



House of Commons

The First Session of the Forty-Second Parliament continued through the fall with the House adjourning for the winter on December 13, 2018. The information below covers the period of October 2, 2018 to December 31, 2018.

Legislation

After being time allocated, Bill C-76, *An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments* was read a second time and referred to the Standing Committee on Procedure and House Affairs on May 23, 2018. The Bill proposes changes to Canada's elections laws including new limits on spending and foreign participation. After receiving testimony from more than 60 witnesses, including the Minister of Democratic Institutions, **Karina Gould** (Burlington), the negotiation of a schedule for holding clause-by-clause was stalled until such time that the Committee agreed to increase partisan advertising expenses for a pre-election period

on October 4, 2018. The Committee immediately proceeded to the consideration of some 300 proposed amendments during clause-by-clause on October 15, 2018. Following a four-day marathon, that extended meetings outside normal sitting hours, the Bill was reported back to the House with amendments on October 22, 2018. Aspects of the Bill remained vigorously opposed by the opposition parties during report stage; a total of 179 amendments were put on notice. On October 25, 2018, a second time allocation for the consideration and disposal of the report stage and third reading of the Bill was adopted. The Bill was concurred in at report stage with a single amendment on October 29, 2018 and passed at third reading the following day, notwithstanding the proposal of an amendment by **Stephanie Kusie** (Calgary Midnapore) to recommit the Bill to Committee with instructions to reconsider clause 378 to prevent the government from "cherry picking" which by-elections to call when there are multiple pending vacancies in the House. Following a third time allocation for the consideration of Senate amendments, Bill C-76 received Royal Assent on December 13, 2018.

On November 22, 2018, the Minister of Employment, Workforce Development and Labour, **Patty Hajdu** (Thunder Bay—Superior North) introduced and read for the first time Bill C-89, *An Act to provide for the resumption and continuation of postal services*, in response to rotating Canada Post strikes. Pursuant to an order respecting proceedings, Government Business No. 25, made on November 23, 2018, the Bill was debated at second reading, read the second time and referred to a Committee of the Whole, considered in Committee of the Whole, reported without amendment, concurred in at report stage and read the third time and passed in a single sitting that extended over two calendar days until 1:00 a.m. on November 23, 2018.

Financial Procedures

On November 21, 2018, the Minister of Finance, **Bill Morneau** (Toronto Centre), presented the government's Fall Economic Statement. In advance of his statement, the Minister laid upon the Table a notice of a Ways and Means motion to amend the *Income Tax Act* and requested that an Order of the Day be designed for consideration of this motion. Mr. Morneau also laid upon the Table a document entitled "Investing in the Middle Class: Fall Economic Statement 2018". Pursuant to the order made November 8, 2018, **Pierre Poilievre** (Carleton), **Peter Julian** (New Westminster—Burnaby), **Gabriel Ste-Marie** (Joliette) and **Elizabeth May** (Saanich—Gulf Islands) made statements in reply.

Although December 4, 2018, was the last allotted day in the supply period ending December 10, pursuant to the order made unanimously by the House on November 29, 2018, the vote on the opposition motion and all other questions related to the Supplementary Estimates (A) 2018-19, were deferred until December 5, 2018. The concurrence of estimates outside of the supply period is rare. Immediately thereafter, the House resolved itself into a Committee of the Whole, under the chairmanship of the Deputy Speaker and Chair of Committees of the Whole, **Bruce Stanton** (Simcoe North), to consider Bill C-90, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2019*. The Committee reported the Bill to the House without amendment and was adopted at all stages by the House. The Bill received Royal Assent on December 13, 2018.

Procedure and Privilege

Questions of Privilege

On October 31, 2018, **Michelle Rempel** (Calgary Nose Hill) rose on a question of privilege immediately

following the tabling of the "2018 Annual Report to Parliament on Immigration" by the Minister of Immigration, Refugees and Citizenship, **Ahmed Hussen** (York South—Weston). Ms. Rempel stated that her office received media requests related to the federal immigration levels plan prior to the confidential report being tabled in the House. **John Nater** (Perth—Wellington) and **Mark Strahl** (Chilliwack—Hope) also intervened on the matter to argue that Members' privileges were breached by the advance distribution of information to the media. The Assistant Deputy Speaker, **Anthony Rota** (Nipissing—Timiskaming), reminded Ms. Rempel of the one-hour notice requirements before raising a question of privilege in the House. In reply, Ms. Rempel rose to reserve her right to present her question of privilege in real time pursuant to Standing Order 48(2); however, agreed to submit a written notice regarding the context of the question. Later that day, Ms. Rempel provided further details on the exchange between her office and the journalist, highlighting that she did not have the information needed to accurately respond to media queries. In rising to address the House and the question of privilege on November 2, 2018, Mr. Hussen explained that events in the Chamber on October 31, 2018, delayed his tabling of the report during Routine Proceedings. He acknowledged the severity of the matter and offered his unreserved apology that an item contained in the report was provided to the media before the report was tabled. Mr. Hussen assured the House that the appropriate steps have been taken to prevent such an occurrence in the future. In her ruling of November 2, 2018, the Assistant Deputy Speaker, **Carol Hughes** (Algoma—Manitoulin—Kapusksing) accepted the apology and reminded the Minister and all other members of the government to be more cautious in how information is released. The Speaker considered the matter closed.

On October 30, 2018, **Lisa Raitt** (Milton) rose on a question of privilege regarding the government's response to written Question No. 1316, tabled in the House on January 29, 2018. Ms. Raitt explained that a response to her question asking the Minister of Environment and Climate Change to supply the names and titles of those individuals involved in approving a tweet from November 7, 2017, provided less information than what was provided to a CBC journalist on the same subject through an access to information request. Ms. Raitt contended that the government deliberately withheld information from her and the House, and this constituted a contempt of the House. On November 5, 2018, the Parliamentary Secretary to the Leader of the Government in the

House of Commons, **Kevin Lamoureux** (Winnipeg North), intervened on the question of privilege to note that it is not the role of the Speaker to judge the quality of government responses to written questions. Instead, Mr. Lamoureux argued that it is incumbent upon the Member to ensure that a question is carefully formulated to elicit the information sought. In his view, different questions yielded different answers. On November 27, 2018, the Speaker delivered his ruling. He stressed that it is expected that Members obtain timely and accurate information from the government, through whatever means, to fulfill their obligations as parliamentarians; however, the Speaker's authority is limited with respect to the review of government responses. Consequently, the Speaker concluded that there was no prima facie question of privilege.

Points of Order

On October 23, 2018, Mr. Nater rose on a point of order regarding an amendment adopted by the Standing Committee on Procedure and House Affairs in relation to Bill C-76, *An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments*. Mr. Nater urged the Speaker to rule new clause 344.1 out of order and to strike the amendment from the Bill arguing that it offended the "parent Act" rule by amending a section of the Act not amended by the Bill before the Committee. The Speaker delivered his ruling the following day reminding Members that while it is improper for an amendment to modify an act or a section of the parent Act not referenced in a bill, the occasion may arise whereby an amendment, that is relevant to the scope of the bill, can only be realized by modifying a section of the parent Act not originally modified by the bill. In this case, the amendment was in order as it arose as a direct consequence of other admissible amendments taken by the Committee. The Speaker concluded that the parent Act rule was never intended to be applied blindly as a substitute for proper judgement as to the relevance of any amendment.

Committees

On November 1, 2018, **Ruth Ellen Brosseau** (Berthier—Maskinongé) directed a question to the Vice-Chair of the Standing Committee on Agriculture and Agri-Food, **Alister MacGregor** (Cowichan—Malahat—Langford) regarding the Committee's agenda with respect to dairy supply management during Question Period. The Speaker interrupted Mr. MacGregor during his reply and reminded him that any remarks from a Chair or a Vice-Chair should be limited to the agenda of the Committee. Following Question Period, Ms. Brosseau rose on a question of

privilege seeking clarification on the role of the Speaker during oral questions given that Mr. MacGregor was not permitted to finish his reply. Ms. Brosseau argued that the Speaker does not have the authority to judge the quality or the content of replies to questions. After hearing from other Members, the Speaker declared that it was his initial impression that Mr. MacGregor strayed from matters related to the schedule and agenda of the Committee but would review Hansard in the event that the Chair was mistaken. In his ruling of November 8, 2018, the Speaker reiterated that questions put to committee Chairs, and in their absence to Vice-Chairs, are restricted to the schedule and agenda of committees. He also noted the constant challenge for the Speaker to refrain from judging the quality of answers while upholding the limits placed on questions asked about committees. Given the rapid pace of Question Period, the Speaker would work with Members to ensure that practices are followed in the exchange of information about committees.

Other Matters

Selected Decisions of Speaker Andrew Scheer

On October 17, 2018, the "Selected Decisions of Speaker Andrew Scheer" was tabled in the House of Commons. This tome of selected decisions is the ninth in a collection of rulings of former Speakers of the House of Commons. This was the first time that a former Speaker has been a sitting Member when their selected decisions were tabled.

Statements

On November 1, 2018, in honour of Remembrance Day, the Minister of Veterans Affairs and Associate Minister of National Defence, **Seamus O'Regan** (St. John's South—Mount Pearl) made a statement in the House. **Phil McColeman** (Brantford—Brant) and **Gord Johns** (Courtenay—Alberni) also made statements. By unanimous consent, **Monique Pauzé** (Repentigny) and Ms. May also made statements. A moment of silence was then observed to commemorate Veterans' week.

On November 7, 2018, the Prime Minister, **Justin Trudeau** (Papineau), made a formal apology for a 1939 decision of the Government of Canada to reject an asylum request from Jewish refugees aboard the MS St. Louis ocean liner. The Leader of the Opposition, **Andrew Scheer** (Regina—Qu'Appelle) and **Guy Caron** (Rimouski-Neigette—Témiscouata—Les Basques) also made statements. By unanimous consent, **Mario Beaulieu** (La Pointe-de-l'Île) and Ms. May also made statements.

On December 12, 2018, the Prime Minister made a statement regarding the temporary closure of Centre Block. The Leader of the Opposition and Mr. Caron also made statements. By unanimous consent, **Louis Plamondon** (Bécancour—Nicolet—Saurel) also made a statement. The Speaker noted that the newly renovated West Block will serve as an interim chamber during the renovations of Centre Block.

Members

Effective November 7, 2018, **Tony Clement** (Parry Sound—Muskoka) began sitting as an independent Member.

Effective December 1, 2018, **Raj Grewal** (Brampton East) began sitting as an independent Member.

Emergency Debates

On November 26, 2018, **Erin O'Toole** (Durham), **Scott Duvall** (Hamilton Mountain), and **Bryan May** (Cambridge) submitted requests for an emergency debate with respect to the planned closure of the General Motors operating facilities and assembly plant in Oshawa. The Speaker accepted the requests and the debate took place later the same day.

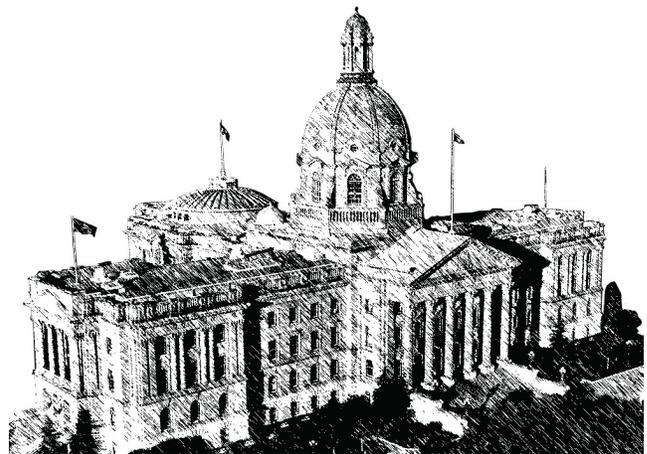
On November 28, 2018, the House held an emergency debate to discuss the Canadian energy crisis in the oil and gas sector, as requested by **Shannon Stubbs** (Lakeland). Ms. Stubbs made similar requests with respect to the Trans Mountain expansion project on April 16 and September 18, 2018, in which the latter of the two was denied as the Speaker determined that the request did not meet the exigencies of Standing Order 52.

