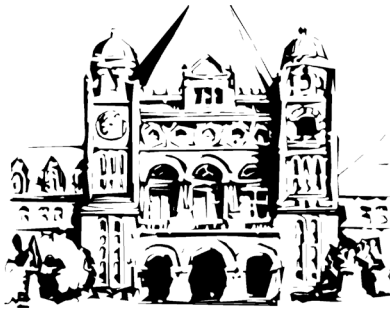




Legislative Reports



Ontario

The winter recess was interrupted when the Ontario Legislature was re-called on Sunday, January 25, 2009 to deal with a labour dispute between York University and its teaching assistants. The Minister of Labour, **Peter Fonseca**, introduced Bill 145, *An Act to resolve labour disputes between York University and Canadian Union of Public Employees, Local 3903*. The bill was debated over five days and received Third Reading and Royal Assent on Thursday, January 29.

Something about the House sittings during this period was different – even casual observers of the proceedings noticed that each morning the Sergeant-at-Arms led the Speaker's Procession carrying, and laying on the Clerk's Table, the first Provincial Mace that was used in 1792 in Upper Canada's first Parliament at Newark (now Niagara-on-the-Lake). It is made of pine and weighs only 2.5 kilos, about a third of the weight of the 'regular' Mace, in use since 1867.

As Deputy Speaker **Bruce Crozier** informed the House, the current Mace had been sent for

cleaning and maintenance. More specifically, the Mace was being re-plated, all in preparation for a very special 'addition'.

Mine to Mace Project

DeBeers Canada, through the Ministry of Northern Development and Mines, approached the Legislative Assembly of Ontario with the offer of a diamond extracted from the Victor Diamond Mine, Ontario's first (and currently only) diamond mine, located near Attawapiskat. The result is that DeBeers Canada presented the Legislative Assembly of Ontario with three diamonds, two of which were mounted on the Mace. (The third will be part of an exhibit about the Mace.)

The diamonds were handpicked by Ontario's Chief Gemmologist, **Ron Gashinski**, from among the first commercial production of the Victor Diamond Mine. The Mace was sent to Corona Jewellery who created and mounted the setting. Corona also arranged to have the Mace cleaned and re-plated so that its gilded finish matched the lustre and sparkle of the diamonds.

The mount was crafted of platinum alloy, generously provided by Vale Inco. The setting included one rough and one polished stone and was designed by **Reena Ahluwalia**, an Ontario jewellery designer.

As part of the project a supreme master diamond cutter, **Jack Lu**, from Crossworks Manufacturing, cut and polished the diamonds on site in the North Heritage Room. The diamond was laser-etched

with the number ONT-1-00001 – indicating that the finished stone was the first diamond to be mined, cut and polished in Ontario – and with the Latin motto found on the Assembly's coat of arms: "audi alteram partem" or "hear the other side".

On Thursday March 24, 2009, the Speaker adjourned the House during pleasure in order to permit a ceremony on the floor of the Chamber for the presentation of the refurbished Mace. Jacques Cartier might have been impressed – he was disappointed when some rocks (quartz and iron pyrite) he had collected and taken home in 1542 did not contain diamonds and was the first to use the expression, "Fake as Canadian diamonds".

The House

The Legislative Assembly now has a second Select Committee: the House passed a motion to strike a Select Committee on Mental Health and Addictions with a mandate to consider and report to the House its observations and recommendations with respect to a comprehensive Ontario mental health and addictions strategy. The Committee is required to report back to the Legislature by the end of the spring 2010 sitting period, or three months later if more time is required.

The Environmental Commissioner of Ontario tabled a report on March 2, 2009, entitled, "The Last Line of Defense, A Review of Ontario's New Protections for Species at Risk". The *Endangered*

Species Act came into effect in June 30, 2008 and this was the Environmental Commissioner's first report on the Act. One of the recommendations in the report was that the Government develop regulations requiring the Ministry of Natural Resources to publicize proposals for developments that could harm the 183 at-risk species.

Dwight Duncan, Minister of Finance, presented the Government's budget for 2009-2010 on March 26. Highlights of the budget include the harmonization of the PST and GST, creating a single 13% sales tax, starting July 1, 2010; the freezing of MPP salaries at their current level through 2009-2010; and \$32.5 billion for infrastructure projects over the next two years. Bill 162, *An Act respecting the budget measures and other matters* was referred to the Standing Committee on Finance and Economic Affairs for one day of public hearings and one day of clause-by-clause (as per a time allocation motion that passed on April 21).

Education Minister **Kathleen Wynne** introduced Bill 157, *Education Amendment Act (Keeping Our Kids Safe At School)*, to require school staff to report serious student incidents, such as bullying, to the principal. After Second Reading, the bill was referred to the Standing Committee on Social Policy for public hearings.

John Gerretsen, Minister of the Environment, introduced Bill 167, *An Act to promote reductions in the use and creation of toxic substances and to amend other Acts*. The legislation would require companies to track and report on the use of toxic chemicals, but the government would not impose mandatory targets.

Under the new Standing Orders (which came fully into

effect January 2009), MPPs may co-sponsor a private members' public bill. Up to one member from each party and any independent member may co-sponsor a bill. At the time of writing, three bills had been co-sponsored:

- Bill 111, *An Act to proclaim Emancipation Day* (**Ted Arnott**, PC; **Maria Van Bommel**, LIB);
- Bill 124, *An Act to amend the Smoke-Free Ontario Act with respect to cigarillos* (**France Gélinas**, NDP; **Dave Levac**, LIB);
- Bill 147, *An Act to proclaim Holodomor Memorial Day* (**Dave Levac**, LIB; **Frank Klees**, PC; and **Cheri DiNovo**, NDP);

Bills 111 and 124 received Royal Assent on December 24, 2008; Bill 147 was referred to the Standing Committee on Justice Policy on March 5, 2009 and was ordered discharged from that Committee on April 9. The bill was ordered for Third Reading without debate or amendment on April 9 and received Royal Assent on April 23.

In response to many MPP comments about the amount of paper Members received in the House (as many as eight fully-packed four-inch binders at each desk), the Speaker launched a project to save paper in the Legislative Chamber. All binders were removed and Members wanting a copy of *Hansard* or of a bill may obtain a copy each day at the Table. Members who wish to keep their binders and have the daily updates continue may do so upon request. While ensuring that all Members have full access to the information they ask for, the Speaker has succeeded in significantly reducing the amount of paper used in the Chamber.

Committees

The Standing Committee on Finance and Economic Affairs met for the purpose of Pre-budget Consultation Report Writing on Thursday, February 19, 2009. The Committee made eight recommendations and the final report included a dissenting opinion from each of the Opposition parties. The *Pre-budget Consultation 2009 Report* was tabled in the House on Monday, March 9.

The Standing Committee on Justice Policy considered two Government bills. The first was Bill 108, *An Act respecting apologies*. The bill provides that an apology does not constitute an admission of fault or liability except for the purposes of a proceeding under the *Provincial Offences Act*. The Committee received written submissions from the public and after clause-by-clause consideration, reported the bill back to the House with certain amendments. The bill received Royal Assent on April 23.

The Committee's second bill was Bill 115, *An Act to amend the Coroners Act*. The Committee held public hearings and after clause-by-clause review, reported the bill back to the House with certain amendments.

The Standing Committee on the Legislative Assembly had a busy winter sitting. The Committee conducted clause-by-clause consideration of three Private Member's Public Bills. On December 3, 2008, the orders for referral for Bill 37, *An Act to amend the Child and Family Services Act to protect Ontario's children*, Bill 98, *An Act to promote the sale of Ontario grown agricultural food products by amending the Municipal Act, 2001 and the Public Transportation and Highway Improvement Act*, and Bill 124, *An Act to amend the Smoke-Free Ontario Act with respect to cigarillos*

to the Standing Committees on Social Policy, Justice Policy and General Government, respectively, were discharged and the bills were referred to the Standing Committee on the Legislative Assembly. The very next day, on December 4, 2008, the Committee dealt with the three bills (which had been time-allocated) concurrently and completed clause-by-clause consideration in just under 20 minutes.

The Committee continues to be very busy during the spring sitting of the Legislature dealing with two labour-related Government bills, Bill 139, *An Act to amend the Employment Standards Act, 2000 in relation to temporary help agencies and certain other matters* and Bill 154, *An Act to amend the Employment Standards Act, 2000 in respect of organ donor leave*. Bill 139 generated a great deal of interest and the Committee heard from 52 witnesses in 11 hours over two sitting days. Bill 154 would permit organ donors to take up to 26 weeks unpaid/job-protected leave to recover from surgery.

The Standing Committee on Social Policy held public hearings on Bill 141, *An Act to amend the Regulated Health Professions Act, 1991* and reported the bill back to the House with certain amendments on March 11, 2009. The bill received Royal Assent on April 23. The Committee also considered Bill 133, *An Act to amend various Acts in relation to certain family law matters and to repeal the Domestic Violence Protection Act, 2000* with public hearings on March 23, 24 and 30 in Toronto, followed by clause-by-clause on April 6 before reporting the bill back to the House with certain amendments. Following constituency week, the Committee conducted public consultations on Bill 152, *An Act*

respecting a long-term strategy to reduce poverty in Ontario.

The Standing Committee on General Government held public hearings on Bill 118, *Countering Distracted Driving and Promoting Green Transportation Act, 2009* and Bill 126, *Road Safety Act, 2009* concurrently over three days during the month of March. The bills amend the *Highway Traffic Act* to prohibit driving with display screens and other devices in motor vehicles, and impose a zero blood alcohol concentration on young and novice drivers when driving. Both bills were reported as amended on April 2 and received Royal Assent on April 23.

On February 24, the Minister of Energy and Infrastructure, **George Smitherman**, introduced Bill 150, *Green Energy and Green Economy Act, 2009* (also known as the *Green Energy Act*). The legislation would remove regulatory roadblocks for wind turbines, solar farms and other 'green' energy sources and promote conservation through an upgraded building code, higher standards for appliances and mandatory energy audits of homes for sale. The legislation also includes a "Buy Canadian" clause requiring domestic content in green energy projects.

The legislation received Second Reading on March 11 and was referred to the Standing Committee on General Government. The Committee met in Toronto on April 6, 8, 20, and 22, and travelled to Sault Ste. Marie, London, and Ottawa on April 14, 15, and 16. Response to the Committee's request for witnesses was so great that the House authorized the Committee to sit beyond its normal hour of adjournment on two of its meeting days.

