* condition of effective representation (emphasis added).<sup>23</sup>

Lysyk noted in his report that, “the 1991 *Commission Act* does not state a maximum permissible deviation. However, recent court rulings<sup>24</sup> have established the importance of equality of voting power in ensuring the effective representation guaranteed by the *Canadian Charter of Rights and Freedoms*.”<sup>25</sup>

Giving primacy to voter parity distinguished Lysyk’s idea of effective representation from the focus on fairness that characterized previous redistribution processes. Where voter parity prevails representation follows population. In other words, areas that have more electors get more representatives.

Previous redistribution processes had taken a different approach. The MLAs saw electoral districts playing a role in the distribution of political power and influence. In that context, giving rural Yukon a majority of the seats was necessary to counterbalance the power and influence Whitehorse held because of its greater population and its status as the capital. This may sound anti-democratic, but the priority was not to equalize the voting power of individuals or electoral districts, but rather to establish and maintain a Whitehorse/rural balance of power. It was a made-in-the-Yukon solution to Yukon circumstances. However, as Lysyk noted, this approach meant “the Yukon’s existing electoral map displays the greatest deviations from voter parity to be found in Canada.”<sup>26</sup>

Pursuant to his mandate, Lysyk made three broad, novel recommendations: (1) that there be more electoral districts than ever (17); (2) that, for the first time, there be more electoral districts for Whitehorse (eight) than for rural Yukon (seven); and (3) that a new form of electoral district, “country-residential,” be created.

During debate on the implementation bill for Lysyk’s recommendations, only one member, Bill Brewster (Kluane, Yukon Party), gave strong support to the “one-person, one-vote concept.”<sup>27</sup> Most members accepted, or were resigned to, the effect voter parity had on the proposed boundaries. Members saw the logic of the principle, though some disagreed with the outcome.

Yukon Party MLA Willard Phelps typified this dilemma. Phelps (a lawyer) had previously raised “concerns about the constitutional imperatives with regard to one-person-one-vote” due to his “genuine concern that the existing boundaries simply do not meet the tests of the constitutional imperatives, as set down in law by the various courts.”<sup>28</sup>

Yet Phelps strongly objected to Lysyk’s proposal that Carcross, Tagish, Teslin and Ross River be in the same electoral district. Phelps said that “Ross River is about as remote from Carcross, Tagish or Teslin [as] any two communities in the Yukon...it is a further drive from Carcross to Ross River during most months of the year than from Carcross to Dawson (City).”<sup>29</sup> He added that no one in the proposed Ross River-Southern Lakes electoral district agreed with this configuration.

Addressing the Whitehorse/rural power dynamic, Piers McDonald (NDP), the member for the rural district of Mayo, said it was easy for MLAs “particularly while we are sitting, to respond to the needs and the urgencies” of Whitehorse. He noted that Whitehorse is home to the news media, the major community and territorial organizations, and the spokespeople for most territory-wide organizations.<sup>30</sup> McDonald could have added that the most influential people in the public service – the Deputy Ministers, Assistant Deputy Ministers, and others – also live in Whitehorse. Even though rural MLAs were in the majority, the minority of the population living in rural Yukon did not hold disproportionate influence over public affairs.

Whatever their personal misgivings, a majority of MLAs voted for the enabling legislation. As Government House Leader Art Webster (Klondike, NDP) put it, “We have to look at reality here.” Webster cited the mix of factors to be considered, including the number of electoral districts, the desire to retain Old Crow as an electoral district, the legal “constraints... respecting acceptable deviations in voting power,” and Whitehorse’s increasing share of the population. He concluded, “I do not know what else we could expect [Lysyk] to recommend.”<sup>31</sup>

Lysyk’s recommendations were a success from a voter parity perspective. The 1992 general election results show that all 16 districts that formed part of the electoral quotient were within the +/-25 percent variance.<sup>32</sup> However, to achieve this success the Assembly had to create some large rural electoral districts that included communities with little in common.

The effect that voter parity had on Lysyk's recommendations continued through the electoral district boundary commissions that reported in 2002 and 2008. The country-residential electoral districts remain, though the 2002 and 2008 reports included them as "rural" districts.<sup>33</sup> Whitehorse continues to have more electoral districts than rural Yukon. Whitehorse gained one seat when the Assembly expanded to 18 members in 2002 and another when it was expanded to 19 members in 2011.

The factors to be considered by an electoral district boundaries commission are listed in section 419 of the *Elections Act*. These factors mirror the Supreme Court's idea of effective representation.<sup>34</sup> However the Veale Commission took a different approach to voter parity. On this point the Veale Commission said, "The factors on this list are considered together, and not in isolation. As such it is important to note that population is not the sole consideration in developing proposed electoral districts, *nor is it weighed more heavily than the other considerations.*"<sup>35</sup> (emphasis added)

Giving population equal weight with other factors is not quite the same as the Supreme Court's position that relative parity of voting power is a prime (or first) condition of effective representation and that deviations from it must be justified.<sup>36</sup> By placing voter parity on equal footing with other factors, the Veale Commission was able to make recommendations that harkened back to the pre-Lysyk Commission period, such as eliminating country-residential districts and recommending more representation for rural communities despite the effect on voter parity. But as we have seen, most MLAs did not share the Veale Commission's perspective and rejected Bill No. 19.

After rejecting Bill No. 19, the 34<sup>th</sup> Legislative Assembly did not further consider electoral district boundaries. As a result, the 2021 general election was run using electoral districts adopted in 2008 and first used in 2011.

There is merit to concerns about the extent to which the Veale Commission deviated from the +/-25 per cent variance. But rejecting Bill No. 19 did not solve the problem. Only nine of the 18 districts included in the electoral quotient complied with the variance in 2021. The most egregiously non-compliant district was Porter Creek South, a geographically compact Whitehorse district whose elector population was 57.35 per cent of the quotient. Only Vuntut Gwitchin had fewer electors. Porter Creek South is surrounded

by three districts whose elector populations were substantially above the quotient (Porter Creek Centre – 154.23 per cent, Porter Creek North – 125.72 per cent and Takhini-Kopper King – 132.50 per cent). There was no justification for this difference. It existed only because the Assembly defeated Bill No. 19 without addressing this issue prior to the 2021 election.

### **Voter Parity and the future of effective representation in the Yukon**

There is no easy or obvious solution to the challenges of drawing electoral district boundaries in the Yukon. The consensus that rural Yukon should have a majority of seats in the Assembly to counterbalance the political power and influence of Whitehorse no longer exists. However, the need for fair, effective representation remains. Achieving this will be difficult when voter parity is legally required and politically necessary in a jurisdiction with such a geographically uneven distribution of electors. In 1977 about 60 per cent of Yukoners lived in and around Whitehorse. Today the figure is approaching 80 per cent.

However, even where courts have given primacy to voter parity, they have not done so in a precise, prescriptive, or exclusive way. Courts have considered a myriad of demographic and geographical factors when assessing electoral districts. Courts have also deferred to the legislature where variations were demonstrably reasonable. And, courts have considered all relevant factors in the context of the jurisdiction at issue.<sup>37</sup> In other words, there's room for the Yukon to draft a set of boundaries that is not strictly determined by what has occurred in other jurisdictions.

In my view, the upcoming process should try to reconcile two goals: (1) providing fair and effective representation for rural communities and (2) ensuring voter parity for Whitehorse area districts.

In 2018, a majority of MLAs took the position that the Assembly should remain at 19 members and that the +/- 25 per cent variance should be adhered to. Given the demographic trends in the Yukon, this approach can only lead to less representation for rural Yukon. Reduced rural representation would raise questions about the viability of Vuntut Gwitchin as a stand-alone electoral district. The Veale Commission alluded to this.<sup>38</sup> Reduced rural representation would also raise questions about the legitimacy of the Legislative Assembly as a Yukon-wide representative

institution. It is difficult to imagine that an objective assessment would result in fewer than the seven rural districts that currently exist. Perhaps, like the Veale Commission, the new commission will recommend an additional rural district.

Voter parity for Whitehorse area electoral districts should mean ensuring not only that the Whitehorse and country-residential districts (however many there may be) conform to the +/-25 per cent territorial variance, but also that the differences between these districts are minimal. This was not the case with Bill No. 19. The boundaries proposed in that bill would have had five of Whitehorse's 11 electoral districts above the variance by 2026. And many of those that fell within the variance were at the edges of compliance. Maximizing the number of electoral districts that conform to the variance will also, of course, maximize the number of electors who reside in conforming electoral districts.

If all Whitehorse area districts can be brought within the variance, they, along with the rural districts of Klondike (Dawson City) and Mount Lorne-Southern Lakes, would account for approximately 84 per cent of Yukon electors (based on 2021 figures). This high level of compliance should allow the Yukon to demonstrate that it is paying due attention to the legal and political need for voter parity where it can be reasonably achieved, while also providing fair and effective representation for less populated rural districts. This approach would also re-establish a made-in-the-Yukon solution to the Yukon's unique challenges in drawing electoral district boundaries.

## Notes

- 1 "Electoral District Boundaries Commission members appointed" Government of Yukon news release #23-531 <https://yukon.ca/en/news/electoral-district-boundaries-commission-members-appointed>
- 2 See section 419 of Yukon's "Elections Act" <https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0063/2002-0063.pdf>
- 3 Statistics Canada <https://www150.statcan.gc.ca/n1/pub/11-402-x/2010000/chap/geo/tbl/tbl07-eng.htm>
- 4 Statistics Canada. Table 17-10-0009-01 Population estimates, quarterly
- 5 Yukon Bureau of Statistics, Population Report, Second Quarter, 2023. <https://yukon.ca/sites/yukon.ca/files/ybs/fin-population-report-q2-2023.pdf>
- 6 Yukon Bureau of Statistics, Population Report, Second Quarter, 2023. <https://yukon.ca/sites/yukon.ca/files/ybs/fin-population-report-q2-2023.pdf>
- 7 Yukon Legislative Assembly, *Hansard*, November 20, 2017, page 1703 <https://yukonassembly.ca/sites/default/files/hansard/34-2-056.pdf> and April 19, 2018, page 2657 <https://yukonassembly.ca/sites/default/files/hansard/34-2-088.pdf>
- 8 Yukon. *Elections Act*, RSY 2002, c.63, section 418. <https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0063/2002-0063.pdf>
- 9 The 11<sup>th</sup> Liberal MLA was the Speaker who did not vote. Yukon Legislative Assembly, *Hansard*, November 19, 2018, pages 3646-3658.
- 10 Yukon Legislative Assembly, *Hansard*, November 19, 2018, page 3646. <https://yukonassembly.ca/sites/default/files/hansard/34-2-117.pdf>
- 11 Yukon Legislative Assembly, *Hansard*, November 19, 2018, page 3647.
- 12 Yukon Legislative Assembly, *Hansard*, November 19, 2018, page 3646.
- 13 Yukon Legislative Assembly, *Hansard*, November 19, 2018, pages 3652-3653.
- 14 Yukon Legislative Assembly, *Hansard*, November 19, 2018, page 3647.
- 15 Yukon Legislative Assembly, *Hansard*, November 19, 2018, pages 3647-3650.
- 16 Yukon Legislative Assembly, *Debates & Proceedings*, April 25, 1977, page 875. <https://yukonassembly.ca/sites/default/files/inline-files/Debates-Proceedings-23-8-1977-04-25-Number-26.pdf>
- 17 Yukon Legislative Assembly, *Debates & Proceedings*, November 28, 1977, page 311. <https://yukonassembly.ca/sites/default/files/inline-files/Debates-Proceedings-23-9-1977-11-28-Number-14.pdf>
- 18 Yukon Legislative Assembly, *Debates & Proceedings*, November 28, 1977, page 311.
- 19 Yukon Legislative Assembly, *Hansard*, November 29, 1984, page 890.
- 20 The Hon. Mr. Justice Kenneth M. Lysyk, *Electoral District Boundaries Commission Report 1991*, (Lysyk Report) page vi.
- 21 Lysyk Report, p. i.
- 22 Supreme Court of Canada, Reference re Prov. Electoral Boundaries (Sask.) [1991] 2 SCR 158, page 160.
- 23 Supreme Court of Canada, *Ibid.* pages 183-184.
- 24 Here he cites the Saskatchewan Reference case.
- 25 Lysyk Report, page 1.
- 26 Lysyk Report, page i.
- 27 Yukon Legislative Assembly, *Hansard*, May 5, 1992. <https://yukonassembly.ca/sites/default/files/hansard/27-3-010.html>
- 28 Yukon Legislative Assembly, *Hansard*, May 5, 1992.



- 29 Yukon Legislative Assembly, *Hansard*, May 5, 1992. Dawson City is about 600 kilometres from Carcross.
- 30 Yukon Legislative Assembly, *Hansard*, May 5, 1992.
- 31 Yukon Legislative Assembly, *Hansard*, May 5, 1992.
- 32 These figures were compiled by the author using the report of the Chief Electoral Officer on the 1992 general election. [https://electionsyukon.ca/sites/elections/files/1992\\_general\\_election\\_2.pdf](https://electionsyukon.ca/sites/elections/files/1992_general_election_2.pdf)
- 33 Yukon Electoral District Boundaries Commission Final Report, January 2002, page 21 and Yukon Electoral District Boundaries Commission Final Report, March 2008, page 11.
- 34 *Elections Act*, section 419.
- 35 Yukon Electoral District Boundaries Commission, Final Report (April 2018)(Veale Commission Final Report), page 19. <https://yukonassembly.ca/sites/default/files/inline-files/sp-34-2-58.pdf>
- 36 Supreme Court of Canada, *Op. Cit.*, page 160.
- 37 See the section “Legal Precedent” in Yukon Electoral District Boundaries Commission Final Report, January 2002, pages 6-13.
- 38 Yukon Electoral District Boundaries Commission, Final Report (April 2018)(Veale Commission Final Report), page 36. <https://yukonassembly.ca/sites/default/files/inline-files/sp-34-2-58.pdf>

# The Canadian Scene

## New Clerk of the House of Commons

On December 18, 2023, **Eric Janse** was appointed the new Clerk of the House of Commons. Mr. Janse had been serving as Acting Clerk since February 2023, following the retirement of former Clerk **Charles Robert**.

Of the appointment, Prime Minister **Justin Trudeau** said: “Mr. Janse is a dedicated public servant with a proven track record of providing reliable, non-partisan advice. I am confident that he will continue to be a valuable asset in helping uphold the integrity of the House of Commons and ensuring the efficiency of its proceedings.”

Born and raised in Edmonton, Mr. Janse holds a Bachelor of Arts (Honours) in Political Science from the University of Alberta.

Beginning in 1992, Mr. Janse has worked in a variety of capacities in Procedural Services, including Clerk Assistant of Committees and Legislative Services, Clerk Assistant and Director General of International and Interparliamentary Affairs (IIA), and Principal Clerk of IIA. In addition to handling assignments as Procedural Clerk and Deputy Principal Clerk, Mr. Janse served as Deputy Clerk, Procedure. He has been a Table Officer since 1998.

Mr. Janse is credited with playing a pivotal role in transitioning committees to hybrid proceedings during the pandemic and was instrumental in developing Parliament’s international program.

## New Senate Clerk and Clerk of the Parliaments

**Shaila Anwar** was appointed as the new Clerk of the Senate and Clerk of the Parliaments effective May 6, 2024, by the Governor in Council - the Governor General acting on the advice of Cabinet.

“Ms. Anwar is an exceptional public servant with a deep understanding of the Senate and the legislative process,” Prime Minister Trudeau said. “I am confident that, with her expertise and experience, she will make the Red Chamber work even better for Canadians.”

As Clerk, Ms. Anwar will manage the Senate’s day-to-day operations and support all aspects of the legislative process. As Clerk of the Parliaments, she will also ensure the stewardship of some of Canada’s most important legal archives.

Born in Dhaka, Bangladesh, Ms. Anwar was raised and educated in Ottawa, and holds a Bachelor of Arts in English and Political Science from Carleton University.

A trusted public servant with extensive experience and expertise on Senate procedures and practices, Ms. Anwar joined the Senate Committees Directorate in 2007 as a Procedural Clerk. Her subsequent roles included Deputy Principal Clerk, Principal Clerk of the Senate Committees Directorate, and Clerk Assistant of the Senate Committees Directorate.

An avid sports fan, for four years, Ms. Anwar also co-hosted “That’s What She Said,” on TSN 1200. The sports-centred radio show focused on Ottawa’s NHL and CFL teams, the Senators and Redblacks, respectively.

