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**The Saskatchewan Legislative Assembly:  
A Major Push for Change**

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## **Series of Papers on Provincial and Territorial Legislatures**

The Canadian Study of Parliament Group (CSPG), as part of its efforts to foster knowledge and understanding of Canadian parliamentary institutions, is publishing a series of papers describing and analyzing the thirteen provincial and territorial legislatures. The papers are being made available free of charge, in both official languages, on the CSPG Web site. The views and opinions contained in these papers are those of the authors and are not necessarily reflective of those of the CSPG.



## **Introduction and Early History\***

In order to understand the role and functioning of the Saskatchewan Legislative Assembly, one has to trace through its development starting in 1869 when the Government of Canada bought Rupert's Land and created the North West Territories (NWT). By the next year, with the unrest in the Red River area, the new province of Manitoba was created, a small part of what is Manitoba today. The remainder of the vast territory was the North West Territory, administered by the federal government from Ottawa. In 1875, the Parliament of Canada passed the *North West Territories Act* which provided for a resident Lieutenant Governor and a small appointed Legislative Council.<sup>1</sup> Provision was made to hold elections in the NWT as the population increased. Gradually the number of elected representatives in the Legislative Council outnumbered the appointed members.

Even though the NWT had a semblance of local government, the power and control of the purse strings rested with the Department of the Interior in Ottawa. On October 7, 1876, David Laird became the first resident Lieutenant Governor of the NWT. The first Legislative Council met in Livingstone in March 1877. Livingstone was a NW Mounted Police fortress but proved to be a poor location due to the marshy land and an abundance of snakes. Lieutenant Governor Laird moved the capital to Battleford and a Government House was constructed.

As settlers moved into the NWT and treaties were signed with the original inhabitants, pressure began to build for more local autonomy and less interference from Ottawa. With the coming of the Canadian Pacific Railway (CPR), as the connection between Ontario and British Columbia, the capital was moved again to Regina in 1883. Edgar Dewdney was the Lieutenant Governor at that time and made a controversial decision to locate the site of the Government

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\* I wish to extend my thanks to Speaker Dan D'Autrement, Greg Putz, Clerk of the Saskatchewan Legislative Assembly and the reference librarians in the Legislative Library for their guidance during the writing of this paper.

House on land that the critics said was land bought by Dewdney on speculation. The CPR located the train station and what became the core of the capital well away from the site of Government House. The accusation was that the railway refused to build on Dewdney's land. Thus the site of the town centre was located approximately 2 kilometres to the south east of Government House.

In 1886, a year after the Riel Resistance near Batoche, the federal government granted the West a fully elected Legislative Assembly of 25 members. Having elections meant that there was increased pressure to bring the decision-making power and the right to raise tax revenue in the West to the NWT Legislative Assembly and not be controlled by the federal government. By 1897, responsible government was granted whereby a premier was elected with an executive council (cabinet). Frederick Haultain was elected as the Leader of the Government or the premier, to use current terminology. Haultain and the assembly made the claim of being nonpartisan so that they could work with the federal government no matter what political party was in power.

Even with responsible government, the pressure continued to wrest more power from Ottawa and establish a system of government in the West that had control of its legislative policy and power to raise money by way of taxation. Notwithstanding these local efforts, it appeared that the only way to increase the power of the territorial government was to push for provincial autonomy. Haultain, as premier, tried to negotiate with Prime Minister Laurier to have one large province created. Laurier was resistant to accede to this proposal because he felt one large province would disrupt the balance of Confederation.<sup>2</sup>

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They are all truly experts in their field.

## **The Province of Saskatchewan**

On September 1, 1905, two new provinces of Alberta and Saskatchewan were created. Lieutenant Governor A E Forget of the NWT was appointed Lieutenant Governor of the province of Saskatchewan. His first task was to call on Walter Scott as the interim premier of the province until elections could be held. There were raised eyebrows as to why Haultain was not called on to be premier. Obviously his disagreements with the prime minister over the one or two provinces issue and the perception that Haultain was a Conservative did not put him in good favour with the Liberal prime minister. Walter Scott and his Liberal party were elected with a majority in December 1905 and began the enormous task of establishing the infrastructure for a new province.

The first major public works project that the Scott government undertook was the construction of a legislative building. After Regina was confirmed as the capital city of the new province, a larger legislative and executive building was needed. The executive and legislative arms of the territorial government had been located at two buildings on Dewdney Avenue, half way between Government House and the centre of the town of Regina. Because of the increase in population in the territory and then the province, a larger assembly was necessary and thus a larger meeting place. Several locations were considered but Scott was insistent that it be built on the vacant bald prairie south of the town on the opposite side of the Wascana Creek. There was nothing there at all and many of the town's folks thought Scott was crazy to be building such a building way out of town. Scott persevered because he had a vision of creating a large building that would last more than a century and meet the space needs of the province for many years to come. The Maxwell brothers of Montreal were contracted as the architects and construction started in 1908 and was completed in 1912.