The Standing Committee on Government Agencies continued to undertake the review of

intended appointments to Ontario Government agencies, boards and commissions, pursuant to its permanent mandate. During the winter recess and the spring sittings of the House, the Committee reviewed the operations of the following agencies: Ontario Securities Commission; Human Rights Tribunal of Ontario; and Ontario Racing Commission. In each case, the Committee met with the agency itself and heard presentations by selected stakeholders.

Other matters

On January 12, 2009, **Laurie Scott** resigned her seat as member for the electoral district of Haliburton-Kawartha Lakes-Brock. The by-election gave the leader of the Progressive Conservative Party of Ontario, **John Tory**, an opportunity to campaign for a seat in the Legislature. The by-election was held on March 5 and **Rick Johnson**, Liberal, won the seat by about 900 votes (a 2.5% margin). Mr. Tory had been without a seat since the general election of October 2007 when he ran and lost in the electoral district of Don Valley West, against **Kathleen Wynne**, Minister of Education. The day after the by-election, Mr. Tory announced his resignation as leader. **Bob Runciman**, MPP (Leeds-Grenville), will serve as interim leader until the PCs hold a leadership convention at the end of June. (Mr. Runciman has been serving as the Leader of the Official Opposition in the Legislature since the October 2007 election.)

Mr. Johnson was sworn in on March 23 as the member for the electoral district of Haliburton-Kawartha Lakes-Brock.

Four candidates have declared their intention to run for the leadership of the Progressive

Conservative Party of Ontario: **Christine Elliott**, MPP (Whitby-Oshawa), **Randy Hillier**, MPP (Lanark-Frontenac-Lennox and Addington), **Tim Hudak**, MPP (Niagara West-Glanbrook), and **Frank Klees**, MPP (Newmarket-Aurora).

On June 14, 2008, **Howard Hampton**, MPP (Kenora-Rainy River), announced that he would be stepping down as leader of the New Democratic Party of Ontario. **Andrea Horwath**, MPP (Hamilton Centre), was elected as the new leader at the NDP convention held in Hamilton on March 7 and 8, 2009. Ms. Horwath won on the third ballot, defeating other contenders **Gilles Bisson**, MPP (Timmins-James Bay), **Michael Prue**, MPP (Beaches-East York), and **Peter Tabuns**, MPP (Toronto-Danforth).

Ms. Horwath was Third Deputy Chair of the Committee of the Whole House. **Cheri DiNovo** assumed the role of Third Deputy Chair of the Committee of the Whole House in April. Ms. DiNovo is the NDP member for the electoral district of Parkdale-High Park.

Susan Sourial
Committee Clerk



The parliamentary proceedings of the first session of the 39th legislature, which were adjourned on January 15, 2009 after three days of extraordinary sittings, resumed for the spring sessional period on March 10, 2009, with the Opening Speech of the Session delivered by Premier **Jean Charest**.

Spring marks the beginning of the budgetary process at the National Assembly and, last 19 March, the Minister of Finance launched this process with the Budget Speech. The debate on the Budget Speech ensued, to be suspended in the Assembly and continued in the Committee on Public Finance. On Tuesday, March 24, 2009, the Assembly carried a motion by the Government House Leader for the Assembly to give consideration to Interim Supply for the fiscal year ending March 31, 2010. This budgetary stage concluded with the passage of *Appropriation Act No. 1, 2009-2010*, and the referral to the standing committees of the estimates of expenditure for the 2009-2010 fiscal year. On April 7, 2009, the Assembly resumed the debate on the Budget Speech and, at the conclusion of this debate, carried the motion by the Minister of Finance proposing that the Assembly approves in general the budgetary policy of the Government.

Parliamentary simulations

From February 11-13, 2009, the Québec National Assembly welcomed more than 100 students from Secondary 3 and 4 to the 7th Young People's Parliament. This parliamentary simulation provided an opportunity to participants from 29 public and private schools from 11 regions throughout Québec to get together to examine three bills that they had drafted during this 7th legislature and which concerned the following issues: the accountability of young people as regards cybersecurity in Québec schools; the obligation for Québec high schools to implement a first-aid training programme for students and staff members; and the implementation of methods to foster student exchanges among Francophone pupils of Québec and Anglophone

pupils from other Canadian provinces.

Other Matters

On March 6, 2009, **Mario Dumont** announced his resignation as Member for the electoral division of Rivière-du-Loup and as Leader of the Action démocratique du Québec. A Member from 1994 to 2009, Mr. Dumont held the office of Leader of the Official Opposition from April 2007 to November 2008.

On April 8, 2009 **Monique Jérôme-Forget** resigned as Member for the electoral division of Marguerite-Bourgeoys. She represented this riding at the National Assembly from 1998 to 2009, a period during which she was the Official Opposition critic for finance from 1999 to 2003, then Chair of the Conseil du trésor and responsible from the Government Administration from 2003 to 2008, and Minister of Finance from 2007 to 2009. She was the first woman to hold the offices of Chair of the Conseil du trésor and Minister of Finance simultaneously. **Raymond Bachand**, Minister of Economic Development, Innovation and Export Trade, succeeds Mrs. Jérôme-Forget.

Within the framework of discussions on parliamentary reform, the political parties present in the Assembly agreed to grant the status of parliamentary group to the Members of the Action démocratique du Québec for the duration of the 39th Legislature. **Sylvie Roy**, Member for the riding of Lotbinière, and **Marc Picard**, Member for the riding of Chutes-de-la-Chaudière, now respectively have the status of Leader and of Second Opposition Group House Leader since April 21, 2009.

The composition of the Assembly stands as follows:

Québec Liberal Party, 65 Members; Parti Québécois, 51 Members; Action démocratique du Québec, 6; Québec solidaire, 1. There are 2 vacant seats.

The Liberal Member for L'Acadie from 1976 to 1989, and Minister of Health and Social Services from 1985 to 1989, **Thérèse Lavoie-Roux** passed away in Montréal on January 31, 2009.

The President of the National Assembly of Québec, **Yvon Vallières**, unveiled on March 31, the portrait of his predecessor, **Michel Bissonnet**, who was President from June 2003 to July 2008. The portrait of Mr. Bissonnet hangs in the Presidents' Gallery, situated near the Hall of Honour in the Parliament Building. The paintings or photographs of the speakers and presidents of the National Assembly that have held this office since 1867 are on display there.

Sylvia Ford

Secretariat of the National Assembly

Standing committees

After having elected their chairmen and vice-chairmen on January 15, the standing committees resumed their activities in mid-March after a few months off owing to general elections being called. Several committees took the opportunity when the Assembly proceedings resumed to hold their first deliberative meeting to provide information to the new Members.

On March 13, the Committee on Public Finance heard the Minister of Finance in relation to the results of the Caisse de dépôt et placement du Québec for the year 2008. This two-hour public hearing was the first component of the order given to the Committee via a motion of the Assembly carried on March 12, 2009. The Committee

will continue its hearings on this subject upon reception of certain documents, among which is the annual report 2008 of the Caisse de dépôt et placement du Québec. Eleven other individuals will be heard on this occasion, including **Henri-Paul Rousseau**, former chairman and chief executive officer of the Caisse de dépôt, and **Pierre Brunet**, former chairman of the board of directors of this same organization. Lastly, in pursuance of the aforementioned motion, the Minister of Finance was scheduled to be heard again for a period of four hours at the conclusion of these hearings. However, the latter resigned from office on April 8, 2009.

Furthermore, pursuant to the National Assembly's Standing Orders 272, 275 and 276, the debate on the budget speech, which commenced in the Assembly, continued in the Committee on Public Finance for a period of 10 hours, on April 1-2. The Minister of Finance was a member of the Committee during its proceedings with respect to the mandate, as provided for in the Standing Orders.

On March 18, the members of the Committee on Social Affairs unanimously decided to resume the order of initiative on the phenomenon of homelessness in Québec. It should be noted that, within the framework of the order adopted during the 38th Legislature, the Committee held public hearings in the autumn of 2008 in the cities of Montréal, Trois-Rivières, Gatineau and Québec during which 101 organizations were heard, particularly 6 ministries and a dozen homeless or formerly homeless persons. It should also be mentioned that 144 briefs have been received to date within the framework of this mandate. In accordance with this

decision, the Committee will hear in the coming weeks five organizations that had not been heard in the fall, after which it will be able to draft its final report.

At the end of March and the beginning of last April, the Committee on Social Affairs held special consultations on Bill 6, *An Act to establish a seniors caregiver support fund* and on Bill 7, *An Act to establish an early childhood development fund*. Some thirty individuals and organizations were heard during these consultations. The purpose of Bill 6 is to give support to caregivers who provide unpaid in-home care and regular assistance to seniors with a significant or persistent disability that may compromise their ability to continue living at home. The purpose of Bill 7 is to support the overall development of children five years of age and under living in poverty.

At the end of last March, the Committee on Labour and the Economy heard close to a dozen organizations during public hearings held on Bill 25, *An Act to amend the Pay Equity Act*. The purpose of this Act, which was adopted in 1996, is to adjust wage differentials owing to systemic gender-based discrimination.

Three interpellations

The resumption of Assembly proceedings also marks the return of interpellations which are held on Friday mornings, from 10.00 o'clock a.m. to 12.00 o'clock p.m., during ordinary hours of meeting. According to Standing Order 295, every Member sitting in opposition may interpellate a minister on a matter of general interest for which he is officially responsible. Three interpellations were held on March 20 and 27 and on April 6 (by leave of the Assembly to set aside the provisions of the Standing

Orders concerning the schedule) on the following subjects:

- The Federal Government's decisions and their effects on the financial situation of Québec;
- The funding of public-private partnerships in the context of the global financial crisis;
- Dropping out of school in Québec.

For further information on the standing committee proceedings, please visit the Internet site of the National Assembly of Québec at the following address: www.assnat.qc.ca.

Christina Turcot

Secretariat of committees



Prince Edward Island

The Second Session of the Sixty-third General Assembly resumed on April 2, 2009. **Wes Sheridan**, Provincial Treasurer, introduced his budget on April 16, 2009, which contained expenditures of just under \$1.48 billion. Health continued to account for the largest share of provincial expenditure at just over \$444 million, followed by Education and Early Childhood Development at \$207 million, and Social Services and Seniors at \$124 million. A deficit of \$85.3 million is projected; of this amount, \$39.4 million is a pension adjustment, reflecting the downturn in the international financial markets. There was only one tax

measure announced in the budget speech which was to raise the tax on tobacco by five dollars per carton.

