



Legislative Reports



Ontario

On April 27, the Legislative Grounds were the site of an event commemorating the bicentennial of the Battle of York which was fought in present-day Toronto on April 27, 1813. The event was attended by His Royal Highness **Prince Philip**, The Duke of Edinburgh, and by Lieutenant Governor **David Onley**. Soldiers from the Third Battalion of the Royal Canadian Regiment, Canada's senior infantry regiment, took part in a military capability demonstration for the Prince and the Lieutenant Governor. A pair of soldiers parachuted from a plane above the legislature, landing in a nearby University of Toronto field, while others rappelled down the sides of the Frost and Whitney government buildings, the latter where Committee offices are located. Teams of snipers in camouflage deployed a belt-fed machine gun and a C-16 grenade launcher. Prince Philip who has served as the Battalion's colonel-in-chief since 1953, inspected rows of soldiers dressed in crisp red uniforms and presented new regimental colours to the Battalion. The Prince wore his numerous medals, including presumably his two most recent orders: the previous day he was presented with the insignias

of Companion of the Order of Canada and the Commander of the Order of Military Merit by Governor General David Johnston.

The Legislative Building was open to military families after the ceremony, which was followed by a military parade that marched from Queen's Park to Fort York National Historic Site where subsequent commemorative ceremonies took place.

Budget 2013

On May 2, Finance Minister **Charles Sousa** presented the 2013 Ontario Budget, the first under Liberal Premier **Kathleen Wynne**. Constituting a minority, the government needed the support of at least one opposition party—Progressive Conservative or New Democratic—to pass its Budget and avoid an election. The government had previously negotiated with the NDP and the May 2 Budget contained a number of NDP proposals, among them a 15 percent reduction to auto insurance rates, and a youth employment strategy. The NDP subsequently proposed that the government create an independent Financial Accountability Office, modeled on the federal Parliamentary Budget Office.

On May 28, the Government House Leader moved a motion to apply a timeline to the consideration of the Budget bill, which provided both for an extension of the regular sitting period (beyond June 6), if

required, and for establishment of a Financial Accountability Office. Debate on the timetabling motion, including an amendment and an amendment to an amendment, lasted over 13 hours at which point, on June 5, the Government House Leader moved closure. The closure motion passed on division as did the main motion. As a result, the Budget bill moved through the Committee stage and was reported back to the House, as per the timetabling motion. The House rose on Tuesday, June 11, just a day and a half later than the prescribed date. The government is expected to introduce legislation respecting the Financial Accountability Office no later than September 11, 2013.

Want of confidence

On April 29, **Jim Wilson**, Member for Simcoe-Grey, filed a motion of Want of Confidence. Forming the basis for his motion that "the Government has lost the confidence of [the] House" was the Speaker's earlier finding of a *prima facie* case of privilege for the non-production of documents relating to the cancellation and relocation of the Mississauga and Oakville gas plants, as well as certain revelations stemming from the continuing inquiry into the cancellation by the Standing Committee on Justice Policy.

On May 15, a motion by **Steve Clark**, Member for Leeds—Grenville, addressed to the Premier, was put forth as the topic of an Opposition Day

debate by the Official Opposition. The motion prescribed a date on which, in the opinion of the House, the House Leaders of all three recognized parties were to schedule a debate and vote on Mr. Wilson's Want of Confidence motion. Mr. Clark's motion presented an interesting way to address the issue of confidence during debate in the House, whose Standing Orders both prohibit an Opposition Day motion to be a motion of want of confidence in the government, and require that the time for debate on a want of confidence motion be determined by agreement of the House Leaders of all recognized parties.

Special report by the Information and Privacy Commissioner

On June 5, Dr. **Ann Cavoukian**, Information and Privacy Commissioner, released a special investigation report titled *Deleting Accountability: Records Management Practices of Political Staff* (tabled on June 11). The investigation was conducted in response to a complaint made to the Commissioner by **Peter Tabuns**, MPP, relating to the alleged deletion by senior political staff of e-mails relating to the gas plant cancellation and relocation. In her report, the Commissioner concluded that the e-mail management practices of the former Premier's office were in violation of the obligations set out in the *Archives and Recordkeeping Act, 2006*. She made several recommendations that would serve to ensure the Premier's and ministers' offices complied with their records management obligations. In early July, government officials announced that some e-mails relating to the gas plant controversy have been recovered.

Commissioner Cavoukian expressed concern that her office was given incorrect information about the existence of e-mails during its investigation, but was pleased that some records had been found, though the discovery did not affect her conclusion or recommendations.

By-elections 2013

The period May-July saw three Liberal MPPs resign their seats, bringing the total number of vacancies on the government side of the Legislative Assembly to five. Former Premier **Dalton McGuinty** resigned his Ottawa seat, marking the end of his 23-year tenure in the Legislature, the last ten as Premier. His resignation was followed by that of intergovernmental affairs minister **Laurel Broten** in Etobicoke and **Margaret Best**, parliamentary assistant to the minister of education, in Scarborough. Two vacancies were previously created in February with the resignation of **Dwight Duncan**, former minister of finance and **Christopher Bentley**, former minister of energy.

Premier Wynne called five by-elections for August 1, which saw the government keep two seats, the New Democrats gain two, and the Progressive Conservatives gain one – the party's first Toronto seat in a decade. Ontario's five new MPPs are **Mitzie Hunter** (LIB, Scarborough-Guildwood), previously a community activist and CEO of CivicAction; **John Fraser** (LIB, Ottawa South), previously a constituency assistant to former Premier McGuinty; **Doug Holyday** (PC, Etobicoke-Lakeshore), previously the deputy mayor of Toronto; **Percy Hatfield** (NDP, Windsor-Tecumseh), previously a Windsor

city councilor and former broadcaster; and **Peggy Sattler** (NDP, London West), previously a London school board trustee and former chair. As a result of the by-elections, party standings in the Legislature are LIB-50, PC-37, and NDP-20.

Committees

The Standing Committee on Justice Policy is continuing its review of the matter of the Speaker's finding of a *prima facie* case of privilege, with respect to the production of documents and to consider and report its observations and recommendations concerning the tendering, planning, commissioning, cancellation, and relocation of the Mississauga and Oakville gas plants. During the remainder of the spring session, the Committee continued to receive testimony from numerous witnesses, including Premier Wynne, former Premier McGuinty and Leader of the Official Opposition, **Tim Hudak**.

The committee submitted to the House an interim report on May 21, 2013 which included a summary of testimony of witnesses. The Committee has received a large number of documents since the Committee began its review as a result of motions passed requesting documents relating to the Committee's scope of inquiry.

On June 25, 2013, the Committee heard a second time from former Premier McGuinty. The Committee also received testimony from the Information and Privacy Commissioner, Dr. Cavoukian, discussing the special investigation report she released after receiving a complaint by a Member of the Committee following testimony from the former Chief of Staff to

the former Minister of Energy. The Committee is continuing to meet throughout the summer to continue its review.

The Standing Committee on General Government continued its self-directed study on the auto insurance industry, holding three days of public hearings. The Committee also continued its review of the *Aggregate Resources Act*, and was in the process of report writing when the House recessed for the summer. The Committee further began consideration of Bill 11, *An Act to amend the Ambulance Act with respect to air ambulance services*. The Committee held one day of hearings on the bill so far, and invited the Acting Auditor General, the Ombudsman, and legal counsel from the Ministry of Health and Long-Term Care to comment on the bill.

