



Legislative Reports



Saskatchewan

The spring sitting of the first session of the 27th legislature commenced on March 5, 2012 and on March 21 Finance Minister, **Ken Krawetz** presented the province's budget for 2012-2013. The title of the budget was *Keeping the Saskatchewan Advantage*. Many of the new program announcements were keeping with the Saskatchewan Party election platform. Some of the budget dollars were allocated to programs such as the expansion of the Saskatchewan Assured Income Disability program, increasing number of child care spaces and the establishment the Saskatchewan Advantage Scholarship Program that provides high school graduates from 2012 onwards with up to \$2000 over four years to be applied toward tuition fees at any Saskatchewan post-secondary institution.

The Opposition criticized the Government for raising the maximum prescription drug payment by \$5 per prescription for seniors, increasing student tuition and the elimination of the Film Employment Tax Credit. Furthermore, Opposition Finance Critic, **Trent Wotherspoon**, questioned the income

projections as well as financial accounting practices of the Government.

One of the more contested pieces of legislation of the first session was Bill No. 36 - *The Constituency Boundaries Amendment Act, 2011*. The Bill allows for an increase in constituencies from 58 to 61. The Opposition took exception to the increase citing many reasons including that it was not in the Government's election campaign, it does not take into account youth under the age of 18, it is very costly and constituents are not asking for more politicians.

Bill No. 36 was one of two proposed laws that the Opposition used every available means under the rules to delay passage. In the end, the bill was required by the standing orders to be voted on the day before the conclusion of the spring sitting. In total the Lieutenant Governor, gave royal assent to 44 bills including an Appropriation Bill, which was the final stage in the passage of the government's budgetary estimates.

Committee inquiry of Lobbying Legislation

On December 7, 2011, the Standing Committee on Intergovernmental Affairs and Justice received an Order of Reference from the Legislature. The Committee met in January and adopted the Steering Committee's report which outlined the plans for the committee's inquiry regarding lobbying in Saskatchewan.

The committee travelled to Ottawa in February 2012. The Committee observed the House of Commons Standing Committee on Access to Information, Privacy and Ethics' statutory review of *The Lobbying Act* and met with many of the Commissioners and Registrars as well as interested stakeholders. The Committee accepted nine written submissions that were received by the February 28th deadline. Based on the study of the information, the committee made 23 recommendations in a report that was tabled and adopted by the Assembly on May 16th, 2012.

Lieutenant Governor

On March 6, 2012, Prime Minister **Stephen Harper** announced the appointment of **Vaughn Solomon Schofield** as Lieutenant Governor of Saskatchewan. At the time of her appointment, Her Honour was the President and CEO of the Western Group of Companies, a business real estate organization and is actively involved in many organizations including serving as the Saskatchewan Chair of the Canadian Forces Liaison Council. She was sworn in as Saskatchewan's 21st Lieutenant Governor on March 22 in a ceremony conducted in the Legislative Chamber.

Diamond Jubilee and 100th Anniversary of the Legislative Assembly building

Their Royal Highnesses **The Prince of Wales** and **The**

Duchess of Cornwall visited the Legislative Building as part of the Royal Tour of Canada.

The Prince of Wales presented six Diamond Jubilee Medals as well as block of oak from the Duchy of Cornwall to be used in the making of the Black Rod. Saskatchewan joins British Columbia, Alberta, Prince Edward Island and New Brunswick with the creation of a Black Rod.

Many other 100th Anniversary events were held during the last few months. A high school video contest was announced in February and the winners of the contest came to Regina in May to make their educational videos about the Legislative Building.

Details of the Artist-in-Residence program were announced. Eight artists will work in the building and offer art programs throughout the rest of the year. The Share Your Story campaign was also officially launched asking people to share their stories and photos.

On March 29, 2012, 100 students were involved in the "Day in the Legislative Assembly" program. The students learned about the role of the Premier, Speaker, Leader of the Opposition and the Clerk. They also observed Question Period.

Further details about the upgrades to the Queen Elizabeth II Gardens were announced in April. The upgrades include new lighting, fully accessible paved pathways to highlight the floral beds, new Tyndall Stone benches, interpretive signage, improved irrigation and renewed perimeter landscaping. The work began in May and is expected to continue until mid-July.

Cabinet Shuffle

Premier **Brad Wall** re-organized government and introduced a new provincial cabinet on May 25, 2012. Only two Ministers, Finance Minister and Deputy Premier, Ken Krawetz and Social Services Minister, **June Draude** retained their portfolios. The most significant changes are the creation of the Ministry of the Economy which will encompass Enterprise Saskatchewan, Innovation Saskatchewan, Tourism Saskatchewan, employment, immigration, trade, energy and resources. **Bill Boyd** is the Minister of the Economy and **Tim McMillan** is the Minister of Energy and Resources, Tourism Saskatchewan and trade within the Ministry of the Economy.

Three recently elected Members joined cabinet for the first time.

- **Russ Marchuk**, Minister of Education (elected in November 2011)
- **Kevin Doherty**, Minister of Parks, Culture and Sport (elected in November 2011)
- **Gord Wyant**, Minister of Justice and Attorney General (elected in October 2010)

Three former Ministers returned to cabinet.

- **Nancy Heppner**, Minister of Central Services, a new agency to manage government operations and Minister responsible for the Public Service Commission and the Lean Initiative
- **Lyle Stewart**, Minister of Agriculture and Minister responsible for Saskatchewan Crop Insurance Corporation
- **Christine Tell**, Minister of Corrections and Policing under the Justice Ministry

Others received new Ministerial postings and/or additional duties

- **Ken Cheveldayoff** – Minister of the Environment; former Minister of First Nations and Métis Relations
- **Dustin Duncan** – Minister of Health, former Minister of the Environment;
- **Donna Harpauer** – Minister of Crown Investments; former Minister of Education
- **Don McMorris** - Minister Highways and Infrastructure and Minister responsible for SaskBuilds a new government agency responsible for infrastructure projects; former Minister of Health
- **Don Morgan** – maintains his role as Minister of Labour Relations and Workplace Safety and becomes the new Minister of Advanced Education; former Minister of Justice and Attorney General
- **Jim Reiter**, Minister of Government Relations and Minister Responsible for First Nations, Métis and Northern Affairs; former Minister of Highways and Infrastructure
- **Randy Weekes** entered Cabinet for the first time as the new minister responsible for Rural and Remote Health under the Health Ministry.

Pursuant to the parliamentary calendar and by Order of the Assembly, the Legislative Assembly of Saskatchewan will reconvene on October 25, 2012.

Stacey Ursulescu
Committee Clerk



Alberta

The Fifth Session of the 27th Legislature, which lasted 22 sitting days, commenced on

February 7, 2012, and ended on March 26, 2012, at which time the Legislature was dissolved. During this Session, the Assembly passed six Government Bills and one Private Member's Bill. A general election was called on March 26 and held on April 23.

The Budget Address, entitled *Investing in People* and prioritizing health, education, jobs and service to seniors, was delivered on February 9, 2012. The Assembly approved the main estimates on March 13, following consideration of the estimates in five meetings of Committee of Supply and 16 meetings of the Policy Field Committees (a total of 55 hours and four minutes of consideration). The *Appropriation Act, 2012* came into force on March 21, 2012, and included \$35,838,128,000 voted for expenses and charges of the Public Service and \$1,959,289,000 voted for capital investment for the 2012-2013 fiscal year.

Bill 1, *Results-based Budgeting Act*, garnered considerable attention from the Assembly during the Fifth Session. The Bill proposed the establishment of a budgeting process that requires a comprehensive review of government programs and services. About one-third of all Government of Alberta programs and services are to be reviewed each year with findings and recommendations made public, forming a foundation upon which future budgets and policy decisions are to be based.

Some Members from the Opposition accepted the principle of the Bill but questioned the ease with which a results-based budgeting process could be implemented and executed. After considerable debate, the Bill received Royal Assent on March 5, 2012.

Additionally, the Assembly debated Bill 6, *Property Rights Advocate Act*, which proposed that landowners be given access to an independent tribunal or the courts in order to determine fair compensation for Government access to their land. The Bill proposed a Property Rights Advocate Office, reporting to the Minister of Justice and Attorney General so that landowners might have access to impartial property rights information, assisting them in ascertaining appropriate remedies, including the courts.

A number of Members from Opposition caucuses opposed the Bill on the basis that it was not comprehensive enough to cover certain land-use provisions, such as leases, and because a property rights advocate is unnecessary. After considerable consideration, especially in Committee of the Whole, the Assembly passed the Bill, which received Royal Assent on March 21, 2012.

Bill 203, *Tobacco Reduction (Protection of Children in Vehicles) Amendment Act, 2012*, was the sole Private Member's Bill to receive Royal Assent during the Fifth Session. The circumstances surrounding the Assembly's passing of Bill 203 were unusual in that on March 19, 2012, the Assembly granted unanimous consent for third reading of the Bill to be moved, which occurred immediately after the Bill was reported by Committee of the Whole. Bill 203, which proposed to ban smoking in vehicles in which children are present and which was sponsored by Dr. **Raj Sherman**, the Leader of the Official Opposition, received third reading that same day and was granted Royal Assent on March 21, 2012. This is only the second time since 1993 that a Private Member's Bill sponsored

by a member of an Opposition caucus has received Royal Assent.

Child and Youth Advocate

Pursuant to the *Child and Youth Advocate Act*, which received Royal Assent on December 8, 2011, the Child and Youth Advocate was instituted as an Officer of the Legislature effective April 1, 2012. The mandate of the Office of the Child and Youth Advocate is to represent the rights and interests of Alberta children and youth who receive intervention services under the *Child, Youth and Family Enhancement Act* or the *Protection of Sexually Exploited Children Act* or who are involved with the youth criminal justice system. The Office's work also involves improving designated services, conducting investigations into systemic issues arising from the serious injury or death of a child or youth receiving designated services, and providing public education on the rights, interests and viewpoints of children and youth. The Child and Youth Advocate is the sixth Officer of the Legislature in Alberta. **Del Graff** is currently the Child and Youth Advocate.

Address to the Assembly by Rick Hansen

On March 12, 2012, **Rick Hansen**, on the occasion of the Man in Motion 25th Anniversary Relay, addressed Members of the Legislative Assembly from the floor of the Chamber. Mr. Hansen spoke about his Man in Motion tour, a journey that saw him wheel around the globe, taking 26 months and ending in May 1987, which was an endeavour to raise funds for a cure to spinal cord injuries. With this address, Mr. Hansen became the only individual in the history of the Legislative Assembly of Alberta

to have addressed Members from the floor of the House twice, his first address having taken place on May 8, 1997.

General Election

On April 23, 2012, a general election was held in Alberta. The Progressive Conservative Party elected Members in 61 of the 87 electoral divisions (four more constituencies were added effective March 26, 2012, the day on which a writ for a general election had been issued, pursuant to the *Electoral Divisions Act*); candidates from the Wildrose Alliance Party were elected in 17 constituencies; and the Alberta Liberals and the Alberta New Democrats won five and four seats respectively. Thirty-eight of the 87 Members elected are new Members of the Legislative Assembly of Alberta, representing the largest turnover of Members since 1993.

As a result of the election, the Wildrose caucus, under the leadership of the newly elected Member **Danielle Smith**, has become the Official Opposition, supplanting the Alberta Liberal caucus. Premier **Alison Redford** became the first woman in the province's history to have led a political party to electoral victory. Moreover, it is the first time in Alberta history that both the Premier and the Leader of the Official Opposition are women.

