



Legislative Reports



Ontario

Following prorogation on October 15, 2012 by former Premier **Dalton McGuinty**, the Liberal Party of Ontario held its Leadership Convention on the weekend of January 25, 2013. **Kathleen Wynne** was the successful candidate and became the first female Premier of Ontario. The weeks following saw the resignation of two Cabinet Ministers; **Dwight Duncan**, Minister of Finance and the Member for Windsor-Tecumseh and **Chris Bentley**, Minister of Energy and the Member for London West and an eventual cabinet shuffle. There has not been a date set for the by-election in either riding; however the resignations have left the Liberals with 51 of 107 seats in the minority legislature.

The Second Session of the Fortieth Parliament convened on February 19, 2013 at which time the Lieutenant Governor **David Onley** read the Speech from the Throne.

The following day, the Government House Leader moved a motion that re-appointed Committee Membership of the nine standing Committees. The motion also included an order for the production of documents that had been passed by the Standing

Committees on Public Accounts and Estimates in the first session that had remained outstanding at the date of prorogation.

A controversial issue consuming the time of the Legislature was the Government's decisions in 2010 and 2011 to cancel the construction of planned gas-fired electricity generating stations in the Toronto suburbs of Oakville and Mississauga. This issue gave rise to points of privilege concerning the non-production of documents during the First Session of the Fortieth Parliament, which were raised again at the outset of the Second Session.

On February 20, 2013 Speaker **Dave Levac** delivered a ruling to the House with respect to the point of privilege that was raised in the previous session by the Member for Cambridge, **Rob Leone** concerning the non-production of documents relating to the cancellation and relocation of the Mississauga and Oakville gas plants. In his ruling the Speaker stated that a *prima facie* case of privilege had been established and that prorogation does not nullify such a finding. The Speaker re-confirmed his ruling of September 13, 2012 that the committees of the Legislative Assembly are effectively empowered to order the production of documents and that non-compliance with a production order made by a committee can, in proper cases, constitute a matter of privilege. The Speaker then invited the Member for Cambridge to renew his motion to refer this matter to Committee.

Mr. Leone, renewed his point of privilege motion that passed on October 2, 2012, which referred the matter of the Speaker's finding of a *prima facie* case of privilege to the Standing Committee on Justice Policy. The Committee's mandate initially was solely to consider and report to the House on the matter of the Speaker's finding of a *prima facie* case of privilege with respect to the non-production of documents. On March 5, 2013 the House ordered the mandate of the Committee to be expanded, directing it to consider and report its observations and recommendations concerning the tendering, planning, commissioning, cancellation, and relocation of the Mississauga and Oakville gas plants. The Committee is also authorized to consider any report prepared by the Auditor General with respect to the cancellation and relocation of the Mississauga and Oakville gas plants.

The Standing Committee on Justice Policy began its review on March 7, 2013. The first witness was the former Speaker of the House of Commons, **Peter Milliken**, who was requested to appear before the Committee as a procedural expert. The Committee since then has heard from various witnesses and has 90 calendar days from the passing of the motion to report its findings to the House. Should the Committee require more time in order to conclude its proceedings, it shall issue an interim report at the 90-day mark and proceed

with the consideration until the completion of its final report.

Committee Activities

The Standing Committee on Public Accounts continued its consideration of the 2012 Special Report of the Office of the Auditor General of Ontario on Ornge Air Ambulance and Related Services. The Committee has examined 68 witnesses and has further public hearings scheduled for April and May 2013. The Committee has also commenced Report Writing.

On March 6, 2013, the Standing Committee on Public Accounts adopted a motion requesting the Auditor General of Ontario to undertake a special assignment to investigate the government's divestment of, and the operations of the Ontario Northland Transportation Commission.

On April 10, 2013, the Committee adopted a motion requesting the Auditor General of Ontario to undertake a special assignment reviewing the Modernization Plan of the Ontario Lottery and Gaming Corporation.

The Standing Committee on General Government has the authority under Standing Order 111(a) to study and report on certain matters relating to the mandate or operation of ministries under its purview. The Committee has undertaken two such studies. The first is a study on traffic congestion in the Greater Toronto and Hamilton Area, the National Capital Region, and Northern Ontario; and the second is a study on the auto insurance industry in Ontario. Both studies were initiated in the First Session of the Fortieth Parliament and have since been revived by the Committee following

prorogation. The Committee has also requested the authorization of the House to continue a review of the *Aggregate Resources Act* that was ordered by the House in the previous session.

On Monday, April 15, 2013 the Standing Committee on Social Policy passed a motion pursuant to Standing Order 111(a) to begin a study relating to the oversight, monitoring and regulation of non-accredited pharmaceutical companies. Given recent reports of the administering of diluted chemotherapy drugs, the committee commenced public hearings on the topic with witnesses appearing from the Ministry of Health and Long-Term Care and the hospitals affected by the issue. The Committee continues its consideration of the study with future public hearing dates.

William Short
Committee Clerk



Nunavut

The 2013 winter sitting of the Legislative Assembly convened on February 26, 2013. It adjourned on March 19, 2013. Minister of Finance **Keith Peterson** delivered his fifth Budget Address on February 27, 2013. The proceedings of the Committee of the Whole during the 2013 winter sitting of the House were dominated by the consideration of the Government of Nunavut's proposed 2013-2014 main estimates and departmental business plans.

The 2013 budget implemented two major changes to the

organizational structure of the Government of Nunavut. The Department of Health and Social Services was divided into two entities: the Department of Health and the Department of Family Services. The Department of Human Resources was dissolved and its functions transferred to the Department of Finance and the Department of Executive and Intergovernmental Affairs. The organizational changes came into effect on April 1, 2013. Minister **Monica Ell** was appointed Minister of Family Services by Premier **Eva Aariak**. Minister Keith Peterson retained responsibility for the health portfolio.

On February 26, 2013, Pangnirtung MLA **Hezakiah Oshutapik** moved a motion to recommend the appointment of **Sandra Inutiq** as the Languages Commissioner of Nunavut. The Languages Commissioner of Nunavut is one of four independent officers of the Legislative Assembly who are appointed by the Commissioner of Nunavut on the recommendation of the Legislative Assembly.

The 3rd Session of the 3rd Legislative Assembly will reconvene for its 2013 spring sitting on May 7, 2013.

Legislation

A total of nine bills received Assent during the Legislative Assembly's 2013 winter sitting:

- Bill 46, *Donation of Food Act*;
- Bill 47, *Supplementary Appropriation (Operations and Maintenance) Act, No. 3, 2012-2013*;
- Bill 48, *Supplementary Appropriation (Capital) Act, No. 1, 2013-2014*;
- Bill 49, *Appropriation (Operations and Maintenance) Act, 2013-2014*;

- Bill 50, *An Act to Amend the Nunavut Elections Act*;
- Bill 53, *An Act to Amend the Medical Care Act*;
- Bill 54, *An Act to Amend the Income Tax Act*;
- Bill 55, *An Act to Amend the Student Financial Assistance Act*; and
- Bill 56, *Write-off of Assets Act, No. 1, 2011-2012*.

Bill 46, which was introduced by Quttiktuq MLA **Ron Elliott**, was the second Private Member's Bill to have been considered and passed by the Legislative Assembly of Nunavut. The *Donation of Food Act* provides that a person who donates food or who distributes donated food is not liable for disease, injury, death or other harm resulting from the consumption of that food unless the person intended to harm the recipient or acted recklessly in donating or distributing the food. Similar provisions apply to the directors, officers, agents, employees and volunteers of corporations and organizations involved in the donation or distribution of food.

Bill 50, which was introduced under the authority of the Legislative Assembly's Management and Services Board, amended the *Nunavut Elections Act* to implement the recommendations contained in the 2011-2012 annual report of the Chief Electoral Officer of Nunavut. Speaker **Hunter Tootoo** appeared before the Committee of the Whole on the occasion of its clause-by-clause consideration of the bill.

Nine bills are currently under consideration by 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*;

- Bill 40, *Representative for Children and Youth Act*;
- Bill 44, *An Act to Amend the Justices of the Peace Act*;
- Bill 51, *An Act to Amend the Child and Family Services Act*;
- Bill 52, *An Act to Amend the Nunavut Teachers Association Act*;
- Bill 57, *Miscellaneous Statutes Amendment Act, 2013*;
- Bill 58, *Public Service Act*;
- Bill 59, *Collaboration for Poverty Reduction Act*; and
- Bill 60, *An Act Respecting the Nunavut Law Foundation*.

Committee Activities

On March 18, 2013, Chairman **Ron Elliott** presented a report of the Standing Committee on Rules, Procedures and Privileges. The report made a number of recommendations for amendments to the *Rules of the Legislative Assembly of Nunavut* concerning the filing of provisional government responses to reports of standing and special committees; the number of supplementary questions permitted to be asked by Members during oral question period and the filing of petitions. The recommendations were adopted by the House without opposition and will come into effect on the first day of the spring 2013 sitting.

The Legislative Assembly's Standing Committee on Oversight of Government Operations and Public Accounts held hearings during the week of April 15-19, 2013, on the most recent annual reports to the Legislative Assembly of the Languages Commissioner of Nunavut and the Information and Privacy Commissioner of Nunavut. The hearings were televised live across the territory. Languages Commissioner **Sandra Inutiq** and Information

and Privacy Commissioner **Elaine Keenan Bengts** appeared before the Standing Committee.

Senior officials from the Government of Nunavut's Department of Executive and Intergovernmental Affairs also appeared before the Standing Committee to respond to Members' questions concerning the administration of the territorial *Access to Information and Protection of Privacy Act*.

Order of Nunavut

On January 21, 2013, Speaker of the Legislative Assembly and Chairperson of the Order of Nunavut Advisory Council **Hunter Tootoo** announced the re-opening of nominations for the Order of Nunavut. Nominations closed on May 17, 2013.

Alex Baldwin

Office of the Legislative Assembly of Nunavut



Saskatchewan

Since the spring sitting began on March 4, 2013, there have been rule changes, the establishment of a Special Committee, a new Leader of the Opposition, the Budget presentation and the passage of a Private Members' Public Bill.

Rule Change

Two rule changes are of note. First, a provisional rule change now allows the composition of the Standing Committee on Public Accounts to consist of eight Members including two opposition Members for the

duration of the Legislature. Prior to the rule change, there were seven Members on PAC with the ratio of members being six government Members and one Opposition Member with the Opposition Member as Chair. The second rule allows, the Government House Leader, **Jeremy Harrison**, who is a Member of Executive Council but not a Minister of the Crown, to act on behalf of Ministers for the transaction of government business and to respond to questions during Question Period.

