



Legislative Reports



Alberta

The Spring sitting of the 3rd Session of the 27th Legislature commenced on February 4, 2010, with the Speech from the Throne delivered by outgoing Lieutenant Governor **Norman L. Kwong**. The Speech outlined the Government's plans to increase Alberta's competitiveness in the global economy and improve health care. Highlights included:

- a commitment by the Government to act on the recommendations of the Minister of Health and Wellness's Advisory Committee and to provide stable five-year funding to Alberta Health Services;
- the continued use of Alberta's Sustainability Fund to provide funding for municipalities, social programs, educational institutions, and the health care system;
- investment in research and technology solutions in response to environmental issues posed by oils sands development as well as the eventual elimination of tailings ponds;
- 100 new officers for Alberta police forces;
- the development of a new vision for education;
- equitable treatment for Albertans under universal federal programs.

On opening day Premier **Ed Stelmach** introduced Bill 1, *Alberta Competitiveness Act*. Bill 1 allows the Lieutenant Governor in Council to strike a committee to discuss and develop methods to increase Alberta's competitiveness. The committee would collaborate with government, industry, business, and Albertans to provide advice to the Government on how to foster opportunities and increase the province's access to the global economy. The Bill received Royal Assent on March 25, 2010.

Government Bills

Bills passed by the Assembly include:

- Bill 7, *Election Statutes Amendment Act, 2010*, amends legislation by updating the manner in which provincial elections are held. The amendments were developed in consultation with the office of the Chief Electoral Officer and based on recommendations made by the former Chief Electoral Officer in a report following the March 3, 2008, provincial general election. Under the amendments, returning officers will now be appointed by the Chief Electoral Officer rather than the Government; enumerators will be hired by returning officers under the direction of the Chief Electoral Officer; advance polls will be open to those who want to vote early; prisoners will have the right to vote; and the Chief Electoral Officer will be provided with mechanisms to explore the use of voting technologies. The opposition moved several amendments during

Committee of the Whole consideration of the Bill. Some concerns included issues surrounding electronic voting as well as the lack of provisions for fixed election dates. The Bill does not contain provisions regarding leadership campaign financing as recommended by the former Chief Electoral Officer in his report. However, shortly after the Bill was introduced in the Assembly, the Minister of Justice and Attorney General and sponsor of the Bill, requested that the Standing Committee on Public Safety and Services review and make recommendations regarding financial disclosure rules for leadership contestants for political parties. In accordance with the Standing Orders, the committee's report must be presented to the Assembly within six months of the commencement of the inquiry.

- Bill 9, *Local Authorities Election Statutes Amendment Act, 2010*, amends the Act by introduces several changes to the processes involved with municipal elections. One change provides that when a voter has more than one residence, he or she must designate only one place of residence for the purpose of voting. Other provisions include: no requirement for a bank account and public disclosure by candidates on self-funded campaigns up to and including \$10,000; a maximum contribution limit of \$5,000 per year; a requirement for a bank account for contributions from any person other than the candidate only if the total amount exceeds \$5,000.
- Bill 12, *Body Armour Control Act*. Under the legislation, individuals who want to purchase body armour must

have a permit to do so with the exception of police officers, peace officers, emergency medical service providers, Alberta Gaming and Liquor Commission inspectors, licensed private security guards, and others who need to wear body armour to do their jobs. Individuals with valid firearms permits are also exempt. Members of the Wildrose Alliance spoke in opposition to the Bill claiming that the provisions in the Bill take away the right of individuals to protect themselves. They also argued that body armour is not a weapon and should therefore not be subject to permit requirements.

- Bill 16, *Traffic Safety (Distracted Driving) Amendment Act, 2010*, amends the *Traffic Safety Amendment Act* to ban the use of hand-held cellphones, electronic devices such as GPS, as well as tasks which distract drivers such as personal grooming. Hands-free devices or devices that require only one touch will still be permitted. Exceptions include the use of cellphones in emergency situations and by emergency personnel and for commercial purposes. The Bill is currently at Second Reading and will be considered at the next sitting.

Private Members' Public Bills

- Bill 201, *Workers' Compensation (Firefighters) Amendment Act, 2010*, introduced by **George Rogers** (PC, Leduc-Beaumont-Devon), proposed amendments to the *Workers' Compensation Act* to include primary site esophageal cancer and primary site testicular cancer in the list of cancers that firefighters may claim under workers' compensation benefits. The Bill passed Third Reading on April 12, 2010.
- Bill 202, *Mandatory Reporting of Child Pornography Act* introduced by **Heather Forsyth** (WA, Calgary-Fish Creek) mandates the reporting of child pornography. Where an individual believes that

material is or may be child pornography, it must be reported to either law enforcement or a reporting entity. The Bill contains provisions to protect the informant and establishes the actions a reporting entity must take once an incident is reported. It is the first time that a Private Members' Public Bill sponsored by an opposition Member has received Royal Assent.

- Bill 203, *Municipal Government (Local Access and Franchise Fees) Amendment Act, 2010*, sponsored by **Kyle Fawcett** (PC, Calgary-North Hill), amends the Act by creating a standard formula to be used when calculating local access and franchise fees. During Second Reading consideration, an amendment was passed to refer the Bill to the Standing Committee on Community Services. The Committee must report to the Assembly by October 28, 2010.

Budget 2010

On February 9, 2010, **Ted Morton**, Minister of Finance and Enterprise, presented Budget 2010 and the estimates for the 2010-11 fiscal year. The budget estimates a deficit of \$4.7 billion for 2010-11 and a deficit of \$1.1 billion for 2011-12. The Sustainability Fund will be used to offset deficits. It is anticipated that the province will return to a balanced budget by 2012-13. Revenue for the 2010-11 fiscal year is estimated to increase by \$423 million, or 1.3%, to \$34 billion. Resource revenue is anticipated to increase by \$1.3 billion, or 21.7%, to \$7.3 billion. Alberta's economy is expected to grow by 2.6% in 2010.

A cross-ministry review identified \$1.3 billion in savings which will be reinvested in priority areas identified by the Government.

Operating expenses are forecasted to increase by 5.6 percent or \$1.7 billion to \$33.2 billion. Of this amount a payment of \$759 million will be made to Alberta Health Services to pay off the remainder of their deficit. Alberta Health Services will receive an increase in base funding of \$1.3 billion which includes an \$812 million adjustment to base funding. School boards will receive an increase of \$250 million. Benefit levels for recipients of the Alberta Seniors Benefit and the Assured Income for the Severely Handicapped will remain the same as will funding for the Persons with Developmental Disabilities program.

This year marked the second time that the main estimates were referred to the Assembly's five Policy Field Committees according to their respective mandates. The Policy Field Committees met in the evenings to consider the main estimates of 23 departments during the 2010 Spring sitting from 6:30 p.m. to 9:30 p.m. The estimates of Executive Council were considered by Committee of Supply. The vote on the main estimates and the Legislative Assembly Office estimates took place on March 18, 2010.

Caucus Changes

Dave Taylor (Calgary-Currie) resigned from the Official Opposition Liberal Caucus on April 12, 2010 to sit as an independent Member. Mr. Taylor was elected to his second term as a Member of the Legislative Assembly of Alberta for the constituency of Calgary-Currie on March 3, 2008. He currently serves as a member of the Standing Committee on the Economy, the Standing

Committee on Community Services, and the Standing Committee on Privileges and Elections, Standing Orders and Printing. The Assembly now has two independent Members.

Auditor General

On April 14, 2010, the Assembly approved a motion to concur in the report of the Select Special Auditor General Search Committee to appoint **Merwan N. Saher** as Auditor General for the Province of Alberta for a period of six years. Mr. Saher has been with the Office of the Auditor General for 30 years and served as Assistant Auditor General since 1996.

New Lieutenant Governor

On April 8, 2010, retired Colonel **Donald Stewart Ethell** was named Alberta's 17th Lieutenant Governor by Prime Minister **Stephen Harper**. Col. Ethell was born July 1937 in Vancouver, British Columbia. He served 38 years with the Canadian Armed Forces and participated in fourteen international peace-keeping missions in Cyprus, Lebanon, Israel, and the Balkans. Since retiring he has worked with Canada's veterans and is the National President of the Canadian Association of Veterans in United Nations Peacekeeping. He was inducted into the Alberta Order of Excellence in 2001. Col. Ethell was installed as Lieutenant Governor on May 11, 2010.

Adjournment of the Spring Sitting

The Spring Sitting of the Third Session of the 27th Legislature adjourned on April 21, 2010, after 31 sitting days. By the conclusion of the sitting, 15 Government Bills, two Private Members' Public Bill, and three Private Bills were passed by the Assembly.