Significant Legislation

Several pieces of significant legislation were considered during the spring sitting of the Second Session of the Sixty-third General Assembly. Among them:

- *Payday Loans Act* (Bill No. 69) is designed to protect borrowers who take out small, short-term loans, sometimes called payday loans, intended to cover a borrower's expenses until his or her next payday. The act will require lenders and brokers to be licensed by the province, and to provide full disclosure of all fees before a loan is granted. Other provisions include a two-day cooling off period for the borrower and a prohibition on rolling over loans into a new pay period.
- The *Medical Act* (Bill No. 73) will make it easier for new doctors to set up practice in the province and will expedite the procedure for launching a complaint against a physician. The majority of the changes from the existing act centre on registration of new doctors and the disciplinary process. During debate in Committee of the Whole, the act was amended to ensure that the power of the Council of the College of Physicians and Surgeons to make regulations is subject to the approval of the Minister of Health and Social Services.

New Rule Book

The Standing Committee on Privileges, Rules and Private Bills completed its study of the rules of the Legislative Assembly and recommended the adoption of a new rule book in its report of April 7, 2009. The committee had reviewed a number of proposed

modifications to the current rules, including incorporation of committee guidelines into the main body of the rules; a simplification of capitalization, grammar, punctuation and language; a re-drafting of certain rules to conform with the practices of the House; the addition of a comprehensive table of contents; and an expansion of the forms of proceeding.

Beyond changes to the text, a number of features have been incorporated into the book itself in order to make it a more user-friendly publication. The staggered sections and various colours of the former rule book were eliminated in favour of descriptive headings for each rule which correspond to the table of contents. The rules were grouped according to subject matter and organized into chapters. As compared with the former rule book of the Legislative Assembly, the new rule book is larger at 6-1/2" x 9-1/2", and is printed on a heavier paper stock for ease of handling. The Calibri typeface was selected to improve readability; and the point size of the text has been increased for the same reason.

The new rule book was adopted by the Assembly on an interim basis for effect beginning April 7, 2009, to continue until permanently adopted.

Photo Exhibit

The Legislative Assembly of Charlottetown is hosting an exhibition of photographs taken during the Cape Farewell Youth Expedition 2008 organized by the British Council. Last fall, Prince Edward Island high school student **Sean White** joined an international group of students who journeyed to the Arctic on a youth expedition that raised awareness of climate change in Canada and abroad.

The Cape Farewell Youth Expedition was an inspirational international project that brought together top scientists, artists, educators and high school students from around the world and from each Canadian province and territory on an Arctic voyage of discovery.

The voyagers sailed from Reykjavik, Iceland, skirted the southern tip of Greenland and ended in Iqaluit on Baffin Island. Students studied climatology, oceanography, geomorphology and biogeography. Their art projects included film, photography, fine arts, performing arts and writing. Throughout the voyage, P.E.I. photographer **Robert van Waarden** documented the voyage and produced a collection of breathtaking images. The exhibition was officially launched on Earth Day, April 22, and will continue until May 15, 2009.

Marian Johnston

Clerk Assistant and
Clerk of Committees



Senate

Early in this new session of Parliament, much effort was focussed on the state of the Canadian economy. The federal budget was announced the day after the opening, and Bill C-10, the budget implementation bill, which included the government's economic stimulus package, was introduced in the House of Commons on February

6, 2009. Once it arrived in the Senate, the bill was considered over the course of five sitting days and passed on March 12. At the same time, the Senate agreed to a motion to authorize four Senate committees to examine and report on specific parts of the bill, notably those that affected the *Navigable Waters Protection Act*, the *Competition Act*, equitable compensation and employment insurance.

On March 3, **Mac Harb** introduced Bill S-229 to ban Canada's commercial seal hunt. The routine motion to place the bill on the Order Paper for a second reading failed when no seconder was identified. As a result, the bill cannot be debated. Not deterred, Senator Harb subsequently introduced motions and inquiries in order to open the debate on this issue. He has also presented petitions from over 12,000 residents across Canada supporting his initiative to ban the hunt.

Speaker's rulings on the need for a Royal Recommendation

A number of points of order were raised regarding certain Senate public bills. It was argued that four bills each needed a Royal Recommendation, which is required for any bill that proposes to appropriate public funds. This can only be obtained by a Minister of the Crown and signified in the House of Commons. Senators are aware of these limitations and make efforts to ensure that their bills do not appropriate any public funds. However, even if an expense is not evident in the wording of a bill, the ramifications of the proposals in a bill can sometimes lead to unforeseen expenses that would require a Royal Recommendation.

The Speaker made four consecutive rulings on February 24, 2009 addressing each of these

bills. In the first, he outlined various criteria that must be considered to determine if a bill needs a Royal Recommendation or not: "First, a basic question is whether the bill contains a clause that directly appropriates money. Second, a provision allowing a novel expenditure not already authorized in law would typically require a Royal Recommendation. A third and similar criteria is that a bill to broaden the purpose of an expenditure already authorized will in most cases need a Royal Recommendation. Finally, a measure extending benefits or relaxing qualifying conditions to receive a benefit would usually bring the Royal Recommendation into play."

Mira Spivak wished to legally establish and protect the boundaries of Gatineau Park. Her Bill S-204 was questioned on the grounds that it would allow the National Capital Commission (NCC), which owns most of the land within the park, the right of first refusal on any private land sold within the park. The Speaker's ruling pointed out that the NCC already has considerable discretion in the purchase and sale of lands within the park, and the bill would not oblige it to purchase any land. The bill would therefore not require the NCC to do anything it did not already have the power to do, and would not require a Royal Recommendation.

Jerry Grafstein's Bill S-201, to establish a National Portrait Gallery, was questioned on the grounds that it would add a new purpose to the *Library and Archives Canada Act*. The Speaker's ruling stated that since it was not clear whether the bill would incur novel expenditures, as opposed to reallocating existing funds, the bill was found to be in order.

Another bill introduced by

Senator Grafstein, Bill S-203, would allow the use of municipal tax-exempt bonds to fund urban projects such as mass transit, subways, waste management and drinking water systems. This bill was questioned because the tax exemption was claimed to constitute an appropriation of public funds. However, as a Royal Recommendation is not required for any measure reducing taxes, the bill was ruled in order.

Finally, **Sharon Carstairs'** Bill S-207 proposed to extend the Employment Insurance (EI) benefit's qualifying period for spouses or common-law partners of persons sent on foreign postings from the present 2 years to up to 5 years. This would allow them to use hours of employment accumulated before the posting to qualify for EI when they return to Canada. As this extension would have relaxed the conditions to be met in order to receive EI benefits, and would have led to increased government payments, the Speaker ruled the bill out of order.

Questions of privilege

The Speaker also ruled on a number of questions of privilege, one of which was raised by **James Cowan**, Leader of the Opposition in the Senate. He protested that two weeks after the Senate had passed the budget implementation bill, a government website still suggested that the Senate had not approved it. Senator Cowan claimed that this matter impaired all Senators' ability to perform their duties, as the public would not know if they should believe Senators or the statement on this government website. The Speaker's ruling, delivered on March 31, found that it did not appear that a contempt had been intended towards the Senate nor that its privileges had been

violated, but rather that it was "probably due to a lack of diligence in updating information". The ruling found that a *prima facie* case of privilege had not been established.

As part of his ruling, the Speaker reflected on the use of rule 59(10) to raise this question. Rule 59(10) states that no notice is required for raising a question of privilege. However, normal procedure requires that a Senator give a letter to the Clerk of the Senate at least 3 hours before a sitting of the Senate, indicating an intent to raise a question of privilege.

The Speaker explained that rule 59(10) was formerly used in conjunction with another rule that had been deleted from the *Rules of the Senate*, and that "it is no longer evident how a matter raised under rule 59(10) should be pursued." The Speaker then suggested that the Standing Committee on Rules, Procedures and the Rights of Parliament review the matter and suggest how it could be reconciled with the other rules pertaining to questions of privilege.

The Speaker's ruling was immediately appealed. Consequently, a motion was moved for the Standing Committee on Rules, Procedures and the Rights of Parliament to study the matter raised in the question of privilege. The appeal also left the secondary matter of the use of rule 59(10) open to debate and use.

Rule 59(10) has since been used two more times. **Pamela Wallin** raised a question of privilege to object that the Standing Senate Committee on National Security and Defence had been unable to establish a subcommittee on veterans' affairs. In his ruling on April 21, the Speaker noted that a disagreement on how to deal with the issue in committee did not violate privilege.

Senator Harb also raised a question of privilege about remarks made while he spoke on the seal hunt. He felt these remarks amounted to an inappropriate attempt to silence him. In finding no *prima facie* question of privilege in his ruling, also given on April 21, the Speaker stated that nothing had actually prevented the Senator from continuing to speak, and that the issue may have been one of order, not privilege.

Committees and reports

Committees were all constituted shortly after the opening of Parliament and have received orders of reference and budgets and begun their work. Three new Senators were elected as Chair and Deputy Chairs of certain committees. **Percy Mockler** was elected Chair of the Committee on Agriculture and Forestry, while **Irving Gerstein** was elected the Deputy Chair of the Committee on National Finance and Senator Wallin the Deputy Chair of the Committee on National Security and Defence.

The Senate reconstituted the Special Committee on Aging, which has now completed its study on the implications of an aging society in Canada and tabled its report entitled *Canada's Aging Population: Seizing the Opportunity* on April 21. Its many recommendations included the need for the federal government to promote active and healthy aging, to provide adequate services in order to allow senior citizens to live in the place of their own choosing, to provide leadership on proposed initiatives regarding integrated care, caregivers and pharmacare, as well as a need for a federal transfer of funds to the provinces with the highest proportion of the aging population.

The Standing Committee

on Social Affairs, Science and Technology also released a report entitled *Early Childhood Education and Care: Next Steps* on April 28. The report recommended that the Prime Minister appoint a Minister of State for Children and Youth to advance quality early learning, parenting programs and child care, with the advice of a National Advisory Council on Children, and that a pan-Canadian framework be established to support children and their families, as well as a federal/provincial/territorial Council of Ministers responsible for early learning, child care and parental supports.