Following the election, Premier Redford announced her new Cabinet, which includes 18 ministries, three fewer than the 21 that had been in place since October 2011:

- **Alison Redford**, Premier, President of Executive Council
- **Thomas Lukaszuk**, Deputy Premier
- **Doug Horner**, President of

Treasury Board and Minister of Finance

- **David Hancock**, Minister of Human Services
- **Cal Dallas**, Minister of International and Intergovernmental Relations
- **Diana McQueen**, Minister of Environment and Sustainable Resource Development
- **Fred Horne**, Minister of Health
- **Ken Hughes**, Minister of Energy
- **Jeff Johnson**, Minister of Education
- **Verlyn Olson**, Minister of Agriculture and Rural Development
- **Jonathan Denis**, Minister of Justice and Solicitor General
- **Doug Griffiths**, Minister of Municipal Affairs
- **Robin Campbell**, Minister of Aboriginal Relations
- **Heather Klimchuk**, Minister of Culture
- **Manmeet Bhullar**, Minister of Service Alberta
- **Wayne Drysdale**, Minister of Infrastructure
- **Stephen Khan**, Minister of Enterprise and Advanced Education
- **Ric McIver**, Minister of Transportation
- **Christine Cusanelli**, Minister of Tourism, Parks and Recreation

Executive Council also comprises seven Associate Ministers, who are Ministers without Portfolio:

- **George VanderBurg**, responsible for Seniors (reporting to the Minister of Health)
- **Frank Oberle**, responsible for Services for Persons with Disabilities (reporting to the Minister of Human Services)
- **Kyle Fawcett**, responsible for Finance
- **Teresa Woo-Paw**, responsible for International and

Intergovernmental Relations

- **Greg Weadick**, responsible for Municipal Affairs
- **Don Scott**, responsible for Accountability, Transparency and Transformation (reporting to Minister of Service Alberta)
- **Dave Rodney**, responsible for Wellness (reporting to the Minister of Health)

First Session, 28th Legislature

The first session of the new Legislature commenced on May 23, 2012, with the election of the Speaker. **Gene Zwozdesky**, a Member of the Legislative Assembly since 1993 and a former Cabinet Minister, holding a number of posts including Minister of Health and Wellness, and the former Deputy Chair of Committees, was elected the 12th Speaker of the Legislative Assembly of Alberta. Speaker Zwozdesky has vowed to enhance the level of decorum in the Assembly and to build on efforts to make the Alberta Legislature more accessible to Albertans. Speaker Zwozdesky succeeds **Ken Kowalski** as Speaker. Mr. Kowalski was Speaker from 1997 until 2012 and at dissolution of the 27th Legislature was the longest-serving Member of the Legislative Assembly, having been first elected to the Assembly in a by-election in 1979.

The Assembly also elected **George Rogers** (PC, Leduc-Beaumont) as Deputy Speaker and Chair of Committees and **Mary Anne Jablonski** (PC, Red Deer-North) as Deputy Chair of Committees.

Following the Speech from the Throne, which was delivered on May 24, 2012, the regular business of the Assembly was taken up in large measure by speeches in

reply to the Speech from the Throne, including a number of maiden speeches. In addition, during the sitting, Members debated a Government motion on Members' compensation. The motion referenced issues and recommendations made in a report by former Supreme Court Justice **John C. Major**, QC, CC, concerning his review of MLA compensation. The report, entitled *Review of Compensation of Members of the Legislative Assembly of Alberta* (<http://www.mlacompensationreview-alberta.ca>), was released on May 2, 2012, and made a number of recommendations, including proposing a single compensation amount for Members which would encompass all legislative, constituency and committee duties; eliminating the existing transition allowance for departing Members and recommending a newly formulated one based on a basic MLA salary; and instituting a Members' pension plan. The Assembly passed the Government motion, which approved in principle many of the tenets of Justice Major's report. However, the Assembly resolved not to implement a new transition allowance for MLAs or a new pay formula for the Premier (the report proposed a pay increase), or to retain the Members' tax-free allowance. Furthermore, the Assembly referred to the Special Standing Committee on Members' Services (the equivalent of a board of internal economy) the issue of examining alternatives to the pension plan for Members proposed by the Major report, including defined contribution plans, and asked the committee to report on its findings.

Rachel Notley, Member for Edmonton-Strathcona, raised a purported question

of privilege in the Assembly on May 28. Ms Notley argued that the Government briefed members of the media on Bill 1, *Workers' Compensation Amendment Act, 2012* without providing a similar briefing to members of the Opposition constituting a breach of the rights of the Members of the Assembly. Speaker Zwodzesky ruled on the matter the following day. The Speaker found that, because the Bill was not circulated and the specific content of the Bill was not disclosed and because Ms. Notley's ability to perform her functions was not impeded, there was no *prima facie* case of contempt.

The Assembly also amended the Standing Orders during the most recent sitting, replacing the five Policy Field Committees with three Legislative Policy Committees, setting the membership of those committees at 25 and increasing the membership of the Standing Committee on Public Accounts from 17 to 21.

The Assembly adjourned on May 31, 2012, until the fall, following a sitting which lasted six days.

Philip Massolin

Committee Research Coordinator
Legislative Assembly Office



Prince Edward Island

The Second Session of the Sixty-fourth General Assembly opened on April 4,

2012, and adjourned to the call of the Speaker on May 30, 2012, after 31 sitting days.

Eight bills, 35 motions and consideration of the supplementary estimates remain on the Order Paper. The Assembly will reconvene November 13, 2012, according to Prince Edward Island's parliamentary calendar.

The Speech from the Throne was delivered on April 4, 2012, by **H. Frank Lewis**, Lieutenant Governor of Prince Edward Island. It outlined four areas of priority for government: economic growth focusing on private sector job creation; a return to fiscal balance and economic stability; investments in education; and measures to ensure accessible and affordable healthcare.

Wes Sheridan, Minister of Finance and Municipal Affairs, introduced his budget on April 18, 2012, which contained expenditures of \$1.58 billion. Total operating revenue for 2012-2013 was projected at nearly \$1.51 billion, with provincial own source revenues forecast at \$891 million. Health continued to account for the largest share of provincial expenditure at nearly \$555 million; followed by education at \$229 million. Expenditures for most other departments were reduced between three to five per cent. The Minister indicated that the public sector will be reduced by 300 positions over the next three years, with two thirds of those reductions in the current year.

There were some new initiatives in this budget, including the establishment of a \$2,000 George Coles Graduate Scholarship, improvements to the existing George Coles Bursary, moving to provide interest-free

student loans, and establishing a \$500 refundable income tax credit for volunteer firefighters with at least 200 hours volunteer service a year.

In the Budget Speech, government announced it was entering into formal negotiations with the federal government to implement a harmonized sales tax by April 2013. Under a harmonized sales tax, the provincial rate will be reduced from 10 percent to 9 percent. Combined with the federal rate, the harmonized rate will be 14 percent. This drop from the current rate of 15.5 percent means the province will have the second lowest sales tax rate in the Maritimes, instead of leading the country with the highest rate. The proposed model would apply the tax on the same basis as the GST which, for example, does not include basic groceries and prescription drugs. The province will not tax home heating oil or children's clothing and footwear. In addition, an enhanced refundable tax credit will be created so that the impact of a new tax model will not affect Islanders with low and modest incomes. A package of legislative changes will be tabled and debated during the fall session of the Legislature.

Significant Legislation

A number of significant pieces of legislation received Royal Assent during the Second Session of the Sixty-fourth General Assembly, including:

- *An Act to Amend the Legislative Assembly Act (Bill No. 3)* freezes remuneration and benefits payable to the Members of the Legislative Assembly until 2013. A three-member Indemnities and Allowances Commission, responsible for the review of salaries and benefits of the Members, filed

its report in March 2012, and recommended a 2% increase in salaries for the fiscal year beginning April 1, 2012. The Commission noted that its 2009 report did not grant a salary increase for 2010, and the Legislative Assembly passed legislation in May 2010, freezing salaries for the year 2011 at the 2009 level. With this latest amendment to the *Legislative Assembly Act*, the base salary for a Member of the Legislative Assembly of Prince Edward Island remains at \$65,344.

- *Finance PEI Act (Bill No. 7)* established a new Crown corporation, Finance PEI, which has the objects of providing leadership in the support and implementation of government's economic development strategy, and loans and credit assistance to various sectors of the provincial economy.
- *An Act to Amend the School Act (Bill No. 19)* postpones elections for school boards in the province until the spring of 2014. The Minister of Education and Early Childhood Development, **J. Alan McIsaac**, recently announced plans to combine the existing Eastern School District and the Western School Board, resulting in one English language school board which will provide support to over 20,000 students, and more than 2,300 teachers and staff. The province's French language school board will remain unchanged. The legislation is intended to provide a time period to allow for the successful transition.

Other Matters

In April, the province marked the 160th anniversary of free public education. When it was granted royal assent in 1852, the *Free Education Act* established Prince Edward Island as the first of the former British North American colonies to enable widespread access to free public education. The legislation ensured job

security for teachers, with local taxes used to cover the costs of construction and maintenance of school houses. As a result, within two years Island school enrollment had doubled.

On May 8, 2012, several members of the Legislative Assembly participated in a Chair-Leader Event, organized by the Canadian Paraplegic Association, spending a full day in a wheelchair. The members gained a firsthand understanding of accessibility obstacles, as well as committed to raising funds for the Canadian Paraplegic Association of Prince Edward Island. "Chair-Leaders have a chance to set a positive example and create awareness about obstacles people with disabilities face on a daily basis," said **Paul Cudmore**, Executive Director of the Canadian Paraplegic Association of Prince Edward Island. "We hope this event will create momentum to change our environment into a community that includes everyone."

The Rotary Youth Parliament took place at Province House February 24-25, 2012. Now in its twentyfourth year, the longrunning project is a partnership between the Speaker's and Clerk's offices, the Department of Education, District School Boards, volunteer teacher advisors and Rotary Clubs across Prince Edward Island.

Rory Beck, Clerk of Executive Council and Secretary to Cabinet, died suddenly on April 13, 2012. Described as the "consummate public servant," Mr. Beck joined the provincial government in 1989, serving as executive director of Enterprise PEI. He would hold a variety of positions over the decade that followed, including deputy minister of the Office of Government

Reform and deputy minister of Economic Development and Tourism. In 1996, Mr. Beck left provincial government, moving into the position of executive vice-president of the Atlantic Canada Opportunities Agency; and returned in 2007, as deputy minister of Health.

Marian Johnston

Clerk Assistant and Clerk of Committees



Nunavut

The 2012 winter sitting of the Legislative Assembly convened on February 21, 2012 and adjourned on March 8, 2012. Minister of Finance and Cambridge Bay MLA **Keith Peterson** delivered his fourth Budget Address on February 22, 2012. The proceedings of the Committee of the Whole during the winter sitting of the House were dominated by the consideration of the Government of Nunavut's proposed 2012-2013 main estimates and departmental business plans.

On May 2, 2012, the House held a special sitting to confirm the selection of a new member of the Executive Council of Nunavut. Iqaluit West MLA **Monica Ell** had been selected to serve on Cabinet at a meeting of the Nunavut Leadership Forum held earlier that morning. Ms. Ell was subsequently appointed Minister of Human Resources, Minister responsible for Homelessness and Minister responsible for the Status of Women.

