

## **Executive Creep in Canadian Provincial Legislatures**

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### **Abstract**

While provincial governments together spend more money each year than the federal government, research on the health of provincial democracies and the core institutions of these democracies, provincial legislatures is lacking. The majority of studies on the erosion of Canadian political institutions focus on the federal level of government (Docherty 1997; Franks 1987; Joyal 2003). In our paper we explore the troubling trend of what we identify as “executive creep” in provincial legislatures; the tendency of provincial executives to encroach on the core functions of legislatures through the increased appointment of government backbenchers to cabinet committees or to quasi-ministerial positions similar to the parliamentary secretaries at the federal level. Given the small size of provincial legislatures, a decrease in the number of private members presents a threat to the proper functioning of responsible government including effective scrutiny of proposed legislation and government spending (Docherty 2005). Moreover, this trend is further compounded by the recent reductions in the number of seats in several provincial legislatures. In our study, we examine the extent of executive creep in all ten provinces, tracking both the growth of the full cabinet and quasi-ministerial positions since 1968, as well as the growing inclusion of backbench members on cabinet committees. While variations exist across jurisdictions, the results show an aggregate trend towards executive creep across Canada. Further study is required to explore the factors influencing the specific timing of executive creep in each jurisdiction and its impact on legislative performance.

## Introduction

There are few more endangered political species than the private member of the government caucus in Ontario. As of June 2017, just two out of the fifty-seven members in the Liberal government caucus (Mario Sergio and Harindar Takhar) sit as private members without a cabinet, parliamentary secretary, whip, speaker or other quasi/extra parliamentary position. This reality reflects the culmination of a long-term trend in Canadian provincial legislatures that has seen a growth in ministerial and quasi-ministerial positions and a resulting reduction in the executive to legislative ratio (Thomas and White 2016). This loss of private members can contribute to the marginalization of backbenchers, the increasing centralization of power in the hands of the executive, and the weakening of Canadian legislatures as accountable, answerable and democratic bodies (Thomas and White 2016).

For the vast majority of Canadians, provincial legislators are more readily accessible than their federal representatives, and possibly more significant - provincial governments together spend more money each year than the federal government. Yet research on the health of provincial political systems and institutions is lacking, with the majority of studies on the erosion of Canadian political institutions focusing on the federal level of government (e.g. Aucoin, Jarvis, and Turnbull, 2011; Franks 1987; Joyal 2003; Russell and Sossin 2009; Savoie 1999, 2008). Much of this research centres on concerns that successive prime ministers have increasingly centralized power in their own hands, and in doing so have trampled over the checks provided by Parliament, cabinet and the federal bureaucracy. However, there are signs that the provincial situation may be as bad if not worse, with a recent survey finding trust in provincial governments lower than that for the federal Parliament (Forum Research 2014). Historical, analytical and empirical research is needed to address this knowledge gap, not only to identify changes in the composition and performance of provincial legislatures and executives over time, but also to isolate differences across jurisdictions.

In our paper, we explore what we identify as the process of “executive creep” in provincial legislatures: the troubling trend of provincial executives undermining the core functions of legislatures through the increased appointment of government members to ministerial and quasi-ministerial positions, as well as the increasing tendency to include government backbenchers on cabinet committees. As provincial legislatures are much smaller than federal Parliament, a decrease in the number of private members, particularly on the government side, presents a threat to the proper functioning of responsible government (Docherty 2005). Moreover, this trend is further compounded by the recent reductions in the number of seats in several provincial legislatures.

Our paper captures the extent of executive creep in all ten provinces from 1968 to 2017. In doing so, we contribute to the small but growing literature on Canadian parliamentary democracy and provincial political institutions (e.g. Brownsey and Howlett 2001; Dunn 2015; Wesley 2015). However, while previous work has tracked the increasing size of provincial cabinets (Dunn 2016; Lewis 2015; White 2005), we investigate not just cabinet but other quasi/extra parliamentary positions, with special attention paid to the sporadic use of parliamentary or legislative secretaries – a trend which has received scant empirical study. We also build upon those few studies that have sought to provide empirical verification for arguments concerning the growing power of first ministers in the provinces (Bernier, Brownsey, and Howlett 2005; Cooper 2017).

The following section reviews the ongoing debate over the centralization of power in the hands of first ministers, mapping its contours at both the federal and provincial level, and

examining the current absence of clear expectations for what centralization would mean for the size of the executive or the role of backbench parliamentarians. We then provide an overview of parliamentary secretary positions in Canada, both federally and provincially, before examining the growing inclusion of backbench members on cabinet committees.

### **The centralization debate in Canadian politics**

Those who study Westminster legislatures have long been concerned with the growing power of first ministers (Cooper 2017). At the federal level, much of the debate has revolved around the “centralization thesis.” Proponents of this concept hold that political power was first drawn away from Parliament to an increasingly institutionalized cabinet, and then progressively from the cabinet to the Prime Minister and a small “court” of powerful advisers (Savoie 1999, see also Simpson 2001). This centralization is seen to undermine the checks that the cabinet and bureaucracy are supposed to provide on the exercise of executive power, contributing to a lack of accountability and responsiveness (Aucoin, Jarvis, and Turnbull 2011). However, others question whether the Prime Minister has actually become as powerful as the centralization thesis suggests (Bakvis 2001; Lewis 2013; Thomas 2003). For instance, in his *Cabinets and First Ministers* volume for the Canadian Democratic Audit, Graham White argues that “while Canadian first ministers can and do override or ignore their cabinets on specific (sometimes crucial) decisions, the notion that they exercise supreme and unassailable power is overblown and runs contrary to the evidence” (2005: 99).

Consistently overshadowed by a focus on the federal level, research on governance in the provinces in many ways replicates the debates from the federal scene. On one side are those who contend that “provincial government is cabinet government” (Dunn 2016: 315). Those in this school see the premiers as the most powerful political figure in the province, but still operating as part of the cabinet team (Dunn 2016, see also Bryden 1975; Schindeler 1969). On the other are those who contend that “provincial government is premier’s government” (Young and Morley 1983:54). This view is perhaps most forcefully articulated by White, who despite his misgivings about centralization at the federal level, argues that:

Premiers have the capacity to dominate both their cabinets and their entire governments to a far greater extent than does the Prime Minister. The scale and complexity of government in even the largest provinces, let alone the smaller ones, is qualitatively different from that in Ottawa. Accordingly, the premier’s greater knowledge of people, events, and processes in his or her jurisdiction, the less burdensome calls on the premier’s time, and the smaller number of advisors and assistants necessary to manage government and to deal with problems on the premier’s behalf all contribute to the premier’s more advantageous position (2005:55).

Similarly, Atkinson et al. contend that while the extent of domination by the premier varies somewhat between provinces, it is nonetheless “obvious that the premier will continue to be the focal point for decision making in the provinces, even more so than the prime minister is at the federal level” (2013: 47; see also Dyck 1996; Wallace 1988).

Part of the problem in settling the conflict between the cabinet- and premier-dominated camps is the relatively limited amount of direct empirical evidence and systematic analysis, which instead leads to a reliance on anecdote. The most significant attempt to fill this gap was the detailed comparative study of provincial executives led by Bernier, Brownsey, and Howlett

(2005). Drawing on case studies from each jurisdiction, they found a variable geometry, with the ability of premiers to control their cabinets varying based on institutional factors, such as the presence of supporting central agencies, as well as shorter-term factors such as popularity with voters and level of caucus support. They also conclude that the centralization of power is facilitated by cabinet growth, which typically requires the creation of a more structured, committee-based system that can be more easily controlled by the first minister and their central agency staff. More recently, Cooper (2017) conducted an analysis of provincial deputy minister appointments dating back to the 1920s, finding a change in the pattern of deputy minister appointments beginning in 1980. Prior to that point, deputy ministers were only changed when a new party formed government, yet from then onward deputy ministers came to be changed with the selection of new premiers, even if there was no change in the party in power.

### **Legislatures and centralization**

Legislatures typically do not feature prominently in the debates regarding the centralization thesis at either the federal or provincial levels, with both those for and against presuming that they are largely irrelevant. This view can be clearly seen in Bernier, Brownsey, and Howlett, who argue that

a key institutional element of the Westminster model of government – the fusion of legislative and executive powers – has gradually been altered as, first, the executive developed an ever-greater capacity to control the legislature and evade or override traditional controls and limits placed on executive behaviour, and, second the Premier’s Office attained considerable independent capacity and autonomy from the rest of the executive branch (2005: 248).

Rather than a debate over whether the legislature still plays a meaningful role, the point of contention is now whether the premiers have gained independence from their cabinet colleagues.