The Senate adopted a motion proposed by **Serge Joyal** to hear from Aboriginal leaders on "progress made on commitments endorsed by parliamentarians of both Chambers during the year following the Government's apology to former students of Indian Residential Schools" on June 11, 2009 in a Committee of the Whole.

Milestones

The year 2009 brings with it many retirements from the Senate. Starting this year's retirements is **Michel Biron**, who represented Mille Isles in Quebec. Senator Biron retired on March 16. He was an important promoter of economic development in the regions, especially in Quebec. His experience as a long-time businessman and entrepreneur contributed to the work of the Senate Committee on Banking, Trade and Commerce and that of the Senate Committee on National Finance. **Gerard Phalen** from Glace Bay in Cape Breton, Nova Scotia, retired on March 28. Senator Phalen was an industrial mechanical instructor for almost 25 years in Nova Scotia before being appointed to the Senate. He was also a distinguished union leader for many

years. Both Senators were appointed to the Senate in 2001.

The Senate also paid tribute to former Senators **Gérald A. Beaudoin** and **Raymond Joseph Perrault**, who both passed away in 2008.

It was announced that the Usher of the Black Rod, **Kevin MacLeod**, had been appointed as the new Canadian Secretary to the Queen. In addition to his present duties, Mr. MacLeod will be responsible for coordinating Her Majesty's visits to Canada later this year or next, as well as those of other members of the Royal Family.

Katie Castleton
Procedural Clerk



Alberta

The Spring sitting of the 2nd Session of the 27th Legislature commenced on February 10, 2009, with the Speech from the Throne delivered by Lieutenant Governor **Norman L. Kwong**. The Speech, entitled "Facing the Future with Confidence," outlined the Government's plans to meet current challenges and to create opportunities for the future. Other highlights included:

- the release and implementation of a comprehensive plan to manage the economic, environmental, social, and infrastructure impacts and opportunities of oil sands development;
- the introduction of the *Carbon Capture and Storage*

Implementation Act to establish a \$2 billion investment in carbon capture and storage;

- the implementation of a land-use framework through legislation to balance competing uses of land;
- the development of a long-term vision for Kindergarten to Grade 12 education through consultation with Albertans;
- the integration of ambulance and emergency medical services with other parts of the provincial health system; and
- the introduction of legislation to combat organized criminal activity.

On opening day Premier **Ed Stelmach** introduced Bill 1, *Employment Standards (Reservist Leave) Amendment Act, 2009*. The Bill provides Canadian Forces reservists in Alberta with unpaid, job-protected leave when away from their civilian jobs while serving the country. The Bill, which received Royal Assent on April 20, 2009, also entitles reservists to 20 days each calendar year for training.

Government Bills

Some Bills before the Assembly include: Bill 18, *Trade, Investment and Labour Mobility Agreement Implementation Statutes Amendment Act, 2009*, is an omnibus Bill that amends 11 Acts to ensure that all affected Alberta statutes are consistent with the terms of the TILMA, a bilateral interprovincial trade, investment, and labour mobility agreement between Alberta and British Columbia, which took effect April 1, 2009.

During Committee of the Whole consideration the Government moved a package of four additional administrative amendments which were agreed to and the opposition moved two amendments

which were defeated. The opposition criticized the TILMA stating there was not adequate debate during development of the agreement and citing constitutional issues with an amendment to the Government Organization Act that would allow legislative authority to be delegated from the Assembly to Cabinet.

Bill 19, *Land Assembly Project Area Act*, outlines the process by which the Government will designate and assemble large tracts of land for major infrastructure projects such as transportation utility corridors. The legislative framework attempts to make the process more transparent and accountable when dealing with numerous landowners for large-scale land acquisitions over a long term. The opposition questioned the need for this legislation because of existing land expropriation legislation and urged the Assembly, unsuccessfully during Second Reading, to refer the Bill to a Standing Committee in order to further research and gather public input on the Bill. The Government introduced amendments during Committee of the Whole consideration to further clarify certain aspects of the legislation in response to concerns raised by the public regarding the Bill. The opposition introduced a subamendment to the Government amendments and five additional amendments, all of which were defeated. The Leader of the Official Opposition moved a hoist amendment to the motion for Third reading which was defeated on division. The Bill was passed on April 29, 2009.

Bill 34, *Drug Program Act*, provides the legislative framework to guide future government pharmaceutical policies. It establishes a drug program under the administration of the Minister for the purpose of providing funding for,

or providing drugs, services, and approved drugs. The Bill received First Reading April 29, 2009.

Bill 36, *Alberta Land Stewardship Act*, would implement a landuse framework developed by Government with input from Albertans, municipalities, and both the business and environmental communities. The framework introduces a new approach to landuse planning, one that will attempt to meet the environmental, as well as the economic and social objectives of Alberta. The Act implements the framework by creating seven planning regions in Alberta. It authorizes the creation of regional plans and requires compliance with those plans. It creates new conservation and stewardship tools aimed at protecting Alberta's natural heritage on public and private lands. The Bill is currently in Second Reading.

Bill 44, *Human Rights, Citizenship and Multi culturalism Amendment Act, 2009*, amends the Act by updating several administrative aspects of the legislation which had not been updated in 13 years. The amendments clarify the role of the Human Rights Commission in order to reduce the amount of time spent reviewing and processing complaints and to better align it with current and future realities. The amendments also codify "sexual orientation" as a protected ground of discrimination. One section of the Bill confirms parents' rights to remove their children from subjects being taught in schools related to religion and human sexuality. This section of the amendments is expected to be controversial and will likely garner heated debate in the Assembly. The Bill is currently in Second Reading.

On March 17, 2009, Bill 52, *Health Information Amendment*

Act, 2008, was reinstated and referred to the Assembly's Standing Committee on Health. This is the first time the Assembly has reinstated a Bill from a previous session since a provision to allow this procedure was added to the Standing Orders in 2001.

Private Members' Public Bills

Bill 201, *Traffic Safety (Vehicles with Unlawfully Possessed Firearms) Amendment Act, 2009*, introduced by **Kent Hehr** (Lib, Calgary-Buffalo), proposed amendments to the *Traffic Safety Act* by making it an offence to drive a motor vehicle on a highway in which there is an unlawfully possessed firearm. Where an offence was deemed to have been committed, police officers would have been able to request the surrender of the driver's licence and detain the vehicle. The individual's driver's license would then be suspended for a 24-hour period and the vehicle impounded for the same length of time. The Bill was defeated at Second Reading.

Bill 203, *Local Authorities Election (Finance and Contribution Disclosure) Amendment Act, 2009*, sponsored by **Jeff Johnson** (PC, Athabasca-Redwater), would amend the Act by setting and defining provincewide standards for financial contributions to candidates in municipal elections and disclosure requirements of campaign financial records. The amendments to the *Local Authorities Election Act* would set guidelines at the municipal level to mirror legislation that guides provincial and federal election campaign finances. At the time of writing the Bill was being considered by Committee of the Whole.

Budget 2009

On April 7, **Iris Evans**, Minister of Finance and Enterprise, presented

Budget 2009 and the estimates for the 2009-10 fiscal year. Revenue for the 2009-10 fiscal year is estimated to decline to \$31.7 billion, a decrease of \$4 billion or 11 per cent from 2008-09. The Minister projected total expenditures of \$36.4 billion in 2009-10. The Government announced that, if required, it would take \$2 billion in fiscal corrective actions by 2010 to meet targets for 2010-11 and 2011-12. A new fiscal framework will allow for transfers from the Sustainability Fund over those three years to offset the deficits.

Operating expenses will be increased by 3.7 per cent or \$1.1 billion. Of this increase 75 per cent will be allocated to health, education, advanced education and to programs for children, seniors, and the disabled. The Budget increases the base budget for the Department of Health and Wellness by 4.6 per cent or \$558 million. Funding for Advanced Education and Technology, which oversees postsecondary education programs, will receive an increase of 3.4 per cent while program support for Education will increase by 3.2 per cent or \$165 million. Seniors and Community Supports funding is increasing by 8.7 per cent to provide support for the Persons with Developmental Disabilities program and an increase in benefits for AISH (Assured Income for the Severely Handicapped) and Alberta Seniors Benefit recipients. Other elements of Budget 2009 include an increase in tobacco taxes and a liquor markup.

During the Fall sitting of the 1st Session of the 27th Legislature, the Assembly approved significant amendments to its Standing Orders which took effect December 4, 2008. The amendments included a modification to the supply process whereby the main estimates would be referred

to the Assembly's Policy Field Committees according to their respective mandates. The Assembly has five Policy Field Committees (Standing Committees) in the subject areas of Community Services, the Economy, Health, Public Safety and Services, and Resources and Environment. The time for consideration of the main estimates also increased from 60 to 72 hours. The Policy Field Committees met in the evenings for consideration of the main estimates during the 2009 Spring sitting from 6:30 p.m. to 9:30 p.m.

The vote on the main estimates and amendments tabled during Policy Field Committee consideration is scheduled to take place on May 7, 2009, during Committee of Supply. On that date, the Chairs of the five Policy Field Committees will present reports to the Committee of Supply indicating the department's estimates and amendments that their respective committees considered. The vote on amendments, Legislative Assembly Office estimates, and the main estimates will then take place.

The change to the supply process marked the first time that Standing Committees considered estimates with the exception of the estimates for Executive Council which were considered by Committee of Supply.

Privilege

At the time of writing, two questions of privilege have been raised in the Assembly.

On March 19, **Rachel Notley** (ND, Edmonton-Strathcona) raised a purported question of privilege alleging that the rights of the Assembly had been breached by the Government attempting to prevent Members of the Assembly from fulfilling their responsibility to review legislation or proposed

legislation.

The basis of the question of privilege was related to provisions in Bill 18, *Trade, Investment and Labour Mobility Agreement Implementation Statutes Amendment Act, 2009*, a Bill that was, at the time, being considered by Committee of Whole. Section 5 of the Bill would allow the Government to amend legislation that is passed by the Legislature without returning to the Assembly.