The 2012 spring sitting of the Legislative Assembly convened on May 29, 2012 and adjourned on June 8, 2012. The Legislative Assembly's 500th formal sitting took place on June 6, 2012, an occasion which was marked with reflections from the Chair by Speaker **Hunter Tootoo**, who is the longest-serving Member of the Legislative Assembly. He said:

Being the only member of the current House who served in the first Legislative Assembly, this milestone brings back numerous memories, some fond and some not so fond. For those of you who aspire to being in this House on the occasion of the next milestone, its 1,000th sitting day, you have my best wishes.

The 3rd Session of the 3rd Legislative Assembly will reconvene on October 23, 2012. It is anticipated that the proceedings of the fall sitting will be dominated by the consideration of the Government of Nunavut's proposed 2013-2014 capital estimates.

The fourth biennial Speaker's Youth Parliament is scheduled to be held from November 19-23, 2012.

Legislation

A total of seventeen bills received Assent during the Legislative Assembly's 2012 winter and spring sittings:

- Bill 19, *Family Support Orders Enforcement Act*;
- Bill 21, *Miscellaneous Statutes Amendment Act, 2011, No. 3*;
- Bill 24, *Appropriation (Operations and Maintenance) Act, 2012-2013*;
- Bill 25, *Supplementary Appropriation (Operations and Maintenance) Act, No. 6, 2010-2011*;
- Bill 26, *Supplementary Appropriation (Operations and Maintenance) Act, No. 3,*

2011-2012;

- Bill 27, *Supplementary Appropriation (Capital) Act, No. 1, 2012-2013*;
- Bill 28, *Write-Off of Assets Act, 2011-2012*;
- Bill 29, *Write-Off of Assets Act, No. 1, 2010-2011*;
- Bill 30, *Building Code Act*;
- Bill 31, *An Act to Amend the Consumer Protection Act*;
- Bill 33, *An Act to Amend the Labour Standards Act*;
- Bill 34, *An Act to Amend the Integrity Act*;
- Bill 35, *An Act to Amend the Tobacco Tax Act*;
- Bill 36, *Supplementary Appropriation (Operations and Maintenance) Act, No. 1, 2012-2013*;
- Bill 37, *Supplementary Appropriation (Capital) Act, No. 2, 2012-2013*;
- Bill 38, *An Act to Amend the Access to Information and Protection of Privacy Act*; and
- Bill 39, *An Act to Amend the Judicature Act*.

Bill 34, which was introduced under the authority of the Legislative Assembly's Management and Services Board, amended the *Integrity Act* to require that all Members of the Legislative Assembly meet in person with the Integrity Commissioner of Nunavut, who is an independent officer of the Legislative Assembly, within 90 days of their election to the Legislative Assembly to review their public disclosure statements and to obtain advice on their obligations under the legislation. Bill 34 also provided that Members' subsequent annual meetings with the Integrity Commissioner may take place by a variety of means. The Bill also addressed the issue of the attendance of Members' spouses at statutorily-required annual meetings. Speaker Tootoo

appeared before the Committee of the Whole on the occasion of its clause-by-clause consideration of the bill.

Bill 38, which was introduced by Premier **Eva Aariak** in her capacity as Minister of Executive and Intergovernmental Affairs, amended the *Access to Information and Protection of Privacy Act* to provide clear legal authority for the Information and Privacy Commissioner of Nunavut, who is an independent officer of the Legislative Assembly, to undertake reviews of potential breaches of personal privacy concerning information held by a public body. Other provisions require a public body that knows or has reason to believe that a breach of privacy has occurred with respect to personal information under its control to report the breach of privacy to the Information and Privacy Commissioner.

Two bills are currently before the Legislative Assembly's Standing Committee on Legislation, which is chaired by Nanulik MLA **Johnny Ningeongan**:

- Bill 32, *An Act to Amend the Legal Services Act*; and
- Bill 40, *Representative for Children and Youth Act*.

Bill 40, which is the 300th bill to have been introduced in the Legislative Assembly since its establishment, proposes to establish the office of the *Nutaqqanut Makkuttunullu Kiggaqtuiji*, which would be known in English as the Representative for Children and Youth and in French as the *représentant de l'enfance et de la jeunesse*. The proposed mandate of the office is to advocate for the rights and interests of children and youth and assist the Legislative Assembly and

the Government of Nunavut in ensuring that the needs of children and youth are met. The Representative for Children and Youth is proposed to be an independent officer of the Legislative Assembly. The Standing Committee has issued a call for public submissions on Bill 40.

Committee Activities

The Standing Committee on Oversight of Government Operations and Public Accounts held hearings from April 24-26, 2012, on the 2012 *Report of the Auditor General of Canada to the Legislative Assembly of Nunavut on Procurement of Goods and Services*, which was tabled in the House on February 28, 2012. All Regular Members of the Legislative Assembly serve on the Standing Committee. Auditor General of Canada **Michael Ferguson** made his first formal appearance before the Standing Committee on the occasion of its hearings on his office's report.

On May 31, 2012, Standing Committee Chairperson and Quttiktuq MLA **Ron Elliott** presented the committee's report on its hearings. Pursuant to Rule 91(5) of the *Rules of the Legislative Assembly of Nunavut*, the Government of Nunavut is required to provide a written response to the report within 120 days of its presentation.

Other reports presented to the House by the Standing Committee on Oversight of Government Operations and Public Accounts during the 2012 winter and spring sittings concerned its hearings on the most recent annual reports of Information and Privacy Commissioner **Elaine Keenan Bengts** and Languages Commissioner **Alexina Kublu**.

Order of Nunavut

On June 5, 2012, the Speaker of the Legislative Assembly and Chairperson of the Order of Nunavut Advisory Council announced the 2012 appointments to the Order of Nunavut. The Order of Nunavut will be bestowed on **Kenojuak Ashevak** and **Charlie Panigoniak**.

Ms Ashevak of Cape Dorset has received numerous awards and honours in recognition of her lifetime of artistic accomplishment. She was invested as an Officer of the Order of Canada in 1967. She was subsequently invested as a Companion of the Order of Canada in 1982. Mr. Panigoniak has been performing and recording music since the late 1960s. Born in the Kivalliq, he is a singer, songwriter, guitarist and broadcaster. Mr. Panigoniak has performed at numerous festivals and events in Canada and abroad.

Investiture ceremonies will be held in the fall of this year on a date or dates to be announced. Commissioner of Nunavut **Edna Ekhivalak Elias** will preside over the investitures in her capacity as Chancellor of the Order.

Alex Baldwin

Office of the Legislative Assembly
of Nunavut



Ontario

The first session of the 40th Parliament resumed on February 21, 2012.

On March 26, the minority government of Premier **Dalton McGuinty** presented its first Budget, which passed on April 24 by a vote of 52 government members to 37 votes from the Official Opposition; the Third Party New Democrats abstained.

Shortly thereafter, on April 27, one of the Assembly's longer-serving MPPs, **Elizabeth Witmer**, resigned as the Member for Kitchener-Waterloo in order to accept an appointment as Chair of the Workplace Safety and Insurance Board. During her almost 22 years in the Legislative Assembly, Mrs. Witmer served as Deputy Premier, Minister of Education, Minister of Environment, Minister of Health and Long-Term Care and Minister of Labour in the Cabinets of Premier **Mike Harris** and Premier **Ernie Eves**. A by-election has not yet been called to fill this vacancy.

On May 31 the House with unanimous consent adopted a motion that provided a "timetable" for the consideration and completion of certain business of the House and its committees. The motion extended the spring sitting from June 7 to June 20 so that various legislation could be dealt with before the Summer Adjournment of the Legislature, and also included provisions for dealing with Private Members' public bills and authorizing certain committees to meet during the summer of 2012. An interesting feature of the motion was its inclusion of an order to the Attorney General requiring him, early in the fall sitting, to introduce legislation to amend a section of the *Legislative Assembly Act* respecting the composition of the Board of Internal Economy, to provide for parity of membership between

the government and opposition parties.

Committee Activities

Prior to the Winter break, the recognized parties agreed on the distribution of Chairs for the nine standing committees, and early in the Spring sitting the House appointed the membership of its committees.

The motion doing so also instructed the Standing Committee on the Legislative Assembly, to the exclusion of other business, to study and report on the Standing Orders. That review is currently underway.

Following the presentation of the Budget, the main Estimates for the fiscal year 2012-2013 were tabled in the Legislature and referred to the Standing Committee on Estimates. In reviewing the estimates for the Ministry of Energy, the Committee requested the Minister of Energy to provide it with certain documents relating to the financial arrangements around the cancellation of 2 planned natural gas electricity generating facilities in the Toronto area. The Committee has not been able to secure production of the documents and so it is currently considering a motion on whether to report this to the House as a matter of privilege.

The Standing Committee on General Government agreed to undertake two studies, one relating to the auto-insurance industry and the other relating to traffic congestion in the Greater Toronto Area and National Capital Region. These two studies would be carried out under the broad authority given to so-called "policy field" committees to report on all matters relating to the mandate, management,

organization or operation of the ministries or offices (including the agencies, boards and commissions reporting to such ministries and offices) assigned to those committees.

The committee began its work on both studies in May but the House subsequently ordered the reassignment of the study on the auto-insurance industry to the Standing Committee on Finance and Economic Affairs for its consideration during the Summer Adjournment of the House.

The Standing Committee on Justice Policy held public hearings on April 5 and 19 on Bill 34, *An Act to repeal the Public Works protection Act, amend the Police Services Act with respect to court security and enact the Security for Nuclear Facilities Act*. During clause-by-clause consideration of the bill, the Committee spent three meetings considering a motion from the Official Opposition to postpone the clause-by-clause until the Committee was satisfied as to whether the legislation breached the independence of the judiciary. Bill 34 was reported back to the House with certain amendments on June 4 and ordered for Third Reading.

The Standing Committee on Public Accounts considered the 2012 *Special Report of the Office of the Auditor General on Ornge Air Ambulance and Related Services*. ("Ornge" is a non-profit organization financed by the Province of Ontario responsible for providing medical transport for very ill and critically injured patients). In conducting its review, the Committee agreed to invite a number of witnesses to appear under oath and hired a legal counsel to assist with its work.

The Minister and Deputy Minister of Health and

Long-Term Care, and the Interim President and Chief Executive Officer kick-started the public hearings, followed by former Ministers of Health and Long-Term Care, past and present employees of Ornge, ministerial staff and civil servants.

In its deliberations, the Committee also decided to call the former Chief Executive Officer of Ornge, Dr. **Chris Mazza**, as one of the witnesses, but was unable to secure his attendance. The Committee presented a report to the House on April 19 requesting a Speaker's Warrant for the appearance of Dr. Mazza at the Committee on May 16. The last time a Speaker's Warrant was issued in Ontario was in 1992.

Dr. Mazza did not appear before the Committee on May 16 for medical reasons and on June 6 the Committee presented another report to the House requesting a second Speaker's Warrant for the appearance of the former Chief Executive Officer on July 18. The hearings will continue over the Summer of 2012.