Special Committee

A Special Committee on Traffic Safety has been appointed to conduct an inquiry on matters related to improving traffic safety and reducing fatalities. The Special Committee on Traffic Safety is seeking recommendations from the public on improving traffic safety and reducing fatalities caused by impaired driving, distracted driving, excessive speed, intersection safety, and/or wildlife collisions, as well as education and public awareness issues related to traffic safety. The Committee is planning public hearings in 12 communities and has been ordered to report its recommendations by August 30, 2013.

New Leader of the Opposition

On March 9, 2013, the New Democratic Party held its leadership convention.

Cam Broten won on the second ballot. Mr. Broten was subsequently appointed Leader of the Opposition and named **Trent Wotherspoon** as the new Deputy Leader. **John Nilson** previously served as Leader of the Opposition on an interim basis since the last general election. **Buckley Belanger** was previously the Deputy Leader.

Commonwealth Day

The Saskatchewan Branch of the Commonwealth Parliamentary Association held its annual dinner on Commonwealth Day this year. Senator **Raynelle Andreychuk** made the keynote address and spoke generally about the Commonwealth of Nations, its history and the diversity of membership among the nations. She then discussed renewal of the Commonwealth including her role as the Chair of the Standing Senate Committee on Foreign Affairs and International Trade. The committee was requested to conduct a hearing process on the Eminent Persons Group's recommendation that a 'Charter of the Commonwealth' be established. Her personal experience and comments about Canada's contribution was very insightful especially given the historical signing of the Commonwealth Charter by Her Majesty earlier in the day.

Budget Presentation

On March 20, 2013, the Finance Minister, **Ken Krawetz** presented the province's budget for 2013-2014. The Budget entitled *Balanced Growth* focused on infrastructure, labour force development, exports and innovation. The budget also included more funding for women's shelters, Alzheimer's First Link program and transit assistance for the disabled.

The Opposition called the government's budget a "credit card budget". Opposition Finance Critic, Mr. Wotherspoon, criticized the government's P3 project plans stating, "the Sask Party is kicking responsibility down the road with a buy now, pay later plan..." He also continued to condemn the Government's financial accounting practices.

Private Members' Public Bill

A Private Members' Public Bill that makes a substantial public policy change has passed all stages and is awaiting Royal Assent. This was a rare and historical event in Saskatchewan. Mr. Broten introduced Bill No. 604 – *The Public Health (Asbestos-right-to-know) Amendment Act*. This bill obliged the government to establish an online registry of all government, crown corporation and regional health authority buildings that contain asbestos. Assembly rules require that Private Member's Public Bills or Motions can be adjourned no more than three times and then must be voted. In this instance, the Bill received second reading and was referred to the Standing Committee on Human Services. The Committee received presentation from Mr. Broten as well as four invited witnesses prior to clause-by-clause consideration of the Bill. The Bill was reported to the Assembly with amendments and was read a third time under its new title, Bill No. 604 – *The Public Health (Howard's Law) Amendment Act*.

Interparliamentary Relations

A delegation from the Free State Legislature in South Africa visited Regina and the Legislative Assembly for a week in April. They travelled to Saskatchewan to study the Assembly's committee structure. They met with many Members of the Government and Opposition, received presentations from the Legislative Assembly Service – including the Table Officers, Committee Clerks, Legislative Librarian and Corporate Services. They also observed proceedings in the Assembly and met with the Press Gallery Association.

Saskatchewan Teachers' Institute on Parliamentary Democracy

Speaker **Dan D'Autremont** welcomed 18 teachers to the 2013, Saskatchewan Teachers' Institute that was held from April 13th to 17th, 2013. This year marked the 15th Anniversary of the program.

Speaker **Glenn Hagel** launched the first Saskatchewan Teachers' Institute on Parliamentary Democracy in 1999, with the aim of developing a strategy to enhance the understanding of parliamentary democracy in the classroom. Since then, well over 200 teachers from across Saskatchewan have participated in this important institute. During the five-day institute teacher participants receive a behind the scenes look at democracy at work within our province. The participants had the opportunity to meet with the Lieutenant Governor, the Speaker, the Premier, cabinet ministers, caucus leaders, Whips and Chairs, as well as with private members, the Clerk and other members of the Legislative Assembly Service, Officers of the Assembly, press gallery association and the judiciary.

Stacey Ursulescu
Committee Clerk



Northwest Territories

The Commissioner of the Northwest Territories, **George L. Tuccaro**, formally opened the Fourth Session of the 17th Legislative Assembly on February 6, 2013. The Commissioner's Address

reviewed the government's accomplishments in the last year, and identified projects of particular importance to the territory, including the opening of the Deh Cho Bridge. The bridge, spanning the Mackenzie River, now provides all-weather road access to the Northwest Territories.

The Commissioner outlined the government's plans for the upcoming year, noting the planned construction of both the Inuvik to Tuktoyaktuk portion of the Mackenzie Valley Highway, the Mackenzie Valley Fibre Optic Link, and continued negotiations with the federal government concerning an agreement on the devolution of land and resources.

In the Budget Address, which was delivered on February 7, 2013, **J. Michael Miltenberger**, Minister of Finance, provided details of the government's economic plans for the next fiscal year. The budget reflected the input that the government received from the standing committees and from Budget Dialogue 2012, public meetings held in regional centres across the NWT.

Following the Budget Address, and in keeping with the Assembly's budget procedures, the Finance Minister tabled the 2013-2014 Main Estimates of the Northwest Territories. The Estimates document was immediately moved into Committee of the Whole for review by the Assembly.

The House considered the Main Estimates by department over the next eighteen sitting days, adopting eighteen motions pertaining to the budget document.

On March 8, 2013, Mr. Miltenberger rose to acknowledge the work of the

House during the review. On behalf of the government, and in response to the motions adopted in Committee of the Whole, the Minister committed to increase funding for the budgets of the Department of Industry, Tourism and Investment, the Department of Health and Social Services and the Department of Environment and Natural Resources. The changes were introduced in a subsequent supplementary appropriation bill introduced later that same sitting.

The House debated seven substantive motions during the sitting.

- Federal Changes to Environmental Law (Defeated)
- Federal Support for Sahtu Jobs and Economic Growth (Adopted)
- Gasoline Pricing Regulations (Adopted)
- Secondary Diamond Industry (Adopted)
- Ground Ambulance and Highway Rescue Services (Adopted)
- Plebiscite on Ratification of Devolution Final Agreement (Defeated)
- Referral of Proposed Ombudsman Office to Standing Committee on Government Operations (Adopted)

Legislation

A number of bills were considered during the February/March sitting with eight bills receiving Royal Assent.

One of the more substantive legislative initiatives was Bill 3: *Wildlife Act*. The Bill was introduced; received first and second reading; and was referred to the Standing Committee on Economic Development and Infrastructure for consideration. The Bill is similar to one introduced in the 16th Assembly

which did not receive Third Reading and remained on the Orders when the House dissolved in August, 2011. Substantive changes from the current *Wildlife Act* include:

- Recognizing Aboriginal and treaty rights and land claim provisions in the new Act
- Establishing cooperative management
- Changing age and residency requirements for hunting licences
- Delivering harvester training courses
- Modernizing conservation and management measures
- Specifying harvest allocation priority
- Increasing fines for offences and allowing for alternative measures of punishment

Devolution Agreement

On March 11, 2013, the Prime Minister of Canada, **Stephen Harper**, was present in the Legislative Assembly Chamber for the historic signing of the Northwest Territories Lands and Resource Devolution Agreement. Accompanying the Prime Minister was **Bernard Valcourt**, Minister of Aboriginal Affairs and Northern Development; and **Leona Aglukkaq**, Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council.

The Prime Minister addressed the Members of the Legislative Assembly and a delegation of invited dignitaries. The Prime Minister was joined by the Premier of the Northwest Territories, **Bob McLeod**, and representatives from the Gwich'in Tribal Council, Inuvialuit Regional Corporation, Northwest Territories Metis Nation, Sahtu Secretariat Incorporated, and the

Tlicho Government to formally sign the agreement.

The Devolution Agreement will transfer the decision-making and administrative authority for land and resource management from the Government of Canada to the Government of the Northwest Territories. The territorial government will become responsible for the management of onshore lands and the issuance of rights and interests with respect to onshore minerals and oil and gas, including sharing in resource revenues generated in the Northwest Territories.

Points of Order

Two points of order were raised during the spring sitting. On February 25, 2013, **Robert Hawkins** rose on a point of order regarding a verbal exchange during Oral Questions. Mr. Hawkins alleged that the Premier, in responding to his question, referred to confidential standing committee discussions during an earlier Assembly regarding the removal of a capital project from the infrastructure budget. After consideration, Speaker **Jackie Jacobson** advised the House that he could find no actual evidence regarding the breach of confidentiality and further, that no committee of the Assembly has the authority to remove a capital project. That authority rests solely with the Assembly. The Speaker found there was no point of order, but did caution the Assembly on both the importance of committee confidentiality and the concern that accurate information regarding the decision-making process of the Assembly be provided to the public.

A second point of order was raised by the Minister

of Education, Culture and Employment, **Jackson Lafferty**. Mr. Lafferty referred to a statement by **Bob Bromley**, under the rubric Replies to Opening Address. Mr. Bromley took that opportunity to read into the record a poem written by a constituent outlining her difficulties with the Income Support Program. Mr. Lafferty argued that the poem identified a civil servant by name and in so doing breached a practice and precedent of this Assembly. The Speaker, in his ruling delivered on March 14, 2013, did rule that Mr. Lafferty had a point of order in that Mr. Bromley did make reference to an individual not a Member of the House and not able to defend herself publicly. The Speaker also cautioned Members that although the poem was written by a constituent, Members are not allowed to do indirectly what they are prevented from doing directly. The Speaker called upon Mr. Bromley to retract his remarks and apologize to the House. Mr. Bromley immediately complied.

Conflict of Interest Complaint

The Conflict of Interest Commissioner, **G. L. Gerrand**, presented a report to the House respecting a complaint by Mr. Hawkins alleging misconduct by **David Ramsay**, Minister of Transportation. At issue were Mr. Ramsay's actions with respect to inviting and arranging for transportation for MLAs, department officials, and family members to the formal opening of the Deh Cho Bridge. In his report, Mr. Gerrand concluded that Mr. Ramsay did not breach the relevant provisions of the *Legislative Assembly and Executive Council Act* and dismissed the complaint as frivolous and vexatious.

Committee Activity

The Standing Committee on Government Operations, Chaired by **Michael Nadli**, presented its report, titled *Review of the 2011-2012 Northwest Territories Human Rights Commission Annual Report*, to the House on March 7, 2013. The report was received and, pursuant to the Rules of the Legislative Assembly, moved into Committee of the Whole for consideration. Three motions related to the report were adopted in Committee of the Whole and concurred with by the House in formal session.