## Regional Executive Committee, CPA\*

### **PRESIDENT**

Randy Weekes, Saskatchewan

### **FIRST VICE-PRESIDENT**

Ted Arnott, Ontario

### **SECOND VICE-PRESIDENT**

Nathalie Roy, Québec

### **PAST PRESIDENT**

Darlene Compton, Prince Edward Island

### **REGIONAL REPRESENTATIVES**

Terry Duguid, Federal Branch

Raj Chouhan, British Columbia

Donna Skelly, Ontario

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

(Commonwealth Women Parliamentarians)

Susan LeBlanc, Nova Scotia

### **EXECUTIVE SECRETARY-TREASURER**

Jeremy LeBlanc, House of Commons

## Members of the Regional Council\*

### **HOUSE OF COMMONS**

Greg Fergus, Speaker

Eric Janse, Clerk

### **SENATE**

Raymonde Gagné, Speaker

Shaila Anwar, Clerk

### **ALBERTA**

Nathan Cooper, Speaker

Shannon Dean, Secretary

### **NOVA SCOTIA**

Vacant, Speaker

James Charlton, Secretary

### **BRITISH COLUMBIA**

Raj Chouhan, Speaker

Kate Ryan-Lloyd, Secretary

### **ONTARIO**

Ted Arnott, Speaker

Trevor Day, Secretary

### **CANADIAN FEDERAL BRANCH**

Alexandra Mendès, Chair

Rémi Bourgault, Secretary

### **PRINCE EDWARD ISLAND**

Darlene Compton, Speaker

Joey Jeffrey, Secretary

### **MANITOBA**

Tom Lindsey, Speaker

Rick Yarish, Secretary

### **QUÉBEC**

Nathalie Roy, President

Mélissa Morin, Secretary

### **NEW BRUNSWICK**

Bill Oliver, Speaker

Shayne Davies, Secretary

### **SASKATCHEWAN**

Randy Weekes, Speaker

Iris Lang, Secretary

### **NEWFOUNDLAND AND LABRADOR**

Derek Bennett, Speaker

Kim Hawley George, Secretary

### **NORTHWEST TERRITORIES**

Shane Thompson, Speaker

Glen Rutland, Secretary

### **NUNAVUT**

Tony Akoak, Speaker

John Quirke, Secretary

### **YUKON**

Jeremy Harper, Speaker

Dan Cable, Secretary

\*As of April 15, 2024

## *Canadian Region Commonwealth Parliamentary Association*

### **Alberta**

Office of the Clerk  
3rd Floor, 9820-107 Street  
Edmonton, AB T5K 1E7  
780 427-2478 (tel)  
780 427-5688 (fax)  
clerk@assembly.ab.ca

### **Newfoundland and Labrador**

Office of the Clerk  
Confederation Building  
P.O. Box 8700  
St John's, NL A1B 4J6  
709 729-3405 (tel)  
709 729-4820 (fax)  
kimhawleygeorge@gov.nl.ca

### **Ontario**

Office of the Clerk  
Room 104,  
Legislative Bldg.  
Toronto, ON M7A 1A2  
416 325-7341 (tel)  
416 325-7344 (fax)  
clerks-office@ola.org

### **British Columbia**

Office of the Clerk  
Parliament Buildings  
Room 221  
Victoria, BC V8V 1X4  
250 387-3785 (tel)  
250 387-0942 (fax)  
ClerkHouse@leg.bc.ca

### **Northwest Territories**

Office of the Clerk  
P.O. Box 1320  
Yellowknife, NT X1A 2L9  
867 669-2299 (tel)  
867 873-0432 (fax)  
glen\_rutland@ntassembly.ca

### **Prince Edward Island**

Office of the Clerk  
Province House  
P.O. Box 2000  
Charlottetown, PE C1A 7N8  
902 368-5970 (tel)  
902 368-5175 (fax)  
jajeffrey@assembly.pe.ca

### **Federal Branch**

Executive Secretary  
131 Queen Street, 5<sup>th</sup> Floor  
House of Commons  
Ottawa, ON K1A 0A6  
613 992-2093 (tel)  
613 995-0212 (fax)  
ccom@parl.gc.ca



### **Québec**

Direction des relations inter-  
parlementaires  
Assemblée nationale  
Québec, QC G1A 1A3  
418 643-7391 (tel)  
418 643-1865 (fax)  
melissa.morin@assnat.qc.ca

### **Manitoba**

Office of the Clerk  
Legislative Building  
Room 237  
Winnipeg, MB R3C 0V8  
204 945-3636 (tel)  
204 948-2507 (fax)  
Clerkla@leg.gov.mb.ca

### **Nova Scotia**

Office of the Clerk  
Province House  
P.O. Box 1617  
Halifax, NS B3J 2Y3  
902 424-5707 (tel)  
902 424-0526 (fax)  
James.Charlton@novascotia.ca

### **Saskatchewan**

Office of the Clerk  
Legislative Building  
Room 239  
Regina, SK S4S 0B3  
306 787-2377 (tel)  
306 787-0408 (fax)  
cpa@legassembly.sk.ca

### **New Brunswick**

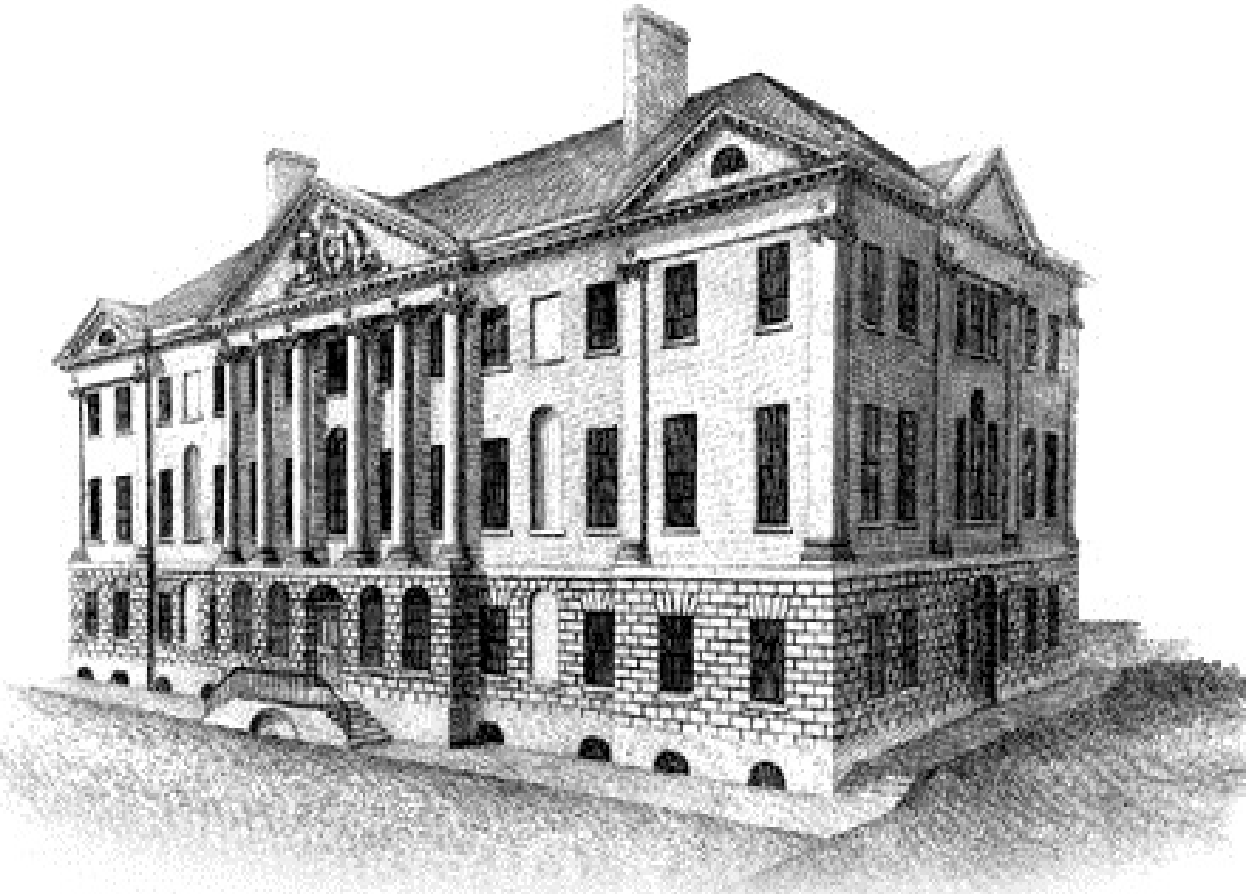
Office of the Clerk  
Legislative Building  
P.O. Box 6000  
Fredericton, NB E3B 5H1  
506 453-2506 (tel)  
506 453-7154 (fax)  
shayne.davies@gnb.ca

### **Nunavut**

Office of the Clerk  
Legislative Assembly of Nunavut  
926 Sivumugiaq Street  
Iqaluit, NU X0A 3H0  
867 975-5100 (tel)  
867 975-5190 (fax)

### **Yukon**

Office of the Clerk  
Legislative Building  
P.O. Box 2703  
Whitehorse, YT Y1A 2C6  
867 667-5494 (tel)  
867 393-6280 (fax)  
clerk@gov.yk.ca



## Nova Scotia

The Sixty-Fourth General Assembly convened for the Fall 2023 Sitting from October 12 until November 9, 2023. The Fall 2023 Sitting consisted of a total of 19 sitting days.

The House departed from its ordinary schedule for 15 of those 19 sitting days. Extended hours began on the fifth sitting day and continued until the final, nineteenth sitting day. The extended hours included two Monday sittings. Six of the 15 extended sitting days lasted until midnight.

Before the House adjourned *sine die* at 9:55pm on the evening of November 9, the Lieutenant Governor assented to 17 Bills: 12 Government Bills, 3 Private & Local Bills, and 2 Private Members' Bills.

### Historic Election: First Woman Speaker of the Nova Scotia House of Assembly

After calling the House to order on the first day of the Fall Sitting, **Keith Bain** resigned his position as the

53<sup>rd</sup> Speaker of the Nova Scotia House of Assembly. He took a seat on the Government side of the House, maintaining his role as the Member for Victoria-The Lakes.

The ensuing Speaker's Election was a two-way contest. Consistent with the prior public announcement in September, the Premier nominated former Cabinet Minister **Karla MacFarlane** (who resigned her position as Minister without portfolio earlier that morning to satisfy Rule 6B(b)'s qualifications for the position of Speaker (See Vol. 46, Issue 4). To compete with the Premier's nomination of MacFarlane, the House Leader of the New Democratic Party (**Susan Leblanc**, Dartmouth North) nominated one of the House's Deputy Speakers, **Lisa Lachance** (Halifax Citadel-Sable Island), who had previously run against Bain at the outset of the 64<sup>th</sup> General Assembly in 2021. (See Vol. 44, Issue 4.)

Interestingly, the Fall 2023 Speaker's Election marked only the third time in the history of the Nova Scotia House of Assembly that a Speaker was chosen by secret ballot—not by acclamation of a single unchallenged nominee. (The first secret ballot in 1998 elected **Ronald**

**Russell** to preside over the 57<sup>th</sup> General Assembly in 1998. The second secret ballot in 2021 elected Bain to preside over the 64<sup>th</sup> General Assembly).

The suspense lasted for a 44-minute voting period (which was seven minutes longer than the voting period for the last Speaker's Election in 2021). Members entered the legislative chamber one by one, wrote their chosen candidate's name by hand behind a tartan-draped screen, and cast their folded ballot into the official receptacle—one of the top hats belonging to the House's headpiece collection. After the House Leaders scrutinized the counting of the ballots, the Chief Clerk announced that the House had chosen MacFarlane to serve as its 54<sup>th</sup> Speaker.

In the 265-year existence of the Nova Scotia House of Assembly, Speaker MacFarlane is the very first woman to ever ascend to the role.

### Noteworthy Procedure

#### *Enforcement of Promptness: Point of Order*

On October 12, the Member for Cumberland North (**Elizabeth Smith-McCrossin**) rose on a point of order to allege that Resolution 598 was out of order and ought to be struck from the Order Paper. (As previously reported in Vol. 47 No. 2, on April 3, the Member for Pictou West gave Notice of Motion for Resolution 598, after the Member for Cumberland North tabled and discussed a document of ambiguous provenance during Second Reading of Bill 278, *Non-disclosure Agreement Prohibition Act*.) Resolution 598 proposes that the House “determine that 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.”

Given that the impugned Resolution was proposed by the Member for Pictou West, who had just ascended to the role of Speaker, Deputy Speaker **Nolan Young** took the Chair and became seized with the point of order.

The form of the point of order was peculiar. During the Daily Routine and prior to her oral intervention that day, the Member for Cumberland North tabled a five-page document. The tabled document set out a series of written arguments, which she later summarized in her oral intervention. The intervening Member then asked the Deputy Speaker to take the point under reservation and to produce a written decision. This quasi-judicial form was peculiar because the Rules do

not contemplate the submission of written arguments, nor the delivery of written decisions by Presiding Officers.

After the House was called to order on October 27, Deputy Speaker Young returned to the Chair to deliver his Ruling. He decided the point on the narrow ground that the Member for Cumberland North had failed to promptly raise the point of order. Generally, points of order must always be immediately raised at the moment a procedural irregularity or breach of order occurs. Yet six sitting days had elapsed between the House's receipt of Notice for the impugned Resolution in the Spring 2023 Sitting and the Member's subsequent intervention in the Fall 2023 Sitting. Furthermore, four sitting days had elapsed between the appearance of the Resolution on the Order Paper on April 5 and the Member's intervention on October 12. In ruling that the point of order was therefore too late to be decided on the merits, Deputy Speaker Young emphasized the rationale for the promptness: the House must be provided with a realistic opportunity to cure the irregularity or breach and mitigate any prejudice to ongoing proceedings.

Although this enforcement of the promptness requirement was sufficient to dismiss the point of order, Deputy Speaker Young also provided three reasons why the point of order could not have been sustained, even if it had been promptly raised. First, the Member had argued that Resolution 598 violated her freedom of speech—but that argument was in substance, a question of privilege, which “cannot be piggybacked onto a point of order.” Second, the Member had argued that Resolution 598 was a contempt motion, and as such, she was entitled to procedural fairness in accordance with natural justice, plus a speedy disposition of the contempt accusation. However, the premise of that argument was mistaken. For only allegations that a Member has *deliberately* or *intentionally* misled the House are properly understood as contempt accusations, and Resolution 598 did not impute any deliberate will or intent to the Member. Third, to rule Resolution 598 out of order would “negate the undoubted privilege of this House to control its own proceedings.” In sum, the authorities indicated that the Member had not identified any valid procedural irregularity or breach of order arising from Resolution 598, which remains on the Order Paper.

#### *Halloween Tradition*

On October 31, the House was gripped in the spirit of Halloween - Oidhche Shamhna during Statements

by Ministers. Begging forgiveness for unparliamentary language, the Minister of Gaelic Affairs (**Allan MacMaster**) told tales of the devil's presence among the Gaels in Cape Breton. He concluded on a cautionary note: the doors of a barn where an exorcism was performed were symbolic of the importance of resisting the temptation of evil.

In reply for the Official Opposition, the Member for Timberlea-Prospect (**Iain Rankin**) recounted a haunting legend of a kolyak – an elderly woman – who descended into an open grave in her white nightgown to save a bleating lamb, suffering to escape. This legend also sounded a cautionary note for the three youth out late who were greeted by the moonlit sight of the woman climbing out of the grave.

Finally, the House Leader of the NDP (**Susan Leblanc**) was spooked to learn that she had been treated to a late-night cup of tea in the Legislative Library by the ghost of **Annie Donahoe**, who had worked there from 1889 to 1954. As proof of the encounter, the House Leader tabled the teacup, which had mysteriously appeared under her seat in the chamber later that night, when she re-entered the chamber for the roll call on a recorded division.

#### *Many and Lengthy Recorded Divisions*

Throughout the Fall Sitting, the House's consideration of Bills was frequently punctuated by recorded divisions. During the Fall 2023 Sitting alone, the Clerks conducted 52 roll calls for recorded divisions—a number that would have been 56 if the Rules permitted recorded divisions at the hour of adjournment (Rule 4(1)). More than half of the recorded divisions were also preceded by the division bells ringing for an entire hour. Pursuant to Rule 38(4), the division bells may ring for a "reasonable length of time," up to a maximum of one hour. In practice, not all caucus whips were satisfied until the bells had exhausted the full one hour maximum.

### **Legislative Highlights**

#### *Health*

Bill 319, *First Responders Day Act* – declares May 1 to be a day for honouring the volunteers and professionals who help preserve life, property, evidence, and the environment in the early stages of an emergency.

Bill 322, *Opioid Damages and Health-care Costs Recovery Act (amended)* – expands the scope of civil litigation

available against the pharmaceutical industry for damages caused by the sale and marketing of opioid products, including Nova Scotia's participation in a proposed class action initiated by the Province of British Columbia. At present, the constitutionality of the concordant legislation enacted in British Columbia is under appeal at the Supreme Court of Canada (*Sanis Health Inc. et al, v. British Columbia*, Docket No. 40864).

Bill 323, *Regulated Health Professions Act* – replaces 21 statutes with a single regulatory foundation common to all self-regulated health professions. As part of the common foundation, the Minister of Health & Wellness is empowered to direct a regulatory body on health, safety, or quality assurance.

Bill 334, *Health Services and Insurance Act (amended)* – enables the treatment and care of mental health and addictions through the publicly-funded healthcare system by making the powers and obligations of the Minister of Addictions & Mental Health under the *Act* equivalent to that of the Minister of Health & Wellness. Key amendments also include permitting each responsible Minister to enter contracts for the provision of insured services and authorize payments for services without first obtaining approval of the Governor-in-Council.

#### *Municipal Affairs*

Bill 320, *Tourist Accommodations Registration Act (amended)* – requires hosts and platform operators of short-term rentals to register and pay annual taxes. To strengthen the safety of such rentals, Bill 320 allows for the appointment of inspectors, the issuance of investigative warrants, and the imposition of fines and penalties for contraventions of the *Act*.

Bill 329, *Halifax Regional Municipality Charter (amended)* and *Housing in the Halifax Regional Municipality Act (amended)* – reduces the Municipality's control over housing development by enacting a series of centralization measures, including empowering the Minister of Municipal Affairs to designate special planning areas, for which the Minister may then repeal or amend by-laws and approve development agreements, permits, and subdivisions. Bill 229 also explicitly enables the Minister to do so at the Minister's sole discretion, without any consultation or recommendation or request. To expedite residential construction, the Municipality is also required to create a trusted partner program, which will prioritize projects proposed by accredited designers and builders.



Bill 340, *Municipal Reform (2023) Act* – reforms the 30-year-old framework for service exchange agreements between the province and its 49 municipalities. Responsibility for calculating and allocating municipal capacity grants is now reposed in the Governor-in-Council. Among other changes, municipalities are no longer required to contribute to the cost of corrections, nor to absorb part of the net operating losses for public housing.

#### *Other Government Bills*

Bill 321, *Conseil scolaire acadien provincial Act* – *Loi sur le Conseil scolaire acadien provincial* – unique in that it is drafted in both English and French, Bill 321 endeavours to support the constitutional rights of minority language speakers in the province by reinforcing the existing duties of the Conseil scolaire acadien provincial (CSAP). CSAP provides French-first language education programs and services in publicly-funded primary and secondary schools.

Bill 327, *Motor Vehicle Act (amended)* – aims to enhance the safety and efficiency of road construction by allowing for the operation of automated flagging assistance devices, in lieu of flagspeople.

Bill 332, *Workers' Compensation Act (amended)* – adds gradual onset stress to the list of workplace injuries available to be compensated by the Board.

Bill 337, *Electricity Act (amended)* – to encourage the development and use of renewable energy, Bill 337 authorizes the Minister to compel a public utility to enter purchase agreements for power generated by renewable low-impact facilities, as well as power generated by energy-storage projects.

Bill 339, *Financial Measures (Fall 2023 Act)* – creates a provincial tax rebate for purpose-built housing, expands the Capital Investment Tax Credit, extends an agreement between municipalities and Eastward Energy for taxing the natural gas distribution system, and allows private companies the option to transfer and join the Public Service Superannuation Plan.

#### *Private Members' Bills*

The total number of Private Members' Bills introduced during the first Session of the Sixty-Fourth General Assembly grew from 233 to 303. The following chart depicts the proportion of Private Members' Bills introduced during each Sitting of the First Session:

Fall 2021	74
Spring 2022	57
Summer 2022	12
Fall 2022	37
Spring 2023	53
Fall 2023	70

During the Fall 2023 Sitting, the Liberals surpassed the NDP as the caucus with the most Private Members' Bills introduced. At the end of the Spring 2023 Sitting, the NDP had introduced 97, four more than the Liberals' 93. To date, Private Members' Bills introduced according to political affiliation are as follows: 129 Liberal, 119 NDP, 54 Independent and one Progressive Conservative.