Other Matters

On March 9, 2010, Speaker **Ken Kowalski** hosted a ceremony in the Legislature Building Rotunda recognizing Alberta's Francophone community. Les Rendez-vous de la Francophonie is a celebration of the province's French culture and history. Joining Speaker Kowalski during the recognition ceremony were **Hector Goudreau**, Minister of Municipal Affairs; **Harry Chase** (Lib, Calgary-Buffalo) representing the Official Opposition; and **Dolores Nolette**, President, Association canadienne-française de l'Alberta.

On April 12, 2010, Speaker Kowalski made a statement in the Assembly in connection with the 'End of an Era' and the passing of **John Babcock** on February 19, 2010, Canada's last known Veteran of the First World War. Speaker Kowalski also paid tribute to the sacrifices, achievements, and contributions made by all those who served for Canada during the First World War.

On February 22, 2010, the Speaker hosted local Girl Guides in the Legislature Building Rotunda as part of a celebration of the 100th anniversary of the Girl Guides of Canada. Speaker Kowalski recognized the work of Girl Guides in their communities.

Mr. Speaker's MLA for a Day was held on April 12 and 13, 2010. Seventy-nine students from across Alberta participated in the program which is designed to give Alberta high school students the chance to find out what it really means to be an MLA. Through conversations with MLAs and participation in the two-day program, students were able to see how MLAs act

as lawmakers and community representatives. The program is sponsored by the Royal Canadian Legion, Alberta NWT Command, which also assists with the program.

Speaker Kowalski hosted an event in the Legislature Rotunda on April 14, 2010, to celebrate the Sikh Festival of Vaisakhi. Vaisakhi is an ancient harvest in Punjab and marks the beginning of a new solar year and harvest season.

Micheline Gravel

Clerk of Journals/Table Research



New Brunswick

The Fourth Session of the Fifty-Sixth Legislature adjourned Friday, April 16, 2010 following a 68-day session which focused largely on a proposed energy agreement with Hydro-Québec. The proposed agreement dominated question period, Members' Statements and Opposition Members' Business. The House received 256 petitions, the majority of which related to the sale of NB Power.

Proposed Energy Agreement

A Memorandum of Understanding unveiled in October 2009 between the governments of Québec and New Brunswick proposed low and more predictable electricity rates and would see Hydro-Québec acquire most of the assets of NB Power for an amount

equivalent to NB Power's debt of \$4.75 billion. Residential rates would be frozen for five years; industrial rates would be substantially lowered.

Changes announced in January 2010 would see the province retain ownership and control of transmission and distribution; NB Power would continue as a New Brunswick-owned and operated Crown corporation; New Brunswick would receive \$3.2 billion for the sold assets, projected to be a sum sufficient to retire the debt related to the generation assets of NB Power; and businesses would continue to enjoy substantial rate benefits. Other benefits of the agreement, elimination of most of the financial risks associated with electricity production as well as the risks associated with servicing a large debt portfolio, remained substantially the same.

The government announced that, following the tabling of the legislation and the final agreements, there would be more than 30 days of debate in the legislature and a legislative committee would review the final agreements, hear from experts and listen to stakeholders in order to satisfy the requests to make the process as open and as transparent as possible.

The Official Opposition opposed the agreement, stating that the government had promised not to sell the utility and then entered into negotiations to do so without a mandate. The Leader of the Opposition, **David Alward**, suggested that the process announced by the government to review the final agreement would be ineffective because it would not engage the public in meaningful consultation and suggested alternatives would not

be considered. The Opposition introduced motions calling upon the government to delay the implementation of the agreement until after a general election or referendum was held on the matter.

On March 24, 2010 Premier **Shawn Graham** announced to the House that the province would no longer be proceeding with discussions to finalize the energy agreement with Hydro-Québec. He noted that over the past several weeks, as government worked to take the agreement and turn it into a full legal document, Hydro-Québec had asked for changes to the agreement that would have, unacceptably, taken away some of the value and increased some of the risk for New Brunswickers. The Premier stated that this change in Hydro-Québec's position meant that the terms of the agreement, in principle, could not be met and the government could not accept that.

Legislation

Among noteworthy pieces of legislation adopted or considered during the session were:

- Bill 12, *New Brunswick Internal Services Agency Act*, introduced by Supply and Services Minister **Ed Doherty**, the goal of which is to modernize the way government does business, by having services delivered by a single agency rather than by each department, and allowing departments to focus on delivery of frontline programs and services.
- Bill 49, *Early Learning and Childcare Act*, was introduced by Social Development Minister **Kelly Lamrock**, who noted that the Bill provides government not only with the regulatory power to make sure that day cares are safe, but also gives the Minister the power to regulate the quality

of early childhood education in child care facilities. The Act would ensure that all early learning and child care facilities use an approved curriculum framework; that there is prescribed training on a selected curriculum framework by staff and that staff are paid as professionals. It brings New Brunswick in line with other provinces and territories which have stand-alone legislation governing child care services and facilities.

- Bill 58, Following the tabling of a report entitled *Toward an Improved Health System in French in New Brunswick*, which outlined recommendations for improvements in the Francophone health system, Health Minister **Mary Schryer** introduced *An Act Respecting Health Services and Language*, which allows solutions to ensure that New Brunswick's distinct linguistic communities are recognized throughout the health system. The minister noted that the amendments reflect what was heard from the Francophone population and will move New Brunswick toward a stronger, more efficient health care system.
- Bill 39, *Economic and Social Inclusion Act*, introduced by Social Development Minister **Lamrock**, establishes a New Brunswick Economic and Social Inclusion Corporation. This arm's-length, nonpartisan group made up of stakeholders will be able to address provincial issues from equality of health benefits to provincial poverty policy. It will provide for the establishment and funding of community inclusion networks to address challenges like equal access to transportation, literacy mentoring for young people, and community placements for people with disabilities.
- Bill 57, *An Act to Amend the Auditor General Act*, introduced by Opposition Leader **Mr. Alward**, proposed that

the Auditor General report to the Legislative Assembly annually, and sixty days prior to a fixed general election date, on the work of his office, and on whether, in carrying on the work of his office, he received all the information and explanations he required. The Bill was defeated at second reading.

- Bill 25, *An Act to Amend the Motor Vehicle Act*, introduced by the Opposition Leader would extend the suspension time for blowing a warning from one to five days.
- Bill 54, a subsequent amendment to the *Motor Vehicle Act* was introduced by Public Safety Minister **John Foran** who noted the government's support of the principles of Bill 25. The minister noted that the *Motor Vehicle Act* currently authorizes the police to issue 24-hour short-term suspensions to drivers who register a blood alcohol concentration of 0.05%. The amendments increase this suspension period to seven days and eliminate the seven-day temporary license under the administrative license suspension scheme for drivers charged with offenses under the *Criminal Code*.
- Bill 52, *An Act to Amend the Education Act*, also introduced by the Opposition Leader, defines bullying and harassment; makes bullying and harassment a causal offense for suspension; and requires those affected by bullying and harassment to undertake awareness training. The Bill did not proceed beyond the second stage.

On April 7, 2010, Government Private Member **Burt Paulin** introduced a time allocation motion limiting debate on the 19 Government Bills remaining on the Order Paper.

Resignations / Retirements

Rose-May Poirier, (PC, Rogersville-Kouchibouguac), resigned February 26, 2010, and

was subsequently appointed to the Senate of Canada. First elected in 1999, and re-elected in 2003, she served as Minister of the Office of Human Resources, Minister of Local Government and Minister responsible for Aboriginal Affairs. She was re-elected in 2006.

Six Members announced that they would not re-offer in the fall election:

- **Antoon (Tony) Huntjens**, (PC, Charlotte-Campobello), first elected 1999 (Western Charlotte), re-elected June 9, 2003 and 2006; served as Minister of Family and Community Services and Minister responsible for the Advisory Council on Seniors.
- **Stuart Jamieson**, (Lib, Saint John-Fundy), first elected 1987, re-elected 1991, 1995, 2003, 2006; served as Minister of State for Rural Development, Minister of Agriculture and Rural Development, Minister of Tourism and Parks.
- **Joan MacAlpine-Stiles**, (Lib, Moncton West), first elected in 1999 as a PC in Moncton South, re-elected 2003 and 2006 (Moncton West); served as Minister of Municipalities, Minister of Business New Brunswick, Minister of Family and Community Services, Minister of Tourism and Parks. She joined the Liberal caucus of Premier **Shawn Graham** in April 2007.
- **Roly MacIntyre**, (Lib, Saint John East), first elected 1995 (Saint John Champlain), re-elected 2003 and 2006; served as Minister of Advanced Education and Labour, Minister of Economic Development, Tourism and Culture, and Minister of Supply and Services.
- **Eugene McGinley**, (Lib, Grand Lake-Gagetown), first elected 1972, re-elected 1974 (Bathurst), 2003 (Grand Lake); served as Speaker and Minister of State for Seniors and Minister of State for

Housing.