The building was originally planned to be have an exterior of red brick but Scott changed the plans after the contracts were let in favour of using tyndal stone. The building now is perhaps the largest legislative building in Canada and was built when the province had approximately 250,000 people. Scott told Walter Murray, the first President of the University of Saskatchewan, that: "This is a great country. It needs big men with large ideas."<sup>3</sup> At the laying of the cornerstone, Scott said that: "We should build not merely for the population of today but to the population of the future, and the population of the not too distant future of Saskatchewan demands a building of no mean dimensions."<sup>4</sup> Walter Scott was the Premier and Minister of Public Works for most of the construction time. Scott had the vision that the province would grow to the point that by 1925, it would have many millions of people. This was a time of "boosterism" and great optimism. Scott had not foreseen the invention of the gasoline tractor which would change the number of people required to farm the land and the drought and the depression of the 1930s. Both events set the province back for many generations and it is only recently that the province's population has started to increase rapidly. The overall cost of the Legislative Building was \$1.8 million, double the original estimate and more than the total annual budget for the operation of the government. It was certainly a grand dream.

### **University of Saskatchewan**

The second major project was the construction of a provincial university. Since Regina was chosen as the capital city, Saskatoon became the site of the new university. The Scott government believed in spreading around the public projects amongst the cities and towns in the province. Scott believed that agriculture was the cornerstone of the provincial economy and insisted that the University of Saskatchewan would have a college of Agriculture within the

university itself. There were older schools of agriculture but this was the first time that a College of Agriculture was included within a university. Scott wanted the farmers to be studying alongside the lawyers and the doctors and the social scientists. The University of Saskatchewan was not to be a branch school of a university in Eastern Canada but was to be a world class university on its own for teaching and research.

There were to be three pillars to post-secondary education in Saskatchewan. At the university, there was to be a college of Agriculture to teach the men how to farm, a college of Home Economics to teach the women how to look after their families and a theological college to help people look after their souls. In today's standards, that sounds old fashioned but it fit the times for the Scott government.

## **Governance**

The Province of Saskatchewan elected Liberal governments from 1905 to 1944 with one interruption when a coalition Cooperative Government under J.T.M. Anderson served from 1929 to 1934. In 1944, the province set off in a new direction by electing the Cooperative Commonwealth Federation (CCF) led by T.C. Douglas. This was the first "socialist" party elected in North America. The province had just experienced a devastating decade of drought and economic depression and the people were looking for a new party which would lead them back to prosperity and growth. This was the start of a long line of CCF or later New Democratic Party (NDP) governments from 1944-1964 under Douglas and then Woodrow Lloyd. Douglas introduced a tax based health care system in 1961 just before leaving provincial politics to run federally for the CCF. Woodrow Lloyd assumed the leadership of the party and the premiership in 1961 and implemented the medicare program. Douglas is often thought of as the "Father of

Medicare" but it was actually Lloyd who was premier when the program was implemented. He led the government through a difficult time with the doctors going on strike to protest the implementation of this new program. The Lloyd government was defeated in 1964 by the Liberals led by Ross Thatcher. The medicare program that was introduced by Douglas and Lloyd has been copied across Canada in subsequent years and is now considered to be a necessary part of living in Canada.

This era also led to another noteworthy political event in the province. Lieutenant Governor Bastedo, Lieutenant Governor from 1958 to 1963, reserved (that is, refused) Royal Assent on a bill that had passed the Legislative Assembly in 1961. This created a great constitutional crisis and the bill was referred on to the federal cabinet which passed the bill. This marked the last time in Canadian history that a lieutenant governor reserved Royal Assent on a bill passed by an elected legislature.

### **Legislative Assembly of Saskatchewan**

Politics in Saskatchewan has always been considered to be very intense and elections are always fought with great vigour. The Saskatchewan Legislative Assembly has a reputation of being a leader in ways that the Legislature does its business. An example of this was the introduction of live television into the Assembly. In 1978, the Legislative Assembly undertook a major renovation and restoration of the legislative chamber. This was an opportunity to explore installation of television in the chamber. A legislative committee studied other jurisdictions which had introduced television but the labour costs to operate the television system seemed prohibitive for Saskatchewan. Many systems required a team of approximately 30 people to operate the system which was out of the question for Saskatchewan where the assembly sat for

only 70 days per year. On further study, it was found that the system could be completely computerized and automated which meant that only 3 people were required to broadcast the proceedings.<sup>5</sup> The proceedings of the Legislative Assembly were broadcast on television starting on March 18, 1983, the first chamber in Canada with a fully automated television system.

An issue at the time of the renovations was the colour of the carpet in the chamber. When the chamber was designed by the Maxwell brothers, they recommended green carpet to match the green marble baseboards in the Chamber and the green marble in the rotunda. The government of the day, for whatever reason, decided to go with red carpet even though red is a colour reserved for upper chambers in the British parliamentary system. By 1978, with the renovations, it was time again to consider the carpet colour. A legislative committee recommended to the Assembly that the new carpet should be green and this recommendation was approved by the Assembly. When it came time for the carpet to be ordered, the Minister of Government Services decided to order red carpet instead. It wasn't until 2012 that the assembly finally agreed with the architects to install green carpet in the Chamber, one hundred years after the original recommendation.

