

Closer to the People?

Adaptations to COVID-19 by Canada's provincial and territorial legislatures



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Please let us know if you see any errors or have any concerns about the information gathered below.

Introduction

How has COVID-19 affected the operation of Canada's provincial and territorial legislatures?

Canada's federal system divides powers between the federal government and the provinces and territories. Many of the policy areas most vital for responding to COVID-19, such as health care, education, and workplace safety, are assigned to provincial and territorial governments.

With 13 different experiences of the virus, and 13 different provincial and territorial government responses in Canada, there are also 13 different sub-national parliamentary democracies of varying size, capacity, and partisan balance that are struggling to adapt to radically altered circumstances.

As past editions of the Democracy Monitor discussed, the basic structure of legislatures – which bring dozens of elected representatives from across a jurisdiction to a single room – makes them especially vulnerable to disruption by COVID-19. As such, it can be tempting for legislatures to quickly give governments the power to respond to the pandemic and then suspend operations. Yet the enormous impact of these decisions – such as whether schools or businesses must close – as well as the variety of impacts on different cohorts of citizens, makes it vital that representatives closely scrutinize the choices made and their implementation. Depending on the duration of the disease's spread, provincial and territorial legislatures may also need to resume work on the many issues other than COVID-19 that fall under their jurisdiction.

This edition of the Democracy Monitor examines how the provincial and territorial legislatures modified their operations after the World Health Organization declared a global COVID-19 pandemic in mid-March, 2020. Part I briefly reviews the emergency responses taken in each jurisdiction (if any) while Part II examines their more recent steps to resume some degree of regular operations.

It reveals both striking differences and some strong similarities across jurisdictions.

KEY FINDINGS

- Three legislatures (PEI, Nova Scotia, and Nunavut) have **not sat a single day since the pandemic was declared**. Two more (Saskatchewan and Yukon) have **not sat since mid-March**. In contrast, the Alberta Legislature has sat semi-regularly throughout the lockdown.
- Despite the rapid emergence of virtual parliaments throughout the world, **few provincial and territorial legislatures have looked to technology** to keep up parliamentary business. Just three out of thirteen legislatures have held virtual committee meetings, and only Newfoundland and Labrador has authorized virtual sittings.
- While all governments hold exceptional authority during this emergency, **some have circumvented the legislative process more than others**. Alberta's Bill 10 allows the government to create new laws without further legislative approval, while Saskatchewan has spent billions through cabinet orders rather than through legislative approval.
- **Where they are active, committees have been one vehicle for innovation**. Virtual committee meetings enabled timely scrutiny of government actions in BC, Northwest Territories, and Quebec, while BC is using virtual committee hearings to engage with the public on new items of business.
- The governments in New Brunswick and Newfoundland and Labrador **created special pandemic response committees that included both cabinet members and Opposition party leaders**. While showing cross-party cooperation, these committees operated outside the legislative system and so **their proceedings have not been public**.
- **However, the vast majority of provincial and territorial committees haven't met since the pandemic began**.
- The pandemic struck just as most provinces had passed or were debating their budgets. Given the need for emergency spending on pandemic response, **most legislatures abandoned their usual financial controls**.

Several legislatures are now moving toward partial re-opening with more regular sittings. But major questions remain: How to ensure sufficient scrutiny of the decisions of Canada's powerful subnational governments? How to ensure the diverse and substantive representation of citizens?

With the real possibility for new waves of the virus and future shutdowns over the next year or more, these are critical questions to answer. Based on the experience thus far, the Samara Centre offers the following recommendations:

RECOMMENDATIONS

- **Make oversight an essential service:** Legislatures must scrutinize governments throughout the pandemic to ensure they remain responsive to citizens.

- **Get with tech:** Virtual platforms should be embraced to enable legislative activity and ensure participation by all Members, not just those who can attend physically distanced sittings.
- **Don't rush:** While governments may want to pass legislation as quickly as possible, there are several examples where this has produced unnecessary stand-offs between Government and Opposition or resulted in the passage of legislation with serious issues. Instead of finding ways to pass legislation more quickly, governments should work to enable more thorough consideration of legislation.
- **Cooperate in public:** While cross-party cooperation is commendable, having senior Government and Opposition leaders conduct closed-door negotiations or meet in non-legislative committees serves to prevent participation by the majority of MLAs, hinders transparency, and also creates confusion about who is responsible for which decision – or even what was agreed. Cross-party decision-making should be done in an official legislative sitting
- **Resume usual business, but not business as usual:** Provinces can't wait until the pandemic is over to deal with non-COVID-related business. But, with many people distracted and many civil society organizations in financial trouble, legislatures must find new ways to encourage and seek out public input.
- **Reboot committees:** Where committees have met using virtual methods, they have expanded opportunities for scrutiny and provided a way to continue some regular business. But the vast majority of legislative committees have not met since the pandemic began, creating a large missed opportunity.
- **Start following the money:** It is understandable that most jurisdictions abandoned their usual budget and financial processes in order to respond to the pandemic. But governments must share their assumptions and plans with legislatures going forward if financial oversight is to continue.