- **Jeannot Volpé**, (PC, Madawaska-les-Lacs), first elected 1995; re-elected 1999, 2003, 2006; served as Minister of Natural Resources, Minister of Finance, and Leader of the Official Opposition.

Standings at the time of adjournment were: Liberals 32; Progressive Conservatives 21; Vacant 2.

On April 7, retiring Conflict of Interest Commissioner, **Patrick A.A. Ryan, Q.C.** was honoured for his exemplary service to the Members and to the Legislative Assembly, as Commissioner. Mr. Justice Ryan served as a Judge of the Court of Queen's Bench, Trial Division, Judge ex officio of the Court of Appeal and Judge of the Court of Appeal of New Brunswick.

Building Restoration

Phase 4 of Restoration of the Main Legislative Building's Historic Masonry and New Copper Roofing continues on schedule. Phase 5 will see the completion of the Building's new copper roofing and masonry, a new southeast atrium entrance, Library courtyard upgrades and new landscaping of the grounds.

Loredana Catalli Sonier

Clerk of the Legislative Assembly of New Brunswick



Saskatchewan

The third session of the of the twenty-sixth legislature

resumed on Monday, March 8, 2010. The Spring sitting proved to be more rancorous than others in recent years. Speaker, **Don Toth** made numerous rulings ranging from oral presentation of petitions, statements by Members and Ministers, unparliamentary language, the *sub judice* convention, meeting periods of standing committees, the use of closure, the propriety of oral questions and responses to written questions.

A major dispute developed over the course of the session over sitting hours, culminating in the government introducing a motion that extended the daily sittings and meeting times from eight in the morning to midnight. The government house leader, **Dan D'Autremont**, claimed that the extra hours were necessary because the opposition was unduly holding up the government's legislative agenda. Opposition house leader, **Kevin Yates** argued that his caucus was merely utilizing the hours available to the full extent allowed under the regular legislative calendar. The government invoked closure on the extended sitting hour motion, which was adopted and came into effect on Monday, April 26, 2010.

Budget

On March 24, 2010 the Finance Minister, **Rod Gantefer** presented the province's budget for 2010-2011. The theme of the budget was "balanced, forward-looking and responsible". The budget promised to reduce the size of the public service and overall government spending. The Ministries of Education and Health did see increases in the overall budget but sustained cuts to programming such as subsidized chiropractic services.

The Opposition took issue with the government's definition of a balanced budget because it was spending more than it was taking in with the balance being covered by funding from the Growth and Financial Security Fund. The government defended its accounting practice by arguing that it had not changed the methods utilized by the opposition when it was in government. Provincial Auditor, **Fred Wendel**, renewed his long-standing criticism of the government of Saskatchewan's practice of using only the general revenue fund financial statements when reporting its budget and financial position. He said all other governments in Canada have adopted the use of summary financial statements, which look at all government revenues and spending, including Crown corporations.

Bills

To date, there have been 32 bills that have been reviewed and reported back to the Assembly. Of notable interest, Bill 133 – *The Tobacco Control Amendment Act* which continues to limit advertising and sales of tobacco products. The Bill also banned smokeless tobacco in schools and makes it illegal for minors under 16 to be in a motor vehicle with someone smoking.

Issues concerning the environment were the subject of many bills during the spring sitting of the Assembly. Given the shift to a results-based-regulatory system, many bills are being enhanced, amended, consolidated or repealed. The new bills included:

- *The Conservation Easements Amendment Act, 2009,*
- *The Environmental Management*

and Protection Act, 2009,

- *The Forest Resources Management Amendment Act,*
- *The Environmental Assessment Amendment Act, 2009,*
- *The Management and Reduction of Greenhouse Gases Act,*
- *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009, and*
- *The Management and Reduction of Greenhouse Gases Act.*

The latter bill will create the Office of Climate Change, develop several special non-profit corporations including The Saskatchewan Technology Fund, establish baseline emission levels and outlines compliance, inspection and enforcement conditions.

Committee Activity

The Standing Committee on Crown and Central Agencies tabled its Ninth Report, *Inquiry into Saskatchewan's Energy Needs – Final Report*. The *Final Report* outlines the information gathered by the Committee during the public hearings held in October 2009 and January 2010. These hearings were held in Regina, Saskatoon, La Ronge, Lloydminster, Prince Albert, Yorkton and Estevan. In total, the Committee held 18 days of public hearings, heard testimony from 63 witnesses and received 42 written submissions. The *Final Report* summarizes witness testimony and written submissions, outlines themes from all of the public hearings and makes recommendations. Based on the information presented, the Committee made 20 recommendations.

Bills, main estimates and supplementary estimates are progressing through the Committees. On April 1, 2010

the main estimates and supplementary estimates were referred to the Committees.

Retirement and Appointment of Independent Officers

Fred Wendel, the Provincial Auditor and **Gerrald Gerrand**, Conflict of Interest Commissioner have retired. Both Legislative Officers received tributes by Members in the Assembly and farewells hosted by the Speaker. On April 29, 2010, **Ronald L. Barclay**, Q.C. was appointed as the new Conflict of Interest Commissioner.

Stacey Ursulescu
Committee Researcher



Ontario

The First Session of the 39th Parliament resumed on February 16, 2010 and was prorogued on March 4, 2010. The session was the longest in Ontario's history and lasted a total of 828 days with its beginning dating back to November 28, 2007. To open the Second Session of Parliament, Lieutenant Governor **David C. Onley** delivered the Speech from the Throne in the Legislative Assembly on March 8, 2010.

Prior to prorogation, the Legislature bade farewell to some familiar faces and welcomed new ones in a number of by-elections. **Robert Runciman** was

appointed to the Canadian Senate by the Prime Minister after representing the people of Leeds-Grenville for nearly 30 years and **Jim Watson**, the Member for Ottawa West-Nepean, resigned his seat to run for mayor in the City of Ottawa. The residents of these two constituencies were called to the polls on March 4, 2010. **Glen Murray**, a former mayor for the City of Winnipeg between 1998 and 2004, was elected in a by-election held on February 4, 2010. He now represents the riding of Toronto Centre, a seat vacated by **George Smitherman** in November 2009. In the March 4th by-elections, **Steve Clark** was victorious in Leeds-Grenville and **Bob Chiarelli** in Ottawa West-Nepean. Mr. Chiarelli is returning to the Ontario Legislature after once representing the people of Ottawa West between 1987 and 1997.

Also before prorogation, certain business remaining on the Orders and Notices Paper was carried over from the First to the Second Session at the same stages for the House and its committees.

On April 19, 2010, the Speaker delivered a ruling in the House concerning the statutory requirement in the *Local Health System Integration Act, 2006* that a legislative committee undertake a review of that Act within a stated period of time. The Act called for the commencement of the legislative review four years to the day after the Act received Royal Assent, which would have been March 28, 2010. The Opposition parties argued that the Government was in contempt of the Legislature for not complying with the provision in the statute since the deadline to take the necessary steps to enable a legislative committee to

carry out the review had passed. The Government responded that the section of the Act requiring such a review would have been repealed should an existing bill (Bill 16) pass that was introduced before the March 28th deadline and was then being debated in the House. The Speaker did not find that a *prima facie* case of contempt existed, but referred the matter to the Standing Committee of the Legislative Assembly because of his concerns with provisions that are sometimes embedded in legislation which mandate a future review by a legislative committee.

Committee Activities

The Select Committee on Mental Health and Addictions, which was struck on February 24, 2009 to report on a comprehensive Ontario mental health and addictions strategy, tabled its interim report on March 31, 2010. The Committee continued to hold hearings in April and May 2010.

The Standing Committee on Government Agencies continued to conduct reviews of, and to consider intended appointments to, Ontario Government agencies, boards and commissions. In March, 2010, the Committee presented its long-awaited report on the Ontario Securities Commission. Committee recommendations included: creation of a dedicated capital markets crime unit; establishment by the Ministry of Finance of an industry-funded compensation fund; establishment by the OSC of an investor advisory body; creation of an investor representative on the OSC's board of directors; and the launching of a formal review of democracy in corporate governance in Ontario. The Committee also recommended

that the OSC and the province continue to work with other levels of government, regulators and stakeholders, toward the implementation of a national securities regulator.

The Standing Committee on Justice Policy considered Bill 158, *An Act to repeal and replace the statutes governing The Certified General Accountants Association of Ontario, the Certified Management Accountants of Ontario and The Institute of Chartered Accountants of Ontario*. Public hearings were held in April with clause-by-clause consideration on April 29, 2010. The Bill was reported back, as amended, on May 3, 2010.