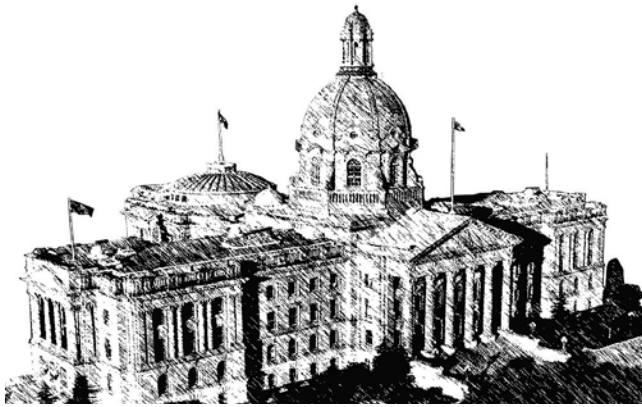
#### *Two Private Members Bills' Passed*

After the Government House Leader requested and obtained unanimous consent to bypass both the Law Amendments Committee and the Committee of the Whole House on Bills, the House passed two Private Members' Bills: one from each of the two Opposition caucuses.

Bill 119, *Endometriosis Awareness Month Act* was first introduced by the Member for Dartmouth North in Spring 2022. To raise public consciousness, Bill 119 declares March to be Endometriosis Awareness Month. There is no known cause nor cure for endometriosis, which is a potentially debilitating condition suffered by one in 10 women, trans, and non-binary people of reproductive age.

Bill 396, *Sickle Cell Awareness Day Act* was first introduced by the Member for Cole Harbour (**Tony Ince**) in the Fall 2023 Sitting. Bill 397 declares June 19 to be Sickle Cell Awareness Day and emulates the recognition of that day by the African Union, the World Health Organization, and the United Nations. The observance draws attention to a blood disease most commonly afflicting people of Indian, Saudi Arabian, Mediterranean and sub-Saharan African ancestry. Sickle Cell Disease can reduce a person's lifespan by as much as 30 years.

**Cara Locke**  
Assistant Clerk



## Alberta

### First Session of the 31st Legislature

---

The First Session of the 31st Legislature began with the Speech from the Throne on October 30. In the speech, Lieutenant Governor **Salma Lakhani** touched on provincial rights, affordability and taxes, public safety and the opioid addiction crisis, and economic diversification. Following the Speech from the Throne, Premier **Danielle Smith** introduced Bill 1, *Alberta Taxpayer Protection Amendment Act, 2023*, which requires any increases to provincial personal or corporate income tax rates to be approved in a provincial referendum.

Shortly after, on November 2, the Government introduced Bill 2, *Alberta Pension Protection Act*, which requires the following in respect of the establishment and operation of an Alberta provincial pension plan:

- a provincial referendum to occur before the provincial government withdraws assets from the Canada Pension Plan (CPP);
- that benefit and contribution rates under a provincial plan be the same or lower than the rates for the CPP, and that the provincial plan provide the same or better benefits to Albertans;
- that all funds transferred from the CPP to Alberta may only be used to establish and operate the provincial plan.

Both bills passed on division and received Royal Assent on December 7.

### Indigenous Land Acknowledgement

---

On November 20, the Assembly considered a Motion other than a Government Motion, sponsored

by Member **Jodi Calahoo Stonehouse**, to amend the Standing Orders to include an Indigenous Land Acknowledgement. Speaking to the motion, Member Calahoo Stonehouse equated land acknowledgements with “other symbolic acts, like the Mace processional, the prayer, or even the national anthem” that are routinely practised by the Assembly. The motion was amended such that the Land Acknowledgement is made by the Speaker on the first sitting day of each week following the singing of *O Canada*. The motion as amended received the unanimous support of the Assembly. The text of the Land Acknowledgement is as follows:

The Legislative Assembly is grateful to be situated upon Treaty 6 territory. This land has been the traditional region of the Métis people of Alberta, the Inuit, and the ancestral territory of the Cree, Dene, Saukteaux, Iroquois, Blackfoot, and Nakota Sioux people. The recognition of our history on this land is an act of reconciliation, and we honour those who walk with us. We also further acknowledge that the province of Alberta also exists within treaties 4, 7, 8, and 10 territories and the Métis Nation of Alberta.

### Alberta Sovereignty Within a United Canada Act

---

On November 28, 2023, the Premier moved the first motion in the Assembly proposed for the purpose of the *Alberta Sovereignty Within a United Canada Act*, in response to the federal government’s proposed *Clean Electricity Regulations* (“Federal Initiative”). The motion proposes

- that the Assembly take the view that the Federal Initiative mandates a set of emissions standards and timelines that are unattainable within the context of Alberta’s electricity industry and available energy resources,
- that the Assembly confirm that the Alberta Legislature has exclusive legislative jurisdiction over the development, conservation, and management of sites and facilities in Alberta for the generation and production of electrical energy,
- that the Government should explore the feasibility and effectiveness of a provincial Crown corporation to secure the provincial electrical system, and
- that the Government use all legal means necessary to oppose the implementation and enforcement of the Federal Initiative in Alberta, including launching a legal challenge.

When the session adjourned on December 6, the motion remained under consideration.

## Committee Business

The standing committees of the Legislative Assembly were struck on October 31. The Standing Committee on the Alberta Heritage Savings Trust Fund met on November 6 to review and approve the 2022-23 annual report of the fund and receive its 2023-24 first-quarter report. It held its annual public meeting on the evening of November 30.

The Assembly referred the *Public Sector Compensation Transparency Act* to the Standing Committee on Families and Communities for review. The Committee has six months to report its recommendations to the Assembly. This will be the second review of the so-called “Sunshine List Act,” which is required every four years in accordance with section 41(1) of the *Act*. The Committee met on December 4 to begin its review. It has agreed to solicit written submissions on the *Act* from identified stakeholders and the public until January 31 and to invite technical briefings from the Ministry of Treasury Board and Finance and the Ministry of Justice.

On November 9, the Special Standing Committee on Members’ Services agreed to review the compensation, benefits, and allowances paid to the Members of the Legislative Assembly. It has also authorized the Legislative Assembly Office to hire a consultant to prepare recommendations on the matter and created a subcommittee to provide direction and oversee the process.

The Standing Committee on Legislative Offices met on several occasions prior to the new year. In November, it completed the annual review of the compensation of the Officers of the Legislature and determined that compensation for the six Officers would continue to parallel what is available to senior officers of the Alberta public service. In addition, the Committee noted that the contracts of the Ethics Commissioner, **Marguerite Trussler**, and Chief Electoral Officer, **Glen Resler**, expire in May 2024, and it recommended that a search committee process commence before the end of the fall sitting.

In December, the Committee met to review the budget proposals for the Officers of the Legislature. The offices of the Information and Privacy Commissioner, Public Interest Commissioner, and the Ombudsman each requested increases of between approximately four to 5.5 per cent over their approved budgets for the previous fiscal year. However, the Committee approved only a 2.1 per cent increase for each of the

offices. The Committee also determined it requires more information before deciding on the budget requests of the Auditor General, Chief Electoral Officer, Child and Youth Advocate, and Ethics Commissioner. The Committee directed the Legislative Assembly Office to prepare a comparison of the budgets approved for statutory officers with similar mandates in other Canadian jurisdictions.

Also in December, pursuant to Government Motion 18, which referred the 2022-2023 Annual Report of the Office of the Child and Youth Advocate to the Standing Committee on Legislative Offices for review, the Committee received presentations from the Advocate and from officials from the Ministry of Children and Family Services. The Committee completed the review and recommended “that the Office of the Child and Youth Advocate continue to work together with the relevant ministries to improve outcomes for children and youth in care in Alberta based on the recommendations made in the 2022-2023 annual report of the Child and Youth Advocate.”

The Select Special Conflicts of Interest Act Review Committee was appointed on December 5, 2023, to review the *Conflicts of Interest Act* as provided in section 48 of that *Act*. The Committee must submit its report to the Assembly, including any amendments to the *Act* recommended by the Committee, within one year after commencing its review.

In addition, the Assembly has deemed the Standing Committee on Resource Stewardship a special committee for the purpose of reviewing the *Personal Information Protection Act* as required by section 63 of that *Act*. The Committee must submit its report to the Assembly within 18 months of beginning its review, and that report is to include any amendments recommended by the Committee.

The Select Special Ethics Commissioner and Chief Electoral Officer Search Committee was also struck on December 5. The Committee’s role is to invite applications for the positions of Ethics Commissioner and Chief Electoral Officer and to recommend to the Assembly the applicant it considers most suitable for each position. The Committee met on December 19 to consider position profiles for both roles and to approve a communications plan for the recruitment process. Applications for both positions were to be accepted until February 2.

## Remembering W.J. David McNeil

**W.J. David McNeil** passed away on October 20, 2023. As Clerk of the Legislative Assembly of Alberta for over 28 years, David served with five Speakers, seven Premiers, and 392 Members. He guided the Legislative Assembly Office through eight general elections, **Queen Elizabeth II's** 2005 visit, and many other significant events. In 2012 he was awarded the Queen Elizabeth II diamond jubilee medal in honour of his many contributions and achievements. A brief memorial tribute was held in the Legislative Assembly on November 2. During his remarks, Speaker **Nathan Cooper** noted that the former Clerk was well respected by both Members and staff.

**Jody Rempel**  
Committee Clerk



## British Columbia

### Fall Sitting Period

The Fourth Session of the 42<sup>nd</sup> Parliament resumed on October 3, 2023, for a seven-week sitting period. On October 5, the Legislative Assembly adopted a Sessional Order to enable certain proceedings of the House, including the consideration of bills at committee stage, to be undertaken in three concurrent sections in the Chamber (Section B) and two committee rooms (Sections A and C). The Sessional Order discharged and replaced a previous Sessional Order adopted by the Legislative Assembly on February 28, 2023, which also enabled certain proceedings of the House to be undertaken in three concurrent sections but only enabled two sections to consider bills at committee stage in Committee of the Whole. The Sessional Order also increased the membership of Sections A and C to include a Member of the newly recognized Fourth Party, when the Conservative Party of British Columbia gained official party status in the Legislative Assembly on September 13. The third section began considering bills at committee stage on October 25.

On November 27, the Legislative Assembly adopted an amendment to the Sessional Order to add BC's lone Independent Member and an additional Member of the Government Caucus to the membership of Section A. While all Members may participate in debate in Sections A and C, per the October 5 Sessional Order, only designated Members or their substitutes can vote in divisions. Membership typically consists of Members of recognized caucuses proportional to party standings and BC's Independent Member, **Adam Walker**, MLA, had raised concerns about his inability to vote in these sections. Section C membership remained unchanged, as the section was not anticipated to be used for the remainder of the sitting period.

With two scheduled weeks left in the sitting period, three bills remained at second reading stage and three bills at committee stage. To allow additional time for debate, the Legislative Assembly adopted several motions to extend the sitting days near the end of the sitting period. On November 20, a motion was adopted to sit beyond the usual time of adjournment of 6:30 p.m. until the questions on second reading of two bills were put and decided. On November 22, a motion was adopted to extend the sitting until 9:00 p.m. from the usual time of adjournment of 7:00 p.m. At the outset of the last week of the sitting period, on November 27, a motion was adopted to modify the adjournment time until 9:00 p.m. from 6:30 p.m. on November 27 and 28, and to 10:00 p.m. from 7:00 p.m. on November 29.

On November 29, the Legislative Assembly adopted a motion to effect time allocation on the remaining four bills awaiting various stages of consideration. Under Standing Order 81.1(2), a Minister may move a motion to allot days or hours for the consideration and disposal of proceedings of a public bill if unable to reach a time allocation agreement with the recognized caucuses.

On November 30, Third Party House Leader **Adam Olsen**, MLA, and Official Opposition House Leader **Todd Stone**, MLA, raised questions of privilege related to the time allocation motion adopted the previous day. The two House Leaders stated that the Government House Leader, **Ravi Kahlon**, MLA, misled the House in his remarks prior to moving the time allocation motion in which he informed the House that an attempt was made to reach an agreement on time allocation among the caucuses. In response, the Government House Leader advised the House that he had consulted with the Fourth

Party Caucus, they had declined to support a time allocation agreement and, as such, a consensus could not be reached. Later that day, the Speaker provided a single ruling on both questions of privilege finding that a *prima facie* breach of privilege had not occurred.

On the final day of the sitting period, November 30, the Legislative Assembly adopted a motion to amend Standing Order 2(1). The amendment shifts the Thursday afternoon sitting time from 1:30 p.m. - 6:00 p.m. to 1:00 p.m. - 5:30 p.m. This formalizes a sessional amendment to alter the Thursday afternoon sitting time in several recent sessions. Following this motion, the Government House Leader tabled the 2024 Parliamentary Calendar which schedules a 10-week spring sitting period. In anticipation of the 43<sup>rd</sup> provincial general election expected in October 2024, no fall sitting period is presently scheduled.

Also on November 30, the Legislative Assembly adopted a long adjournment motion, allowing the Speaker to reconvene the Legislative Assembly between the sitting periods if needed. The Legislative Assembly was expected to resume on February 20, 2024, with the anticipated prorogation of the Fourth Session of the 42<sup>nd</sup> Parliament and the opening of the Fifth Session with the Speech from the Throne later that same day.

## Legislation

During the fall sitting period, 21 Bills received Royal Assent. The sitting period saw a significant focus on housing legislation. Bill 44, the *Housing Statutes (Residential Development) Amendment Act, 2023* makes a number of changes to zoning frameworks, including requiring municipal zoning bylaws to allow for small-scale multi-units in areas zoned for single detached homes and removes the public hearing process for developments that fit within existing Official Community Plans. Bill 47, the *Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023* designates areas near transit hubs in which residential development applications that meet minimum density levels cannot be rejected by municipalities. Bill 35, the *Short-Term Rental Accommodations Act* restricts and regulates dedicated short-term rental units such as Airbnb and enhances enforcement tools. The intention of the legislation is to return units to the housing and rental market.

The fall sitting period also brought legislative changes related to labour. Bill 48, the *Labour Statutes Amendment Act, 2023*, amends sections

of the *Employment Standards Act* and the *Workers Compensation Act* to consider online platform workers as employees and the platform operators as employers under the law. Bill 38, the *International Credentials Recognition Act*, aims to streamline the recognition of professional credentials earned outside of Canada, including removing requirements for Canadian work experience from designated professions and restricts the use of additional English language testing.

Other notable legislation included Bill 31, the *Emergency and Disaster Management Act*, which modernizes emergency management within British Columbia and includes a more proactive approach to emergency management, including an emphasis on disaster risk reduction. Bill 36, the *Police Amendment Act, 2023*, amends the *Police Act* to clarify the process for police model transitions, including specifying that the City of Surrey must provide policing services through a municipal police department and grants the Minister of Public Safety and Solicitor General authority to cancel the City's existing policing agreement with the RCMP. These amendments are intended to address issues emerging from the City of Surrey's transition to a new municipal Surrey Police Service which began in 2018.

## Parliamentary Committees

The Special Committee to Review Private Members' Business released its report on October 5. The Committee made 13 recommendations to increase equity and opportunities for Private Members to bring legislative initiatives and items for debate forward during the two hours of Private Members' Time held on Monday mornings. Recommendations include restructuring the time to focus more on Private Members' motions and bills over statements; introducing a lottery system for the consideration of Private Members' Bills and motions; and establishing a new Select Standing Committee to consider Private Members' Bills at committee stage. The Committee recommended that these changes be implemented for the 43<sup>rd</sup> Parliament.

The Special Committee to Review Provisions of the Public Service Act released its report on November 30. In 2018, amendments to the *Public Service Act* expanded the independent Merit Commissioner's mandate to conduct reviews of dismissal processes used by the public service for just cause dismissals. Under the *Act*, a review was required five years after these changes came into force. After its examination, the Committee agreed that the provisions in the *Act* related to

dismissal process reviews should be maintained. The Committee made nine recommendations to increase timeliness, transparency, and fairness throughout the just cause dismissal investigation process and to address targeted issues brought forward by the Merit Commissioner.

### Legislative Assembly Administration

The Legislative Assembly Administration's *Year in Review 2022/23* was approved by the Legislative Assembly Management Committee at its meeting on October 30. The report highlights the progress made towards the goals outlined in the Legislative Assembly Administration's 2022/23 – 2024/25 *Strategic Plan*. Notable accomplishments highlighted in the report include: the launch of a new Client Services department; implementation of a diversity, equity, inclusion, and accessibility plan; and the development of a long-term plan for the renewal and modernization of the Legislative Precinct.

### Lekwungen Welcome Signage

On November 29, three large plaques in the Lekwungen language were unveiled in front of the Legislative Precinct. The Parliament Buildings and legislative grounds are located on the traditional territories of the Lekwungen Peoples, known today as the Songhees and Esquimalt Nations. The plaques display seven messages along with their English translations, and were developed in partnership with **Elmer Seniemten George**, one of the last remaining speakers of the Lekwungen language, with support from language revitalization specialist **Andrew Cienski**. The event was co-hosted by the Speaker of the Legislative Assembly, **Raj Chouhan**, MLA, and the Songhees Nation and Esquimalt Nation and attended by Members from all caucuses and the public.

### Ministerial Statement

On October 16, Premier **David Eby** delivered a ministerial statement condemning the October 7 attack on Israel by the terrorist organization Hamas and the rise in antisemitism in BC. Members from all caucuses responded with statements condemning the attack and rise in hate. On behalf of the Official Opposition, **Michael Lee**, MLA, responded in support of the Jewish community and called for the release of hostages taken during the attack. The Leader of the Third Party, **Sonia Furstenau**, MLA, acknowledged the growing humanitarian crisis in Gaza and urged

a focus on diplomatic solutions to deescalate the violence. The Fourth Party House Leader, **Bruce Banman**, MLA, denounced those who celebrated the attack and expressed condolences to innocent civilians and the Jewish community.

### Minister Bowinn Ma

**Bowinn Ma**, Minister of Emergency Management and Climate Readiness, welcomed her child on November 15, becoming the third sitting BC Cabinet Minister to give birth while in office. She is expecting to transition back to her ministerial duties early in the new year.

**Jonathon Hamilton**  
Committee Researcher



## Saskatchewan

### Resumption of the Third Session of the Twenty-Ninth Legislature

The Legislative Assembly of Saskatchewan reconvened on October 10, 2023, following a recall by Speaker **Randy Weekes** at the request of the government. The purpose of the recall, which was not a new session but rather a resumption of the third session of the twenty-ninth legislature, was to introduce a “parental bill of rights” pertaining to gender-related name and identity changes at school.

Upon resumption, the first order of business was the seating of new members **Noor Burki**, MLA for Regina Coronation Park, **Jared Clarke**, MLA for Regina Walsh Acres, and **Blaine McLeod**, MLA for Lumsden-Morse, who were elected in by-elections over the summer.

The Assembly then proceeded to elect a new Deputy Speaker. **Fred Bradshaw** was the only member who submitted their name for the position and was accordingly declared Deputy Speaker by acclamation.

## Sessional Order Amending Rules and Sitting Times of the Assembly

---

On October 12, 2023, Government House Leader **Jeremy Harrison** moved a motion proposing modifications to the *Rules and Procedures of the Legislative Assembly of Saskatchewan* for the duration of the recall. Specifically, sitting hours would be extended to 9 a.m. to 11 p.m., seven days a week; daily items of business under routine proceedings would be limited; typical notice provisions would not apply; use of rule 93(1) regarding suspension of bills and rule 61 regarding motions of urgent and pressing necessity would be out of order; and debate on bills would be limited to a predetermined number of hours for each stage of consideration set out in the motion.