Finally, the Appendix provides further information on the developments in each jurisdiction.

Part I: Emergency responses and oversight

The COVID-19 pandemic reached Canada in early March, just when most provincial and territorial legislatures were considering the budget proposals for the 2020-21 fiscal year put forward by their respective governments. But the different jurisdictions varied enormously in their initial reactions to the situation. The provincial responses can generally be grouped into five categories.

Table 1: Emergency response by provincial and territorial legislatures

Prov.	Sitting days March 16 – May 15	One-day emergency sessions	Pandemic scrutiny by committee(s)	Bills passed since March 13		Budget passed?
				<i>Emergency or COVID-related</i>	<i>Non-COVID</i>	
BC	1	March 23	Yes	2	0	No
AB	13	-	No	5	5	Yes
SK	3	-	No	1	0	No
MB	7	April 15	No	9	4	No
ON	4	March 19; March 25; April 14	No	4	0	Fiscal Update
QC	1	-	Yes	1	0	Yes
NB	2	March 17; April 17	No	4	0	Yes
PEI	0	-	No	0	0	No
NS	0	-	No	0	0	Yes
NL	2	March 26; May 5	No	10	0	No
YT	4	-	No	0	4	Yes
NT	1	March 16	Yes	2	0	No
NU	0	-	No	0	0	Yes

Extended an existing hiatus

Two jurisdictions, Nova Scotia and Nunavut, had completed their planned sittings and adopted their 2020-21 budgets just as the WHO declared the global pandemic. A third, Prince Edward Island, had yet to begin its spring session. The three jurisdictions cancelled any planned legislative activities, including committee meetings, and none held an emergency session. As such, there has been no formal mechanism for the three legislatures to oversee their governments' response to the pandemic.

Shut down their sessions

Ontario, Saskatchewan, and Yukon were in the midst of their spring sessions when the pandemic hit Canada, and quickly suspended their operations in response. None of the three established any kind of legislative mechanism to oversee their governments' emergency responses to the pandemic throughout March and April.

Opposition parties in the Yukon agreed to rapidly pass the territory's budget and adjourn the sitting in exchange for concessions from the Government. A disagreement has emerged over the extent of concessions, but the legislature remains closed. The Saskatchewan Government side-stepped the assembly by presenting a scaled-back budget after the legislature had adjourned, and then using cabinet orders to authorize the spending without having a vote by MLAs. The Ontario legislature held three brief emergency sittings (March 19, March 25, and April 15) with a skeleton crew of MPPs to approve the province's state of emergency, adopt emergency legislation, and pass various spending measures.

Formed a Special Committee

Like those in the “Shut down their sessions” category, the New Brunswick and Newfoundland and Labrador legislatures both adjourned quickly, and did not take steps to ensure ongoing oversight through sittings of the legislature or its regular committees. However, the Governments in both jurisdictions invited Opposition leaders to join new all-party committees *outside of the legislature* to oversee their pandemic responses.

The creation of these all-party committees could reflect the minority situation in both provincial legislatures, with the two Governments choosing to make decisions with direct input from the Opposition outside of the legislature. Yet this increased collaboration and Opposition input did little to advance transparency, since the proceedings of these committees were not made public. As the pandemic wore on, Opposition leaders in both provinces also complained that they were not consulted on all decisions. Opposition politicians in Newfoundland and Labrador are also complaining that the Government has failed to deliver promised exemptions to the travel restrictions imposed in Bill 38, which is now being challenged in court. Both the New Brunswick and the Newfoundland and Labrador legislatures each held two one-day sessions with a minimal number of Members to approve emergency spending and legislation.

Initiated virtual oversight

The British Columbia, Northwest Territories, and Quebec legislatures all utilized virtual committee meetings to provide some oversight of their pandemic responses. While the National Assembly of Quebec had already adopted its budget when the pandemic struck, the BC legislature was on a planned recess and so held a one-day session in late March with just 13 MLAs to approve emergency spending and other measures. The NWT held a similar emergency sitting with a small group of Members to approve its interim spending.