Concerns over the marginalization of private members in provincial legislatures are well established (Kornberg et al. 1982; White 1988; Wilson and Hoffman 1972). Indeed, as far back as 1973, D.M. Street argued that “legislatures have gradually moved from the power of the Star Chamber to the ineffectiveness of an echo chamber” (313). Ironically, such worries are often most visible through the various initiatives that different governments have launched to enhance the role of backbenchers and improve the influence of the legislatures more broadly. For instance, in the 1970s the recommendations from the Ontario Commission on the Legislature (known as the Camp Commission) helped opposition parties to achieve some gains in powers and resources for backbenchers (Bryden 1975). During the same decade, the National Assembly of Quebec enhanced its use of standing committees (McLeod 1975), and in the early 1990s the Prince Edward Island government struck a committee to suggest improvements for the engagement of private members (Dyck 1996).

Despite these efforts, provincial legislatures are still seen to have little capacity to seriously scrutinize their respective governments or hold them to account. However, such generalizations mask substantial variations in the relationship between provincial executives and legislatures both over time and between jurisdictions. To better specify the strength of the executive relative to the legislature, we focus on the ratio of the executive branch to both the legislature, and more specifically to the government caucus. Doing so allows us to capture the

number of private members available to engage in scrutiny and accountability, and particularly the capacity of the executive to control the overall function of the assembly.

While the size of the government caucus depends on the preferences of voters on election day, both ratios are conditioned by two major variables: legislature size and executive size. Despite often seen as fixed, the size of Canadian legislatures is surprisingly malleable. For instance, of the 13 elections held in Saskatchewan since 1967, six saw changes in the number of legislative seats. Over the past 50 years, the general trend was initially towards an increase in size, but beginning in the 1990s many legislatures saw reductions. Most dramatic is the situation in Newfoundland and Labrador, where between 1975 and 2015 the number of legislative seats first rose 24 percent from 42 seats to 52, only to later plummet to 40. Since 1967, Manitoba is the only province that has not experienced a change in legislative size, and four provincial legislatures (Ontario, New Brunswick, Newfoundland and Labrador, and Prince Edward Island) are smaller today than they were then. These declines are widely seen to enhance the executive's ability to control over the legislature as reductions in seats are seldom matched by reductions in the size of the executive (Pond 2005; Thomas and White 2016).

Within the literature, much attention is paid to the small size of provincial legislatures compared to federal parliament (Docherty 2005; McInnis 1977; White and Levy 1989). As of April 2017, the federal parliament has 338 members with a cabinet of 30 ministers (9%) while the average provincial legislature has 69 members with an average cabinet of 19 ministers (27%). The provincial average masks a substantial range, with Dunn noting that "for various provinces cabinets may account for from roughly a quarter to a third of the size of the legislature" (2016:326). As could be expected, particular attention has been paid to the executive-legislative ratio of smaller legislatures in the Atlantic provinces (Mackinnon 1972; Smith 1988). For instance, the cabinet in Prince Edward Island has traditionally made up a third of the currently 27-member legislature, leading to the convincing argument that in P.E.I. "debate and decision-making takes place, in fact if not in form, in the cabinet rather than in the legislature" (Mackinnon 1972).

Turning to the second measure, the growth of provincial cabinets has been an ongoing concern for decades (Dyck 1996; Dunn 1995; Bernier et al. 2005). White (1998a) notes that provincial cabinets grew rapidly from the 1940s to the 1990s, jumping from an average of 10.9 to 18.9 members. As a result, some provincial cabinets are now larger than those in several unitary countries. White (2001) blames the increase on the "representative imperative" of Canadian cabinet design, under which premiers expand cabinet membership to address representational objectives related to geography or racial, linguistic, or cultural diversity. In several provinces, the numerical dominance of the cabinet has been worsened by long periods of single-party dominance (Atkinson and White 1980; Docherty 2005).

On ideal executive-legislative ratios, Docherty contends that a legislature should "be at least four times the size of the cabinet" and that "most provincial assemblies could easily withstand a 50 percent increase in size" (2005:181). Yet this argument, like those detailed above, ignores the growth of non-cabinet and quasi-executive positions. These include junior executive positions along the lines of federal parliamentary secretaries, as well as those that bridge the gap between the executive and the legislature, such as government whips and caucus chairs. Although lacking the prestige of cabinet, these positions come with a range of perks, such as additional salary, staff, or recognition, and thereby can change the behaviour of legislators. However, what remains unclear is whether the proliferation of these positions helps to cement the first ministers' control over the legislature, or serves to weaken their power by potentially increasing the resources available to ministers.

An additional complication then results from the increasing inclusion of backbench government legislators on formal cabinet committees (Smith 1989; Tregobov 2010; Raney et al. 2013). This practice sees government backbenchers sit as full members of cabinet committees, enabling them to take part in the development of government policy and draft legislation before they are presented to the legislature for scrutiny and approval. As a result, government backbenchers are more likely to be committed to the success of new government initiatives given that they had some ownership over the development process – a reality that in turn diminishes the likelihood of new measures receiving detailed scrutiny within the legislature itself. Brownsey described this practice as “blending of cabinet and caucus committees into a hybrid American-style legislative committee system within the traditional parliamentary cabinet committee system” (2005:219). Importantly, the expansion of non-cabinet executive positions and the inclusion of backbench members on cabinet committees is not mutually exclusive, with some jurisdictions, such as Ontario, engaging in both.

Ultimately, the expansion of non-cabinet executive positions and the inclusion of backbench members on cabinet committees makes it increasingly challenging to precisely determine where the executive stops and private members begin. To further explore this executive growth, the next section reviews the role of parliamentary secretaries at the federal level. This review provides the context for the subsequent section on provincial parliamentary secretaries, after which we provide an overview of the growth of backbench involvement on cabinet committees.

## **Federal Parliamentary Secretaries**

A brief review of the parliamentary secretary practice at the federal levels helps to understand its adoption at the provincial levels – a process best described as haphazard and unpredictable. The parliamentary secretary position has existed in Canada for over a century. In 1912, former cabinet minister Richard Cartwright argued for the creation of a new position, modelled on Britain’s Parliamentary Under Secretaries, to provide relief for cabinet ministers and a training ground for potential ministers. Prime Minister Borden adopted the idea to address the new policy challenges of World War I, appointing parliamentary secretaries for Militia and Defence, and External Affairs (Matheson 1976). As would become a common inconsistency with the position over time and provincial jurisdiction, Borden’s appointees were neither members of cabinet nor the Privy Council. In 1921, Prime Minister Mackenzie King initially hoped to continue the process but did not have cabinet support, and so only appointed a Parliamentary Undersecretary for External Affairs for a short period. However, over two decades later, King appointed seven “parliamentary assistants” in 1943 (Matheson 1976). Reflecting Cartwright’s initial sentiment, six of the seven supported overburdened ministers in King’s World War II cabinet (Matheson 1976). Despite the end of the war, King’s successors, starting with Louis St. Laurent, continued the practice of appointing parliamentary secretaries.

Outside of extraordinary periods such as war, the role of parliamentary secretary has been ambiguous, with the only constant being the expectation to toe the party line as a member of cabinet would (Docherty 1997). Except during Paul Martin’s premiership, parliamentary secretaries have typically not been sworn into cabinet or included in its meetings (Matheson 1976). Instead, as ministerial support and number of exempt staff have grown, the apparent need for parliamentary secretaries has decreased, leading them to evolve into patronage positions that reward loyalty, or in some cases are used to address concerns over gaps in the representation of

geographic or cultural diversity (Matheson 1976; Winsor 1993). Rather than making policy, the primary task of parliamentary secretaries is to be a liaison between the minister and parliamentarians, and especially to support the minister's policy and legislative initiatives at the relevant standing committee. As White concisely summarizes the situation, "They are not junior ministers and their influence is generally limited; they are more akin to run-of-the-mill backbenchers than to ministers" (2005:44).

As parliamentary secretary positions became increasingly less relevant, their attractiveness to backbenchers also declined. In fact, in 1959, three out of fourteen MPs turned down Prime Minister John Diefenbaker's offer of a 12-month parliamentary secretary position (*The Globe and Mail* 1959). Little appears to have changed since, with research suggesting that positions such as committee chair are more desirable among backbenchers (Docherty 1997).<sup>1</sup> Moreover, despite some notable exceptions (both Pierre Trudeau and Jean Chrétien once served as parliamentary secretaries to Prime Minister Pearson), being a parliamentary secretary is generally not a path to promotion. As Docherty writes, the position "has failed to live up to its billing...it is not the stepping stone to cabinet...the rotation of parliamentary secretaries creates an illusory carrot for members. They are taught to think of this position as preparation for cabinet and an inducement to strong party cohesion. The reality is that many members gain some policy experience and then return to the backbenches of government" (2005:188).

Yet despite this lack of enthusiasm from members, the position has continued, with successive Prime Ministers making their own revisions. In 1966, Pearson increased the number of parliamentary secretaries from 16 to 27 so each minister could have one (*The Globe and Mail* 1967; Stevens 1966). Pierre Trudeau then limited the positions to two-year terms to include more Liberal backbenchers in the work of the government (Newman 1970). As noted earlier, Paul Martin attempted to give parliamentary secretaries a more formal role, going so far as swear them into the Privy Council, provide each with a mandate letter, and include them in some cabinet meetings (LeBlanc 2003; White 2005). These practices were not continued by Prime Minister Harper. However, during Harper's second mandate parliamentary secretaries were given the task of chairing the meetings of the newly established Ministerial Caucus Advisory Committees, which were created to give government backbenchers input into ministerial proposals before they came to the full cabinet (Wilson 2015). The Advisory Committee system was ended by Justin Trudeau, who also stopped the practice of having parliamentary secretaries sit as voting members of parliamentary committees. However, they were still expected to attend the meetings and promote the government's perspectives.