## **Political Parties**

Saskatchewan marked another first in 2003 when neither of the traditional political parties (Liberal and Conservative) were represented in the Legislative Assembly. When the province was formed in 1905, the Liberals formed government while the Provincial Rights Party (Conservative Party in all but name) was in opposition. Within a few years, the Provincial Rights Party did change its name to the Conservative Party. Even when the CCF was formed in the early 1930s and was elected to government in 1944, there was still a Liberal Party in the House. The

two traditional parties continued in Opposition more often than in government until 2003 when there was neither a (Progressive) Conservative Party nor a Liberal Party representative in the House. The accusation for many years was that because the Liberals and Conservatives were splitting the vote, the NDP was usually able to come up the middle and form government. The Liberals, under Ross Thatcher, were able to form government in 1964 with the support of 40.4 per cent of the votes cast. This was at a time when the Conservatives were weak and not represented in the House. The reverse was true in 1982 when the anti NDP vote coalesced around the Progressive Conservatives who formed government led by Grant Devine with support of 54.1 per cent of the votes cast. For all of the other elections between 1944 and 2003, (with the exception of the years 1964-1971 and 1982-1991) the NDP was able to form government, often without majority support. An exception was in 1971 when the Blakeney government won a landslide with 55 per cent of the vote. The same was true in 1991, when the NDP under Roy Romanow, won 51.1 per cent support in the election. For all of the remaining elections, NDP governments were formed without a majority of the votes cast. An extreme example of the NDP forming government without a majority was in 1999 when they received the support of 38.7 per cent of the vote while the combined voter support of the Saskatchewan Party and Liberal Party was 59.8 per cent.

On August 8, 1997, four Liberal and four Progressive Conservative MLAs announced that they were leaving their respective parties and were joining together to form the Saskatchewan Party. There were many reasons why these members took this drastic step to form a new party. The Liberal Party under Lynda Haverstock had experienced internal revolt and division. Less than a year after a successful election in the spring of 1995, Haverstock resigned

as leader after failing to win sufficient support from the party's membership. Jim Mellenchuk, her successor, failed to unite the party.

Meanwhile, the Progressive Conservatives had a strong leader, Bill Boyd, who led the party in the 1995 election and avoided total annihilation which had been the predicted outcome. The eight MLAs who joined the Saskatchewan Party all got along well personally and shared much in their political philosophy. They also shared a desire to "unite the right" and to avoid splitting the vote, which they believed would merely mean that the NDP would continue to form government. If the new Saskatchewan Party could unite the anti NDP vote, they had a good chance of forming government. Even though the Liberals held more seats in the House than the Progressive Conservatives, the two parties appeared to be roughly equal in strength and strategy and thus neither party appeared to be taking over the other. It was a union of equals. By coincidence, the actual number of MLAs uniting was equal as well.

The final point that led to the union of representatives from two parties and the formation of a new party was timing. Political observers will agree that timing is everything in politics. All of the above factors came into play at the same time and the time was right for the eight MLAs to work together to form a new party. By the 2003 election, neither the Liberals nor the Progressive Conservatives held a seat in the Legislative Assembly, the first time since the formation of the province. Saskatchewan is the only province that currently has neither of the two 'old line parties' represented in the provincial House. By 2007, with the Saskatchewan Party (formed in 1997) as government and the CCF/NDP (formed in 1932/33) as the opposition, neither party had existed when the province was formed. Time will tell as to whether this situation will continue into the future or whether either of the old line parties will be revived.

## **Members of the Legislative Assembly**

Another way of viewing the Legislative Assembly of Saskatchewan is to survey the demographics. As of 2013, 11 out of 58 members were women or 18.9 per cent. The assembly has never been close to the 50/50 split as exists in the general population. Efforts have been made from time to time by the various parties to increase the number of women in the House to no avail. There were 4 out of 18 women in cabinet or 22.2 per cent. Saskatchewan has had one woman as leader of a major party, Lynda Haverstock, but the province has as of yet not had a female premier.<sup>6</sup> Even though the province has a relatively high percentage of Aboriginals in the general population, there are only 4 out of the 58 members who are self declared First Nation/Metis or 6.9 per cent. The average age for all Saskatchewan MLAs is 52.9 years.

Regarding salaries and perks for the elected members, based on a comparison of salaries of the MLAs, premiers and office holders, Saskatchewan's figures are close to salaries paid in Alberta, Manitoba, New Brunswick and Nova Scotia.<sup>7</sup> As of April 2013, the salary of each Saskatchewan MLA was \$93,269 per annum. The premier earns \$161,103 while cabinet ministers, the Speaker and the Leader of the Opposition earn \$140,755. There is additional pay for other office holders such as the legislative secretaries and chairs of the committees.

## **Rules of Proceedings**

Each Canadian legislative assembly has, from time to time, reviewed and revised its Rules of Proceedings. Saskatchewan has been no different. The Saskatchewan Legislative Assembly in the 1970s and 1980s revised the Rules to make them more clear and simple to understand, introduced an Oral Question Period and television into the Chamber. A Board of Internal Economy was created in 1981. By the 24th Legislature (1999-2003), the Legislative

Assembly established a Special Committee on Rules and Procedures. The initial chair of the committee was Speaker Ron Osika followed by Speaker Myron Kowalsky. In the introduction to the committee's Second Report, July 4, 2001, it was noted that the "initial priority of business for the Special Committee on Rules and Procedures should be the reform of the legislative committee system and Private Members business. In particular, your committee was interested in creating procedures that would increase the importance of committees, enhance the role of private members, create more effective ways of dealing with public policy issues and increase public participation in the parliamentary process."<sup>8</sup>

The Special Committee established a subcommittee to study rules in other jurisdictions. The subcommittee interviewed members and officers in 10 parliaments in Australia, New Zealand and Ontario. The subcommittee noted that committees are a "better use of time for members" and can offer a career path for members who do not make it into cabinet. Policy field committees were noted as the most effective and the subcommittee liked the aspect of "self-referencing" for committees. This meant that a committee could establish for itself, without a reference from the House, a topic and scope of study. The committee felt that this would give the committees greater independence. The possible obstacle to this concept was that government could feel it did not have financial or political control over the scope of study for legislative committees. The committee believed that effective committees could be a way for the members of the Assembly to assert their independence and "take back some of the power lost to the executive over the decades."