On the same day, the Speaker tabled the Auditor General of Canada's report, *Northwest Territories Income Security Programs-Department of Education, Culture and Employment*. The report was then referred to the Standing Committee on Government Operations for review and consideration. The audit identified systemic problems with the delivery of identified income support programs. The Committee examined the report during public meetings with senior officials from the Office of the Auditor General and the Department of Education, Culture and Employment on April 16-17, 2013, and released a statement challenging the Department to act on the recommendations of the Auditor General and improve delivery of income security programs.

The Standing Committee on Rules and Procedures, Chaired by Mr. Bromley presented its *Report on the Review of the Report of the Chief Electoral Officer on the Administration of the 2011 Election* to the House on March 13, 2013. This report was also received and moved into Committee of the Whole for consideration, with

twenty-three motions adopted and concurred with by the House during formal session.

After the introduction of Bill 3: *Wildlife Act*, the Standing Committee on Economic Development and Infrastructure began its consideration of the Bill with a public meeting in Yellowknife on March 15, 2013. The Committee then continued its public review, travelling to the northern part of the territory for meetings during the week of April 8, 2013. Further travel is planned for May and June, 2013.

The Standing Committee on Priorities and Planning met in Inuvik for a committee retreat. Two members of the Committee failed to attend all or part of the two-day meeting. Consequently, Committee Chair **Kevin Menicoche** tendered his resignation as Chair, which was accepted by the other Members. Deputy Chair **Daryl Dolynny** has assumed the responsibilities of the Chair until such time as the Committee selects a new Chair.

Gail Bennett

Principal Clerk, Operations



New Brunswick

During the first five weeks of the spring sitting of the New Brunswick Legislative Assembly, the government brought down the 2013-2014 Budget, a number of bills were introduced, the Conflict of Interest Commissioner filed a report, a former Premier resigned his seat, the House welcomed a new Member

and the Legislative Assembly showcased an exhibit of paintings commemorating the War of 1812.

Budget

The third session of the 57th legislature adjourned on December 21, 2012 and resumed on March 26, 2013, when Finance Minister **Blaine Higgs** delivered his third budget address, stating "while we need to take action on our declining revenues, we will also continue to manage taxpayers' dollars smarter and strengthen the economy today so that we can have a brighter future." The budget focuses on strengthening the economy while addressing the provincial deficit with spending efficiencies and revenue initiatives.

The budget includes more than \$230 million in spending reduction initiatives across departments that are designed to offset inflationary pressures, allow for new investments and control departmental spending. Excluding the one-time pension cost, total expenses in 2013-14 are increasing by one per cent over the 2012-13 third-quarter mainly due to new investments, compared to the 4.4 per cent average annual expense growth over the previous nine years.

Reviews are underway in the departments of Health, Education and Early Childhood Development, Social Development, and Transportation and Infrastructure to identify efficiencies in service delivery. The budget includes further tax measures introduced to balance revenues and spending. Personal income and corporate income tax rates were increased.

The government sought the input and assistance of the public in the creation of the 2013-2014 Budget. The provincial

government received ideas through a revamped “Tax-payers First” website on how to raise revenues and deliver public services more efficiently and effectively.

In his response to the budget address during the second of six days allotted for debate on the budget, Finance Critic **Hédard Albert** stated as follows:

The budget shows more than \$230 million in spending reduction initiatives. The government is reducing, but there is still a deficit. I will repeat this, because it is important to say it. Despite the reductions already made by Conservatives, there will still be a deficit of \$479 million. Will the government target its reductions, or will we be returning to what it did during its first year in office, when it imposed a 2% reduction across the board? Regardless of whether children are affected, regardless of whether income assistance recipients, the poor, or seniors are affected, the government reduces by the same rate across the board. However, it does not say so in the budget. I look forward to the budget estimates in order to ask questions and find out where these reductions will occur.

In New Brunswick, we need concrete action, a sound plan, vision, and leadership. That is what we are lacking in New Brunswick. Unfortunately, that does not exist. That is why we are headed toward a \$479-million deficit next year, and we do not even know when there will be no more deficit. New Brunswick has potential, opportunities, good people, and a good quality of life. Our leader, **Brian Gallant**, believes in our province, our potential, our opportunities, our industries, and our people. He knows that we must invest in our residents, our people. Investment in education and training is needed. Job creation must be a priority. There is a

need to maintain our core areas and create incentives so that industries invest in our region. Furthermore, politics must be conducted differently if we want our province to be a good place to live, people to have a better future, and our province to become prosperous.

Legislation

Noteworthy legislation was introduced to start the spring sitting. Of particular interest are a number of bills that seek to discourage patronage appointments within government. Both government and opposition members have introduced bills that encourage transparency and accountability with respect to various government practices.

An Act to Amend the New Brunswick Liquor Corporation Act, introduced by the Finance Minister modernizes the process by which the President of New Brunswick Liquor is appointed. The amendments will also improve the selection process for the position by ensuring that recruitment is led by the Board of Directors, that the selection is merit based and objective, and that the successful candidate has the necessary skills and qualifications to serve in the position.

The Economic Development Minister **Paul Robichaud** introduced both *An Act Respecting Officers of the Legislative Assembly* and *An Act to Amend the Members' Conflict of Interest Act*. The first bill will help to harmonize the provisions relating to the appointments, mandates, salaries and responsibilities of various Officers of the Legislative Assembly. The second bill would prohibit all former Members of the Legislative Assembly from being employed with the Crown for 12 months after they cease

to be a Member. Currently, only former Members of the Executive Council are prohibited from accepting employment, unless the contract is with respect to further duties in service of the Crown. The amendments would also allow for the Conflict of Interest Commissioner to recommend reimbursement to the Crown for any legal fees paid to a Member of the Legislative Assembly who had been found to be in breach of the *Members' Conflict of Interest Act*.

Opposition House Leader **Bill Fraser** introduced two bills that also aim to reduce patronage appointments within government. *An Act to Amend the Members' Conflict of Interest Act* would prohibit government from awarding contracts or employment to former members of the Executive Council for a period of four years after they cease to hold office. The *Competitive Appointments Act* was characterized as an “anti-patronage bill” that would ensure that all deputy heads, Chairs, presidents, and CEOs of Crown Corporations, agencies, boards and commissions are hired based on merit.

Conflict of Interest Commissioner Releases Report

New Brunswick's Conflict of Interest Commissioner, Justice **Patrick A. A. Ryan**, released a report in February, following a lengthy investigation. The report considered former Premier **Shawn Graham's** involvement in his government's offering of \$50 million in loan guarantees to a New Brunswick based company, Atcon. Although the Commissioner stated that there was no evidence that Mr. Graham benefited directly from the loan guarantees, Justice Ryan found

that Mr. Graham was in a conflict of interest, as a family member had connections to the group receiving the loan guarantee benefits and recommended that a monetary fine be imposed.

Former Premier Resigns

Shawn Graham was elected Leader of the New Brunswick Liberal Party in 2002. Mr. Graham was first elected to the Legislative Assembly in a by-election in the riding of Kent in 1998, and was subsequently re-elected in 1999, 2003 and 2006. Mr. Graham became Premier after his party captured a majority of seats in the 2006 election. In May 2009, Mr. Graham was awarded an Honorary Doctor of Laws degree from the University of New Brunswick. Mr. Graham also holds a Bachelor of Physical Education degree from UNB (1991) and a Bachelor of Education degree from St. Thomas University (1993).

Mr. Graham served as Premier of New Brunswick until September 2010 and stepped down as Leader of the Liberal Party on November 9, 2010. Mr. Graham continued to serve as the MLA for Kent until his resignation on March 11, 2013.

New Member Sworn In

On April 30, the Leader of the Liberal Party, **Brian Gallant**, was sworn in as an MLA. Mr. Gallant was elected Leader of the New Brunswick Liberal Party on October 27, 2012 and was elected to the Legislative Assembly in an April 15 by-election in the riding of Kent. The by-election was called following the resignation of former Premier Graham.

Mr. Gallant, a corporate lawyer, replaces **Victor Boudreau** as the Official Leader of the Opposition. Mr. Boudreau

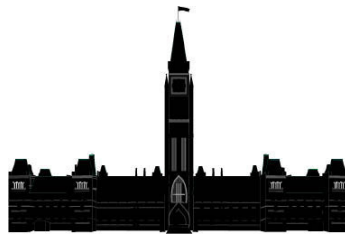
served as the Official Leader of the Opposition from 2010 until 2012. Mr. Boudreau represents the riding of Shediac-Cap Pelé and is Opposition Critic for Post-Secondary Education, Training and Labour and Deputy Opposition House Leader.

War of 1812 Art Exhibit

The Legislative Assembly of New Brunswick hosted an exhibition of paintings commemorating the march undertaken by the 104th Regiment of Foot (New Brunswick) during the War of 1812. Member **Yvon Bonenfant** welcomed the artists to the Legislative Assembly in April, when the two-week exhibition commenced. Several celebrations were organized across the province to mark the 200th anniversary of the War of 1812 and the involvement of the people of New Brunswick.

Rose Campbell

Clerk Assistant and Committee Clerk



House of Commons

The House of Commons adjourned for the winter break on December 12, 2012, and resumed sitting on January 28, 2013. The information below covers the period from January 28 to April 30, 2013.

On January 31, the Minister of Justice and Attorney General of Canada, **Rob Nicholson** introduced Bill C-53, *An Act to assent to alterations in the law touching the Succession to the*

Throne. Mr. Nicholson informed the House that His Excellency the Governor General had given in Her Majesty's name the Royal Consent to the Bill.

Derived from British practice and among the unwritten rules and customs of the House of Commons of Canada, Royal Consent is required for any legislation that affects the prerogatives, hereditary revenues, property or interests of the Crown. It does not signify approval of the substance of the measure, but only that the Crown agrees to remove an obstacle to the progress of the bill so that the latter may be considered by both Houses and ultimately submitted for Royal Assent.

On February 4, the Leader of the Government, **Peter Van Loan** sought and obtained unanimous consent to move a motion to deem Bill C-53 adopted at all stages in the House and passed. The motion was agreed to and the Bill was sent to the Senate. On March 13, the Bill received Royal Assent.

On March 19, at the request of the Minister of Finance, **Jim Flaherty**, an Order of the Day was designated for the consideration of a Ways and Means motion for a Budget presentation. On March 21, Mr. Flaherty moved "[t]hat this House approve in general the budgetary policy of the government" and presented the Budget speech. Following the usual four days of debate, the motion was agreed to on March 27.

