

LAW AND DEMOCRACY WEEK

Course n°10: Parliamentary Procedure and Privilege (Rob Walsh)

Rob R. Walsh

Following legal studies at the University of British Columbia, Robert R. Walsh was first called to the Bar in British Columbia in 1973 and later to the Ontario and Manitoba Bars in 1987. He spent 12 years in private practice in B.C. He served as a legislative counsel in the Manitoba Department of Justice from 1987 to 1991. He was then appointed General Legislative Counsel of the House of Commons, responsible for the Legislative Counsel Office. In 1992, he was appointed a Table Officer. In 1999, Mr. Walsh was appointed Law Clerk and Parliamentary Counsel, the twelfth since Confederation, with responsibility for both legislative counsel and legal counsel services. Mr. Walsh held that position until January, 2012.

The Parliament of Canada and the legislatures of the provinces and territories all belong to the Westminster model of legislative bodies, having inherited the regime of parliamentary law, custom and usage that evolved in the United Kingdom. The core of the particular legal regime governing Parliament, as well as the Senate and the House of Commons separately is parliamentary privilege. This is the set of constitutional principles and rules that are required to enable the Senate as an institution and its senator members, the House of Commons as an institution and its members, to function freely from interference by the Executive Branch of Government, and effectively. This class will explore this vital area at the intersection of law and politics and will look at its recent expansion and modernization through rulings of the Speaker of the House of Commons and of the decisions of the courts. There will also be discussion of the Office of the Law Clerk and Parliamentary Counsel in both Houses, and of the practice of parliamentary law.