Resolutions

On November 26, 2018, the House adopted by unanimous consent a resolution that the House call on the Prime Minister and the Minister of Official Languages to develop a plan for the government to work in partnership with the Government of Ontario on projects that support the vitality of French-language services in Ontario. On November 30, 2018, the Minister of Tourism, Official Languages and La Francophonie, **Mélanie Joly** (Ahuntsic-Cartierville), laid upon the Table a document entitled "Investing in Our Future: 2018-2023 Action Plan for Official Languages, together with the government response".

Danielle Widmer

Table Research Branch



Alberta

Fourth Session of the 29th Legislature

The Fourth Session of the 29th Legislature resumed on October 29, 2018, and adjourned, as scheduled, on December 6, 2018. The Fall Sitting was dominated by the Trans Mountain Expansion Pipeline issue. Multiple questions were being posed almost every day during Question Period, through debate on proposed legislation and in emergency debates.

Emergency Debates

Standing Order 30 was successfully invoked twice during the fall sitting to adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance. On October 29, 2018, the Assembly held an emergency debate regarding the Trans Mountain Expansion Project. On November 21, 2018, there was an emergency debate regarding the impact of the oil price differential in Alberta.

Bill 21 – Recommitted to Committee of the Whole

On October 30, 2018, the government introduced Bill 21, *An Act to Protect Patients* to amend the *Health Professions Act*. The legislation would limit the ability of health professionals found guilty of unprofessional conduct based on sexual abuse or sexual misconduct from regaining their professional licences in Alberta. Bill 21 then took a unique journey through the stages of debate in the Assembly.

On November 8, 2018, **Jason Nixon**, MLA (Rimbey-Rocky Mountain House-Sundre), Official Opposition House Leader, moved an amendment to the motion for Third Reading to recommit Bill 21 to the Committee of

the Whole for the purpose of reconsidering sections 7 and 26. The amendment was passed and the Bill was recommitted.

Bill 21 originally provided for a five-year minimum waiting period before healthcare professionals could be eligible to reapply for their licences in cases of unprofessional conduct pertaining to either sexual abuse or sexual misconduct. During Committee consideration, Minister of Health **Sarah Hoffman**, MLA (Edmonton-Glenora), introduced an amendment to prevent healthcare professionals whose licenses were revoked due to sexual abuse from ever reapplying to practice in Alberta. A subamendment, introduced by **Laila Goodridge**, MLA (Fort McMurray-Conklin), added a list of criminal offences of a sexual nature under the *Criminal Code (Canada)* which would also lead to a permanent ban on reapplying for a licence to practice. The subamendment, and the amendment as amended, were agreed to, and the recommitted sections of the Bill were reported with amendments.

Later that same day, **Karen McPherson**, MLA (Calgary-Mackay-Nose Hill) moved an amendment to the motion for Third Reading to have section 4 of Bill 21 recommitted to the Committee of the Whole. The amendment was passed and Bill 21 was again recommitted to the Committee of the Whole. Member McPherson then proposed an amendment to require all members of a tribunal responsible for hearing cases of sexual abuse or sexual misconduct by a regulated health professional to complete training on trauma-informed practice and sexual violence before participating in a hearing. The Minister of Health spoke in favour of the proposed amendment, and it then passed. Section 4 of the Bill was reported with amendments and the Bill received Third Reading.

Composition of the Assembly

On November 5, 2018, **Robyn Luff**, MLA (Calgary-East), was removed from the New Democratic Party (NDP) caucus. Her ouster followed a week-long absence from the Assembly and the public release of a letter in which she indicated she would remain absent from the Assembly until her complaints regarding bullying and intimidation within the NDP caucus were addressed. Ms. Luff returned to the Assembly to take her seat as an Independent MLA on November 21, 2018.

On January 2, 2019, Premier **Rachel Notley** announced that former cabinet minister **Stephanie McLean**, MLA (Calgary-Varsity) had resigned to pursue other professional opportunities. Ms. McLean had been on leave for the entire fall session and had

previously indicated she would not be seeking re-election in the upcoming general election.

The composition of the Legislative Assembly is currently 52 seats for the NDP, 26 seats for the UCP, three seats for the Alberta Party, and one seat each for the Alberta Liberal Party, the Progressive Conservative Party, and the Freedom Conservative Party. There are two Independent Members and one vacant seat.

Previous Question

On November 26, 2018, Government Motion 35 was brought forward to amend the membership of several legislative committees. Before there could be debate on the motion the Official Opposition House Leader moved the previous question, pursuant to Standing Order 49(2), "that this question be now put". This was the first time during the 29th Legislature that the previous question had been moved. Although Members from the Alberta Party, the Freedom Conservative Party, and an Independent Member spoke against it, the motion carried on division. The question on Government Motion 35 was also put and carried, on division.

The following day **Derek Fildebrandt**, MLA (Strathmore-Brooks), and Leader of the Freedom Conservative Party, successfully and unexpectedly used the previous question to end the debate at Second Reading on Bill 28, *Family Statutes Amendment Act, 2018*.

Committee Activities

The Standing Committee on the Alberta Heritage Savings Trust Fund held its annual public meeting on October 25, 2018. The meeting has been streamed online and broadcast on cable television for several years. However, this year was the first time the meeting was broadcast on Assembly TV and it was also live streamed in its entirety on YouTube.

The Standing Committee on Alberta's Economic Future completed its review of Bill 201, *Employment Standards (Firefighter Leave) Amendment Act, 2018*, and recommended that the Bill not proceed. The Committee has now initiated a review regarding the impact of the Canada-United States-Mexico Agreement on supply management in the province's agriculture industry.

On November 28, 2018, the Legislative Assembly of Alberta referred Bill 211, *Alberta Underground Infrastructure Notification System Consultation Act* to the Standing Committee on Resource Stewardship for review and directed that the Committee report its recommendations to the Legislative Assembly no later than the week of March 4, 2019. Bill 211 is

a Private Members' Public Bill which prescribes a process for a legislative committee to conduct public meetings and prepare a report on the underground infrastructure notification system in Alberta, including any recommendations to improve safety for excavators and to protect underground infrastructure.

On December 4, 2018, the Legislative Assembly of Alberta referred the review of the *Public Sector Compensation Transparency Act* to the Standing Committee on Families and Communities, pursuant to section 14 of the *Act*. Under the legislation the Committee must begin a comprehensive review of the *Act* by January 1, 2019, and submit a final report to the Assembly within six months of commencing the review. The Committee met on December 20, 2018, and agreed to request a technical briefing on the legislation from related government ministries and to request the preparation of a stakeholder list and preparation of a cross-jurisdictional comparison of similar legislation in Canada by Research Services.

Swearing in of First Election Commissioner

Lorne Gibson was formally sworn in as Alberta's first Election Commissioner on October 26, 2018. Mr. Gibson has worked as an election administrator and consultant in jurisdictions across Canada and around the world. He also served as Alberta's Chief Electoral Officer from 2006 to 2009.

Jody Rempel
Committee Clerk



British Columbia

The Third Session of the 41st Parliament resumed on October 1, 2018. The fall sitting continued the spring's active legislative agenda, with 22 government bills receiving Royal Assent. In order to accommodate the

volume of debate on legislation, sittings were extended from 6:30 p.m. to 9:30 p.m. on the last six Mondays of the sitting and a second chamber was used to consider bills at committee stage. The House adjourned on November 27, 2018 and is scheduled to return on February 12, 2019.

Legislation

The fall sitting focused on a robust legislative agenda with several substantive bills representing key government initiatives or implementing financial measures:

The *Budget Measures Implementation (Employer Health Tax) Act, 2018* and the *Budget Measures Implementation (Speculation and Vacancy Tax) Act, 2018* implement new taxes that were announced as part of the February 2018 provincial budget.

The *Poverty Reduction Strategy Act* provides a framework to reduce and prevent poverty in the province and sets targets and timelines for poverty reduction initiatives.

The *Agricultural Land Commission Amendment Act, 2018* strengthens protection for the province's Agricultural Land Reserve by addressing real estate speculation and prohibiting the dumping of construction debris.

The *Environmental Assessment Act* enhances the environmental assessment of projects with the creation of an early engagement process, increased opportunities for public participation, and prescriptive measures to meet the government's commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples*.

The *Recall and Initiative Amendment Act, 2018* received Royal Assent shortly before the first date on which citizens could be eligible to apply for a recall petition following the most recent provincial general election. The *Act* prohibits corporate, organizational and union donations to finance recall campaigns. British Columbia is the only jurisdiction in Canada in which a registered voter can petition to recall a Member for the electoral district in which they are registered to vote.

The *Human Rights Code Amendment Act, 2018* re-establishes a British Columbia Human Rights Commission. The Commission was first established in 1973, replaced by the British Columbia Human Rights Council in 1984, re-established in 1997 and later replaced by a British Columbia Human Rights Tribunal in 2002. Prior to the adoption of this legislation, British Columbia had been the only province without a Human Rights Commission. The *Act* also provides for

the appointment of a Human Rights Commissioner as an independent officer of the legislature.

The *Electoral Reform Referendum 2018 Amendment Act, 2018* amends legislation passed during the 2017 fall sitting. The *Act* would have required a subsequent referendum to be held if the fall 2018 referendum had resulted in a change to the electoral system. The subsequent referendum would have occurred after two general elections were held using a proportional system to determine whether British Columbia would continue with a proportional system or return to first past the post.

Electoral Reform Referendum

A province-wide referendum on electoral reform was held between October 22, 2018 and December 7, 2018. British Columbians voted by mail-in ballot to indicate support for the current first past the post voting system or a proportional representation voting system. A second question to determine a preference for three specific proportional representation voting systems was also included. Referendum results were released on December 20, 2018 with 61.3 percent voting in favour of first past the post and 38.7 percent in favour of a proportional system.

Standing Order 35 Application

The Leader of the Third Party, **Andrew Weaver**, MLA, sought leave on October 16, 2018, for the House to adjourn to discuss whether Members were acting with sufficient urgency and demonstrating the leadership necessary to mitigate the effects of climate change in light of the Intergovernmental Panel on Climate Change report released on October 8, 2018. The Government House Leader spoke in favour of the debate and suggested a discussion with the Leader of the Third Party and the Official Opposition House Leader to determine an appropriate time for debate. The House Leaders agreed, noting that the federal government held an emergency debate on the same topic the day before, and the Legislative Assembly held a one-hour debate on the evening of October 16, 2018. As all three parties were in agreement, the Speaker did not rule on the matter.

Parliamentary Committees

As reported in the previous issue, the Select Standing Committee on Finance and Government Services conducted its annual budget consultation from September 17, 2018 to October 15, 2018. Following renewed outreach efforts, the Committee heard 267 presentations, the most in a budget consultation since 2001. The Committee released its unanimous report on

November 15, 2018, containing 100 recommendations centered around four key themes: climate change; reconciliation with Indigenous peoples; inequality; and building an economy that works for all British Columbians. The Committee also completed its review of the budgets of BC's statutory offices, including a start-up budget for the new Office of the Human Rights Commissioner, which was released on December 19, 2018.

On November 27, 2018, the *Passenger Transportation Amendment Act, 2018*, which provides a framework for ride-hailing in BC, received Royal Assent and the Select Standing Committee on Crown Corporations received a Terms of Reference to make recommendations on regulations regarding transportation network services in British Columbia. The Committee must release its report no later than March 31, 2019.

The Legislative Assembly Management Committee met three times during the fall and concluded its consideration of the Legislative Assembly's Vote 1 budget on December 19, 2018, approving a budget of \$83 million for the 2019/20 fiscal year. The budget includes a \$6.1 million capital budget, an increase of 39 percent above 2018/19, as part of a long-term plan to address the restoration of the Parliament Buildings, including seismic and security initiatives.

Statutory Officer

The Special Committee to Appoint a Police Complaint Commissioner released its report on December 12, 2018, unanimously recommending that **Clayton Pecknold** be appointed as the next Police Complaint Commissioner. **Stan Lowe**, the current Police Complaint Commissioner, served two terms as Commissioner and was not eligible for reappointment. The Police Complaint Commissioner is responsible for the impartial civilian oversight of complaints about the conduct of municipal police officers in British Columbia. Mr. Pecknold has worked as a senior government official in the provincial Policing and Security branch and has served as a police officer. The Committee's recommendation is expected to be presented to the Legislative Assembly when it returns in February 2019.