## **Provincial Parliamentary Secretaries**

Regardless of the ambiguity surrounding the federal position of parliamentary secretaries, all provinces except Prince Edward Island have created similar positions at one point or another, albeit with a variety of names: parliamentary secretaries (British Columbia), parliamentary assistants (Alberta, Ontario and Quebec), legislative assistants (Manitoba), legislative secretaries (New Brunswick and Saskatchewan) and ministerial assistants (Nova Scotia). In Newfoundland and Labrador, there is one parliamentary assistant to the premier, and several parliamentary secretaries who support ministers.

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<sup>1</sup> Docherty reports that just 13 percent of MPs surveyed believed that becoming a parliamentary secretary was "very important" to their career, compared to 26 percent for committee chair (1997:99).

Each province established parliamentary secretaries at different times. However, there were two major waves with distinct outcomes. The first began with Quebec in 1954, which was followed by Saskatchewan (1965), Manitoba (1969), Newfoundland and Labrador (1970), Ontario (1972), and British Columbia (1985) (Glenn 1997). Some of these jurisdictions put hard caps on the number of posts in service at any one time, while others permitted a theoretically unlimited number (Glenn 1997). Although there were differences in the number of positions and the powers they received across the jurisdictions, the six provinces in the first wave stand out for the fact that once created the positions were used continuously by successive governments of all political stripes.

Those in the second wave, however, not only created the positions at a much later point in time, but also saw their initial establishment undone or substantially changed by the subsequent administration. In Alberta, the Progressive Conservative Stelmach government first created “parliamentary assistants” in 2008.<sup>2</sup> They were initially continued under Premier Redford, but after the 2012 election were replaced with a series of “associate minister” positions. Following Redford’s resignation, Premier Prentice eliminated all associate ministers except that for health, but also created four new “legislative secretary” posts outside of his cabinet. Premier Notley’s current NDP government has maintained Prentice’s practice of having both a full minister and an associate minister of health, but has not created any other associate minister positions, and has discontinued the legislative secretary positions. Conversely, Nova Scotia’s ministerial assistants were instituted by premier Dexter’s NDP administration in 2009, and were discontinued upon its defeat by the Liberals in 2013. In New Brunswick, it was the Alward PCs that established legislative secretaries in 2010, only to see them ended by the Liberal Gallant government in 2014.

This tight clustering of both the creation and termination of parliamentary secretary positions within the second wave calls for further study. However, these examples should demonstrate that the use of parliamentary secretaries at the provincial level is subject to the same vagaries of the first minister as their federal counterparts. There is also no distinct partisan ownership of the parliamentary secretary concept at the provincial level, with parties of all ideological persuasions introducing them at one point or another, and both NDP and Liberal governments discontinuing them.

### **Caucus participation on cabinet committees**

Just as the premiers’ prerogative over organization of government and executive leaves an uneven trail of quasi-ministerial positions, the same is true in terms of cabinet decision making processes. The practice of hybrid cabinet committees that include both ministers and government backbenchers has increased in recent years (Dunn 2016). In 2013, seven provinces (Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia and Prince Edward Island) had backbenchers on cabinet committees. Of these, all but PEI had backbenchers on the normally powerful priority and planning committees (Dunn 2016).

Dunn has described the trend of appointing backbenchers to cabinet committee as part of the move toward an “inclusive cabinet” in a number of provinces (2016:349). In the early 1980s,

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<sup>2</sup> MLA Dave King served as the Legislative Secretary to Premier Peter Lougheed from 1971 to 1976. However, no other MLAs appear to have served in that role or an equivalent prior to the creation of the parliamentary assistants in 2008, over 30 years after the end of King’s appointment.

the Ontario government had a cabinet committee chaired by a minister yet populated by private members (White 1989). However, the largest change came in the early 1990s when Premier Ralph Klein launched a radical reform of Alberta's cabinet structure (Brownsey 2005). This included slashing the number of full cabinet committees from fifteen to three and appointing backbenchers to each. At the same time, he created a series of Standing Policy Committees that were chaired by backbenchers, with ministers as vice-chairs. Policy committee chairs then attended cabinet to represent their views. Klein justified the move on the grounds that "It was my undertaking throughout the campaign to make government more open, more accessible and certainly to have more meaningful involvement by the private government members" (Cernetig 1992).

During the 1990s, both Premiers Bob Rae in Ontario and Jacques Parizeau in Quebec appointed backbenchers to cabinet committees as well (Dyck 1996). After winning all but two seats in the legislature, in 2001 the Campbell government in BC adopted hybrid cabinet structure inspired by that in Alberta, with five cabinet committees that included backbenchers, and five government caucus committees that were vice-chaired by ministers (Ruff 2005). Upon taking power in 2003, Ontario premier Dalton McGuinty similarly assigned virtually every government backbench member to a cabinet committee, a practice which continues to the present.<sup>3</sup>

Finally, while parliamentary secretaries were first developed federally and then imported to the provinces, it is worth noting that the creation of Ministerial Caucus Advisory Committees at the federal level was directly inspired by provincial experience. In particular, Wilson (2015) notes that Conservative MPs from Alberta and British Columbia were accustomed to political systems in which backbenchers had direct input into government decisions, and two had actually served in the Alberta legislature during the Klein era (backbencher Brent Rathgeber and Minister Stockwell Day). As a result, it was not surprising that federal Conservative backbenchers pressured the government for the creation of a more formal system for providing input.

## **Analytical approach**

How do we measure success in legislatures? Scholars have complained about a lack of consensus around indicators measuring legislative performance (Pond 2008). Most measures for the effectiveness of Westminster legislatures are based on their ability to perform the core objectives of responsible government, such as preserving or withdrawing confidence in the government, scrutinizing the government's actions, and reviewing its legislative proposals. Given the fusion of the executive and the legislature, the relationship between the two has not surprisingly been a major area of focus, with the relative size of the executive being a key metric. Indeed, in his 1963 classic, *Legislatures*, K.C. Wheare argued, "In discussing the relative decline of legislatures it is natural to think first of the effect of the growth in power and importance of the executive" (227).

A problem with examining the extent of executive creep is the ambiguity around cabinet membership; historically in Canada there have been disputes over who is officially in cabinet or not (Dawson and Ward 1963). In his noted 1946 article "The Cabinet-Position and Personnel," Dawson noted that federally, "The Cabinet and the Ministry have usually been treated in Canada as though they were the same body, and during a large part of Canadian history they have in fact

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<sup>3</sup> While Mario Sergio and Harinder Takhar are not serving as parliamentary assistants, both do currently sit on cabinet committees.

been identical...but from time to time one or more members would appear in the Ministry or the Government who were not in the Cabinet” (262). Dawson further described parliamentary assistants as a “quasi-ministerial group” (1946:264). We employ a similar approach, arguing that three developments can contribute to the increase of executive creep: 1) a decrease to the number of seats in a legislature, 2) an increase to the number of cabinet ministers in a legislature or 3) an increase in the number of quasi-executive members (e.g. parliamentary secretaries). We also consider a potential fourth issue: the inclusion of backbench members on cabinet committees.

Importantly, this approach does not allow us to directly measure the impact of executive creep on legislative performance per se. That would require additional information on legislative outputs, levels of public trust, or other measures. However, our dataset can enable such performance measurement by better specifying how the composition of Canadian legislatures has evolved over time. In addition, the study of legislative roles is also important in its own right. For instance, Hedlund argues that the study of legislatures can be done through a focus on role analysis, which provides for special attention to the “nature of the legislative organization” (1984:56). Moreover, role analysis enables the structure of legislatures to be understood through the “centralization of authority and the degree of control held by members” (1984:53).

## Methods

For this study, we first coded the ministerial, quasi-ministerial, and other partisan roles (e.g. whip, caucus chair, house leader) held by all provincial legislators at the time of dissolution for each legislature in each province beginning in 1968. When we add the most recent available snapshot of provincial legislatures as of May 2017, this approach yields a sample of 139 legislatures across the 10 provinces, with 9493 individual legislator time-points. We adopted 1968 as a starting date to reflect the theoretical dawn of “modern politics” in Canada.<sup>4</sup> We also believe dissolution is a better time for data capture than immediately post-election as it reflects a government’s “ideal” roster heading into the next election, and allows time for any learning curve that may be experienced by incoming administrations following a change in government.