This type of provision is often referred to as a "Henry VIII" clause (a provision in a Bill which enables primary legislation to be amended or repealed by subordinate legislation, with or without further Parliamentary scrutiny) and is the subject of much discussion both in Canada and across the Commonwealth. However, there is no precedent in references by Canada or the UK that use of this type of clause in legislation leads to a *prima facie* breach of privilege. Additionally, it is the role of the court, not the Speaker, to rule on the legality or constitutionality of Bills.

Speaker **Ken Kowalski** found no *prima facie* case of privilege. He noted that he did not want to be seen as endorsing the use of these types of clauses because they detract from the role of the Assembly; however, the question as to whether a Henry VIII clause ought to be used is different from the question as to whether it may be used. The ability of Parliament or a Legislature to delegate authority to amend statutory provisions was set out as long ago as 1917 in a decision by the British House of Lords.

On April 27, **Brian Mason** (ND, Edmonton-Highlands-Norwood) raised a purported question of privilege. He argued that his ability to perform his duties as an opposition MLA was interfered with

when he was denied access to a press conference scheduled by the Government. The press conference was held at Government House, which is located a few kilometres from the Legislature, and is commonly used by the Government for various purposes, including caucus meetings and ceremonial events.

The Member argued that part of his responsibility as an MLA is to be informed and able to respond to media inquiries regarding Government policy and being denied access to the press conference interfered with his duty to become informed about the policy being discussed at the conference.

In his ruling Speaker Kowalski referred to a prior ruling he made on March 7, 2000, regarding a similar issue, where an opposition Member was denied access to a media briefing held in the media room of the Legislature Building. The Speaker ruled there was not a *prima facie* case of privilege in that instance because the media room where the briefing was held is not part of the parliamentary precincts and therefore the Speaker has no control or say in who is or is not allowed in the room.

Speaker Kowalski found no *prima facie* case of privilege. In his ruling, he indicated that:

allowing or not allowing a member to attend a media briefing does not constitute an impediment or obstruction to the member performing his or her parliamentary duties, which presumably is the category of privilege that the leader of the third party relies on. If the facts had been different and the question of privilege involved the denial of access to this Chamber or a proceeding in this parliament and on the precincts of the Legislative Assembly of Alberta, this ruling may have been very different.

Other Matters

A Select Special Chief Electoral Officer Search Committee was struck on April 9, 2009.

On March 9, 2009, Speaker Kowalski hosted a ceremony in the Legislature Building Rotunda recognizing Alberta's Francophone community. Les Rendezvous de la Francophonie is a celebration of the province's French culture and history. Joining Speaker Kowalski during the recognition ceremony were **Hector Goudreau**, Minister of Employment and Immigration; **Harry Chase**, MLA, representing the Official Opposition; **Rachel Notley**, MLA, representing the Third Party Opposition; and **Jean Johnson**, President, Association canadienne-française de l'Alberta.

Mr. Speaker's MLA for a Day was held on April 21 and 22, 2009. Sixty-four students from across Alberta participated in the program which is designed to give Alberta high school students the chance to find out what it really means to be an MLA. Through conversations with MLAs and participation in the two-day program, students were able to see how MLAs act as lawmakers and community representatives. The program is sponsored by the Royal Canadian Legion, Alberta NWT Command, which also assists with the program.

Speaker **Peter Milliken**, of the House of Commons, visited Alberta from March 15 to 17, 2009. On March 16, he joined the procession and was seated on the floor of the Assembly at the Table where he observed Oral Question Period and the Daily Routine.

Micheline Gravel

Clerk of Journals/Table Research



Manitoba

The 3rd session of the 39th Legislature began with the presentation of the NDP government's 12th Speech from the Throne by Lieutenant-Governor **John Harvard** on November 20, 2008.

The address outlined the province's response to the growing global financial crisis, conveying a range of government commitments and proposals, including:

- Committing to a four-year, \$4.7-billion infrastructure plan to fund needed capital projects in health, education, transportation, water and waste-water treatment, and housing;
- Bolstering security for citizens and communities through more funding for police officers, hiring more Crown prosecutors, and introducing a new police act;
- Introducing new child-care programs in schools, new recruitment and retention initiatives for child-care workers, while doubling investments in specialized medical equipment;
- Launching a new Sustainable Agricultural Program as part of the province's Kyoto and Beyond plan; and
- Bolstering recycling programs by setting aggressive targets for the reuse of plastic bags and banning the distribution of bags that do not conform to composting or recycling standards.

In his non-confidence amendment to the Address in Reply motion, Official Opposition Leader **Hugh McFadyen** (PC – Fort Whyte) identified a number of shortcomings in the government's plan, including:

- Failing to recognize that a strong economy is a prerequisite for a united province that offers safe communities, effective health care, first class education systems, leading-edge environmental protection, healthy families and communities and the safety-net programs that protect our seniors, the poor and the vulnerable;
- Failing to apply the record revenue increases over the past nine years to more aggressively pay down debt, so that Manitoba's total debt has gone up when it should have gone down; and
- Failing to accept responsibility for systemic failures and broken promises in health care, Child and Family Services, public safety and the economy.

In his sub-amendment to Mr. McFadyen's amendment **Jon Gerrard** (Independent Liberal – River Heights) identified a number of additional faults with the government's performance, including that:

- The speech does not provide a coherent plan to address the plethora of health-care problems, such as the diabetes epidemic sweeping the province, overburdened health-care professionals and lengthy wait times; and
- The speech failed to recognize the importance of Lake Winnipeg to all Manitobans by not providing a strategy that will keep Lake Winnipeg environmentally and economically viable for generations to come.

Following the defeat on November 27 of Mr. Gerrard's sub-amendment on a vote of yeas

18, nays 32; and the defeat of Mr. McFadyen's amendment on December 1 by a vote of yeas 20, nays 32, on December 2 the main motion carried on a vote of yeas 30, nays 19.

On December 3, 2008 the Leader of the Official Opposition moved an opposition day motion urging the provincial government "to consider acknowledging that, under its stewardship, Manitoba has failed to fulfil its potential over the last nine years;" and urging the provincial government "to consider releasing an economic plan for the Province that reassures Manitobans that they have a plan to deal with the immediate economic crisis as well as a long-term economic vision for the Province that will make us competitive with our western neighbours." Members debated the motion for the majority of the afternoon, before it was defeated on a vote of yeas 19, nays 31.

MLAs, Assembly staff, and the Manitoba public were shocked and saddened to learn of the untimely death of **Oscar Lathlin** (NDP – The Pas) in early November 2008. On the second day of session on November 21, 2008 the House met a half hour before the sitting day began to honour his memory with brief speeches from the party leaders, followed by a profound and dignified ceremony in the Rotunda.

The House returned from the winter break on March 25, 2009 with Finance Minister **Greg Selinger** (NDP – St. Boniface) delivering the NDP government's tenth budget. The 2009-2010 total operating expenditure of \$10.2 billion represents an increase of 4.4% from 2008-2009. Highlights of the government's "steady and balanced" budget included:

- Investing in post-secondary capital improvements

at the University College of the North, Red River College, Brandon University, Assiniboine Community College, University of Winnipeg and University of Manitoba;

- Building and improving highways with a total of \$535 million for Manitoba roads;
- Providing funding to implement legislation to protect foreign workers;
- Providing a 5.25 per cent increase or \$53 million for public schools;
- Providing funding to continue to recruit and retain physicians, especially in rural and northern Manitoba;
- Increasing wages for child-care centre staff by three per cent effective July 1;
- Reducing the interest rates on Power Smart loans offered by Manitoba Hydro to five per cent from 6.5 per cent; and
- Introducing a Waste Reduction and Recycling Support Levy to provide funding to municipalities based on the amount of waste that is recycled.

During his contribution to the budget debate on March 26, 2009 Official Opposition Leader McFadyen moved a motion expressing non-confidence in the government, which stated that the budget failed "to address the priorities of Manitobans by":

- Increasing the province's debt to an all-time high of \$21.1 billion;
- Attempting to introduce a new, misleading accounting practice with a proposal to reduce by over 80 percent the minimum payment on Manitoba's credit card debt, taking that repayment to \$17.54 per person this year on a bill of \$18,380; and
- Failing to announce a plan to tackle corruption, waste and mismanagement within government by:

- endorsing the Winnipeg Regional Health Authority “brown envelope” tendering scheme;
- failing to repeal the “vote tax,” leaving the New Democratic Party in line to pocket \$1 million over four years at the expense of Manitoba taxpayers; and
- failing to cancel the reckless and environmentally harmful west-side Bipole III project and instead proceed with the east-side hydro line.

On April 7, Mr. Gerrard moved a sub-amendment to Mr. McFadyen’s amendment. Dr. Gerrard identified a number of other shortcomings in the government’s financial plan, including:

- Failing to put patients first by continuing to base RHA spending on global budgets, rather than services delivered;
- Neglecting the need to address the diabetes epidemic facing Manitoba;
- Failing to address climate change by running a carbon-neutral government;
- Failing to support the agricultural sector by refusing to fund eco-friendly farming practices; and
- Refusing to acknowledge the damage the payroll tax has on economic growth.

On April 16 Dr. Gerrard’s sub-amendment and Mr. McFadyen’s amendment were each defeated on recorded votes of yeas 20, nays 35, while the main budget motion carried on a recorded vote of yeas 35, nays 20.

On April 6, 2009 two new members were introduced to the House as a result of recent by-elections. Former MP and House of Commons Deputy Speaker **Bill Blaikie** (NDP – Elmwood) filled the vacancy created when **Jim Maloway** resigned his seat to run for Parliament, while former

Opaskwayak Cree Nation Chief **Frank Whitehead** (NDP – The Pas) now serves the constituency formerly held by Mr. Lathlin.

The Manitoba Legislature is currently considering a wide range of legislation, including:

- *Bill 2 – The Animal Care Amendment Act*, which proposes a number of amendments, including:
 - Veterinarians are required to report suspected cases of animal neglect or abuse to the director.
 - Animal protection officers are given specific authority to deal with abandoned animals, and stronger inspection and search and seizure powers.
 - A new appeal process is established with an independent appeal body to hear appeals about licensing decisions, animal seizures and orders made by the director.
- *Bill 3 – The Forest Amendment Act*, which makes a number of changes to *The Forest Act*, including:
 - Banning logging in provincial parks, with one exception. Consequential amendments are made to *The Provincial Parks Act* to reflect this ban.
 - Officers are given the right to inspect vehicles transporting timber and land that is the subject of a timber cutting right.
 - New offences are created dealing with the possession of illegally harvested timber and the unauthorized harvesting of timber by the holder of a timber cutting right.
- *Bill 4 – The Community Revitalization Tax Increment Financing Act*, which states that regulations may be made designating properties as community revitalization properties. While a property is so designated, increases in its assessed value are subject

to a community revitalization levy that is imposed at the same rate as, but in lieu of, taxation for school purposes. Money raised by the community revitalization levy is to be paid into a new Community Revitalization Fund. This fund is to be used to make grants to help revitalize communities and neighbourhoods, to encourage economic, social and cultural development, and to preserve heritage properties.