The Standing Committee on Finance considered Bill 65, *An Act to implement Budget measures and to enact and amend various Acts*. On June 10, the Committee completed clause-by-clause consideration of the bill and its 14 schedules.

Condolences

On May 8, 13 and 27, and June 3, the House heard statements from Members of all parties in an expression of condolence on the deaths of former Members **Bruce Crozier** (Essex South 1993-1999 and Essex 1999-2011); **John Melville Turner** (Peterborough 1971-1975 and 1977-1987, and Speaker 1981-1985); **Jacques Noé René Fontaine** (Cochrane North 1985-1990); **René Brunelle** (Cochrane North 1958-1981); and **Robert Goldwin Elgie** (York East 1977-1985).

Sylwia Przewdziecki
Committee Clerk



Prince Edward Island

The spring sitting of the Legislative Assembly adjourned to the call of the Speaker on May 8, 2013, after 24 sitting days. A total of 26 bills received Royal Assent; Bill No. 12, the *Pension Benefits Act* did not proceed beyond first reading. Also remaining on the Order Paper are 15 motions proposed by government and 41 motions put forward by members other than government.

The Standing Committee on Health, Social Development and Seniors of the Legislative Assembly of Prince Edward Island is commencing its work on facilitating a province-wide discussion on addictions to prescription drugs. "Abuse of prescription drugs is a growing problem," said **Bush Dumville**, chair of the committee. "The resulting addictions are devastating to Islanders and their families. This is something that concerns everyone."

The committee is soliciting input from members of the public and interested stakeholder groups by mail, fax, a toll-free telephone number, email, and a web-based comment form. In addition, a series of public hearings across the province will take place in September and October to hear personally from those affected by or involved with this very serious issue.

Renovations at Province House

Province House is undergoing renovations in advance of the 2014 celebrations that will mark the 150th anniversary of the Charlottetown Conference. The work will consist of upgrades to the exterior of Province House that have been identified as high priority and necessary to protect the character-defining elements and heritage fabric of the building. Included in the list of renovations are repairs to the building's foundation, masonry repointing and maintenance of the roof, windows and doors. The work is the largest renovation project for the building since the early 1980s.

Order of PEI Recipients Announced

The 2013 recipients of the Order of Prince Edward Island were announced in mid-June by the Chancellor of the Order, **H. Frank Lewis**, Lieutenant Governor of Prince Edward Island and **Charles Curley**, Chair of the Order of Prince Edward Island Advisory Council. The three Islanders selected to receive the honour are **Vera Elizabeth Dewar** of Stratford, Hon. **Alexander B. Campbell** of Stanley Bridge, and Dr. **Joyce Madigane** of Bideford. These three individuals were selected from a total of 46 Islanders nominated to receive the award this year. First conferred in 1996, the honour is awarded as a means of recognizing those Islanders who have shown individual excellence or outstanding leadership in their community and in their chosen occupation or profession. It is the highest honour that can be accorded to a citizen of the Province. It is awarded annually following a public nomination process with

not more than three recipients being selected by an independent nine-person Advisory Council each year. Insignia of the Order will be presented by the Lieutenant Governor at a special investiture ceremony in October at Government House, Charlottetown.

Marian Johnston
Clerk Assistant and Clerk of
Committees



Saskatchewan

The spring sitting concluded on May 16, 2013. During the spring period of session, the Lieutenant Governor, gave royal assent to 53 bills including an Appropriation Bill to defray the expenses of the Public Service.

In March 2013, a Special Committee on Traffic Safety was appointed to conduct an inquiry on matters related to improving traffic safety and reducing fatalities. The Special Committee on Traffic Safety sought 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 conducted public hearings in six

communities. The Committee has been ordered to report its recommendations by August 30, 2013.

The Legislative Assembly of Saskatchewan, in partnership with the Provincial Auditor of Saskatchewan, hosted the Canadian Council of Public Accounts Committees and Canadian Council of Legislative Auditors (CCPAC/CCOLA) annual conference from August 25-27, 2013 in Regina.

Stacey Ursulescu
Committee Clerk



Northwest Territories

The Fourth Session of the 17th Legislative Assembly reconvened May 29, 2013. The six-day sitting saw the consideration and adoption of four pieces of legislation, including supplementary appropriations for both capital and operation expenses. Eleven bills were introduced, received first and second reading and were referred to standing committees for review and consideration during the summer and fall.

On June 5, 2013, the Assembly voted on a motion, introduced by **Robert R. McLeod**, Premier of the Northwest Territories, seeking the support of the Legislative Assembly for the approval of the Northwest Territories Lands and Resources Devolution Agreement. All nineteen Members spoke to the motion and following a recorded vote the motion was carried, with one Member opposing.

Another motion of interest was adopted on May 31, 2013. Introduced by **Norman Yakeleya**, the motion called on the Auditor General of Canada to undertake a comprehensive performance audit of the Nutrition North Canada Program and to report his office's findings and any recommendations to the Parliament of Canada and the Legislative Assembly of the Northwest Territories. Following a recorded vote, the motion was carried with all Members in favour.

The Final Report of the Electoral Boundaries Commission, May 2013 was tabled in the Legislative Assembly on May 29, 2013, and moved by motion of the House into Committee of the Whole for consideration during the fall sitting.

Other motions debated and adopted by the House during the sitting included:

- Directing the Government of the Northwest Territories to revise or replace the *Human Tissue Act* in order to create a framework for organ donation that reflects the best practices across Canada;
- Supporting the efforts of federal, provincial and territorial justice ministers to better protect children by combating cyberbullying; and
- Proposing the use of new resource revenues.

Legislation

One of the bills referred to a standing committee was a Private Member's Public Bill. Bill 24: *An Act to Amend the Liquor Act* was introduced by Mr. Yakeleya, Member for Sahtu. Bill 24 amends the Liquor Act to enable Sahtu communities to request that the minister hold a plebiscite to determine the wishes of voters

in those communities, respecting limitations on the sale of liquor by a liquor store in a Sahtu community. Bill 24 was referred to the Standing Committee on Government Operations for consideration.

Bill 22: *Territorial Emblems and Honours Act* is a bill that falls under the administration of the Speaker and the Board of Management of the Legislative Assembly. The bill establishes an Order of the Northwest Territories as a way of officially honouring current and former residents for outstanding service and achievement. The bill also recognizes the existing flag and territorial emblems of the Northwest Territories. The process to enact legislation sponsored by the Legislative Assembly is governed by guiding principles and process conventions adopted by the 17th Legislative Assembly. Pursuant to the convention, the Board of Management designated two of its members to introduce and second the bill. The bill was introduced by **Robert Bouchard** and seconded by **David Ramsay**. During the motion for second reading, Mr. Bouchard moved that the bill be referred directly into Committee of the Whole. The motion was adopted and the bill remains in Committee of the Whole for consideration during the fall sitting. The Assembly has invited public comment on Bill 22.

Committee Activity

Michael Nadli, the Chair of the Standing Committee on Government Operations, presented three reports on behalf of the committee during the sitting. Pursuant to the Rules of the Legislative Assembly, the

reports were received and moved into Committee of the Whole for consideration. The government was asked to provide a response to all three reports within 120 days.