Any count of legislative roles is difficult due to the transitory nature of many cabinet and quasi-ministerial positions. This challenge is compounded at the provincial level, where the information is often not easily available, making the creation of the original dataset a major task in itself. We began by contacting the legislative libraries to see what resources were available, and are grateful for the assistance received. However, we soon found that there were no existing datasets for our questions or uniform records across provinces, forcing us to rely on a range of sources. This included information from online lists of former members maintained by different legislatures (Alberta, Ontario, Quebec, Saskatchewan), using searches of provincial Hansards, and filling in gaps using the *Canadian Parliamentary Guide*. We are also indebted to the legislative librarians in Manitoba, Newfoundland and Labrador, and Prince Edward Island, and to the Cabinet Secretariat in Saskatchewan who prepared datasets on our behalf. Due to the precarious nature of the data retrieved, the numbers we present should be considered estimates.

We also sought to explore the role of backbench participation on cabinet committees as part of the process of executive creep, and asked the legislative libraries for resources on this

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<sup>4</sup> We define the modern political era in Canada based as exhibiting certain modern traits in political culture and political institutions, such as a sophisticated media landscape, leader-centred political competitions, professionalized legislatures, and institutionalized executive governance.

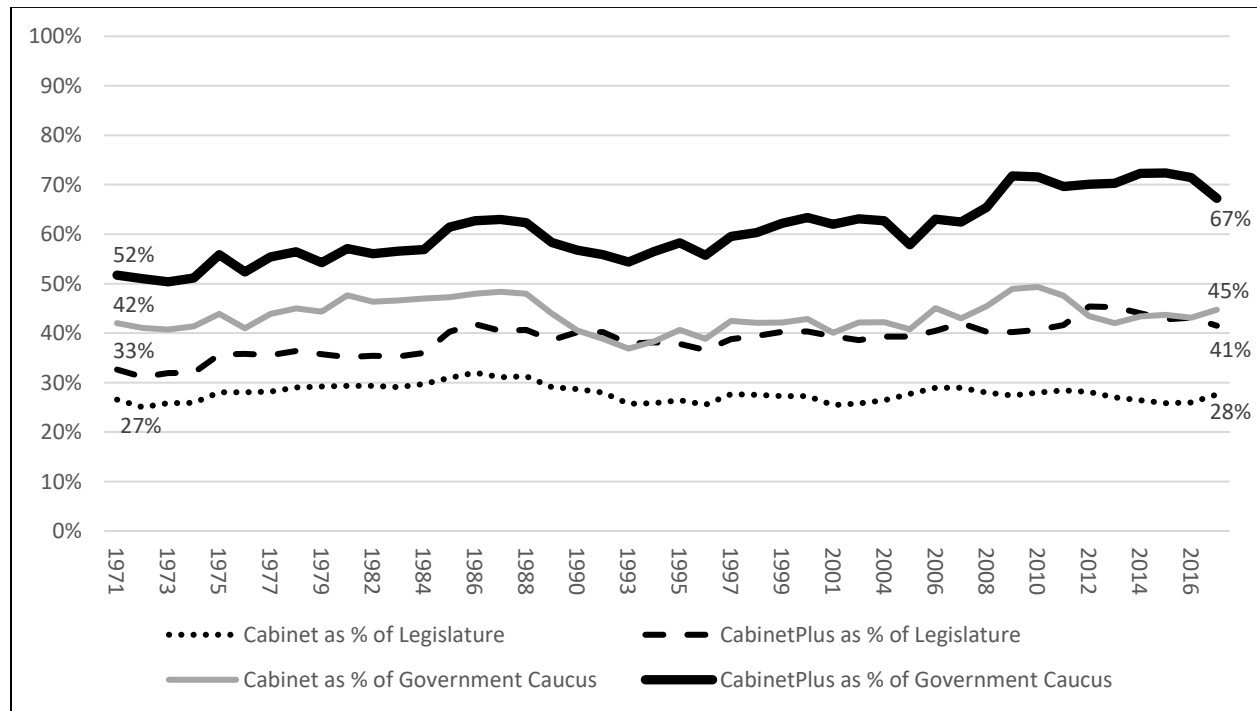
issue as well. Unfortunately, cabinet committee assignments proved even more difficult to locate that information on executive roles, again forcing us to turn to a range of sources. At present, our data is limited to the period from 2012 onward.

### Results – Executive roles

To contextualize the data and account for changes in legislature size and variations in electoral performance, the findings are presented both relative to the size of each legislature and as a proportion of the government caucus. We also disaggregate the data to capture both the actual cabinet and what we term “CabinetPlus,” which includes cabinet ministers along with other quasi-ministerial or junior executive positions such as parliamentary secretaries, whips, deputy whips and caucus and deputy caucus chairs. Each graph thus contains four variables, displaying size of cabinet and “CabinetPlus” as percentages of both the full legislature and of the government caucus.

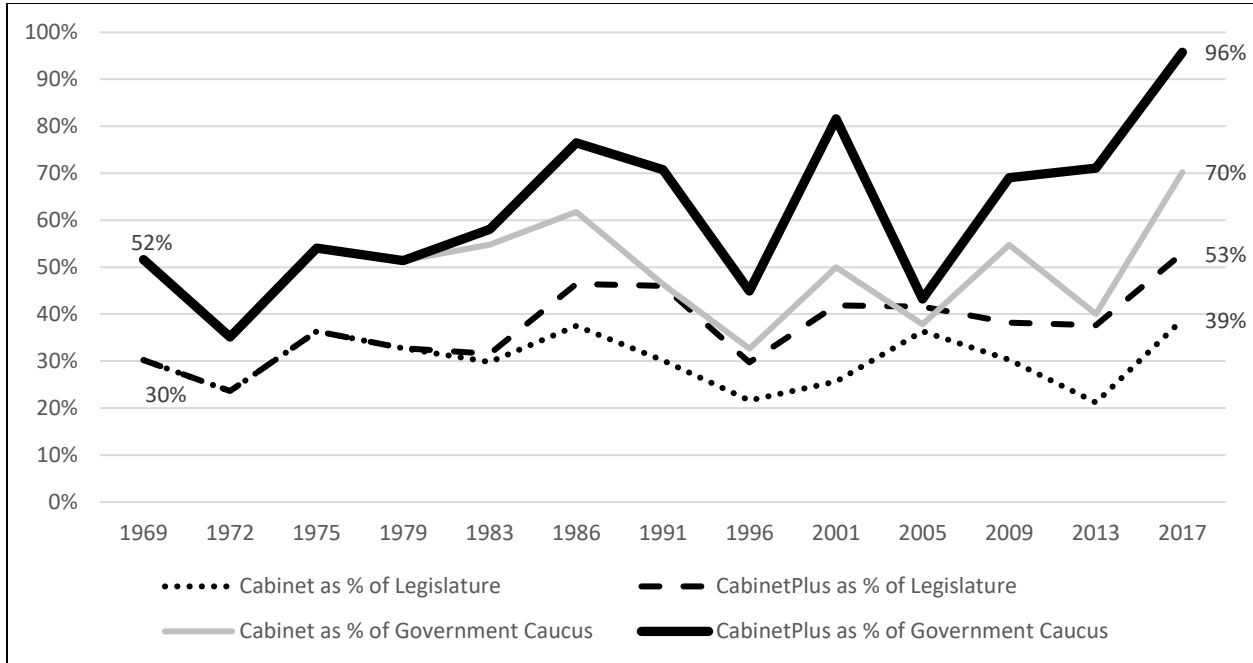
To identify overall trends, Figure 1 first displays the aggregate change in the size of the executive across all provinces combined. While there are only minor increases in the size of cabinet as a percentage of the legislature (+1%) or the government caucus (+3%), we find that “CabinetPlus” experienced substantial growth on both measures (+12% and +15%, respectively). In absolute terms, we find that “CabinetPlus” has made up approximately 40% or more of all legislators for much of the past 30 years, well above the 25% target suggested by Docherty (2005). The growth of “CabinetPlus” as a percentage of the government caucus would also suggest a general attempt to reduce the independence of backbench legislators.