The Standing Committee on Social Policy considered for the first time in its history two bills simultaneously because both proposed bills dealt with the same subject matter. *Bill 13, An Act to amend the Education Act with respect to bullying and other matters* is a Government Bill in the name of the Minister of Education and *Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools* is a Private Member's Bill (originally sponsored by Elizabeth Witmer, who as noted subsequently resigned her seat after the bill was referred to committee).

The House addressed the issue of the sponsor of the bill by reassigning Bill 14 to the Member for Nepean-Carleton (**Lisa MacLeod**). The House authorized the committee, during its clause-by-clause consideration of Bill 13, to incorporate elements from Bill 14 into Bill 13, and prescribed the method for the House to proceed with the amended Bill 13 when it was reported back for 3rd Reading.

The Committee held five days of public hearings on both bills in Toronto and travelled to Ottawa during the Constituency Week in May.

**Katch Koch and
Tamara Pomanski**
Committee Clerks



New Brunswick

On March 27 Finance Minister **Blaine Higgs** tabled the 2012-2013 budget, totalling \$8.196 billion. Mr. Higgs announced a \$226 million reduction in spending for 2012-2013, and believed that further efficiencies would be found through the on-going government renewal process. The government announced a three-year plan to return to balanced budgets; with a projected \$99 million deficit in 2013-14 and a \$6 million surplus in 2014-15.

The government will invest \$105 million to implement legislative and government commitments, including:

- \$10.3 million for affordable housing;
- \$10 million for Invest NB to foster economic growth;
- \$9.8 million for nursing home renovation and replacements;
- \$6.4 million for pay equity;
- \$5 million in primary health-care investments;
- \$3.6 million for early learning and childcare;
- \$3 million for special care homes;
- \$2.5 million for inclusive education;
- \$2.5 million for immigrant funding;
- \$2.5 million for elementary literacy;
- \$2 million to foster innovation;
- \$1.2 million for 231 new community college seats;
- \$1 million for the development of downtown and business parks;
- \$1 million for the Digital Media Development Program;
- \$808,000 for the enhancement of the province's wellness strategy;
- \$668,000 for the New Brunswick sports plan.

On March 29 **Donald Arseneault**, finance critic for the official opposition, gave his reply to the budget speech. Mr. Arseneault spoke on a number of alleged broken campaign promises, and expressed his concern on such issues as the northern economy, the lack of implementation of the poverty reduction plan, delayed nursing home constructions, and the poor results from the government implemented Invest NB.

Legislation

During the spring session, the government introduced 42 bills. Legislation of note included:

- Bill 45, *An Act to Amend the Education Act*, introduced by Education and Early Childhood Development Minister **Jody Carr**, promotes positive learning and working environment in schools;
- Bill 58, *An Act to Amend the Oil and Natural Gas Act*, introduced by Natural Resources Minister **Bruce Northrup**, regulates the exploration and extraction of oil and natural gas;
- Bill 61, *Regional Service Delivery Act*, introduced by Environment and Local Government Minister **Bruce Fitch**, creates regional service commissions to provide communities with the opportunity to find efficiencies by delivering common services;
- Bill 63, *An Act to Amend the Pension Benefits Act*, introduced by Justice Minister and Attorney General **Marie-Claude Blais**, establishes a new public sector pension model for New Brunswick;
- Bill 64, *An Act Respecting the Selection of Senator Nominees*, introduced by Premier **David Alward**, proposes a mechanism to allow New Brunswickers to elect nominees to the Federal Parliament's upper house.

The official opposition introduced several bills during the spring session, including:

- Bill 29, *Energy Drink Sales Act*, introduced by **Bill Fraser**, proposes to add enhanced safety warnings on energy drinks;
- Bill 35, *Cellular Phone Contracts Act*, introduced by **Chris Collins**, proposes greater transparency and safeguards to consumers against unanticipated fees in relation to cellular phone contracts.

Resolutions

Among the resolutions passed was a Private Member's motion, introduced by **Brian Macdonald**, pertaining to Highway 2, the Trans-Canada Highway in

New Brunswick. The House unanimously agreed to support an initiative to ascribe "Highway of Heroes" as the label on Highway 2 to commemorate all those fallen in the line of duty.

Resignation

On May 25 **Margaret-Ann Blaney** resigned her seat as the Member for Rothesay and her position as Minister of Energy and Minister responsible for the status of women. Ms. Blaney was first elected in 1999 as the Member for Saint John-Kings. She was re-elected in 2003, 2006 and 2010. During her time as a Member, she served as Minister of Transportation; Minister of Public Safety; Minister of Training and Employment Development and Minister of Environment. Following her resignation, she was appointed the new President and Chief Executive Officer of Efficiency NB.

By-election

Hugh Flemming, Progressive Conservative and descendent of two former Premiers of New Brunswick, was elected in the June 25 by-election to fill the vacancy in Rothesay. The new Member was sworn-in by Lieutenant-Governor **Graydon Nicholas** on July 17 at a ceremony held in the Legislative Assembly Chamber.

Committees

The status of New Brunswick as an officially bilingual province is enshrined in the *Canadian Charter of Rights and Freedoms*. Official bilingualism has guided cultural, social, and political growth in New Brunswick since 1969. The *Official Languages Act*, which was passed in 2002, provides for a review of the Act to be initiated before December 31, 2012. The Select Committee

on the Revision of the *Official Languages Act* has been mandated to oversee the examination of and consultation on the Act, to review legal decisions, recommendations of the Office of the Commissioner of Official Languages, as well as suggestions and recommendations from civil society and New Brunswickers.

The Committee is chaired by **Marie-Claude Blais** and **Hédard Albert** serves as Vice-Chair. A consultation process was launched on June 7 when Premier Alward and official opposition leader **Victor Boudreau** made statements in the House inviting the people of the province to take part. To promote open and constructive debate, various questions were developed to guide reflection and solicit comments and suggestions from the public. The Committee will be meeting with interest groups, experts, and individuals and will be reviewing the input that is received. The Committee filed an Interim Report on June 28.

The Standing Committee on Law Amendments is seeking public input on Bill 64, *An Act Respecting the Selection of Senator Nominees*. The purpose of Bill 64 is to introduce a process in New Brunswick for the election of Senate nominees. Senate nominees would be elected from five districts in the province. Following an election, the names of the candidates who sought election, and the number of votes each received, would appear on a Senate nominees list. The list would be submitted to the Queen's Privy Council for Canada for its consideration when filling New Brunswick vacancies in the Senate.

Lighting Ceremony

On June 13 Speaker **Dale Graham** held a reception in celebration of the Diamond Jubilee of Her Majesty Queen Elizabeth II, which was marked with the illumination of Parliament Square. Government Services Minister **Craig Leonard** and Official Opposition Leader Mr. Boudreau narrated the event. **Walter Brown**, former Chair of the Provincial Capital Commission and the individual who proposed the lighting project, received the Diamond Jubilee Medal for his efforts. The new lighting was installed to enhance the illumination of Parliament Square as part of the Assembly's long term restoration plan.

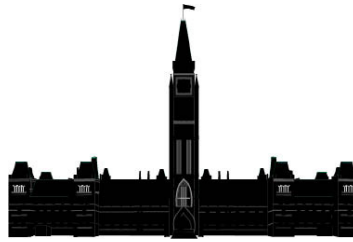
Retirement of Clerk

In a report to the House, the Legislative Administration Committee expressed its sincere appreciation to retiring Clerk **Lori Catalli Sonier** for her professionalism, dedication, and exemplary service to the Legislative Assembly and the province. Mrs. Catalli Sonier, began her career at the Legislative Assembly in 1985 as Clerk Assistant (Procedural). She was appointed Clerk of the Legislative Assembly by resolution of the House on November 30, 1993.

Standings

The Legislature adjourned on June 13 and is expected to resume sitting on November 27. The current standing in the House remain 42 Progressive Conservative, 13 Liberals.

John-Patrick McCleave
Research Assistant



House of Commons

The First Session of the Forty-First Parliament, which had resumed on January 30, 2012, adjourned for the summer on June 21, 2012. The House is scheduled to resume on September 17, 2012. The information below covers the period from January 30 to July 31, 2012.

Questions of Privilege and Points of Order

During debate on Bill C-19 on February 7, **Larry Miller** made reference to Adolf Hitler. He later rose to apologize for this remark. In the subsequent days, several Members rose to question the legitimacy of the apology, including **Irwin Cotler**, who raised a point of order on the matter on February 9. In light of these objections, Mr. Miller rose once again to apologize. The Speaker maintained that, as the Member had apologized and withdrawn his remarks, it was the usual practice of the House to accept the word of the Member.

On February 16, the Speaker ruled on a question of privilege raised by **Maria Mourani** on February 8, after another Member, **Sana Hassainia**, had brought her infant son into the Chamber prior to the taking of a recorded division. In raising the matter, Mrs. Mourani expressed concern over the rules regarding Members bringing their infant children into the Chamber, stating that if they forbade the practice, that this would be an infringement of Members'

privileges as they prevented them from carrying out their duties. She then requested that the Speaker clarify the rules. In his decision, the Speaker explained that he had asked Mrs. Hassainia to leave the Chamber as several Members had begun to take pictures of the infant, thus causing a disturbance in the House. He went on to state that the House had a long history of adapting its practices to accommodate Member, and that he intended to continue the practice of his predecessors who had turned a blind eye to the presence of infants in the Chamber when the proceedings were able to continue without disturbances. The Speaker concluded his remarks by stating that this was not a *prima facie* case of privilege and suggested that the Standing Committee on Procedure and House Affairs examine the practices in this regard as part of its review of the Standing Orders.

On March 6, the Speaker ruled on a question of privilege raised by the Minister of Public Safety **Vic Toews** on February 27, concerning the cyber campaigns that followed his introduction of Bill C-30, *Protecting Children from Internet Predators Act*. Mr. Toews raised three issues, each of which he believed to be a contempt of the House. The first concerned the use of House resources for the so-called *vikileaks30* account on Twitter, which Mr. Toews claimed had been used to attack him personally, thereby degrading his reputation and obstructing him from carrying out his duties as a Member of Parliament.

As **Bob Rae** had previously risen to apologize and inform the House that it was an employee of the Liberal Research Bureau

who had been responsible for the site, the Speaker considered this aspect of the question closed. Second, Mr. Toews contended that an apparent campaign to inundate his office with calls, e-mails and faxes hindered him and his staff from serving his constituents, and prevented constituents with legitimate needs from contacting their Member of Parliament in a timely fashion. The Speaker ruled that he could not find that it was a *prima facie* case of privilege as Mr. Toews had not been impeded in his ability to perform his parliamentary duties. Finally, the Member had argued that the videos posted on YouTube by the so-called “Anonymous” on February 18, 22 and 25, were online attacks directed at him and his family that had crossed the line into threatening behaviour and constituted a deliberate attempt to intimidate him with respect to proceedings in Parliament.

The Speaker concluded that this constituted a *prima facie* question of privilege. Mr. Toews then moved that the matter be referred to the Standing Committee on Procedure and House Affairs. A recorded division was requested on the motion, and the motion was agreed to unanimously later that day. The Committee held meetings on the question of privilege on March 15 and 27, April 3 and 26, and May 1, and reported to the House on May 2.