Procedure, Points of Order, and Questions of Privilege

On January 29, extending a practice in effect since 2010, the House adopted the following motion:

That, notwithstanding the provisions of any Standing Order, for the remainder of the 41st Parliament, when a recorded division is to be held on a Tuesday, Wednesday or Thursday, except recorded divisions deferred to the conclusion of oral questions, the bells to call in the Members shall be sounded for not more than thirty minutes.

The same day Speaker **Andrew Scheer** ruled on a point of order raised on November 29, 2012 by **Sean Casey** regarding the relevance of the government's response to a written question he had submitted. In his ruling, the Speaker reminded the House of the well-established practice that Speakers do not judge the quality of government responses to questions, whether written or oral, and stated that the written question process is intended to be free of argument and debate. In order to protect the integrity of the process, he encouraged those submitting questions and those preparing answers to bear that principle in mind.

On February 7, the Speaker ruled on the question of privilege raised by **Mauril Bélanger** regarding the difficulty he had encountered in obtaining information from Public Works and Government Services Canada. Mr. Bélanger charged that government procedures requiring elected officials to seek public information through the Minister's office, while ordinary citizens could obtain the very same information directly from the department, impeded him from carrying out his duties as a Member, particularly as he required the information in preparation for Oral Questions. He further argued that this disparity in procedures was being applied in such a manner so as to create an inequality of access to

information between government Members and opposition Members.

In his ruling, the Speaker noted that former Chair occupants have been quite categorical in stating that parliamentary privilege applies only in instances where Members were participating in what is deemed to be a parliamentary proceeding, and stated it was beyond the purview of the Chair to intervene in departmental matters or government processes. The Chair did not conclude that the Member for Ottawa–Vanier had been impeded in the performance of his parliamentary duties, and thus found that no *prima facie* breach of privilege had occurred.

On March 18, the Speaker delivered his ruling on a question of privilege by Opposition House Leader **Nathan Cullen** relating to statements made by the Minister of Human Resources and Skills Development to the House. Mr. Cullen argued that the Minister had made false statements in regard to the existence of a quota program for Employment Insurance inspectors.

In her reply, **Diane Finley** explained that her previous statements in the House were correct, and there was no "quota" program, but rather "performance targets" for staff. The Speaker ruled that this was a disagreement over the facts, and that based on the arguments made, he could not find that the House had been deliberately misled.

On March 27, the Speaker ruled on the question of privilege by **Pat Martin**, regarding the Minister of Justice's statutory obligation to examine government bills and

regulations to determine whether they are inconsistent with the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*. Based on allegations made by a senior official of the Department of Justice in a claim currently before the courts, Mr. Martin argued that Members could not have confidence that legislation presented to them had been adequately reviewed for conformity with the *Charter* and *Bill of Rights*. This, he argued, effectively impeded Members in their consideration of government bills.

In their replies, Mr. Van Loan and Mr. Nicholson both stated that the issue was not raised in a timely fashion, that the *sub judice* convention should be considered, and that the question was actually a question of law, and not for the Speaker to decide. The Speaker ruled that he was satisfied that the Member had raised the question at the earliest opportunity, that the House should be cautious in taking steps that might result in a process that would run parallel to the court proceedings, but that it was not within the Speaker's purview to rule on legal matters or interpret law.

On March 26, **Mark Warawa** rose on a question of privilege regarding freedom of speech and the right of a Member of Parliament to make a statement under Standing Order 31. Having been denied the opportunity to present a statement under S.O. 31 by his party, he argued that such a denial of his right to speak impeded his ability to represent his constituents and that it is the Speaker's role to recognize Members.

Further, while recognizing the practice of parties submitting lists of speakers for the proceedings, he contended that such lists

should not be used to deny a Member's right to speak. He therefore requested that the Speaker find his removal from the S.O. 31 speaking list, and thus his inability to speak, a breach of privilege. A total of 19 Members rose to address this question in the ensuing weeks. In his April 23 ruling on the matter, the Speaker gave an overview of the history of the use of speaking lists and explained the role and authority of the Chair to recognize Members to speak. He stated,

...the Chair has to conclude, based on this review of our procedural authorities and other references, that its authority to decide who is recognized to speak is indisputable and has not been trumped by the use of lists, as some Members seem to suggest.

He then reminded Members that even if their names appear on speaking lists, those wishing to speak must nonetheless rise in the House to be recognized. Declaring that he could find no evidence that the Member has been systematically prevented from seeking the floor, he could not agree that Mr. Warawa's privileges had been breached. He concluded by stating that the Chair would continue to be guided by the lists submitted by the parties, but if faced with a situation where he was called upon to decide who to recognize, he would use its discretion to ensure Members are recognized in a "...balanced way that respects both the will of the House and the rights of individual Members."

Private Members' Business

On February 28, a report from the Standing Committee on Justice and Human Rights was tabled recommending that the House not proceed with Bill C-273, *An*

Act to amend the Criminal Code (cyberbullying). The report was concurred in by the House on March 27.

On March 21, the Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs met and it was agreed that motion M-408, standing in the name of Mr. Warawa, be designated non-votable.

On March 27, Mr. Warawa appeared before the Standing Committee to appeal the Subcommittee's decision. The Member argued that, contrary to the determination of the Subcommittee, his motion did not meet the criteria for non-votability, notably in that it did not concern a question outside of federal jurisdiction, nor did it concern a question that is substantially the same as one already voted on by the House of Commons in the current session. The Committee upheld the decision of the Subcommittee and concurred in its report. On March 28, the Committee presented its Forty-Seventh Report to the House stating that the item M-408 should be designated non-votable. While Mr. Warawa could have appealed the decision to the House, pursuant to Standing Order 92.1, he chose to substitute a private Member's bill for the motion.

On February 13, Bill C-383, *Transboundary Water Protection Act* was passed in the House. This is only the second time that a private Member's bill has received a Royal Recommendation. The other instance occurred in 1994 with Bill C-216, *An Act to amend the Unemployment Insurance Act (jury service)*.

On April 23, the Standing Committee on Citizenship and

Immigration presented its Eighth Report, in which it requested the power to expand the scope of Bill C-425, *An Act to amend the Citizenship Act (honouring the Canadian Armed Forces)*, so that the provisions of the Bill would not be limited to the Canadian Armed Forces. On April 25, **Bob Rae** raised a question of privilege in which he argued that allowing the Committee to expand the scope of the bill would be tantamount to allowing the government majority to change the nature of private Members bills. Further, he argued, the Committee's options for dealing with the Bill were limited to the those described in Standing Order 97. At the time of writing, the matter was under consideration by the Speaker.

Committees

On February 26, the House adopted an opposition motion moved by **Carolyn Bennett** to establish a special committee to conduct hearings on the critical matter of missing and murdered Indigenous women and girls in Canada and to propose solutions to address the root causes of violence against Indigenous women across the country. The Committee is to report its recommendations to the House no later than February 14, 2014. The newly-created Special Committee on Violence Against Indigenous Women held its first meeting on March 26.

On March 7, the Standing Committee on Procedure and House Affairs presented to the House its Forty-Second Report, entitled *Access to Information Requests and Parliamentary Privilege*. In the Report, the Committee recommends guidelines for the House to follow in order to determine its

response to access to information requests in which the House is a third party. The Committee emphasized that, by agreeing to disclose or not to disclose documents, the House in no way would be waiving its privileges and the usual protections afforded to its Members, its staff or its witnesses would remain. The Committee's study and subsequent Report resulted from a suggestion by the Speaker that the Committee review the question after an access to information request received by the Auditor General's Office in June 2012 sought e-mail communication between House staff and the Auditor General's Office related to the Auditor General's appearance before several parliamentary committees.

The Standing Committee on Procedure and House Affairs has also studied the Federal Electoral Boundaries Commission Reports of each province, which had been tabled by the Speaker and referred to the Committee pursuant to the *Electoral Boundaries Readjustment Act, R.S. 1985*. To date, the Committee has reported to the House on the Federal Electoral Boundaries Commissions reports for Nova Scotia, Manitoba, Prince Edward Island, Newfoundland and Labrador, Alberta and New Brunswick and submitted a report requesting an extension for studies on the Saskatchewan and British Columbia reports.

Other Matters

On February 22, **Bernard Valcourt** was named Minister of Aboriginal Affairs after **John Duncan** resigned his position as minister. **Kerry-Lynne Findlay** took over the post of Associate Minister of National Defence; Minister of Veterans

Affairs, **Stephen Blaney**, added Minister for La Francophonie to his duties; and Minister of National Revenue **Gail Shea** added Minister for the Atlantic Canada Opportunities Agency to her current role.

Claude Patry withdrew from the New Democratic Party caucus to sit as a member of the Bloc Québécois on February 28.

On March 14, the Speaker informed the House of the resignation as member of **Peter Penashue**, Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada. Accordingly, a warrant was addressed to the Chief Electoral Officer for the issue of a writ for the election of a Member to fill the vacancy. On March 19, **Denis Lebel** assumed responsibility for the ministerial position. On May 13, **Yvonne Jones** was elected as the new member for Labrador.

On April 14, 2013, **Justin Trudeau** became Leader of the Liberal Party of Canada.

During the last few months several moments of silence were observed. The Speaker invited Members to rise and observe a moment of silence following the death of **Steve Dery** of the Kativik Regional Police Force who was killed in the line of duty in Kuujuaq, Québec.

Following a statement by **Frank Valeriote**, a moment of silence was observed for Constable **Jennifer Kovach** of the Guelph Police Service who died in the line of duty.

Following a statement by **Robert Chisholm**, a moment of silence was observed for **Rehtaeh Parsons**.

Several Members made statements to mark the National Day of Mourning for workers

killed or injured on the job. The statements were followed by a moment of silence.

Two resolutions were adopted on March 18, the first reaffirming Canada's commitment to the Treaty of the Non-Proliferation of Nuclear Weapons, and the second reaffirming the House zero-tolerance policy for all forms of terrorism and condemning any attempt to glorify a member of the FLQ found guilty of such criminal activity. A resolution condemning the attacks perpetrated during the 2013 Boston Marathon and expressing sympathies to the victims and their families was adopted on April 16.

On February 5, the House resolved itself into a Committee of the Whole for a take-note debate on the conflict in Mali.

On March 20, on a motion of Mr. Van Loan, the House approved the reappointment of **Graham Fraser** as Commissioner of Official Languages for a term of three years.

Julie-Anne Macdonald

Procedural Clerk
Table Research Branch



Alberta

The Spring Sitting, a continuation of the First Session of the 28th Legislature, began on March 5, 2013, which is a departure from the usual practice in Alberta as the House tends to sit twice per session with a fresh session starting each

spring. It is the first time, since 1992-1993, that the Assembly has had a session which comprises three or more separate sittings. As the sitting was a continuation of the First Session of the Assembly there was no Speech from the Throne and instead, the Assembly moved almost immediately to the business of Budget 2013.