The Standing Committee on the Legislative Assembly met over a period of three weeks to consider Bill 231, *An Act to amend the Election Act and the Election Finances Act*. The proposed legislation was the government's response to recommendations contained in a report tabled by the Select Committee on Elections in June 2009. The amended Bill was reported back to the House on April 22, 2010 and is now subject to 3rd Reading debate.

The Standing Committee on Social Policy held public hearings to examine Bill 242, *An Act to amend the Education Act and certain other Acts in relation to early childhood educators, junior kindergarten and kindergarten, extended day programs and certain other matters*. The Committee held three days of public hearings over two weeks and amended the Bill during clause-by-clause consideration before reporting it back to the House for passage.

Katch Koch
Committee Clerk



The National Assembly resumed on February 9, 2010, after the holiday recess. Early in the new sessional period, electronic petitions, made possible by the parliamentary reform adopted in 2009, were tabled in the House for the first time.

An emergency debate on the Agreement between the Government of Canada and the Government of the United States of America on Government Procurement was held on February 16 after the Chair granted leave for the debate. As provided in the Standing Orders, the limited two-hour debate was not subject to a vote in the Assembly.

On March 23, during the debate on the passage in principle of Bill 78, *An Act to amend the Election Act with regard to electoral representation and political party financing rules and to amend other legislative provisions*, the Minister responsible moved to divide the bill. After the Speaker ruled that the motion was in order, the Assembly debated and adopted it and the bill was divided into two separate bills:

- Bill 92 – *An Act to amend the Election Act with regard to electoral representation;*
- Bill 93 – *An Act to amend the Election Act with regard to political party financing rules and to amend other legislative provisions.*

On March 30, the Minister of Finance delivered the Budget Speech for the 2010–2011 fiscal year and the budget estimates were tabled by the Chair of the Conseil du trésor and Minister

responsible for Government Administration. Before the end of the 2009–2010 fiscal year, the Assembly adopted interim supply estimates granting funds to cover a quarter of the main estimates for the new fiscal year (*Appropriation Act No. 1, 2010–2011*). The debate on the Budget Speech, which lasts 25 hours, then began, followed by consideration of the main estimates in parliamentary committee.

Rulings from the Chair

On February 18, Speaker **Yvon Vallières** handed down a ruling in response to a request for a directive about the tabling of a special warrant respecting the estimates of expenditure for the period from April 1 to June 30, 2010. The Chair of the Assembly has made clear in the past that the issuance of special warrants is a financial initiative falling within the Government's exclusive purview, and that the Chair is accordingly competent to rule neither upon the validity of such a warrant nor upon its expedience, that being the role of the courts. The Chair again expressed a concern regarding the recourse to special warrants: that it is not desirable for such warrants to supplant the process envisaged in the Standing Orders for the consideration of and concurrence in the estimates of expenditure, including interim supply.

The Speaker also handed down a directive on March 9 concerning the allocation of Business Standing in the Name of Members in Opposition and interpellations between Opposition Members. The directive follows the same logic as the directives of November 2009 that resulted from the decision

of two Members of the National Assembly to sit as Independent Members. It seeks to respect the choice of the Members who, on April 21, 2009, unanimously adopted the new rules of the parliamentary reform, and protects the rights of the Official Opposition as well as those of the Member for Mercier.

Make-up of the National Assembly

Since January 14, 2010, Member for Beauce-Sud and Minister of Revenue, **Robert Dutil**, has been acting for Minister of Agriculture, Fisheries and Food and Minister responsible for Canadian Intergovernmental Affairs and the Reform of Democratic Institutions, **Claude Béchard**, who is absent for health reasons.

Other Events

On March 16, 2010, the National Assembly launched its new website. The site was completely revamped to allow the public to follow Assembly and committee proceedings in real time and to provide more opportunities for them to express their views. Among the new features are a detailed calendar of activities, a more efficient search engine, a more user-friendly audio and video section and a free subscription to information feeds (RSS feeds). With more than 68,000 web pages, the National Assembly's website contains a wealth of information. To visit the new site, go to assnat.qc.ca.

On February 7, the Speaker inaugurated an exhibition in the National Assembly Library entitled *Le Devoir: Witness to Political Life in Québec* to mark the 100th anniversary of this independent Québec daily newspaper.

Launched on February 17, a new series entitled *Figures de la démocratie* highlights various persons and institutions that have influenced Québec's democracy. The first episode on **Henri Bourassa** was broadcast on February 22 at 7:00 p.m. on both the National Assembly channel and assnat.qc.ca.

On March 14, the National Assembly channel broadcasted the 100th program in a series entitled *Mémoires de députés*, consisting of interviews granted by former Members of the National Assembly to journalist **Gilles Morin**. The former parliamentarians relate memorable moments of their careers and of Québec history with humour and sensitivity. **Claire-Hélène Hovington**, the first woman Member for Matane, was invited for the occasion.

The Speaker of the National Assembly presented the Medal of Honour of the National Assembly to **Dany Laferrière** to mark his receipt of the 2009 Médicis literary prize, and to **Luc Robitaille** for his remarkable career with the National Hockey League.

Jacques Gagnon
House Secretariat

Parliamentary Committees

After holding general consultations in September and October, the Committee on Agriculture, Fisheries, Energy and Natural Resources spent 16 meetings examining Bill 57, the *Sustainable Forest Development Act*, clause by clause. Bill 57 amends the *Forest Act* and introduces a new forest regime based on the regionalization of decision-making in forest management and planning. The bill's 370 plus sections were examined during

the committee stage. It will be recalled that prior to clause-by-clause consideration, the Committee had recommended a reprint of the bill to accommodate the numerous amendments the Minister responsible for the bill announced after the general consultations.

The Committee on Institutions held public hearings in February and March in the course of general consultations on Bill 78, *An Act to amend the Election Act with regard to electoral representation and political party financing rules and to amend other legislative provisions*, during which it heard over 40 individuals and organizations. The bill set out new rules and a new procedure for the determination of the number and boundaries of electoral divisions. As mentioned earlier, the Assembly debated and adopted a motion to divide the bill into two separate bills under Standing Order 241. The motion was carried and the Minister responsible later introduced Bill 92, *An Act to amend the Election Act with regard to electoral representation*, and Bill 93, *An Act to amend the Election Act with regard to political party financing rules and to amend other legislative provisions*.

In January and February, the Committee met five times to hold general consultations on the draft bill entitled *An Act to amend the Civil Code and other legislative provisions as regards adoption and parental authority*. Thirty-five individuals and organizations were heard during the consultations, including four people who submitted a request to be heard without a brief. The draft bill proposes new rules concerning the confidentiality of the information contained in adoption files and

three innovations in the field of adoption, namely, open adoption, adoption in which the original bond of filiation is not dissolved, and the judicial delegation of parental authority.

Under section 1 of the *Residential Swimming Pool Safety Act*, the Committee on Planning and the Public Domain held special consultations and public hearings to examine the draft regulation on residential swimming pool safety. During consideration of the draft regulation, the Committee agreed to proceed in the same manner as for a bill, that is, clause by clause. However, since the power to adopt and amend a draft regulation rests with the Government and not parliamentary committees, the sections were not adopted. Following the meetings held on January 20, March 11 and March 17, the Committee tabled its report containing 10 recommendations.

In February and March, the Committee on Health and Social Services held consultations on dying with dignity, hearing over 30 experts and organizations on the subject. The Committee is preparing a consultation paper that it must give the Select Committee on Dying with Dignity before next May 25. The Select Committee will then conduct an extensive consultation among Quebecers, scheduled to begin in fall 2010.

On February 10, Member for Rosemont, **Louise Beaudoin** was elected as vice-chair of the Committee on Health and Social Services. Her election followed the resignation of **Camil Bouchard** as Member for Vachon on January 6.

In February and March, the Committee on Transportation

and the Environment held general consultations on Bill 71, *An Act to again amend the Highway Safety Code and other legislative provisions*. The bill amends the *Highway Safety Code* by introducing various measures aimed at improving Québec's highway statistics, such as a 24-hour licence suspension for drivers whose blood alcohol concentration is between 50 and 80 mg of alcohol in 100 ml of blood, penalties for street racing, and updated traffic rules for pedestrians and cyclists. The Committee received 35 briefs and heard 26 individuals and organizations, including two people who submitted a request to be heard without a brief.

On February 4, the Committee on Public Administration heard the Secretary General and person responsible for the administration of the Office of the Lieutenant-Governor, **Michel Demers**, and the Secretary General of the Conseil exécutif, **Gérard Bibeau**, to follow up on the recommendation in Chapter 3 of its *Twenty-first Report on the Accountability of Deputy Ministers and Chief Executive Officers of Public Bodies*.

On March 11, for the first time, the Committee heard the Public Protector concerning her 2008–2009 annual management report, in accordance with the *Public Administration Act* and the *Standing Orders* of the National Assembly.