**Figure 1: All provinces**



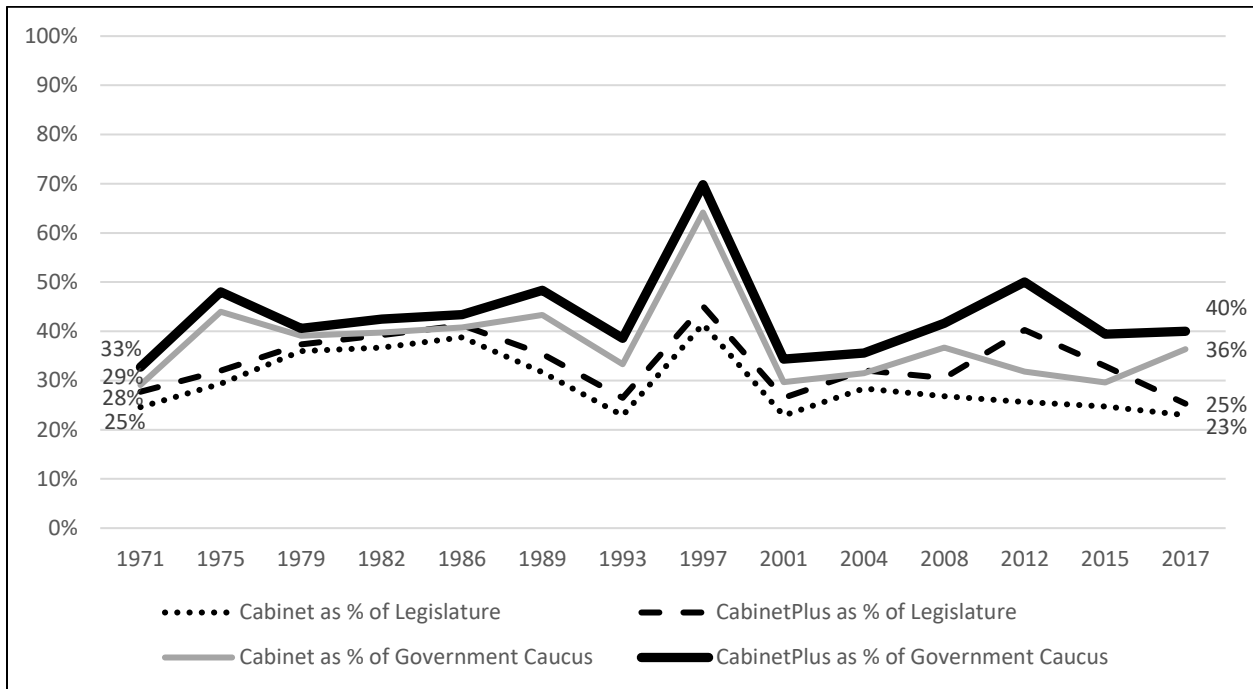
The provincial results are listed from west to east, and show that some jurisdictions deviate from the increase in executive size evident in the nationally aggregated data. As shown in Figure 2, British Columbia has seen major executive creep over the period studied. However, the substantial increase in the size of cabinet as percentage of the legislature (+9%) and government caucus (+18%) is dwarfed by the large jump in the size of “CabinetPlus” at both the legislative (+23%) and caucus levels “CabinetPlus” (+44%). It also should be noted that as of 2017, BC’s executive is both larger on all measures than at any other point in the study.

**Figure 2: British Columbia**

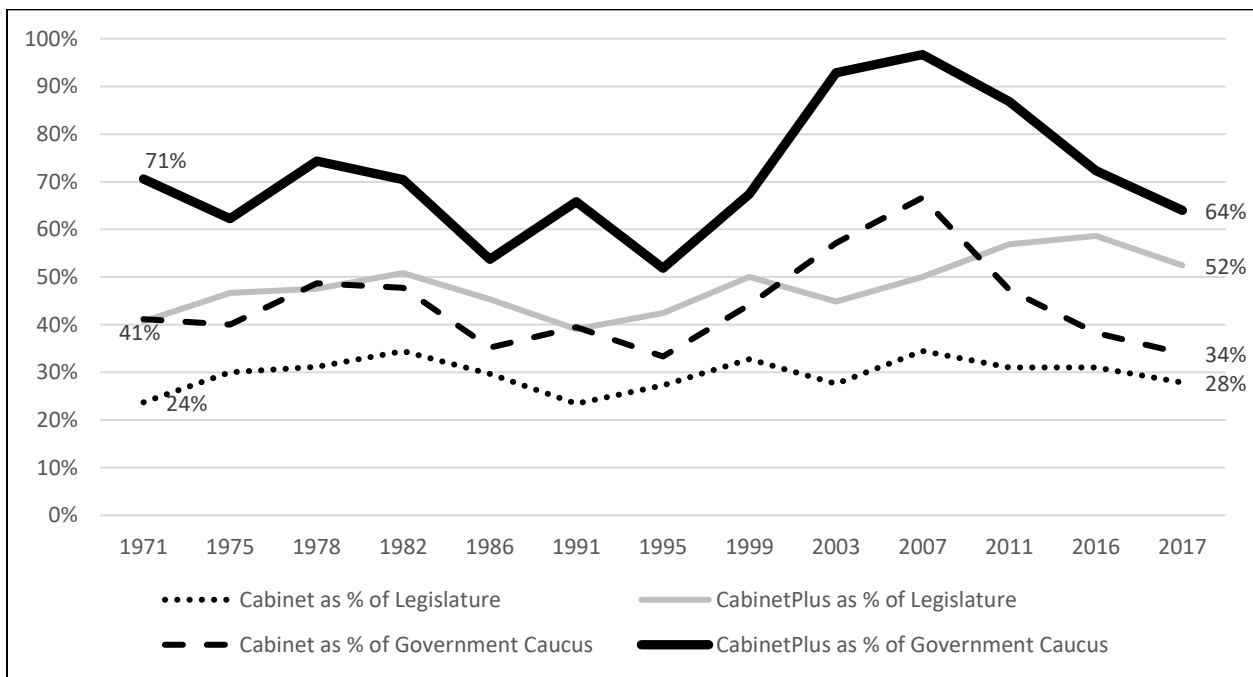


By contrast, the three prairie provinces all displayed a different trend, with executive size peaking and then declining in recent years. The results for Alberta in Figure 3 show that executive peaked on all measures in the mid-1990s. Nonetheless, it has still seen some executive creep, with a decline in the percentage of the legislature serving in the cabinet (-2%) and the “CabinetPlus” (-3%) being offset by increases in the proportion of the government caucus holding executive roles (+7% for both cabinet and “CabinetPlus”). However, this trend is likely a function of the increasing partisan diversity within the Alberta Legislature as much as it is a result of executive growth.

**Figure 3: Alberta**



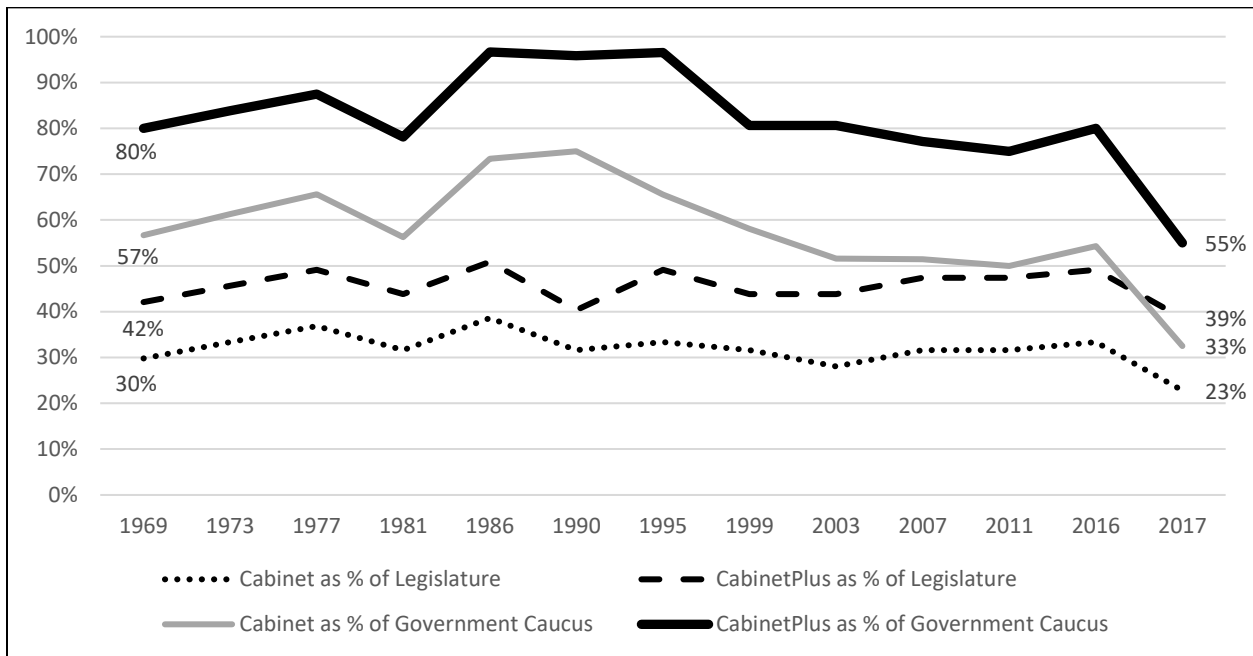
**Figure 4: Saskatchewan**



The situation in Saskatchewan (Figure 4) is more complicated, in part due to the province’s growing use of legislative secretaries – a feature absent in Alberta. There is also a partisan effect, with cabinet size tending to increase during periods of NDP government, and shrink during PC or Saskatchewan Party administration. Under Saskatchewan Party Premier Brad Wall, the size of the cabinet has progressively shrunk from its 2007 peak. It is now only

slightly larger as a percentage of the legislature (+4%) than was the case in 1971, and has actually declined as a percentage of the government caucus (-7%). When quasi-ministerial roles are included, we find a larger increase in the percentage of the legislature in “CabinetPlus” (+11%), but a similar decline in “CabinetPlus” as a percentage of the caucus in (-7%). However, in absolute terms, Saskatchewan continues to have one of the largest overall executives in the country, with 52% of MLAs holding some form of executive role as of 2017.