Budget 2013

On March 7, 2013, **Doug Horner**, President of Treasury Board and Minister of Finance, delivered the 2013-14 Budget Address in the Legislative Assembly. This year the Province's fiscal plan was divided into three separate categories: operational expenses, capital spending and savings. The operational budget received no increase over 2012-2013 including no adjustments for inflation or population growth. The capital plan expenditures of \$5.2 billion anticipated for 2013-2014 are to be financed in part by borrowing and public-private partnerships. In Alberta, borrowing to finance operating costs is prohibited, and a cap on the cost of capital borrowing limits debt-servicing costs to three per cent of a three-year average of annual operational revenues. Budget 2013 also includes a legislated savings strategy for the province which sets out a formula identifying the portion of non-renewable resource revenue to be set aside in savings. The budget includes no tax increases or new taxes.

Changes to the Standing Orders

On March 5, 2013, the Assembly passed a motion amending the Standing Orders. Most of the changes relate to the way in which the Assembly considers main estimates. The changes include:

- The number of Members

serving on the Legislative Policy Committees, the Standing Committee on Public Accounts, and the Standing Committee on Privileges, Elections, Standing Orders and Printing were reduced to 18 for each committee;

- Previously the estimates for each ministry were reviewed for three hours. The time allocation for each ministry now ranges from two to six hours, a timeframe to be determined by the committees in conjunction with the Government House Leader (consideration for the main estimates of Executive Council remain set at two hours);
- Ministry staff are now allowed not only to attend to assist the minister but, at the discretion of the minister, to address a committee directly;
- Unlike previous years in which all committee meetings on the estimates were held in the evening, the new Standing Orders allow for meetings on Monday from 7:00 p.m. to 10:00 p.m., on Tuesday and Wednesday from 8:00 a.m. until noon, 3:30 p.m. to 6:30 p.m., and 7:00 p.m. to 10:00 p.m., and on Thursdays from 8:00 a.m. until noon;
- During the period in which the main estimates are under review it is generally anticipated that the Assembly will adjourn at around 3:00 p.m. in the afternoon following completion of the Daily Routine and matters arising in connection with the routine, if the Assembly is still sitting at 3:30 p.m. and a committee meeting is scheduled to begin, Standing Order 59.01(5)(c) provides that the committee proceed with its meeting unless a vote is called in the Assembly, in which case the committee must recess to allow its Members to attend and vote; and
- During the main estimates other Standing and Select committees may not meet nor may the Legislative Policy Committees meet for any other purpose.

Bill 201 – Request for Early Consideration

On March 5, 2013, the Assembly began its third sitting of the First Session. This deviation from practice raised interesting questions about some practices and procedures. One such question arose regarding the progress of Bill 201: *Scrap Metal Dealers and Recyclers Identification Act*, sponsored by **Dave Quest**, MLA for Strathcona-Sherwood Park. On November 19, 2012, Bill 201 was debated for 46 minutes in Committee of the Whole. Anticipating that the Bill would be debated in Committee of the Whole for the remaining time on the following Monday, November 26, 2012, Mr. Quest submitted a request for early consideration of Bill 201 as he would be out of the country on official business on Monday, December 3, 2012. In response to this request Speaker **Gene Zwozdesky**, indicated on November 26 that, "if there is any available time remaining for Private Members' Bills this afternoon, then further to the Honourable Member's request, the House would then proceed to third reading of Bill 201." In spite of these arrangements Bill 201 did not receive early consideration on either November 26 or December 3, 2012, because both afternoons were taken up entirely with debate on Written Questions and Motions for Return.

Once the House adjourned on December 6, 2012, it seemed likely that Bill 201 would die on the Order Paper when the Assembly prorogued and began a new session in the spring. However, once it was determined that the session would continue into a third sitting the status of the request for early consideration was

revisited. On April 8, 2013, Committee of the Whole reported Bill 201 just before the Assembly was scheduled to move on to its next item of business. After the Assembly concurred in the report Mr. Quest rose and moved third reading of Bill 201. There were no speakers after the Bill was moved, and Bill 201 received third reading just moments before Motions Other Than Government Motions was called. In the end, almost a year after its introduction, Bill 201 completed its journey through the House and has received Royal Assent.

Committee Activity

At its meeting of February 27, 2013, the Special Standing Committee on Members' Services, chaired by Speaker Zwodzesky, addressed a purported question of privilege that had been held over from the Committee's February 7, 2013, meeting. The question related to whether or not a tweet sent out prior to the February 7 committee meeting by Premier **Alison Redford** stating that "PCs will freeze MLA pay and housing allowances today" infringed on the independence of the all-party committee. The Chair noted that there was no precedent found in Alberta for dealing with a question of privilege in a special or standing committee. Authorities, including *House of Commons Procedure and Practice* (2nd ed.), were consulted to provide guidance as to the procedures for dealing with a question of privilege in committee. The Chair clarified that in his role as Chair he could determine if the issue has some connection to the subject of privilege but that he was not in a position to determine whether or not the issue constituted a *prima facie* case of privilege. Having clarified his role, the

Chair advised that he was of the opinion that the matter did meet the basic threshold that the matter touched on privilege, and, therefore, that it was appropriate for the Committee to decide whether the matter should be reported to the House. **Brian Mason**, Leader of the New Democrat Opposition, moved that the Committee report the purported question of privilege to the Assembly. After debate on the issue a recorded vote was held, and the motion was defeated by a vote of four in favour to six opposed.

Brian Fjeldheim, Chief Electoral Officer, advised the Standing Committee on Legislative Offices that he would not be seeking reappointment following the expiry of his term of office on April 23, 2013. The appointment of the Chief Electoral Officer expires 12 months after polling day for a general election unless the Chief Electoral Officer is reappointed by the Lieutenant Governor in Counsel on the recommendation of the Standing Committee on Legislative Offices. A nine-member Select Special Chief Electoral Officer Search Committee has been appointed for the purpose of inviting applications for the position of Chief Electoral Officer and to recommend to the Assembly the applicant it considers most suitable to this position.

Prior to the commencement of main estimates consideration the Standing Committee on Resource Stewardship completed its review on the potential for expanded hydroelectric energy production in northern Alberta. The Committee tabled its report in the Assembly on March 11, 2013. The report commented on a variety of issues such as economic viability and financing,

interjurisdictional issues, Aboriginal consultation, and environmental considerations. Some of the recommendations found in the report include support for pursuing consultations and partnerships with First Nations and Métis, a preference for run-of-the-river hydroelectric project models over storage dam hydroelectric projects, and work with the federal government to assess the impact of hydroelectric projects on animal and plant life. With the completion of this review the Committee now has Bill 205, *Fisheries (Alberta) Amendment Act, 2012* under consideration.

The Standing Committee on Alberta's Economic Future completed its review of Alberta's Bitumen Royalty-in-Kind program and tabled its report on May 6, 2013. In its report the Committee recommended that additional Bitumen Royalty-in-Kind programs proceed in an efficient, organized fashion with consideration given to the potential for carbon capture and storage.

Bill 204, *Irlen Syndrome Testing Act*, a Private Member's Bill sponsored by **Mary Anne Jablonski**, Member of the Legislative Assembly for Red Deer-North, was referred to the Standing Committee on Families and Communities.

Ralph Klein 1942 – 2013

Former Premier **Ralph Klein** passed away on March 29, 2013. His passing was acknowledged in the Assembly with a moment of silence, a Ministerial Statement with responses, and a Member's Statement. For the public, condolence books were set up in the rotunda of the Legislature Building and in many government buildings throughout the province, and

an online tribute page was created. A public celebration of his life, held in Calgary on April 5, 2013, was attended by notable and diverse political figures from across the country, including Prime Minister **Stephen Harper**, former Prime Minister **Jean Chrétien**, and the current and former premiers from several Canadian provinces as well as representatives from First Nations communities. Mr. Klein first became a Member of the Legislative Assembly of Alberta in 1989 when he was elected to represent the constituents of Calgary-Elbow. He spent time in Cabinet as Minister of Environment before being selected as the leader of the governing Progressive Conservative party and sworn in as premier in 1992. Less than a year later, in 1993, he won the first of four general election victories as leader of the Progressive Conservatives. Mr. Klein served the province as premier until December 2006 and as a Member of the Legislative Assembly until his retirement in January 2007.

Gerard Amerongen 1914-2013

Former Speaker **Gerard Amerongen** passed away at age 98 on April 21, 2013. His passing was acknowledged in the Assembly with a tribute by Speaker Zwozdesky, and on the day of his Funeral Mass the flags at the Legislature Building were flown at half mast. Mr. Amerongen represented the constituency of Edmonton-Meadowlark from August 30, 1971, until May 7, 1986. During this time period he contested and won several elections and served with both Premier Lougheed and Premier Getty. He served as Speaker during the entire period he was elected to the House.

As the eighth Speaker of the Legislative Assembly of Alberta Mr. Amerongen presided over the first televised broadcast of the House proceedings on March 15, 1972. He was the second Speaker in Alberta to exercise his casting vote, and it was under his leadership that the *Alberta Hansard* was established. Despite the controversies and challenges of the day, during his 14 years as Speaker he never expelled a Member from the Chamber and, in his own judgement, Mr. Amerongen interpreted the rules freely in order to allow an open flow of discussion from both sides of the House.

Regional Conference in Alberta

Speaker **Gene Zwozdesky**, will welcome delegates from across the country to Alberta for the 51st Commonwealth Parliamentary Association Canadian Regional Conference to be held July 14-20, 2013. The program for conference delegates is being developed to ensure ample learning opportunities, socializing with colleagues from other jurisdictions and options for exploring the best that Edmonton and surrounding area have to offer. Meanwhile the partners' and children's programs will offer unique opportunities to take in the local sites and to relax and enjoy less structured time during the conference.

The Conference will include a one day meeting of the Commonwealth Women Parliamentarians (CWP) on July 15.

For more information and updates visit the conference website at:

www.regonline.ca/1213402

Jody Rempel
Committee Clerk



On February 21, after two weeks had been spent considering the Government's 2013–2014 budgetary estimates, Bill 19, *Appropriation Act No. 1, 2013–2014*, introduced by the Minister responsible for Government Administration and Chair of the Conseil du trésor, **Stéphane Bédard**, was passed on the following vote: yeas: 52, nays: 51, no abstentions.