British Columbia and NWT both moved committee activity to videoconference (BC) or teleconference (NWT) starting in late March. Quebec joined in late April. However, while some of the committee work in BC has focused on reviewing the government’s response to the pandemic (e.g. hearings by the Select Standing Committee on Children and Youth), much of it has been focused on administrative matters or new, non-COVID business.

Committee meetings in the NWT have been limited to those by the Standing Committee on Accountability and Oversight. While initially restricted to teleconferences among MLAs, beginning in April the committee began having public evidence sessions about the government’s COVID-19 response and re-opening plan that were streamed online. Committee hearings in Quebec have also been public, providing MNAs with a way to hold Ministers to account.

Continued (some) business as usual

Unlike all other jurisdictions, the Alberta and Manitoba legislatures not only dealt with emergency legislation in the weeks after the pandemic struck, but also pushed ahead with non-COVID-related bills as well. In Manitoba, the Opposition was beginning a filibuster of the Government’s budget as the pandemic was declared. While partly based on concerns with the budget itself, the primary objective of the filibuster was to prevent the Government from taking advantage of a legislative rule stipulating that Government bills tabled within 20 days from the start of a session were guaranteed to pass by the end of June. Along with the budget, the Government planned to introduce a set of 21 other bills covering a wide range of issues, sparking Opposition concerns that the provisions would not receive sufficient scrutiny, particularly given the pandemic.

The filibuster continued for five days until the 20-day window had closed. The Government finally presented its budget on March 18, after which the assembly adjourned. A small group of MLAs then reconvened on April 15 for a one-day emergency sitting. However, in addition to several response bills, MLAs also completed the passage of four non-pandemic bills – a number that would have been larger had the Opposition not pushed back against the Government’s initial proposals.

The Alberta legislature was on recess when the pandemic was declared. It sat four days the following week to hastily pass the provincial budget and some emergency provisions before adjourning indefinitely. The break turned out to be surprisingly brief, with the assembly sitting the first two weeks of April and the first week of May. During this time the Government introduced several pieces of pandemic-related legislation, including the controversial Bill 10, which allows the Government to issue decrees that impose new regulations and penalties – even ones that override existing laws – without requiring further legislative approval.

Alberta also moved forward with non-pandemic bills as well, including one that fundamentally changed the management of liability for “orphan” oil wells. Opposition MLAs and stakeholders expressed a range of concerns throughout this period, arguing that the Government was giving itself too much discretionary power, that major legislative changes should not be made in a pandemic, and that the sittings of the assembly itself were a public health risk. Notably, despite voting down Opposition attempts to introduce a sunset clause on the powers in Bill 10, the Government has now acknowledged that the measures go too far.

Because of the filibuster in Manitoba, and early resumption of sittings in Alberta, the two legislatures together had more days between March 16 and May 15 than the other 11 provincial and territorial legislatures combined.

Part II: Getting back to work

Just like other workplaces, Canada’s provincial and territorial legislatures are searching for ways to resume their operations while complying with public health guidelines. But there’s been surprisingly little innovation in this regard, with the majority of jurisdictions either remaining closed or relying on physical sittings with a reduced number of Members in attendance.

Table 2: Resumption of work by provincial and territorial legislatures

Prov.	Date to resume spring sittings	Substantive committee(s) active	Virtual meetings approved
BC	June 15 or 22	Children and Youth; Finance and Government Services; Public Accounts; Special Committee to Review the Personal Information Protection Act	Yes
AB	March 31	Public Accounts	No
SK	None	No	No

MB	May 6	Crown Corporations	No
ON	May 19	No	No
QC	May 26	Agriculture, Fisheries, Energy and Natural Resources; Culture and Education; Health and Social Services; Labour and the Economy; Citizen Relations; Planning and the Public Domain	No
NB	May 26	No	No
PEI	May 26	No	No
NS	None	No	No
NL	None	No	Yes
YT	None	Appointments to Major Government Boards and Committees and Public Accounts	No
NT	May 26	Standing Committee on Accountability and Oversight	No
NU	None	No	No

Closed for business

At the time of writing, three jurisdictions – Nova Scotia, Nunavut, and Saskatchewan – had not announced any plans to resume either legislative sittings or committee work. Aside from PEI, these happen to be the three legislatures that have already gone the longest without sitting or committee work, with Nova Scotia and Nunavut having not yet sat a single day since the pandemic was declared, and Saskatchewan having not sat since rapidly adjourning in mid-March.