On March 14, **Hélène Laverdière** rose on a point of order to argue that the government’s reply to her written question Q- 410 was insufficient, and asked that a more comprehensive response be provided. **Tom Lukiwski** replied that the government had already responded and that additional information would

be forthcoming. In raising a question of privilege on March 28, Ms. Laverdière again argued that the answer provided by the government was, by its own admission, incomplete. On April 3, the Speaker explained that his role in such matters was extremely limited, as there are no provisions in the rules for the Speaker to review government responses to questions; and that any dispute regarding the accuracy or appropriateness of this response has traditionally been deemed a matter of debate. In addition, he explained that it was not unusual for the government to provide supplementary replies to questions already answered. The Speaker concluded that the government had complied with the requirements of the Standing Order and, therefore, he could not find a *prima facie* question of privilege.

On March 15, the Speaker ruled on the question of privilege raised on March 2, by **Pat Martin** regarding the difficulties experienced by certain Members in gaining access to the parliamentary precinct during the visit of the Prime Minister of Israel, **Benjamin Netanyahu**. The Speaker ruled that the implementation of security measures cannot override the right of Members to unfettered access to the Parliamentary Precinct and, accordingly, found that there were sufficient grounds for a *prima facie* question of privilege. Mr. Martin then moved that the question of privilege be referred to the Standing Committee on Procedure and House Affairs and the motion was agreed to by unanimous consent. The Committee held meetings on the matter on May 3, 8, 10 and 15, and reported to the House on May 31.

On April 30, **Marc Garneau** rose on a question of privilege, alleging that a package addressed to him had been sent to his former office, which was now occupied by NDP Member **Jonathan Tremblay**, and that the package had been opened and its contents distributed without his consent. Mr. Garneau argued that this constituted a clear contempt of Parliament. At the next sitting, Mr. Tremblay rose to apologize for this mistake and the Chair thanked Mr. Tremblay for his comments and stated that this brought the matter to a close.

On May 7, the Speaker ruled on a question of privilege that had been raised by Mr. Rae on April 5, 2012. Mr. Rae had contended that an opinion attributed to two government departments in chapter 2 of the Auditor General’s Spring 2012 report to Parliament was at variance with statements the Prime Minister and certain Ministers made to the House, namely that the government accepted all the recommendations and conclusions in the Auditor General’s report. Noting that it is a fundamental obligation of the government to tell the House the truth, he stated that the government seemed to be attempting to deliberately mislead the House.

In reply, **Peter Van Loan**, Leader of the Government in the House of Commons, explained that the departmental responses to the Auditor General’s conclusions were those of the departmental officials, rather than the government itself. The Speaker ruled that constitutional issues of this nature are not matters for parliamentary procedure, and they are well beyond the range of matters the Speaker can be asked to rule upon.

On the larger question of whether or not what was said in the House was truthful, he explaining that it is not the Speaker's role to adjudicate on matters of fact, but rather to determine whether the Ministers' responses in any way impeded Members in the performance of their parliamentary duties and whether the remarks had been intentionally misleading. The Speaker concluded that he could not find that Ministers knew or believed that what they were telling the House was not true or that it was intended to be misleading. Accordingly, he determined that his was not a *prima facie* question of privilege.

On June 19, the Speaker ruled on the point of order raised on June 7, by Mr. Cotler concerning the government's response to written question Q-588. He had claimed that the response provided to the question was insufficient and, therefore, constituted a non-answer. Mr. Van Loan responded on behalf of the government, contending that given the difficulties in providing the information requested, the information, although it used general terminology, was actually quite accurate. Citing past precedents the Speaker explained the limited role of the Chair to determine whether or not the contents of documents tabled in the House are accurate, and concluded that the matter did not constitute a *prima facie* case of privilege.

Also on June 19, the Minister of Intergovernmental Affairs **Peter Penashue** rose on a question of privilege concerning the alleged usurpation of his title. He argued that his predecessor, **Todd Russell**, had a Web site in which he claimed that he was still

the current Member of Parliament for Labrador. Mr. Penashue contended that the misleading site could cause confusion among the constituents of Labrador and, therefore, impeded him in his ability to represent them. Thus, he argued the matter constituted a *prima facie* breach of privilege. At the next sitting, the Speaker ruled on the matter, explaining that as the Web site was no longer available, the matter was to be considered closed.

Financial Procedures

On March 29, Minister of Finance **Jim Flaherty** presented the 2012 Budget. During the ensuing debates on the Budget and the Budget implementation bill (C-38), there were several procedural events of note:

- During the debate on the motion to approve in general the budgetary policy of the government, **Peter Julian** used his right to unlimited speaking time as the first speaker for the Official Opposition and spoke for nearly three of the four sitting days allotted for the Budget debate. At the conclusion of his speech on April 3, 2012—on the third of four appointed days for debate—the Member moved an amendment to the motion and **Scott Brison** moved a subamendment. The questions were put on the amendment and subamendment shortly thereafter, and both were defeated.
- Mr. Brison rose on a point of order on May 2, alleging that Bill C-38, as tabled in the House, was not the correct version of the Bill and two different versions of the Bill were given to Members. The Speaker later explained that the discrepancy between the numbers of pages was due to the electronic preparation of the Bill with House software.
- On May 9, on what was scheduled to be the fourth day of debate on the time

allocated motion for the second reading stage of Bill C-38, **Nathan Cullen** moved a motion to concur in a committee report. During debate on that motion, **Glenn Thibeault** moved, "That the Member for Gaspésie—Îles-de-la-Madeleine be now heard". The motion was negated. Shortly thereafter, **Yvon Godin** moved a motion to adjourn the House. This motion was also negated. Immediately afterwards, Mr. Lukiwski moved that the debate be now adjourned. At 5:30 p.m., the Speaker interrupted the ringing of the bells and declared that the motion had lapsed. The House then proceeded to the business scheduled for that time.

- The following day, **Peggy Nash** and **Guy Caron** each rose three times during Routine Proceedings and sought unanimous consent of the House to divide and/or delete certain clauses of Bill C-38. On each occasion, consent was denied. The House resumed consideration of the Bill later during the sitting.
- On June 11, 2012, the Speaker ruled on the point of order raised on June 5, 2012 by **Elizabeth May** regarding the form of Bill C-38. Ms. May contended that the Bill was not properly an omnibus bill because: it lacked a central theme; it failed to provide a link between certain items in the Bill and the Budget itself; and it omitted changes that were purported to be included in it by representatives of the government. In response, Mr. Van Loan had indicated that Bill C-38 had as its unifying theme the implementation of the budget. Citing the decisions of previous Speakers, the Speaker ruled that Bill C-38 contained all of the required elements and was therefore in proper form. He also noted that until the House adopts specific rules relating to omnibus bills, the Chair's role is very limited and the Speaker should remain on the sidelines as debate proceeds and the

House resolves the issue.

- On June 13, the Speaker ruled on the question of privilege that was raised by Mr. Cullen on June 11, concerning Bill C-38. Mr. Cullen had maintained that he had been unable to secure the government's cooperation when he attempted to obtain information on the impact of Bill C-38 by means of written questions, questions asked during Question Period and in committee, and requests made through the Parliamentary Budget Officer. He had also alleged that by refusing to respond to the requests for information the government had violated the *Federal Accountability Act*.
- Mr. Van Loan, in turn, contended that Members looking for specific information on funds that are spent on programs and personnel should consult appropriations bills rather than budget implementation legislation. Having considered these arguments, the Speaker began by explaining that he could not rule on whether or not the government had violated the *Federal Accountability Act*, as interpreting legal provisions of statutes is not within the purview of the Chair. He then went on to state that it was his understanding that Mr. Cullen had received responses to his questions, but that he had found them to be unsatisfactory. The Speaker reiterated that it is not for the Chair to decide whether an answer or response given to a question constitutes an answer to that question. As a result, he concluded that Members had not been impeded in the fulfillment of their parliamentary duties and that, therefore, this was not a *prima facie* question of privilege.
- Also on June 13, on what was to be the final day of debate on the time allocated motion at report stage of Bill C-38, **John McCallum** moved a motion to concur in a committee report. During debate on the motion, **Kevin Lamoureux**

moved, "That this House do now adjourn". The motion was negatived and the House continued with the debate. When the debate collapsed, a recorded division on the motion was requested and deferred, and the House proceeded to the debate on C-38.

- More than 800 motions in amendment were placed on the *Notice Paper* for the report stage of Bill C38. They were selected and grouped for debate and voting, and the House took 157 consecutive recorded divisions, starting on June 13, over a nearly 24-hour period.
- On June 18, the Speaker ruled on the point of order raised by Mr. Lamoureux on June 12, concerning an allocation of hours in the motion by Mr. Van Loan to allocate time at report stage and third reading of Bill C-38.
- Mr. Lamoureux had argued that the number of hours that can be allocated to a given stage of a bill pursuant to Standing Order 78(3) must, at a minimum, mirror the number of sitting hours in effect when the time allocation motion is moved and applied. On the day the motion was moved, due to the adoption of the motion for extended sitting hours, this could have meant as many as 14 sitting hours.
- Mr. Van Loan, in turn, had argued that that the minimum number of sitting hours that can be allocated to a given stage of a bill need only be equal to the shortest day possible, in his view, 2.5 hours. Citing a precedent from 1987 in which a similar calculation had been used, the Speaker explained that the normal sitting hours for the House leave 23.5 hours for the consideration of Government Orders in a typical week and that that number, divided by the number of days in the week, yields approximately 5 hours per day. The Speaker explained that this was more than the number of hours allocated for the consideration at report stage

and third reading of Bill C-38. Accordingly, he ruled that the motion was in order, as it respected the terms of Standing Order 78(3).

Bill C-38 received royal assent on June 28, along with Bill C-40, *Appropriation Act No. 2, 2012-13* and Bill C-41, *Appropriation Act No. 3, 2012-13*.

The House considered in Committee of the Whole all Votes under National Defence (May 9) and Environment (May 15) in the Main Estimates for the fiscal year ending March 31, 2013. After debate, the Votes were deemed reported.

Private Members' Business

On March 13, the Speaker informed the House that Bill C-383, *Transboundary Waters Protection Act*, standing in the name of Mr. Miller, was of some concern as a result of the pending provisions it contained. On May 14, the Government House Leader placed a notice of royal recommendation for the Bill on the *Notice Paper*.

The following Private Members' Bills received royal assent during this period: Bill C-288, *National Flag of Canada Act*; Bill C-278, *An Act respecting a day to increase public awareness about epilepsy (the Purple Day Act)*; Bill C-311, *An Act to amend the Importation of Intoxicating Liquors Act (interprovincial importation of wine for personal use)*; and Bill C-310, *An Act to amend the Criminal Code (trafficking in persons)*.

Other Matters

Thomas Mulcair (Leader of the Opposition), was elected as the Leader of the NDP (March 24).

The Speaker informed the House of the election of **Craig Scott** for Toronto–Danforth (March 29).

Bruce Hyer withdrew from the New Democratic Party caucus and now sits as an Independent (April 23).

The election in the riding of Etobicoke Centre was found to be null and void by the Ontario Superior Court. Shortly thereafter, **Ted Opitz** announced that he would be appealing the decision. The Supreme Court heard arguments on the case on July 10.

Lee Richardson informed the House of his resignation as the Member for Calgary Centre (May 30). He leaves to take up a new opportunity as principal secretary to the Premier of Alberta, **Alison Redford**. A Member from each party in the House rose to pay tribute to Mr. Richardson.

Bev Oda, Minister of International Cooperation, resigned as the Member for Durham and from the Cabinet, on July 31.