The Special Committee made nine recommendations for major change in the committee structure. It was recommended that four "policy field committees" be established: Human Services, Economy, Crown and Executive Agencies and Intergovernmental Affairs and

Infrastructure. The various departments, agencies and Crown corporations would be divided up amongst the four standing policy field committees. A House Services Committee was also recommended which would be empowered to review issues related to the Legislative Assembly itself such as nominations for new committees and the estimates as originally proposed and approved by the Board of Internal Economy. The final category of committee recommended was a scrutiny committee, a committee already in existence – the Public Accounts Committee, which would continue to be chaired by an opposition member and would review the Provincial Auditor's reports and the departmental spending reports.

The Rules Committee recommended that annual reports should be referred automatically to the designated policy field committee and that legislation after Second Reading would be referred to the appropriate committee. A bill, after First Reading, could be referred by motion to a policy field committee for a hearing. The advantage of this step would be that since the principle of the bill had not been approved before referral, there was a greater chance that the witnesses before the committee could offer change that could be implemented. Estimates were also to be sent to the appropriate policy field committee for review before being reported back to the assembly for inclusion in the Appropriation Bill.

One of the key recommendations for change was that the policy field committees should be given the power to initiate enquiries without having to have a referral from the assembly. A global budget would be established at the beginning of each fiscal year which would place a cap on the expenditures for these special enquiries.

It was recommended that membership of the committees would reflect the ratio of party standings in the House and would be limited to seven members. The chair for each policy field committee would be from the government side with the deputy chair from the opposition. It was

identified that additional staff such as researchers and Hansard should be hired to serve the new committees. The committee recommended that there be two committee rooms – one on the lower floor of the Legislative Building and a second one created on the fourth floor above the cabinet suite. Both committee rooms would be renovated for Hansard recording and television broadcasting. The space on the fourth floor had been vacant for many years because of the need for an additional fire escape and wheelchair accessibility. Major renovations were thus required to accommodate this recommendation.

All committee work was to be coordinated with sittings of the House. It was anticipated that the House would recess in order for the committees in the two committee rooms to hold hearings and conduct their business. The House would then reconvene at the end of the day to receive reports from the committees. The practice soon developed where the assembly adjourned for the day because committees rarely reported until they had completed a segment of work on bills or estimates. The argument for this recommendation was that members could be more effective and efficient by sitting in smaller committees with two committees sitting simultaneously. The smaller committees would be more welcoming for the public to appear and offer their input. The revitalized committee system was intended to "enhance the influence of individual members during the Legislative Session."<sup>9</sup> It was thought that the smaller committees would give the members a chance to be more involved and to work as a team in creating good public policy. The new system was "meant to provide a greater opportunity for the public to participate in the legislative process." The Legislative Assembly concurred with the Second Report on July 4, 2001. A draft set of Rules was recommended to the full Rules and Procedures Committee in January 2002. The draft Rules were adopted in principle but not implemented until after an estimate of the costs of the new committee rooms, the television support and additional

staffing could be prepared by the Board of Internal Economy. The board ultimately decided that it could not support the full implementation of the Rules Committee report due to increased costs both for the new committee room and the additional staff needed to bring about the proposed changes.<sup>10</sup>

The committee went back to the drawing board and had not given up on implementing the spirit of the 2001 report. The fiscal realities of the province had not changed substantially but adjustments were made to make the committee recommendations more palatable. In the Third Report, dated April 2, 2003, the committee renewed the recommendations to revamp the committee structure with the addition of a second scrutiny committee, the House Services Committee and four policy field committees as had been recommended in the previous committee report. A few modest changes to that report were recommended. On referral of bills to the policy field committees, it was recommended that the member responsible for the legislation decide to which committee the bill should be sent.

The committee wrote that it was aware that the fiscal picture for the province had not improved in the intervening two years but that it recommended that the changes to the committee structure should be adopted and could become fully operational once the funds became available. This included the provision for the "self-referring" function of the policy field committees. The committee believed that this was vital to having members aware and informed of the issues that were on the minds of the public. With regard to the additional funding for the increased support for the new committee structure, the committee recommended that the Rules for a fully operational committee system be "put in place as soon as possible and not held back until all of the resources are available." The committee argued that if the Rules were amended and the system was put in place, it could be implemented when the resources became available.<sup>11</sup>

With regard to the most expensive recommended change, the second committee room, the committee knew that there was room for compromise here. The proposal for a new committee room on the fourth floor of the Legislative Building had been in the works for years. Not only were renovations needed to make the space into a useable committee room but an additional stairway as a fire escape and an extension to the elevator was needed to make the space adhere to the building code in terms of access. In light of these costs factors, the committee reported: "While your Committee acknowledges the financial reasons for not proceeding with the creation of an additional committee room, it remains strongly committed to the principle that two committees should be able to conduct business at the same time and that there be a capacity to televise the proceedings of both of these committee meetings."<sup>12</sup> As an interim measure and as a compromise, the committee recommended that, since the Legislative Chamber was already fitted with television capability, it be used as the second committee room. It was further recommended that the existing committee room on the ground floor be fitted with television capability.