- *Bill 14 – The Consumer Protection Amendment Act (Payday Loans)*, which amends provisions of *The Consumer Protection Act* relating to payday loans, including some provisions that were enacted in 2006 and are not yet in force. Under this Bill, the Public Utilities Board order is rescinded, and the Lieutenant Governor in Council is empowered to make regulations governing the maximum cost of credit for payday loans. The Bill prohibits a payday lender from making a loan for more than a specified percentage of a borrower’s net pay. It also prohibits lenders from discounting loans and restricts “tied selling”. The Bill would also strengthen the government’s ability to regulate the activities of payday lenders and to enforce payday loan provisions of the Act and the regulations. It also enables the regulation of Internet payday loans.
- *Bill 16 – The Police Services Act*, which replaces *The Provincial Police Act* and governs policing in Manitoba. Significant features of the Bill include:
 - Establishing the Manitoba Police Commission, which will conduct studies and provide advice to the minister on law enforcement and policing issues.
 - Every municipal police service in Manitoba must operate under the general direction of a police

board, whose members will be appointed by the municipal council and Cabinet.

- An independent investigation unit is established, to be headed by a civilian director. The unit must conduct an investigation if a police officer has been involved in an incident where a person has died or suffered a serious injury, or if there is evidence that a police officer has engaged in specified unlawful conduct.
- The Bill provides legislative recognition of police services that will provide policing in designated First Nation communities.
- *Bill 30 – The Budget Implementation And Tax Statutes Amendment Act, 2009* which implements measures in the 2009 Manitoba Budget, and makes various other amendments to tax and financial legislation including suspending, for the 2009-10 fiscal year and the next two fiscal years, annual transfers to the debt retirement account required by Part 3 of *The Balanced Budget, Fiscal Management and Taxpayer Accountability Act*. In these years, the Minister of Finance may make such transfers to that account as he considers feasible. Beginning with the 2012-13 fiscal year, the government will be required to resume annual transfers to that account equal to \$110,495,180 plus 7% of all debt repayments made from the debt retirement account after 2011.
- *Bill 200 – The Highway Traffic Amendment Act (Booster Seats)*, which ensures that a child who is under 8 years of age is to be properly secured in a booster seat while riding in a vehicle.
- *Bill 218 – The Balanced Budget, Fiscal Management And Taxpayer Accountability Amendment Act*, which makes amendments to

require the government to maintain a positive balance in each fiscal year.

- *Bill 222 – The Justice for Victims of Child Pornography Act*, which allows an application to be made to court for an award of damages from a person convicted of a child pornography offence on behalf of his or her unidentified child victims. The damages recovered will be used to benefit victims of child pornography and to assist programs working against child pornography.
- *Bill 228 – The Grandparents' Day Act*, which proclaims the first Sunday in September after Labour Day in each year as "Grandparents' Day".

On December 4, 2008 the Special Committee on Senate Reform held its first meeting. The Committee, chaired by **Erna Braun** (NDP – Rossmere), established an itinerary as well as rules and practices for consultations with Manitobans on the question of Senate elections. From January through May 2009 a subcommittee on Senate Elections heard 51 presentations and received 31 written submissions on this topic in meetings held in eight rural Manitoba communities and at a meeting at the Legislature in Winnipeg. The Committee is expected to draft a report this spring which will be presented to the House for consideration.

Standing Committees of the Manitoba Legislature have been occupied with a range of business in recent months. The Standing Committees on Justice and Social & Economic Development met in April to hear public presentations on government bills and consider legislation. Additionally, the Standing Committee on Crown Corporations met on a number of occasions to consider reports from the Manitoba Lotteries Corporation and the Manitoba

Liquor Control Commission.

In cooperation with the office of the Auditor General, the Manitoba Public Accounts Committee (PAC) continues to review and reform its procedures and practices. The PAC scheduled seven meetings from March through June 2009 to consider reports from the Auditor General covering a variety of topics including:

- An Audit of the Public Accounts
- Monitoring Compliance with The Ambulance Services Act
- Audit of the Pharmacare Program Manitoba Health
- Audit of the Department of Conservation's Management of the Environmental Livestock Audit of the Province's Management of Contaminated Sites and Landfills
- Voluntary Sector Grant Accountability: Perspectives and Practices – Enhancing Board Governance in Not-For-Profit Organizations Report
- An Examination of RHA Governance in Manitoba

Rick Yarish

Clerk Assistant
Clerk of Committees



British Columbia

The fourth session of the 38th Parliament was prorogued on February 16, 2009, one week later than originally scheduled in the parliamentary calendar. This extension enabled the government to

amend the balanced-budget legislation to permit temporary deficits in fiscal 2010 and 2011, due to the impact of the global economic crisis on provincial revenues.

Throne Speech and Budget

The fifth session opened on the afternoon of Monday, February 16, 2009. The Speech from the Throne was described by the news media as “a muted affair, particularly for an election year.” The 40-page speech focused on how British Columbia’s economic strengths could create jobs and support families during the recession. New policy initiatives included the development of a statutory framework to change the province’s legal relationship with First Nations.

On February 17, Finance Minister **Colin Hansen** tabled a budget forecasting the deficit to be \$495 million for 2009/10 and \$245 million for 2010/11, with a return to a balanced budget by 2011/12. He explained that Budget 2009 builds on B.C.’s economic plan to alleviate the effects of the economic slowdown by investing almost \$14 billion in infrastructure projects and reallocating \$1.9 billion to strengthen health, education and social services. Finance Critic **Bruce Ralston**, however, contended that the plan was “making life harder for B.C. families.”

Legislation

Early in the fifth session, two financial bills received royal assent: the *Supply Act, 2008-2009 (Supplementary Estimates)* and the *Ministerial Accountability Bases Act, 2008-2009*. For the current fiscal year, the House approved the *Budget Measures Implementation Act, 2009* and the *Supply Act (No. 1), 2009*. The latter provides government with five months of required expenditure, from April through August, since Estimates

debate will not occur until after the election period officially ends on June 3.

Five amending bills were also passed prior to adjournment of the House on March 31, 2009:

- Bill 7, *Police (Police Complaint Commissioner) Amendment Act, 2009* changes provisions relating to the Commissioner’s term of appointment
- Bill 8, *Workers Compensation Amendment Act, 2009* adds lung cancer as a recognized occupational disease for B.C. firefighters
- Bill 10, *Public Safety and Solicitor General Statutes Amendment Act, 2009* amends the *Motor Vehicle Act* and *Insurance Vehicle Act* to tackle identity theft
- Bill 11, *Pension Benefits Standards Amendment Act, 2009* adds the multi-employer plan
- Bill 13, *Forest Amendment Act, 2009* clarifies community and woodlot tenures

The government decided to adjourn the fifth session on March 31, 2009, more than a week earlier than planned in the parliamentary calendar. With adjournment, three government bills died on the order paper: one implementing the reforms in the province’s police complaint process, recommended in the 2007 report of Judge **Josiah Wood**; another seeking to promote full labour mobility across Canada; and an amending bill relating to the dispute resolution processes available to strata corporations and strata owners.

The government claimed that there was insufficient time for proper discussion of these bills before the election campaign officially got underway on April 14. The opposition countered that government had ended the spring sitting early to avoid question

period.

The 38th Parliament was dissolved on April 14, 2009, paving the way for the official launch of the provincial election campaign. At dissolution, the standings in the House were B.C. Liberal Party 42, B.C. NDP 34 and 3 vacancies.

May 2009 General Election

The 39th provincial general election was held on May 12, with contests in 85 electoral districts, up from 79 in 2005 as a result of electoral boundary redistribution. Described as an uneventful campaign by the news media, the leaders of the B.C. Liberal Party, the B.C. NDP and the B.C. Green Party took part in a radio debate (April 23) and a televised debate (May 2).

Unofficial returns indicate the Liberals have been returned to power with 49 seats, and Premier **Gordon Campbell** re-elected for a third consecutive term. The NDP led by **Carole James** won 36 seats. The turnout of eligible voters declined to 48 percent, from 58 percent in 2005.

Two recounts are anticipated: one in Delta South where Attorney General **Wally Oppal** leads by just one vote over an Independent, **Vicki Huntington**; the other in Cariboo-Chilcotin, where NDP incumbent **Charlie Wyse** has a 23-vote lead over the Liberal challenger, **Donna Barnett**.

Referendum on Electoral Reform

On May 12, voters were also asked the following referendum question: “Which electoral system should British Columbians use to elect members to the provincial Legislative Assembly?” Two options were presented on the ballot: “the existing electoral system (First-Past-the-Post), or the single transferable vote electoral system (BC-STV) proposed by the

Citizens' Assembly on Electoral Reform."

The preliminary results show that 61 percent of voters province-wide prefer the existing system. The remaining 39 percent were in support of BC-STV, with a majority in seven electoral districts also in favour. Therefore this option failed to meet the thresholds of at least 60 percent of the valid votes province-wide and more than 50 percent support in at least 51 of the 85 electoral districts. In 2005, 58 percent voted yes for BC-STV, with majority support in 77 of 79 ridings.

Other Matters

On February 10, 2009, the House ratified the order-in-council appointment of **Gary Lenz** as Sergeant-at-Arms of the Legislative Assembly in accordance with section 39(2) of the Constitution Act. Mr. Lenz served previously as Deputy Sergeant-at-Arms (Security).

Josie Schofield

Manager
Committee Research Services



Saskatchewan

The Saskatchewan Legislative Assembly commenced its spring sitting on March 2, 2009, and was completed on May 14, 2009. At the outset, the provincial budget was introduced and adopted, and the estimates were scrutinized over the course of the session. The committees also worked on the passage of legislation, and are now preparing for public hear-

ings to be held this summer.