By committee only

Yukon is an outlier from other jurisdictions in that two committees, the Standing Committees on Appointments to Major Government Boards and Committees and Public Accounts, have each held one virtual meeting on regular business since the pandemic began. However, all other legislative activity has stopped. The Public Accounts Committee, which is the only one at the legislature chaired by the Opposition, completed two substantive reports at its meeting and also passed a motion to make the minutes of its meetings public going forward.

Returning to regular programming already in progress

Just over half of all provincial and territorial legislatures have resumed more regular sittings or plan to do so this week. The Alberta Legislature has been the most active, with four sitting weeks between March 15 and May 8, and plans for starting May 27 and continuing into June. The Manitoba Legislature has been sitting one day per week since the start of May, while Ontario resumed two sittings per week on May 19. The New Brunswick, Northwest Territories, PEI, and Quebec legislatures will begin their sittings on May 26.

These resumed sittings feature the usual daily routines, such as question period and the introduction of new legislation. Alberta has already passed two new non-COVID-related bills that were introduced after the pandemic was declared. However, Alberta, Manitoba, Ontario, and Quebec are meeting with reduced attendance, leaving many Members unable participate. It is also usually up to the parties to decide who can be present. New Brunswick, Northwest Territories, and PEI will try to include all Members by reconfiguring their chambers to increase distancing or having some Members sit in the public and media galleries. However, some Members in these jurisdictions may still be unable to take part due to underlying health issues, family responsibilities, or travel difficulties.

While these resumed sittings are a welcome development, it is unclear how long they will continue, or if they will make up for time lost due to the pandemic shutdown. For instance, before the pandemic, the Manitoba legislature was scheduled to sit for 26 days throughout April and May. However, under current plans it will sit for just five days over the two months combined, with no further meetings scheduled until the fall.

Let's go virtual

To date, British Columbia and Newfoundland and Labrador are the only jurisdictions to approve fully virtual or hybrid legislative sittings. British Columbia is the virtual leader among the provinces, with the province scheduled to resume sitting in mid-June using a hybrid physical/virtual format, with some Members in the chamber and others taking part remotely from their home communities or other rooms in the legislature. In June, the Standing Committee on Finance will also begin its annual pre-budget consultations using virtual meetings, and virtual consultations are being held by the assembly's special committee to review the Privacy Act.

Newfoundland and Labrador approved the move at the May 5 emergency session to reduce travel and so that more MHAs can participate than is possible solely through physical distancing (just 15 of 40 MHAs were present on May 5). MHAs have given a Select Committee of Rules and Procedures Governing Virtual Sittings until July 1 to determine how the proceedings will unfold.

Table 3: Overview of provincial and territorial reactions to COVID-19

Emergency response	Getting back to work			
	Closed for business	Committee only	Resuming regular operations	Going virtual
Hiatus	Nova Scotia; Nunavut		PEI	
Shut down	Saskatchewan	Yukon	Ontario	
Special Committee			New Brunswick	Newfoundland and Labrador

Virtual oversight			NWT; Quebec	British Columbia
Some business as usual			Alberta; Manitoba	

Part III: Lessons and outstanding challenges

The COVID-19 pandemic has affected our parliamentary democracy differently in different parts of the country. No one jurisdiction stands out strongly from the rest. But it's important that we draw lessons from the experience thus far — especially given the risk that legislatures may once again need to restrict their activities in response to future waves of the virus.