Directives from the Chair

On February 12, the President of the National Assembly, **Jacques Chagnon** gave a directive in reply to the House Leader of the Second Opposition Group, **Gérard Deltell**, who had asked the Chair to make a ruling establishing a reasonable time period in which Ministers were required to send the Members the documents allowing them to prepare for the examination of the budgetary estimates. The Chair believed that a reasonable period of time was indeed required to enable Members to effectively exercise their role as overseers of the Government's actions. However, parliamentary jurisprudence indicates that the Chair does not have the authority to impose such a period. The Chair observed that the documents are transmitted under a non-binding agreement between House leaders, and invited the House Leader of the Second Opposition Group to initiate discussions with his counterparts to find ways of improving the process surrounding the transmittal of those documents.

Following the Assembly's adoption on February 12 of a motion without notice demanding that the Government abandon the budget cutbacks imposed on universities at the end of the fiscal year, the House Leader of the Second Opposition Group raised a point of order concerning the nature of the motion, asking whether it constituted an order or a resolution. The Chair gave a directive on February 13 in which it pointed out that, since 1973, jurisprudence had consistently recognized the separation of the powers of the State between the executive and legislative branches. In addition, the Assembly may only give an order within the scope of its prerogatives and authority.

Jurisprudence has always considered that a motion calling for the Government to act in a specific manner in an area falling within the exclusive jurisdiction of the executive power imposes a strictly political or moral constraint and that, in such a context, as in the case in point, the Assembly is expressing a wish rather than an order.

On a question by the Government House Leader concerning the summoning of a Member who is a former Minister to appear in committee, the President made a ruling, on April 24, confirming the right of committee members to summon any person they wish to appear before them. In an earlier ruling made in November 2012 on the same subject, the President had indicated that the Assembly could hear the testimony of Ministers on subjects falling within their jurisdiction. This constitutes one of the prerogatives of the legislative power to oversee the executive

power and its management of the Government's action, a power enshrined in section 4 of the *Act respecting the National Assembly*. This power of oversight and scrutiny may be carried out in various ways, both in the Assembly and in parliamentary committee. In his directive of April 24, the President added that section 51 of the *Act respecting the National Assembly* provides that "the Assembly or a committee may summon and compel the appearance before it of any person, either to answer questions put to him or to produce such papers and things as it may deem necessary for its acts, inquiries or proceedings." There is therefore no limit to a committee's ability to hear persons, including former Ministers, within the framework of a mandate.

Committee Proceedings

The parliamentary committees have been extremely busy since January 2013.

Exceptionally, the committees were engaged, from February 4 to 19, in the examination of the Government's 2013–2014 estimates, which typically occurs at the end of spring. Members devoted 200 hours to questioning Ministers on their estimates.

The Committee on Agriculture, Fisheries, Energy and Natural Resources, which received a mandate from the Assembly on November 13, 2012 to examine the impacts associated with the decommissioning of the Gentilly-2 nuclear power station and the economic diversification plan for the Centre-du-Québec and Mauricie sectors, was to report back to the Assembly by February 21, 2013. The committee tabled a first report on February 21, although it had

not completed the exercise. This prompted the presentation of an additional motion on March 12, 2013, once again instructing the committee to report to the Assembly. The report, which contains eight recommendations, was finally tabled on March 28.

The Committee on Transportation and the Environment continued throughout the first months of the year the mandate it received on November 21, on a motion reserved for the Opposition (Wednesday motion). Within the scope of the mandate, which consists in shedding light on the events that occurred on October 24, 2012 concerning the action taken by the former Minister of Sustainable Development, Environment, Wildlife and Parks with regard to the Bureau d'audiences publiques sur l'environnement (BAPE), the Committee convened first to hear current Minister of Sustainable Development, Environment, Wildlife and Parks **Yves-François Blanchet**. It also heard the former vice-president of the BAPE and four of its commissioners. An interim report was tabled and the Committee agreed to hear three other witnesses, including the Member for Sainte-Marie–Saint-Jacques and former Minister of Sustainable Development, Environment, Wildlife and Parks. After refusing to appear before the Committee, the Member was served a summons ordering him to appear before the Committee on April 24.

Another committee's proceedings received a great deal of attention because of the widespread media coverage they were afforded. The Committee on Culture and Education held public hearings within the framework of a general consultation on Bill 14, *An Act*

to amend the Charter of the French language, the Charter of human rights and freedoms and other legislative provisions. This first general consultation of the 40th Legislature has proven to be its most extensive so far. The members of the Committee held 15 public sittings during which they heard close to 80 individuals and organizations and received 86 briefs. The Committee has also received close to 160 comments by email, and more than 4,300 people filled out the online questionnaire allowing committee members to gauge public opinion on the main policy directions proposed in the bill.

Nicole Bolduc and Dany Hallé
Parliamentary Proceedings
Directorate



The Senate

On February 5, 2013, the Senate resumed sitting after the winter adjournment. During the next three months, the Senate passed a total of 13 bills, including nine government bills, one senate public bill and three commons public bills. Along with this legislation, the Senate also considered and reported on two User Fee Proposals (pursuant to the *User Fees Act*). Among the more notable bills passed, was Bill C-53, *An Act to assent to alterations in the law touching the Succession to the Throne*. This bill aimed to end the practice of placing male heirs before their elder sisters in the line of succession; and remove legal provisions that render heirs who marry Roman Catholics ineligible

to succeed to the Throne. Bill C-53 was debated over several days in the Senate and was sent to the Standing Senate Committee on Legal and Constitutional Affairs for study and report. The committee heard from officials from the Department of Justice and the Privy Council Office as well as academics and other expert witnesses.

In addition to the Senate's usual study of bills and debate on motions and inquiries, the Senate resolved itself into a Committee of the Whole on March 20 to hear from **Graham Fraser**, Commissioner for Official Languages who was nominated for reappointment which was approved by the Senate later that day.

Committees

Senate Committees issued several important reports, including the Standing Senate Committee on National Finance's long anticipated report on the reasons for price discrepancies in respect of certain goods between Canada and the United States. The report entitled: *The Canada–USA Price Gap*, was tabled on February 6. It found that the pricing of products was influenced by many factors including transportation costs, the relative size of the Canadian market and tariff rates. The committee recommended that: the Minister of Finance conduct a comprehensive review of Canadian tariffs; the Government continue to integrate the safety standards between Canada and the United States; the Government analyse the costs and benefits of increasing the *de minimis* threshold for low-value shipments; and the Minister of Canadian Heritage study the costs and benefits of reducing the 10% mark-up that Canadian exclusive distributors can add to the U.S. list price of American books. The report was adopted

by the Senate on February 13. All Senate committee reports can be obtained by visiting <http://www.parl.gc.ca/SenCommitteeBusiness>.

When undertaking special studies, committees will sometimes travel to more fully examine a particular issue and to allow the committee to hear from a wider variety of witnesses and experts. The Standing Senate Committee on Foreign Affairs and International Trade travelled to Turkey from March 16 to 23 as part of its study on economic and political developments in that country, Turkey's regional and global influences, the implications for Canadian interests and opportunities, and other related matters. During this fact finding mission, members met with government representatives, business leaders and the diplomatic corps. The committee hopes to issue its report prior to the summer adjournment.

Question of Privilege

In late February, the Speaker considered a question of privilege raised by Senator **Anne Cools** relating to actions of the then Parliamentary Budget Officer (PBO), **Kevin Page** and his application to the Federal Court seeking a judgement affirming he had the mandate to seek information about certain budgetary measures of the Government. The main of point contention for the Senator was that by asking the courts to decide the question of his mandate, the PBO had disregarded the established authority and organizational structure of the Library of Parliament, of which he is part. Over two days, several Senators participated in debate on the alleged question of privilege, after which the Speaker reserved his

decision. He delivered his ruling on February 28 and found that a *prima facie* case had been established.

Following the ruling, Senator Cools moved a motion to refer the case of privilege to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report, in particular with respect to the consequences for the Senate, for the Senate Speaker, for the Parliament of Canada and for the country's international relations, no later than March 31, 2013. The motion was debated and subsequently amended to remove the reporting date. On March 7, the Deputy Leader of the Opposition in the Senate moved that the question be referred to a Committee of the Whole for consideration. On April 22, the Federal Court dismissed the PBO's application on the grounds of non-justiciability. As of May 3, the item was still up for consideration and there is approximately half the time remaining out of the three hours of debate permitted under rule 13-7(4).

Senators

By way of a motion in the chamber on February 6, Senator **Patrick Brazeau** of Québec was placed on a leave of absence, pursuant to rule 15-2(1) of the *Rules of the Senate*. Because there had been a charge of a summary conviction offense, the granting of this leave of absence was solely meant to protect the dignity and reputation of the Senate and was not a comment on the Senator himself.

On March 16, Senator **Terry Stratton** of Manitoba retired from the Senate. Nominated by **Brian Mulroney** in 1993, Senator Stratton held many senior positions including Leader of the Opposition in the Senate from 2004 to 2006; served

as his party's Whip from 2001 to 2004 and again from 2006 to 2009; and was Chair and Deputy Chair of several standing committees, amongst them the Standing Committee on Rules, Procedures and the Rights of Parliament, the Standing Committee on Conflict of Interest for Senators, the Standing Committee on Internal Economy, Budgets and Administration and the Standing Senate Committee on National Finance.

Another Senator to reach the mandatory retirement age of 75 during this period was Senator **Bert Brown** of Alberta. A retired farmer and development consultant, Senator Brown was nominated to the Senate by **Stephen Harper** in 2007. He had been elected by Albertans to a list of senators in waiting in 1998 and again in 2004. He was the second Senator to be nominated by a Prime Minister from that list. To fill the vacancy arising from Senator Brown's departure, the Prime Minister nominated **Scott Tannas**, another Senator in waiting. Senator Tannas, who is the Founder, President and CEO of Western Financial Group, was sworn in on March 26.

Vanessa Moss-Norbury

Procedural Clerk, Journals Office



Manitoba

The Second session of the 40th Legislature resumed on April 16, 2013, with the delivery of the budget from Finance Minister **Stan Struthers**.

The 2013-2014 total operating

expenditure of \$12.1 billion represents an increase of 2.3% from 2012-2013. Highlights of the government's budget included:

- Increasing the PST by 1% for a 10 year period to raise additional necessary revenue for the new Manitoba Building and Renewal Plan which will be dedicated to building the province's critical infrastructure;
- Cutting income taxes by increasing the basic personal income tax exemption by \$250;
- Eliminating school property taxes for all seniors by 2015 and removing the PST from baby essentials;
- Increasing the minimum hourly wage to \$10.45;
- Investing a record \$1.8 billion to build and renew critical infrastructure including roads, hospitals, schools and flood protection;
- Creating new apprenticeship opportunities, introducing a new training and skills development strategy and increasing funding to universities and colleges;
- Helping more Manitobans find a family doctor by building more clinics and hiring more doctors, nurse practitioners and other health-care providers across the province;
- Expanding the life-saving STARS helicopter ambulance to 24 hours, seven days a week;
- Ensuring that Manitobans have the lowest combined rates for electricity, home heating and auto insurance in the country;
- Providing incentives to businesses to grow the economy and create new jobs including eliminating the small business tax for more Manitoba businesses;
- Extending the 20 per cent reduction on Ministerial salaries and reducing the budgets of 11 departments.