Petitions and Online Comments

Four committees so far have held a deliberative meeting to decide whether to examine a petition presented to the National Assembly. Since the coming into force of the parliamentary reform, a committee may decide, by a majority vote of the members

from each parliamentary group, to examine a petition and to hear its originator, or his or her representatives, as well as other persons or bodies. To date, no committee has initiated such proceedings.

With the National Assembly's new website now in operation, the public may send online comments in on bills or any order carried out by a parliamentary committee. Comments on bills may be made as soon as they are introduced and right through to their adoption. Other orders may be commented on as soon as they are initiated or referred to the competent committee and up until the report is tabled. This new feature will ensure that committee proceedings better reflect the concerns of citizens.

Stéphanie Boutin
Committees Secretariat



House of Commons

The Third Session of the Fortieth Parliament began on March 3, 2010. The motion for the Address in Reply to the Speech from the Throne was moved and seconded on that day and a Liberal amendment and Bloc Québécois subamendment were moved on March 11. Two further days of debate were held on March 18 and 22.

Financial Procedures

The prorogation of the Second Session from December 30, 2009

until March 3, 2010, resulted in a number of modifications to the Business of Supply.

Further to changes made to the House calendar on March 3, 2010, the Speaker informed the House that there would be a total of four supply days in the period ending March 26, and nine in the period ending June 23.

Although, pursuant to Standing Order 81(4), the main estimates are required to be tabled by March 1, they were tabled on March 3. To resolve the discrepancy, the Standing Order was amended on March 19 to replace, for the calendar year 2010, the words "March 1" with the words "March 3".

Also in response to the prorogation, the New Democratic Party moved a supply day motion on March 17 which recommended that "the Prime Minister shall not advise the Governor General to prorogue any session of any Parliament for longer than seven calendar days without a specific resolution of this House". The motion was agreed to by a vote of 139-135.

On March 4, the Minister of Finance presented the budget which announced, among other things, measures to freeze Members' salaries and departments' operational spending until 2013. The motion to approve in general the budgetary policy of the government was adopted 142-132 on March 10.

Legislation

Bill C-9, *An Act to implement certain provisions of the Budget*, was introduced on March 29, 2010, and referred to the Standing Committee on Finance on April 19. On April 22, the Member for

Edmonton-Strathcona, **Linda Duncan**, moved a motion to empower the Committee to divide the Bill. However, the House agreed to adjourn debate on the motion and it was transferred to Government Orders.

On April 27, 2010, the Member for Nanaimo-Cowichan, **Jean Crowder**, proposed a motion of instruction to give the Standing Committee on Aboriginal Affairs and Northern Development the power to expand the scope of Bill C-3, *An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in McIvor v. Canada (Registrar of Indian and Northern Affairs)*. After debate, the motion was transferred to Government Orders. Later that day, during the clause-by-clause consideration of Bill C-3, the Committee overturned a decision of its Chair who had ruled an amendment inadmissible, and then subsequently adopted the amendment. On April 29, the Parliamentary Secretary to the Leader of the Government in the House of Commons, **Tom Lukiwski**, argued that the amendment should be ruled inadmissible as it went beyond the scope of the Bill. The Speaker reserved his decision until other Members had a chance to comment.

Private Members' Business

On April 1, 2010, Mr. Lukiwski argued that an amendment adopted by the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities to Bill C-304, *An Act to ensure secure, adequate, accessible and affordable housing for Canadians*, was out of order.

The amendment, which would allow Quebec to opt to be exempt from the Act, had been ruled out of order by the Committee Chair because it went beyond the scope of the Bill. The ruling was appealed and overturned, and the amendment was then adopted by the Committee. On April 29, the Speaker ruled that the amendment went beyond the scope of the Bill and therefore declared it null and void.

Questions of Privilege

The issue of the House's ability to obtain the unredacted documents pertaining to the transfer of Afghan detainees, pursuant to the Order of the House adopted on December 10, 2009, continued to be discussed. On March 5, 2010, the Minister of Justice, **Rob Nicholson**, rose on a point of order to "inform the house that the government has engaged former Chief Justice **Frank Iacobucci** to undertake an independent, comprehensive and proper review of the documents at issue, including those that was proposed to be withheld from release", and on March 16, he tabled the terms of reference for the review.

On March 18, 2010, questions of privilege were raised by **Derek Lee** (Scarborough-Rouge River), **Jack Harris** (St. John's East) and **Claude Bachand** (Saint-Jean) related to the Order. On that day, as well as on March 25, March 31, April 1, and April 12, a number of other Members also intervened on the matter. In his arguments on March 18, Mr. Lee alleged that the comments of the Minister of National Defence as well as those made by an official from the Department of Justice in a letter to the Law Clerk of the House of Commons intimidated officials appearing before the

committees. He and the other Members also argued that the Government's failure to comply with the Order of December 10 constituted a contempt of the House's right to order for papers and records. On March 31, the Government, through interventions by Mr. Lukiwski and the Minister of Justice and Attorney General, responded to the questions of privilege, stating that the production of many of the documents listed in the December 10 Order could not be accomplished by an Order of the House, but rather required an Address to the Crown, that the comments of the Minister of Defence and the Justice Department official were matters of debate, that parliamentary privilege was neither indefinite nor unlimited, and that the House had no authority to demand unfettered access to documents. It was further argued that the Government had the duty to protect information that could jeopardize national security, national defence, international relations and the lives of Canadian soldiers in Afghanistan.

On April 27, Speaker **Peter Milliken**, delivered a ruling on the questions. Due to the complexity of the issues, he explained that he had regrouped them thematically. First, to the arguments that the production of documents could only be obtained by way of an Address to the Governor General, the Speaker concluded that it was procedurally acceptable for the House to use an Order rather than an Address to require the production of these documents.

Second, regarding the allegations of intimidation made by Mr. Lee in connection with the comments made by the Minister of National Defence

and those made in a letter by a Department of Justice official, he concluded that neither the Minister's comments nor the letter constituted a direct attempt to prevent or influence the testimony of any witness and that, therefore, there was not a *prima facie* case of contempt on this point.

Third, on the House's right to order the production of documents, the Speaker stated that in a system of responsible government, the fundamental right of the House of Commons to hold the government to account for its actions was an indisputable privilege and, in fact, an obligation. He cited several authorities on the question and concluded that it was within the powers of the House of Commons to ask for the documents specified the Order. He added that the issue before the House was to put in place a mechanism by which these documents could be made available to the House without compromising the security and confidentiality of the information they contained.

Finally, the Speaker addressed the issue of trust among Members and the Government in the House of Commons. He admitted that finding common ground would be difficult, but reminded Members that the House and the government had had an unbroken record of some 140 years of collaboration and accommodation.

The Speaker ruled that, on analyzing the evidence and the precedents, he could only conclude that the Government's failure to comply with Order of December 10, 2009, constituted a *prima facie* case of privilege. He then stated that he would allow House Leaders, Ministers and

party critics time to suggest some way of resolving the impasse but that, if in two weeks' time, the matter had not been resolved, he would return to make a statement on the motion that would be allowed in the circumstances.

Points of Order

In March 2010, two points of order and a question of privilege were raised regarding the use of new technologies by some Members. The issues raised related to the leaking of information from an *in camera* committee meeting (March 10, 2010), the posting of a photo of a Member in a committee meeting on Facebook (question of privilege, March 24, 2010), and using the social networking site Twitter to report on the number of Members of each party present in the House (March 24, 2010).

Regarding the latter instance, the Member for Joliette, **Pierre Paquette**, asked the Speaker to rule on the matter, arguing that there is a longstanding rule that Members may not allude to the presence or absence of another Member in the House. The Speaker ruled on April 1 that it would be clearly impossible for the Chair to police the use of personal digital devices by Members, but strongly advised all Members to refrain from such behaviours in the future, given the possible repercussions on colleagues and on the reputation of the House itself. The Speaker also recommended that the Standing Committee on Procedure and House Affairs consider the issues related to these technologies and their impact on House and committee proceedings. The Committee subsequently commenced a study on new

technologies and their impact on House, and on April 20, Speaker Milliken and the Clerk of the House, **Audrey O'Brien**, appeared before the Committee to discuss the matter.

Committees

On March 3, 2010, the first sitting day of the session, the House modified the membership of the Standing Committee on Procedure and House Affairs, and adopted a Special Order to authorize the Clerk of the House to convene a meeting of the Committee later that day, and to have the House deem adopted, upon presentation, the First Report of the Committee concerning the memberships committees. The Order also provided that the routine motions of each committee in effect at the time of prorogation of the previous session be deemed to have been adopted in the current session, provided that committees were empowered to alter or rescind such motions as they deemed appropriate. On the same day, the House also adopted a motion to re-establish the Special Committee on the Canadian Mission in Afghanistan.