Permanent Officers of the House

On November 20, 2018, the Legislative Assembly adopted a motion to place **Craig James**, Clerk of the Legislative Assembly, and **Gary Lenz**, Sergeant-at-Arms, on administrative leave with pay and benefits, effective immediately. In order to ensure operational continuity, the Legislative Assembly adopted a motion on November 22, 2018, appointing **Kate Ryan-Lloyd**,

Deputy Clerk and Clerk of Committees, as Acting Clerk of the Legislative Assembly, and **Randy Ennis**, Deputy Sergeant-at-Arms, as Acting Sergeant-at-Arms.

Nicki Simpson
Committee Researcher



Manitoba

Conclusion of the Third Session

The House sat until November 8, 2018 to complete the business of the Third Session of the 41st Legislature; on the last day, the five Designated Bills mentioned in the last submission received Royal Assent. During the Fall Sittings the House also completed the remaining steps of the budgetary process, including adoption of the *Budget Implementation and Tax Statute Amendment Act*.

In addition to the Designated Bills, the House passed three additional Government Bills and three Private Members Bills, including:

Bill 29 - The Wildlife Amendment Act (Safe Hunting and Shared Management), establishing a general prohibition on night hunting, with certain exceptions for aboriginal people;

Bill 36 - The Highway Traffic Amendment Act (Impaired Driving Offences), reflecting changes to the driving-related provisions of the *Criminal Code* as a consequence of the legalization of cannabis.

Fourth Session of the 41st Legislature

The Fourth Session of the 41st Legislature began on November 20, 2018 with the Speech from the Throne delivered by **Janice C. Filmon**, Lieutenant Governor of Manitoba. The Address highlighted a range of commitments and proposals in different areas, including:

- Introducing a new *Referendum Act* to provide a framework for calling and conducting a referendum;
- implementing two new pilot programs and introducing legislation to create a new family resolution service;
- introducing legislative changes to *The Child and Family Services Act* and *The Child and Family Services Authorities Act*;
- introducing an Immediate Roadside Prohibition Program to allow police to address lower-level alcohol-related cases using administrative penalties;
- preparing for Manitoba's upcoming sesquicentennial and launching one of the first Manitoba 150 projects in partnership with the Hudson's Bay Company History Foundation;
- enhancing resiliency of the province's natural infrastructure to climate-change challenges such as flooding, storms and wildfires.

During his contribution to the Throne Speech debate on November 22, the Leader of the Official Opposition and NDP leader **Wab Kinew** moved a motion expressing non-confidence in the Government, highlighting several areas he believed the Government failed to address in the Speech from the Throne.

On the same day, the Leader of the Second Opposition Party and Liberal Leader **Dougald Lamont** moved a sub-amendment, stating several reasons why his party did not support the Throne Speech.

On November 29, the sub-amendment was defeated on a recorded vote of yeas 16, nays 37. Subsequently, Mr. Kinew's amendment was defeated on a recorded vote of yeas 16, nays 37, while the main motion for an Address in Reply carried on a recorded vote of yeas 37, nays 16

Standing Committees

The end of 2018 was a busy period for the Committees Branch. A very unusual situation arose on October 11 when the House unexpectedly sat past 5 p.m. and until midnight. The Standing Committees on Legislative Affairs and on Social and Economic Development were scheduled to meet at 6 p.m. in order to hear public presentations on several Bills. In accordance with our rules, Standing Committees cannot sit concurrently with the House without unanimous consent, which was denied in this case. As a consequence, the two Committees could not start meeting prior to their scheduled adjournment time of midnight, leading to a rescheduling of the meetings. Dozens of public presenters who were scheduled to present had to be told that the Committee would not meet that night and that the Clerk's Office was going to contact them as soon as the Government House Leader had called new meetings.

Two weeks later, both Committees met again to hear public presentations and complete consideration of the five Designated Bills. The Standing Committee on Social and Economic Development met for two evenings to hear 38 presentations on *Bill 16 – The Climate and Green Plan Implementation Act*. Finally, on October 31, the Social and Economic Development Committee and the Private Bills Committee met to hear public presentations on several Government and Private Members' Bills, completing clause-by-clause consideration on all but one Private Members' Bill, which was not reported back to the House.

Before the winter break, the Standing Committee on Legislative Affairs met again to consider several reports from Elections Manitoba and, in accordance to *The Elections Act*, began consideration of a proposal to modify the voting process submitted by the Chief Electoral Officer. The Committee did not complete deliberations on the latter and will meet again in 2019 for further discussions on this matter.

The Standing Committee on Public Accounts met in December to consider the Public Accounts for the fiscal year ending March 31, 2018, together with several other Auditor General's reports regarding the Audits of Financial Statements. In addition, the Committee concluded consideration of several items related to the Department of Justice.

Finally, the Social and Economic Development Committee met intersessionally the week before Christmas to consider the *Annual Report* of the Manitoba Poverty Reduction and Social Inclusion Strategy, whilst the Standing Committee on Legislative Affairs is scheduled to meet on January 16 to discuss the *Annual Reports* from the Manitoba Advocate for Children and Youth and on January 17 to consider the *Report and the Recommendations of the Judicial Compensation Committee*.

Reappointment of the Conflict of Interest Commissioner

On October 30, 2018 the Standing Committee on Legislative Affairs recommended to the President of the Executive Council that **Jeffrey Schnoor** be reappointed as the Conflict of Interest Commissioner and the Information and Privacy Adjudicator for a new term of three years.

Amendments to the Rules, Orders and Forms of Proceedings

As mentioned in our last submission, on October 3 the Standing Committee on the Rules of the House met to consider amendments to Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba.

The changes came into effect on November 20, 2018. New copies of the Rule Book were distributed to all Members and the new version is also available on the Legislative Assembly website.

The new Rule Book can be found at the following link:

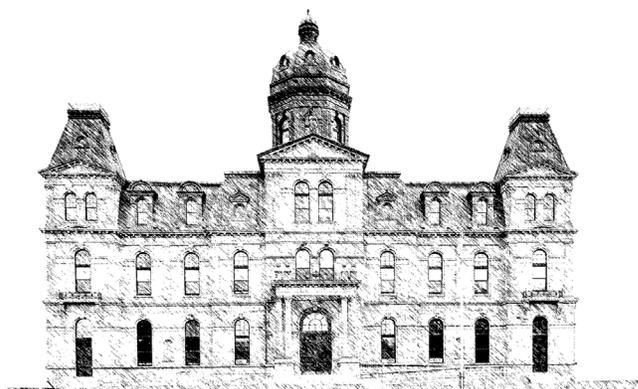
<https://www.gov.mb.ca/legislature/business/rulebook.pdf>

Current Party Standings

The current party standings in the Manitoba Legislature are: Progressive Conservatives 38, New Democratic Party 12, Liberals four, with three Independent Members.

Andrea Signorelli

Clerk Assistant/Clerk of Committees



New Brunswick

General Election

The 39th general election that took place on September 24 produced a Liberal minority government, the first minority government in New Brunswick since 1920. The results were as follows: 21 Liberals, 22 Progressive Conservatives, 3 Greens and 3 People's Alliance. At dissolution, the standings in the House were 24 Liberals, 21 Progressive Conservatives, 1 Green, 1 Independent, and 2 vacancies.

The results in three ridings were confirmed by judicial recounts. The closest victory was for **Gerry Lowe** by 10 votes in the riding of Saint John Harbour, followed by an 11-vote win for **Megan Mitton** in Memramcook-Tantramar. In Oromocto-Lincoln-Fredericton, **Mary Wilson** maintained her 93-vote victory.

Lieutenant-Governor **Jocelyne Roy Vienneau** presided over the swearing-in ceremony for the Members of the 59th Legislative Assembly on October 19. Members took their Oath of Allegiance and signed the Members' Roll in the chamber of the Legislative Assembly.

Election of Speaker

The first session of the 59th Legislative Assembly convened in the morning of October 23 to elect a new Speaker. As only one Member allowed their name to stand for election, the Clerk declared Liberal MLA **Daniel Guitard** elected as Speaker. Speaker Guitard was first elected to the Legislative Assembly in 2014 to represent the riding of Restigouche-Chaleur.

During his time at the Legislature, Speaker Guitard has served as Government Caucus Chair, Deputy Government Whip, and Vice-Chair of the Standing Committee on Private Bills. He has also served as a member of the Legislative Administration Committee; the Standing Committees on Crown Corporations; Economic Policy; Law Amendments; Procedure, Privileges and Legislative Officers; and Public Accounts.

First Session of the 59th Legislature

The Lieutenant-Governor opened the first session of the 59th Legislature in the afternoon of October 23, delivering the first Speech from the Throne of Premier **Brian Gallant's** Liberal minority government.

The major theme of the speech was moving New Brunswick forward in collaboration with the other three parties through various initiatives related to job creation and economic growth; investing in education, health care and senior care; protecting the environment; and a fairer society and good governance. The speech proposed that all parties must work together to find common ground to advance the interests of New Brunswickers.

On October 24, a motion was adopted by the House to suspend the definition of "recognized party" in the Standing Rules for the duration of the 59th Legislature. Subsequently, the Green and People's Alliance caucuses (having three Members each), were granted certain rights under the Standing Rules despite not having elected the requisite five Members.

On October 25, Official Opposition Leader **Blaine Higgs** delivered his reply to the Speech from the Throne. He urged Members to reject the Throne Speech and outlined how the Progressive Conservatives, under his leadership, would collaborate with all

Members to change the way the Legislature and government operates. He stressed the importance of fiscal responsibility, restarting the private economy, and treating taxpayers as customers. At the end of his speech, he moved an amendment to the motion for an Address in Reply to the Speech from the Throne, which stated that the present government did not have the confidence of the House.

The next sitting day, the House appointed Liberal Members **Chuck Chiasson** and **Monique LeBlanc** as Deputy Speakers.

During the Throne Speech debate on October 30, Health Minister **Benoît Bourque** moved a sub-amendment to demonstrate his government's willingness to collaborate. The sub-amendment presented suggestions and platform commitments from other parties to be incorporated into the Throne Speech.

Premier Gallant closed debate on November 2. The Speaker then put every question necessary to dispose of the main motion. A division was called on the sub-amendment and the motion was defeated 23-25. A division was also called on the non-confidence amendment, which was carried 25-23, with the People's Alliance caucus, led by **Kris Austin**, voting in favour and the Green caucus, led by **David Coon**, voting against. A final division was called on the motion as amended and the results were the same, carried 25-23, effectively declaring non-confidence in the Liberal minority government.

Premier Gallant immediately advised the House that he would be informing the Lieutenant-Governor of his resignation as Premier and requesting that she ask the Leader of the Progressive Conservative Party to form a government. Later that day, the Lieutenant-Governor announced that she had accepted the Premier's resignation and had asked Mr. Higgs to form the next government.

On November 9, the Lieutenant-Governor presided over the swearing-in of the new Executive Council in a ceremony held in the Legislative Assembly chamber. Mr. Higgs was sworn-in as the 34th Premier of New Brunswick, along with a Cabinet consisting of:

Robert Gauvin, Deputy Premier, Minister of Tourism, Heritage and Culture; **Trevor Holder**, Minister of Post-Secondary Education, Training and Labour; **Carl Urquhart**, Minister of Public Safety and Solicitor General; **Dorothy Shephard**, Minister of Social Development; **Jake Stewart**, Minister of Aboriginal Affairs; **Ross Wetmore**, Minister of

Agriculture, Aquaculture and Fisheries; **Sherry Wilson**, Minister of Service New Brunswick; **Hugh J.A. Flemming**, Minister of Health; **Jeff Carr**, Minister of Environment and Local Government; **Bill Oliver**, Minister of Transportation and Infrastructure; **Ernie Steeves**, Minister of Finance and President of Treasury Board; **Andrea Anderson-Mason**, Minister of Justice and Attorney General; **Dominic Cardy**, Minister of Education and Early Childhood Development; **Mike Holland**, Minister of Energy and Resource Development; **Gregory Thompson**, Minister of Intergovernmental Affairs; and **Mary Wilson**, Minister of Economic Development and Small Business.