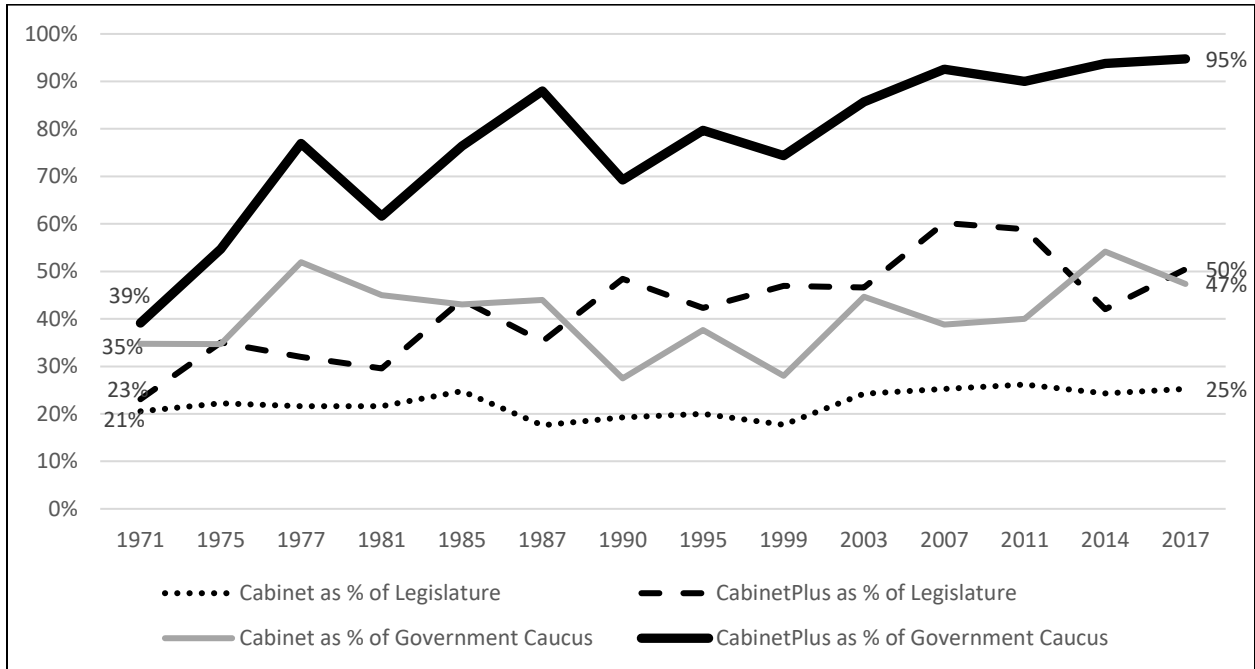
**Figure 5: Manitoba**



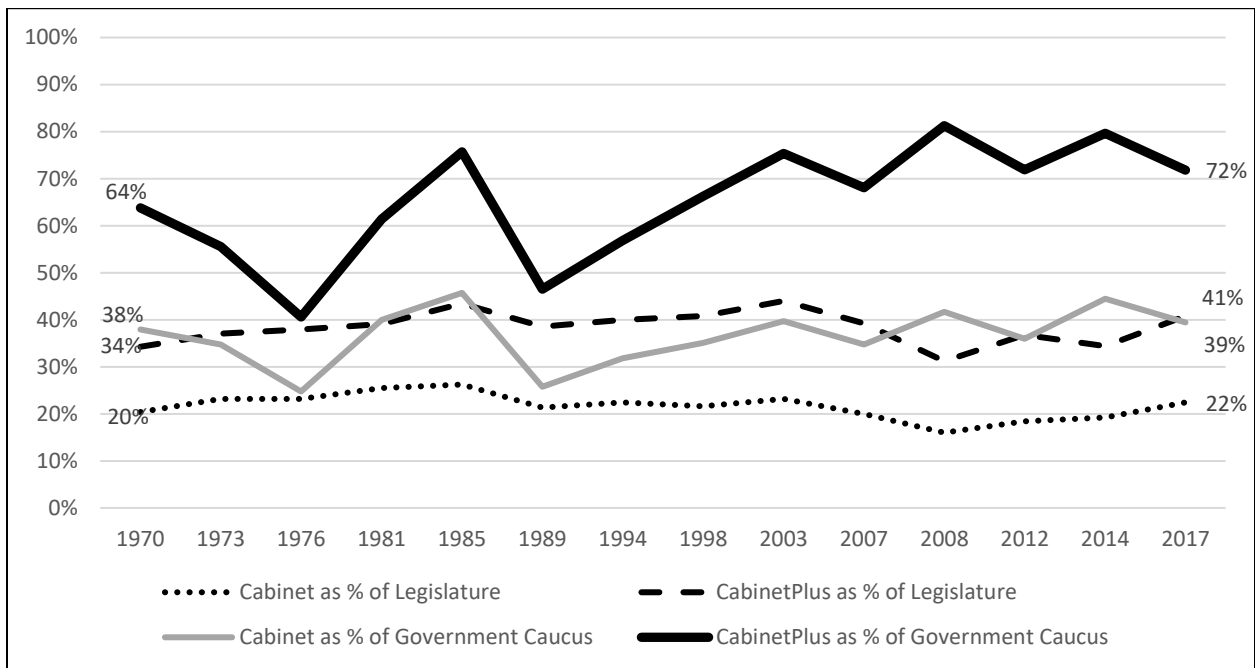
Unlike the mixed results in Alberta and Saskatchewan, Manitoba (Figure 5) has seen a decrease in executive creep on all fronts. This includes both smaller declines in the proportions of the legislature serving in the cabinet (-7%) and “CabinetPlus” (-3%), but also major drops in the size of cabinet (-24%) and “CabinetPlus” (-25%) as percentages of the government caucus. Importantly, these trends generally pre-date the recent arrival of the PC government led by Brian Pallister, suggesting a longer-term trend towards the reduction in the size of the executive in Manitoba politics.

As shown in Figure 6, Ontario may present the ideal case of executive creep within a Canadian province. While there has been only a small uptick in the percentage of the legislature serving in cabinet (+4%), the widescale expansion of quasi-ministerial has seen the proportion of the legislature in the “CabinetPlus” jump dramatically (+27%), with the result that 50% or more of all members of the legislative assembly now have some broader executive role. Moreover, these increases are even more pronounced when considered as a proportion of the government caucus, both for the cabinet (+13%) but especially the “CabinetPlus” (+56%). Indeed, the incredible situation whereby 95% of government caucus members held some form of executive role in 2017 would appear to largely eliminate the distinction between the executive and the caucus, potentially facilitating the centralization of power in the hands of the premier.