Notice of closure on the motion was given by the government on the following sitting day, October 16, but was not moved because the motion passed the same day on a recorded division of 41-12. The sessional order came into immediate effect and extended hours and time limits on debate began, remaining in force until the conclusion of the sitting on October 20.

### Passage of Bill No. 137 — *The Education (Parents' Bill of Rights) Amendment Act, 2023*

---

The purpose of the sitting was Bill No. 137 — *The Education (Parents' Bill of Rights) Amendment Act, 2023*. It was introduced on October 12, 2023, on a recorded division of 37-12.

The Bill was in response to an injunction granted by a Court of King's Bench judge in September on the Saskatchewan government's parental inclusion and consent policy, which required parental consent for students to change their gendered name and pronouns in schools. The injunction, which temporarily stopped the policy until a court could rule on its legitimacy, was granted on the grounds that affected students may suffer "irreparable harm." Premier Scott Moe subsequently committed in the media to invoking the notwithstanding clause in legislation to implement the policy.

Bill 137 makes several changes to *The Education Act, 1995* concerning the rights and responsibilities of parents and guardians. These include requiring schools to obtain consent from the parents/guardians of any child under age 16 wishing to use an alternative gendered name and identity at school; and requiring schools to provide two weeks' notice prior to the presentation of sexual health content, including

the subject matter and dates, and allowing parents/guardians the choice to withdraw their child from the presentation of the content. The Bill also establishes that the sections pertaining to parental consent regarding gender identity will operate notwithstanding both the *Canadian Charter of Rights and Freedoms* and the *Saskatchewan Human Rights Code*.

Beginning on October 16, 2023, Bill 137 was considered for a total of 40 hours in accordance with the time allocations laid out in the sessional order — 33 hours at second reading, five hours in Committee of the Whole on Bills, and two hours at third reading. Notably, the bill was passed on recorded division at each stage of consideration, including in Committee of the Whole on Bills, where each individual clause was agreed on recorded division. Two amendments were moved by opposition members during clause-by-clause consideration, both of which were negated, also on recorded divisions.

Bill 137 was passed on October 20, 2023, on a recorded vote of 40-12. It received Royal Assent and came into force immediately afterwards. At that time, the special sitting was officially adjourned in accordance with an order of the Assembly made the same day.

### Prorogation and the Opening of a New Session

---

The Assembly then reconvened on the morning of October 25, 2023, for prorogation of the third session of the twenty-ninth legislature. Lieutenant Governor **Russ Mirasty** opened the fourth session of the twenty-ninth legislature that afternoon with the delivery of the Speech from the Throne, followed by blessings from both Elder **Betty McKenna** and Archbishop **Don Bolen**.

A prayer ceremony involving an Elder, the Speaker, the Lieutenant Governor, and members of the Legislative Assembly was scheduled to take place the previous day but was cancelled due to inclement weather.

On October 26, 2023, a motion for Address in Reply was moved, followed by an amendment from the opposition which expressed a lack of support for the agenda outlined in the speech and loss of confidence in the government. The Assembly debated both the motion and the amendment for four days. On November 2, 2023, the amendment was negated on a recorded division of 11-37 and the main motion was agreed to on a recorded division of 36-12.



## Changes to Committee Composition

Rule 122(1) of the *Rules and Procedures of the Legislative Assembly of Saskatchewan* stipulates that the membership of standing committees is to be proportional to party membership in the Assembly. The results of three by-elections held over the summer changed the proportions of party membership in the Assembly, necessitating a meeting of the House Services Committee to revise the ratio of members on standing committees.

The Committee met on October 24, 2023, and recommended that the standing committees' member ratio be set at five government members to two opposition members, with the exception of the Standing Committee on Privileges, which would be four government members and two opposition members. The ratio would also not apply to the Standing Committee on House Services, whose membership is set out in rule 139(1), and the Standing Committee on Public Accounts, whose membership is set in accordance with a provisional order for the duration of the twenty-ninth legislature.

The Committee's thirteenth report containing the aforementioned recommendation was presented and concurred in by the Assembly on October 26, 2023.

## Remembrance Day Statutory Holiday Observation

Also contained in the Standing Committee on House Service's thirteenth report was a recommendation that there be no sitting of the Assembly on Monday, November 13, 2023 in observance of the Remembrance Day statutory holiday, and that the 25<sup>th</sup> and final day of the fall period of the parliamentary calendar be moved by one day to December 7, 2023 to maintain 25 sitting days in the sitting period. While the Assembly's rules do address some circumstances whereby sittings are affected by Remembrance Day, there is no provision to observe the statutory holiday on a weekday when it falls on a Saturday, as it did in 2023.

Following the concurrence of the Committee's report in the Assembly on October 26, 2023, the parliamentary calendar was accordingly revised.

## Motions Without Notice

The first two weeks of the Fall Sitting saw the Assembly debate two motions with the unanimous consent of the Assembly. In both cases, the debates pursuant to rule 61 took precedence over the Throne Speech debate.

On October 30, 2023, Mr. Clarke was given leave to move a motion calling for the removal of the federal carbon tax from all forms of home heating for all Canadians. An amendment was moved by government MLA Dustin Duncan expressing support for Premier Moe's plan to scrap the carbon tax entirely and to stop collecting and remitting the carbon tax on SaskEnergy bills beginning January 1, 2024, if the carbon tax on home heating has not been removed.

The amendment was unanimously passed on a recorded vote of 52-0, as was the amended motion. The Assembly subsequently passed a motion ordering the Speaker to transmit copies of the motion and transcripts of the debate and vote to Prime Minister Justin Trudeau, New Democratic Party Leader Jagmeet Singh, and Official Opposition Leader Pierre Poilievre.

The second debate took place on November 2, 2023. Mr. Duncan was given leave to move a motion calling on all Members of Parliament to support a federal opposition motion that the federal government extend its temporary, three-year pause to the carbon tax on home heating oil to all forms of home heating. Once again, the motion was passed unanimously on a recorded vote of 47-0.

## Summary of Legislation of the Fall Sitting

The Assembly sat for 25 days, in which time 18 Public Bills were introduced by the government, three Private Members' Public Bills were introduced by members of the opposition, and one Private Bill was introduced by a sponsoring private member.

The Assembly also considered supplementary estimates in standing committees for several ministries. The sums reported and approved by committees were included in an appropriation Bill, which received Royal Assent on December 6, 2023.

Three additional Public Bills received Royal Assent during the Fall Sitting. Bill No. 139, *The Saskatchewan Remembrance Observance Act*, protects the rights of employees to wear a poppy in the workplace between November 1 and 11 each year. Upon its introduction on November 1, 2023, the Bill immediately passed through all stages of consideration and received Royal Assent the same day.

Bill No. 147, *The Tobacco and Vapour Products Control Amendment Act, 2023*, increases the legal age to purchase tobacco and nicotine vapour products in Saskatchewan from 18 years to 19 years and clarifies

existing restrictions on advertising and promotion of nicotine vapour products where youth can be exposed. By leave of the Assembly, the Bill passed through all stages of consideration immediately following its introduction on November 8, 2023, receiving Royal Assent the following day.

Bill No. 151, *The SaskEnergy (Carbon Tax Fairness for Families) Amendment Act, 2023*, amends *The SaskEnergy Act* to clearly state that the Crown and its Minister have the sole authority to pay or withhold payment of any charge, tax, or levy required by part 1 of the federal *Greenhouse Gas Pollution Pricing Act*. The Bill followed the government's announcement that on January 1, 2024, it would stop collecting the federal carbon tax on home heating sources delivered by Crown utilities. The purpose of the amendments is to ensure that unelected officials are not implicated in any potential legal ramifications of this decision. The Bill was read a third time and passed under its title on a recorded vote of 45-0 on December 4, 2023, and received Royal Assent two days later.

### Disruption of the Legislature and Resulting Privilege Case

Proceedings of the Legislative Assembly of Saskatchewan were interrupted on November 20, 2023, when a group of protesters seated in the public galleries began chanting during question period, calling for a ceasefire between Israel and Hamas. When the protestors refused to come to order, the Speaker recessed the sitting on account of grave disorder and the Legislative District Security Unit (LDSU) proceeded to clear out the galleries and escort the protestors from the building. Proceedings resumed after approximately 40 minutes.

In the wake of the incident, the LDSU implemented temporary measures including restricting the number of visitors in the public galleries to 20, requiring visitors to pre-register for access 72 hours in advance and to provide their names and addresses, and prohibiting walk-in access to the galleries without permission from the LDSU director. The measures remained in effect until November 30, 2023.

The day after the incident, the Government House Leader raised a question of privilege regarding the incident, alleging that members of the opposition caucus had helped to promote and organize the protest because they had invited the protestors to the building, provided them with overflow seating, obtained gallery passes for them, escorted them through the building,

and offered support for their cause. Opposition House Leader **Nicole Sarauer** responded in writing, pursuant to rule 12(4), stating that the opposition had no advance knowledge of the protestors' plans to interrupt proceedings and arguing that the Government House Leader had provided no evidence to indicate otherwise.

The Speaker deferred his decision until November 22, 2023, at which time he ruled that although a *prima facie* case could be established on the grounds that both House leaders agreed the disruption obstructed members from fulfilling their duties, the evidence presented by the Government House Leader proposing that the opposition caucus and the Member for Saskatoon University had in some way facilitated the protest did not meet the extremely high threshold of proof required to prove the intent of members.

The Speaker allowed the Government House Leader to amend his question of privilege motion to remove any allegation of wrongdoing and ask leave to move the amended motion. Leave being granted, the amended motion alleging that the disruption and occupation of the Assembly constituted a breach of privilege that should be referred to the Standing Committee on Privileges for a full investigation and report was passed on recorded division, with the opposition voting against it on the premise of the wording that the protestors held an "occupation." The matter was accordingly referred to the Standing Committee on Privileges.

The Standing Committee on Privileges met on December 6, 2023, at which time the Government House Leader moved a motion condemning the protestors' actions, expressing thanks to security and staff, and requesting that the LDSU review the incident and develop proposals to prevent further breaches of privilege. The motion was passed four to two and the Committee's first report was subsequently adopted by the Assembly on December 7, 2023, on a recorded vote of 36-10.

### Naming of a Member

During debate on concurrence of the aforementioned committee report, MLA for Regina Elphinstone-Centre **Meara Conway** was asked by the Speaker to withdraw and apologize for making a number of provocative and personal attacks against the Government House Leader. Ms. Conway refused to do so multiple times and was ultimately named for disregarding the authority of the Chair, suspended for the remainder of the sitting day, and removed from the Chamber by the Sergeant-at-Arms.

The Speaker then asked Government House Leader to withdraw and apologize for making several personal accusations against members of the opposition during the preceding debate, which he did.

### Removal of MLA from Government Caucus

On November 17, 2023, Cut-Knife Turtleford MLA **Ryan Domotor** was removed from the Saskatchewan Party caucus and stripped of his government roles and responsibilities after he was arrested and charged with soliciting sexual services the previous day as part of a police investigation focused on combatting sexual exploitation and human trafficking.

Mr. Domotor now sits as an independent member of the Legislative Assembly of Saskatchewan. His expulsion from caucus brings the composition of the Assembly to 45 Saskatchewan Party members, 14 New Democratic Party members, and two independent members.

### Adjournment of the Fall Sitting

The Fall Sitting of the Assembly adjourned on December 7, 2023. It was set to reconvene on March 4, 2024, in accordance with the parliamentary calendar.

**Miranda Gudereit**  
Procedural Clerk



## Manitoba

### First Session of the 43<sup>rd</sup> Legislature

The First Session of the 43<sup>rd</sup> Legislature commenced on November 9, 2023, with the election of the new Speaker. **Tom Lindsey** was acclaimed as the sole nominee. Speaker Lindsey was first elected as an MLA in the northern riding of Flin Flon in the 2016 general election and served two terms in the Official

Opposition until the recent election which saw the NDP return to government.

Following the Speaker election, the House subsequently adjourned for the Remembrance Day break week. Session formally commenced on November 21<sup>st</sup>, 2023, with the new Government's first Speech from the Throne delivered by Lieutenant Governor **Anita Neville**. Manitobans were welcomed into the Legislative Building for the ceremonies surrounding the Throne Speech, which included performances from Métis fiddlers **Morgan Grace** and **Keith Ginther**. In addition, the Whitehorse Drum Group started and finished the ceremonies inside the legislative Chamber.

The address, entitled "A New Day in Manitoba," outlined a series of planned initiatives to strengthen the province's health-care infrastructure, lower costs for families, and grow the province's low-carbon economy with a geothermal home heating program. It identified the following priorities and commitments to:

- make Manitoba a leader in the low-carbon economy with an agreement from the federal government to deliver funding for a geothermal heat pump program that will connect homes across Manitoba with low-carbon, affordable energy and offer new opportunities to train the next generation of energy workers;
- reduce wait times for surgeries and MRIs by bringing high-quality surgical care back to Manitoba's public health-care system with new surgical suites and new diagnostic services;
- reduce the backlog in hospitals by expanding services at Grace Hospital, Health Sciences Centre Winnipeg, Concordia Hospital and Brandon Regional Health Centre;
- provide immediate relief to families by freezing hydro rate increases for one year and cutting the gas tax;
- grow Manitoba's economy and create good jobs by encouraging investments in Manitoba industries like value-added manufacturing, trade and natural resources;
- take action to bring needed relief to beef producers on Crown land leases;
- work with front-line organizations, the business community and all levels of government to help Manitobans struggling with homelessness; and
- reset the relationship with Indigenous governments by working together on priorities in health care, education and economic reconciliation.

During her contribution to the Throne Speech debate on November 22, Leader of the Official Opposition **Heather Stefanson** moved a motion identifying several areas she believed the Government failed to address in the Speech from the Throne, including:

- failing to outline how the Provincial Government will make life more affordable in the long term for Manitobans struggling to make ends meet;
- omitting tax relief for small businesses in Manitoba;
- committing to making Manitoba a Maritime province without committing to fight for the same carbon tax exemptions afforded to such provinces;
- neglecting to detail the specific measures that will be taken to improve retention and recruitment of health care workers in Manitoba;
- jeopardizing financial sustainability of Manitoba Hydro by committing to freeze hydro rates;
- ignoring agricultural producers and the agriculture industry which represents nearly 10 per cent of Manitoba's GDP;
- disbanding the Diagnostic and Surgical Recovery Task Force, which provided over 85,000 Manitobans with the care they needed, with no plan to help Manitobans waiting in pain; and
- failing to mention how the Provincial Government will serve Manitobans waiting for surgical and diagnostic procedures in the short term; and
- failing to commit to continuing the five-year, \$500 million annual infrastructure budget.

On December 1, the amendment was defeated on a recorded vote of yeas 21, nays 31, while the main motion carried on a recorded vote of yeas 30, nays 22.

The Fall Sittings period concluded on December 7, 2023, with Royal Assent being granted to the following three Government Bills:

- *Bill No. 2 – The Louis Riel Act* bestows the honorary title of “First Premier of Manitoba” on Louis Riel. The Manitoba education curriculum must now include the significant contributions of Louis Riel;
- *Bill No. 3 – The Fuel Tax Amendment Act (Fuel Tax Holiday)* amends the *The Fuel Tax Act* to provide for a tax holiday from January 1, 2024, to June 30, 2024, for fuel purchased for use in operating motor vehicles, farm trucks, and for fire-fighting equipment. Regulations may be made to extend the tax holiday for up to six more months or to reduce the applicable tax rate during the period from July 1, 2024, to December 31, 2024; and

- *Bill No. 4 – The Employment Standards Code Amendment and Interpretation Amendment Act (Orange Shirt Day)* amends *The Employment Standards Code* and *The Interpretation Act* to observe Orange Shirt Day (National Day for Truth and Reconciliation) as a provincial statutory holiday on September 30. Employers and employees may not substitute a different date for observing Orange Shirt Day. In addition, *The Public Schools Act* is amended to ensure that, in years when Orange Shirt Day falls on a Saturday or Sunday, schools are closed on the following Monday.

The Assembly is scheduled to resume sitting on March 6, 2024.

### **Christmas Open House Resumes**

---

After years of virtual celebrations and cancellations, the Manitoba government invited all Manitobans to visit the Legislative Building for the 2023 holiday open house on December 2, 2023. Premier **Wab Kinew** announced that “the open house is a long-standing tradition that welcomes Manitobans to the Legislative Building – the people’s building. All are welcome to meet the elected officials who have the privilege of representing Manitobans year-round as we celebrate the start of the holiday season together.”

### **Cabinet Appointments Mark Reconciliation**

---

The launching of a new Government marked several significant developments in terms of reconciliation with the appointment of a new cabinet. On October 18, 2023, Premier Kinew made history when he was sworn in as Manitoba’s only First Nations Premier. **John Norquay**, a Métis, was Manitoba’s first Indigenous Premier (1878-1887). Premier Kinew, who is of Anishinaabe ancestry, also holds the title of Minister Responsible for Indigenous Reconciliation. It is the first time in Manitoba’s history that the Indigenous reconciliation portfolio has been held by the Premier.

In addition, five out of 15 cabinet positions are now held by Indigenous Ministers. **Nahanni Fontaine** (Minister of Families) and **Bernadette Smith** (Minister of Housing, Addictions and Homelessness) are jointly the first First Nations women to be appointed to cabinet in Manitoba. The swearing-in ceremony for Manitoba’s cabinet was steeped in Indigenous tradition and focused on reconciliation. Some of the traditional Indigenous elements featured in the ceremony include a performance of the Red River Jig, a performance by the Dakota Hotain Singers, a prayer

by the Chief of the Red Sucker Lake First Nation and a land acknowledgement by Long Plain First Nation Chief **Kyra Wilson**. Former Senator **Murray Sinclair**, who presided over the signing of the oaths called it “Manitoba’s true act of reconciliation.”

### New Clerk in Manitoba

Our previous submission detailed the retirement of **Patricia Chaychuk**, the longest serving Clerk in Manitoba history. On Thursday, November 23, 2023, **Rick Yarish** was formally appointed as the 14<sup>th</sup> Clerk of the Legislative Assembly of Manitoba. On November 27, Speaker Lindsey paid tribute to Mr. Yarish in a Statement listing his numerous accomplishments, noting that he has served in the Assembly for 23 years, initially as a Clerk Assistant, Clerk of Committees and as Deputy Clerk since April 12, 2011. The Speaker further stated that: “Rick’s tenure as Deputy Clerk has seen him overcome many challenges, most notably during the COVID-19 pandemic where Rick led the team of talented Assembly staff who put together the virtual infrastructure that has seamlessly become part of the operations of this Legislature. Rick firmly believes in democracy and was unwavering in his belief that during those unprecedented times, the Assembly would continue to function, and the public should be able to see their elected officials working hard for them, even if they could not be here in the building.”