The *Report on the Review of the 2011-2012 Annual Report of the Information and Privacy Commissioner of the Northwest Territories* was considered with five motions being adopted by the House. The motions recommended the expedited introduction of new health information legislation, the inclusion of municipalities in information and privacy legislation, the need for a comprehensive review of the *Information and Protection of Privacy Act*, and a progress report on government action with regard to the committee's recommendations since 2008.

The *Report on the Review of the 2011-2012 Public Accounts* was considered in Committee of the Whole with eight motions adopted by the House. This was the standing committee's first report regarding the review of the public accounts in the 17th Assembly, and the first such review in approximately nine years.

The third report presented for consideration in the Assembly was the *Report on the Review of the Report of the Auditor General of Canada on the 2013 Northwest Territories Income Security Programs*. The audit focused on the delivery of income security programs by the Department of Education, Culture and Employment in accordance with legislation and policy and whether the department was collecting data and assessing program performance to ensure objectives were being met. Following consideration in

Committee of the Whole, twenty-one motions were adopted by the House.

The Standing Committee on Economic Development and Infrastructure continued its consideration of Bill 3: *Wildlife Act*, holding seven additional public hearings throughout the territory in the month of June. It is expected that the committee will present its final report on the legislation during the fall sitting.

The Standing Committee on Priorities and Planning met prior to the May sitting and elected **Wendy Bisaro** as the new chair of the standing committee. Ms. Bisaro then resigned from her position as a Deputy Chairperson of Committee of the Whole. On May 29, 2013, by motion of the House, Mr. Bouchard was appointed as a Deputy Chairperson of Committee of the Whole.

Youth Parliament

The 12th Legislative Assembly Youth Parliament convened May 6-10. A grade nine or ten student from each electoral district was chosen to assume the role of a Member of the Legislative Assembly for the week. Youth Parliament is an educational outreach program designed to teach youth about the daily workings of consensus government. The week culminated in a model parliament with all students participating. The 2013 Youth Parliament introduced and debated four motions, eager for the opportunity to bring specific youth interests into the Chamber.

Gail Bennett

Principal Clerk, Operations



New Brunswick

The Third Session of the 57th Legislative Assembly opened on November 27, 2012, and adjourned on June 21, 2013, after sitting a total of 57 days. Of note during the session was the referral by the House, for the first time, the budgetary estimates of certain government departments to three separate standing committees. The House referred the estimates of the Department of Health to the Standing Committee on Health Care and the estimates of the Department of Education and Early Childhood Development to the Standing Committee on Education. The Standing Committee on Estimates also considered various estimates along with the Committee of Supply, which is the usual practice. A motion was adopted to extend the hours allocated for the consideration of estimates to a total of 120 hours, 40 hours more than previous years. The extra time was allocated to the Standing Committees on Health Care and Education.

Legislation

Fifty-seven bills received Royal Assent during the session. In particular, Energy and Mines Minister **Craig Leonard** introduced Bill 39, *Electricity Act*. The Bill provides for the amalgamation of a number of separate entities into one vertically integrated Crown

electric utility called the New Brunswick Power Corporation, which will be subject to regulatory review and scrutiny by the New Brunswick Energy and Utilities Board. NB Power will be required to defend its energy rates before the Board every year, and the government will no longer have the authority to override the Board's decision on energy rates.

Premier **David Alward** introduced Bill 72, *An Act Respecting Official Languages*, which made a number of amendments to the *Official Languages Act*, following recommendations proposed in the Final Report of the Select Committee on the Revision of the *Official Languages Act*. Amendments include clarifying municipal signage policies, clarifying language obligations for third parties, adding a purpose clause to the Act, and requiring professional associations created by legislation to provide services in both official languages.

The Opposition introduced 13 bills during the session, including legislation related to the registration of lobbyists, conflict of interest reform, and a competitive appointment process for the heads of Crown corporations.

Electoral Boundaries

The Electoral Boundaries and Representation Commission released its final report on April 25. The Commission held 50 hearings during two rounds of public consultations throughout the province. The recommendations contained in the report include the division of the province into 49 electoral districts, a decrease from the current 55 electoral districts.

Visit

Alberta Premier **Alison Redford** addressed the House prior to the commencement of the sitting on June 7. Premier Redford promoted the West-East pipeline, and the opportunities to build a stronger economy and create jobs in New Brunswick, Alberta and throughout Canada.

Legislative Officers

A new selection process for legislative officers was implemented following the adoption of Bill 28, *An Act Respecting Officers of the Legislative Assembly*. A selection committee composed of the Clerk of the Executive Council, the Clerk of the Legislative Assembly, a member of the judiciary, and a member of the university community was appointed to identify persons as potential candidates. As a result, on June 14 three new legislative officers were appointed:

- **Katherine d'Entremont**, Commissioner of Official Languages;
- **Charles Murray**, Ombudsman;
- **Norman Bossé**, Child and Youth Advocate.

Committees

On June 14 Minister of Justice and Attorney General **Marie-Claude Blais** tabled the Final Report of the Standing Committee on the Revision of the *Official Languages Act*. The committee held 23 meetings to review legal decisions, suggestions from the Commissioner of Official Languages, submitted briefs, and proposals and recommendations from the public. The report, which contained 42 recommendations, discussed such topics as the administration

of justice, language of work, policing and health services, seniors, commerce and business, First Nations, and language training.

Standings

The Legislature is expected to resume sitting on November 26. The standings in the House remain 41 Progressive Conservatives, 13 Liberals and 1 Independent.

John-Patrick McCleave
Research Assistant, Acting
Committee Clerk



Alberta

The third sitting of the First Session of the 28th Legislature adjourned on May 15, 2013. Twenty Bills, including two Private Bills and two Private Members Public Bills, received Royal Assent during this sitting. The Assembly is currently scheduled to reconvene on October 28, 2013.

Changes to Cabinet

In response to the severe flooding that affected parts of southern Alberta, Premier **Alison Redford** adjusted her cabinet by removing two associate ministries and adding three new ones. On June 25, 2013, **Rick Fraser**, Member of the Legislative Assembly for Calgary-South East, was sworn in as Associate Minister for Recovery and Reconstruction (High River). On

the same day, **Kyle Fawcett**, MLA for Calgary-Klein, became the Associate Minister for Recovery and Reconstruction (South West Region), and **Greg Weadick**, MLA for Lethbridge-West, took on the role of Associate Minister for Recovery and Reconstruction (South East Region). Prior to these appointments Mr. Fawcett and Mr. Weadick served in cabinet as the Associate Minister of Finance and the Associate Minister of Municipal Affairs, respectively. All three of these new associate ministries fall within the Ministry of Municipal Affairs.

On August 1, 2013, another post was added to Premier Redford's cabinet when **Sandra Jansen**, Member of the Legislative Assembly for Calgary-North West, was sworn in as Associate Minister of Family and Community Safety. As part of the Ministry of Human Services, this new position will focus on issues related to violence against women, bullying, human trafficking and sexual exploitation.

With these new appointments Premier Redford's cabinet now has 18 ministers, including the Premier, and nine associate ministers.

Changes to Caucus Membership

On May 14, 2013, **Peter Sandhu**, Member of the Legislative Assembly for Edmonton-Manning announced his resignation from the Progressive Conservative caucus and all official government duties. The resignation followed legal actions filed against Mr. Sandhu with respect to his personal business interests and a related affidavit he had signed. Mr. Sandhu continues to represent the Edmonton-Manning

constituency as an independent Member of the Legislative Assembly.