On April 4, following statements by Mr. Cotler, Mr. Mulcair and **Mark Adler** commemorating the Holocaust, the Speaker invited Members to rise and observe a moment of silence.

On April 26, **Rodger Cuzner**, Mr. Cullen and **Brad Butt** each made statements commemorating the National Day of Mourning and promoting workplace safety, after which the House observed a moment of silence. On June 20, Mr. Rae, **Libby Davies** and **Joe Daniel** each made statements commemorating the tragedy of the Air India bombings. The House then observed a moment of silence.

On May 18, **Tim Uppal**, Minister of State for Democratic Reform tabled the Prime Minister's apology on behalf of the Government of Canada for

the Komagata Maru incident of 1914.

Mr. Van Loan moved motions for the following appointments, which were agreed to by the House:

- **Anne-Marie Robinson**, President of the Public Service Commission, for a term of seven years (February 14);
- **Sonia L'Heureux**, Parliamentary Librarian, for a term of five years (June 20).

Caroline Bosc
Procedural Clerk
Table Research Branch



Northwest Territories

The Legislative Assembly, building on the success of the 2010 Elders Parliament, was pleased to host the second Elders Parliament from May 7-10, 2012. Speaker **Jackie Jacobson** invited respected elders throughout the territory to apply to participate in the event. One elder was chosen from each of the nineteen constituencies. The participants came to the capital, met with their MLAs, chose a Premier and Cabinet from among themselves, and then worked with Legislative Assembly staff to prepare for a model parliament. **Jane Groenewegen**, Deputy Speaker and Member for Hay River South, presided over the deliberations in the House, noting the enthusiasm and hard work of the elders who took part. The program allows elders to get a first-hand view of consensus government and how it works, and provides an opportunity for elders to voice their concerns in

a public forum. The elders put forward and debated motions that supported care and respect for all elders, proposed changes to public housing rent scales, and recommended the establishment of an Elders Ombudsman. Elders Parliament is held every two years, alternating with the long-standing and equally successful Youth Parliament.

Convening of the Legislative Assembly

The Third Session of the 17th Legislative Assembly convened on May 23, 2012. With the prior consent of the full Caucus, this opening included a new item titled "Commissioner's Opening Address." Unlike the customary ceremonial welcome offered in the past, and similar to the "Speech from the Throne" in other jurisdictions, the address was a formal declaration of the reason for summoning the Assembly, and adopted the practice of laying out the Government's agenda for the coming months, the Government's view of the state of the territory and proposed legislation for the Session. The Commissioner of the Northwest Territories, **George Tuccaro**, delivered the address.

The highlight of the sitting was the consideration and passage of the first full budget of the 17th Legislative Assembly. Four supplementary appropriation bills were also adopted, as well as minor amendments to the *Student Financial Assistance Act* and the *Human Rights Act*. In the final days of the sitting the following legislation was introduced and referred to the Standing Committee on Social Programs for consideration:

- Bill 2-17(3): *Miscellaneous Statute Law Amendment Act*;
- Bill 5-17(3): *Legal Aid Act*;

- Bill 7-17(3): *An Act to Amend the Judicature Act*; and
- Bill 8-17(3): *An Act to Amend the Securities Act*.

The House also received and considered the following Committee Reports presented by **Michael M. Nadli**, Chair of the Standing Committee on Government Operations:

- Report on the Review of the 2010-2011 Annual Report of the Information and Privacy Commissioner of the Northwest Territories;
- Report on the Review of the 2010-2011 Northwest Territories Human Rights Commission Annual Report;
- Report on the Review of the Office of the Northwest Territories Languages Commissioner Annual Report 2010-2011; and
- Report on the Review of the Status Report of the Auditor General of Canada to the Northwest Territories Legislative Assembly.

The committee reports contained a total of twenty recommendations requesting Government action, including the requirement that Government provide a comprehensive response to all reports within 120 days. All recommendations were introduced and adopted as motions of the House.

The final committee report considered by the Assembly was presented by **Bob Bromley**, Chair of the Standing Committee on Rules and Procedures. The "Report on the Introduction of Electronic Petitions in the Legislative Assembly of the Northwest Territories" was the result of a pilot project undertaken by the 16th Legislative Assembly Standing Committee on Rules and Procedures. The electronic petitions pilot site ran from October 1, 2010 to June 30,

2011. The 16th Assembly Rules Committee directed the Office of the Clerk to undertake an evaluation of the pilot project and to present the evaluation to the 17th Assembly Rules Committee for its consideration. In the report tabled on June 14, 2012, the Standing Committee recommended that the Legislative Assembly approve the implementation of an ongoing electronic petition service to operate in conjunction with traditional petitions and that this service be operational for the fall 2012 sitting of the Assembly. The recommendation was introduced and adopted as a motion of the House.

Other Business

The Legislative Assembly of the Northwest Territories is the only government in Canada to formally observe May 26th as the National Day of Healing and Reconciliation for survivors of residential school abuse. A motion marking the date was unanimously adopted by the 15th Assembly, and the day continues to be observed throughout the Northwest Territories. In a brief statement to the House, Speaker Jacobson noted the importance of ongoing efforts and activities to continue the positive, collective healing and reconciliation process that is currently taking place in the Northwest Territories.

The House also unanimously passed a motion during the spring sitting to recognize and honour the work of the Federal Truth and Reconciliation Commission. The Assembly was particularly honoured to have Commissioner **Marie Wilson** attend in the gallery and Speaker Jacobson welcomed her to the public reception held in the

Assembly's Great Hall following the passage of the motion.

The Assembly continued to celebrate the Diamond Jubilee of Her Majesty, **Queen Elizabeth II**. The most recent event was the planting of the Jubilee commemorative shrubs, a gift from the province of Manitoba, which took place on the final sitting day. As well, ceremonies will continue to take place throughout the summer and into the fall in many Northwest Territories communities as deserving recipients receive their Queen's Diamond Jubilee medals.

The House recessed on June 14, 2012 and is scheduled to reconvene on October 17, 2012. Members set aside the month of July and the first two weeks of August to focus on their constituency work and to attend their Aboriginal Government summer assemblies. Members will meet again in late August for a scheduled Caucus retreat.

Gail Bennett

Principal Clerk, Operations
Legislative Assembly of the
Northwest Territories



Yukon

The 2012 Spring Sitting of the 1st Session of the 33rd Yukon Legislative Assembly convened on Thursday, March 15. The Assembly sat for 32 days, rising on Thursday, May 10. During the Sitting nine government bills passed the House, and were assented to by Commissioner

Doug Phillips. Those bills were:

- Bill No. 4, *Interim Supply Appropriation Act, 2012-13,*
- Bill No. 5, *Third Appropriation Act, 2011-12,*
- Bill No. 6, *First Appropriation Act, 2012-13,*
- Bill No. 36, *Act to Amend the Liquor Act,*
- Bill No. 37, *Act to Amend the Territorial Court Act,*
- Bill No. 38, *Act to Amend the Child Care Act,*
- Bill No. 39, *Business Law Amendment Act,*
- Bill No. 40, *Act to Amend the Financial Administration Act,* and
- Bill No. 41, *Act to Amend the Land Titles Act and the Condominium Act.*

Bill No. 40, and regulations later issued pursuant to it, were introduced in the wake of a protest that took place in the summer and fall of 2011. At that time individuals protested a lack of available (or affordable) housing in Whitehorse by erecting a ‘tent city’ (which included two trailers) on the lawn of the Yukon Government’s Main Administration Building, which houses the Legislative Assembly.

As was the case prior to the passage of the bill, individuals and groups still have the right to protest or conduct demonstrations on government property. However, the bill and its regulations (draft copies of which were tabled in the House by the Minister of Highways and Public Works, **Wade Istchenko**) essentially forbid individuals or groups from erecting structures or camping on government property without the Minister’s permission. Though housing remains an issue in Whitehorse, ‘tent city’ did not return in the summer of 2012.

Opposition Private Member’s Bill assented to

In addition to these government bills, one private member’s bill, Bill No. 102, *Act to Amend the Ombudsman Act*, was passed and assented to. The bill had been introduced by **Jan Stick**, NDP member for Riverdale-South. The Act provides for the removal of the sunset clause from the *Ombudsman Act*, meaning the House no longer has to periodically ‘renew’ the Act. The House divided 18-0 in favour of the bill at Third Reading.

New Ombudsman

On April 2, the House adopted Motion #105 appointing **Timothy E. Koepke** as Yukon’s new Ombudsman. The Speaker, **David Laxton**, conducted a division on the motion, as the *Ombudsman Act* requires that the appointment of the Ombudsman be supported by at least two-thirds of the MLAs. All seventeen members present for the division voted in favour of the motion.

Mr. Koepke has lived in Whitehorse since 1970. He is a registered professional engineer in Yukon and BC, and is a Canada Lands Surveyor and BC Land Surveyor. Since 1987, Mr. Koepke has been involved in the settlement of First Nations land claims in Yukon and British Columbia. He was also appointed to represent Canada in negotiations between Athabasca region First Nations, governments and oil sands producers in an attempt to reach agreement on long-term benefits.

As Ombudsman, Mr. Koepke also becomes Yukon’s Information and Privacy Commissioner. He succeeds **Tracy-Anne McPhee**, who was appointed Ombudsman in 2007.

Select Committee on Whistle-blower protection

Also on April 2, the Assembly adopted a motion establishing a Select Committee on Whistle-blower Protection. The previous Assembly (the 32nd) had established a select committee on whistle-blower protection. That committee had drafted a final report, but did not table it prior to the dissolution of the 32nd Assembly. Opposition members had twice attempted to table that document as a ‘minority report’ (once during the previous Assembly and once during the current Assembly). Both efforts were rebuffed by the Speaker of those respective Assemblies. One unique feature of the motion appointing the current committee is that it grants it access to the records and papers of the previous committee.

Establishing the committee did not go entirely smoothly, however as **Darius Elias**, the Leader of the Third Party, who had been appointed to the committee by the above-mentioned motion, indicated that he believed sufficient work had already been done by the previous committee. He, therefore, made it known that he had no intention of participating in the newly-established committee.

In Yukon, Members cannot resign from House committees. The House names them to committees, and only the House can remove them. After much discussion, the House, on April 30, adopted a motion, moved by the Government House Leader, **Brad Cathers**, rescinding Mr. Elias’ appointment and appointing **Sandy Silver** to the committee in his place. The committee held its first meeting on June 1.

Disturbances in the public gallery

Oil and gas development is one of the more volatile political issues in Yukon. Members of the public who have concerns about oil and gas development were much in evidence in the House during the 2012 Spring Sitting.

Prior to the start of the Spring Sitting a group called the "Yukoners Concerned about Oil and Gas Committee" (the Committee) ran newspaper advertisements announcing that they would hold a demonstration outside the Assembly building on the opening day of the sitting. People were urged to attend the rally, and to then fill the Assembly's public gallery once proceedings were underway.

With the gallery filled to capacity (121 persons, the limit established by the Fire Marshal), proceedings proceeded in the normal fashion until Question Period, when certain persons in the gallery began cheering Opposition questions on the issue, and expressing their disapproval for the Government responses. Throughout Question Period about a half dozen individuals stood up and turned their backs to Mr. Cathers, the Minister of Energy, Mines and Resources as he responded to Opposition questions that day. The Speaker attempted to get spectators to behave appropriately, but was not entirely successful. Most of those in the gallery, as expected, left once Question Period was over, and did not stay to hear the Premier deliver the budget speech.