**Greg Recksiedler**

Research Officer / Clerk Assistant



## Ontario

### 1st Session 43rd Parliament (Fall Meeting Period)

This period marked a busy time for the Ontario Legislature, which saw the installation of the new Lieutenant Governor, the appointment of two new parliamentary officers, and a by-election.

### 30<sup>th</sup> Lieutenant Governor of Ontario

On November 14, 2023, **Edith Dumont** was installed as the 30<sup>th</sup> Lieutenant Governor of Ontario during a ceremony in the Legislative Chamber. She has worked in the education sector for over 30 years and was the first woman to lead the Conseil des écoles publiques de l’Est de l’Ontario (the French public school board for Eastern Ontario). She is the first Francophone to hold the office of Lieutenant Governor of Ontario.

### Condolences

On October 5, 2023, the House expressed its condolences on the passing of **Monte Kwinter**, Member for the electoral districts of Wilson Heights and York Centre from May 2, 1985, to June 6, 2018.

### New Parliamentary Officers

The House has ordered the appointment of two new Parliamentary Officers. On November 2, 2023, the House appointed **Jeffrey Novak** as Financial Accountability Officer for a term of five years commencing on November 3, 2023. He has been with the Financial Accountability Office since 2015 and previously served as the Chief Financial Analyst and Deputy Financial Accountability Officer.

The second appointment was made on December 6, 2023, when the House adopted a motion to name Shelley Spence the next Auditor General. Ms. Spence was appointed to the position for 10 years starting on January 8, 2024. She is a Chartered Professional Accountant, Chartered Accountant and Licensed Public Accountant with over 30 years of experience.

### By-Election Results for Kitchener Centre

A by-election was held in the electoral district of Kitchener Centre on November 30, 2023, to fill the vacancy created by the resignation of MPP **Laura Mae Lindo**. **Aislinn Clancy** (Green Party of Ontario) was elected in the by-election. The new MPP has taken the Oath of Allegiance and is expected to take her seat when the House resumes meeting on February 20, 2024. She will be one of two Green Party Members in the legislature.

### Censure Motion

On October 18, 2023, the Government House Leader moved a motion to censure MPP **Sarah Jama**, Member for Hamilton Centre. The motion cited the

Member's "use of social media to make antisemitic and discriminatory statements related to the existence of the State of Israel and its defence against Hamas terrorists" as reason for the censure. After debate, the motion carried on October 23, 2023. The resulting Order of the House authorizes the Speaker not to recognize the Member until she retracts and deletes statements on social media and makes an apology in her place in the House.

### Standing Order Amendments

On November 30, 2023, the House passed a motion to amend the Standing Orders. An amendment to Standing Order 9(d) shifts the singing of the national and royal anthems to later in the morning on the first Monday of each month, moving them from the start of the meeting day to just before Question Period. Standing Order 110(g), which sets out the mandate of the Standing Committee on Procedure and House Affairs, was also amended. Its mandate was updated to reflect the Committee's role, including statutory responsibilities with respect to the restoration of the legislative building and any temporary relocation of operations.

The Parliamentary calendar for 2024 was also changed at the same time. A constituency week was added in the spring, and the meeting period was extended by a week in June.

### Committee Activities

The standing committees were busy through the fall meeting period. By the third Thursday in November, in accordance with Standing Order 66(a), the policy field committees reported to the House the Estimates of the ministries and offices they considered.

The committees also conducted public hearings and/or clause-by-clause consideration of several government bills. These included:

- Bill 131, *An Act to enact the GO Transit Station Funding Act, 2023 and to amend the City of Toronto Act, 2006*;
- Bill 134, *An Act to amend the Development Charges Act, 1997 and the St. Thomas - Central Elgin Boundary Adjustment Act, 2023*;
- Bill 135, *An Act to amend the Connecting Care Act, 2019 with respect to home and community care services and health governance and to make related amendments to other Acts*;
- Bill 136, *An Act to amend the Greenbelt Act, 2005*
- and certain other Acts, to enact the Duffins Rouge Agricultural Preserve Act, 2023, to repeal an Act and to revoke various regulations;
- Bill 139, *An Act to amend various Acts*;
- Bill 142, *An Act to enact the Consumer Protection Act, 2023, to amend the Consumer Reporting Act and to amend or repeal various other Acts*;
- Bill 146, *An Act to implement Budget measures and to enact and amend various statutes*; and
- Bill 150, *An Act to enact the Official Plan Adjustments Act, 2023 and to amend the Planning Act with respect to remedies*.

The Standing Committee on Finance and Economic Affairs began its 2024 pre-budget consultations with a first stop in Oshawa. The Committee plans to travel to 16 different locations during the winter adjournment for these consultations.

The Standing Committee on Heritage, Infrastructure and Cultural Policy initiated a study on regional governance in accordance with Standing Order 113(a). This Standing Order authorizes certain committees to conduct studies on the mandate, management, organization or operation of ministries and offices assigned to them. Regional governance is overseen by the Ministry of Municipal Affairs and Housing, assigned to the Committee at the outset of the 43rd Parliament. The Committee travelled to Barrie on November 6, 2023, for its first day of public hearings on the study and plans to travel to six additional locations during the winter adjournment.

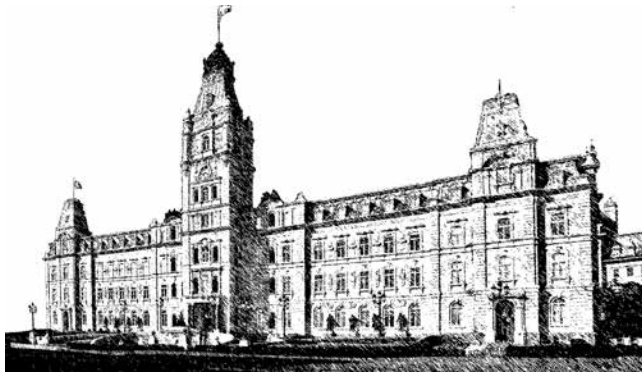
The Standing Committee on Procedure and House Affairs continued its study on the renovation and restoration of the legislative building. The Committee was briefed by **Paul Calandra**, Minister of Legislative Affairs and head of the newly formed Queen's Park Restoration Secretariat. The briefing outlined the steps taken and associated challenges in identifying a temporary location for the Legislature.

The Standing Committee on Public Accounts continued its review of selected Value-for-Money Audits from the 2022 Annual Report of the Auditor General of Ontario. Topics of consideration included:

- Ontario Energy Board: Electricity Oversight and Consumer Protection;
- Real Estate Council of Ontario;
- Ontario Lottery and Gaming Corporation: Casinos, Lotteries and Internet Gaming; and
- Climate Change Adaptation: Reducing Urban Flood Risk.

The Committee also tabled two reports on sections from the 2019 and 2021 Annual Reports of the Auditor General: a report on Criminal Court Systems was tabled on November 28, 2023, and a report on Outpatient Surgeries was tabled on December 6, 2023.

**Isaiah Thorning**  
Committee Clerk



## Québec

### Proceedings of the Assemblée nationale du Québec

#### *Extraordinary sitting*

At the request of Premier **François Legault**, the Assembly met for an extraordinary sitting on December 8, 2023, to introduce an exceptional legislative procedure in order to conclude consideration of Bill 15, *An Act to make the health and social services system more effective*. The sitting began in the afternoon and continued until the following morning, that is, for approximately 14 hours.

After an hour devoted to speeches at the passage stage, the bill was passed on the following vote: Yeas 75, Nays 16, Abstentions 0.

#### *Composition*

Following the resignation of **Joëlle Boutin** of the Coalition avenir Québec, a by-election was held in the electoral division of Jean-Talon on October 2, 2023. With the election of **Pascal Paradis**, who took his seat on 17 October 2023, a Member belonging to the Parti Québécois now represents the riding.

On October 7, 2023, **Frédéric Beauchemin**, Member for Marguerite-Bourgeoys, was suspended from the caucus of the parliamentary group forming the Official Opposition (the Quebec Liberal Party). He therefore sat as an independent Member before being reinstated into his caucus on December 14, 2023.

In consequence, the Assemblée nationale is now composed of 125 Members: 89 from the Coalition avenir Québec, 19 from the Quebec Liberal Party, 12 from Québec solidaire and four from the Parti québécois, along with one independent Member.

#### *Legislative agenda*

From October to December 2023, 26 bills were introduced in the Assemblée nationale, of which 10 were private Members' and two were private. Fifteen government bills and one private bill were passed, including:

- Bill 15, *An Act to make the health and social services system more effective*;
- Bill 22, *An Act respecting expropriation*;
- Bill 23, *An Act to amend mainly the Education Act and to enact the Act respecting the Institut national d'excellence en éducation*;
- Bill 29, *An Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods*;
- Bill 34, *An Act to modernize the notarial profession and to promote access to justice*;
- Bill 40, *An Act mainly to reform municipal courts and to improve the justice system's efficiency, accessibility and performance*.

#### *Ruling from the Chair*

At the extraordinary sitting on December 8, 2023, when taking into consideration the report from the Committee of the Whole on Bill 15, *An Act to make the health and social services system more effective*, **Sylvain Lévesque**, Second Vice-President of the Assemblée nationale, ruled on the admissibility of an omnibus amendment. The purpose of such an amendment is to amend a number of clauses of a bill simultaneously. This can be done only in parliamentary committee, by leave of the committee members. The amendment was ruled out of order.

#### *Assemblée nationale Chamber renovation project*

In October 2023, the Bureau de l'Assemblée nationale authorized the renovation of the Legislative Council Chamber (the Salon Rouge), beginning in January 2024.

The temporary renovation of the Salon Rouge is necessary to enable the Assembly to hold sittings and broadcast debates from September 2024 onwards, while major renovations will be taking place in the



Assemblée nationale Chamber (the Salon Bleu). The Salon Bleu is scheduled to be in renovation until 2026.

In addition, the Assemblée nationale wishes to capitalize on the renovation of the Salon Bleu to improve the technologies used during parliamentary proceedings, and thus prepare for future challenges. A call for tenders was published to acquire a comprehensive solution addressing the various needs associated with sittings management, such as parliamentary services, document management, information sharing and electronic voting.

#### *Commissioner for Respect*

In December 2023, the Bureau de l'Assemblée nationale appointed **Sofia Jabrane** as the Assemblée nationale's first Commissioner for Respect. The Commissioner for Respect will be responsible for dealing with situations of incivility, conflict and harassment involving Members, political staff, the Assemblée nationale's senior executives or administrative managers. A bill amending the *Act respecting the National Assembly* was passed in 2022 to create this position.

### **Committee Proceedings**

#### *Bills*

After almost 240 hours of clause-by-clause consideration, the Committee on Health and Social Services tabled its report on Bill 15, *An Act to make the health and social services system more effective*, although consideration of the 1,180 sections of the bill had not yet been completed. With over 400 sections still to be considered, the Premier requested that the Assemblée nationale hold an extraordinary sitting to complete consideration of Bill 15 under the exceptional legislative procedure, commonly called a legislative "gag order."

In accordance with the *Standing Orders of the National Assembly*, the Committee on Health and Social Services interrupted its proceedings, and clause-by-clause consideration of the bill continued in the Chamber, the Committee of the Whole. At the end of the consideration, more than 900 amendments, tabled by the Minister of Health and Opposition Members, were adopted, both in the Standing Committee and in the Committee of the Whole. The *Act to make the health and social services system more effective* (2023, chapter 34) was assented to on December 13, 2023.

The Committee on Culture and Education completed clause-by-clause consideration of Bill 23, *An Act to amend mainly the Education Act and to enact the Act respecting the Institut national d'excellence en éducation*. The mission of the Institute to be established following the enactment of the *Act* is to prepare and regularly update a summary of available scientific knowledge relating to students' educational success, and to promote best practices in the field of education to stakeholders in the education system. The *Act* also promotes the sharing of information within the education network by empowering the Minister of Education to designate an education information filing and communication system. The *Act to amend mainly the Education Act and to enact the Act respecting the Institut national d'excellence en éducation* (2023, chapter 32) was assented to on December 7, 2023.

The Committee on Public Finance heard five witnesses within the framework of special consultations and public hearings on Bill 35, *An Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions*. The Committee then completed, in one sitting, clause-by-clause consideration of the *Act*, which amends, in particular, the *Act respecting the Québec Pension Plan* to set the age to qualify for a maximum retirement pension at 72 years of age. The *Act* also replaces the *Balanced Budget Act* to allow a budget deficit to be anticipated in certain circumstances.

#### *Order of reference from the Assembly*

The Committee on Institutions was mandated to hold special consultations and public hearings on the report on the implementation of the *Code of ethics and conduct of the Members of the National Assembly* for 2015–2019. The report, entitled "*IncurSION au cœur du code d'éthique et de déontologie: de la théorie à la pratique*" ("incurSION into the heart of the *Code of ethics and conduct*: from theory to practice"), was tabled on December 5, 2019, and covers the period from January 1, 2015, to November 15, 2019.

The November 21, 2023, hearings provided an opportunity to hear six witnesses, including **Ariane Mignolet**, Ethics Commissioner, and **Marie Deschamps**, Assemblée nationale Jurisconsult. The consultations focused on the application of the *Code of Ethics and Conduct* during the election period, the ethics and conduct of former parliamentarians and whistleblower protection during investigations conducted by the Commissioner.

Following the hearings, the Committee tabled a report in which it expressed its position on all the recommendations made in the report on the implementation of the *Code of ethics and conduct*. The Committee is required to carry out this mandate under the *Code of ethics and conduct of the Members of the National Assembly*.

#### *Parliamentary oversight*

On October 5, the Committee on Public Administration held a hearing with the Ministère de la Santé et des Services sociaux and the Capitale-Nationale and Est-de-l'Île-de-Montréal Centres intégré universitaire de santé et de service sociaux (CIUSSS) on Chapter 4 of the May 2023 Auditor General of Québec's report entitled *Santé mentale : efficacité du continuum de soins et de services pour les usagers ayant des troubles mentaux graves* ("mental health: effectiveness of the continuum of care and services for users with severe mental disorders").

On November 7, the Committee also held hearings with the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, the Ministère de la Sécurité publique and the Ministère des Transports et de la Mobilité durable on Chapter 2 of the April 2023 Commissioner for Sustainable Development's report entitled *Adaptation aux changements climatiques: risques liés à l'érosion et à la submersion côtières* ("adapting to climate change: risks associated with coastal erosion and flooding").

Following the hearings, the Committee tabled a report containing seven recommendations addressed to the various departments concerned. These include sending the Committee various documents to enable it to follow up on the Auditor General of Québec's recommendations.

#### *Committee Chair*

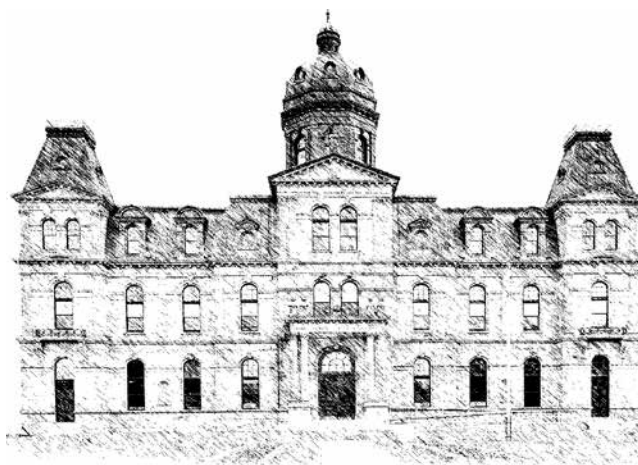
On October 18, 2023, **Virginie Dufour**, Member for Mille-Îles, was elected Vice-Chair of the Committee on Labour and the Economy. The election was held in the wake of changes to the composition of the caucus of the parliamentary group forming the Official Opposition.

**Olivier Champagne**

Direction de la séance et de la procédure parlementaire

**Roxanne Guévin**

Direction des commissions parlementaires



## New Brunswick

### Third Session of the 60th Legislature and Throne Speech

Lieutenant-Governor **Brenda Murphy** opened the 3rd Session of the 60th Legislature on October 17, 2023, with the delivery of the Speech from the Throne. The speech highlighted New Brunswick's strong fiscal position, its continued record population growth, and the government's plans to address challenges in addictions and mental health, access to health care and housing, overcrowding of schools in some communities and the rising cost of living. The Progressive Conservative government's agenda for the session was organized under five priority areas: energizing the private sector; creating vibrant and sustainable communities; delivering dependable public health care; building a better education system; and protecting the environment.

### Reply to Throne Speech

On October 19, Official Opposition Leader **Susan Holt** gave her reply to the Speech from the Throne. She criticized the government for failing to listen to New Brunswickers and emphasized the difficulties residents confront in areas ranging from record homelessness, to waiting times for long-term care, childcare, and primary care. She noted that New Brunswick has the lowest investment per capita in health care and a record infrastructure deficit. Ms. Holt characterized the Throne Speech as lacking in vision and outlined the Liberal party's vision for the province, including initiatives to improve access to health care, the cost of living, and housing affordability.

## Capital Budget

---

On November 28, Finance and Treasury Board Minister **Ernie Steeves** tabled the 2024-25 Capital Budget. The budget totals \$1.2 billion, an increase of \$200 million over the previous year, and outlines planned capital spending of \$3.6 billion over the next three years. Highlights include \$187.4 million for schools in response to growing enrolment; \$33 million to begin construction of the first new government-owned public housing in 38 years; \$505 million for highways, roads and bridges; and \$155.4 million for health care infrastructure.

## Legislation

---

Nineteen bills were introduced during the fall sitting and 14 received Royal Assent. Bills introduced include:

Bill 7 – *An Act to Amend the Trespass Act*, introduced by Public Safety Minister **Kris Austin**, extends the application of the *Act*, which is currently restricted to stores, schools, and domestic violence shelters, to include privately-owned properties including residences and commercial properties and provides additional powers to peace officers to arrest those believed to have trespassed.

Bill 17 – *Pension Plan Sustainability and Transfer Act*, introduced by Mr. Steeves, provides for a process to transfer pension plans prescribed by regulation to one of the existing shared risk plans to which most provincial public-sector employees have belonged since 2014. In introducing the bill, the government announced that it intends to prescribe certain existing defined benefit plans to be transferred to shared risk plans. The members of the defined benefit plans to be transferred are groups of unionized school district employees including bus drivers and custodians as well as nursing home employees. The government explained that the transfer of the plans from defined benefit to shared risk would ensure their financial sustainability.

The passage of Bill 17 was attended by several events of procedural note:

After first reading on November 29, Official Opposition House Leader **Guy Arseneault** rose on a point of order protesting the exclusion of opposition Members from a government technical briefing for the media. On December 8, Speaker **Bill Oliver** ruled the point not well taken, adding that even if the matter had properly been raised as a question of privilege it would

not have constituted a *prima facie* matter of privilege based on a New Brunswick precedent involving a media briefing on the budget as well as rulings in the Canadian House of Commons concerning technical briefings on bills.