On July 16, 2013, **Mike Allen**, Member of the Legislative Assembly for Fort McMurray-Wood Buffalo, resigned from the Progressive Conservative caucus following an incident that occurred in St. Paul, Minnesota. Mr. Allen continues to represent the constituency of Fort McMurray-Wood Buffalo as an independent Member of the Legislative Assembly.

With these changes the composition of the Legislative Assembly of Alberta sits at 59 Progressive Conservative members, 17 Wildrose members, five Alberta Liberal members, four New Democrat members, and two independent members.

Committee Activity

After running a national advertising campaign seeking applications for the position of Chief Electoral Officer the Select Special Chief Electoral Officer Search Committee met to determine the candidates selected for a preliminary interview. The Committee will meet again on September 4, 2013, to review the results of these interviews and continue the selection process.

On April 22, 2013, the Assembly referred Bill 205, *Fisheries (Alberta) Amendment Act, 2012*, sponsored by **Pearl Calahasen**, Member of the Legislative Assembly for Lesser Slave Lake, to the Standing Committee on Resource Stewardship during second reading. As part of the review process the Committee received presentations on the Bill from its sponsor and from the Ministry of Environment and Sustainable Resource Development. On August 8,

2013, the Committee released its final report on Bill 205 through intersessional deposit. The report recommended that Bill 205 not proceed but that the ministry provide an annual update to the committee on its commercial fishing consultation practices for up to three years.

The Standing Committee on Families and Communities is continuing its review of Bill 204, *Irlen Syndrome Testing Act*, sponsored by **Mary Anne Jablonski**, Member of the Legislative Assembly for Red Deer-North. The Committee received over 70 responses to its call for written submissions and has invited six organizations and individuals to make presentations to the Committee in September.

Jody Rempel
Committee Clerk



British Columbia

As reported in the last issue, on May 14, 2013, British Columbians elected a fourth consecutive Liberal government headed by Premier **Christy Clark** who lost her own seat. The BC Liberal Party's election win was unexpected in that pre-election polling showed them trailing the NDP by a significant margin.

The results in two ridings were not reported on previously. The riding of Coquitlam-Maillardville required a judicial recount to determine the result.

Although a judicial recount was not triggered, the riding of Saanich North and the Islands was also remarkably close with less than 400 votes separating three candidates. Both ridings were ultimately won by NDP candidates. The current party standings are: 49 BC Liberal Party; 34 New Democratic Party of BC; 2 Independents.

New Cabinet Appointments

BC's new cabinet was announced by Premier Clark at a Vancouver event on June 7 and sworn in at Government House in Victoria on June 10. Twelve returning MLAs were appointed to cabinet: **Rich Coleman**, Deputy Premier and Minister of Natural Gas Development and Minister Responsible for Housing; **John Rustad**, Minister of Aboriginal Relations and Reconciliation; **Pat Pimm**, Minister of Agriculture; **Stephanie Cadieux**, Minister of Children and Family Development; **Bill Bennett**, Minister of Energy and Mines and Minister Responsible for Core Review; **Mary Polak**, Minister of Environment; **Michael de Jong**, Minister of Finance and Government House Leader; **Steve Thomson**, Minister of Forests, Lands and Natural Resource Operations; **Terry Lake**, Minister of Health; **Shirley Bond**, Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour; **Don McRae**, Minister of Social Development and Social Innovation; and **Naomi Yamamoto** Minister of State for Tourism and Small Business.

Seven new MLAs were also appointed: **Amrik Virk**, Minister of Advanced Education; **Coralee Oakes**, Minister of Community, Sport and Cultural Development; **Peter Fassbender**,

Minister of Education; **Teresa Wat**, Minister of International Trade and Minister Responsible for the Asia Pacific Strategy and Multiculturalism; **Suzanne Anton**, Minister of Justice and Attorney General; **Andrew Wilkinson**, Minister of Technology, Innovation and Citizens' Services; and **Todd Stone**, Minister of Transportation and Infrastructure and Deputy House Leader.

On June 14 **Adrian Dix**, Leader of the Official Opposition, announced the Official Opposition critic roles. Of returning MLAs, seven continued in their previous critic roles, while 18 took on new portfolios.

The New Parliament

The successful candidates in the election were sworn in by the Clerk of the Legislative Assembly, **Craig James**, in four separate ceremonies. The 40th Parliament consists of 53 returning members and 32 new MLAs. Within hours of his caucus being sworn in on June 11, **Ben Stewart**, Liberal MLA for West Side-Kelowna, resigned to allow Premier Clark to seek a seat in the Legislative Assembly.

The first item of business of the new Parliament, which opened on June 26, was to acclaim **Linda Reid** as the new Speaker of the Legislative Assembly. Ms. Reid, who served as Deputy Speaker from 2009 to 2013, is BC's longest-serving female MLA, having first been elected in 1991 to represent Richmond East. The election of a new Speaker was precipitated by the retirement of **Bill Barisoff** who did not seek re-election during the general election.

On July 17, a replica of the Speaker's chair was unveiled in the Speaker's courtyard at the back of the Parliament Buildings.

Bricks around the chair are inscribed with the names and terms of BC's presiding officers since the first Parliament.

Throne Speech

Lieutenant Governor **Judith Guichon** delivered the Speech from the Throne on June 26. The speech's primary focus was on the importance of seizing the opportunity presented by the liquefied natural gas industry for the creation of a BC prosperity fund, and ultimately for the elimination of the provincial debt.

The government also committed to toughening BC's balanced budget law and balancing the budget in every year of its mandate. Additionally, it promised to seek efficiencies in government, improve permitting processes, launch a core review, and promote the clean energy sector.

The Opposition Leader responded by characterizing the Throne Speech as lacking in substance. Mr. Dix criticized the government for growing the provincial debt at a record rate in spite of campaigning on the promise of a "debt-free BC." He also claimed that the government is not addressing the loss of 31,000 private sector jobs in BC or the net outmigration of people from the province to other parts of Canada.

Budget Update and Estimates Debate

On June 27, Finance Minister de Jong presented a budget update that contained the same tax measures and spending commitments as the budget introduced in February. However, he announced that changes in revenue and growth projections are anticipated to reduce the original predicted

surplus from \$197 million to \$153 million.

In his response, Opposition Finance Critic **Mike Farnworth** contended that the provincial budget for 2013/14 had never been balanced. He cited record growth of the provincial debt, the loss of private sector jobs, and net outmigration from BC as examples of trends running counter to the government's rhetoric. He also suggested that cuts to health care, education, and other social services were imminent.

For the first time, the use of slides was permitted in the House and referenced in the Hansard transcripts. PowerPoint presentations displayed on screens mounted to the walls of the Chamber were used by the Finance Minister in the budget address and the Finance Critic in his response.

Continuing the practice from last year, the Committee of Supply met in three concurrent sections to debate the budget estimates. While the inclusion of the third section for the sake of maximizing the amount of time available for debate speeded up the review process, Opposition House Leader **John Horgan** objected to the reduced number of hours available for estimates compared to previous years.

By-election

Following Mr. Stewart's June 11 resignation, a by-election was called for the riding of Westside-Kelowna. The by-election was held on July 10 and was won by Premier Clark with almost 63% of the popular vote out of a field of eight candidates. Ms. Clark was sworn in as an MLA on July 30 in Vancouver.