Due to the realities of the financial situation facing the province, the committee was divided as to when the recommended new Rules should be implemented. Since the committee was not able to find a consensus on this point, it was recommended that this decision be left to the decision of the Legislative Assembly itself. Finally, the committee recommended that the wording of the Rules be revised to get rid of out of date provisions and make them more readable to the general public. If the recommendations for a new committee structure were adopted, it was recommended that the House Services Committee undertake the task of revising the wording of the Rules.

The Legislative Assembly did adopt the recommendations for a new committee structure which took effect at the first session following the 2003 election. It was then up to the House Services Committee, as recommended, to take up the task of revising the wording of the Rules to create more clarity and simplicity. It was agreed that the committee room on the ground floor would be made ready for television and the Chamber was to be used as the second committee room. The committee noted that using the Chamber as a committee room posed some problems. The size of the Chamber and the configuration of the desks meant that the Chamber was not as intimate a setting as a smaller committee room. It meant that the members were sitting across from each other in a more confrontational way than if they were seated at a smaller round table. Using the Chamber also meant that members had to rearrange their personal papers so that committee members could use their desks during committee hearings. Notwithstanding these problems, the committee was determined to make this interim solution work. It recommended that the seating be rearranged to accommodate a more intimate feeling to the Chamber. Witnesses were provided with a special table located in the centre of the Chamber and members' staff and advisors were allowed to sit behind the members but close enough to be able to confer. Due to the increased complexity of the scheduling of at least two committees simultaneously between sittings of the House, it was recommended that a weekly calendar be adopted. It was further recommended that the public hearings be conducted in the committee room rather than the Chamber so that the proceedings could be televised more easily. The House was determined to adapt to the interim revisions to the full committee structure and wanted to make the system work.

## **Parliamentary Calendar**

The Standing Committee on House Services continued its work and reported again on October 27, 2006. The committee reported that the recommended new committee structure was in operation. It was now the intent of the committee to recommend the implementation of a parliamentary calendar. The committee wrote that a calendar would help members "to balance the traditional functions of the Assembly with the array of constituency, caucus, and ministerial duties that do not go away during session."<sup>13</sup> The goal of proposing a parliamentary calendar was to make parliament work "more effectively and efficiently." The committee noted that many other jurisdictions had already implemented parliamentary calendars with positive results. The committee wrote that with the implementation of the new Rules with a whole new committee structure," the Legislative Assembly of Saskatchewan had experienced its most profound procedural and operational transformation since 1905. The Rules were modernized to greatly increase public participation in the parliamentary process, enhance the role of the Private Members, and create a new approach to dealing with public policy."<sup>14</sup> In 2006, the Assembly had adopted an experimental parliamentary calendar. This committee report sought to make the calendar permanent. Prior to the adoption of a calendar and with an open-ended session, the two sides tended to play some power politics to try to impose their will on the other side. The committee noted that with a calendar, there were fewer sitting days devoted to "partisan maneuvering." With the uncertain end date for the session, the schedules of members, ministers and staff were greatly disrupted. Members noted that the public often does not know when the assembly is in session or perhaps does not even care. It was argued that the parliamentary calendar helped the members establish a balance between session and outside concerns in caucus and the constituency. "Calendars made sitting times predictable."<sup>15</sup> They argued that the calendar

helped members maintain a better family life and attracted younger candidates in the middle of their careers.

The new proposed calendar prescribed a session of 65 days with a fall session and a Throne Speech and a focus on the legislative agenda. The spring session would be devoted to the budget and review of the estimates. The average length of session had been 73 days but with the new committee system and two committees sitting simultaneously, the work of the assembly could be done more efficiently and thus the number of sitting days could be reduced. The recommended 65 sitting days was in between the length of session for Alberta and Manitoba and right on the number of sitting days in BC. The proposed changes to the Rules spelled out when the assembly would sit and for how long. The week was reduced to four sitting days with Thursday having earlier sitting hours. The members were then free to leave earlier on Thursday to go to their homes and constituencies for the weekend. The committee noted that a parliamentary calendar "requires the willingness of the Government to give up its traditional right to decide when to convene the Assembly, and willingness of the Opposition to give up its parallel right to decide when the session will end."<sup>16</sup> The committee stressed that the new calendar had to balance the interests of the government and the opposition. Specific deadlines were added to the Rules to ensure that all bills prescribed were voted on before the Completion Day of the Session. Bills that were not passed were not to be "deemed passed" as is done in some other legislatures. In Saskatchewan, the Rules require that the votes on all stages of prescribed bills be held before the end of session. In like manner, all questions related to the passage of the estimates and the Appropriation Bill were to be called and passed prior to the end of session. Under the new Rules, any bill that had not passed the assembly before prorogation, could be restored to the *Order Paper* (the assembly's agenda) at the same stage as it was in the previous

session as long as this procedure was carried out within five days following the commencement of the new session.

A further report was tabled from the Standing Committee on House Services on December 12, 2007.<sup>17</sup> This report was as a result of work done by a previous committee during the summer of 2007. The committee knew that an election was expected but no specific date had been announced. Members of this committee continued on with their work of refining the Rules of the Assembly knowing full well that their work could be interrupted by dissolution and an election. The assembly was dissolved on October 10, 2007 and the election was held on November 7, 2007 resulting in a change in government. The Saskatchewan Party won 38 seats and formed a majority government. The work of the committee that was interrupted by the election was presented to the assembly in December 2007. This is an unusual situation where the work of a committee was carried over to a new legislature. The interesting aspect of this procedure was that members of the old committee did not know if there would be an election or who would form government. This set an ideal situation where members from both sides modeled the Rules from an institutional point of view rather than a political one. Both the government and the opposition knew that they could be on the other side of the House after the election and thus had to reform the Rules to be fair to both sides. The new committee reported that "This report, in essence, reproduces the valuable work carried out during the closing days of the last Legislature by the sub-committee."<sup>18</sup> The committee recommended various refinements to the Rules to make them more clear and concise. The fact that members on both sides of the House recommended changes that they knew they could live with regardless of which side they were on after the election is a tribute to their broad mindedness and concern for the welfare of the House itself. It was truly procedure before politics.