During his contribution to the budget debate on April 17,

2013 Official Opposition Leader **Brian Pallister** moved a motion expressing non-confidence in the government, which stated that the budget failed to address the priorities of Manitobans by:

- ignoring the taxpayer protection laws that safeguard Manitoba families; and
- saddling Manitoba families with crushing and unnecessary taxes that don't allow them to prosper and save for the future; and
- failing to tame a \$500 million structural deficit created through 13 years of overspending; and
- failing to promise a full and transparent review of all Provincial Government spending; and
- failing to control growth of low spending priorities such as advertising and vote taxes; and
- stifling economic growth and prosperity through excessive red tape and unwarranted taxation.

On April 26, 2013

Mr. Pallister's amendment was defeated on a recorded vote of yeas 17, nays 36, while the main budget motion carried on a recorded vote of yeas 36, nays 18.

In addition to the bills introduced in the fall, the spring session to date saw the introduction of approximately 25 bills addressing a variety of governance areas including:

- Bill 20 – *The Manitoba Building and Renewal Funding and Fiscal Management Act (Various Acts Amended)*, which exempts the referendum requirement in *The Balanced Budget, Fiscal Management and Taxpayer Accountability Act* in order to increase the PST by 1% and enacts measures to provide a sustainable funding source in support of the investment in the renewal of critical infrastructure and to maximize the potential of the 10-year Building Canada Plan

announced in the 2013 federal budget.

- Bill 26 - *The Accessibility for Manitobans Act*, which enables the establishment of accessibility standards to achieve accessibility for Manitobans disabled by barriers.
- Bill 28 – *The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges)*, which allows hospitals to grant admitting privileges to nurse practitioners and midwives.
- Bill 33 - *The Municipal Modernization Act (Municipal Amalgamations)*, which permits the minister to recommend that a municipality be amalgamated if it has a population of fewer than 1,000 residents and enables the Lieutenant Governor in Council to make regulations amalgamating municipalities.
- Bill 37 – *The Emergency Measures Amendment Act*, which changes the circumstances in which a state of emergency may be declared and authorizes a peace officer to apprehend a person who fails to comply with an evacuation order as well as charge a person who interferes with the operation of or damages any emergency infrastructure including a water control work, with an offence.
- Bill 202 - *The Increased Transparency and Accountability Act (Various Acts Amended)*, which sets out the requirement for the budget tabled in the Legislative Assembly to include a year-after-year comparison of each fee amount charged to the public and an itemization of the revenue effects stemming from an expansion of a tax base.

Standing Committees

Manitoba Standing Committees have been occupied with a range of business in 2013. The Standing Committee on Crown Corporations met on a number of occasions to consider reports from the Manitoba Liquor

Control Commission, Manitoba Hydro, Manitoba Public Insurance Corporation and Manitoba Lotteries Corporation. The Standing Committee on Legislative Affairs met on two separate occasions to consider the Report and Recommendations of the Judicial Compensation Committee dated July 11, 2012.

Additionally, the Standing Committee on Public Accounts scheduled three meetings to consider several volumes of the Public Accounts and reports from the Auditor General covering a variety of topics including:

- Operations of the Office
- Audit of the Public Accounts
- Taxation Division, Audit Branch: Department of Finance
- Economic Development: Loans and Investments under *The Development Corporation Act*

At press time over two hundred and fifty citizens have registered to speak to several Bills currently before the House once they are referred for Standing Committee consideration.

Government Motion

On May 7, 2013, the House carried a Government Motion moved by Government House Leader **Jennifer Howard** to concur in the report from the Standing Committee on Legislative Affairs respecting the Judicial Compensation. This motion is a requirement pursuant to subsection 11.1(28) of *The Provincial Court Act* in order for the recommendations respecting salaries and benefits contained in the report from the Standing Committee, be implemented.

Opposition Day Motions

On May 1, 2013 Official Opposition House Leader **Kelvin Goertzen** moved an

opposition day motion urging the Provincial Government “to find savings and efficiencies within government rather than raise the Retail Sales Tax (known as the Provincial Sales Tax) from 7% to 8%.” Following the debate, the motion was defeated on a vote of yeas 19, nays 33.

On May 9, 2013 **Heather Stefanson** moved an opposition day motion urging the Provincial Government “to follow the law and seek the approval of Manitobans through holding a referendum before raising the Retail Sales Tax (known as the Provincial Sales Tax.” Members debated the motion for the majority of the afternoon, before it was defeated on a vote of yeas 17 nays 31.

Leaving Politics

After almost a decade of representing the constituency of Morris, **Mavis Taillieu** resigned her seat in the Manitoba Legislature on February 12, 2013. Mrs. Taillieu has served as the PC Party’s critic for culture, heritage and tourism, family services and housing, immigration and multiculturalism, advanced education and literacy, and infrastructure and transportation. She also served as the Official Opposition House Leader and Caucus Whip.

Current Party Standings:

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

In accordance to the Rules, Orders and Forms of Proceedings, the 2nd session of the 40th Legislature is scheduled to recess for the summer break on June 13, 2013.

Monique Grenier

Clerk Assistant/Clerk of Committees



Prince Edward Island

The Third Session of the Sixty-fourth General Assembly resumed on March 26, 2013, and adjourned to the call of the Speaker on May 8, 2013.

Budget 2013

Wes Sheridan, Minister of Finance and Municipal Affairs, introduced his budget on March 27, 2013, which contained expenditures of \$1.44 billion. Health continued to account for the largest share of provincial expenditure at just over \$578 million, an increase of \$16 million, or 2.9 percent, from the previous year. The Minister indicated that the 2013-2014 deficit is expected to be at \$58.9 million, dropping to \$34.5 million in 2014-2015, with a small surplus to be achieved in 2015-2016.

Harmonized Sales Tax

On April 1, 2013, the Harmonized Sales Tax (HST) was implemented in Prince Edward Island. The Provincial Sales Tax, which was at 10 percent, has been replaced with a value-added tax of 9 percent. Combined with the Goods and Services Tax, this resulted in a 14 percent HST. The province provides specific point-of-sale rebates of the provincial portion of the HST for books, heating oil, children’s footwear and children’s clothing, as well as a new Prince Edward Island Sales Tax Credit to low and modest income individuals and families to assist in the transition to the new tax system.

Significant Legislation

A total of twenty-six public bills received Royal Assent on May 8, 2013. Among them were:

- *An Act to Amend the Collections Agencies Act* (Bill No. 34) adds a set of prohibitions to protect debtors from certain debt repayment business practices. These include limiting the amount of money that an agency or agent may collect for acting for a debtor; restricting the provision of false information respecting a debtor, including his or her credit history; and banning the collection of a fee from a debtor before the debtor and the agency have entered into the required written agreement.
- *French Language Services Act/ Loi sur les services en français* (Bill No. 43) builds on existing legislation and lays the foundation for the designation of French language services. It requires government institutions to provide designated services to any member of the public in the person’s choice of French or English. The Act also requires government institutions to respond to correspondence received in French, in writing and in French; and ensures that where public consultations are conducted in writing or electronically, members of the public are provided with an opportunity to participate in French and English.
- *Narcotics Safety and Awareness Act* (Bill No. 54) will enable the province to monitor and analyze information on all narcotics and other controlled substances dispensed in Prince Edward Island, with the aim of promoting appropriate prescribing and dispensing practices, identifying areas of abuse or misuse, and, ultimately, reducing the risk of drug addictions. Through the current Drug Information System (DIS), the province has the capability to electronically link pharmacies, physicians’ offices, addiction centres, emergency rooms, and other

health facilities with a database which maintains patient medication records. The DIS also provides pharmacists and prescribers with medication profiles of individual patients to assist in the patient's care. This new legislation will go one step further and allow for monitoring and analyzing of the dispensing and the prescribing of narcotics.

New Auditor General

Jane MacAdam, was appointed Auditor General for a term of ten years effective March 26, 2013. Ms. MacAdam replaces **Colin Younker**, who retired in late 2012. Mr. Younker provided dedicated service to the Legislative Assembly throughout his ten year term. During his tenure, he was an advocate for enhanced accountability and made a significant contribution to improved financial reporting and management practices in the public sector.

Legislative Documents Online

Prince Edward Island Legislative Documents Online (PEILDO) presents the Journals of the Legislative Assembly (1894-present), the official record of the business of the Legislative Assembly. Free and open to all, this exciting new site (www.peildo.ca) provides access to a rich collection of material covering almost 120 years of Prince Edward Island's political, social and economic development. PEILDO is the result of a partnership between the Legislative Assembly of Prince Edward Island, the Public Archives and Records Office, Prince Edward Island Public Library Service, and Robertson Library at the University of Prince Edward Island.

Prince Edward Island
Legislative Documents Online

consists of over 76,000 pages of keyword-searchable scanned journals (1894-2011), including data-rich appendices (1894-1966) containing detailed reports from departments such as health, education, agriculture and public works. Digitized audio recordings of Legislative Assembly proceedings for the years 1968-1973 are also available for streaming. To provide additional context, biographies (1873-1993) and over 170 photographs of MLAs have been included in peildo.ca.

As **Carolyn Bertram**, Speaker of the Legislative Assembly, observed, "This website is an inclusive resource that brings past members' contributions to everyone's fingertips. It's a fantastic heritage and educational tool for every Islander and Canadian."

J. Léonce Bernard 1943-2013

J. Léonce Bernard passed away on March 26, 2013. Mr. Bernard was first elected to the Legislative Assembly, as a member of the Liberal Party of Prince Edward Island, representing the district of 3rd Prince, in a by-election in 1975, and was re-elected in 1978, 1979, 1982, 1986 and 1989, serving as a member of the Official Opposition from 1979 to 1986. In 1986, he was sworn in as Minister of Industry and Chairman of the P.E.I. Development Agency and, from 1989 until 1991, he was Minister of Fisheries and Community Affairs. He was also the first person to be named Minister responsible for Acadian and Francophone Affairs in 1989. He was appointed Lieutenant Governor on May 28, 2001, for a term which ended in 2006. Mr. Bernard was an outstanding individual who contributed greatly to the Island's Acadian

and francophone community and to his province as a former member of the Legislative Assembly, Cabinet Minister and Lieutenant Governor," said Premier **Robert Ghiz**.