The issue of the use of ten-percenters was examined again in the Standing Committee on Procedure and House Affairs when, on March 15, the matter of the questions of privilege raised by the Member for Sackville–Eastern Shore, **Peter Stoffer**, and by the Member for Mount Royal, **Irwin Cotler**, in the previous session were referred anew to the Committee, along with the evidence heard and papers received in that session. On the same day, the Liberal Party moved a motion that, among other things, directed “the Board of Internal Economy

to take all necessary steps to end immediately the wasteful practice of Members sending mass mailings, known as ten-percenters, into ridings other than their own”. The motion was adopted the following day by a vote of 140 to 137. The advice having been heeded, on April 16, the Committee reported to the House a recommendation that, in light of the decision of the Board of Internal Economy to limit ten-percenters to Members’ own ridings, both questions of privilege be discharged.

Issues and items currently under study by standing committees include:

- allegations of interference in Access to Information requests (Standing Committee on Access to Information, Privacy, and Ethics);
- prorogation (Standing Committee on Procedure and House Affairs);
- renewable energy projects funded by the government (Standing Committee on Government Operations and Estimates);
- the situation at Rights and Democracy (International Centre for Human Rights and Democratic Development) (Standing Committee on Foreign Affairs);
- young farmers and the future of farming (Standing Committee on Agriculture and Agri-Food);
- immigration application process wait times (Standing Committee on Citizenship and Immigration);
- maternal and child health (Standing Committee on the Status of Women);
- emerging digital media (Canadian Heritage); and,
- Bill C-391, *An Act to Amend the Criminal Code and Firearms Act (repeal of long-gun registry)* (Standing Committee on Public Safety and National Security).

Emergency Debates

An emergency debate was held on March 30, 2010, regarding funding of the Aboriginal Healing Foundation, the foundation that supports victims of the residential schools program.

Commemorations

The passing of **John Henry Foster Babcock**, Canada’s oldest surviving World War I veteran, was marked by statements from all parties on March 4, 2010, as well as a Ministerial statement and responses thereto on March 29, 2010.

On March 3, the House resolved itself into Committee of the Whole to welcome a torchbearer carrying the Paralympic Flame. On March 15, the Minister of Human Resources and Skills Development, **Diane Finley**, and Minister of State for Democratic Reform, **Steven Fletcher**, as well as members of the opposition parties, made statements during Statements by Ministers to congratulate Canadian athletes participating in the Paralympics. Following Question Period on April 22, the House resolved itself into Committee of the Whole to welcome Olympic and Paralympic athletes on the floor of the House.

On March 11, the House observed a moment of silence in memory of the earthquake victims in Haiti and Chile. On April 12, a moment of silence was held in honour of the losses sustained in Poland by the death of its President and other officials.

During Statements by Ministers on April 20, the Minister of State for Seniors, **Diane Ablonczy**, along with representatives of each

opposition party, honoured Canadian volunteers as part of National Volunteer Week.

A moment of silence was held on April 28 to commemorate workers who were injured or whose lives have been lost in the workplace.

Membership and Party Affiliation Changes

On April 9, 2010, the Prime Minister accepted the resignation from Cabinet of **Helena Guergis** (Simcoe–Grey). Having also been excluded from the Conservative caucus, Ms. Guergis now sits as an Independent Conservative.

On April 28, **Judy Wasylycia-Leis**, the Member for Winnipeg North since 1997, rose in the Chamber to announce her resignation and to express appreciation to those who had supported her throughout the years. Members from all parties made statements thanking her for her contributions to public service. The seat was declared vacant effective April 30, 2010.

Samy Agha

Procedural Clerk
Table Research Branch



Newfoundland and Labrador

Elizabeth Marshall, former Member for Topsail, resigned her seat on January 29 upon her appointment to the Senate of Canada.

At a bye-election on March 16, **Paul Davis**, formerly a member

of the Royal Newfoundland Constabulary, was elected in the District of Topsail. The last RNC officer elected to the House was **Llewellyn Strange** who was first elected in 1956 in the District of Port de Grave. Mr. Davis took his seat in the House on April 21 when the House reconvened after the Easter break.

The second session of the 46th General Assembly was prorogued on March 22 and the Throne Speech opening the Third Session was delivered on the same day by Lieutenant Governor, **John C. Crosbie**. **Tom Marshall**, MHA delivered the Budget on March 29.

The Supply proceedings began when the House reconvened after the Easter break and it is expected that the Spring sitting will continue until early June.

Spending Scandal denouement

Bill Murray, former Director of Financial Operations of the House of Assembly, who pleaded guilty in January to four charges in relation to the constituency allowance spending scandal was sentenced on February 22 to two years in jail and ordered to pay restitution of \$177,000.

John Hand, a businessman connected to the spending scandal, pleaded guilty to fraud over \$5000, frauds on the Government and breach of probation on April 9. A sentencing hearing is scheduled for August 27. The resolution of this case marks the end of the legal process arising out of the spending scandal which the Auditor General reported on in 2006.

Elizabeth Murphy
Clerk Assistant



Senate

Governor General **Michaëlle Jean** read the Speech from the Throne to open the third session of the 40th Parliament on March 3, 2010. The five new Conservative senators who had been appointed in January 2010 (**Robert Runciman**, **Vim Kochhar**, **Pierre-Hugues Boisvenu**, **Elizabeth Marshall** and **Rose-May Poirier**) were sworn in the same day in the Senate Chamber.

In accordance with tradition, the Senate's first item of business following the Speech from the Throne is the *pro forma* bill S-1, an Act relating to railways. The Deputy Leader of the Government introduced the bill and it was read for the first time. No debate follows as the first reading of the bill affirms the Senate's independence in relation to the Crown and its right to debate any issue it chooses without reference to the policies and plans outlined in the Speech from the Throne.

It is customary for two new senators to move and second the motion for an Address in Reply to the Speech from the Throne. On March 4, senators Poirier and Runciman made their maiden speeches in the Senate during the debate on the Address in Reply to

the Speech from the Throne. The Address was adopted on April 14 on division.

Parliament Resumes – Bills

As soon as the new session began, senators quickly began to place Senate public bills on the Senate agenda. Bills that do not receive royal assent before Parliament is prorogued or dissolved die on the Order Paper and must be tabled again at the start of a new session and move through the standard process of three readings.

The bills of Senator **Pierrette Ringuette**, S-201, *An Act to amend the Office of the Superintendent of Financial Institutions Act (credit and debit cards)* and S-202, *An Act to amend the Canadian Payments Act (debit card payment systems)*, were the first to be tabled in the Senate on March 4. They had been at second reading when the previous session was prorogued.

Bill S-203, *An Act respecting a National Philanthropy Day*, was also reintroduced the day following the Speech from the Throne. It had received three readings in the Senate and reached the committee stage in the House of Commons during the previous session. The bill had originally been tabled in the Senate by Senator **Jerry Grafstein** during the first session of the 38th Parliament. As Senator Grafstein has since retired, Senator **Terry Mercer** tabled the bill this time.

Bills by senators **Céline Hervieux-Payette** (S-204 and S-296), **Joseph Day** (S-208), **Pamela Wallin** (S-209), **Tommy Banks** (S-210), **Jim Munson** (S-211), **Charlie Watt** (S-212), **Lowell Murray** (S-213) and **Linda Frum** (S-215) were also reintroduced in March.

The highly publicized bill by Manitoba MP **Joy Smith**, C-268, *An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)*, had been at second reading in the Senate when Parliament was prorogued in December 2009. As House of Commons procedure allows for certain bills to be reinstated, the bill was referred to the Senate so that it could be reintroduced and read for the first time as of the day following the Speech from the Throne.

The Government contributed to the Senate's agenda and activities with several bills concerning domestic and international issues. Bills S-2, S-4, S-6 and S-7 are similar to legislation tabled in the House of Commons during the second session of the 40th Parliament. Bill S-3 had reached debate at third reading in the Senate when Parliament was prorogued.

Royal Assent

The new parliamentary session began at the end of the fiscal year. On March 24, the House of Commons sent two messages to the Senate to introduce appropriation bills C-6 and C-7. Appropriation Bill No. 5, 2009–2010 provided for the release of supply in accordance with Supplementary Estimates (C) 2009–2010, which were tabled in the Senate on March 4, 2010. These were the third and final Supplementary Estimates for the fiscal year ending March 31, 2010. Supplementary Estimates (A) and (B) were approved in June and December, respectively. Appropriate Bill No. 1 for 2010–2011 concerned interim funding, in keeping with the Main Estimates tabled in the Senate on March 4, 2010. Both

bills were passed at third reading on division on March 30.