## **Results of the Recommended Changes**

Looking at procedural reform over a decade, did the Legislative Assembly achieve what the original committee in 2001 set out as goals? There were four main original goals.

1. Efficiency and more openness of the legislative proceedings: The sessional calendar was certainly a huge change for the Legislative Assembly. Gone are the days when the opposition can threaten to hold up the proceedings of the House for days until certain concessions are squeezed from the government. The call of "we will sit here through Christmas or through the summer!" was common from the opposition over the years. There is little evidence that these threats actually did convince the government to make certain changes but they added a certain sense of drama for the proceedings. Prior to the 1970s, session started after Christmas and went long and hard for a short period of time. Once the farm land was ready for seeding and since a majority of members were farmers, the press was on to finish the work of the session. The hours were long and session, toward the end, extended into Saturday sittings. Members generally did not go home on weekends due to the poor condition of the roads or the rail lines during the winter. Many members came to Regina for the session and were prepared to work straight through until they were done. During session, constituents did not expect to hear from their MLAs unless by letter and travel home for the members was infrequent. As roads improved and fewer members were farmers or at least the sole person operating a farm, there was less pressure to finish before spring seeding. Fall sessions also were started to spread the work over a longer period of time and weekends were reserved for travel back to the constituency.

The sessional calendar has changed all of that. There is now a prescribed time for considering certain business with an end date in mind. On the one hand, there seems to be more

cooperation to get the work done according to a certain schedule. On the other hand, it does seem, to the traditionalists, that the opposition has given up some of its power or influence. Gone are the days for the expression that the "Opposition controls when the session will end." The Rules set a number of conditions that must be met before items of business can be brought to a vote, unless the opposition lets them go sooner. The Rules take away the ability of the government to manipulate the legislative agenda purely to its advantage. The Rules guarantee that bills and estimates must meet very specific thresholds of hours of debate before a vote is forced at the end of the session. These thresholds force the government to put forward its agenda sooner rather than later or there would not be enough hours in a session to get its business through. The Rules also require that bills be introduced (for the most part) in the fall and the budget in the middle of March. It is necessary to meet these deadlines if the government wants its business to come to a vote before the end of the calendar period. So the opposition is protected by a guaranteed number of hours on each item of business and they get to see the legislative agenda early because of the deadlines. If either of these conditions are not met, the Speaker will not require the items to come to a vote. By adopting the sessional calendar, Saskatchewan joined the vast majority of Canadian houses, though with some differences. In the Saskatchewan model, there are conditions in the calendar for the passage of business that try to balance the needs of government and opposition. The Saskatchewan calendar is set in the Rules and is enforceable by the Speaker and not dependent on agreements between the government and opposition whips which can sometimes break down. In any case, for better or worse, the days of high drama with threats to drag out the session are gone. The opposition so far has not complained publicly about losing the right to delay the business of the House.

It is important that this role was given to the Speaker. The Speaker of the Legislative Assembly is chosen by secret ballot. At the beginning of each new Legislature or in the case of a vacancy for Speaker, MLAs may submit their names to the Clerk for inclusion on a ballot. The Speaker is, as much as is possible, independent and fair. For the most part, the Speaker is respected by both sides of the House. There are times when members see issues through their partisan lenses which can lead to an occasional feeling of disrespect or unhappiness.

In the words of the Honourable Dan D'Autrement, Speaker of the Legislative Assembly of Saskatchewan,

Speakers are elected by a secret vote of the Members of the Legislative Assembly and are not appointed by the Premier or Executive Council (EC). The Speaker is responsible to the Members and Assembly, not to the Premier or EC. Governments, especially EC, feel the Speaker, generally a governing party member, should favour the government.

And further:

The Speaker must treat all members equally and Government and Opposition fairly while ensuring the Rules adopted by all members are applied equally to both sides of the House. While the Governing Party may have the majority, in most cases, it does not have absolute power. The power is held by all members collectively. The question is how do they choose to exercise it. While Government may ultimately get their way, Opposition has tools under the Rules to hold the Government to account before the Assembly, the media and the public ... In the role of Speaker, it seems that the longer you are Speaker, the less popular you are with cabinet ... I see it as the Speaker's role to protect our institution of democracy from assault from within as well as from without! <sup>19</sup>