**Figure 6: Ontario**



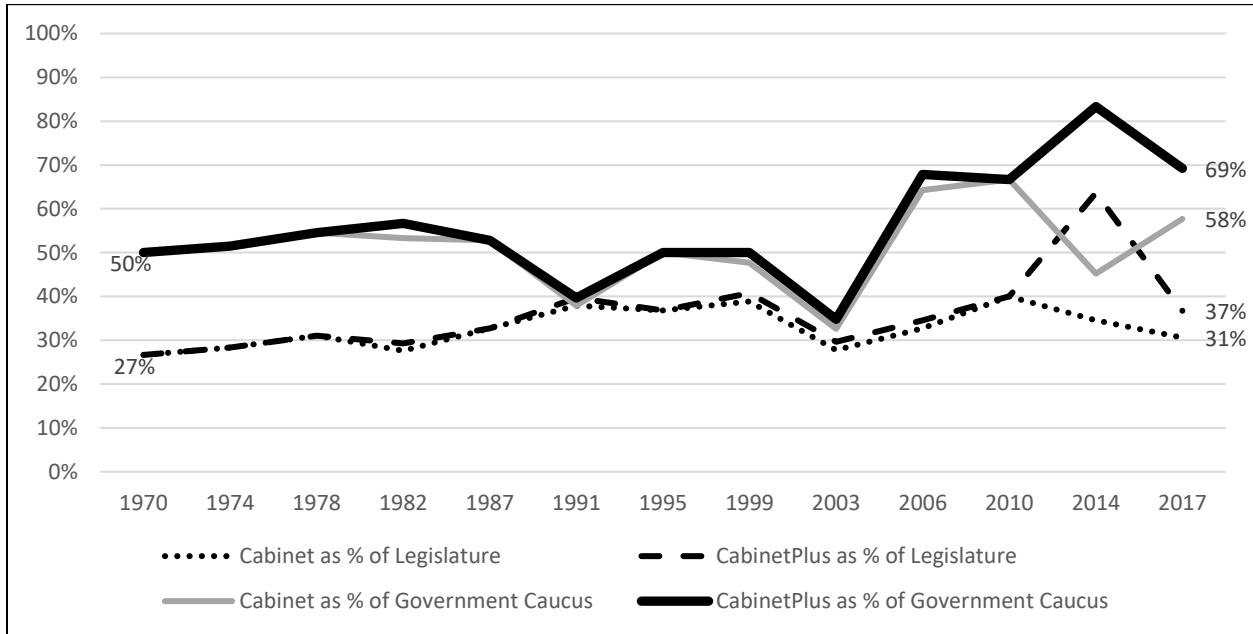
**Figure 7: Quebec**



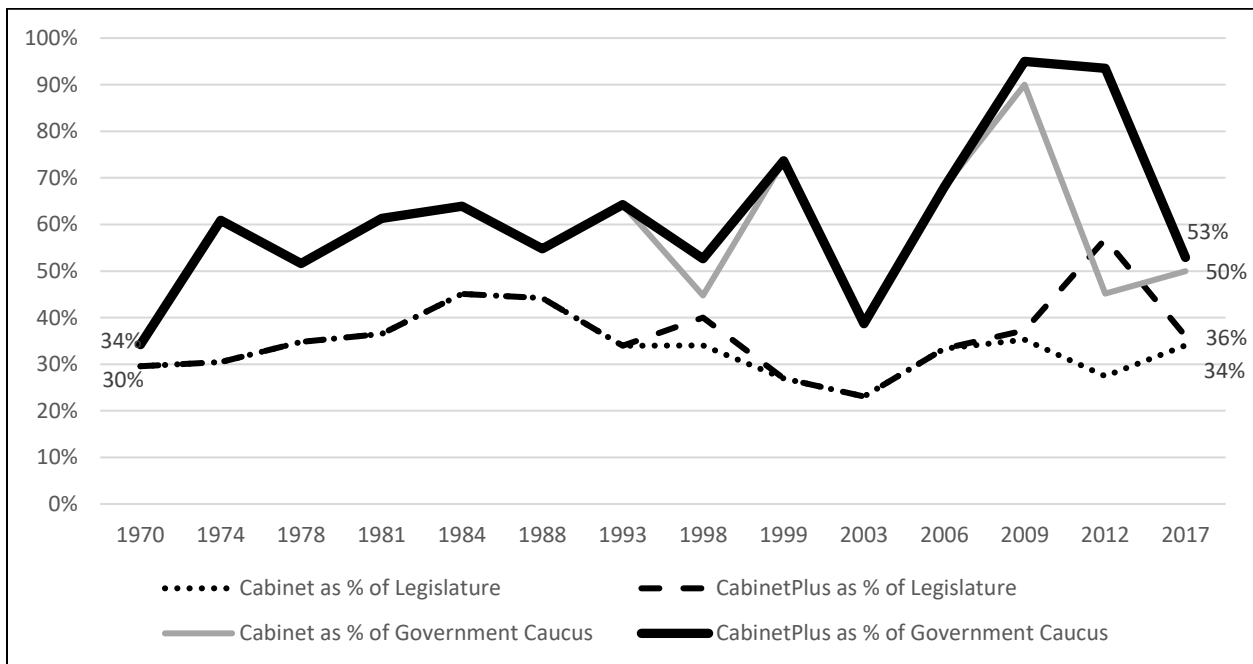
The results for Quebec indicate an instance of gradual executive creep, with small bumps in the size of the cabinet as a percentage of the legislature (+2%) and government caucus (+1%), matched with somewhat larger increases in the size of the “CabinetPlus” (+7% relative to the legislature; +8% relative to the government caucus). However, while the “CabinetPlus” is relatively large as a proportion of the legislature (41% as of 2017), the large size of the National

Assembly (125 members) means that it has more backbench and opposition members available for scrutiny than any other jurisdiction.

**Figure 8: New Brunswick**



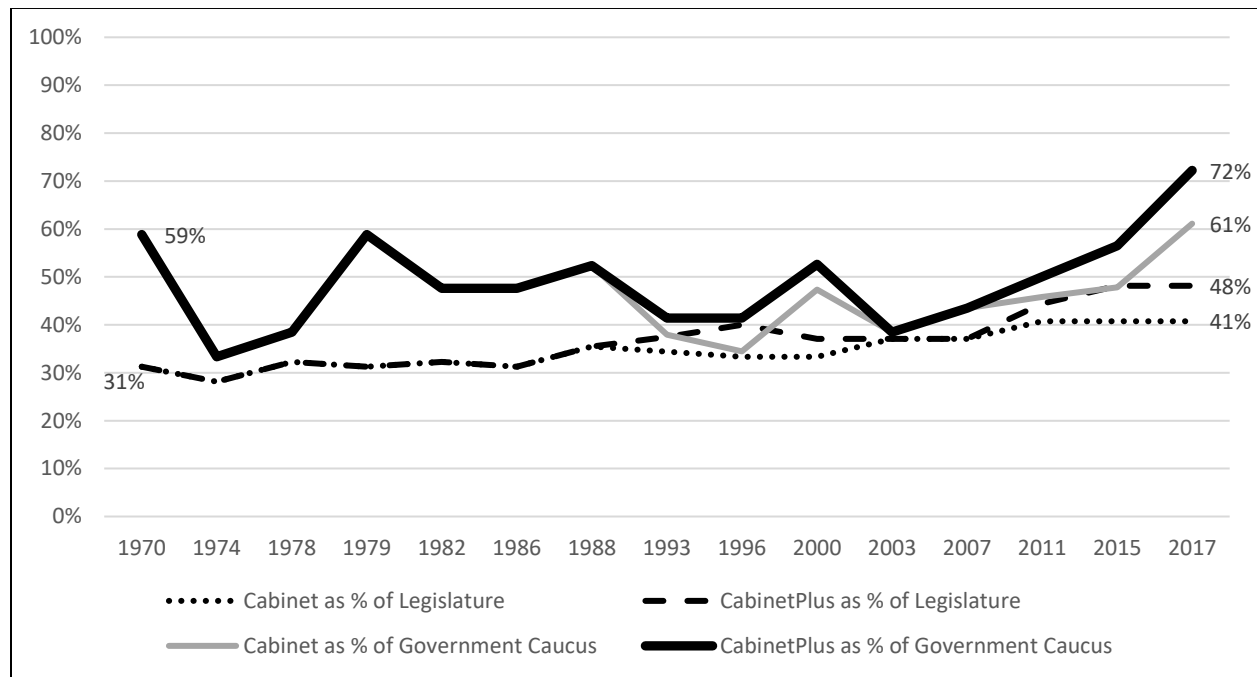
**Figure 9: Nova Scotia**



Moving further East, both New Brunswick and Nova Scotia both experienced only moderate executive creep. As shown in Figure 8, New Brunswick saw just a small increase in the size of cabinet as a percentage of the legislature (+4%) and the government caucus (+8%).

However, the proportion of the legislature and the government caucus serving in the province’s “CabinetPlus” did increase considerably (+10% and +19% respectively). The situation in Nova Scotia was virtually identical, with small rises in cabinet size (+4% relative to the legislature; +6% relative to the government caucus), and larger increases in the size of the “CabinetPlus” (+16% to the legislature; +19% to the caucus). However, in both provinces the results would have been significantly different had the most recent administrations not eliminated the parliamentary secretary style positions created by their predecessors. In each case the size of the “CabinetPlus” as a percentage of the legislature peaked nearly 20% higher than its final value.