Other government appointments were as follows: **Glen Savoie** as Government House Leader; **Bruce Northrup** as Government Whip; and **Stewart Fairgrieve** as Government Caucus Chair. Official Opposition appointments included **Guy Arseneault** as Official Opposition House Leader; **Stephen Horsman** as Official Opposition Whip; and **Jean-Claude D'Amours** as Official Opposition Caucus Chair.

Second Session of the 59th Legislature

On November 20, after nine sitting days, the first session prorogued and the second session began with the Speech from the Throne of Premier Higgs' Progressive Conservative minority government.

The speech outlined five challenges to solve: balanced financial sustainability, energizing the private sector, making public health care accessible and dependable, building a world-class education system, and giving every New Brunswicker a pathway to the middle class. The speech emphasized sharing with the other parties both the ability to make decisions and the responsibility for finding solutions through evidence-driven debates and policy discussions that offer alternatives and compromise.

On November 22, the Official Opposition Leader delivered his reply to the Speech from the Throne. Mr. Gallant stated his party would support the government in their commitment to a balanced budget, unclogging the medical system by adding community health clinics, and in its review of home care workers' wages and working conditions. He also encouraged the government to continue certain Liberal initiatives, such as the free and subsidized child care programs, and the free tuition and tuition relief for the middle-class programs.

Mr. Gallant noted that certain topics had not been discussed in the Speech from the Throne, including a lack of commitment to raise the minimum wage, banning the use of certain herbicides such as glyphosate, and the absence of any statement on the government's intentions regarding the hydraulic fracturing moratorium. He also conveyed the Official Opposition's position that linguistic rights in the province must be protected when addressing the ambulance and paramedic shortage challenges.

At the end of his speech, Mr. Gallant moved an amendment to the motion for an Address in Reply to the Speech from the Throne. The amendment urged the government to continue the moratorium on hydraulic fracturing in all parts of the province.

During the Throne Speech debate on November 27, **Sherry Wilson** moved a sub-amendment that would allow certain communities, who have demonstrated their support, to proceed with shale gas development.

On November 30, Premier Higgs closed debate. The Speaker then put every question necessary to dispose of the main motion. A division was called on the sub-amendment and the motion was carried 26-22, with Liberal MLA **Gerry Lowe** joining the Progressive Conservative and People's Alliance caucuses to vote in favour of allowing certain communities to proceed with shale gas development. A division was also called on the amended amendment and the motion was carried 26-22. Finally, the Progressive Conservative government won the confidence of the House in the final division on the amended motion 25-23. The government was again supported by the three People's Alliance members, who had been seated on the government side of the Legislative Assembly chamber since the commencement of the second session.

Capital Estimates

On December 11, Finance Minister Ernie Steeves presented the Capital Estimates for 2019-20. Of the \$600.6 million capital budget, \$60.2 million was allocated to education infrastructure and \$123.8 million to health care infrastructure. Of the health initiatives, \$91.8 million was earmarked for the continuation of renovations, additions and other improvements around the province and the remaining \$32 million for capital improvements and equipment. Other highlights included \$321.1 million in transportation infrastructure and \$12.9 million for tourism-related infrastructure.

Legislation

Ten Bills were introduced during the second session. Legislation introduced included:

Bill 2, *An Act Respecting Addressing Recommendations in the Report of the Task Force on WorkSafeNB*, introduced by Minister Holder, addresses a task force's recommendations to mitigate the risk of significant increases to the assessment rates and still protect the sustainability of the accident fund, which includes protection of benefits. The Bill received Royal Assent on December 12.

Bill 4, *An Act to Amend the Pay Equity Act, 2009*, introduced by **Monique LeBlanc**, extends the application of public service pay equity legislation to the private sector.

Bill 10, *An Act to Amend the Residential Tenancies Act*, introduced by **David Coon**, ensures that the *Act* applies to tenants in public housing and limits rent increases to once per 12-month period. The Bill also allows for early termination of leases in certain safety and health-related circumstances, including cases of domestic violence.

Adjournment and Resignation

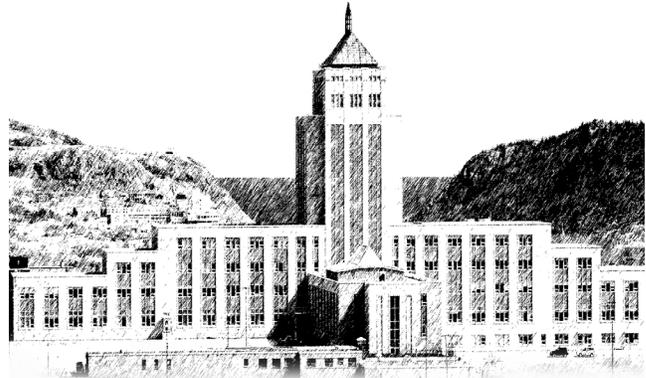
The House adjourned on December 14 and is scheduled to resume sitting on March 19, 2019, when it is expected that Minister Steeves will present the government's first budget. On December 28, Mr. Gallant announced his intention to resign as Leader of the Liberal Party before the House resumes in March.

Integrity Commissioner

New Brunswick's first Integrity Commissioner, **Alexandre Deschênes**, retired from his position on December 31. This closes out a remarkable career of public service and dedication to the Province of New Brunswick. He was appointed judge of the Court of Queen's Bench in 1982 and was appointed to the Court of Appeal of New Brunswick in 2000. On the recommendation of the Legislative Assembly, he became New Brunswick's first Integrity Commissioner in 2016.

On January 3, the Ombud of New Brunswick, **Charles Murray**, was appointed Interim Integrity Commissioner, effective January 1.

Alicia R. Del Frate
Parliamentary Support Officer



Newfoundland and Labrador

Code of Conduct - complaint investigations

The House re-convened on October 23, two weeks earlier than the date prescribed by the parliamentary calendar in order to deal with five reports of the Commissioner for Legislative Standards on his investigations into complaints of harassment by Members of the House of Assembly.

The Commissioner, whose reports were tabled by the Speaker on October 23, found that a breach of the Code of Conduct had occurred in two of the five instances examined and recommended that the Members found to have violated the Code be reprimanded.

On November 5 the House questioned the Commissioner about the process followed in carrying out his investigation into the allegations of violations of the Code of Conduct. The discussion took place in a Committee of the Whole. The last time the House had questioned non-Members in the House was in 1970 during the administration of Premier **J.R. Smallwood**.

The House debated and concurred in the Reports on November 6. The House resolved that the two Members found in violation of the Code of Conduct be required to undergo individualized respectful workplace training and that they apologize to the House. The Members apologized and will undergo the training in due course.

On October 23, the Leader of the Opposition, **Ches Crosbie**, who was elected and sworn-in during the summer adjournment, took his seat in the House.

Points of privilege

On October 23, the Leader of the Opposition raised a point of privilege regarding the public disclosure by the complainant of matters dealt with in one of the reports of the Commissioner for Legislative Standards before the report had been tabled in the House. The Speaker ruled that there was a *prima facie* question of privilege. The matter was referred to the Privileges and Elections Committee.

On October 25, the Member for Mount Scio raised a point of privilege again regarding the public disclosure of the contents of a report of the Commissioner of Legislative Standards before the tabling of the report in the House. The Speaker ruled that a *prima facie* question of privilege had been established and the matter was referred to the Privileges and Elections Committee.

The Privileges and Elections Committee will report on the matters referred to them when the House re-convenes in March.

By-election

On November 2 the Member for Topsail-Paradise and former Leader of the Official Opposition, **Paul Davis**, resigned his seat. The by-election for the District was called on December 19 for January 24.

Deputy Chair of Committees

The Member for Harbour Grace – Port de Grave, **Pam Parsons**, was appointed Deputy Chair of Committees by Resolution of the House on November 15 succeeding **Scott Reid**, MHA for St. George’s -Humber who had been appointed Parliamentary Secretary to the Minister of Forestry and Land Resources.

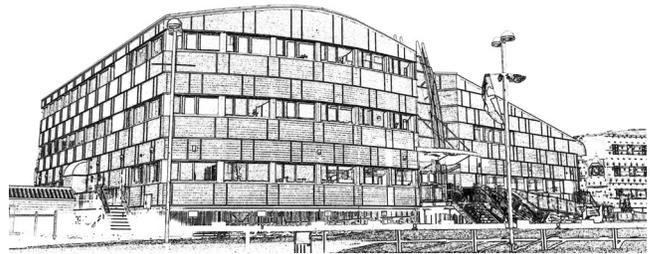
Interim report tabled

On November 21, the Privileges and Elections Committee tabled an interim report on the work done during the summer and fall toward the development of a legislature-specific harassment policy. In the report the Committee recommended that the House develop and deliver respectful workplace training to all Members. The House concurred in the report. This training, which is mandatory, will be provided by the Gardiner Centre of Memorial University before the House reconvenes in early March.

On November 20, the House adopted a resolution regarding the establishment of an all-party committee on democratic reform.

The House adjourned on December 5 to March 4, 2019.

Elizabeth Murphy
Clerk Assistant



Nunavut

House Proceedings

The fall 2018 sitting of the 2nd Session of the 5th Legislative Assembly convened on October 23, 2018 and concluded on November 8, 2018.

The proceedings of the Committee of the Whole during the fall 2018 sitting were dominated by the consideration of the government’s proposed 2019-2020 capital estimates.

Six bills received Assent during the fall 2018 sitting:

Bill 2, *Chartered Professional Accountants Act*;

Bill 9, *Appropriation (Capital) Act, 2019-2020*;

Bill 10, *Supplementary Appropriation (Capital) Act, No. 2, 2018-2019*;

Bill 11, *Supplementary Appropriation (Operations and Maintenance) Act, No. 4, 2017-2018*;

Bill 12, *An Act to Amend the Qulliq Energy Corporation Act*; and

Bill 14, *An Act to Amend Certain Acts Respecting the Terms of Office of Independent Officers of the Legislative Assembly*.

The winter 2019 sitting of the 2nd Session of the 5th Legislative Assembly is scheduled to convene on February 19, 2019.

Filling of Cabinet Vacancy

On October 25, 2018, Iqaluit-Niaqunnguut MLA **Pat Angnakak** announced her resignation from the Executive Council. Aivilik MLA **Patterk Netser** was subsequently acclaimed by the Nunavut Leadership Forum to fill the vacancy on the Executive Council. Mr. Netser, who had previously served as both a Regular MLA and a Minister during the 1st and 2nd Legislative Assemblies, was later appointed Minister responsible for the Nunavut Housing Corporation and Minister responsible for the Nunavut Arctic College by Premier **Joe Savikataaq**.

Committee Activities

From September 27, 2018, to October 2, 2018, the Legislative Assembly's Standing Committee on Oversight of Government Operations and Public Accounts held televised hearings on the most recent annual reports of the Qulliq Energy Corporation and the Legal Services Board. Committee Chairperson and Arviat North-Whale Cove MLA **John Main** subsequently presented a report on the televised hearings during the fall 2018 sitting of the House.

Canadian Radio-Television and Tele-communications Commission Renewal of Mandatory Distribution Order for the Broadcast Services of the Legislative Assembly of Nunavut and the Legislative Assembly of the Northwest Territories

On August 22, 2018, Nunavut Speaker **Joe Enook** and Northwest Territories Speaker **Jackson Lafferty** jointly issued an announcement welcoming the decision of the Canadian Radio-Television and Telecommunications Commission (CRTC) to renew the mandatory distribution order for the broadcast services of the Nunavut and Northwest Territories legislatures. The renewal has been granted without an expiry date.

Establishment of Independent Commission to Review Members' Indemnities, Allowances, Expenses and Benefits

On September 24, 2018, Speaker Enook announced appointments to the Independent Commission to Review Members' Indemnities, Allowances, Expenses and Benefits. Section 37 of the *Legislative Assembly and Executive Council Act* provides for the establishment of the Commission. The Commission is chaired by Justice **Earl Johnson**, who sat on the Nunavut Court of Justice from 2002 to 2016. The other members are **Nancy Karetak-Lindell**, former Member of Parliament for Nunavut; **Keith Peterson**, former Member of the Legislative Assembly of Nunavut and Minister of Finance; and **Ronnie Campbell**, former Assistant Auditor General of Canada.