2. More powerful or independent private members: The Rules Committee clearly stated that it was proposing changes to the Rules to give the private members on both sides of the House more opportunity to speak freely and to represent their constituents without the control or pressure from Executive Council or party discipline. Notwithstanding the changes recommended, it does not appear that the private members have gained any additional power or independence. Party discipline is still strong. The Saskatchewan Legislature is relatively small and the

proportion of cabinet within the House is large. As of the time of writing, there are 49 government members and 18 are in cabinet. This proportion is quite usual for Saskatchewan. In contrast, in the House of Commons in the UK, the number of cabinet ministers is much fewer than the number of private members. If private members in the UK do not get into cabinet, they have the consolation of looking for other important tasks to stay busy and to represent their constituents. Chances of being noticed and invited into cabinet are much slimmer in the UK than in a House such as Saskatchewan. Party discipline on the private members in the UK is thus much less. In a smaller House and especially for new members, there is indeed pressure and high hopes that a member will be invited into cabinet. Members can be successful and not be in cabinet but this is not a common view in Saskatchewan. There is always that fond hope on the government side that a member, if his/her performance is stellar and in line with party discipline, will be invited by the premier to sit in cabinet. This enhances the power and influence of the premier, the executive branch of government and the political advisers. There is the complaint in the Canadian House of Commons and to some extent in the provinces that the private members are expected to act like "trained seals" and to vote in line with party discipline. The same applies to members in the opposition. If a private member hopes to impress the leader and to someday, when their party forms government, to be in cabinet, party discipline also applies with equal strength. In the United Kingdom and Australia, the prime minister is chosen by the party caucus rather than a convention of the party membership. There are some disadvantages to this system but it does mean that the leader is more accountable to the private members than in Canada.

The press will call loudly for less party discipline and more independence for members. This is an easy call for the press without acknowledging the pressure that the members are under to toe the line. If a member does stray from the strict policy of his/her party, the press is the first

to draw attention to the "split in the ranks" or the weakening of party discipline. Oppositions are quick to call for "free votes" hoping that they can convince the government private members to vote with them independently. In the end though, statistics show that opposition private members vote independently less frequently than the government private members.

Some political observers often describe the ideal political scene as members on both sides of the House working together on a committee without political posturing. This is a naive expectation. To have two active and vigorous political parties sitting across from each other with the expectation that they will be quick to agree on key and contentious points is not realistic. Parties campaign on specific points and if elected, feel they have to defend and implement those points of view. The public and the press expect that as well. It is hard then for government members to set aside those political platform planks and to vote with the opposition even if they might want to. Nonpartisan political action in the House may be set out as an ideal but can be rare. However, there are exceptions to that rule where the two sides will agree on an issue of substance and only disagree on the details. There are times when they can work together on issues such as child prostitution, an environmental charter of rights, driving safety or tobacco control.

One sitting day per week during session is devoted to private members' business – either private members' public bills or resolutions. In recent years, two issues raised by opposition members have been accepted. In one case, an opposition member had his private members' public bill accepted with amendment regarding "asbestos right-to-know". The bill passed but, of September 2013, it had not yet been proclaimed.

In another case, an opposition member's bill was introduced and debated but not passed. The government pledged to bring change by way of regulations that would give the same

protection for workers on duty alone at night in service stations for example. Members accepted this pledge and the bill did not proceed further.

Members of the Legislative Assembly are well served by a neutral independent team of three Table Officers (The Clerk, the Law Clerk and Parliamentary Counsel and the Principal Clerk). Reporting to the Clerk are the Executive Directors of Human Resources and Administration Branches.

Each committee has support from a committee clerk, Hansard and the Television Branch. The Legislative Library provides excellent bibliographical research to members. All of this service is nonpartisan and is offered equally to all members. In addition, the Board of Internal Economy provides funding to each MLA for a constituency assistant, office expenses, travel, equipment and furnishings. Through the caucus grants, MLAs receive research services on specific topics of their choosing.

Party discipline is not necessarily an evil point. People in the British parliamentary system expect governments to take firm stands on issues and to lead from the points outlined in their campaign platform. Once a government is formed, discipline is required to ensure that the members will vote together and support the leadership in implementing those points. If a premier loses the power to call on members to follow his/her lead, the government will not last long. The opposition, while calling for less party discipline, will in their own right have strong party discipline in order to attempt to overthrow the government or at least win the next election. Winning the right for private members to be independent is a lofty ideal laden with all sorts of obstacles.

The Rules Committee prescribed certain ways that the private members can exert more independence but to date, they have not taken advantage of those possible freedoms because of

party discipline. For all of the above reasons, there does not appear to be much change in the Saskatchewan Legislative Assembly for private members to follow a more independent path. The tools are there. It is just a matter of the members taking advantage of those possible new powers. This was echoed by Speaker D'Autrement who said: "It is more likely senior government members who exercise the ability to speak and ask questions in committee. They are more likely to understand the government agenda but also are more confident in their own abilities and more independent of Executive Council control. Often they have come to realize they are less likely to make it to cabinet."<sup>20</sup> However, most private members are not prepared to challenge party discipline.

3. More clear and easily understood Rules: The Committees set out to rewrite the Rules to make them more easily understood by the public and the members. It is true that the Rules do now read more clearly but no matter what Rules changes are implemented, they will never be listed on the top of the nonfiction best seller list. Parliamentary procedure is complex and the Rules have to try to anticipate as many situations as possible. It takes years of study for clerks and Speakers to understand and to know all of the possible situations and how the Rules should be applied to be fair to all sides. Rules are written to protect the minority in the House. There is an old adage that the Rules will protect the minority because the majority will look after itself. Complexity in drafting Rules is similar to drafting legislation. The public often complains that the laws are too complex and yet if they aren't, lawyers and courts will derive all sorts of interpretations, some not in line with the intended meaning by the legislators. Of all of the stated goals of the Rules and House Services Committees over the years, the Rules are somewhat more clear and understandable but pure simplicity and meaning is not a possibility with parliamentary procedure and the Rules.