Gordon Robinson
Committee Researcher



Manitoba

In accordance with the sessional calendar specified in the rules, the Second Session of the 40th Legislature was due to rise on June 13, 2013. However, due to the fact that key government business – including approval of departmental estimates and nearly all government bills – was not completed by the time of the scheduled rising, the Government called an emergency session for June 17 in order to complete the financial and legislative business before the House. The Legislature has been sitting through the summer months with no fixed end date.

As most Bills still need to make their way through the legislative process, the following Bills have been and continue to be the focus of a great deal of attention both in the House and in Committees.

- *Bill 18 – The Public Schools Amendment Act (Safe and Inclusive Schools)*, which amends the Act in the areas of bullying and respect for human diversity.
- *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 for the renewal of infrastructure.

- *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.

Extended debates with unlimited designated speaking times were held on numerous types of motions moved in connection to these bills. In fact, activity on these bills has contributed to some rarely used motions such as six months hoist and reasoned amendments, the proposal of several committee and report stage amendments, as well as attracting a very high volume of registrations for public presentations at committees.

To date, a total of 63 Bills have been introduced this session, including 47 Government Bills and 16 Bill sponsored by Private Members. At the time of writing, two Government Bills have received Royal Assent since the start of this session last fall.

Hoist and Reasoned Amendment Motions

On May 7, 2013 **Myrna Driedger** moved a reasoned amendment declining second reading of Bill 20 *“because this House has not received satisfactory evidence or assurances that an increase in the retail sales tax was either considered or recommended at the government’s pre-budget consultation meetings.”* Following the debate, the motion was defeated on a vote of yeas 19, nays 31.

On May 23, 2013 **Reg Helwer** moved a hoist amendment to delay the second reading of Bill 20 to a day *“six months hence”*. Following the debate, the motion was defeated on a vote of yeas 19, nays 32.

On May 27, 2013 **Kelvin Goertzen** moved a hoist amendment to delay the second reading of Bill 33 for six months. As of August 15 this debate had not been resolved and was still on the House agenda.

Report Stage Amendments

During the week of August 12th, **Cliff Cullen** moved five of the twenty report stage amendments listed for Bill 20 adding provisions for an independent study to be conducted for the purpose of determining the impact of the increase in the general sales tax rate on cross-border shopping as well as on the standard of living of Manitoba seniors. All five motions were defeated after each debate.

Additional report stage amendments on various bills recently considered by the Standing Committee of Justice have been placed on the agenda for future debate.

Opposition Day Motion

On May 15, 2013 **Blaine Pedersen** moved an opposition day motion urging the Provincial Government *“to begin working co-operatively and respectfully with Manitoba Municipalities rather than in an adversarial and dictatorial fashion.”* Following the debate, the motion was defeated on a vote of yeas 19, nays 32.

Committee of Supply

The Committee of Supply considered the Estimates of the Departmental Expenditures from May 16 to July 18, 2013. During this period, resolutions to approve departmental spending were passed and motions were moved in each department to reduce the respective minister’s salaries to \$1.08. All motions

were defeated on counted votes. The Committee of Supply also considered and passed supply resolutions dealing with temporary funding for operating and capital expenditures until the Assembly deals with the main supply bills later this session. As a result, Bill 48 – The Interim Appropriation Act, 2013 received Royal Assent on July 29, 2013.

Standing Committees

Manitoba Standing Committees have been active during these past couple months. The Standing Committee on Legislative Affairs met on three separate occasions to consider reports from the Children’s Advocate and Elections Manitoba; to consider the appointment of a new Chief Electoral Officer; and to establish a sub-committee tasked with conducting the hiring processes for the positions of Ombudsman and Auditor General.

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

- Audit of the Pharmacare Program
- Manitoba eHealth Procurement of Contractors
- Personal Care Homes Program
- Business Transformation and Technology
- Information Technology Security Management
- Senior Management Expenses Policies

The Standing Committees on Justice and Social and Economic Development met on seven separate occasions to consider legislation, hearing over 130 public presentations alone on Bill 20. Activity on the above

mentioned bills in fact will be contributing to one of the busiest committee seasons since 2008. As of mid August over 460 citizens have registered to speak to several Bills currently before the House once they are referred for Standing Committee consideration.

Current Party Standings:

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

Monique Grenier

Clerk Assistant/
Clerk of Committees



Yukon

On May 16th, the 2013 Spring Sitting of the First Session of the 33rd Legislative Assembly adjourned. The 32-day sitting, which had convened on March 21st, concluded with Assent being given in the Chamber by the Commissioner of Yukon, **Doug Phillips**.

Assent

During the course of the Fall Sitting, the following nine bills (all Government bills) received Assent from Commissioner Phillips:

- Bill No. 8, Third Appropriation Act, 2012-13
- Bill No. 9, Interim Supply Appropriation Act, 2013-14

- Bill No. 10, First Appropriation Act, 2013-14
- Bill No. 52, Act to Amend the Housing Corporation Act
- Bill No. 53, Act to Amend the Education Act
- Bill No. 54, Act to Amend the Employment Standards Act
- Bill No. 55, International Interests in Mobile Equipment (Aircraft Equipment) Act
- Bill No. 56, Movable Soccer Goal Safety Act
- Bill No. 57, Oil-Fired Appliance Safety Statutory Amendment Act

New Ombudsman and Information & Privacy Commissioner Appointed

Following **Tim Koepke's** February 7 announcement that he intended to resign as Yukon's Ombudsman and Information & Privacy Commissioner (see the Summer 2013 Legislative Report), the Members' Services Board on May 9th issued a news release announcing its recommendation that **Diane McLeod-McKay** be appointed as Yukon's next Ombudsman and Information & Privacy Commissioner.

On May 15, the House adopted Motion #461, which recommended that the Commissioner in Executive Council appoint Ms. McLeod-McKay as Yukon's next Ombudsman for a five-year term (effective June 10, 2013). The Speaker, **David Laxton**, conducted a division on the motion, as the *Ombudsman Act* requires that at least two-thirds of Yukon's MLAs support the appointment of the Ombudsman. Eighteen members (i.e., all MLAs save the Speaker, who votes only to break a tie) voted in favour of the motion.

On June 9, in a ceremony presided over by the Speaker in the Chamber,

Ms. McLeod-McKay was sworn in as Ombudsman and Information & Privacy Commissioner by the Clerk of the Legislative Assembly, Dr. **Floyd McCormick**. Prior to assuming her new role, Ms. McLeod-McKay was the Director of the *Personal Information Protection Act* in the Office of the Information & Privacy Commissioner of Alberta.

Auditor General's Report

On June 19th, the Standing Committee on Public Accounts (chaired by the Official Opposition Leader, **Liz Hanson**) held a public hearing in the Chamber to consider a report released in February by the Auditor General of Canada, **Michael Ferguson**. The report, entitled "Report of the Office of the Auditor General of Canada to the Yukon Legislative Assembly – 2013: Capital Projects – Yukon Hospital Corporation", assessed the adequacy of the planning for, and managing the building of, hospitals in Dawson City and Watson Lake, and a housing facility for staff of Whitehorse General Hospital. During the public hearing, officials from the Office of the Auditor General were on hand to advise the Committee. Over the course of the day, the Committee questioned witnesses from the Yukon Hospital Corporation, and the Department of Health and Social Services. The Committee will prepare a report on the hearing, which will, at a future date, be tabled in the House.