Appointment of Integrity Commissioner

On October 23, 2018, the Legislative Assembly unanimously approved a motion recommending that **Katherine Peterson** be appointed Integrity Commissioner of Nunavut for a five-year term of office. Ms. Peterson's appointment followed the retirement of her predecessor, the **J.E. (Ted) Richard**. Ms. Peterson has had a distinguished legal career in the North that spans four decades, including service as Law Clerk and Parliamentary Counsel to the Legislative Assembly of the Northwest Territories.

Order of Nunavut

On November 8, 2018, Speaker Enook announced the opening of the annual nomination period for the Order. Speaker Enook also took the opportunity to welcome the recent approval by Her Excellency the Governor General of a federal Order in Council which amended the *Canadian Orders, Decorations and Medals Directive, 1998*, to formally recognize the medal awarded to members of the Order of Nunavut within the Order of Precedence in the Canadian Honours System.

Speaker's 7th Biennial Youth Parliament

From November 19-23, 2018, 22 high school students from across Nunavut gathered in Iqaluit to participate in the Speaker's 7th Biennial Youth Parliament. The proceedings of the November 22, 2018, sitting of the Youth Parliament were televised live across the territory. Commissioner of Nunavut **Nellie Kusugak** delivered the Opening Address to the Youth Parliament. Minister of Education and South Baffin MLA **David Joanasie** appeared before the Youth Parliament to respond to students' questions concerning his Ministerial portfolios and responsibilities.

Alex Baldwin

Office of the Legislative Assembly of Nunavut



Ontario

Back-to-work Legislation

On December 6, 2018, the Legislative Assembly of Ontario adjourned for the winter recess, scheduled to return on February 19, 2019. However, on December 15, 2018, an Order in Council was issued requesting that the Speaker reconvene the 1st Session of the 42nd Parliament at 1:00 p.m. on December 17.

The government announced that the purpose of the recall of the House was to put forward legislation that would prevent a possible upcoming strike over the Christmas holidays by the Power Workers' Union. The last collective agreement between Ontario Power Generation Inc. and the Power Workers' Union expired on March 31, 2018. The parties had been engaged in the collective bargaining process for many months, including conciliation with the assistance of the Ministry of Labour, but were unable to resolve their dispute. On December 13, 2018, the Power Workers' Union's membership did not ratify Ontario Power Generation Inc.'s final offer. On December 14, 2018, the Power Workers' Union gave notice of a strike.

On Monday, December 17, the Government introduced Bill 67, *An Act to amend the Labour Relations Act, 1995*. The House met through the week to debate Bill 67, which received Royal Assent on December 20, 2018. This same day, the House adjourned a second time for the winter recess and is scheduled to resume sitting on Tuesday, February 19, 2019.

Membership Changes

During the fall sitting period, there was a change in the distribution of seats in the House after **Jim Wilson** (MPP for Simcoe-Grey) and **Amanda Simard** (MPP for Glengarry-Prescott-Russell) ceased to be members of the Progressive Conservative Caucus. They now sit as Independent Members.

Condolences

During this period, the House expressed its condolence on the death of **Reid Scott**, Member for the Electoral District of Beaches from June 7, 1948 to October 6, 1951.

Statutory Parliamentary Officers

On November 15, 2018, Minister of Finance **Victor Fedeli** introduced Bill 57, *Restoring Trust, Transparency and Accountability Act, 2018*. This bill, which received Royal Assent on December 6, 2018, made changes to the roles and responsibilities of various Officers of the Legislature, among other things.

The *French Language Services Act* and the *Provincial Advocate for Children and Youth Act, 2007*, were amended so that duties previously associated with the positions of French Language Services Commissioner and the Provincial Advocate for Children and Youth were transferred to the Ombudsman.

The *Environmental Bill of Rights, 1993*, was also amended so that the responsibilities of the Environmental Commissioner were transferred to the Environment Minister and the Auditor General.

Standing Order Changes

The Standing Orders were amended on December 3, 2018, changing the definition of "Recognized Party" from a party caucus with eight or more members of the Legislative Assembly, to a party that has a recognized membership of at least 10 per cent of the total number of members of the Assembly. Under this Standing Order, if the party's percentage of the total number of seats is not a whole number, it shall be rounded to,

- i. the next lowest whole number, in the case of a percentage that ends in less than .5; or
- ii. the next highest whole number, in the case of a percentage that ends in .5 or more.

As it stands, there are currently 124 members of the Legislative Assembly. Therefore, to achieve recognized party status, a caucus must have 12 members.

A number of provisional changes were also made to the Standing Orders during this period, to remain in effect for the duration of the 42nd Parliament.

Committee Activities

Select Committee on Financial Transparency

On October 2, 2018, the Legislative Assembly of Ontario passed a motion to appoint a Select Committee on Financial Transparency. The Committee is authorized to consider and report to the House its observations and recommendations with respect to the report submitted by the Independent Financial Commission of Inquiry, and to investigate and report on the accounting practices, decision making and policy objectives of the previous government or any other aspect of the report that the Committee deems relevant.

From November to December, the Committee heard from a number of witnesses, including former Premier **Kathleen Wynne**, who currently sits as an Independent Member. On November 1, 2018, the Committee tabled its Interim Report and will table a Final Report on a date determined by the Committee.

Standing Committee on Finance and Economic Affairs

During the fall sitting period, the Standing Committee on Finance and Economic Affairs considered Bill 47, *An Act to amend the Employment Standards Act, 2000, the Labour Relations Act, 1995 and the Ontario College of Trades and Apprenticeship Act, 2009 and make complementary amendments to other Acts*. Among other things, Bill 47 repealed an increase to the provincial minimum wage that would have come into effect on January 1, 2019. Following one day of public hearings and one day of

clause-by-clause consideration, Bill 47 was reported back to the House as amended on November 20, 2018 and received Royal Assent on November 21, 2018.

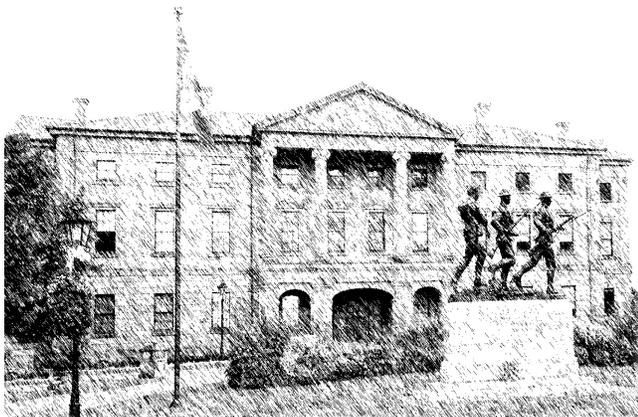
Standing Committee on the Legislative Assembly

The Standing Committee on the Legislative Assembly met pursuant to its permanent mandate, to consider the Assembly's television broadcast system and guidelines. **Todd Decker**, Clerk of the Legislative Assembly of Ontario and **Michael Donofrio**, Director, Broadcast and Recording Service appeared before the Committee to answer questions on the televising of legislative proceedings and on the guidelines established by the House with respect to the television broadcast system. The Committee also discussed renewing its predecessor's review of e-petitions.

The Standing Committee on Social Policy

The Standing Committee on Social Policy met to consider Bill 34, *An Act to repeal the Green Energy Act, 2009 and to amend the Electricity Act, 1998, the Environmental Protection Act, the Planning Act and various other statutes*. Following two days of public hearings and one day of clause-by-clause consideration, the Committee reported the bill back to the House without amendments. Once reported back, the bill was immediately ordered for Third Reading pursuant to an Order of the House. After five days of debate at Third Reading, the bill carried on recorded division and received Royal Assent on December 6, 2018.

Jocelyn McCauley
Committee Clerk



Prince Edward Island

Third Session, Sixty-fifth General Assembly

The Third Session of the Sixty-fifth General Assembly resumed on November 13, 2018, and

adjourned to the call of the Speaker on December 5, for a fall sitting totaling 14 days. The Third Session began in November, 2017, and now totals 75 sitting days.

Capital Budget

A \$156 million Capital Budget was tabled in the Assembly on November 16, 2018. The largest areas of spending are directed toward highways, healthcare facilities, and school construction/renovation in the Departments of Transportation, Infrastructure and Energy; Health PEI; and Education, Early Learning and Culture, respectively. The 2019-2020 capital budget forms the highest single year of spending in the 2019-2024 five-year capital plan, which totals \$610 million.

Bills Reviewed

Twenty-eight bills were passed during the fall sitting. Of these, 24 were Government bills, the majority of which amended existing legislation. Bill 41, *Post-Secondary Institutions Sexual Violence Policies Act* requires the University of Prince Edward Island, Holland College, Collège de l'Île and any other post-secondary institution named in the regulations to establish a sexual violence policy addressing matters such as awareness, consent, prevention, reporting, student input and cultural sensitivity. Bill 50, *Justice of the Peace Act*, establishes a framework for the appointment, remuneration, jurisdiction, and function of justices of the peace, as well as a complaints process in regard to their conduct. Bill 57, *An Act to Amend the Income Tax Act (No. 2)*, raised the basic personal income tax amount. Bill 62, *Climate Leadership Act*, implemented carbon pricing as part of the province's Climate Action Plan.

Several Private Members' bills were also introduced during the fall sitting by members of the Official Opposition, the Third Party, and the Independent member. Of these, three passed through all stages and received Royal Assent. Bill 110, *Mandatory Sexual Assault Law Education Act*, requires judges appointed to the Provincial Court to engage in continuing education in sexual assault law, including evidentiary prohibitions, principles of consent, the conduct of sexual assault proceedings, and myths and stereotypes associated with sexual assault complainants. Bill 123, *An Act to Amend the Innovation PEI Act*, adds creative and cultural industries, and clean technology, to the list of strategic economic sectors identified in the Act to ensure they receive appropriate support and development. Bill 127, *Autism Secretariat Act* (amended to be titled *Autism Coordination Act*), aims to promote better coordination in the delivery of services for Islanders living with autism spectrum disorder.

Speaker's Rulings

On November 20, 2018, **Speaker Francis (Buck) Watts** issued rulings on points of order and privilege. On prior sitting days, **Hannah Bell**, the Member for Charlottetown – Parkdale, and Minister of Education, Early Learning and Culture **Jordan Brown**, had separately raised points of order in objection to the term “misleading” being used in reference to another member. Speaker Watts reminded members that language used in debate ought to be temperate and worthy of the place in which it is spoken, and insisted that members refrain from using language likely to cause disorder. Speaker Watts also responded to a point of privilege raised by Mr. Brown in objection to a statement given by Ms. Bell, which Minister Brown asserted to be “mean-spirited” and “unfair”. Quoting *Beauchesne's Parliamentary Rules and Forms*, the Speaker reminded the House that “something can be inflammatory, can be disagreeable, can even be offensive, but it may not be a question of privilege unless the comment actually impinges upon the ability of [members] to do their job properly”. Thus he did not find the complaint to be a privilege matter.

On November 22, 2018, Speaker Watts issued a ruling on point of privilege raised by Minister of Transportation, Infrastructure and Energy **Paula Biggar** in objection to the words “broke the law” and “illegally” used by **Steven Myers**, the Member for Georgetown – St. Peters, in reference to actions of the Minister. While the Speaker did not find the words constituted a breach of privilege, he did find them to be contrary to the Assembly's rule that “No member shall use language or words offensive toward the House or any member”. He asked Mr. Myers to withdraw the words, and Mr. Myers did so.

On December 5, 2018, Speaker Watts provided clarification on the procedure for recorded divisions. On the previous sitting day Mr. Brown had asked whether a member who returned to the Chamber after a recorded division had commenced could properly vote in the division, as **Jamie Fox**, the member for Borden – Kinkora, had arrived late for a recorded division (though he abstained from voting). The Speaker reviewed for the House the rule addressing the recorded division procedure and the established order in which the Clerk is to consider members rising to vote. He clarified that for a member to register a vote, he or she must be at his or her seat when the Clerk arrives upon it for consideration. A member may take his or her place after the division has begun and still vote provided that the Clerk has not already passed by in the order of consideration. Speaker Watts also

reminded members that points of order or privilege ought not to be raised during a division, but rather wait until it is complete.