During second reading debate, members of the public in the visitors' gallery disrupted the proceedings by shouting while a Member was speaking. The Speaker suspended the sitting. Following a recess and discussion with those in the gallery, proceedings resumed without the need to clear the gallery.

A new procedure, under the June 2023 special order creating a legislative calendar, was invoked for the first time to extend the fall sitting by two days to deal with Bill 17.

On December 12, after the House adopted a time allocation motion to limit debate on Bill 17 to 10 hours at all stages, members of the public in the visitors' gallery again disrupted the proceedings by shouting and making noise. However, as debate had ended due to the expiry of the 10 hours and the only remaining proceedings on Bill 17 were a series of six recorded votes, the taking of the votes proceeded despite the continuing disturbance. The bill passed and it received Royal Assent on December 13.

Bill 19 – *An Act Respecting the Right to a Healthy Environment*, introduced by Green Party Leader **David Coon**, sets out the rights of residents of the province to a healthy environment and to be informed and participate in environmental decision-making. It also provides individuals with rights of action in the courts to protect the environment and creates the position of Environmental Rights Commissioner.

Bill 20 – *Highway Cellular Coverage Act*, introduced by Official Opposition Economic Development critic **Jean-Claude D'Amours**, provides for the establishment of a fund to improve cellular coverage along highways.

## Motions

---

Motions debated during Opposition Members' Business included:

Motion 17, moved by Official Opposition Justice critic **Robert McKee**, urging the government to expand the mental health court program throughout the province. The motion was adopted on November 23 after amendments to instead urge continued expansion of access to mental health and addictions treatment and

continued expansion of the Provincial Court's capacity to address addictions and mental health challenges.

Motion 21, moved by Official Opposition Education critic **Francine Landry**, urging the government to institute a free school breakfast program was adopted in amended form on December 7.

### Committee Activity

---

The Standing Committee on Economic Policy, chaired by **Michelle Conroy**, remained active during the fall sitting of the House.

On December 7, the House referred *Achieving Greater Accessibility: New Brunswick's Framework for Accessibility Legislation* to the Select Committee on Accessibility. It is expected the committee will meet in early 2024 to consider this legislative framework.

On December 8, **Ryan Cullins**, chair of the Standing Committee on Climate Change and Environmental Stewardship, presented the committee's report on a provincial clean energy strategy. The committee reported on what it heard from 31 organizations and individuals during hearings held in February and September 2023.

The Standing Committee on Public Accounts, chaired by **Chuck Chiasson**, met on December 14 to discuss the Report of the Auditor General of New Brunswick, 2023, Volume II – Performance Audit and Volume III – Financial Audit. In the performance audit, Auditor General **Paul Martin** addressed issues including the COVID-19 pandemic preparedness and response of the Departments of Education and Early Childhood Development, Health, and Justice and Public Safety. The financial audit reported continuing improvement in the province's financial condition in 2023 and concerns relating to NB Power's ability to sustain its operations.

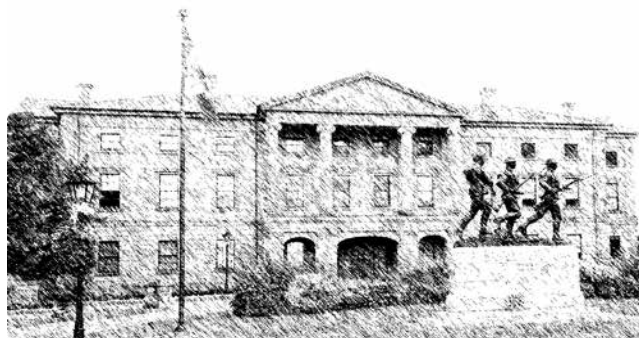
### Adjournment

---

The House adjourned on December 13 and is scheduled to resume sitting on March 19, 2024, when it is expected that Mr. Steeves will present the 2024-25 Budget. The standings in the House are 29 Progressive Conservatives, 16 Liberals, three Greens and one Independent.

**Patrick Dunn**

Law Clerk and Committee Clerk



## Prince Edward Island

### 1<sup>st</sup> Session, Sixty-seventh General Assembly

---

The First Session of the Sixty-seventh General Assembly resumed on November 7, 2023, and adjourned to the call of the Speaker on November 29, for a fall sitting total of 13 days. The First Session began in May 2023 and now totals 37 sitting days.

### Capital Budget

---

Minister of Finance **Jill Burridge** tabled the 2024-2025 Capital Budget on November 21. Its total for the year is \$368.8 million and over five years, \$1.3 billion. The largest expenditures over the five-year period are in health care (\$167 million to complete the Mental Health Campus), housing (\$176 million to purchase or build an additional 95 social and affordable housing units), and education (\$176 million to expand or replace existing schools and build a new high school in Stratford).

### Legislation

---

The House considered 42 bills during the fall sitting, 34 of which passed all stages and received Royal Assent. Thirty-four Government bills were considered. Thirty of these bills received Royal Assent, while four were not debated beyond first reading and remain on the Order Paper.

Many of the Government's bills amended existing legislation, but several bills made significant changes or completely replaced laws focused on the protection of vulnerable Islanders and the people who provide that protection. These included:

- Bill 19, *Adult Guardianship and Trustee Act*, which provides for the appointment of substitute decision makers for persons who lack capacity to make certain decisions on their own behalf;

- Bill 20, *Public Guardian and Trustee Act*, which replaces the *Public Trustee Act* and provides the legislative framework for the powers and duties of the Public Guardian and Trustee;
- Bill 21, *Powers of Attorney and Personal Directives Act*, which replaces the *Powers of Attorney Act* and provides the statutory framework for powers of attorney and personal directives to allow Islanders to appoint other persons to make decisions on their behalf;
- Bill 28, *Mental Health Act*, which replaces the existing *Mental Health Act* and provides for new admission criteria and community treatment orders; and,
- Bill 32, *Child, Youth and Family Services Act*, which updates and enhances the services provided by the *Child Protection Act*. Of these bills, the *Mental Health Act* and *Child, Youth and Family Services Act* received the most debate.

Of the seven private members' bills considered, three received Royal Assent, two were not recommended, one was referred to a standing committee, and one remained in committee when the fall sitting concluded.

The *Employment Standards Act* was the subject of three bills, two of which aimed to provide more paid sick leave for employees. Bill 106, *An Act to Amend the Employment Standards Act*, introduced by Leader of the Opposition **Hal Perry** and Bill 107, *An Act to Amend the Employment Standards Act (No. 2)*, introduced by Leader of the Third Party **Karla Bernard**, both aimed to provide up to five days of paid sick leave per year. They differed in the stipulation of how long an employee would have to be employed before having access to all five days, and whether unused paid sick leave days could be carried over into a new year. Bill 107 was debated in Committee of the Whole House over two days, and ultimately not recommended. Bill 106 was debated over five days, and ultimately passed, but with amendments reducing the number of paid sick leave days to a maximum of three, lengthening the period of continuous employment necessary before paid sick leave could be used, and inserting a proclamation clause. The bill received Royal Assent but has not yet been proclaimed.

Bill 109, *An Act to Amend the Employment Standards Act (No. 3)*, introduced by Government Private Member **Zack Bell**, reduced the number of months of continuous employment required to qualify for military reservist leave from six to three. It passed and received Royal Assent. A private members'

bill introduced by Opposition House Leader **Gordon McNeilly** to establish the fourth Saturday in November as Ukrainian Famine and Genocide (Holodomor) Memorial Day also received Royal Assent.

### Resignation of Member

---

On November 10, Government Private Member **Jamie Fox** rose in the House to announce his resignation as the member for District 19, Borden-Kinkora, in order to run in the next federal election. Mr. Fox was first elected in 2015 and re-elected in 2019 and 2023. He served as Leader of the Opposition from 2015 to 2017 and as Minister of Fisheries and Communities from 2019 to 2023. A by-election will be held in District 19 on February 5, 2024.

### Speaker's Rulings

---

On November 8, Government House Leader **Matthew MacKay** rose on a point of order to question the admissibility of Bill 106, *An Act to Amend the Employment Standards Act*, citing Rule 65(3) that stipulates that private members' bills cannot call for nor imply the expenditure of public funds or the imposition of any tax. He requested that no further debate on the bill occur until the Speaker ruled on the matter. Speaker **Darlene Compton** found that the bill was not out of order as it did not impose taxes nor appropriate public money and therefore did not require a royal recommendation from the Lieutenant Governor. She pointed out that the bill contained a clause indicating that moneys required for its purpose would be paid out of moneys appropriated for that purpose by the Legislature, as have other private members' bills.

On November 24, Minister of Environment, Energy and Climate Action **Steven Myers** rose on a point of order to object to comments made by Leader of the Third Party **Karla Bernard** during Oral Question Period, as he saw them as reflections on a vote already taken by the House. Speaker Compton agreed that the Leader of the Third Party had reflected on a vote and directed her to retract her comments and apologize to the House, which she did.

### Committee Activities and Reports

---

In the period between their establishment at the outset of the 67<sup>th</sup> General Assembly and the end of the year, the standing committees of the legislature met 29 times and issued eight reports.

The Standing Committee on Education and Economic Growth examined land use planning; provincial population growth, immigration and construction workforce strategies; and the report of the independent third-party review of UPEI's workplace policies and practices with respect to harassment and discrimination. The committee made six recommendations in its fall 2023 report.

The Standing Committee on Health and Social Development held meetings in various locations across PEI to gather public input on programs, policies and supports for Prince Edward Island's unhoused community and those facing homelessness. The committee also examined other topics, including emergency medical services; overdose prevention and harm reduction; the provincial housing action plan; and mental health and addictions services. The committee made 20 recommendations in its report on its activities. The committee also issued a report with a recommendation on appointments to the PEI Human Rights Commission, as it is required to do under the *PEI Human Rights Act*.

The Standing Committee on Natural Resources and Environmental Sustainability examined shoreline protections; the states of forests following Hurricane Fiona; and challenges in the agriculture industry. The committee made 22 recommendations in its fall 2023 report.

The Standing Committee on Public Accounts examined three reports by the Auditor General; financial matters of Health PEI and the PEI Housing Corporation; funding for recruitment of doctors and nurses; the provincial funding agreement for UPEI; and trends in provincial surpluses and deficits. The committee included five recommendations in its report.

The Standing Committee on Rules, Regulations, Private Bills and Privileges issued reports on a private bill and on committee membership. The Standing Committee on Legislative Assembly Management issued a report on a bill affecting one of the independent offices of the Assembly, as it is required to do under the Rules of the Legislative Assembly. All committee reports were adopted by the House.

**Ryan Reddin**

Director of Parliamentary Research



## Nunavut

### House Proceedings

The spring 2023 sitting of the 2<sup>nd</sup> Session of the 6<sup>th</sup> Legislative Assembly convened on May 24, 2023, and concluded on June 1, 2023.

Four bills received Assent during the spring 2023 sitting:

- Bill 13, *An Act to Amend the Limitation of Actions Act and the Legal Questions Act and to Repeal and Replace the Interprovincial Subpoenas Act*;
- Bill 22, *An Act to Amend the Mental Health Act*;
- Bill 24, *Supplementary Appropriation (Operations and Maintenance) Act, No. 1, 2023-2024*; and
- Bill 25, *Supplementary Appropriation (Capital) Act, No. 2, 2023-2024*.

The fall 2023 sitting of the 2<sup>nd</sup> Session of the 6<sup>th</sup> Legislative Assembly convened on October 19, 2023, and concluded on November 9, 2023. The proceedings of the Committee of the Whole during the fall 2023 sitting were dominated by the consideration of the proposed 2024-2025 capital estimates and several tabled documents related to the government's *Katujjiluta Mandate*, including the *Government of Nunavut Katujjiluta Mandate Mid-Term Report* and *Ministerial Mandate Letters*.

Eleven bills received Assent during the fall 2023 sitting:

- Bill 23, *Nursing Professions Act*;
- Bill 26, *Miscellaneous Statutes Amendment Act*;
- Bill 27, *An Act to Repeal the Area Development Act*;
- Bill 28, *Opioid Damages and Health Care Costs Recovery Act*;
- Bill 29, *An Act to Amend the Engineers and Geoscientists Act*;
- Bill 30, *An Act to Amend the Revolving Funds Act*;
- Bill 31, *Appropriation (Capital) Act, 2024-2025*;

- Bill 32, *Supplementary Appropriation (Operations and Maintenance) Act*, No. 2, 2022-2023;
- Bill 33, *Supplementary Appropriation (Capital) Act*, No. 3, 2023-2024;
- Bill 34, *Write-Off of Assets and Debts Act*, 2022-2023; and
- Bill 36, *An Act to Amend the Nunavut Elections Act and the Plebiscites Act*.

Bill 36 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 36 amended the *Nunavut Elections Act* and the *Plebiscites Act* to reflect the implementation of online voter lists, increase efficiencies and enable Nunavummiut who are outside Nunavut or their home community because of their medical needs to vote in Nunavut.

Bill 35, *An Act Respecting the Constituencies of Nunavut*, was also introduced as a House Bill during the fall 2023 sitting. The bill proposed to amend the *Nunavut Elections Act* to implement the recommendations of the 2023 report of the Nunavut Electoral Boundaries Commission, which was tabled by the Speaker at the Legislative Assembly's sitting of October 19, 2023. During the Committee of the Whole's clause-by-clause consideration of the bill, a recorded vote took place which resulted in the bill not proceeding.

### Re-appointment of Integrity Commissioner

On October 19, 2023, the Legislative Assembly unanimously approved a motion recommending that **Katherine Peterson**, be re-appointed Integrity Commissioner of Nunavut for a second five-year term of office. Ms. Peterson has had a distinguished legal career in the North that spans four decades, including service as Law Clerk and Parliamentary Counsel to the Legislative Assembly of the Northwest Territories.

### Committee Hearings

From September 19-22, 2023, the Standing Committee on Oversight of Government Operations and Public Accounts held televised hearings on the *Auditor General of Canada's 2023 Report to the Legislative Assembly of Nunavut on Child and Family Services in Nunavut*; the *Auditor General of Canada's 2023 Report to the Legislative Assembly of Nunavut on COVID-19 Vaccines in Nunavut*; and the 2021-2022 territorial public accounts. The hearings were presided over by Standing Committee Chair and Iqaluit-Tasiluk MLA **George Hickes**.

From September 25-28, 2023, the Standing Committee on Legislation held televised hearings on Nunavut's official languages legislation. Section 37 of the *Official Languages Act* and section 43 of the *Inuit Language Protection Act* require that the Legislative Assembly of Nunavut conduct a periodic review of the provisions and operations of the legislation. A number of officeholders and entities appeared before the standing committee, including the Minister responsible for Languages; the Languages Commissioner of Nunavut; the Association des francophones du Nunavut; the Inuit Uqausinginnik Taiguusiliuqtiit and Nunavut Tunngavik Incorporated. The hearings were presided over by Standing Committee Chair and Arviat South MLA **Joe Savikataaq**.

### Resignation of Member of the Executive Council and Selection of New Ministers

On September 18, 2023, Minister of Environment and Aggu MLA **Joanna Quassa** announced her resignation from the Executive Council. The Minister's announcement cited family reasons for the decision. The Legislative Assembly's Full Caucus subsequently announced that the Nunavut Leadership Forum would convene on September 23, 2023, to select two new members of the Executive Council. The Nunavut Leadership Forum, which consists of all Members of the Legislative Assembly, is used to conduct the selection process for the Speaker, Premier and members of the Executive Council of Nunavut. The Forum's proceedings were televised live. Three Members accepted nominations to serve on the Executive Council. After delivering remarks, the candidates responded to questions posed by their colleagues. Amittuq MLA **Joelie Kaernerik** and Hudson Bay MLA **Daniel Qavvik** were elected after one round of balloting. The House subsequently convened for a short sitting during which a formal motion recommending their appointments was moved and adopted.

### Acting Table Officer

During the spring 2023 sitting, the Nunavut Table was ably assisted by Northwest Territories Committee Clerk **Katie Weaver**. Ms. Weaver served in an acting capacity during the temporary absence of the Clerk.

**Alex Baldwin**

Office of the Legislative Assembly of Nunavut



## House of Commons

This account covers key highlights of the period from mid-October to the end of December 2023. The House adjourned on December 15, 2023, and is scheduled to next sit on January 29, 2024.

### Legislation

*Government Business No. 30 – Bill C-56, An Act to Amend the Excise Tax Act and the Competition Act*

On November 20, 2023, the Minister for Women and Gender Equality and Youth, **Marci Ien** (Toronto Centre), moved Government Motion No. 30, regarding the proceedings on Bill C-56, *An Act to Amend the Excise Tax Act and the Competition Act*. The motion outlined the process for the bill's debate, study in committee, and disposal at 2nd reading stage.

On November 23, 2023, **Karina Gould** (Burlington), the Leader of the Government in the House of Commons, invoked closure on Motion 30. Closure was subsequently adopted.

On December 14, 2023, the House received a message from the Senate that Bill C-56 was passed without amendment.

### Procedure / Privilege

*Statement by the Speaker Regarding New Guidelines on Order and Decorum*

On October 19, 2023, immediately following Statements by Members and before the beginning of Question Period, the Speaker of the House made a statement regarding order and decorum in the House of Commons.

His statement outlined his commitment to fostering respectful debate and decorum in the House. He emphasized the need to reduce excessive

heckling, provocative language, and personal attacks during parliamentary proceedings. The Speaker acknowledged that these issues were most prominent during Statements by Members and Question Period and pledged to address them through discussions with individual members and party representatives.

The Speaker concluded by reaffirming his role as a servant of the House and his authority to enforce rules of debate, including maintaining order and decorum. He expressed the hope that members would work collectively to improve decorum in the House and invited them to approach him for further discussions on the matter.

*Question of Privilege Regarding the Impartiality of the Speaker*

On Monday, December 4, 2023, the Speaker of the House issued an apology to the House following his appearance by video in a provincial party convention. The Speaker explained that he had received a request to record a video for a personal friend's intimate gathering and that instead, the video had been played at the provincial party convention. The Speaker emphasized the non-political nature of the message, noting his longstanding friendship with the individual. Notwithstanding, the Speaker apologized to the House and reassured members that such an incident would not happen again. Additionally, he offered to recuse himself from any debate related to the subject of his statement, should members wish to raise questions. The Deputy Speaker then took over the matter.

This statement was later followed by a question of privilege raised by **Andrew Scheer** (Regina—Qu'Appelle) on an alleged breach of the Speaker's impartiality. Scheer proposed a motion to denounce the Speaker's participation in partisan events publicly and suggested that the Procedure and House Affairs Committee should investigate the matter.

On December 5, 2023, the Deputy Speaker delivered a ruling acknowledging the serious allegations against the Speaker's impartiality. Typically, such matters are addressed through a substantive motion with 48 hours' notice, as per parliamentary practice. However, given the unique nature of the situation, the Deputy Speaker allowed the House Leader of the Official Opposition to move his motion, prioritizing it over other orders of the day.