Independent Member Joins Government Caucus

On July 8, Independent member **Darius Elias**, the MLA for Vuntut Gwitchin since the 2006 general election, joined the Yukon Party Caucus as a private member. The move was

announced at a press conference that Premier **Darrell Pasloski** held with Mr. Elias. On August 17, 2012, Mr. Elias, the Interim Liberal Leader, had left that caucus to become an Independent member, leaving a sole Liberal MLA in the 33rd Legislative Assembly.

MLA Seeks to Lead Yukon Liberal Party

On July 25, **Sandy Silver**, the MLA for Klondike, announced in Dawson City that he will be running for the leadership of the Yukon Liberal Party. Since August 17, 2012, Mr. Silver has been the Interim Liberal Leader, and has served as the Leader of the Third Party in the House. No date has been set for the leadership selection.

Select Committee – Hydraulic Fracturing

On May 6, 2013, Yukon's Legislative Assembly carried Motion #433, establishing the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing. The motion, which names specific MLAs to the Committee, provides for equal representation on the Committee by Government and Opposition members, with the Chair having a deliberative vote. The six-member Committee, chaired by **Patti McLeod**, includes Mr. Elias in its membership. Following Mr. Elias's move during the summer recess from the Opposition to the Government caucus, informal arrangements were made between Premier Pasloski and the NDP Leader, Ms Hanson, for an NDP MLA (**Lois Moorcroft**) to substitute for a Government MLA (**Stacey Hassard**) on the Select Committee, in order to maintain the government-opposition balance on the Committee. The Committee has begun its work,

and is initially focussing on the section of its mandate providing for its members to acquire an understanding of Yukon's current legislative and regulatory regime, so far as they pertain to the subject matter before the Committee.

Linda Kolody
Deputy Clerk



On June 14, 2013, the National Assembly adjourned its proceedings until Tuesday, September 17.

On Sunday, June 30, Premier **Pauline Marois** called an extraordinary sitting so that the Members could pass Bill 54, *An Act respecting the resumption of work in the construction industry*. The bill was passed in the late hours from Sunday night to Monday morning, with only two Members, both independents, voting against it.

Legislation

The Assembly passed 38 bills since the 40th Legislature began on October 30, 2012. Of these, nine were private bills, 29 were public bills, and 25 were passed unanimously.

The main bills passed during the spring sessional period were as follows:

- Bill 3, *An Act to amend the Election Act for the purpose of establishing fixed-date elections*;
- Bill 10, *An Act to provide for the provisional relief from office of an elected municipal officer*;

- Bill 11, *An Act to amend the Act respecting the National Assembly and the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly*;
- Bill 22, *An Act to amend the Crime Victims Compensation Act, the Act to promote good citizenship and certain provisions of the Civil Code concerning prescription*.

Also adopted was Bill 29, *An Act to amend the Act respecting Héma-Québec and the haemovigilance committee*, which broadens the mission of Héma-Québec by giving it responsibilities with regard to human milk, stem cells and human tissues.

Directives and rulings of the President

In April, May and June, numerous questions were raised, mainly by opposition Members, which required a ruling or directive from the President. These involved, among other things, the tabling of 2013-2014 Budget documents after the tabling of Budget estimates, the distribution of speaking time in committee when non-committee members are participating in the deliberations, the admissibility of proposed amendments to bills, the absence on the Order Papers and Notices of the mandate entrusted to the Committee on Public Administration following the adoption of a motion made by the Opposition and, finally, the examination of the Government's budgetary policy at the end of each fiscal quarter.

On June 11, President **Jacques Chagnon** ruled on a question raised on May 28, 2013, by the Second Opposition Group, who maintained that the information and publicity put out by three school boards encouraging parents to enrol their

four-year-olds in kindergarten for September 2013 constituted a breach of privilege, since Bill 23, *An Act to amend the Education Act concerning certain educational services for students under five years of age*, was still being examined by the Assembly at the time.

Jurisprudence, the President determined, had already established that acting on legislative provisions still being examined by the Assembly could constitute contempt of Parliament. The three school boards concerned, having set up full-time kindergarten programs for four-year-olds, had indeed acted on the provisions of Bill 23. Moreover, the information they had put out made no mention of the fact that it remained for the Assembly to examine the bill and pass it into law. However, only two of the three school boards let readers assume that the provisions had effect immediately. The President concluded that the two school boards were, *prima facie*, in contempt of Parliament. The boards conveyed their apologies to the Members, and there the matter ended.

The President used the opportunity to underline the importance of explicitly mentioning the role of the Assembly and its Members in any publicity or communication concerning measures contained in a bill being examined by the Assembly. The obligatory proviso in such cases is that the measures referred to are "subject to the passage of the bill into law by the National Assembly."

The House and its Officers

At present, the Government is represented by 54 Members from the Parti québécois, the Official Opposition by 50 Members from

the Liberal Party of Québec, and the Second Opposition Group by 18 Members from the Coalition Avenir Québec. There are also two Members from Québec solidaire. On May 22, **Daniel Rathé**, Member for Blainville, resigned from the Second Opposition Group to sit as an independent.

On April 9, **Pierre Moreau**, Member for Châteauguay, replaced **Robert Dutil**, Member for Beauce-Sud, as Official Opposition House Leader, and **Lise Thériault**, Member for d'Anjou-Louis-Riel, replaced **Yolande James**, Member for Nelligan, as Deputy Opposition House Leader.

On May 22, **François Bonnardel**, Member for Granby, became Whip of the Second Opposition Group.

Nicole Bolduc

Parliamentary Proceedings
Directorate

Committee Proceedings

Standing Order 292 of the *Standing Orders of the National Assembly of Québec* requires that the Committee on Public Finance examine the Government's budgetary policy and the state of public finances each fiscal quarter.

This was done on June 13, 2013, at the request of **Raymond Bachand**, Member for Outremont and the Official Opposition's finance critic. In a sitting that lasted almost six hours, the Committee heard **Gilles Paquin**, President and Chief Executive Officer of Revenu Québec, and **Nicolas Marceau**, Minister of Finance and the Economy.

Although the Standing Orders call for quarterly hearings, the last such exercise, not counting committee proceedings as part of

the debate on the Budget Speech, took place in 1997.

Report of the Committee on Public Administration

The Committee on Public Administration tabled its 29th report on the accountability of deputy ministers and officers of public bodies. Its 28 recommendations were adopted unanimously by the Committee members.

The report gives an account of eight public hearings. The subjects examined are as follows: professional services contracts for information processing; air quality in elementary schools; housing services; the infrastructure maintenance deficit; the Sports and Physical Activity Development Fund; and management of the Administrative Tribunal of Québec and the Corporation d'Urgences-santé. The report also analyzes 11 annual management reports and evaluates, for the fourth time, the implementation of the Committee's recommendations.

Three reports from the Committee on Health and Social Services

On May 29, 2013, the Committee on Health and Social Services tabled a report based on its study of the annual management reports of health and social services agencies.

The hearings left the Committee puzzled as to the agencies' performance in certain problem areas, and the data presented did not allow the Committee to fully assume its role as overseer of the public administration.

The report touches on the main subjects taken up during the hearings and deals with two broad themes: the general

management of the agencies, and the public services provided by the health and social services network. The Committee also made five recommendations to improve the situation.