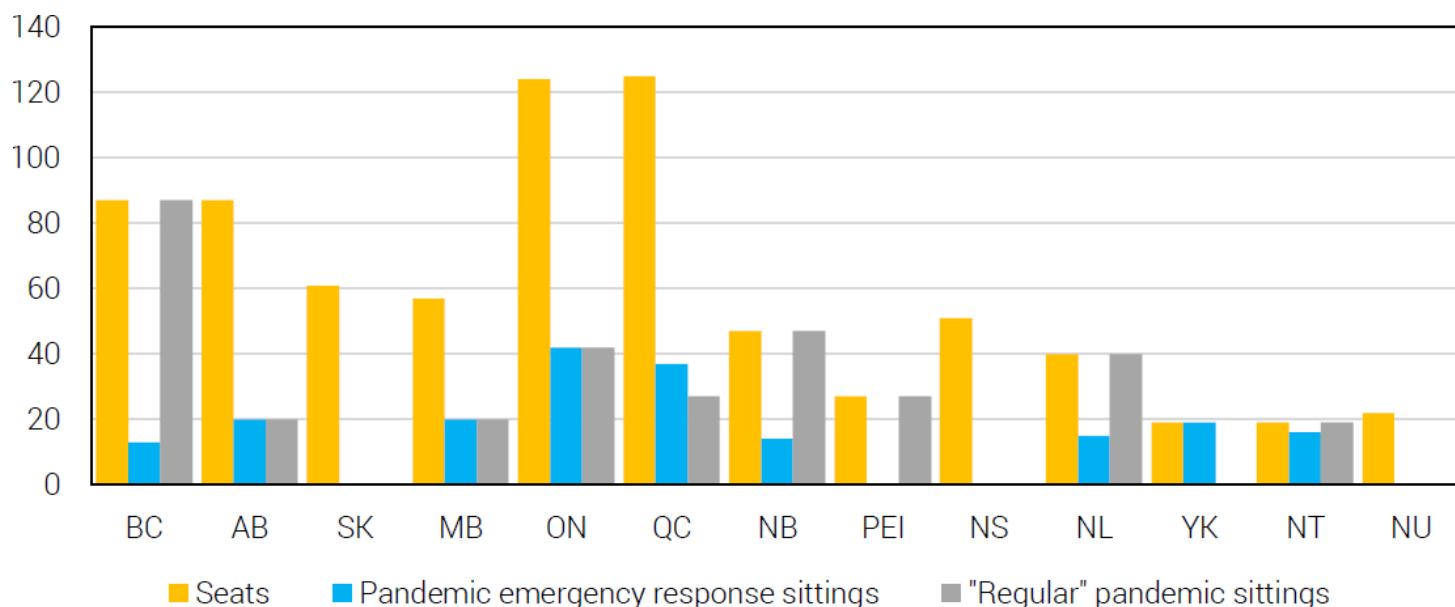
Oversight delayed is oversight denied

- Keeping legislatures closed until the emergency response is over means that Opposition parties may eventually be able to hold governments *accountable* for their choices, but aren't able help to shape the response in real-time.
- It is therefore essential that provincial and territorial legislatures resume regular and ongoing scrutiny of their governments' response to the pandemic in a manner that allows all Members of each legislature to take part.
- Legislatures should also develop contingency plans to allow scrutiny and oversight to continue should a second wave of infections force renewed restrictions on travel and public gatherings.

Technological reluctance is harming participation

- Given the movement to virtual and/or hybrid sittings or committee meetings by national and subnational legislatures worldwide – not to mention major cities across Canada – it is surprising just how little use Canada's provincial and territorial legislatures have made of such technologies.
- By definition, in-person sittings with a reduced number of Members will result in some voices being excluded, especially those who are from more remote areas or have underlying health conditions.
- As shown in the chart below, some smaller assemblies may be able to accommodate all Members while respecting social distancing by seating some legislators in the public or media galleries. However, most lack the space, and legislators still may risk exposure during travel to and from sittings.
- Any jurisdictions that remain unable to physically convene in full should follow the lead of BC and Newfoundland and Labrador by authorizing either hybrid or fully virtual proceedings, at least for question periods.

Chart 1: Provincial and territorial legislators in attendance by sitting type*



* The New Brunswick legislature has 49 seats, but two are vacant.

Haste can make waste

- Trying to rapidly push through legislation can lead to inappropriate measures being adopted (e.g. Alberta's Bill 10 and Newfoundland and Labrador's Bill 38), unnecessary stand-offs (e.g. the Manitoba filibuster), or the need to re-examine choices after the fact (e.g. the Yukon budget).
- Provincial legislatures would be better served by finding ways to hold sufficient debates that allow greater participation by a larger number of Members, or by adopting the principle that only the barest minimum of legislative changes needed to respond to the pandemic should be made through emergency sessions with a reduced number of Members.

Cooperation is best done in public

- As shown with the negotiations around the Yukon budget, the desire to quickly respond to the pandemic can lead to closed-door negotiations between senior Government and Opposition lawmakers.
- The New Brunswick and Newfoundland model of appointing Opposition party leaders to Government COVID-19 response committees takes such collaboration even further by having Government cabinet ministers and Opposition leaders making decisions together *outside of the legislature*.
- While cross-party collaboration is generally encouraging, these elite-focused processes marginalize the vast majority of MLAs who are not party leaders.
- They also move major debates out of the legislature, with its public record of debates, making it difficult for citizens to know what options were considered, who should be held responsible, or even – in the case of the Yukon budget – what decisions were made.
- While constructive cross-party collaboration should be encouraged, it should take place in public legislative sittings.