The next day, the Speaker informed the Senate that **Thomas Albert Cromwell**, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, would proceed to the Senate Chamber to give royal assent to certain bills. The *Royal Assent Act* requires an official ceremony to be held at least twice a year, particularly for the first appropriation bill of each session of a parliament.

Committee Reports

The new session of Parliament enabled Senate committees to pursue and conclude several special studies initiated during previous sessions, and to report them quickly to the Senate. On March 31, the Chair of the Standing Committee on Foreign Affairs and International Trade tabled in the Senate the committee's first interim report, *Canada and Russia: Building on Today's Successes for Tomorrow's Potential*. On April 15, Senator **William Rompkey**, Chair of the Standing Committee on Fisheries and Oceans, tabled the committee's second report, *Controlling Canada's Arctic Waters: Role of the Canadian Coast Guard*. Lastly, on April 27, Senator **David Smith** tabled the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament recommending amendments to the *Rules of the Senate* with regard to privileges.

On April 29, the Senate voted in favour of the motion by Senator **Art Eggleton** that consideration of the 13th report by the Standing Committee on Social Affairs, Science and Technology entitled, *In from the Margins: A Call to Action on*

Poverty, Housing and Homelessness, tabled in the Senate during the second session of the 40th Parliament, be reinstated on the Orders of the Day of the Senate.

Points of Order and Questions of Privilege

On March 11, Senator **John Wallace** raised a point of order regarding attendance in the Senate Chamber and Rule 136(5) of the *Rules of the Senate*. The Speaker of the Senate, **Noël Kinsella** ruled immediately on Senator Wallace's observation. Several days later, Senator Wallace invoked Rule 59(10) to raise a question of privilege concerning the attendance of Senator **Raymond Lavigne** in the Senate earlier that day. Senator Wallace pointed out that the senator was on a leave of absence and, since he had already attended the Senate once since the start of the session, he could not attend a second time under Rule 136(5). The Speaker ruled on March 25 that there was no *prima facie* case of privilege but rather a point of order against procedure, as stated in the record when the Speaker ruled on March 11.

On April 15, Senator **Anne Cools** rose on a point of order regarding Bill C-268, *An Act to Amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of 18 years)*. Senator Cools stated that the bill "offends Senate rules, the established law of Parliament and the constitutional independence of both houses". The debate on the point of order focused mainly on section 86.1 of the House of Commons Standing Orders, which allows for Private Members' Business to be carried over from session to session within the same Parliament. In

his ruling of April 20, the Speaker reminded the senators that each House is master of its own procedure, within the bounds of the Constitution and the law. He ruled that consideration of Bill C-268 was consistent with parliamentary procedure and practices. The motion for second reading was passed the next day and the Senate referred the bill to the Standing Senate Committee on Social Affairs, Science and Technology for consideration and report to the Senate.

Tributes

On April 15, the Senate paid tribute to former Senator **Jean-Robert Gauthier**, who died on December 10, 2009.

Marie-Eve Belzile
Procedural Clerk (Journals)



British Columbia

The second session of the 39th Parliament commenced on February 9, 2010. The schedule for the spring sitting was adjusted to accommodate the Vancouver 2010 Olympic Winter Games, held February 12-18. The Paralympic Games coincided with the March 15-18 constituency week.

On February 11, 2010, Prime Minister **Stephen Harper**, addressed the Legislative

Assembly. The address, granted by leave of the House, noted the contributions of British Columbia to Canada and the national significance of the upcoming Winter Games. It was the first address by a Prime Minister in the Legislative Assembly's history.

Immediately following the Prime Minister's address, and again on March 1 and March 22, Premier **Gordon Campbell** and Official Opposition Leader **Carole James** made statements in the House in support of the 2010 Olympic and Paralympic Winter Games.

Throne Speech

The Throne Speech, delivered by Lieutenant Governor **Steven Point**, emphasized the government's plan to build on "B.C.'s Olympic momentum" with new initiatives to create jobs, improve the environment, and support families with children. Highlights of the Throne Speech included: new partnerships with First Nations, cross-government economic initiatives, investments in clean energy, and plans to enhance international trade and investment through B.C.'s strategic positioning as Canada's Pacific Gateway.

In reply, the opposition claimed that the Throne Speech failed to provide a post-Olympic economic vision for BC. Citing the challenges posed by the economic recession, Ms. James affirmed the opposition's commitment to balancing a strong, dynamic and sustainable economy with social and environmental concerns.

Budget

On March 2, Finance Minister **Colin Hansen** tabled the 2010/11 provincial budget that

sets a foundation for future economic growth, protects vital government services, and builds on B.C.'s Olympic momentum. The budget projects a deficit of \$1.7 billion for 2010/11 and a return to a balanced budget in fiscal 2013/14. The budget speech included announcements of two new initiatives: a supplement to the northern and rural homeowner's grant, and a property tax deferment program for homeowners with children under the age of 18. The budget also provided further details on the economic benefits of the proposed 12 percent Harmonized Sales Tax (HST).

Finance Critic **Bruce Ralston**, however, framed the budget as short-sighted and evidence of the government's lack of a post-Olympic strategy to grow the economy. As well, he challenged claims about the economic benefits of the HST, calling it a tax shift from business to consumers.

Legislation

At the end of the reporting period, the following government bills had received Royal Assent:

- Bill 2 – *Budget Measures Implementation Act, 2010*
- Bill 3 – *Supply Act (No. 1), 2010*
- Bill 4 – *Miscellaneous Statutes Amendment Act, 2010*
- Bill 6 – *Finance Statutes Amendment Act, 2010*
- Bill 9 – *Consumption Tax Rebate and Transition Act*

Much of the legislative debate during the month of April centered on Bill 9. Bill 9 repeals the 7 percent provincial sales tax and establishes the necessary administrative framework to permit the 12 percent HST to take effect July 1 pursuant to the federal legislation. From the government's perspective, the

HST is a more efficient tax that will stimulate economic growth and create jobs. The opposition, however, contends that the HST is an unfair tax that will hurt BC families. Outside the House, a citizens' initiative campaign is currently underway to end the HST and reinstate the provincial sales tax, with the initiative led by former British Columbia Premier **William Vander Zalm**.

Committee Activity

At the time of writing, three parliamentary committees have received their terms of reference for the second session: the Select Standing Committee on Children and Youth, the Special Committee to Review the *Freedom of Information and Protection of Privacy Act*, and the Special Committee to Appoint an Information and Privacy Commissioner. On May 6, the House approved the latter's unanimous recommendation that **Elizabeth Denham**, former Assistant Privacy Commissioner of Canada, be appointed Information and Privacy Commissioner for British Columbia.

Byron Plant

Committee Researcher



Prince Edward Island

The Third Session of the Sixty-third General Assembly resumed on April 7, 2010.

Budget

Wes Sheridan, Minister of Finance and Municipal Affairs,

introduced his budget on April 23, 2010, which contained expenditures of just under \$1.52 billion. Total revenue for 2010-2011 is projected to increase by \$41.6 million from the 2009-2010 forecast revenue, with provincial own source revenues up by \$35.2 million. Total expenditure for 2010-2011 is projected to increase \$12.3 million over the 2009-2010 budget forecast. A consolidated deficit of \$54.9 million is projected; however, the budget is projected to be balanced within four years.

Significant Legislation

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

The Gift Cards Act (Bill No. 27) will prohibit expiry dates on most gift cards, prohibit most administration fees and require clear disclosure of all fees and other terms and conditions. The legislation will apply to gift cards, gift certificates or any other voucher sold with a monetary value attached. Some exemptions will be made for cards issued for marketing or promotional purposes, cards issued for charitable purposes or to gift cards for a specific good or service, for example, a gift card for a round of golf.

An Act to Amend the Legislative Assembly Act (Bill No. 34) proposes to freeze the remuneration and benefits payable to the members of the Legislative Assembly, ministers, the Speaker, Deputy Speaker, Leader of the Opposition, Government House Leader, Opposition House Leader, Leader of a Third Party, Government Whip and Opposition Whip until 2012. As reported previously,

the three-member, independent Indemnities and Allowances Commission concluded its review of salaries and benefits of members of the Legislative Assembly in late 2009, and its report was tabled in December by Speaker **Kathleen Casey**. The Commission determined that there would be no change in salaries for the fiscal year beginning April 1, 2010. Commenting in the Assembly, Premier **Robert Ghiz** indicated that he planned to bring forward amendments to the *Legislative Assembly Act* that would see a freeze in MLA salaries go one year further into 2011-2012. On April 7, 2010, he introduced *An Act to Amend the Legislative Assembly Act* in this regard.

The Provincial Anthem Act (Bill No. 42) adopts the song known as the *Island Hymn* as the official provincial anthem of Prince Edward Island. First performed in 1908, the lyrics were written by **Lucy Maud Montgomery** and the music composed by **Lawrence W. Watson**. In 2007, French language lyrics were developed by **Raymond J. Arsenault** as part of the 250th anniversary of the Deportation of Island Acadians. The French language version is known as *L'hymne de l'Île*. The song is part of the rich cultural fabric of the province and is often sung at schools and churches, and at meetings of clubs and other institutions.