Parliamentary Visit from Turks and Caicos Islands House of Assembly

From December 3-7, 2018, the Legislative Assembly of PEI hosted Speaker of the House of Assembly of Turks and Caicos Islands **Dwayne S. Taylor**, and Opposition Appointed Member **Royal S. Robinson**. This was the first official visit of Turks and Caicos Islands representatives to PEI since the legislatures of the two jurisdictions signed a Parliamentary Partnership Agreement in 2016. The agreement aims to promote a sharing of best practices and expertise between the parliaments in areas of common interest. During their visit, Speaker Taylor and Mr. Robinson met with Lieutenant Governor **Antoinette Perry**; Speaker Watts, Clerk **Charles MacKay**, and other legislative officers and staff; Premier **H. Wade MacLauchlan**, Opposition Leader **James Aylward**, Leader of the Third Party **Peter Bevan-Baker**; and Ministers **Robert Henderson** and **Robert Mitchell**. They took in legislative proceedings on multiple days, and had many discussions with members and personnel of the PEI legislature on legislative procedures, operations, services, and the overall system of government. PEI representatives had visited the Turks and Caicos House of Assembly in early 2018, and further opportunities to share experiences and expertise between the two parliaments are anticipated.

Referendum Commissioner Appointed

On November 28, 2018, the Legislative Assembly, acting on the recommendation of the Standing Committee on Legislative Management, appointed **Gerard Mitchell** as Referendum Commissioner under the *Electoral System Referendum Act*. Under the Act, PEI is set to have a referendum on the provincial voting system, which will be held in conjunction with the next general election. The referendum question shall be “Should Prince Edward Island change its voting system to a mixed member proportional voting system?” The Referendum Commissioner is tasked with public education and information programs related to the referendum, registration of referendum advertisers, announcing the referendum results, and delivering a report on the referendum to the Speaker. Mr. Mitchell is a retired Chief Justice and former Police Commissioner.

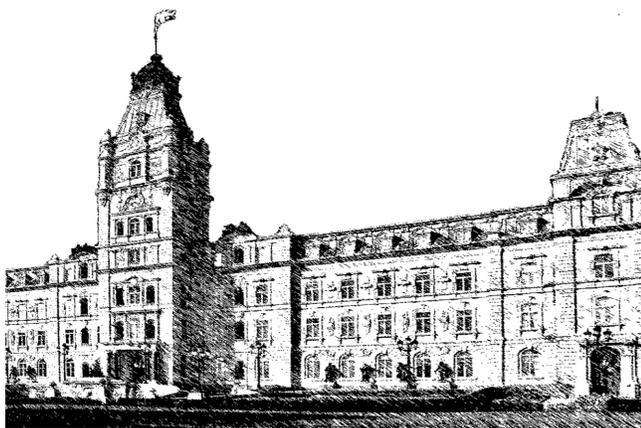
New Clerk of the Legislative Assembly

On November, 28, 2018, the Legislative Assembly, acting on the recommendation of the Standing

Committee on Legislative Management, appointed **Joey Jeffrey** as Clerk of the Legislative Assembly effective March 30, 2019. Mr. Jeffrey shall assume the role upon the retirement of **Charles MacKay**, who has been Clerk for 18 years and an employee of the Assembly for 33 years. Mr. Jeffrey has served as the Legislative Assembly's Director of Corporate Services since 2012, and is the Executive Director of the Canadian Association of Parliamentary Administration (CAPA). During the fall sitting many members rose to thank Mr. MacKay for his dedication and guidance over the years, and to congratulate Mr. Jeffrey.

Ryan Reddin

Clerk Assistant – Research and Committees



Québec

Proceedings of the National Assembly

General election and recognition of parliamentary groups forming the Second and Third Opposition

Following the general election of October 1, 2018, the new composition of the Assembly was as follows: Coalition Avenir Québec, 74 Members; Québec Liberal Party, 31 Members; Parti Québécois, 10 Members; and Québec Solidaire, 10 Members. The Coalition Avenir Québec thus forms the Government for the first time since its founding. Among the 125 elected representatives, there were, at that date, 71 new Members, including 66 for whom it was the first term of office.

Given the election results, discussions were held between the political parties represented in the Assembly to reach an agreement notably on the

concept of parliamentary group. In accordance with the criteria set out in the Standing Orders of the National Assembly, that is, to have had twelve or more Members returned to the Assembly or to have received 20 per cent or more of the popular vote in the most recent general election, only Coalition Avenir Québec and the Québec Liberal Party had parliamentary group status.

Thus, at the conclusion of discussions, the parties agreed, among other things, that for the duration of the 42nd Legislature, the Parti Québécois and Québec Solidaire would be recognized as the Second Opposition Group and the Third Opposition Group respectively. The Parti Québécois and Québec Solidaire each had 10 Members elected and received 17.06 per cent and 16.10 per cent of the popular vote respectively. Since both have the same number of Members, the difference in the percentage of votes received was considered to establish which of the two parties would be recognized as the Second and Third Opposition Group. Temporary amendments to the Standing Orders and the Rules for the Conduct of Proceedings of the National Assembly were approved on November 29, 2018, by a motion carried in the House. The National Assembly now has, for the duration of the 42nd Legislature, three opposition groups, namely: the group forming the Official Opposition (Québec Liberal Party), the Second Opposition Group (Parti Québécois) and the Third Opposition Group (Québec Solidaire).

Change in the composition of the Assembly and parliamentary and ministerial offices

On October 18, 2018, the new Premier of Québec, **François Legault** (L'Assomption), unveiled his gender-balanced 26-member Cabinet. The offices of House Leader and Chief Government Whip were assigned respectively to **Simon Jolin-Barrette** (Borduas) and **Éric Lefebvre** (Arthabaska).

Following the general election, outgoing Premier **Philippe Couillard** (Roberval) announced his retirement from politics; his resignation as MNA took effect on October 9, 2018. On October 18, 2018, the Québec Liberal Party caucus appointed **Pierre Arcand** (Mont-Royal–Outremont) as Leader of the Official Opposition. He in turn appointed **Sébastien Proulx** (Jean-Talon) and **Nicole Ménard** (Laporte) as Official Opposition House Leader and Chief Official Opposition Whip respectively.

Following the agreement on the recognition of parliamentary groups, **Pascal Bérubé** (Matane-Matapédia) and **Martin Ouellet** (René-Lévesque) were appointed as Leader and House Leader of the Second

Opposition Group respectively, while **Manon Massé** (Sainte-Marie–Saint-Jacques) and **Gabriel Nadeau-Dubois (Gouin)** were, for their part, named Leader and House Leader of the Third Opposition Group.

Moreover, **Guy Ouellette** (Chomedey) ceased to be a member of the caucus of the parliamentary group forming the Official Opposition on October 5, 2018. He now sits as an independent Member.

Also, the by-election held on December 10, 2018, in the electoral division of Roberval was won by Government party candidate **Nancy Guillemette**. The National Assembly is now composed of 75 Coalition Avenir Québec Members, 29 Québec Liberal Party Members, 10 Parti Québécois Members, 10 Québec Solidaire Members, and one independent Member.

New President of the National Assembly

On November 27, 2018, the National Assembly convened for the opening of the First Session of the 42nd Legislature. **François Paradis** (Lévis) being the only candidate for the office of President, he was declared elected as 46th President of the National Assembly.

Holder of a bachelor's degree in political science and journalism from Laval University, Mr. Paradis worked in the field of journalism and public affairs before being elected for the first time in the riding of Lévis, in the by-election held on October 20, 2014. He became the Second Opposition Group critic for health and social services as well as critic for seniors.

During the same sitting, **Marc Picard** (Chutes-de-la-Chaudière) was elected First Vice-President, **Chantal Soucy** (Saint-Hyacinthe) was elected Second Vice-President and **Maryse Gaudreault** (Hull), Third Vice-President. The Standing Orders of the National Assembly provide that the First and Second Vice-Presidents shall be elected from among the Members of the parliamentary group forming the Government and the Third Vice-President shall be elected from among those of the parliamentary group forming the Official Opposition.

Opening Speech debate and legislative agenda

Both weeks that the House sat before the holiday adjournment on December 7, 2018, were devoted essentially to the Opening Speech debate. At the last sitting, the Assembly held the deferred divisions on the motions stating a grievance moved within the framework of this debate and on the motion by the Premier, "That this Assembly approves the general policy of the Government".

Despite the short fall sessional period, five bills were introduced:

Bill 2 – *An Act to tighten the regulation of cannabis*

Bill 191 – *An Act to amend the Act respecting the National Assembly to prescribe the publication of information on the use of the amounts granted to Members in the performance of their duties*

Bill 3 – *An Act to establish a single school tax rate*

Bill 4 – *An Act to ratify the Agreement relating to the concept of parliamentary group, to the conduct of proceedings in the Assembly and in parliamentary committees as well as to budgetary aspects for the duration of the 42nd Legislature*

Bill 190 – *An Act to exclude child support payments from income calculation under various social laws*

Ruling and directive from the Chair

On December 7, 2018, the Chair handed down a ruling on a point of privilege raised by the Official Opposition House Leader, on November 29, 2018. The Official Opposition House Leader alleged that the Premier and his cabinet acted in contempt of Parliament by forwarding his entire Opening Speech to journalists, whereas he had just begun to deliver it in the National Assembly Chamber.

The Chair pointed out that this was the first point of privilege raised in the National Assembly with regard to disclosure of the content of the Opening Speech of the Session. However, in 2012, in response to a request for a directive, the Chair had recalled the principles governing delivery of the Opening Speech of the Session. The Chair had highlighted the importance of the parliamentary principle holding that the Government's general policy directions must be disclosed to the Members in the House before third parties are informed thereof. This principle reaffirms the executive power's respect for the legislative power and respect for the Members' role as overseers of government action.

The Chair noted Canadian parliamentary jurisprudence concerning premature disclosure of the Throne Speech—the equivalent to the National Assembly's Opening Speech of the Session—which concluded that such disclosure did not constitute a breach of parliamentary privilege. It also drew a parallel with the secrecy surrounding the Budget Speech's delivery which, in the opinion of Assembly Speakers having ruled on the matter, was more a matter of parliamentary custom than one of privilege. With regard to Québec parliamentary jurisprudence, in the past, the Chair of the National Assembly has held that a Budget Speech-related leak falls outside the scope of parliamentary privilege.

The Chair therefore considered it inappropriate to differentiate between a Budget Speech leak and premature disclosure of the Opening Speech of the Session. However, the Chair stressed that, while premature disclosure of the Opening Speech of the Session does not fall within the scope of parliamentary privilege, this in no way diminishes its importance.

The Chair thus considered that the Opening Speech of the Session should not have been given to journalists before it was presented to the Members. In this respect, as in the past, the Chair underscored that certain information must be communicated to the Members before being forwarded to third parties. This is true for bills, reports to be tabled in the Assembly and written questions to be entered in the Order Paper and Notices. The Opening Speech of the Session is now added to this list. It is a matter of deference to the Members and respect for the important duties they perform.

During the same sitting, the President issued a directive on a question raised by the House Leader of the Second Opposition Group, on December 4, 2018, regarding the announcement, by a Government Member, of the holding of a parliamentary committee on the future of information in Québec before the parliamentary committee had ruled on this proposed order of initiative.

Though our parliamentary jurisprudence contains no precedent that specifically addresses a case like the one for which this directive was requested, the Chair considered that parallels could be drawn with numerous rulings on presuming passage of a bill or knowingly invoking legislative provisions that have not yet been passed. On both of these points, jurisprudence is clear and consistent: invoking legislative provisions that are still undergoing consideration in the National Assembly in order to take action or implying that a bill has force of law in public comments or communications could constitute contempt of Parliament.

Whenever such an issue has been submitted to the Chair, the latter has recognized the Government's right and duty to inform citizens, but also the requirement that such communications reflect respect for and deference to the Assembly and its Members.