In May and June, pursuant to the adoption of an opposition motion, the Committee held public hearings and special consultations on draft rules which would repeal the prohibition against selling, serving or consuming alcoholic beverages in the gaming areas of Québec's casinos. The representatives of eight departments or bodies were heard, including the Minister of Finance and the Economy and the Minister of Health and Social Services.

Basing its decision on the expert advice it heard during these consultations, the Committee recommended that the Government not repeal the prohibition against selling, serving or consuming alcoholic beverages in gaming areas. The recommendation was passed by a majority of Committee members.

However, on June 19, Cabinet passed an order exempting Loto-Québec from the prohibition.

On May 23, 2013, pursuant to matters raised by opposition Members (Wednesday motion), the Assembly unanimously adopted a motion to scrutinize the management of the Centre hospitalier de l'Université de Montréal (CHUM). Accordingly, on June 10 and 11, 2013, the Committee on Health and Social Services held public hearings and special consultations on the management of the CHUM under its current director general. The representatives of nine departments or bodies were heard, including the current and former ministers of Health and Social Services.

The operation coincided with a good deal of media interest in how the CHUM was being managed. A number of news reports raised important questions in this regard. These involved compliance with the *Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013-2014* (Bill 100), the prevailing organizational climate at the CHUM, and the director general's salary conditions. The Committee members assured CHUM managers that the Committee's undertaking constituted an exceptional measure, and acknowledged their autonomy in the management of their establishments. However, given the number of controversies reported in the media, the Members of the Assembly decided that serious and legitimate questions had to be answered, and that the CHUM administration would have to account for its management.

Accordingly, on June 14, 2013, the Committee tabled its report with the Assembly. The report contains five recommendations on the following subjects: compliance with Bill 100; contracts awarded without a call for tenders; the director general's remuneration contracts and agreements with the CHUM and with the Université de Montréal; the mandate of the Auditor General of Québec; and the organizational climate prevailing at the CHUM.

Dany Hallé

Parliamentary Proceedings
Directorate



The Senate

On June 26, 2013, the Senate adjourned for the summer after a busy three months which saw the passage of 28 bills: 19 from government; seven by Members of Parliament; and two sponsored by Senators. The bills ranged from the usual supply and budget bills, to closing loopholes in the *Civil Marriage Act*, to one officially creating the new Sable Island National park in Nova Scotia.

A great deal of attention was also paid to the Senate's study of Bill C-377, *An Act to amend the Income Tax Act* (requirements for labour organizations), a bill that did not receive Royal Assent. Seeking to change financial disclosure rules for unions with more than 5,000 members, the bill was amended by the Senate at third reading, after lengthy debate.

Prima Facie Case of Privilege

The Leader of the Opposition, Senator **James Cowan**, raised a question of privilege on May 7 about a witness who had been invited to appear before the Standing Senate Committee on National Security and Defence during its study of a bill but had not done so because of pressures exerted on him by his employer, the RCMP. The following day,

the Speaker ruled that a *prima facie* case of privilege had been established and the matter was referred for study to the Standing Committee on Rules, Procedures and the Rights of Parliament. The committee heard from the witness in question and representatives of the RCMP. Although the committee stated in its report that while there had been an encroachment into the rights of Parliament, it felt that the RCMP had demonstrated that this type of encroachment would not occur again. As a result, the committee saw no reason to recommend a sanction or a censure. The report was adopted by the Senate on June 26, 2013.

Committees

While the usual examination of bills and other policy studies continued in the other standing committees, much of the focus of the public and the media was on the Standing Committee on Internal Economy, Budgets and Administration and the issues with which it was seized, including the investigations into the living allowances of several Senators. On May 9, 2013 the committee presented four reports to the Senate, three of which were specific to the expenses of individual Senators. The fourth report proposed changes to the Senators' Travel Policy and other related matters. All of the reports were adopted by the Senate by the end of May and can be viewed online at <http://www.parl.gc.ca/SenCommitteeBusiness>. On June 13, Senator **David Tkachuk**, chair of the committee, resigned due to illness. Senator **Gerald Comeau** was elected to take his place on June 14.

Towards the end of May, a motion was passed making a change to the *Rules of the Senate*

in relation to the Committee of Selection. The change sought to clarify that the committee, which has the mandate to nominate, through reports to the Senate, the Speaker *pro tempore* and the Senators to serve on the standing committees and standing joint committees, is neither a standing committee nor special committee of the Senate.

Senators

After seven years as Leader of the Government in the Senate, Senator **Marjory Lebreton** announced in July, her intention to step down from that position. She will remain a Senator and a member of the Conservative caucus. The Prime Minister has indicated that he will consult with his Senate caucus and a new Leader of the Government in the Senate will be announced in due course.

On May 11, Senator **Doug Finley** died after a long battle with cancer. Born in England and raised in Scotland, he was appointed to the Senate in August of 2009. Senator Finley was a former federal campaign director and Director of Political Operations for the Conservative party. He was a member of several standing committees, including recently on the Standing Senate Committee on Foreign Affairs and International Trade, and the Standing Committee on Internal Economy, Budgets and Administration.

Towards the end of June, tributes were paid to Senator **Pierre De Bané**, of De la Vallière, Québec, who retired from the Senate on August 2. First elected to the House of Commons in 1968, Senator De Bané was the first Parliamentarian of Arab descent. He was appointed to the Senate on June 29, 1984 on the

advice of Prime Minister **Pierre Trudeau** and was a long-term member of several standing committees, including the Standing Senate Committee on Foreign Affairs and International Trade and the Standing Senate Committee on Fisheries and Oceans.

Vanessa Moss-Norbury
Procedural Clerk



House of Commons

The House adjourned for the summer break on June 18, 2013. The information below covers the period from May 1 to July 31, 2013.

Legislation

Bill C-60, *An Act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures* was read a second time and referred to the Standing Committee on Finance for study on May 7. That same day, the Standing Committee on Finance adopted a motion inviting five additional standing committees to study the subject matters of certain provisions of the Bill and to submit their recommendations or suggested amendments regarding the Bill to the Finance Committee. In addition, the Committee invited independent Members to submit amendments to the Bill that they would like the Committee to consider. The

motion also specified that any amendments proposed by the other committees or independent Members would be “deemed to be proposed during the clause-by-clause consideration of Bill C-60”. The Committee considered 55 amendments, including 14 from independent Members and, on May 29, the Bill was reported back to the House without amendment.

The same day, Opposition House Leader **Nathan Cullen** rose in the House on a point of order regarding the Committee having allowed independent Members to submit amendments during consideration of the Bill. He stated that the Committee had surpassed its authority, since only the House can choose committee members and only committee members are allowed to move motions.

In the days that followed, independent Members **André Bellavance** and **Elizabeth May** agreed that being allowed to move the amendments at committee stage was not helpful for the independent Members given their limited participation in the proceedings. Ms. May suggested that to disallow amendments at report stage because of how the Bill was studied in committee would be fundamentally unfair and breach her privileges as a Member. **Peter Van Loan** (Leader of the Government in the House of Commons) rose to argue that the actions taken by the Committee were in order and noted that independent Members had amendments on notice for report stage.