Provincial Budget

The 2009-2010 budget highlights include a complete revision of the province's property tax system, funds for a children's hospital, and increased grants to municipalities. In the face of great economic uncertainty, the government was pleased to present one of the only balanced budgets in the country.

The opposition's main criticisms of the budget centred on poor fiscal management and increasing the provincial debt. The NDP also objected to what they saw as a failure of the government to address issues such as rising utility rates, and a lack of affordable housing and child care.

Introduced on March 18, the budget motion was debated until its adoption on March 26. The standing committees reviewed the ministerial estimates and reported them to the Assembly before the end of the spring sitting.

Legislation Review

One of the more interesting recent occurrences involved the splitting of a bill before the House. Originally conceived as a single piece of legislation, Bill No. 72 – *The Traffic Safety Amendment Act, 2008*, contained two areas of focus: to increase the driving privileges of volunteer firefighters when en route to a fire scene, and to introduce "enhanced" driver's licences.

In early March, the Information and Privacy Commissioner tabled a report raising concerns about the privacy implications of the enhanced driver's licences, which would contain radio frequency identification technology. When it became clear that the opposition supported the provisions of the bill relating to volunteer firefighters,

but would object to the passage of the driver's licence portions based on the Commissioner's apprehensions, the government opted to divide the bill. The new bill regarding volunteer firefighters passed without controversy, while the government reviewed the enhanced driver's licence legislation. In the end, the decision was made to scrap the plan for the new form of identification.

Another noteworthy piece of legislation was Bill No. 605 – *The Traffic Safety (Maintenance Workers – Gallenger) Amendment Act*. This was a Private Members' Public Bill that was designed to improve the safety of highway maintenance workers. Introduced by an opposition member on April 20, the bill passed through all stages just ten days later. In an unusual display of bipartisan cooperation, the government supported the opposition's bill and agreed to let it move through second and third readings on the same day.

As the spring session drew to a close, with most of the legislative agenda already completed, another bill that moved quickly through the Assembly was Bill No. 94 – *The Profits of Criminal Notoriety Act*. This legislation will prohibit convicted criminals from collecting any money for the recounting of their crimes. In response to public debate on the issue and with the encouragement of the opposition, the Minister of Justice introduced the bill just before the end of the legislative session. It moved through all stages, including committee, in just 4 sitting days.

A Private Members' bill also received a fair bit of scrutiny this session. Bill No. 903 – *The Ancient Order of Melchizedeq, Inc. Act* was brought forward by a religious college in Prince Albert, seeking the authority to grant degrees. The legislation encountered some

difficulties relating to the process by which bills of this type are evaluated by the Private Bills Committee. Ultimately, the committee chose to not recommend the bill to the Assembly. The members are awaiting the results of a broad review of the post-secondary education system, further consultations with the universities, and a review of the committee's processes regarding bills of this kind. The hope is that no other petitions for private bills will come up against such problems in the future.

Precedents

For the first time in the Saskatchewan Legislative Assembly, a vote was required on a Private Members' Motion. In the past, Private Members' items had been allowed to be adjourned indefinitely, which left most business lingering on the Order Paper until prorogation or dissolution. Saskatchewan's Rule 26(4), which was adopted in April 2003, now obliges a vote on any Private Members' business that has been adjourned three times. After the third adjournment, the business item receives the notation "To Be Voted." The next time the item is debated, the Speaker calls every question necessary to dispose of the matter. On April 2, a vote was called on a Private Members' Motion to support the consideration of further development of Saskatchewan's uranium industry, which passed unanimously.

Saskatchewan also set a new precedent recently with a motion for a Member's leave of absence. The Assembly passed a motion to waive its privilege of exempting a Member from attending as a witness before any court while the Assembly is in session. The Member, **Joceline Schriemer**, was granted a leave of absence so she

could voluntarily appear before the Court of Queen's Bench in relation to her previous capacity as a peace officer.

Committee Meetings

Over the course of the spring sitting, the committees were busy reviewing budgetary estimates and bills. Now that the session has concluded, two of the policy field committees are planning for public hearings.

In June, the Standing Committee on Human Services will conduct approximately three days of hearings on the proposed Bill No. 80 – *The Construction Industry Labour Relations Amendment Act, 2009*. The bill would permit unions to represent all workers on a single project. The current legislation only allows for construction industry workers to be unionized by trade or skill groups. Submissions from industry stakeholders and interested citizens are expected to be heard over two days, with a third day being reserved for the Minister to answer questions from the committee and offer his proposals.

In October 2008, the government appointed a panel to investigate Saskatchewan's options for expanding its role in the nuclear cycle. The Uranium Development Partnership (UDP) report was released on March 31, 2009, and includes many recommendations for the province. A series of consultations by the UDP panel are planned to allow stakeholders and the public to have input.

The opposition argued that the UDP's focus on nuclear options was too narrow, and put forward a counter-proposal to hold public consultations on all the possibilities for future energy generation: wind, solar, nuclear, hydro and geothermal power, conservation, and other alternatives.

In response, the government compromised by suggesting a public hearing process led by one of the Assembly's policy field committees. The Assembly passed a motion to that effect, and the Standing Committee on Crown and Central Agencies has been ordered to hold "an inquiry to determine how the province can best meet the growing demand for electricity in a manner that is safe, reliable, environmentally-sustainable and affordable for Saskatchewan residents." This process is expected to take place in the fall.

Parliamentary Visits

The Legislative Assembly of Saskatchewan was pleased recently to welcome two fellow parliamentarians. In mid-March, Speaker **Peter Milliken**, of the House of Commons, visited to learn about Saskatchewan's Legislative Chamber technology and innovative Rules. Also, **Olaosebikan Olajuwon Ebenezer**, a legislative officer from Lagos State, Nigeria, spent several days talking with MLAs and many of the Assembly's staff. He served as a Table Officer for a day of House proceedings and gave a presentation on the political history and legislative processes of Nigeria.

Member's Retirement

Marking the end of an era, May 14 was **Lorne Calvert's** final day in the House as a Member of the Saskatchewan Legislative Assembly. Mr. Calvert, leader of the NDP opposition, served as a Member and Cabinet Minister in various portfolios from 1986 to 1999. He was elected again in 2001 and served as Premier until 2007. On the last day of the spring session, the Assembly unanimously adopted a motion recognizing Mr. Calvert's 22 years of service in the

Assembly, and praising his leadership and many contributions to Saskatchewan. Mr. Calvert's retirement from politics will be official on June 30; the following day, he will be taking up the position of principal of St. Andrew's College at the University of Saskatchewan.

Joelle M. Perras

Committee Researcher



New Brunswick

During the first six weeks of the spring sitting of the New Brunswick Legislature, the government introduced the 2009-2010 budget; a number of Bills were introduced, the Law Amendments Committee tabled a report following public consultation, Members reaffirmed their support for New Brunswick's principles of linguistic equality, and the House welcomed a new Member.

Budget

The Third Session of the Fifty-Sixth Legislature, adjourned on December 19, 2008, resumed March 17, 2009, when Finance Minister **Victor Boudreau** delivered his third budget address stating: "Today's budget builds on the initial plan that the government announced in December to respond to the prevailing economic and fiscal climate facing the province and to position our economy for recovery and growth."

The budget focused on a five-point plan to provide *Leadership for a Stronger Economy*. Key elements: four-year plan to return

to balanced budgets; \$1.2 billion for infrastructure and support for businesses; *The Plan for Lower Taxes in New Brunswick*—a record one-time tax reduction plan that is a vital part of the government's long-term economic development strategy for job creation, economic growth and competitiveness; investing in priorities including health and education—preserving the social safety net for New Brunswickers; and, responsible management of government expenditures.

A \$65 million increase for the Department of Health includes support for the prescription drug program and hospital services; integrated provincial trauma system; long-term care services; nursing homes; home support agencies; poverty reduction; child welfare; and grant-funded children's residential facilities.

The budget includes an \$8 million investment toward the cost of building infrastructure to deliver highspeed Internet to those who do not currently have access.

An additional \$4.7 million is budgeted for Crown land silviculture.

The Finance Minister noted that spending pressures continue to increase; the impact of weakened market returns on the provincial pension expense and the increased costs of delivering social programs are major factors affecting the province's spending plan. For 2009-2010, spending will be \$7.838 billion.

In his response to the budget address during the second of six days of debate, Official Opposition Leader **David Alward** stated:

This is a government that has lost its way. A home heating plan, which not only took away people's dignity but which was also fundamentally flawed, has since been completely scrapped

under the radar, leaving thousands of New Brunswickers out in the cold. There are large bonuses for some of the province's highest paid executives. There have been appointments for friends. There is less transparency, not more. There was a so called plan focused on 2026 without a path to get there.

and

According to the recent Auditor General's report, government spending has increased by 14.6%, while GDP growth was only 4.2%. Revenue grew by only 4.8%. This government's trend of overspending has continued into this year's budget. Spending is up 5.5%, while revenues are down less than 1%. This is not sustainable in the long term.

Legislation

The 24 Bills introduced to date include 16 Government Bills; 4 Opposition Bills, and 4 Private Bills.

Among the Bills receiving Royal Assent:

- Bill 33, introduced by Supply and Services Minister **Ed Doherty** amends the *Public Works Act* to require the Minister to notify owners of the intention to designate property for a public works project, set out a clear and fair process for resolving compensation disputes, reduce the risk of costly delays in projects, and authorize any minister to issue a permit, license, or approval to the Minister of Supply and Services for the purposes of a public works project.
- Minister of Social Development **Mary Schryer** introduced Bill 41, *Essential Services in Nursing Homes Act*, noting that the legislation introduces the essential services designation to nursing home care and support workers. Previously, nursing home care and support workers were not designated as essential service employees in New Brunswick.

- Bill 43, *An Act to Amend the Tuition Tax Cash Back Credit Act*, introduced by Finance Minister **Victor Boudreau**, doubles the maximum lifetime rebate from \$10 000 to \$20 000, and the maximum annual rebate is doubled from \$2 000 to \$4 000. The Minister noted that the amendment is consistent with the government's population growth strategy to promote retention, repatriation, immigration, and settlement.
- Bill 47, *An Act to Amend the Smoke-free Places Act*, introduced by Health Minister **Michael Murphy**, extends the definition of prohibited places for smoking to include vehicles, if there is another person under 16 years of age present.