The Chair recalled that parliamentary committees adopt proposed orders of initiative if a majority of the members from each parliamentary group has voted in its favour. The Government, therefore, cannot impose an order of initiative on a given matter on a committee. The Chair further pointed out that an announcement like the one made on November 30, 2018, creates confusion as to the Government's involvement in

a procedure available to the Members sitting on a committee. The Chair indicated that, despite the intention voiced by the Minister, the competent committee would maintain its full autonomy and its ability to freely decide when the proposed order of initiative was officially submitted to it.

Other events

Bernard Landry, Premier of Québec from 2001 to 2003, passed away on November 6, 2018. The following Saturday, citizens came to the Parliament Building to express their condolences to his family and friends as he lay in state in the Legislative Council Chamber. Mr. Landry was the Member for Fabre from 1976 to 1981, for Laval-des-Rapides from 1981 to 1985, and for Verchères from 1994 to 2005.

Committee proceedings

Agreement for the duration of the 42nd Legislature

As mentioned previously, the parliamentary groups reached an agreement regarding the concept of parliamentary group, the conduct of proceedings in the Assembly and in parliamentary committees, and budgetary aspects for the duration of the 42nd Legislature. Notwithstanding the recognition of the Parti Québécois and Québec Solidaire as parliamentary groups, this agreement led to the adoption of temporary amendments to the Standing Orders of the National Assembly (SO) and to its Rules for the Conduct of Proceedings concerning parliamentary committees:

- Membership of committees: for the duration of the 42nd Legislature, each committee shall consist of 13 Members instead of 10 or 12, including seven Members from the parliamentary group forming the Government, four Members from the Official Opposition, one Member from the Second Opposition Group and one Member from the Third Opposition Group. When an independent Member serves as a committee member, such committee shall consist of fifteen members, thus adding the independent Member and a Member from the parliamentary group forming the Government to the committee membership.

- Vice-chairs of committees: the Committee on Public Administration and the Committee on Labour and the Economy shall each have a second vice-chair from the Second Opposition Group.

- Temporary chairs: the list of temporary chairs consists of 10 Members from the parliamentary group forming the Government and five Members from the Official Opposition. These Members may preside over committee debates when the committee chair and vice-chair are unavailable.

| COMMITTEES | CHAIR | VICE-CHAIR(S) |
|--|---|--|
| Committee on Public Administration (CAP) | Mr. LEITÃO, Carlos J. (Robert-Baldwin) | Mr. CARON, Vincent (Portneuf) Mr. GAUDREAU, Sylvain (Jonquière) |
| Committee on Agriculture, Fisheries, Energy and Natural Resources (CAPERN) | Mr. LEMAY Mathieu (Masson) | Ms. MONTPETIT, Marie. (Maurice-Richard) |
| Committee on Planning and the Public Domain (CAT) | Ms. THÉRIAULT, Lise (Anjou-Louis-Riel) | Ms. DANSEREAU, Suzanne (Verchères) |
| Committee on Culture and Education (CCE) | Mr. TANGUAY, Marc (LaFontaine) | Mr. ASSELIN, Mario (Vanier-Les Rivières) |
| Committee on Labour and the Economy (CET) | Ms. ISABELLE, Claire (Huntingdon) | Mr. ROUSSELLE, Jean (Vimont) Ms. RICHARD, Lorraine (Duplessis) |
| Committee on Public Finance (CFP) | Mr. SIMARD, Jean-François (Montmorency) | Mr. FORTIN, André (Pontiac) |
| Committee on Institutions (CI) | Mr. CHARETTE, Benoît (Deux-Montagnes) | Ms. ANGLADE, Dominique (Saint-Henri-Sainte-Anne) |
| Committee on Citizen Relations (CRC) | Mr. BACHAND, André (Richmond) | Ms. SAUVÉ, Monique (Fabre) |
| Committee on Health and Social Services (CSSS) | Mr. PROVENÇAL, Luc (Beauce-Nord) | Ms. DAVID, Hélène (Marguerite-Bourgeoys) |
| Committee on Transportation and the Environment (CTE) | Ms. ST-PIERRE, Christine (Acadie) | Ms. GRONDIN, Agnès (Argenteuil) |

- Allocation of speaking time in committee: during mandates in which each parliamentary group has a limited amount of speaking time (example: public hearings and continuation of the debate on the Budget Speech), it was agreed that speaking time be allocated as follows: 50% to the parliamentary group forming the Government and 50% to the opposition groups, allocated among them according to the relative importance (number of Members) of each opposition group within the committee.

The Agreement is available on the Assembly website at the following address (in French only):

http://www.assnat.qc.ca/Media/Process.aspx?MediaId=ANQ.Vigie.Bll.DocumentGenerique_

141185&process=Original&token=ZyMoxNwUn8ikQ+TRKYwPCjWrKwg+vIv9rjj7p3xLGTZDmLVSmJLoqe/vG7/YWzz

Committee membership for the duration of the 42nd Legislature

Pursuant to Standing Order 127, the Committee on the National Assembly (CAN) met on Friday, November 30, 2018, to form the parliamentary committees. At this sitting, the CAN members established the membership of several committees and chose those that will be chaired by a member of the parliamentary group forming the Government and those that will be chaired by a member of the Official Opposition. They also adopted the list of temporary

chairmen, while observing the allocation set forth in the Agreement, and set the date of the first meeting of the committees to allow their members to elect their respective chairs and vice-chairs.

Election of committee chairs and vice-chairs

On December 4, 2018, the members of each parliamentary committee convened for their first meeting to elect their respective chairs and vice-chairs. Pursuant to Standing Order 136, the President of the National Assembly took the chair of each committee for the election of its chair. The newly-elected committee chair then presided at the election of the vice-chair(s). It should be noted that no member of any committee can be deemed elected its chair or vice-chair unless a majority of the members thereof from each parliamentary group has voted in his or her favour. Specifically, the appointments can be found in the table on page 66.

Stéphanie Labbé

General Directorate for Parliamentary Affairs
Sittings Service

Sabine Mekki

General Directorate for Parliamentary Affairs
Committees Service



Senate

Legislation

On October 25, the following bills received Royal Assent by written declaration: C-65 – amending the *Canada Labour Code (harassment and violence)*, the *Parliamentary Employment and Staff Relations Act* and the *Budget Implementation Act, 2017, No. 1*; and C-79 – implementing the Comprehensive and Progressive Agreement for Trans-Pacific Partnership between

Canada, Australia, Brunei, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam. The following bills also received Royal Assent by written declaration on November 26: C-62 – amending the *Federal Public Sector Labour Relations Act* and other Acts; and C-89 – providing for the resumption and continuation of postal services.

A traditional Royal Assent ceremony was held in the Senate on December 13. Her Excellency the Governor General gave Royal Assent to the following bills: C-21 – amending the *Customs Act*; C-47 – amending the *Export and Import Permits Act* and the *Criminal Code (permitting accession to the Arms Trade Treaty and other amendments)*; C-51 – amending the *Criminal Code* and the *Department of Justice Act* and to make consequential amendments to another Act; C-86 – *Budget Implementation Act 2018; No. 2*; C-76 – amending the *Canada Elections Act* and other Acts and to make certain consequential amendments; and C-90 – *Appropriation Act 2018-19, No. 3*.

Chamber, Procedure and Speaker's Rulings

On October 2, a point of order was raised concerning the relevance of debate. The senator who had the floor when the point of order was raised was speaking to a subamendment and referred to the main motion. The Speaker stated that a fair amount of leeway is afforded senators when speaking to amendments and subamendments given that they relate to a main motion. The Speaker ruled that the senator could continue with his intervention in order to hear how it would unfold.

On November 8, the Speaker ruled on a question of privilege raised by Senator **Dennis Patterson** on November 1 in relation to events that took place at the Annual General Meeting of the Canadian NATO Parliamentary Association. The main concern raised was that the meeting was not conducted in accordance with the constitution of the Association.

The Speaker found that one of the four criteria for a question of privilege to be accorded priority was met, namely that a question must “be raised at the earliest opportunity”. He then addressed the criterion that a question “be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available.” He quoted a previous ruling from 2012 concerning the adjournment of a committee meeting stating: “[i]n this case, the action of the committee chair in adjourning the meeting without verifying if there was other business is really one of order and, as such, there is another reasonable parliamentary process available. The

matter could be raised as a point of order in committee, where it can be dealt with more effectively.” While recognizing the differences between a parliamentary committee and an association, the Speaker stated that this precedent provided useful guidance as to how the matter at issue may be addressed, whereby procedural mechanisms available at the next meeting of the Association would be more appropriate.

The Speaker further indicated that the Joint Inter-parliamentary Council and the Senate’s Committee on Internal Economy, Budgets and Administration are two bodies that could undertake this work. He concluded that there are more appropriate avenues for the matter to be addressed and ruled that Senator Patterson’s question of privilege did not satisfy the criteria of rule 13-2(1)(d). As a question of privilege must meet all four criteria of rule 13-2(1), it was unnecessary for the Speaker to address the other two.

On December 11, a point of order was raised with respect to the determination of the length of the bells before a standing vote. The Speaker took the opportunity to provide a more fulsome explanation of rule 9-5, which requires a one-hour bell unless there is an agreement between the government liaison and the opposition whip. Such an agreement must be endorsed by the unanimous consent of all senators present. If a senator objects, then the default is a one-hour bell. The Speaker cautioned senators to ensure they are heard as it was his understanding, in this case, that there was an agreement for a 15-minute bell.

Senators

The Upper Chamber welcomed five new Senators on October 16. Senator **Paula Simons**, who was appointed to represent Alberta, is an award-winning journalist and author. Senator **Patti LaBoucane-Benson**, who was also appointed to represent Alberta, has a Ph.D. in Human Ecology and has spent most of her career with Native Counselling Services of Alberta. She is a proud Métis and has dedicated her life to helping Indigenous families. Senator **Peter M. Boehm**, from Ontario, holds a Ph.D. in History and is a career foreign service officer, who most recently served as Deputy Minister for the G7 Summit in 2017. Senator **Josée Forest-Niesing**, representing Ontario, is a Franco-Ontarian lawyer who has defended and promoted access to justice in both official languages throughout her career, and served on the board of directors of numerous organizations in Sudbury. Senator **Brian Francis**, who was appointed to represent Prince-Edward Island, is a leader of the Mi’kmaq community and current Chief of the Abegweit Mi’kmaq Nation, with experience working with all levels of government to advance social and economic development in his community.

On December 12, the appointment of four additional senators was announced. **Rosemary Moodie** will represent Ontario, **Stanley Paul Kutcher** will represent Nova Scotia, **Patricia Jane Duncan** will represent Yukon, and **Margaret Dawn Anderson** will represent the Northwest Territories. The four newest senators were to be sworn-in when the Senate resumed sitting in February 2019, which will bring the total number of senators up to 105 for the first time since 2010.

Committees

On December 5, the 11th report of the Standing Senate Committee on Fisheries and Oceans entitled *When Every Minute Counts – Maritime Search and Rescue* was adopted and a government response was requested.

The Senate resolved itself into a Committee of the Whole on two occasions in November to consider legislation, which has been a rare occurrence. On November 6, a Committee of the Whole considered the subject matter of Bill C-76, *An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments*. The Committee heard from **Stéphane Perrault** and **Yves Côté**, the Chief Electoral Officer and the Commissioner of Canada Elections, respectively, who were accompanied by senior officials.

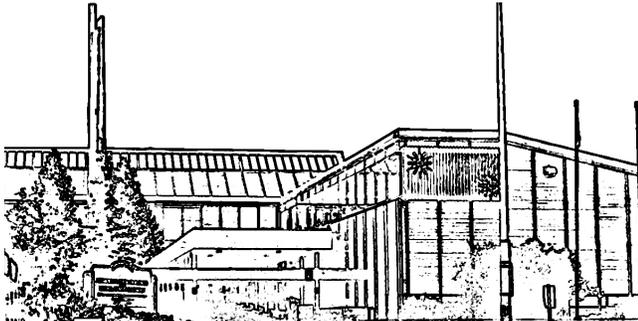
During a rare weekend sitting, on Saturday, November 24, the Senate resolved into a Committee of the Whole to consider Bill C-89, *An Act to provide for the resumption and continuation of postal services*. To begin, the Committee heard from **Patricia Hajdu**, Minister of Employment, Workforce Development and Labour, and **Carla Qualtrough**, Minister of Public Services and Procurement and Accessibility, and senior officials. They were followed by **Jessica McDonald**, Chair of the Board of Directors and Interim President and CEO, Canada Post, and afterward **Mike Palecek**, President, Canadian Union of Postal Workers, appeared as a witness. The Committee of the Whole then proceeded to clause-by-clause consideration of the Bill, which was adopted without amendment and put on the Orders of the Day for third reading at the next sitting.