Usual business is necessary, but not necessarily business as usual

- Given that the COVID-19 pandemic may last for another year or more, provinces and territories will need to find ways of considering non-pandemic business.
- However, the experiences of Alberta and Manitoba demonstrate the challenges involved in finding the right timing and processes for resuming regular business while working within the constraints imposed by the pandemic. Legislatures and the public need to have capacity to keep up with governments as they begin to broaden the agenda.
- Legislatures also must recognize that many individuals are distracted by the impact of the pandemic and that many civil society organizations are struggling financially.
- Rather than rapidly passing bills before they can attract public attention and input, legislatures should find a way to expand their engagement with citizens.
- The virtual consultations now underway by committees at the BC legislature may offer a model for how legislatures can engage in deliberative processes around new legislative measures, with the call for input from citizens going out several weeks before the sessions are held.

Whither committees?

- Given the smaller number of Members required and the chance for focused scrutiny on issues like health and education, it is surprising that most legislatures have made little or no use of committees during the pandemic.
- Moving committee meetings online would provide Members with new opportunities to scrutinize government actions, review legislative proposals, and gain familiarity with online meetings in smaller settings.

Failing to plan is planning to make scrutiny difficult

- Several jurisdictions have yet to present their 2020 budgets, and those that have now recognize that the spending and revenue projections are no longer realistic.
- It could be tempting for provinces and territories to avoid producing revised budget forecasts, given the continuing uncertainty.
- However, without some understanding of the assumptions underlying their spending choices, Opposition parties will be unable to evaluate whether provincial and territorial governments are making the best use of resources.
- Governments should present their fiscal assumptions to the legislature and set out when they expect to return to regular financial planning.

The Samara Centre for Democracy will continue to examine how provincial and territorial legislatures have adapted to COVID-19 as the pandemic continues. We are currently partnering with the Canadian Parliamentary Review to survey each legislature regarding their experiences and efforts thus far and will report the results of that research in the coming months.

Appendix: Jurisdiction by jurisdiction review

British Columbia

Emergency response and scrutiny

The BC legislature adjourned on March 5 for a spring recess, and the session was due to resume on March 23 for several more weeks. Instead, the assembly returned on March 23 for a one-day sitting with just 13 MLAs to pass emergency financial and employment legislation.

Resuming operations

The legislature quickly moved much of its committee work to virtual sittings, with the Select Standing Committee on Public Accounts holding its first meeting via Zoom on March 30. Several other committees held virtual meetings throughout April. On May 6, the Select Standing Committee on Finance and Government Services issued a public call for its annual prebudget consultations, which will take place through virtual meetings in June. The Special Committee to Review the Personal Information Protection Act will also be holding online hearings that month. Plans are underway for the legislature itself to resume on June 15 or 22. A hybrid physical/virtual model will be used, with some MLAs taking part either remotely from their home communities or from other rooms within the legislature itself to enable physical distancing and reduce travel.

Alberta

Emergency response and scrutiny

The Alberta legislature adjourned on March 5 for a planned recess and returned March 16. Assuming the assembly might need to close in response to COVID-19, the Government introduced a motion to fast-track the passage of the provincial budget. It allocated just three hours to consider the budget and spending estimates; these are usually examined over several days. It also limited the debate to interventions from Ministers and Opposition Members, denying Government backbenchers the chance to comment. Despite Opposition objections, MLAs passed the motion and subsequently the budget on March 17. They also passed amendments to the province's *Emergency Management Act* on March 20 and adjourned the session.

Resuming operations

No other provincial and territorial legislatures restarted regular sittings before the end of April, yet the Alberta legislature resumed operations on March 31 (albeit with a reduced attendance to facilitate social distancing). Ultimately, the legislature sat March 31 to April 2, April 7 to 9, and May 6 to 8. During these sittings, MLAs not only debated COVID-focused legislation, but also bills not directly related to the pandemic, such as the *Liabilities Management Statutes Amendment Act* and the *Protecting Survivors of Human Trafficking Act*. The legislature will resume again May 27, with plans to continue sitting regularly into June if not longer.

Some MLAs were uncomfortable with the health risks of the legislature sitting in March and April, particularly to consider non-urgent business. Critics were also concerned that the *Liabilities Management* bill, which made fundamental changes to liabilities for "orphan" oil wells, was adopted quickly, and while so much public attention was focused on the pandemic. Issues were also raised with Bill 10 (the *Public Health (Emergency Powers) Amendment Act*), which allowed the Government to introduce further emergency measures and penalties – even those that took precedence over existing laws – without having to consult the legislature. The Government voted down Opposition efforts to amend the bill by adding a sunset clause, although the Premier now acknowledges that Bill 10 should be revised. Nevertheless, an advocacy group has already launched a *suitto* challenge the bill in court.

Despite the resumption of sittings, the Standing Committee on Public Accounts is the only legislative committee to have held sittings since March.

