

School of Public Policy and Administration

Weekly Newsletter

April 2013 – Volume 1, Issue 5

Important Reminders

SPPA Summer Hours of Operation

Please note that as of May 1, 2013 the hours of operation for the SPPA will change to 8:30am-4:30pm Monday-Thursday and 9:30am-4:30pm on Friday. This change will be in effect until August 31, 2013.

F/W 2013-14 Course Enrolment Period

Enrolment access dates and times have been released for the Fall/Winter 2013-2014 academic year. Please check your access date and time at the following link:

<http://www.registrar.yorku.ca/enrol/guide/>

Announcements

Public Law I and Public Law II Summer 2013

For those students who are interested in enrolling in PPAS/POLS 3135 (Public Law I) and PPAS/POLS 3136 (Public Law II) for the Summer 2013 session, but are unable to accommodate the 4:00pm start time, there is also a section held at Glendon campus Monday and Wednesday with a later start time of 6:00pm.

For more information, please contact Nicole Lebon at 416-736-2100 extension 88152 located in the Political Science Department at Glendon College.

SPACES AVAILABLE TO ENROL!

AP/PPAS 2110 6.00 A - Canadian Government

Spaces available to enroll in PPAS 2110 6.00 A, Canadian Government for the Summer 2013 term.

This course provides a systematic introduction to Canadian government and politics with a particular focus on political institutions. Topics will include the executive, the legislature, the judiciary, federalism, the policy process, electoral behavior, and group politics. Course credit exclusions: AP/POLS 2910 6.00, GL/POLS 2600 6.00. PRIOR TO FALL 2009: Course credit exclusion: AS/POLS 2910 6.00.

SU 2013

CATEGORY # N3OM01

TUESDAY & THURSDAY, 4:00PM-6:00 PM

For Further Information Contact

The School of Public Policy and Administration
Tel: (416) 736-5384 | Email: lapssppa@yorku.ca
| Website: www.yorku.ca/laps/sppa

Prorogation: A matter of restraint

Member's bill would give renewed legitimacy to suspending legislature

**Article by Dr. Radha Persaud originally published in the Hamilton Spectator on April 3, 2013.*

The introduction in the Ontario legislature of a private member's bill on March 6 to constrain the ability of elected officials to prorogue the legislature and to call it back within a certain time period has not engendered much discussion or debate among constitutional scholars and other citizens.

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This is not surprising. Putting a deadline on the term of prorogation is a reasonable change. However, creating a new process to agree on prorogation would produce a hornet's nest of issues and difficulties for legislatures.

Arguably, the best guarantee of the integrity of representative democracy is responsible, restrained action by participants.

Parliamentary tradition suggests that responsibility for the legitimate use of prorogation lies with the premier who is responsible and accountable to the people, while the role of the lieutenant-governor in this process is constrained by the norms and traditions of our constitutional monarchy. Although not perfect, this system has served us reasonably well since 1867.

It is true that the equivocal nature of the traditions governing the use of prorogation means that it is not easily understood. Neither its purpose nor the norms for its use are clear. Arguably, its fundamental purpose is to give governments a chance to reconsider and reorder their legislative agendas. In truth, however, prorogation is hardly ever requested by a prime minister or premier without political advantage in mind. There are no rules setting limits on political manipulation in prorogation requests; the basic principles are clear, the application of them is difficult.

Similarly, it is uncertain how much independent judgment the lieutenant-governor should exercise in responding to a request for prorogation. It is clear that the lieutenant-governor does have extraordinary reserve powers in order to ensure legitimacy in governmental succession. But should such powers have been used by Ontario Lieutenant-Governor David Onley last fall to forestall prorogation? This question relates as well to recent cases involving Prime Minister Stephen Harper, Newfoundland's Premier Kathy Dunderale and British Columbia's Premier Christy Clark.

It is the protection of responsible government that is central in these cases. In the McGuinty-Onley

challenge, for example, should prorogation have been granted to allow the Liberal government to regroup, choose a new leader and escape questioning that it found disruptive? In my opinion, it was incumbent on the premier to be more responsible and accountable to the people of Ontario for his decision — not the lieutenant-governor. Meaningful civic engagement by our elected leaders is imperative for good government under the rule of law.

The deeper ongoing controversy, however, is whether the lieutenant-governor should also bear criticism for having acceded to the premier's unusual request for prorogation while at the same time declaring his intention to resign. And, given that the Lieutenant Governor has let it be known that he was disquieted by the request, can he be justifiably criticized either for disclosing his difficulty with the decision he faced or, on the other hand, for not resolving his difficulty with a more aggressive use of his powers?

In my view, he deserves neither criticism, although (effective) heads of state (as representatives of the Monarch) in the parliamentary system should never be put in such a position. Current Ontario law explicitly allows for prorogation without a firm date for returning to the legislature. The premier's request satisfied this norm, regardless of convention. Further, when the elected head of government advises the Lieutenant Governor that sound government for the people of the province requires a period of political reorganization, it is difficult to imagine that democracy is better served by having the appointed Lieutenant Governor overrule this assessment. On the other hand, it was the premier — not the Lieutenant Governor — who should have made his reasoning public.

The relationship between the head of state and a first minister in our system should be conducted with propriety and without public scrutiny. If it were not, the lieutenant-governor would eventually lose all persuasive ability; no premier would ever enter a frank discussion over a governmental matter if he or she thought that the

discussion could later be broadcast. But the people should not see the lieutenant-governor as a mere cipher of the government's will. In fact, in view of the unusual circumstances of the premier's conduct, the disclosure of the Lieutenant-Governor's uncertainty is not startling.

Undoubtedly, the Lieutenant-Governor's role in acting on the advice of the premier to shut down and recall the legislature will be lightened by a conscientious effort on the part of the new premier and others in the legislature to amend the Legislative Assembly Act to stipulate a reasonable time limit for prorogation — perhaps a maximum of 40 days. This aspect of the private member's bill will render prorogation more legitimate in our parliamentary system.

Dr. Radha Persaud is a political science professor, with particular expertise in Canadian constitutional law, at Glendon College and the School of Public Policy and Administration, York University. He is currently conducting a study on the role and office of the lieutenant-governor of Quebec for which he received funding from the Government of Quebec.

Seminars/Workshops

See next week's announcements...

SPPA Events

See next week's announcements...

Other Events

Info Session: Publishing a Scholarly Monograph

PUBLISHING A SCHOLARLY MONOGRAPH: From Proposal to Print

Thursday, April 18, 2013
1:30 – 3:00 pm
109 Atkinson

Speaker:

Lisa Quinn
Acquisitions Editor
Wilfrid Laurier University Press

Call for Papers

See next week's announcements...

Contests

See next week's announcements...

Employment Opportunities

See next week's announcements...

Volunteer Opportunities

See next week's announcements...

Internship Opportunities

See next week's announcements...

Other

See next week's announcements...