Committee Activity

On April 29th, the Legislative Assembly unanimously passed a motion calling for the Standing Committee on Legislative Management to review the 1974 Province House Agreement between the Government of Prince Edward Island and the Government of Canada. The

Agreement is a 99-year lease of Province House whereby the province granted sole possession, use and occupancy of a portion of the interior of the building, as well as the land on which it stands, to Canada for the purpose of restoration, preservation, interpretation and administration of Province House as a National Historic Site. The remainder of Province House was retained for provincial use, or as designated "common area" (hallways, stairwells, etc.) for the use of both. The Legislative Management Committee has been charged with holding public meetings between the Third and Fourth Sessions of the Sixty-third General Assembly and to report back with recommendations for revisions to the Agreement which will 1) ensure the long-term structural maintenance of the building, including basic needed repairs; and 2) transform Province House into a much more dynamic place for engaging Islanders in the history, culture and operation of their own legislature and democracy.

Marian Johnston
Clerk Assistant and
Clerk of Committees



Manitoba

The Fourth session of the 39th Legislature resumed on March 23, 2010, with the delivery of the first budget from new Finance Minister **Rosann Wowchuk**.

The 2010-2011 total operating expenditure of \$10.7 billion represents an increase of 5.2% from 2009-2010. Highlights of the government's budget included:

- Providing a funding increase of almost three percent for public schools;
- Providing post-secondary institutions with a 4.5 percent operating increase;
- Adding hundreds of new child-care spaces across the province;
- Creating a pension plan for child-care workers;
- Improving emergency health-care services and upgrade emergency departments;
- Limiting increases to pharmacare deductibles to the rate of inflation and continue covering all eligible drug costs above deductibles;
- Providing operating funds for a police helicopter in Winnipeg;
- Creating a police commission and an independent investigation unit;
- Providing more resources for corrections and nine full-time prosecutor positions;
- Limiting core government spending growth to an annual average of less than two percent over the five-year plan;
- Decreasing the budgets of one-half of all government departments in 2010-11 to focus on priority areas of Manitobans;
- Reducing the pay of cabinet ministers by 20 percent and propose to freeze the wages of members of the legislative assembly and senior government staff;
- Eliminating the deficit over the five-year plan and return to surplus by Budget 2014; and
- Investing \$1.8 billion in infrastructure spending, a 90 percent increase over 2008.

During his contribution to the budget debate on March 24, 2010 Official Opposition Leader **Hugh McFadyen** moved a motion expressing non-confidence in the government, which stated that the budget failed “to address the priorities of Manitobans by”:

- Forcing Manitoba families to pay higher hydro rates, higher water bills and a range of other hidden taxes in order to pay for three wasteful NDP pet projects which are:
- Forcing Manitoba Hydro, against its advice, to build Bipole III on the west- side route, costing Manitobans an extra \$640 million and damaging the environment; and
- Forcing the City of Winnipeg to remove nitrogen from its waste water, a decision that is expected to cost ratepayers an additional \$350 million, and which respected scientists say could be harmful to the health of Lake Winnipeg;
- Forcing unwanted enhanced driver’s licences on Manitobans, costing \$14 million; and
- Scrapping balanced budget laws allowing massive deficits to accrue totalling \$2.039 billion over the next half decade, putting social programs such as health care and education at risk;
- Failing to preserve front-line health-care services with innovative service delivery emphasizing preventative care and reducing bloated bureaucracy;
- Failing to recognize the importance of agriculture in rural communities to our economy; and
- Failing to offer a plan to encourage private investment to create opportunity and wealth so Manitobans can feel hope that we’ll one day emerge from the hole of debt and dependency and see a brighter future.

On April 7, 2010 **Jon Gerrard** moved a sub-amendment to Mr. McFadyen’s amendment. Dr. Gerrard identified a number of other shortcomings in the government’s financial plan, including:

- Failing to properly manage the finances of Manitoba and, as a result, building up a huge structural deficit which will hurt Manitobans for many years to come;
- Failing to create an adequate action plan and funding for early childhood education in Manitoba;
- Failing to recognize the need for and address the establishment of a Manitoba science, engineering and humanities research council;
- Failing to put patients first by continuing to base RHA spending on global budgets, rather than services delivered;
- Failing to implement a plan to reduce child poverty rates in Manitoba; and
- Failing to address climate change and not running a carbon-neutral government.

On April 14, 2010 Dr. Gerrard’s sub-amendment was defeated on a voice vote, while Mr. McFadyen’s amendment was defeated on a recorded vote of yeas 20, nays 35, while the main budget motion carried on a recorded vote of yeas 35, nays 20.

The Manitoba Legislature is currently considering a range of legislation, including Bill 12 – *The Pimachiowin Aki World Heritage Fund Act*, which would establish the Pimachiowin Aki World Heritage Fund, designed to support the project on the east side of Lake Winnipeg to secure a UNESCO World Heritage Site in Manitoba.

Bill 19 – *The Protection from Domestic Violence and Best Interests of Children Act (Family Law Statutes Amended)*,

would strengthen *The Family Maintenance Act* by setting out criteria for the best interests of the child. The amendments would guide courts to consider factors such as the impact of domestic violence as judges assess the best interests of children in custody and access matters. This bill would also enhance protections for victims of domestic violence when parties must be in court together or at a court-sanctioned proceeding such as mediation.

Bill 31 – *The Budget Implementation and Tax Statutes Amendment Act, 2010*, which implements measures in the 2010 Manitoba Budget, and makes various other amendments to tax and financial legislation, including:

- Amendments to the *Balanced Budget, Fiscal Management and Taxpayer Accountability Act* which would suspend requirements for the government to table a balanced budget each fiscal year and to achieve a positive balance each year. These measures would be in effect for the current fiscal year and the next three years or until a positive net result is achieved, whichever is earlier (the “economic recovery period”).
- Amendments to *Members’ Salaries Regulation* which would: suspend cost-of-living increases for MLA salaries for the current fiscal year and the next fiscal year; and reduce the additional salary payable to ministers by 20% for the duration of the economic recovery period.

Under the terms of a sessional order adopted by the House on December 14, 2009, the House must complete all stages for the passage of Bill 31 by 6:00 p.m. on June 17, 2010.

Bill 221 – *The Domestic Violence Death Review Committee Act*, would establish a

multidisciplinary committee to review the circumstances surrounding deaths that occur as a result of domestic violence and make recommendations to help prevent future deaths in similar circumstances.

The Manitoba Public Accounts Committee scheduled eight meetings from May through November 2010 to consider reports from the Auditor General covering a variety of topics including:

- Audit of the Public Accounts
- Workplace Safety and Health
- Management of Contaminated Sites and Landfills
- Meeting Manitoba's Obligations Under the 1997 Treaty Land Entitlement Framework Agreement
- Personal Care Homes Program
- Assessment Services Branch
- Members' Allowances

On May 12, 2010 a special ceremony at the Manitoba

Legislative Assembly honoured First Nations Treaties Day. The ceremony included an Opening Prayer from **Anna Parenteau** of the Roseau River Anishinabe First Nation, Opening remarks from **Patricia Chaychuk**, Clerk of the Legislative Assembly and Master of Ceremonies, performances by the Niji Mahkwa Singers and the Spirit Sands Drum Group and speeches by: **Phillip Lee**, Lieutenant Governor of Manitoba, **Greg Selinger** Premier of Manitoba, **Hugh McFadyen**, Leader of the Progressive Conservative Party, **Jon Gerrard**, Leader of the Liberal Party, Grand Chief **Ron Evans** of the Assembly of Manitoba Chiefs and **Dennis White Bird** Treaty Commissioner. The closing prayer was offered by Elder **Peter Atkinson**, of the Roseau River Anishinabe First Nation. Treaty Commissioner White Bird presented a beaded Mace Runner and Star Blanket Mace Cushion to the Legislative Assembly

In addition, a proclamation regarding Treaties Day was signed by the Premier accompanied by Mr. McFadyen, Dr. Gerrard, Treaty Commissioner White Bird and Grand Chief Evans. Also, a Treaty Advocacy Award for the late **Oscar Lathlin** was presented to several of his family members on his behalf. Following the ceremony a lunch reception took place in the Rotunda, featuring a performance of the Treaty Play "Kinikinik" under the direction of **Ian Ross**.

In addition to specifying dates for the completion of Interim Supply, Main and Capital Supply, the Sessional Order also sets an end date for the spring session of June 17, 2010.

Rick Yarish

Clerk Assistant/
Clerk of Committees