At least one member of the Committee was in the public gallery during at least part of each sitting day during the Spring

Sitting. Questions about oil and gas development in the Peel Watershed, and in a geographical area known as the Whitehorse Trough, were asked during 18 Question Periods during this sitting. **Kevin Barr** NDP member for Mount Lorne-Southern Lakes also presented a petition on the subject.

Prior to the end of the Spring Sitting the Committee again ran newspaper ads announcing that it would hold another rally and attempt to once more pack the public gallery on the final sitting day. In preparation for that event, Speaker Laxton, and the Clerk, **Floyd McCormick**, met with local RCMP to discuss certain potential scenarios, what courses of action might be taken and under what circumstances the Speaker might prevail upon the police for assistance. Fortunately, the RCMP's intervention was not required.

After Prayers, and prior to commencing the Daily Routine, the Speaker made a statement to the gallery saying that the House was pleased that they were in attendance, but also indicating that persons in the public gallery were there to observe, and not participate in, the proceedings, and were expected to conduct themselves appropriately. The gallery was less raucous this second time around and once again it emptied once Question Period concluded.

As it turned out the Committee was not the only group to disrupt the Assembly's proceedings. On the penultimate sitting day, the Peel Youth Alliance staged its own protest in the public gallery. Shortly after the start of Question Period, a group of about a dozen young people unfurled three signs in the gallery. The Speaker asked the protestors

to put their signs away. When they did not comply with the Speaker's direction, he ordered the proceedings suspended while security personnel removed the protestors and their signs from the gallery. They left without resistance and the House resumed after an eight-minute recess.

Over the years, the Assembly has had to deal with a few disruptions in the public gallery, but these were the work of individuals or a handful of people. The incidents during the 2012 Spring Sitting were qualitatively different. The protestors on March 15 openly defied the Speaker's calls for order. After their demonstration, a Peel Youth Alliance organizer sent the Speaker a letter indicating that they knew that displaying signs in the gallery was against the House rules, but they chose to do so anyway.

It remains to be seen if this is the "new normal." If so, the Yukon Legislative Assembly may have to follow the lead of other assemblies in acquiring the resources, and developing the strategies and tactics necessary in order to deal with more, larger and increasingly resistant disruptions in the public gallery.

Book on Yukon Commissioners

June 9 saw the official release of "At the Heart of Gold: The Yukon Commissioner's Office 1898-2010." Speaker Laxton made the presentation to Commissioner Doug Philips at the Commissioner's Ball in Dawson City. The book follows the evolution of Yukon governance from Gold Rush days (when the federally-appointed Commissioner and his advisory council had full authority over all territorial matters) through

the Epp Letter of 1979 (which transformed the Commissioner's role to one similar to a provincial Lieutenant Governor) to the present day. The book was written by Yukon historian and archivist **Linda Johnson**, and published by the Legislative Assembly.

Floyd McCormick,
Clerk, Yukon Legislative Assembly



Manitoba

The First session of the 40th Legislature resumed on April 17, 2012, with the delivery of the budget from Finance Minister **Stan Struthers**.

The 2012-2013 total operating expenditure of \$11.8 billion represents an increase of 4.3% from 2011-2012. Highlights of the government's budget included:

- Increasing the number of apprenticeships and creating more rural and northern training;
- Providing strong, predictable funding to universities and additional funding for colleges;
- Creating an Energy Opportunities office and fund to help Manitoba businesses take advantage of Manitoba Hydro's growth;
- Loosening restrictions on Sunday shopping by working with business and labour to keep Manitoba businesses strong and competitive;
- Rebuilding flood-damaged roads, bridges and other infrastructure;
- Making investments to improve flood mitigation and protection to prevent future

damage and hardship for families;

- Building and renewing thousands of kilometres of roads, and many bridges and overpasses;
- Providing faster cancer testing and treatment, and providing free cancer drugs for all patients;
- Taking steps forward to ensure every Manitoba can access a family doctor by 2015;
- Ensuring Manitoba families will pay the lowest combined bills in Canada for electricity, home heating and auto insurance;
- Reducing income taxes for families by delivering on a commitment to increase the basic personal exemption by \$250 this year and increasing the seniors' maximum property tax credit by \$75 to \$1,025;
- Starting to reduce class sizes to 20 students in kindergarten to Grade 3 and providing children with stronger programming to improve reading and math skills; and
- Increasing the minimum wage by 25 cents on October 1.

During his contribution to the budget debate on April 18, 2012 Official Opposition Leader **Hugh McFadyen** moved a motion expressing non-confidence in the government, which stated that the budget failed to address the priorities of Manitobans by:

- Imposing \$184 million in new taxes on hard pressed Manitoba families, who are also facing higher hydro rates and property taxes, increased child care fees and a range of other hidden taxes;
- Driving gas prices higher at a time when gas prices in Manitoba have already increased 12% so far this year;
- Failing to take action to build safe communities as Manitoba has become the violent crime capital of Canada with Winnipeg's murder rate reaching an all time high in 2011;

- Failing to take action to protect Manitobans from future floods and failing to adequately compensate families for past damages;
- Failing Manitoba students who scored among the lowest in Canada on national and international reading, math and science tests;
- Creating an even bigger sinkhole of debt, now at \$27.6 billion and rising, which as a result will force Manitoba families to pay higher taxes in the years ahead; and
- Failing to offer a plan to encourage private investment to create opportunity and wealth.

On May 1, 2012, Mr. McFadyen's amendment was defeated on a recorded vote of yeas 20, nays 33, while the main budget motion carried on a recorded vote of yeas 33, nays 20.

A total of 44 Government and Private Members' bills received Royal Assent during this session, including the following:

- Bill 6 – *The Regional Health Authorities Amendment Act (Improved Fiscal Responsibility and Community Involvement)* – this Bill gives the government the authority to amalgamate regional health authorities (RHAs) whether or not it has received a request to amalgamate from the affected authorities and to set a policy to standardize the employment contracts for senior managers of RHAs. With new regulation-making powers it also allows the government to establish rules respecting the way in which RHAs and health facilities use budgetary surpluses and revenue they receive from providing ancillary services, such as parking.
- Bill 24 – *The Energy Savings Act* – this Bill contains provisions respecting the Affordable Energy Fund, an energy efficiency plan and an on-meter efficiency improvements program.

- Bill 35 – *The Retail Businesses Holiday Closing Amendment Act* – this Bill expands the shopping hours for Sundays and certain holidays.
- Bill 37 – *The Highway Traffic Amendment and Summary Convictions Amendment Act (Bicycle Helmets)* – This Bill requires cyclists under 18 years of age to wear suitable protective helmets. The requirement also applies to an individual under that age when the individual is a passenger on a bicycle or on or in anything attached to or towed by a bicycle.
- Bill 208 – *The Remembrance Day Awareness Act and Amendments to The Public Schools Act* – This Bill proclaims November 5 to 11 in each year as Remembrance Day Awareness Week. It also requires schools to hold Remembrance Day exercises on the last school day before Remembrance Day.
- Bill 212 – *The Apprenticeship Recognition Act* – This Bill proclaims the week of the first Monday in November in each year as Apprenticeship Recognition Week.

Standing Committees

Manitoba Standing Committees have been occupied with a range of business since the start of 2012. The Standing Committees on Social and Economic Development, Human Resources and Private Bills met in June to consider legislation and heard approximately 100 public presentations. The Standing Committee on Crown Corporations met on a number of occasions to consider reports from the Manitoba Liquor Control Commission, Manitoba Hydro, The Workers Compensation Board, Manitoba Public Insurance Corporation and Manitoba Lotteries Corporation. The Standing Committee on Legislative Affairs met on two separate occasions to consider

the reports of the Children's Advocate and of Elections Manitoba.

Additionally, the Standing Committee on Public Accounts scheduled eleven meetings during this session to consider reports from the Auditor General covering a variety of topics including:

- Operations of the Office
- An Audit of the Public Accounts
- Manitoba's Participation in Canada's Economic Action Plan
- Personal Care Homes Program
- Audit of the Pharmacare Program Manitoba Health
- Monitoring Compliance with The Ambulance Services Act
- Audit of Mandatory Legislative Reviews
- Food Safety: Department of Agriculture, Food and Rural Initiatives and Department of Health
- Special Needs Education: Department of Education
- Personal Injury Protection Plan: Manitoba Public Insurance

Government Resolution

On April 19, 2012, Minister of Immigration and Multiculturalism **Christine Melnick** moved a Government Resolution on Federal Centralization of Settlement Services, regarding a decision by the Government of Canada to cancel the Settlement Annex of the Canada-Manitoba Immigration Agreement with the Provincial Government. During the debate, Official Opposition House Leader **Mavis Taillieu** moved an amendment to the resolution "encouraging the Federal Government to strengthen and improve settlement services in Manitoba which have been lacking under the Provincial Government",

which was defeated on a recorded vote of Yeas 19, Nays 35. The government resolution carried on a vote of Yeas 36, Nays 19.

Opposition Day Motions

On May 23, 2012 **Heather Stefanson** moved an opposition day motion urging the Provincial Government "to conduct an independent and transparent public spending examination to ensure Manitoba families are receiving effective government services at the lowest possible cost to taxpayers." Members debated the motion for the majority of the afternoon, before it was defeated on a vote of yeas 18, nays 35.

On June 11, 2012 Official Opposition House Leader **Mavis Taillieu** moved an opposition day motion urging the Provincial Government "to agree that the Premier and Cabinet Ministers are not above the law and when they break a law they must be held accountable with penalties as would any other Manitoban." Following the debate, the motion was defeated on a vote of yeas 20, nays 30.

Speaker's Rulings

During Oral Questions on April 19, 2012, the Official Opposition House Leader (Mrs. Taillieu) raised a matter of privilege regarding an e-mail from the Assistant Deputy Minister of Immigration and Multiculturalism. The e-mail invited immigration services staff and clients to attend the Legislature to observe debate on a Government Resolution on Federal Centralization of Settlement Services. During Mrs. Taillieu's contribution to the matter of privilege, she explained how, in her opinion,

this invitation represented an abuse of power on behalf of the Government and she questioned the impartiality of civil servants taking actions such as this. Mrs. Taillieu then moved "THAT this House find the government in contempt for this blatant misuse of government staff". The Speaker ultimately ruled there was no *prima facie* case of privilege, stating that while the question of an abuse of power would certainly be a valid debate between members, it was not a violation of parliamentary privilege. In the ruling, the Speaker referenced the fact that allegations of misjudgment or mismanagement or maladministration on the part of a minister do not come within the purview of parliamentary privilege. He also noted that civil servants do not fall within the enumerated categories of privilege.

On April 26, 2012, the Official Opposition House Leader raised a matter of privilege regarding the allocation of Question Period gallery passes and the use of Legislative committee rooms. Mrs. Taillieu stated that after her caucus' invited guests had obtained gallery passes, they were advised by government Security office to return those passes. She argued that Security must have been directed by either a senior bureaucrat or a minister in order to get the gallery passes back from guests of the opposition so that those passes could be provided to guests of the government. The Speaker ruled by first pointing out the requirement of timeliness, and encouraged all Members to clearly explain to the Chair how they may have met this requirement when raising a matter of privilege. With regards to the issue of a potential breach

of members' privileges, the Speaker, referencing Manitoba precedents and a ruling from House of Commons Speaker Sauvé, stated that a complaint by a Member regarding constituents being denied access to the Gallery was not a question of privilege but one of security. The Speaker also pointed out that parliamentary privilege does not extend to guests of Members, and that in order to claim the protection of privilege; a non-Member must be taking part in a parliamentary proceeding as opposed to observing a parliamentary proceeding. Considering that it was not established how the actions she identified made it impossible or more difficult for her to carry out her parliamentary duties, the Speaker ruled the matter was not in order as a *prima facie* case of privilege.