Saskatchewan

Emergency response and scrutiny

The Saskatchewan legislature was in session when the pandemic was declared and continued to meet the following week. On March 17, it passed emergency legislation that created a new type of employment leave for those affected by the pandemic, and adjourned March 18 after a four-minute sitting. The same day, the Saskatchewan Government released a scaled back budget that included an expenditure plan, but had no revenue predictions. Rather than recall the assembly to approve the appropriations, the Government authorized the spending through orders-in-council.

Resuming operations

Neither the legislature nor its committees have met since March 18, despite repeated Opposition calls for it to reconvene.

Manitoba

Emergency response and scrutiny

On March 11—the same day the WHO declared the global pandemic—the Opposition began a filibuster to prevent the Government from tabling its budget and 21 other bills. The Legislature's Rules state that Government bills that receive first reading within 20 days after the Throne Speech must be passed by the end of the Spring sitting in June. The Opposition parties felt that such a large number of bills could not be adequately scrutinized under the circumstances, and continued their filibuster for five sitting days until the 20-day window was over. Ultimately, the Government tabled its budget on March 18. The legislature then adjourned on March 19.

On April 15, the legislature reconvened for a one-day session. The 20 MLAs present approved the Government's emergency budget appropriations, passed a slew of new emergency bills, and completed the final stages of a number of bills unrelated to the pandemic. The Government reportedly had hoped to pass more non-pandemic legislation but backed down in the face of Opposition resistance. The Opposition also secured an amendment that created a sunset clause for some of the Government's emergency powers. No mechanism was established to allow ongoing oversight, but the one-day emergency sitting did include a full question period, unlike those in other jurisdictions.

Resuming operations

Beginning May 6, the legislature began sitting every Wednesday with a reduced number of MLAs. While normally it would sit more frequently, these sessions have followed the usual order of business, with a full question period and debates on bills unrelated to the pandemic response. However, these sittings are only scheduled to continue until the end of May. Given that the province's reopening plan has progressed smoothly so far, the Opposition parties argue that the legislature should begin meeting more days per week and continue sitting beyond the end of May to ensure scrutiny continues and make up for sittings cancelled earlier in the year. The only committee to resume operations is the Standing Committee on Crown Corporations.

Ontario

Emergency response and scrutiny

The Ontario legislature was in the midst of its spring session when the pandemic was declared. On March 12, MPPs adopted a motion allowing the Government to suspend the session until June 4 and then adjourned. The legislature held brief sessions on March 19, March 25, and April 14 to ratify the Government's state of emergency declaration and to pass emergency legislation. The Government hadn't introduced a budget before the pandemic hit, and so provided a "fiscal update" at the March 25 sitting, but didn't call it a "budget" given the extraordinary uncertainty around the province's financing. No question periods were held at the emergency sittings, and committees did not meet during the adjournment.

Resuming operations

On May 12, the Ontario legislature held its first regular sitting day since March. Although COVID-19-related legislation and renewing the provincial state of emergency took up much of the time, the usual orders of the day were followed, with the Government facing a question period and Members making statements. The legislature began holding two sittings per week as of May 19. It is unclear when committees will resume.

Quebec

Emergency response and scrutiny

The National Assembly returned from a break on March 10 with the Government introducing its 2020 budget. After adopting the budget, the assembly adjourned on March 17 to help reduce the spread of COVID-19. After more than a month with no activity, several standing committees began holding virtual hearings in late April to scrutinize the province's COVID-19 response.

Resuming operations

The National Assembly held a special one-day sitting on May 13 with just 31 Members. The meeting was devoted to reviewing the government's COVID-19 response, with two back-to-back question periods, each with a different set of ministers so as to allow social distancing. The assembly plans to resume sitting three days per week as of May 26.

New Brunswick

Emergency response and scrutiny

The New Brunswick legislature began its spring sitting on March 10 with the Government tabling its 2020 budget. On March 12, the Government took the extraordinary step of creating an All-Party Cabinet Committee on COVID-19 that not only included cabinet ministers, but also the leaders of the three other parties in the legislature. The following day, the parties agreed to pass the budget through all legislative stages so that the legislature could adjourn early. The legislature then held one-day sittings on March 17 and April 17 to pass emergency legislation and approve additional borrowing. Just 14 of the 49 Members attended on each occasion.

Resuming operations

The All-Party Cabinet Committee remains in place, although some Opposition leaders have called for the legislature to resume so that policy discussions can occur more publicly. The legislature will return on May 26 with some Members sitting in the media and visitors' galleries so that all Members can participate while respecting physical distancing.