On behalf of Opposition Leader Alward, **Bruce Fitch** introduced Bill 40, an amendment to the *Auditor General Act*, noting that the proposed Bill would call upon the Office of the Auditor General to provide a fiscal update to the province six months prior to the fixed election date and provide New Brunswickers with a clear picture of the province's finances. The motion for second reading of the Bill was defeated.

The majority of petitions tabled during the period related to the announced removal of ferry service across the St. John River, re-opening of the Weyerhaeuser Mill, and the protection of water, health and property rights.

Law Amendments Committee Report

On April 3, 2009, the Standing Committee on Law Amendments, chaired by Justice and Consumer Affairs Minister **Thomas J. Burke**, tabled its First Report, the result of public consultation on Bill 82, *Access to Information and Protection of Privacy Act*, and the *Discussion Paper - Personal Health Information*

Access and Privacy Legislation, referred during the previous session. Bill 82 aims to improve and modernize the existing right to information and protection of personal information legislation, provide a framework for how public bodies must respond to requests for information, and applies to all records held in any form by government departments, provincial agencies, boards and commissions, universities and municipalities. It also provides greater clarity on the use and protection of any personal information held by these public bodies. The Report outlined concerns raised during the public hearings and recommended that the government consider these concerns before a revised Bill is introduced; that a revised Act provide that all fees charged be "fair and reasonable," and that the Act be reviewed every 4 years.

The Committee also received input on the *Discussion Paper - Personal Health Information Access and Privacy Legislation* which presents the basis of new personal health information access and privacy legislation in the province. The Committee recommended that the government consider the issues outlined in the report before any legislation is introduced.

Official Languages

On April 17, 2009, to celebrate the 40th anniversary of the *Official Languages Act of New Brunswick*, the Assembly passed a resolution moved by Premier **Shawn Graham**, seconded by Opposition Leader **David Alward**, reaffirming the Assembly's commitment to reiterate and reaffirm its support and advocacy for and of the principles of linguistic equality, which have characterized New Brunswick since 1969.

New Member Introduced

On March 24, Premier Graham introduced newly-elected MLA **Burt Paulin**. Mr. Paulin, a Liberal, was elected in a March 9 by-election in Restigouche-la-Vallée following the resignation of long-time Progressive Conservative MLA **Percy Mockler** who was appointed to the Senate of Canada. Mr. Paulin represented the electoral district of Restigouche West from 2003 to 2006.

Standings in the House: Liberals, 33; Progressive Conservatives, 22.

Diane Taylor Myles
Researcher and Journals Clerk



House of Commons

The Second Session of the 40th Parliament opened on January 26, 2009. The House immediately proceeded to the presentation of the Budget on January 27.

Following the adoption of a ways and means motion (no. 6), the Minister of Finance, **Jim Flaherty**, introduced Bill C-10, *An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures*, on February 6. Given the economic situation, on February 23, the Standing Committee on Finance held four meetings on the same day to hear witnesses. The next day, the Committee began clause-by-clause consideration of the Bill and reported it back to the House without amendment on

February 25. The Bill received Royal Assent on March 12.

Three supply bills were passed during this period. On February 26, Bill C-12, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009*, received Royal Assent after passing through the three reading stages on the same sitting day on February 12. On March 24, two other bills, C-21, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009*, and C-22, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010*, were passed by the House on the same sitting day and received Royal Assent on March 26.

Business of Supply

Pursuant to the Standing Orders, seven days were allotted for supply for the period ending on March 26. On the seventh and final allotted day, on March 24, **John McCallum** introduced a motion on the spending authority proposed in Treasury Board's Vote 35 of the Main Estimates for 2009-2010. The motion called upon the government to table in the House, within one sitting of each occasion that Vote 35 is used, a detailed report justifying the use of the measure. The motion was agreed to that same day (Yeas: 154; Nays: 139).

Private Members' Business

The Order of Precedence was established on February 10, based on the draw that was held in the first Session on November 24. On February 24, the Standing Committee on Procedure and House Affairs presented its sixth report, enumerating the items

added to the Order of Precedence.

On April 29, a vote for second reading and referral to committee of Bill C-241, *An Act to amend the Employment Insurance Act (removal of waiting period)* resulted in a tie. The Speaker cast his deciding vote in favour of the motion, saying it had become customary for him to vote in favour of a motion at second reading. That was the fifth time that Speaker **Peter Milliken** had cast a deciding vote.

Committees

On February 10, the House unanimously agreed to restrike a special committee on the Canadian mission in Afghanistan.

On February 12, the Standing Committee on Agriculture and Agri-Food created a subcommittee on food safety to launch a probe into the listeriosis outbreak in Canada last summer.

On February 26, the House agreed unanimously to strike two subcommittees of the Standing Committee on Industry, Science and Technology. The first was responsible for undertaking a study of the crisis faced by the automotive industry in Canada and reported its findings to the House on March 31. The second is examining the crisis faced by certain industrial sectors in Canada such as aerospace, energy, forestry, high-tech and manufacturing.

On March 12, the House agreed by unanimous consent to concur in the third report of the Standing Committee on Access to Information, Privacy and Ethics on the privileges, powers and immunities of the House of Commons in relation to the Oliphant Commission of Inquiry into the Mulroney-Schreiber Affair. With the Commission about to begin its proceedings, the House wanted to ensure that the

evidence, testimony and submissions by all persons participating in the Committee's study on that very subject would not be used during the Commission's inquiry.

On March 26, the Standing Joint Committee on the Library of Parliament undertook a study on the Office of the Parliamentary Budget Officer.

On April 27, the Panel of Chairs for the Legislative Committees was appointed. Pursuant to Standing Order 112, the following Members were appointed by the Speaker, as well as the Deputy Speaker of the House and Chair of Committees of the Whole, the Deputy Chair of Committees of the Whole and the Assistant Deputy Chair of Committees of the Whole: **Mike Allen; Peter Braid; Gord Brown; Lois Brown; Candice Hoepfner; Keith Martin; Maria Minna; Bernard Patry; Mike Wallace; and Judy Wasylycia-Leis.**

Special Debates

Pursuant to Standing Order 52(10), an emergency debate on the situation in Sri Lanka was held in the House on February 4. The purpose of the debate was to shed light on the increased confrontation between government forces and the Liberation Tigers of Tamil Eelam.

A take-note debate was held on March 26 on the International Conference on Afghanistan in The Hague.

Procedure/Privilege

On March 12, the Speaker rendered a ruling on the point of order raised by **Michel Guimond** on Thursday, February 26, concerning the remarks by **Josée Verner** during Oral Questions accusing the Bloc Québécois of approving threats and calls for violence, as well as another point of order raised by **Louis Plamondon** on

Thursday, March 5, when two Conservative Members used the terms "extremists" and "promotes violence" in reference to the Bloc Québécois. The Speaker ruled that remarks directed to a party rather than an individual were parliamentary in the strict sense of the term even though they were undoubtedly provocative.

That same day, during Statements by Members, the Speaker cut short **Tim Uppal's**, **Sylvie Boucher's** and **Rodney Weston's** statements concerning the Leader of the Opposition. In response to remarks on the matter, the Speaker ruled that statements made pursuant to Standing Order 31 were never intended to be debate and are not to be used for personal attacks.

The next day, the Deputy Speaker, **Andrew Scheer**, cut off **Tim Uppal** and **Dean Del Mastro** for statements concerning the Leader of the Opposition. **Jim Abbott** rose on a point of order to challenge the Deputy Speaker's decision since in his view, the ruling the Speaker had made on Thursday, March 12 risked setting a precedent regarding Members' freedom of speech in the House. In justifying his decision, however, Speaker Milliken, made the distinction between a personal attack and a comment concerning a party in general.

On March 5, **Wayne Easter** rose on a question of privilege in relation to the dissemination of information by the Minister of Fisheries and Oceans. The Member alleged that the Minister, **Gail Shea**, had abused the privileges of her office by allowing a Conservative Senator to use the department's letterhead and Web site for a news release concerning the seal

hunt and attacking a Senator, the Leader of the Official Opposition and the Liberal Party. In his ruling rendered on March 24, the Speaker stated that he was unable to establish a link between the matter in question and the Member's parliamentary duties. He therefore could not find a *prima facie* question of privilege.

On April 2, the Speaker ruled that the Standing Committee on Finance had exceeded its mandate by publishing its second report recommending that increased funding be granted to the Office of the Parliamentary Budget Officer. Since matters relating to the Parliamentary Budget Officer's mandate and resources are the responsibility of the Standing Joint Committee on the Library of Parliament pursuant to Standing Order 108(4), the Speaker ruled the report inadmissible and ordered that it be deemed withdrawn and that no further proceedings be taken in relation thereto.

Other Matters

The Voting Record Access Service was officially launched on April 20. This new service on the Parliamentary Web site offers access to information on votes in the House of Commons starting in the 38th Parliament.

On March 11, the House passed a resolution to encourage the government to do everything possible to ensure that the G8 and G20 meeting scheduled for April 2 in London address ways to redress the increased and enduring poverty among all member states, and that the Senate be invited to join with the House in that encouragement.

On March 30, the House unanimously adopted a resolution that

the vernal equinox (first day of Spring) be designated as Nowruz Day. The resolution was introduced by **Bryon Wilfert**, who had introduced a similar bill (C-342) on March 23.

In response to the earthquake in the Abruzzo region on April 6, the House expressed its condolences on behalf of all Canadians to the people of Italy through a resolution on April 20.

On April 28, the House resolved by unanimous consent that the week of May 4 to 8, 2009 would be National Food Allergy Awareness Week.

Dawn Black formally announced to the House on April 2, that she would be resigning as the Member for the riding of New Westminster-Coquitlam on April 13. Ms. Black began her political career as the Member for that riding from 1988 to 1993 and was subsequently re-elected in 2006.

On April 30, **Bill Casey** officially announced that he would be resigning from the House. Mr. Casey also began his political career in 1988 and had sat as an independent Member since June 2007.

On Wednesday, March 4, the House paid tribute to former Speaker **Gilbert Parent** following the announcement of his death the previous day. One Member from each party and Speaker Milliken spoke in turn of Mr. Parent's dedication to Canadian politics and expressed their sincere condolences to his family. Mr. Parent was Speaker of the House of Commons from 1994 to 2001.

David Gagnon
Procedural Clerk
Procedural Services