4. More public participation: The committees stated a goal of having the legislature's Rules more welcoming for the public to participate in committee hearings and enquiries. The recommended changes did increase the efficiency of the proceedings by having two committees meeting simultaneously rather than just one in the Chamber as had been the practice in the past. It had been nearly impossible for the public to appear before the Committee of Finance or the Committee of the Whole, committees which sat in the Legislative Chamber. The Rules Committee recommended that two separate committee rooms be created with both having the capability to televise. It was intended that both committee rooms would be smaller than the Chamber which would make the witnesses feel more comfortable. It was also intended that the members, rather than sitting across from each other in a confrontational way, would sit perhaps at a round or oval table which hopefully would lead to less partisan or confrontational debate. The committee also recommended that more money be set aside so that the committees could initiate hearings or enquiries on their own initiative. The increased budget was requested too so that there could be more Hansard services and more researchers to assist the members in their enquiries and reviews.

The recommendations for the committee room have not been implemented yet. As was noted above, the first Rules Committee Report recommendation for two dedicated committee rooms was not supported with funding from the Board of Internal Economy. Over a year later, the committee tried again to get change by proposing some compromises. Rather than having two new televised committee rooms, the committee recommended that there be one new room and that the Legislative Chamber be used as the second committee room until the economy improved. Space does exist in the Legislative Building but expensive renovations are needed to make that space into a proper committee room. The Chamber was a compromise but it does not

have the ambiance of a smaller room. After more than a decade, the government has still not felt the economy has improved enough to allow for the second committee room. The additional budget for Hansard and research staff for the new committee structure has been approved in part but not to the full extent that was recommended by the committee. It is true that the benefit of having two committees sitting at once has improved the speed in which legislation or estimates can be reviewed but the advantages of having smaller rooms with television and less partisan debates has not been achieved. The legislative committees are very active. During a normal session, the various committees spend 36 hours on Bills and 77 hours on estimates.

The recommendation for having committees able to initiate enquiries without a reference from the assembly has not been implemented either. The government has not relinquished its control over the committee budget to allow committees the freedom to establish special reviews when they think necessary. This is partly a question of money but it is also a question of control over the private members in the committees – both government and opposition. Again this comes back to the above discussion about party discipline and the role of private members. Once cabinet realizes that more committee activity and more public input into discussion and policy making will make governments more accountable, they will perhaps see that this will improve their public image and thus show them to be more acceptable to the voters in the end. It will take a leap of faith in the private members and an initiative on the part of the private members to make this change. To date, there has not been much change in the number of witnesses invited to appear before committees or for committees to travel. Perhaps this will change in time.

## **Conclusion**

The Rules Committee in 2001 set out very noble and lofty goals. The recommendations were spelled out over a period of over ten years and when two different governments were in power. Some steps have been taken to change the committee structure to make it more efficient. The sessional calendar has also meant that the review and airing of public issues is more organized and predictable. The increase in public input into the legislative process and the enhanced role for private members has not changed much since the new Rules were put into place. Perhaps these changes will come in time but until cabinet loosens its control and the purse strings, not much will change. When private members take the tools they have to assert their role as representatives of their constituents, major change in the parliamentary process may be noticed. The Rules and House Services Committees over the years are to be complimented for their valiant efforts and hard work to bring change. Their vision is still possible and with a few more years, perhaps their recommended and remodeled parliamentary system will be achieved.

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- 1 Bill Waiser, *Saskatchewan: A New History* (Calgary: Fifth House Publishers 2005), 4.
  - 2 *Ibid.*, 7.
  - 3 Gordon L. Barnhart, *Peace, Progress and Prosperity, A Biography of Saskatchewan's First Premier, T. Walter Scott* (Regina: Canadian Plains Research Centre, 2000), 71.
  - 4 Gordon L. Barnhart, *Building for the Future, a Photo Journal of Saskatchewan's Legislative Building* (Regina: Canadian Plains Research Centre, 2002), 27.
  - 5 Gordon L. Barnhart, "Television in the Legislative Assembly of Saskatchewan," *The Table-The Journal of the Society of Clerks-at-the -Table in Commonwealth Parliaments*, 1983).
  - 6 Legislative Assembly, see Loleen Berdahl, "A Prairie Plateau: Women in Saskatchewan Politics," in Linda Trimble, Jane Arscott and Manon Tremblay, eds., *Stalled: The Representation of Women in Canadian Governments* (Vancouver: UBC Press, 2013), 214-32.
  - 7 Independent Commission to Review Members' Compensation and Benefits website and Legislative Assembly of Saskatchewan, "Salaries and Allowances of Members effective April 1, 2013".
  - 8 Legislative Assembly of Saskatchewan, Special Committee on Rules and Procedures, *Second Report*, July 4, 2001, 1.
  - 9 *Ibid.*, 12.
  - 10 Legislative Assembly of Saskatchewan, Special Committee on Rules and Procedures, *Third Report*, April 2, 2003, 1.
  - 11 *Ibid.*, 14.
  - 12 *Ibid.*, 6.
  - 13 Legislative Assembly of Saskatchewan, Standing Committee on House Services, *Report*, October 27, 2006, 2.
  - 14 *Ibid.*, 1.
  - 15 *Ibid.*, 2.
  - 16 *Ibid.*, 6.
  - 17 Legislative Assembly of Saskatchewan, Standing Committee on House Services, *First Report*, December 12, 2007.
  - 18 *Ibid.*, 1.
  - 19 Interview with the Honourable Dan D'Autrement, Speaker of the Legislative Assembly, July 31, 2013.
  - 20 *Ibid.*