Prince Edward Island

Emergency response and scrutiny

The PEI legislature has not sat since November. While some committees met earlier this year, only the Standing Committee on Legislative Management has met since March 10.

Resuming operations

The Standing Committee on Legislative Management met in person on May 7 to explore the possibility of resuming sittings. The legislature is now scheduled to meet on May 26. All MLAs will be able to attend, with some sitting in the public and media galleries to permit physical distancing.

Nova Scotia

Emergency response and scrutiny

There has been no emergency response by the Nova Scotia legislature thus far. Its winter session began February 20 and ended March 10, with MLAs passing a range of legislation, including the 2020 provincial budget. No sittings or committee meetings have occurred since, other than a March 11 meeting of the Standing Committee on Public Accounts.

Resuming operations

The province's Standing Committee on Human Resources is scheduled to hold one meeting on May 26, but otherwise there are no plans for the House of Assembly or its committees to resume operations despite pressure from the Opposition parties.

Newfoundland and Labrador

Emergency response and scrutiny

Prior to adjourning on March 12 for a planned constituency week, the Newfoundland and Labrador legislature passed a motion allowing the adjournment to be extended if necessary for health reasons. In the following days, the Government and Opposition parties established an all-party committee to help coordinate the province's response to COVID-19.

The House of Assembly was recalled for one-day sittings on March 26 and May 5 to approve emergency spending and legislation. Five bills moved through all legislative stages on each occasion. Just 11 of the 40 MHAs were present at the first sitting and 15 at the second sitting.

Resuming operations

MHAs approved a motion at the May 5 session allowing for either fully virtual or hybrid virtual/physical sittings of the legislature, and created a Select Committee of Rules and Procedures Governing Virtual Sittings to determine how the sittings would operate. The committee must report by July 1. No other legislative sittings or committee meetings are scheduled in the meantime. However, the emergency travel restrictions in Bill 38, which passed at the May 5 sitting, are being challenged in court for being overly broad, prompting the Opposition to call for the legislature to reconvene to revise the provisions.

Although the Opposition has raised some concerns that they were not sufficiently consulted on some choices, the all-party pandemic committee created by the Government appears to remain in operation, but it is not considered a legislative committee.

Yukon

Emergency response and scrutiny

The Yukon legislature began its spring sitting on March 5, and continued meeting for a week following the declaration of the global pandemic. On March 16, the Government and Opposition parties agreed to move the budget and a number of other financial bills through their remaining stages and to adjourn the legislature until October 1. As part of the deal, the Government passed Opposition amendments that increased funding for glucose monitoring for diabetics and banned the eviction of tenants during the pandemic. However, the Government and Opposition now dispute what agreement was reached on glucose-monitoring.

Resuming operations

On April 21, the Speaker of the Legislative Assembly issued a press release indicating that committee meetings could take place either virtually or in person with social distancing provisions. So far, the only committees to hold meetings are the Standing Committees Appointments to Major Government Boards and Public accounts. Each held one virtual meeting on April 30 and May 6, respectively. The Public Accounts Committee issued two reports at its meeting, and adopted a motion allowing minutes of its meetings to be publicized (unlike most other legislatures, committees at the Yukon legislature generally meet in private).

The Government opposed holding virtual sittings of the legislature itself, but following Opposition pressure, has suggested additional meetings to further examine the territorial budget – even though it was already adopted. These meetings, which would not have been actual sittings of the legislature, were rejected by the Opposition parties, who have issued a joint letter calling for the legislature to resume.

Northwest Territories

Emergency response and scrutiny

MLAs in the NWT agreed to end the winter session early on March 13. Given that the 2020 territorial budget had not yet been approved, a special one-day meeting was held on March 16 to pass emergency financial legislation.

Beginning April 15, the legislature's Standing Committee on Accountability and Oversight initiated regular meetings to examine the territorial government's response to the pandemic and its plans to reopen the economy.

Resuming operations

The legislature will resume sitting on May 26 with reconfigured seating to allow all Members to participate while respecting social distancing. However, it remains to be seen if travel, health, or family concerns will keep some MLAs from participating.

Nunavut

Emergency response and scrutiny

The Nunavut legislature has not undertaken any emergency response to date. The winter sitting ran as scheduled from February 18 to March 12, with MLAs adopting the territorial budget as planned.

Resuming operations

On May 1, the speaker of the legislature announced the cancellation of the spring sitting, which was to have started on May 26. The next sitting of the legislature is currently scheduled to start October 20.

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This is the fourth edition of the Samara Centre's Democracy Monitor, an ongoing research series exploring the state of democracy in a state of emergency. To read previous editions, go to samaracanada.com/democracy-monitor.