**Figure 10: Prince Edward Island**

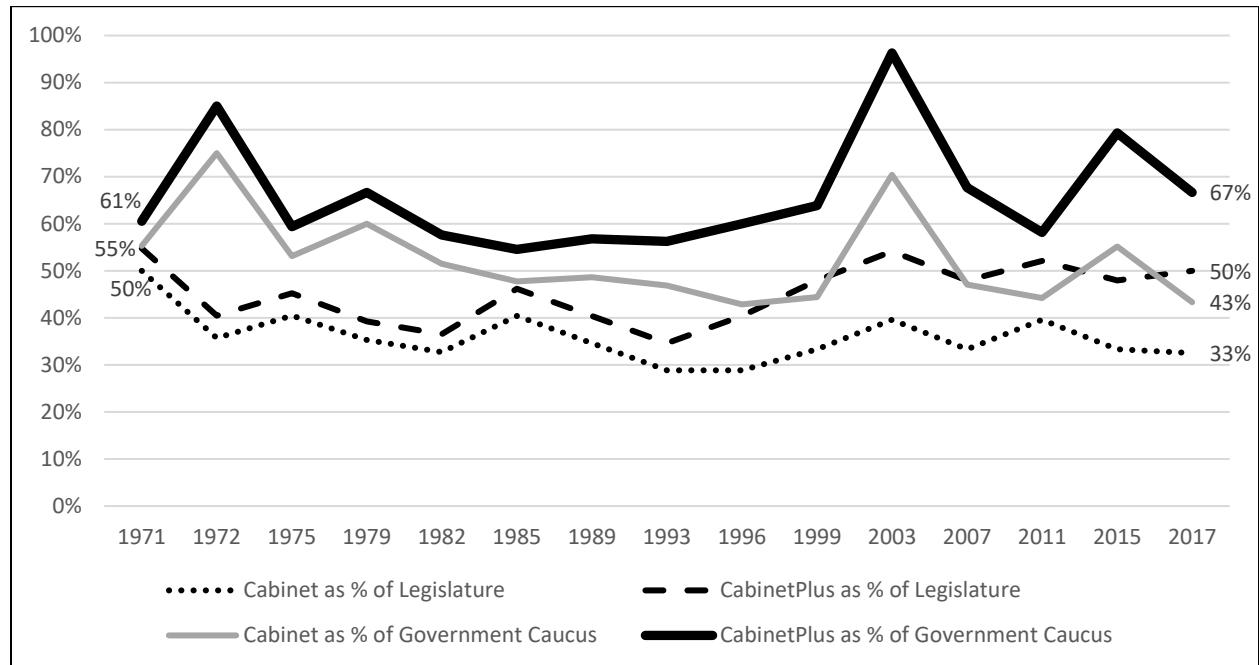


As mentioned earlier, Prince Edward Island has never had parliamentary secretaries, making its results, shown in Figure 10, distinct from those of any other province. In particular, given that the only additions to the “CabinetPlus” category are the occasional house leader, caucus chair or government whip who is not also a cabinet minister, the two measures are identical at several points. Yet while these additions are typically few, the small size of the legislature means even one or two extra quasi-ministerial positions can have a substantive effect on the ratio. However, despite the absence of parliamentary secretaries the province still experienced some executive creep over the period, with size of the cabinet and “CabinetPlus” both increasing as a proportion of the legislature (+10% and +17% respectively). In contrast to most other provinces, a high starting point meant that executive growth was less evident as a portion of government caucus.

Finally, the results for Newfoundland and Labrador (Figure 11) most closely resemble the decline in executive creep observed on the prairies. Specifically, the province experienced a decline in the size of cabinet as a percentage of both the legislature (-17%) and the government caucus (-12%), in addition to a decrease in “CabinetPlus” as a percentage of the legislature (-5%) as well. The only measure to increase was “CabinetPlus” as a proportion of the government caucus, which experienced a small increase (+6%). Notably, this reduction in cabinet size as a

proportion of the legislature becomes more remarkable when it is remembered that the legislature of Newfoundland and Labrador is smaller today than it was at the start of the study.

**Figure 11: Newfoundland and Labrador**



### Results – cabinet committees

While the provincial executive creep results reveal variance over time and province, a brief review of the recent cabinet committees with backbench membership shows the scope of another type of executive encroachment, when backbenchers are invited to serve on cabinet committees. Table 1 lists the names of cabinet committees in each province that backbenchers have served on since 2012. Manitoba, Ontario, and PEI stand out for the fact that backbenchers have not only served on cabinet committees but also the powerful priorities committees which, under some governments, may have more power and influence than cabinet as whole. Also notable is the fact that all provinces except Alberta have either backbench involvement in cabinet committees, parliamentary secretaries, or both. Indeed, the decision of Alberta’s current NDP government to abandon both the system of backbench participation in cabinet committees and the quasi-ministerial positions employed by the province’s previous PC administration is highly surprising and runs counter to both national trends and the practices of NDP administrations in other provinces. Additional research is required to explore whether the Notley administration has adopted other mechanisms for systematically channeling or managing backbench input.

**Table 1: Provincial Cabinet Committees with Backbench Membership (since 2012)**

<b>Province</b>	<b>Committees</b>
British Columbia	Secure Tomorrow; Strong Economy; Environment and Land Use
Alberta	None
Saskatchewan	Treasury Board; Crown Investments Corporation of Saskatchewan; Legislation and Regulation Review; Sub-Committee on Public Sector Bargaining; Provincial Land Use; Priorities and Transformational Change
Manitoba	Priorities and Planning <sup>5</sup>
Ontario	Priorities, Delivery and Growth; Treasury Board/Management Board; Legislation and Regulations; Jobs and Economic Policy; Health, Education and Social Policy
Quebec	None
New Brunswick	Legislative Instruments and Regulations; Policy; Treasury
Nova Scotia	Issues; Legislation
Prince Edward Island	Priorities; Policy Review
Newfoundland and Labrador	None

## Discussion

The aggregate national data shows only a marginal increase in executive creep in terms of the size of cabinet as a proportion of both the legislature (+1%) and the government caucus (+3% cabinet as percentage of government caucus), but a notable increase once accounting for quasi-ministerial positions using the “CabinetPlus” variable (+12% and +15% respectively). Six provinces had increases in all variables. Of these, the two provinces that experienced the most dramatic executive growth were BC and Ontario, with the “CabinetPlus” as a percentage of the government caucus rising 44% in the former and 56% in the latter. While BC and Ontario are two of Canada’s most populous provinces, possibly explaining representative pressures for executive creep, growth on all measures could also be found in two of the least populated provinces, New Brunswick and Nova Scotia, which both saw substantial 19% increases in “CabinetPlus” as a percentage of the government caucus. Despite not having parliamentary secretaries, PEI also saw across executive growth on all fronts, with “CabinetPlus” rising by a sizable 17% as a proportion of the legislature. The final province with growth in all executive creep indices was Quebec. However, its increases were more modest, with the largest being an 8% rise in the size of “CabinetPlus” as a proportion of the government caucus.

In contrast to this consistent growth, the other four provinces had decreases in at least one variable. Yet while Alberta, Saskatchewan, and Newfoundland and Labrador all experienced a mix of increases and decreases, Manitoba was the only jurisdiction to have declines in all variables. However, the timing of executive creep must be put into context in case. For instance, although Manitoba saw an overall decrease in executive creep between 1971 and 2017, there was a ten-year period, from the mid-1980s to the mid-1990s when almost 100% of the government

<sup>5</sup> The Manitoba data is incomplete, and other cabinet committees may include backbench government members.

caucus was in “CabinetPlus”. Most provinces experienced periods of major executive creep: BC (early 2000s); Alberta (late 1990s); Saskatchewan (mid 2000s); Ontario (late 1980s); Quebec (mid 1980s) New Brunswick (mid 2010s), Nova Scotia (early 2010s) and Newfoundland and Labrador (early 2000s). This variance in the timing across cases suggests that increases in these quasi-ministerial positions are difficult to predict and their existence can be fleeting. Moreover, the government party in power during the periods of peak executive creep also varies widely: BC, Ontario, Quebec, PEI – Liberal; Alberta, New Brunswick, Newfoundland and Labrador – Progressive Conservative; Saskatchewan, Manitoba, Nova Scotia – NDP.

The dramatic peaks and valleys in levels of executive creep could be the result of three dynamic political factors: 1) institutional change; 2) ideological beliefs; and 3) individual agendas. First, institutional trends such as reduction to legislature size have an obvious effect on the rate of executive creep. If legislatures shrink while cabinets and the number of quasi-ministerial jobs remain stable, levels of executive creep will increase. Likewise, on the government side, evolving representational demands and caucus pressures tend to result in the gradual growth of cabinets over a government’s tenure. On the ideological front, neoliberal or populist influences can lead premiers, regardless of party, to curtail their cabinet size in order to demonstrate restraint and efficiency. Such commitments can also lead governments to cut legislature size as well (Pond 2005). Third, individual factors matter – and the individual in question is the premier, who may want to put their own stamp on cabinet governance and caucus management. The increase of backbench membership on cabinet committees may also be evidence of institutional learning between premiers as more governments adopt the practice.

While the slow growth of executive creep nationally has implications for those concerned with the marginalization of private members and the centralization of power in cabinet, the cases of BC and Ontario present startling and alarming precedents for the two practices under focus for this study: the proliferation of provincial parliamentary secretaries and the opening of cabinet committees to private members. Not only do these positions and appointments weaken the independence of those government members who receive them, but the increased influence, salary, and status they offer also create more political carrots for maintaining discipline among those backbenchers left on the outside by increasing the probability and hope that disciplined behaviour will be rewarded. While these trends leave opposition private members to their own devices, the historical dynamics of provincial politics in Canada, which include both super-majority governments and dynastic parties, make any signs of executive creep more problematic.

On the other hand, if there is consensus that government backbenchers are weak political actors with no potential for holding the government to account as their traditional Westminster role expects, then there could be an alternate argument which supports the inclusion of backbenchers in government decision making, and for executives to go beyond their existing “fusion” with the legislature and wholly consume all the members it can into cabinet or quasi-ministerial positions. In this perspective, constituents may believe their local member has much more influence and opportunities to shape policy and hold the core ministry to account if they are on the inside, in a quasi-ministerial position or protected by the secrecy rules that follow most cabinet committee systems. The verdict is out on these normative questions but as our original data set has shown, executive creep has occurred and is on a general upward national trajectory. This data set should hopefully prove useful in the future as it offers opportunity for further study – including regression tests on government effectiveness variables including policy productivity and political popularity and their relationship with different levels of executive creep.

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