Marian Johnston
Clerk Assistant and
Clerk of Committees



Yukon

On March 7, 2013, Premier **Darrell Pasloski** having advised Speaker **David Laxton** that the public interest required the House to meet on March 21, the Speaker, pursuant to Standing Order 73, informed the Members. On April 3, the Government House Leader, **Brad Cathers**, informed the House, pursuant to Standing Order 75(4), that after conferring with opposition House Leaders and the Independent Member, it was agreed that the Spring Sitting would be a maximum of 32 sitting days, with the 32nd day being Thursday, May 16.

Bill No. 9, *Interim Supply Appropriation Act, 2013-14*, introduced on March 21, received assent from Commissioner **Doug Philips** on March 28. Bill No. 53, *Act to Amend the Education Act*, was introduced on March 23, and received assent on April 10; passage of this bill was required to establish the 2013-14 school calendar.

Budget Day

The first day of the Spring Sitting is traditionally the day the Budget is introduced. During a

tribute earlier that sitting day to Kwanlin Dun elder **Annie Smith**, the Premier – who also holds the Finance portfolio – noted that it is a tradition for the Finance Minister to wear a new pair of shoes on Budget Day. He noted that Ms. Smith – who was seated in the Speaker’s Gallery for the tribute, accompanied by her daughter **Judy Gingell**, former Yukon Commissioner – is recognized as “an icon of Yukon’s First Nation sewing and beading community”. The Premier indicated that in keeping with tradition, he was wearing a brand new pair of mukluks, created for him by Ms. Smith. The mukluks were made from home-tanned caribou and moosehide, trimmed with beaver fur, and featured a colourful beaded floral design, and a depiction of a dog team. Later that afternoon, the Premier introduced Yukon’s 2013-14 Budget, in the amount of 1.23 billion dollars. It is expected that much of the remainder of the sitting will be devoted to consideration of departmental estimates.

Chief Electoral Officer

On March 28th, the Speaker delivered a tribute in recognition of **Jo-Ann Waugh**, Chief Electoral Officer, who was retiring after a 35-year long career in Yukon elections. The Speaker noted that Ms. Waugh had been involved in every Yukon general election – and by-election – since the 1978 introduction of party politics. He noted that Ms. Waugh, in addition to running elections, has, since 1984, been central to the work of all Yukon electoral district boundary commissions. As well, as head of Elections Yukon, she has been responsible “for the conduct of elections for Yukon’s francophone school board and for Yukon

School councils. She has also provided assistance to a number of organizations in Yukon, including providing assistance to Yukon First Nations in the conduct of their elections.” The Speaker noted that Ms. Waugh has a prominent profile among her peers, nationally and internationally, and that her experience and expertise are highly valued by her colleagues. He observed that Ms. Waugh had represented Canada in numerous international election observation missions, including missions in Peru, Ethiopia, Yemen, Nigeria, Namibia, Russia, and Zimbabwe. The Speaker thanked Ms. Waugh for her long and dedicated service to Yukon. The Government House Leader, Mr. Cathers, and the Leader of the Official Opposition, **Elizabeth Hanson**, also spoke in praise of Ms. Waugh.

Ombudsman and Information & Privacy Commissioner

On February 7, 2013, **Tim Koepke**, Yukon’s Ombudsman/Information & Privacy Commissioner, issued a news release concerning a Report he had submitted to Speaker Laxton, in the Speaker’s role as Chair of the Members’ Services Board. The report, entitled *Building Organizational Excellence to Achieve Legislative Objectives*, was based upon an external consultant’s review of the Ombudsman’s office. The report recommended organizational and operational changes to the office, perhaps most significantly, “that the current combined one-half time Ombudsman/IPC appointment be increased to a combined full-time position.” The press release noted that Mr. Koepke (who had signed on for a half-time position) submitted his resignation as

Ombudsman/Information & Privacy Commissioner effective May 1, 2013, so that the Report’s recommendations could be implemented. The Members’ Services Board accepted the recommendation to make the Ombudsman/IPC a combined full-time appointment, and on February 25, 2013 established a sub-committee to search for, and recommend to the Legislative Assembly, a new Ombudsman/Information & Privacy Commissioner.

Linda Kolody
Deputy Clerk



British Columbia

The 40th provincial general election was held on May 14, 2013. Preliminary voting results indicate that the BC Liberal Party, led by Premier **Christy Clark**, won 50 seats and will have a fourth consecutive term as government. The BC NDP, led by **Adrian Dix**, secured 33 seats and will form the Official Opposition. **Vicki Huntington** (Delta South) was re-elected as an Independent. Also notable was the election of **Andrew Weaver** in Oak Bay-Gordon Head, the first Green Party of BC candidate to be elected a Member of the Legislative Assembly.

While the governing BC Liberal Party increased its majority by 5 seats, Premier Clark was unsuccessful in her constituency of Vancouver Point-Grey, losing to **David Eby**, the

BC NDP candidate, by 785 votes. This is the first time since 1924 that a BC Premier has lost their seat in a general election while their party formed government.

The turnout of eligible voters was 52 percent, up one percentage point from the 2009 general election.

Final Session of 39th Parliament

On February 12, 2013, the 4th Session of the 39th Parliament prorogued. That afternoon, the 5th Session opened with the Speech from the Throne. Delivered by British Columbia's new Lieutenant Governor **Judith Guichon**, the final Throne Speech of the 39th Parliament focused on the importance of maintaining a strong economy in the face of global economic instability by increasing BC's trade with Asia. Another major theme of the speech was the "generational opportunity" presented by BC's nascent liquefied natural gas (LNG) industry. The government announced a plan to create a prosperity fund from the royalties generated by this industry and to use that fund to work towards paying off the provincial debt, increase services, and ultimately eliminate the provincial sales tax.

In response, the opposition criticized the Throne Speech for failing to address key issues facing the province, such as economic productivity, social inequality, and sustainability, and its singular focus on LNG exports, claiming that the government has "narrowed the debate about our future to one project". The opposition pointed out that construction has not begun on a single LNG plant and that any benefits of the prosperity fund would not be realized until 30 years in the future.

On February 19, Minister of Finance **Mike de Jong** delivered the budget address for fiscal year 2013/14 projecting a surplus of \$197 million in 2013/14, increasing to \$460 million in 2015/16. The budget included several tax increases, namely to personal income taxes for those earning over \$150,000, corporate income taxes, tobacco taxes, property taxes levied on light industry, and to Medical Services Plan premiums.

Minister de Jong stressed that tough decisions were needed to balance the budget. Given declining resource revenues, the budget constrains spending growth to an annual average of 1.5% over the next three years. The Minister announced that the budget was balanced and did not contain the kind of new spending usually associated with election-year budgets.

Prior to the introduction of the budget, the government arranged for the economist Dr. **Tim O'Neill** to review the 2013/14 budget economic and revenue projections. He concluded in a public report that the Province's revenue projections, methodologies and assumptions were generally well-founded, with the exception of the natural gas forecast.

Opposition finance critic **Bruce Ralston** characterized the budget as being more about re-election than governing. He contended that the budget was not balanced for several reasons: it underestimated spending and overestimated revenue; it moved revenues already counted in previous years into 2013/14 and expenses from 2013/14 into other years; and it relied on the future sale of public assets, including crown real estate holdings, as a source of revenue.

In his closing comments on the budget, the Minister re-iterated the government's view that the budget was balanced 'in every sense of the word.'

Legislation

During the brief 20-day session, the House passed 14 government bills and two private bills. Noteworthy pieces of legislation include:

- *Tla'amin Final Agreement Act*: approves and gives force to the Tla'amin Final Agreement reached under the BC Treaty Commission process. The treaty removes the Tla'amin Nation from the federal *Indian Act* and provides them with self-government powers that will allow them to design and deliver programming in a way that best supports the Tla'amin community and their families. Following the introduction of the bill, on February 14, Chief **Clint Williams** of the Tla'amin First Nation addressed the Legislative Assembly from the Bar of the House. He spoke about how the treaty will help create positive change and meaningful opportunities that will sustain the Tla'amin people both economically and culturally.
- *Auditor General Amendment Act*: will provide for the appointment of future Auditors General to a single, non-renewable eight-year term. Previously an Auditor General could be re-appointed to a second term of up to six years. The Act also provides that, if the term of office of an incumbent Auditor General is scheduled to expire, or the Speaker "reasonably believes that the term of office will otherwise end", after the dissolution of the Legislative Assembly, a committee may appoint by unanimous resolution, an Acting Auditor General (see Committee Activity below).
- *Senate Nominee Election Act*: Minister of Justice **Shirley Bond** introduced

Bill 17 on February 27, advising the House that it was the government's intention to bring the bill forward as an exposure bill to help generate a discussion on electing Senate nominees and not to pass it during the current session. The bill proposes that Senate nominee elections to be held either in conjunction with provincial elections or as stand-alone events. Nominee elections would be administered by Elections BC.

- *Seniors Advocate Act*: provides for the position of a government appointed seniors advocate to be a voice for seniors, to monitor seniors' services, and to promote awareness of seniors' issues.

Committee Activity

During the brief final session of the 39th Parliament, 12 parliamentary committee reports were tabled including:

- The unanimous report of the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills on its

review of the *Members' Conflict of Interest Act* which makes 34 recommendations to modernize and strengthen the legislation. They include recommendations to expand the jurisdiction of the commissioner, update and clarify existing provisions, promote greater transparency of Members' financial disclosure statements, and to require future reviews of the legislation.

- The unanimous report of the Special Committee to Inquire into the Use of Conducted Energy Weapons and to Audit Selected Police Complaints, which recommended: provincial governmental action to advocate for the establishment of national electrical safety standards for new conducted energy weapons; that police officers provide more information on the communication techniques they use to de-escalate a crisis; and that there be ongoing evaluation of crisis intervention and de-escalation training.
- The unanimous report of a Special Committee which recommended the reappointment of

the Conflict of Interest Commissioner **Paul Fraser** and the Merit Commissioner **Fiona Spencer**.

- The unanimous report of the Special Committee to Appoint an Acting Auditor General which was deposited with the Office of the Clerk after the House rose. Pursuant to the *Auditor General Amendment Act*, the appointment of the Acting Auditor General was made by unanimous resolution of the Committee. As the Committee would not complete its work before the House adjourned, the Committee's terms of reference allow for the Speaker to 'lay the report before the House in a new Parliament'. The Committee released its report on March 28, 2013, appointing **Russ Jones** as Acting Auditor General. Mr. Jones, a chartered accountant, has worked with the Office of the Auditor General for more than 20 years and in the role of Assistant Auditor General since 1993.

Gordon Robinson
Committee Researcher