Leaving politics

On July 30, 2012 Mr. Fadyen resigned his Fort Whyte seat in the Manitoba Legislature and formally stepped down as Leader of the Progressive Conservative Party. For the past six years, he had led the Manitoba's Progressive Conservatives and he has now left politics for a job in Calgary with DFH Public Affairs Ltd. **Brian Pallister** was acclaimed as the leader of the PC party. Mr. Pallister is a former MLA and former MP. On September 4 he won a by-election in the Winnipeg riding of Fort Whyte, defeating four other candidates.

Legislative Assembly Officers

After almost seven years as the Provincial Ombudsman, **Irene Hamilton** left her appointment in January 2012 to accept a newly created position with the Manitoba Government as

Director of Justice Innovation. **Mel Holley**, manager of ombudsman investigations, has been appointed acting ombudsman until a time when the Standing Committee on Legislative Affairs meets to recommend a new permanent ombudsman.

The 1st session of the 40th Legislature recessed for the summer break on June 14, 2012 with the understanding that notice of the fall session will be provided to the House Leaders by September 30, 2012.

The current party standings in the Manitoba Legislature are: NDP 37, Progressive Conservatives 18, one Independent Liberal and one vacancy.

Monique Grenier
Clerk Assistant/
Clerk of Committees



British Columbia

On February 14, 2012, the 4th session of the 39th parliament resumed. The Assembly sat for 47 days before rising on May 31. To accommodate the heavy legislative agenda and to conclude estimates debate, the Government House Leader introduced motions lengthening some sitting days, as well as a time allocation motion under Standing Order 81.1 to allow for all remaining stages of 13 bills on the order paper to be completed before the scheduled adjournment. In addition, the House activated a

third, concurrent chamber where the Committee of Supply met to conclude ministry Estimates debates.

Black Rod Day

On February 14, 2012, the Legislature of British Columbia unveiled its Black Rod. The rod was carved in British Columbia and was created to celebrate the Diamond Jubilee of Her Majesty **Queen Elizabeth II**, Queen of Canada. The Black Rod is designed to be used on formal occasions when the vice-regal representative is present in the legislature, such as opening a new session or during Royal Assent.

Budget and Legislation

In accordance with statutory requirements, the Minister of Finance, **Kevin Falcon**, delivered the budget for fiscal year 2012/13 on February 21. The current budget forecasts a deficit of \$2.5 billion and includes a restatement of the government's commitment to balance the provincial budget by 2013/14. Minister Falcon characterized the budget as prudent and focusing on fiscal restraint as well as "holding the line" on spending, while protecting important public services. He highlighted the importance of maintaining BC's AAA credit rating and attracting investment in a fragile world economy. The Finance Critic, **Bruce Ralston**, however, depicted the budget as lacking vision and offering nothing to help middle-class and working families. In particular, he criticized cuts to postsecondary education and skills training, the government's handling of the forestry sector, and the decision to sell \$700 million in Crown assets.

During this period, the House completed its review

of the estimates and passed 30 government bills. Four government bills remain on the order paper, along with 15 private member's bills, including one entitled *Senate Election Act*. Noteworthy pieces of legislation include:

- *Provincial Sales Tax Act*: reinstates a sales tax that applies to the same goods and services and provides for the same permanent exemptions as the old PST and hotel room tax.
- *Education Improvement Act*: suspends the BC Teachers Federation strike action and establishes a cooling-off period; appoints a mediator to facilitate bargaining; implements a \$165 million learning improvement fund; returns class size and related matters to the scope of bargaining.
- *School Amendment Act*: eliminates the standard school calendar as of the 2013-2014 school year to enable school districts to offer more creative scheduling options and allows K-9 students to enrol in a mix of bricks-and-mortar and distance learning courses.
- *Family Day Act*: creates a statutory holiday in the month of February, with the exact date (the second Monday in February) determined after a public consultation.

Committee Activity

Parliamentary committee activity continues at a high level. Notable recent and current committee activity includes:

On May 3, the report on the first statutory review of the *Representative for Children and Youth Act* by the Select Standing Committee on Children and Youth was tabled in the House. The Committee made seven unanimous recommendations designed to enhance the functioning of the legislation.

Kim Carter was reappointed

as Ombudsperson by resolution of the House following the unanimous recommendation of an all-party special committee. The Special Committee to Appoint an Ombudsperson tabled its report on May 9. Ms. Carter is the first incumbent to be reappointed since the position was established in 1979.

As anticipated in the last issue, the Special Committee on Cosmetic Pesticides released its report on May 17. The report contains an examination of the regulatory framework in BC and Canada, a summary of what the Committee heard during its hearings and consultation, as well as 17 recommendations for promoting safe and responsible pesticide use in British Columbia.

The Special Committee on Timber Supply was struck on May 16 and instructed to examine, inquire into and make recommendations with respect to mitigating the falldown in mid-term timber supply resulting from the mountain pine beetle outbreak in BC's central interior. The Committee has concluded its consultations with First Nations, local governments, stakeholders, and the public, receiving almost 700 submissions and must submit its report by mid-August.

Before the House adjourned, three additional special committees were appointed. The Special Committee to Appoint an Auditor General and the Special Committee to Appoint a Conflict of Interest Commissioner and a Merit Commissioner were created to oversee the appointment of these three statutory officers. The Special Committee to Inquire into the Use of Conducted Energy Weapons and to Audit Selected Police Complaints was also appointed pursuant to statute to conduct

a review of the implementation of Justice Braidwood's 2009 recommendations on the use of conducted energy weapons and to audit the outcome of randomly selected police complaints under Part 11 of the *Police Act*.

Changes in the Legislature

Following the March 15 resignation of **Harry Bloy**, Minister of State for Multiculturalism, **John Yap** was appointed to the position. In addition, **Moira Stillwell** was appointed as Parliamentary Secretary to the Minister of Health; and **Rob Howard** became Parliamentary Secretary to the Minister of Transportation and Infrastructure. On March 26, Abbotsford South MLA **John van Dongen** announced to the House his resignation from the BC Liberal Party caucus to sit as an independent member in conjunction with joining the BC Conservative Party. On April 19, by-elections were held in the ridings of Port Moody-Coquitlam and Chilliwack-Hope to fill the vacancies created by the resignations of two Liberal MLAs. Both ridings were won by New Democrats, **Joe Trasolini** and **Gwen O'Mahony** respectively. At the time of writing the standings in the House were: BC Liberals 46, BC New Democrats 36, and Independents 3.

Gordon Robinson
Committee Researcher



On August 1, 2012, Premier **Jean Charest** asked the Lieutenant-Governor of Québec to

immediately dissolve the National Assembly and call a general election for September 4, and summon the elected Members to the National Assembly for Tuesday, October 16. At the time of the summer adjournment on June 15 the composition of the National Assembly was Québec Liberal Party, 64; Parti Québécois, 46; independents, 13, including 9 sitting under the banner of Coalition Avenir Québec, one Member under the Québec Solidaire banner and one Member under the Option Nationale banner. One seat was vacant.

The election proved to be very close with no party able to obtain a majority of seats. On election night, the results were Parti Québécois, 31.9% of the popular vote and 54 seats; Liberals, 31.2% and 50 seats; Coalition Avenir Québec, 27.06% and 19 seats; and Québec Solidaire, 6.03% and 2 seats.

Prime Minister Charest was defeated in his own riding of Sherbrooke and **Pauline Marois** was poised to become the first female Prime Minister of Québec.

Proceedings of the Assembly before dissolution

During the spring session that began on February 14, the National Assembly held 48 sittings, during which the Members passed 26 bills, including 3 private bills.

These sittings were set aside in particular for the debate on the budget speech and for the examination of the estimates of expenditure for the fiscal year ending on March 31, 2013.

The Assembly also met for an extraordinary sitting on May 17 to permit the introduction of Bill 78, *An Act to enable students to receive instruction from the postsecondary institutions they*

attend, as well as to carry out all of the stages of its consideration.

Forum 2012 des Rendez-vous de la démocratie

In addition to promoting political book day in Québec, the Forum 2012 des Rendez-vous de la démocratie, held on April 4, provided an opportunity for a public debate on a hot topic in Québec: "Do political parties promote democracy?" **Jean-Pierre Charbonneau**, former President of the National Assembly, broached this theme during a presentation entitled "Political parties: a necessary evil?" The debate continued with a round-table discussion hosted by journalist **Françoise Guénette** featuring **Carole Beaulieu**, editor-in-chief of *L'actualité* news magazine, **Jean-Herman Guay**, political scientist, and **Jean-Claude Rivest**, senator.

Québec-Morocco Interparliamentary Cooperation

On May 17 the President of the National Assembly, **Jacques Chagnon** and the First Vice-President, **Fatima Houada-Pepin**, welcomed to Québec City the President of the House of Representatives of the Kingdom of Morocco, **Karim Ghellab**. They signed an agreement establishing a Standing Interparliamentary Committee with the House of Representatives of the Kingdom of Morocco.

Appointments

On April 26, **Jacques Jobin** was reappointed Associate Secretary General of the National Assembly for a seven-year term.

Manon Voyer and Nicole Bolduc
Parliamentary Proceedings
Directorate

Committees

The most extensive mandate ever to be undertaken by a committee of the National Assembly was carried out by the Select Committee on Dying with Dignity, established in 2009. Last March 22, the Committee tabled its report containing 24 recommendations that were adopted unanimously by its members. It should be mentioned that since its creation in December 2009, the Committee received 273 briefs and heard 239 persons and agencies in 8 different cities throughout Québec. Also, 114 persons were heard during open-mike sessions, 6,558 people answered the online questionnaire and over 16,000 comments were sent in by e-mail, mail, facsimile and via the online questionnaire.

Other committee mandates generated significant attention

during the spring session. First, the Committee on Health and Social Services examined a petition concerning skin cancer and artificial tanning. It then gave consideration to Bill 74, *An Act to prevent skin cancer caused by artificial tanning*, which the National Assembly passed on June 5, 2012. It should be mentioned that the parliamentary reform of 2009 aimed to provide parliamentary committees with the possibility of examining petitions tabled by citizens or groups of citizens.

On June 12, 2012, the Committee on Public Administration tabled the 28th report on the accountability of deputy ministers and directors of public agencies. The Committee held four hearings between January and May 2012 on the following topics:

- educational childcare;

- the application of the *Sustainable Development Act*;
- compensation for persons injured in an accident;
- the 2010-2011 annual management report of the Secrétariat du Conseil du trésor.

The report contains 10 unanimous recommendations and focuses in particular on the examination of the annual reports of 11 departments and public agencies and on a reflection regarding the application of the *Public Administration Act*. Moreover, in underlining its fifteenth year of existence, the Committee included in its report a special chapter on its practices and some of its duties.

Emilie Bevan

Parliamentary Proceedings
Directorate