Closure of the Centre Block

The sitting of Thursday, December 13, marked the final sitting in the Centre Block before it closes for major renovations for the next 10 years. The Speaker underscored the occasion when expressing his holiday wishes to senators and staff, noting that “All employees and parliamentarians, past and present, feel a very deep connection to this place.” On the previous day a final official photograph in the Senate

Chamber was taken. When the Senate resumes sitting in 2019, it will be in the Senate of Canada Building, which was renovated and formerly known as the Government Conference Centre and before that was Ottawa's train station.

Max Hollins
Procedural Clerk



Yukon

40th Anniversary of Party Politics

On December 13, Speaker **Nils Clarke** hosted a celebration of the 40th anniversary of territorial party politics in Yukon. Through a post on the Legislative Assembly's Facebook page, Speaker Clarke had issued an invitation to the event to all Yukoners. The post noted, "The move to party politics was an important step in Yukon's evolution toward greater political autonomy and responsible government". As well, it observed, "The Assembly that gathered on December 13, 1978 also included the first two First Nations candidates elected to the Legislative Assembly."

The celebration, held in the lobby of the Yukon government administration building (the building in which the Legislative Assembly Chamber is situated) marked the anniversary of the first meeting of the 24th Yukon Legislative Assembly. Although the Territorial Council (as it was then known) has been a fully elected body since 1909, it was not until the November 20, 1978 general election that candidates officially ran under party banners and the resultant Legislative Assembly organized its proceedings along party lines.

Speaker Clarke, former Commissioner **Doug Bell**, Premier **Sandy Silver**, former Clerk **Patrick Michael**, Official Opposition MLA and former Commissioner **Geraldine Van Bibber**, and Third Party Leader **Liz Hanson**, delivered remarks. Among the many current and former MLAs attending the event were former Premiers **Dennis Fentie**, **Pat Duncan** -- who had just

been appointed Yukon's senator the previous day -- and **Piers Macdonald**. Former Speakers **Patti McLeod** (a current MLA), **Dave Laxton**, **Ted Staffen**, **Robert Bruce**, and **Sam Johnston**, the first First Nations Speaker of a Legislative Assembly in Canada, were also in attendance. Also present were Yukon Commissioner **Angélique Bernard**, and former commissioners **Ione Christensen** (the Commissioner at the time of the introduction of party politics), Ken McKinnon and Jack Cable. **Alice McGuire**, one of the first two First Nations MLAs, also attended the function (**Grafton Njootli** had passed away). Current Clerk **Floyd McCormick**, and former Sergeant-at-Arms **Rudy Couture**, were also present.

A December 28 article in the *Whitehorse Star* noted, "That celebration was at the heart of a gathering that featured a who's who of Yukon Politics....It truly was a family affair, with those who played pivotal roles since the introduction of party politics into the Yukon rubbing elbows with current MLAs, officials and civil servants."

Fall Sitting

The 2018 Fall Sitting of the Second Session of the 34th Legislative Assembly concluded on November 22, after 30 sitting days. The Sitting had commenced on October 1.

Government bills assented to

During the Sitting, the following government bills passed the House and were assented to by Commissioner Bernard:

Bill No. 20, *Societies Act*

Bill No. 21, *Equality of Spouses Statute Law Amendment Act*

Bill No. 22, *Act to Amend the Forest Resources Act and the Territorial Lands (Yukon) Act (2018)*

Bill No. 23, *Lobbyists Registration Act*

Bill No. 24, *Access to Information and Protection of Privacy Act*

Bill No. 25, *Act to Amend the Legislative Assembly Act (2018)*

Bill No. 26, *Technical Amendments Act (No. 2), 2018*

Bill No. 27, *Coroners Act*

Bill No. 207, *Second Appropriation Act, 2018-19*

No private members' bills were introduced or called for debate during the 2018 Fall Sitting.

Government bill negatived

On October 4, Bill No. 19, *Electoral District Boundaries Act* was introduced by Premier Silver. The introduction

of the bill met the requirement in the *Elections Act* that the government introduce a bill to put into effect the boundaries recommended by the Yukon Electoral Boundaries Commission (“the Commission”) by the end of the Sitting that follows the report’s tabling (the Commission’s final report had been tabled on April 19, during the Spring Sitting). As detailed previously, in response to feedback the Commission received following the release of the Commission’s November 2017 interim report, the final report recommended (unlike the interim version) the addition of a new 20th riding. The proposed new riding would be situated in a rural area.

On November 19, Premier Silver moved second reading of Bill No. 19, *Electoral District Boundaries Act*, which was defeated on division, following debate. It had been unprecedented in Yukon for a government bill to be defeated. Government MLAs, who comprise a majority of the membership of the current Legislative Assembly, voted en masse against the motion for second reading of the Bill No. 19. Official Opposition Leader **Stacey Hassard** indicated his caucus would have a free vote on the electoral boundaries bill; with the exception of one member, the Official Opposition caucus voted in favour of the motion for second reading, as did both members of the Third Party caucus.

During second reading debate, Premier Silver reviewed reasons that the government side would be voting against the bill, including “a lack of consultation (about the proposed addition of a new riding); additional costs as a result of an additional 20th MLA; and, quite simply, the lack of demand for more politicians.”

The following day, Ms. Hanson, Leader of the Third Party, gave notice of a motion (Motion No. 391) urging the government to clarify the manner in which it “... intends to fulfill the obligations set out in Yukon’s *Elections Act* to ensure fair representation of the Yukon electorate and to make proposals to the Legislative Assembly as to the boundaries, number and names of electoral districts for the next two Yukon general elections”, in light of Bill No. 19’s defeat.

NDP leader stepping down

On November 21, Ms. Hanson, leader of the Third Party, announced her plans to step down as leader via the party’s Facebook page. “I have agreed to continue to serve as leader of the Yukon NDP until my successor is chosen. I will also continue to proudly represent the citizens of Whitehorse Centre who first granted me the privilege of representing them in (the by-election of) December 2010.” On September 26, 2009, Ms. Hanson

had been acclaimed as party leader at the Yukon NDP’s convention. On taking her seat in the House in February 2011, Ms. Hanson assumed the role of Leader of the Third Party for the duration of the 32nd Legislative Assembly. Ms. Hanson was re-elected in the October 2011 general election, and served as the Leader of the Official Opposition throughout the 33rd Legislative Assembly.

As of the time of writing, the date for the NDP leadership convention has not been announced.

Yukon’s new Senator

On December 12, Prime Minister Trudeau announced that Governor General **Julie Payette** had appointed **Pat Duncan** as an independent senator to fill the Yukon vacancy in the Senate. Yukon had been without a senator since the retirement of senator **Daniel Lang** on August 15, 2017.

Ms. Duncan had been a Yukon MLA from 1996 to 2006, during which time she had held various roles, including serving as Premier from 2000-2002. Ms. Duncan was Yukon’s first female Premier as well as the territory’s first Liberal Premier.

The Prime Minister’s December 12 news release noted that Ms. Duncan possesses “extensive experience in business and as a public servant in the community” and that she has made many contributions in Yukon through her considerable volunteer work. Since 2015, Ms. Duncan had served as the manager of the Yukon Workers’ Advocate office in the territorial government.

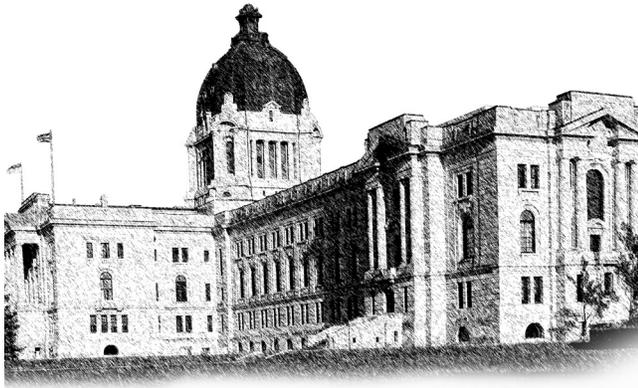
On the same day that Ms. Duncan’s appointment to the Senate was announced, Premier Silver released a statement congratulating her. In the statement, the Premier observed, “Yukon representation on the Senate of Canada is important to Yukon ... Ms. Duncan’s appointment will provide the opportunity to ensure a strong voice for Yukoners and see to it that Yukon’s perspective is heard...”

First Nations ceremony in Chamber

At the outset of the sitting day on November 13, a unique First Nations tribute honouring the late **Doris McLean**, Sergeant-at-Arms from July 2016 to September 30, 2017, and Deputy Sergeant-at-Arms from 2003-2016, was performed on the floor of the House. The tribute, a “cry song”, was delivered by the Dakhká Khwáan Dancers, an Inland Tlingit dance troupe that Ms. McLean, a respected elder and former Chief of the Carcross/Tagish First Nation, had founded in 2007. Before the ceremony began, Speaker Clarke paid tribute to Ms. McLean, and explained the purpose of the ceremony and the cry song; Speaker Clarke

noted that this explanation had been provided by Ms. McLean's daughter, **Marilyn Jensen**, who was one of the people taking part in the ceremony. Photos of the ceremony were posted on the Assembly's Facebook page.

Linda Kolody
Deputy Clerk



Saskatchewan

Fall sitting of the third session of the twenty-eighth Legislature

The third session of the twenty-eighth Legislature was opened on October 24, 2018 by **W. Thomas Molloy**, Lieutenant Governor of Saskatchewan, who delivered his first Speech from the Throne. During the fall period of session, 36 public bills were introduced by the government as well as four private members' public bills and three private bills sponsored by private members.

The administrator, Chief Justice **Robert Richards**, gave royal assent to four public bills including an appropriation bill to defray the expenses of the public service. The appropriation bill was for supplementary estimates requested by the ministries of advanced education, social services, environment, corrections and policing, and justice. Two of the three private members bills also received royal assent.

Two bills which received royal assent are of notable interest: Bill No. 146, *The Vital Statistics Amendment Act, 2018* and Bill No. 166, *The Election Amendment Act, 2018*. Bill No. 146 allows the Registrar of Vital Statistics to issue a birth certificate without a sex designation. The bill passed through multiple stages in one sitting and received royal assent on December 5, 2018.

Bill No. 166, *The Election Amendment Act, 2018* made a number of changes that the Chief Electoral Officer (CEO) had been recommending to the Assembly. The amendments include:

Provisions to allow the CEO to conduct pilot implementation projects at by-elections and general elections providing that the appropriate notice of the project is given. This includes approval by the Board of Internal Economy (BOIE) in the event that the pilot implementation project is during a general election.

New authority to introduce modernized voting procedures at advance polls. The advance voting modifications the CEO may direct include: electronic poll books; vote counting equipment; and special election officer positions.

The definition of "contribution" respecting loans and guarantees of financial institutions was clarified. The amendment proposed that loans and guarantees that are provided by financial institutions based on standard commercial terms, do not constitute contributions under *The Election Act, 1996*.

An exemption for the Saskatchewan Pension Plan from advertising restrictions during elections providing the advertising relates to its competitive business interests.

A clarification of the rules respecting the preparations and tabling of reports by the CEO on any matter regarding the administration of *The Election Act, 1996*.

A clarification of the right of access for candidates to condominiums and residential rental properties.

The bill was introduced and proceeded through all stages including royal assent on the second last day of the fall sitting. The Assembly adjourned on December 6, 2018 until March 4, 2019.

Sensitivity training for MLAs

In November 2017, the BOIE adopted a MLA anti-harassment directive and associated policy. Sensitivity training is a requirement of the policy. Consequently, with the assistance of an outside consultant, the Legislative Assembly Service developed and provided sensitivity training courses to ensure that MLAs understand the policy and best practices. All members have completed the sensitivity training.

Stacey Ursulescu
Procedural Clerk