On May 31, the Speaker informed Members that a comprehensive ruling on the matter would be forthcoming, however in the interim, he could

not conclude that the Committee had exceeded its mandate and that consideration of the bill could proceed. On June 6, the Speaker delivered his ruling. He stated that he could not determine that the Committee had exceeded its mandate, or that Standing Order 119, which deals with the moving and voting on motions in committees, had been disregarded.

He also stated that the Committee had adopted a procedural mechanism to simplify the flow of its work, and while the outcome may not have been exactly as independent Members had envisioned, his role as guardian of rights and privileges was to ensure that there was a mechanism in place by which all Members could participate in the legislative process, and he was satisfied that there was. He concluded by stating that he could not find that the Committee had done anything procedurally unacceptable, especially without a report to the House from the Committee to the contrary.

Time allocation was moved and adopted eighteen times on fourteen different bills during the period from May 1 until June 18, 2013: ten times at second reading stage of a bill, twice at report stage of a bill and six times at third reading of a bill.

On June 19, the House was recalled for the sole purpose of granting Royal Assent to certain bills and on June 26, a message was received that a series of bills had also been granted Royal Assent by written declaration. In total, 29 bills were assented to on those occasions, an unusually large number, including six private Member’s bills, two appropriation bills and the budget implementation bill.

Procedure, Points of Order, and Questions of Privilege

On May 22, the House adopted, after closure, a motion to manage the business of the House until June 21, 2013. The motion had the effect of extending the sitting hours of the House so that the hour of daily adjournment from Monday until Thursday would be 12 midnight, organizing the deferral of recorded divisions, and managing the debate on motions for concurrence of committee reports.

On June 18, a motion achieving the passage of four bills at third reading, the amendment and passage of another bill at third reading, the reporting back from committee of a further bill without amendment, the adoption of an order of reference for the Standing Committee on Procedure and House Affairs and the adjournment of the House until September 16, 2013, was adopted.

On June 5, **Scott Andrews** rose on a question of privilege regarding the right of **James Bezan** and **Shelly Glover** to sit and vote in the House, having failed to correct their electoral campaign returns by a specified date as required by the Chief Electoral Officer, pursuant to subsection 457(2) of the *Canada Elections Act*.

Mr. Andrews stated that pursuant to subsection 463(2) of the same act, the members no longer had the right to continue to sit or vote in the House. Mr. Bezan and Ms. Glover both stated that the issue was related to a new interpretation taken by Elections Canada regarding certain expenses and that they had filed application with the courts to examine the issue. They

further stated that because of this, the *sub judice* convention should apply as they awaited the interpretation of the courts.

In relation to the same situation, **Massimo Paccetti** and **Wayne Easter** rose on a point of order on June 6 to request that the Speaker table the letter he had received from the Chief Electoral Officer regarding the election expenses of Mr. Bezan and Ms. Glover.

The Speaker addressed this point on June 7, reminding the House that the Speaker normally tables documents in accordance to statutory requirements or the Standing Orders, neither of which existed for this situation. He also said that there was no known precedent that would indicate that letters to the Speaker are, de facto, letters to the House, as had been suggested.

The Speaker delivered his ruling on June 18. He stated that there were not enough clear precedents or statutory guidance for him to make a decision, and this pointed to a severe lack in procedures in the House when dealing with issues raised by Elections Canada. He added that this lack of a clear process did not satisfy the needs of the House nor the needs of the individual members concerned and that he believed it would be helpful to the whole House and to the Speaker if the Standing Committee on Procedure and House Affairs were to examine the issue with a view to incorporating relevant provisions in the Standing Orders.

He also stated that since immediate consideration of the House was warranted, he would make available the correspondence received from Elections Canada. The Speaker therefore ruled that there was a

prima facie case of privilege and invited **Dominic LeBlanc**, in the absence of Mr. Andrews, who had first raised this matter, to move the appropriate motion. The debate began on the motion, but was adjourned. The House rose for summer break later that day before disposing of the motion.

On May 21, the Speaker ruled on the point of order raised by **Bob Rae** on April 25, 2013 relating to the Standing Committee on Citizenship and Immigration's request for the power to expand the scope of Bill C-425, *An Act to amend the Citizenship Act (honouring the Canadian Armed Forces)*.

Mr. Rae had 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 had argued the Committee's options for dealing with the Bill were limited to those described in Standing Order 97.1.

The Speaker found that the House does have the authority to grant permission to a committee to expand the scope of a bill through a motion of instruction, and that while explicit authority to present this type of report is not found in Standing Order 97.1, it can be sought and secured, either through a motion of instruction or through concurrence in a committee report. However, he reminded Members that "this manner of proceedings does not obviate the need for committees to observe all the usual rules governing the admissibility of amendments to the clauses of a bill" and that "granting a committee permission to expand the scope of a bill does not, *ipso facto*, grant it permission

to adopt amendments that run counter to its principle."

Committees

The Standing Committee on Procedure and House Affairs had been studying 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*. On June 12, the Committee presented to the House its Sixty-First Report on the electoral boundaries for Ontario, thus completing its study of the reports of all provinces.

On June 18, the Standing Committee on Procedure and House Affairs was instructed by the House to conduct public hearings, including witnesses such as the Auditor General, and the Clerk and the Chief Financial Officer of the House of Commons, and to gather information with a view to replacing the Board of Internal Economy with an independent oversight body.

In addition, the Committee was asked to propose changes to current legislation and administrative procedures to bring full transparency and accountability to the House of Commons' spending. Finally, the Committee was instructed to examine the subject-matter of motions standing in the name of **Justin Trudeau**, dealing with the Web posting of expenses and the auditing of the House by the Auditor General, and to report back to the House on the study and the motions by December 2, 2013.

Resolutions and Emergency Debates

Four resolutions were adopted by the House in the last six weeks of the spring session. On May 2, the House expressed its belief that Montréal should remain the host of the International Civil Aviation Organization (ICAO) and endorsed all efforts of the government of Canada to ensuring that the ICAO's headquarters remained in the city.

On June 5, a resolution was adopted condemning the mass murder of political prisoners in Iran during the summer of 1988 and establishing September 1 as a day of solidarity with political prisoners in Iran.

On June 12, the House adopted a resolution condemning the arrest and detention of two CBC journalists, calling on Turkish

authorities to release them immediately.

On June 13, a resolution was adopted commending and thanking the RCMP for their excellent work on Parliament Hill and reminding Members and staff of the importance of respecting traffic regulations in the Parliamentary Precinct.

On May 7, the House held an emergency debate on the situation in Syria.

Other Matters

On May 29, **Denis Coderre** (Bourassa) announced his resignation effective June 2, 2013. On June 4, the Speaker informed the House of the election of **Yvonne Jones** as the Member of Parliament for Labrador.

On June 6, **Brent Rathgeber** withdrew from the Conservative caucus and now sits as an

independent. Also on June 6, **Peter Goldring** who had been sitting as an independent, returned to the Conservative caucus.

On June 21, **Bob Rae** (Toronto-Centre) announced he would be resigning as a Member of Parliament. His resignation was effective July 31, 2013. On July 9, **Vic Toews** (Provencher) resigned as a Member of Parliament.

On July 15, the Prime Minister shuffled his cabinet and made a significant number of changes. In the new cabinet, only four Ministers retained their existing portfolios, while most others were reassigned to new areas. Eight Members of Parliament became new ministers, while seven other Members left cabinet.

Julie-Anne Macdonald
Table Research Branch