The Deputy Speaker emphasized that future concerns about the Speaker's conduct should be addressed



through substantive motions rather than points of order or questions of privilege. Following this ruling, Mr. Scheer moved a motion to refer the matter to the Standing Committee on Procedure and House Affairs for recommendations on an appropriate remedy. Later that same day, **Luc Berthold** (Mégantic—L'Érable) proposed an amendment outlining a timeline for the committee to meet, prioritize the matter, utilize House resources, and report back to the House by a specific date. The debate on the subamendment collapsed, and the recorded division was deferred until the next day.

On December 6, 2023, the sub-amendment was adopted, and the main motion was agreed to later that day, thus referring the matter to the Standing Committee on Procedure and House Affairs.

### **Committees**

---

*Adoption of a Special Order by Unanimous Consent to Recreate a Special Joint Committee on Medical Assistance in Dying*

On October 18, 2023, the House of Commons unanimously consented to reappoint the Special Joint Committee on Medical Assistance in Dying in line with Recommendation 13 of the second report of the same committee. This reappointment followed the committee's initial establishment on March 30, 2022, which expired after tabling its final report on June 15, 2023. The motion for reappointment outlined terms regarding the committee's composition, quorum, and members' ability to participate via videoconference. It mandated the committee to submit a final report to Parliament by January 31, 2024, and specified that the committee would expire once its final report was tabled in both houses. Notably, this marks the first instance of re-establishing a special joint committee within the same session of Parliament after its expiration.

On October 24, 2023, the House received a message confirming that the Senate had adopted a motion akin to the one passed by the House on October 18, allowing for the re-appointment of the Special Joint Committee on Medical Assistance in Dying.

*Standing Committee on Procedure and House Affairs - The 55th report, Speaker's Public Participation at an Ontario Liberal Party Event*

On December 14, 2023, **Bardish Chagger** (Waterloo) presented the 55th report of The Standing Committee on Procedure and House Affairs, entitled Speaker's Public Participation at an Ontario Liberal Party Event.

It recommended that the Speaker reimburse Parliament for the misuse of resources. Furthermore, it stated that he should receive clear guidelines on impartiality for future reference, and issue a thorough apology emphasizing respect, impartiality, and decorum, while outlining measures to prevent similar incidents.

On December 15, 2023, the Speaker addressed the House in response to the Standing Committee on Procedure and House Affairs' report. Expressing gratitude for their work, the Speaker admitted a serious mistake in recording the video. Apologizing, the Speaker assured such incidents would not reoccur and outlined a stricter communication protocol. Emphasizing impartiality, the Speaker promised scrutiny in consultation with the House administration. Acknowledging second chances and understanding dissent, the Speaker urged collaboration, pledging efforts to regain trust.

### **Financial procedures**

---

#### *Supplementary Estimates*

On November 9, 2023, the President of the Treasury Board, **Anita Anand** (Oakville) tabled the Supplementary Estimates (B), 2023-24, which were deemed referred to the appropriate standing committees of the House.

### **Point of Order Regarding the Anticipation Rule**

---

On November 28, 2023, **Andrew Scheer** (Regina—Qu'Appelle) raised a point of order challenging the admissibility of Ways and Means Motion No. 19 related to the bill resulting from the fall economic statement. He argued that the motion violated the rule of anticipation, contending that it included provisions from two private members' bills that the House had already adopted in principle. Mr. Scheer cited Bill C-318, *An Act to Amend the Employment Insurance Act and the Canada Labour Code (Adoptive and intended parents)*, and Bill C-323, *An Act to amend the Excise Tax Act (mental health services)*, as examples, highlighting similarities in clauses between these bills and clauses in the motion. Assistant Deputy Speaker **Carol Hughes** announced that she would bring Mr. Scheer's point of order to the Speaker for a decision.

On November 29, 2023, the Speaker provided a statement, acknowledging the need for a comprehensive ruling given the recurrence of similar issues in recent years. However, he did not find sufficient grounds to prevent the House from considering the ways and

means motion, emphasizing its purpose in allowing taxation legislation.

On November 30, 2023, Parliamentary Secretary to the Leader of the Government in the House of Commons, **Kevin Lamoureux** (Winnipeg North) responded to Mr. Scheer's argument, stating that Bill C-318 required a royal recommendation and couldn't proceed to a vote without it. Lamoureux asserted that Ways and Means Motion No. 19 contained measures from the 2023 budget and fall economic statement, addressing affordability challenges facing Canadians. He argued that the question at the second reading on implementing legislation was distinct from the issues raised by Mr. Scheer.

On December 12, 2023, the Speaker delivered his ruling to the House regarding the admissibility of Ways and Means Motion No. 19. In the ruling, the Speaker distinguished between substantially similar bills and those that are only similar in part, stating that when bills are only similar in part, the impact of adopting one may differ depending on their principle, scope, and which bill is adopted first. In this case, the Speaker determined that Bill C-59, *An Act to Implement Certain Provisions of the Fall Economic Statement Tabled in Parliament on November 21, 2023, and Certain Provisions of the Budget Tabled in Parliament on March 28, 2023*, based on Ways and Means Motion No. 19, is not substantially similar or identical to bills C-318 and C-323. Therefore, there is no procedural reason to stop Bill C-59 from proceeding through the legislative process.

### Private Members' Business

#### *Speaker's Declaration on Royal Recommendation Regarding Bill C-353 and C-356*

On October 19, 2023, the Speaker issued a declaration regarding the management of Private Members' Business and emphasized the need to accompany bills with a Royal Recommendation. He communicated to the House his concerns about the expenditures in Bill C-353, *An Act to Provide for the Imposition of Restrictive Measures Against Foreign Hostage Takers and Those Who Practise Arbitrary Detention in State-to-State Relations and to Make Related Amendments to the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Immigration and Refugee Protection Act*, moved by **Melissa Lantsman** (Thornhill), as well as in Bill C-356, *An Act Respecting Payments by Canada and Requirements in Respect of Housing and to Amend Certain Other Acts*, moved by **Pierre Poilievre** (Carleton).

### Other

#### *Presence in the Gallery*

On December 7, 2023, the Speaker acknowledged the presence in the gallery of the Speaker of the Yukon Legislative Assembly, **Jeremy Harper**.

#### *Naming of a Member*

On December 6, 2023, during Oral Questions **Damien Kurek** (Battle River—Crowfoot) expressed concerns about the Senate's handling of Bill C-234, *An Act to Amend the Greenhouse Gas Pollution Pricing Act*, accusing the Prime Minister of influencing the Senate's decision and pressuring senators to vote against the bill. The debate intensified when Mr. Kurek accused the Prime Minister of lying about the Senate's independence. The Deputy Speaker requested twice that Mr. Kurek retract his statement and apologize, but he refused, maintaining the accuracy of his claim. In response, the Deputy Speaker, citing authority under Standing Order 11, named Mr. Kurek for disregarding the Chair's authority. Consequently, Mr. Kurek was instructed to withdraw from the House for the remainder of the sitting day, including any participation via videoconference. It should be noted that the text of the Standing Order mentions that if Mr. Kurek had cast an electronic vote that day, it would have been invalidated.

#### *Sittings Which Last More Than One Calendar Day*

The session held on December 7, 2023, extended beyond a single calendar day due to discussions on the Supplementary Estimates (B). Numerous deferred recorded divisions on the motion were addressed during the session. The House adjourned its proceedings on Friday, December 8, 2023, at 11:33 p.m.

#### *Take-Note Debates*

On October 16, 2023, the Parliamentary Secretary to the Leader of the Government in the House of Commons, **Kevin Lamoureux** (Winnipeg North) sought and obtained unanimous consent that a take-note debate on the situation in Israel, Gaza, and the West Bank be held later that day at the ordinary hour of daily adjournment. The debate was held at 7:32 p.m., foregoing the 48 hours' notice period prescribed by Standing Order 53.1.

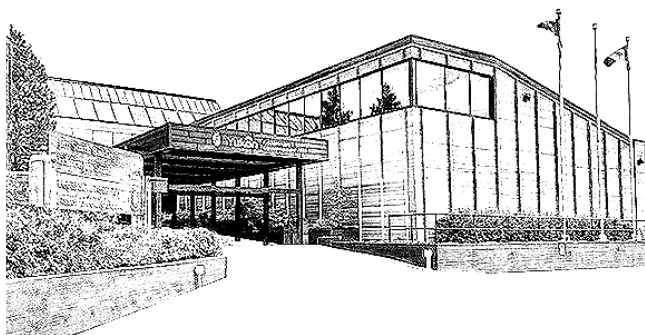
On December 7, 2023, **Lori Idlout** (Nunavut) sought and obtained unanimous consent that a take-note

debate on Indigenous Services be held on December 11, 2023. The debate was held on December 11, 2023, at 7:00 p.m. The House adjourned its proceeding at 11:06 p.m.

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

On December 13, 2023, by unanimous consent, it was ordered that the motion to appoint **Eric Janse** as the new Clerk of the House of Commons. Mr. Janse had been serving as Acting Clerk since February 13, 2023. He began his career at the House in 1992 and held various positions in Procedural Services before being appointed Deputy Clerk, Procedure, in October 2021. A Table Officer since 1998, Mr. Janse has gained extensive experience providing advice and support to the Speaker and other members in the Chamber. He also played a pivotal role in transitioning committees to hybrid proceedings during the pandemic and was instrumental in developing the Parliament of Canada's international program.

**Vicky Sedhya Maurice-Sevigny**  
Table Research Branch



## Yukon

### 2023 Fall Sitting

The 2023 Fall Sitting of the First Session of the 35<sup>th</sup> Yukon Legislative Assembly started on October 4 and concluded on November 23, after 28 sitting days.

#### Bills

Over the course of the Sitting, eight government bills (each of which had been introduced by the fifth sitting day – the deadline for the introduction of government bills to be dealt with during the Sitting) passed the House and were assented to by Commissioner **Adeline Webber**.

The bills were: Bill No. 28, *Act to amend the Environment Act* (2023); Bill No. 29, *Act to amend the Elections Act* (2023); Bill No. 31, *Fiduciaries Access to Digital Assets Act*; Bill No. 32, *Act to amend the Victims of Crime Act* (2023); Bill No. 33, *Act to amend the Registered Nurses Profession Act* (2023); Bill No. 34, *Technical Amendments (Finance) Act* (2023); Bill No. 210, *Fourth Appropriation Act 2022-23*; and Bill No. 211, *Second Appropriation Act 2023-24*.

On the final day of the Sitting, Bill No. 211, *Second Appropriation Act 2023-24*, was the sole government bill still on the Order Paper. At 5:00 pm, the bill, which was still under consideration in Committee of the Whole, became the first bill to be identified under the newly revised Standing Order 76 (“the guillotine clause”) and expedited through the remaining stages. During the 2023 Spring Sitting, Standing Order 76 had been amended such that, as of the 2023 Fall Sitting, its application would be restricted to appropriation bills, rather than government bills of all kinds.

No private members’ bills were introduced or considered during the 2023 Fall Sitting.

#### Electoral boundaries

On October 4, Bill No. 29, *Act to amend the Elections Act* (2023) was introduced by Premier **Ranj Pillai**. The bill’s main objective was to establish an Electoral Boundaries Commission before the next general election (slated for November 3, 2025, despite being in a minority parliament). An October 4 government news release noted that the bill was “[i]n response to shifting populations and demographics across the territory, including significant growth in Whitehorse’s Whistle Bend community....”

Concerns had been expressed about Yukon’s electoral boundaries, given variances in many ridings of greater than 25 per cent (above or below) the average electoral district population.

Yukon’s existing legislation provided for electoral boundaries to be reviewed after every other general election. In its April 2018 final report delivered during the preceding Legislative Assembly, the previous Electoral District Boundaries Commission recommended a redistribution that added a new riding. Had that recommendation been adopted, the total number of Yukon ridings would have increased from 19 to 20. As required by the *Elections Act*, a government bill (Bill No. 19, *Electoral District Boundaries Act*) was introduced, based on the Commission’s

recommendations. However, the bill was defeated on November 19, 2018 (the government caucus and a member of the Official Opposition voted against the motion for second reading).

On October 16, 2023, Bill No. 29 passed second reading and was referred to the Members' Services Board (MSB). On October 24, MSB reported the bill with amendment (the deadline to establish the commission's membership was moved up by a week), and the House concurred in the MSB report. On October 26, MLAs voted unanimously in favour of third reading of Bill No. 29, and the bill was assented to by Commissioner Webber.

On December 14, the government announced the appointment of the Commission, which will be chaired by Chief Justice **Suzanne Duncan**, and whose membership also includes Chief Electoral Officer **Max Harvey**, Yukon Party nominee **Warren Holland**, Yukon Liberal Party nominee **Patricia Cunning**, and Yukon NDP nominee **Elizabeth Hanson** (the former MLA for Whitehorse Centre).

The government news release noted that "[t]he commission is expected to conduct public hearings, delivering an interim report within seven months of its formation and a final report within an additional five months."

### **Special Committee on the Yukon Citizens' Assembly on Electoral Reform**

On October 31, Third Party Leader **Kate White**, Chair of the Special Committee on the Yukon Citizens' Assembly on Electoral Reform (SCYCA), presented the Committee's final report.

SCYCA, which had been established by Order of the House on April 25, 2023, and whose other members were Government House Leader **John Streicker**, and **Curie Dixon**, Leader of the Official Opposition, had been tasked with reporting its recommendations on terms of reference for the citizens' assembly on electoral reform.

SCYCA's final report noted that although the committee was unable to reach consensus, "the majority of the Special Committee ... recommends ... that the terms of reference for the Yukon Citizens' Assembly on Electoral Reform contained in this report be adopted and that the Yukon Citizens' Assembly on Electoral Reform be established."

The terms of reference recommended by SCYCA include that the Yukon Citizens' Assembly on Electoral Reform (YCA) "should be established by a specific action of the Yukon Legislative Assembly," that the YCA's final report be presented by October 31, 2024, and that the YCA "shall report during or before the 2024 Fall Sitting of the Yukon Legislative Assembly to permit sufficient time for the Legislature to pass legislation enabling territorial referendums in the Yukon, if there is a recommendation for an alternate electoral system.

On November 7, a motion to concur in SCYCA's final report (Motion Respecting Committee Reports No. 8) was moved by the SCYCA Chair. At the conclusion of the debate, the motion carried on division (with the government and Third Party voting for, and the Official Opposition voting against, the motion).

### **Ministerial statements**

On October 4, 2023, **Richard Mostyn**, Chair of the Standing Committee on Rules, Elections and Privileges (SCREP), presented the Committee's eighth report, which was on the topic of ministerial statements. The Committee is made up of two government members (both Ministers – there are no government private members in the Assembly) including the Chair, two members of the Official Opposition Caucus, and a member of the Third Party caucus.

Yukon's Standing Orders provided for the delivery one ministerial statement ("an announcement or statement on government policy or a matter of public interest") per sitting day. SCREP's report recommended adding Standing Order 11(3.3) to require the Speaker to be satisfied that the Government House Leader and at least one opposition House Leader agreed to the delivery of the ministerial statement.

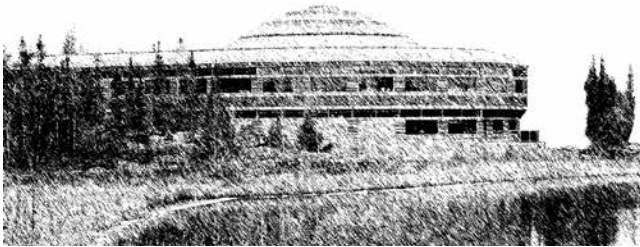
On Wednesday, October 25, 2023, a day dedicated to Opposition private members' business, the House debated a motion moved by Official Opposition member **Brad Cathers** (Motion Respecting Committee Reports No. 6) to concur in SCREP's eighth report. The motion for concurrence carried on division with the Official Opposition and Third Party members voting in favour and government members against, the motion.

### **Public Accounts hearings**

On November 24, the Standing Committee on Public Accounts (PAC), which is chaired by the Leader of the Official Opposition, held a public hearing on Yukon's public accounts for the 2022-23 fiscal year.

On December 12, PAC held a public hearing on the June 2023 report of the Office of the Auditor General of Canada on the Yukon government's roll out of COVID-19 vaccines during the pandemic.

**Linda Kolody**  
Deputy Clerk



## Northwest Territories

On October 6, 2023, motion 87-19(2) carried, officially dissolving the 19<sup>th</sup> Legislative Assembly. Writs for the election of Members of Legislative Assembly were issued, and in compliance with the recently assented to *Act to Postpone the Polling Day for the 2023 General Election* due to evacuation orders caused by wildfires affecting 14 of the 19 electoral districts. The 2023 Territorial General Election was to be held on November 14, 2023.

On October 20, 2023, the nomination period for candidates closed with 56 candidates in 19 constituencies.

Three returning candidates were acclaimed: **Jane Weyallon Armstrong**, MLA for Monfwi; **Caitlin Cleveland**, MLA for Kam Lake; and **Caroline Wawzonek**, MLA for Yellowknife South.

Housing, healthcare, state of the NWT economy, cost of living, mental health and addictions, and the timely issue of emergency management were common issues throughout the election period.

Voting began on October 24 and continued to November 12 in special voting opportunities. On Election Day, 34 polling locations opened across the territory for the 16 electoral districts. In total, 10,797 votes were cast, representing a 52.54 percent voter turnout. There were no contests where a judicial recount was required.

Following the election, the process for selecting the Premier was a public topic of discussion. At the outset

of each new Assembly, Members of Caucus review and approve the "Guidelines and Process Conventions" for the Territorial Leadership Committee. The Territorial Leadership Committee is "the vehicle used by the Northwest Territories' consensus style government to recommend the appointment of the Speaker, Premier and Members of the Executive Council to the Legislative Assembly and the Commissioner." Members of the 20<sup>th</sup> Assembly announced the process for the Territorial Leadership Committee in a press release.

The Territorial Leadership Committee commenced with roundtable speeches on November 27, 2023. The candidate speeches for Premier followed. The Territorial Leadership Committee adjourned after that, affording Members the chance to travel to their home communities and consult with their constituents on which candidates will best serve the Territory.

One week later, the Territorial Leadership Committee convened and started with nominations for Speaker. **Shane Thompson**, MLA Nahendeh, was acclaimed. Next, the Committee held a question period of the Premier candidates followed by voting. Two rounds of voting were required to obtain a consensus vote, following which **R.J. Simpson**, MLA Hay River North was declared Premier-designate.

The Territorial Leadership Committee maintained the two-two-two system for the election of the Executive Council. This implies the NWT Cabinet will be composed of two Members from the north, south and capital constituencies. Candidates from each region delivered speeches, following which Members were provided ballots for which two candidates from each region could be selected. The Members of the 20<sup>th</sup> Legislative Assembly elected from the northern constituencies **Lucy Kuptana**, MLA Nunakput and **Les Semmler**, MLA Inuvik Twin Lakes. **Jay MacDonald**, MLA Thebacha and **Vince McKay**, MLA Hay River South were elected to represent the southern constituencies, and Ms. Cleveland, MLA Kam Lake and Ms. Wawzonek, MLA Yellowknife South were the representatives chosen from the capital constituencies.

December 8, 2023, marked the opening of the first Session of the 20<sup>th</sup> Legislative Assembly. Proceedings began with a lively dance performance in the centre of the Chamber by the Tetlit Gwich'in Dancers. Following this, Members moved motions to appoint the Speaker, Premier and Executive Council. Motions were also moved to establish the Standing Committee on Accountability and Oversight (which is composed of

all Regular Members), and the members for the Board of Management (the Committee responsible for the general administration of the Legislative Assembly). Session is adjourned until February 6, 2024. During the next session Members of Caucus will table a report on the statement of agreed upon priorities for the 20<sup>th</sup> Assembly.

**Amy Lizotte**  
Manager of Research



## The Senate

### Legislation

One Senate public bill, S-222, *An Act to amend the Department of Public Works and Government Services Act (use of wood)*, received Royal Assent by written declaration this quarter on October 26.

Four Commons bills were adopted by the Senate with amendments, and messages were sent to advise the House of Commons: Bill C-48, *An Act to amend the Criminal Code (bail reform)*, on November 28, followed by a message on December 5 that the Commons had agreed to the amendments; Bill C-29, *An Act to provide for the establishment of a national council for reconciliation*, on November 30; Bill C-35, *An Act respecting early learning and child care in Canada*, on December 7; and Bill C-234, *An Act to amend the Greenhouse Gas Pollution Pricing Act*, on December 12.

The Senate passed two Senate government bills on December 14: Bill S-13, *An Act to amend the Interpretation Act and to make related amendments to other Acts*, and Bill S-14, *An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act*. Messages were sent to the House of Commons that the Senate had passed the bills, to which it desires its concurrence.

Six government bills received Royal Assent this quarter. Bill S-12, *An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act*, received Royal Assent by written declaration on October 26. On November 1, Bill C-42, *An Act to amend the Canada Business Corporations Act and to make consequential and related amendments to other Acts*, was read a third time, passed without amendment and received Royal Assent later that day. Following a message agreeing to the amendments made by the Senate, Bill C-48, *An Act to amend the Criminal Code (bail reform)*, also received Royal Assent by written declaration on December 5. For the first time since December 2019, a Royal Assent ceremony took place in the Senate Chamber on December 15, with **Richard Wagner**, Deputy of the Governor General, attending and assenting to the following bills in the presence of both houses of Parliament: Bill C-56, *An Act to amend the Excise Tax Act and the Competition Act*; Bill C-21, *An Act to amend certain Acts and to make certain consequential amendments (firearms)*; and Bill C-60, *An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2024*.

### Chamber, Procedure and Speaker's Rulings

On October 3, a sessional order was adopted to extend the duration of Question Period with any minister of the Crown to 64 minutes, and to limit the time for questions and answers during any other Question Period.

On October 17, Senator **Michèle Audette** made a written declaration of private interest respecting Bill C-21, *An Act to amend certain Acts and to make certain consequential amendments (firearms)*; Bill C-48, *An Act to amend the Criminal Code (bail reform)*; Bill S-212, *An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation*; and Bill S-232, *An Act respecting the development of a national strategy for the decriminalization of illegal substances*.

On October 19, Senator **Mary Jane McCallum** raised a question of privilege with respect to a government motion proposing that when the Senate sits on a Thursday, it stands adjourned at the later of 6 p.m. or the end of Government Business. She raised concerns that such a motion could limit the time for debate on non-government or other business. After debate, the Speaker reserved her decision.

On October 24, the Speaker pro tempore, Senator **Pierrette Ringuette** ruled that the question of privilege had been raised at the proper time, meeting the first

criteria set out in rule 13-2(1) of the *Rules of the Senate*. She pointed out that, as noted in various rulings, "... the privileges and rights exercised by the Senate itself take precedence over those of individual senators" and that the rights and privileges of an individual senator can be restricted by decisions of the Senate as a whole. Consequently, the second and third criteria, which require that the question of privilege be directly related to the privileges of the Senate, a committee of the Senate, or a senator, and that a question of privilege be raised to correct a grave and serious breach of privilege, had not been met. Finally, the Speaker pro tempore ruled that the fourth criterion – that there must be no alternate parliamentary process reasonably available to pursuing a question of privilege – had also not been met, as all senators have the right to enter debate to voice concerns, move amendments, as well as vote against the motion if they so desire. She concluded that there was no case of privilege and debate on the motion could continue.

On November 7, Senator **Scott Tannas** made an oral declaration of private interest respecting Bill C-282, *An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management)*.

On November 21, Senator **Raymonde Saint-Germain** raised a question of privilege concerning attempted intimidation of senators that occurred within the Senate Chamber and Senate of Canada Building on November 9. She argued that, following a motion to adjourn debate on a motion in amendment to Bill C-234, the ability of certain senators to perform their parliamentary duties without obstruction or intimidation was impeded and also raised concerns about online posts after the sitting. After debate on the matter and additional arguments that were heard on November 23, the Speaker reserved her decision.

In her December 5 ruling, the Speaker gave an account of the events that transpired on the day in question from the chair's perspective. She noted how the Senate has evolved and urged senators to exercise caution when using social media and to consider the possible effects of what is posted. The Speaker reviewed the question of privilege in light of the four criteria set out in rule 13-2(1) and determined that they had all been met. Since the question of privilege had *prima facie* merits, Senator Saint-Germain was able to move a motion for a remedy. She moved that the case be referred to the Standing Committee on Ethics and Conflict of Interest for Senators. Debate began on the same day and concluded on December 7, when the motion was adopted.

A second question of privilege was raised on November 21 by Senator **David M. Wells**, regarding the conduct of a senator on November 9. He stated that while the Senate was suspended for a one-hour bell in anticipation of a vote on a motion to adjourn debate on Bill C-234, a senator had accused him of bullying. After an apology during consideration of the question of privilege, Senator Wells withdrew his question of privilege.

On December 11, the Senate adopted a motion extending the sitting day of December 13, beyond 4 p.m. In the motion, if Government Business was not completed by 4 p.m. then the House would continue until the earlier of the end of Government Business or midnight. The motion also authorized committees to meet for the purposes of considering government legislation, even though the Senate may be sitting; and providing that on December 11 and December 15, the Senate only deal with Government Business once the Orders of the Day were called.

On December 13, a time allocation motion was adopted, allowing six further hours of debate at most at third reading stage of Bill C-21, *An Act to amend certain Acts and to make certain consequential amendments (firearms)*.

Senator **Donald Neil Plett** raised a point of order on December 14 concerning correspondence relating to the participation of the Speaker of the House of Commons at an Ontario Liberal Party event. The point of order was withdrawn after further arguments were heard on December 15.

### **Committee of the Whole**

---

On December 12, the Senate resolved into a Committee of the Whole to hear from **Marie-Chantal Girard** regarding her appointment as President of the Public Service Commission of Canada. Later that day, the Senate passed a motion approving her appointment.

The Senate once again resolved itself into a Committee of the Whole on December 13 to consider the subject matter of Bill C-56, *An Act to amend the Excise Tax Act and the Competition Act*, with **Chrystia Freeland**, MP, Deputy Prime Minister and Minister of Finance, and **François-Philippe Champagne**, MP, and Minister of Innovation, Science and Industry, each accompanied by one official.

## Committees

A motion authorizing joint committees to hold hybrid meetings until the end of the day on June 30, 2024, was adopted on October 17.

On October 24, the Standing Senate Committee on Legal and Constitutional Affairs presented its seventeenth report on Bill C-48, *An Act to amend the Criminal Code (bail reform)*, with amendments and observations. The report was adopted on October 26.

Also on October 24, the Senate agreed with a message from the House of Commons to re-appoint the Special Joint Committee on Medical Assistance in Dying.

On October 26, two reports on bills were presented with amendments: the fifteenth report of the Standing Senate Committee on Indigenous Peoples on Bill C-29, *An Act to provide for the establishment of a national council for reconciliation*, which was subsequently adopted on October 31, and the twelfth report of the Standing Senate Committee on Agriculture and Forestry on Bill C-234, *An Act to amend the Greenhouse Gas Pollution Pricing Act*, which was defeated on November 7. The unamended bill was then placed on Orders of the Day for third reading.

The twelfth report of the Standing Senate Committee on Indigenous Peoples, entitled *On the Outside Looking In: The Implementation of the Cannabis Act and its effects on Indigenous Peoples*, and the twenty-sixth report of the Standing Senate Committee on Foreign Affairs and International Trade from the First Session of the Forty-second Parliament, entitled *Cultural Diplomacy at the Front Stage of Canada's Foreign Policy*, were both adopted on October 26, and responses from the government were requested.

On November 2, the Standing Senate Committee on Human Rights deposited with the Clerk its sixth report, entitled *Combatting Hate: Islamophobia and its impact on Muslims in Canada*. On November 30 the report was adopted and a response from the government requested.

The 2023 report required under the *Statutes Repeal Act* was referred to the Standing Senate Committee on Legal and Constitutional Affairs on November 8. The committee reported back on the matter in its eighteenth report on November 30. A resolution to save certain provisions of laws from automatic repeal was adopted on December 12.

The first report of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of an Inquiry Report from the Senate Ethics Officer*, was presented on November 21. With leave, it was ordered that the report appear in the Orders of the Day for subsequent sittings. On November 30 the report was adopted, on division, and the Senate thereby censured Senator **Michael L. MacDonald** in relation to the matters outlined in the report.

On November 30, the fourteenth report of the Standing Senate Committee on Indigenous Peoples, entitled *Honouring the Children Who Never Came Home: Truth, Education and Reconciliation*, was adopted and a government response requested. That same day, the committee's sixteenth report, entitled *Voices of Youth Indigenous Leaders 2023: Celebrating Leadership in Indigenous Education*, was also adopted.

On December 5, the Standing Senate Committee on Banking, Trade and the Economy presented its tenth report on Bill S-1001, *An Act to amalgamate The Roman Catholic Episcopal Corporation of Ottawa and The Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall, in Ontario, Canada*, with amendments. The report was adopted on December 7.

On December 11, the Standing Senate Committee on Social Affairs, Science and Technology presented its eighteenth report on Bill S-244, *An Act to amend the Department of Employment and Social Development Act and the Employment Insurance Act (Employment Insurance Council)*, with an amendment. At the time of writing, the report had not been adopted. The same day, the Standing Senate Committee on Human Rights deposited with the Clerk its seventh report entitled *Anti-Black Racism, Sexism and Systemic Discrimination in the Canadian Human Rights Commission*. The report was adopted, and a government response requested on December 15.

On December 12, two bills were presented with amendments: the twenty-second report of the Standing Senate Committee on Legal and Constitutional Affairs on Bill S-231, *An Act to amend the Criminal Code, the Criminal Records Act, the National Defence Act and the DNA Identification Act*, which has not yet been adopted, and the sixth report of the Standing Senate Committee on Energy, the Environment and Natural Resources on Bill S-14, *An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations*, which was adopted the following day.



Also on December 12, the Standing Senate Committee on National Finance was authorized to examine the subject matter of Bill C-56, *An Act to amend the Excise Tax Act and the Competition Act*, and to submit its final report to the Senate no later than Routine Proceedings on December 14. The committee tabled its findings in its fifteenth report on December 13.

On December 14, the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Doing What Works: Rethinking the Federal Framework for Suicide Prevention*, was adopted and a response from the government requested.

### Senators

Senator **Ian Shugart** died on October 25. Senator Shugart was appointed to the Senate on September 26, 2022, on the advice of Prime Minister **Justin Trudeau**. He represented the province of Ontario and was from Ottawa. Prior to his appointment, Senator Shugart held many senior roles within the Public Service of Canada, including as the 24th Clerk of the Privy Council and secretary to the Cabinet from 2019 to 2021. At the start of the sitting, the Speaker announced his passing, there was a minute of silence, and the Senate then adjourned as a sign of respect.

On October 31, **Joan Kingston**, **John McNair**, **Krista Ross**, **Réjean Aucoin** and **Rodger Cuzner** were appointed to the Senate.

Senator Cuzner was appointed to represent the province of Nova Scotia. He is a former Member of Parliament, having been first elected to the House of Commons in 2000 and who represented Nova Scotia for 19 years. He also served as Consul General of Canada in Boston from 2020 to 2023. Senator Cuzner was introduced and took his seat on November 7.

Senator Kingston, who was appointed to represent New Brunswick, is a registered nurse and a former member of the Legislative Assembly of New Brunswick. Senator Kingston was introduced and took her seat on November 21.

Senator McNair will represent New Brunswick in the Senate. He is a lawyer who has served on the boards of several non-profits and charitable organizations in the province. Prior to his appointment, he was General Counsel and Corporate Secretary to Service New Brunswick and its predecessor corporation. Senator McNair was introduced and took his seat on November 21.

Senator Ross, who was also appointed to represent New Brunswick, is an established business and community leader who worked with the Fredericton Chamber of Commerce for 20 years and served as a board member for several local and provincial non-profits. Senator Ross was introduced and took her seat on November 21.

Senator Aucoin was appointed to represent the province of Nova Scotia. Senator Aucoin has been a lawyer for over 30 years as well as the founder and past president of the *Association des juristes d'expression française de la Nouvelle-Écosse*. Senator Aucoin was introduced and took his seat on November 21.

On December 20, **Marnie McBean**, **Paulette Senior** and **Toni Varone** were appointed. At the time of this writing, they had not yet been introduced and taken their seats in the Senate. Further information about these new senators will be included in the next summary.

Senator **Dennis Patterson** retired from the Senate on December 31. He was appointed on August 29, 2009, on the advice of Prime Minister **Stephen Harper**, and represented the territory of Nunavut. Prior to joining the Senate, he was a member of the Legislative Assembly in the Northwest Territories for 16 years, serving as Minister of Education, Minister of Health and Social Services and Minister of Justice, before being chosen as the territory's fifth premier. He was an active member of several committees during his tenure as a senator, including the Standing Senate Committee on Fisheries and Oceans, the Standing Committee on Ethics and Conflict of Interest for Senators, the Standing Senate Committee on Energy, the Environment and Natural Resources, as well as serving as chair of the Standing Senate Committee on Indigenous Peoples and the Special Committee on the Arctic.

**Katy Quinn**  
Procedural Clerk

# *Selflessly Stepping Aside: One MPP's Kindness for Another's "Double Crown"*

Ontario's first two women Members of Provincial Parliament (MPPs) faced a dilemma. Who would be sworn in first? The woman whose last name gave her priority? Or the woman who, if sworn in first, would be known as the first woman parliamentarian elected federally and provincially in Ontario? This is the story of one woman's selflessness and two women's pathbreaking achievement.

**Kaitlin Gallant**

**I**t was the summer of 1943 and the Ontario Legislature was buzzing with excitement and anticipation. The 21<sup>st</sup> Parliament had just been elected and it was a historic moment in Canadian and Ontarian politics. The Progressive Conservatives, led by George Drew, formed a minority government – the beginning of that party's remarkable 42-year run in office. The Co-operative Commonwealth Federation (CCF) propelled forward, forming the Official Opposition for the first time, while the previously governing Liberals fell into third place.

More exciting, however, was that two incoming MPPs, Rae Luckock and Agnes Macphail, had just made history by becoming the first women to hold seats in Ontario's legislature.

Rae Luckock and Agnes Macphail were no strangers to breaking barriers. Macphail had already made history in 1921 by becoming the first woman elected to the House of Commons in Ottawa. Luckock was a school trustee in Toronto and social justice and peace activist.

Soon, they were set to take their oaths of office as Members of Provincial Parliament. Yet, upon preparing for the swearing-in ceremonies, a dilemma arose.

According to parliamentary protocol, Luckock should be sworn in first because her last name came before Macphail in alphabetical order. As both women were members of the CCF, their senior party officials encouraged Luckock to be sworn in after Macphail, even though she was entitled to be sworn in first.

The party made a great deal of Macphail's "double crown," being the first female member in Ottawa *and* at Queen's Park. Selflessly, Luckock agreed, ensuring that her fellow pioneer would be the first woman to be sworn in.<sup>1</sup>

The two women, now forever linked by history, went on to champion their causes at Queen's Park with great determination, knowing that they had broken down a barrier that had existed for far too long.

Interestingly, their bond did not extend to an especially warm relationship as caucus colleagues. In an *Active History* profile titled "A woman erased from history: The ghosting of Rae Luckock," Dean Beeby notes Luckock's CCF colleagues began to undermine her. "Leading the charge was none other than Agnes Macphail," he writes. "Macphail disliked Rae intensely, for reasons that remain unclear. 'She tried to get along with Agnes Macphail, but Agnes was a man's woman,' [Luckock's husband] Richard recalled. 'Whenever Rae had a question about something, Agnes would say 'Read up about it.' She never got advice about anything.'"<sup>2</sup>

---

*Kaitlin Gallant was selected to be part of the 2023-2024 Ontario Legislature Internship Programme. She completed a month-long placement with the Canadian Parliamentary Review in October 2023.*





## Agnes MacPhail

Photo Credit: Agnes Macphail Portrait, Agnes Macphail (1890-1954)  
© Yousuf Karsh, Library and Archives Canada C-021562

Despite whatever personal animus existed between the two MPPs, both made strong contributions to parliament. Macphail vigorously advocated for gender equality and social equity and was instrumental in the enactment of Ontario's inaugural equal pay law, the *Employees Fair Remuneration Act of 1951*.<sup>3</sup> Luckock held the role of Education Critic within the CCF, where she championed the idea of tuition-free universities and improving rural education. She ardently supported gender equality by advocating for equal compensation for equal work and recognizing the value of homemakers' contributions.<sup>4</sup>

They inspired generations of women to follow, ensuring that the path they had forged would lead to a brighter future of equality and progress in Canadian politics. Luckock's selflessness allowed Agnes Macphail to claim the title of the first woman parliamentarian "double crown," but both women's work paved the way for others.

## Notes

- 1 Michael Dawber, *After You, Agnes... Mrs. Rae Luckock*, MPP, Quinte-Web Press, Tweed, 1994, p. 33.
- 2 Dean Beeby. "A woman erased from history: The ghosting of Rae Luckock." *Active History*, December 12, 2022. URL: <https://activehistory.ca/blog/2022/12/12/a-woman-erased-from-history-the-ghosting-of-rae-luckock/>
- 3 Agnes Campbell Macphail, MPP 1943-48 and 1948-51, URL: <https://www.ola.org/en/photo/agnes-campbell-macphail-mpp-1943-48-1948-51>
- 4 Rae Luckock, MPP 1943-1945, URL: <https://www.ola.org/en/photo/rae-luckock-mpp-1943-1945>

## Rae Luckock

Photo Credit: Rae Luckock Portrait, Rae Luckock (1893-1972) © Queen's University Archives, New Democratic Party of Ontario fonds, Loc#1001/Box 46



2024 CanLIIDocs 902

