



Legislative Reports



Senate

Of particular importance to the Senate of Canada in recent months has been the implementation of a revised version of the *Rules of the Senate*, which came into effect on September 17, 2012. Adopted by the Senate on June 19, 2012, after several years of study in the Standing Committee on Rules, Procedures and the Rights of Parliament, and after a comprehensive examination by a Committee of the Whole, where amendments were proposed and adopted, the revised rules aim to clarify the *Rules* and to make them easier to use. The chapters are now separated into distinct subjects. For instance, all the rules relating to debate can be found in the same chapter, and all the rules pertaining to time allocation are in another chapter. This reorganization is complemented by a new numbering system that makes rules easier to locate, with each rule identified with the number of its chapter. For example, Chapter 4 deals with the order of business, and the first order of business is Prayers. Therefore, the rule pertaining to prayers is rule 4-1.

Another purpose of the revisions was to make certain

clarifications to the *Rules* while avoiding significant changes. Most changes simply reflect current practice. One such clarification negates the need to pass a motion at the beginning of each session to allow committees the permission to broadcast their proceedings. This permission is now included in the revised *Rules* (see rule 14-7(2)). An additional new feature of the revised *Rules* is the use of constitutional and statutory references as well as lists of exceptions to any particular rule. One of the effects of the revised *Rules* that will be most evident is the reorganization of the *Order Paper and Notice Paper*, to make it easier to follow the progress of proceedings.

Legislation

The spring and summer sittings of Parliament brought a heavy legislative agenda to the Senate. Fifteen government bills, seven Senate public bills, eleven Commons public bills, one private bill and two proposals for user fees were introduced and/or considered by the Senate. Of the bills that received Royal Assent during this period, eleven were proposed by the Government, four were Commons Public Bills and one was a Private Bill. One of the bills of note included Bill C-11, *An Act to amend the Copyright Act*, which aimed, amongst other things, to modernize the *Copyright Act* to bring it in line with advances in technology and international standards. Another significant bill that was considered and

passed during this period was Bill C-31, *An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act*. This bill made changes to Canada's inland refugee determination system and also to the inland refugee determination process with respect to "irregular arrivals" of refugee claimants. The bill also amends other areas of immigration law with respect to the use of biometrics.

Committees

An interesting committee related procedural event occurred in June, when five different committees were authorized to conduct pre-study of particular elements of Bill C-38, *An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures*. In addition, the Standing Senate Committee on National Finance was authorized to conduct a pre-study of the entire bill, and the chair and deputy chair from each committee studying a part of the bill briefed the National Finance Committee on their portion of the pre-study.

In addition to the study of many other bills, Senate committees were busy with their special studies. In July of 2012, the Standing Senate Committee on Energy, the Environment and Natural Resources released a report entitled: *Now or Never: Canada Must Act Urgently to Seize its Place in the New Energy World Order*. After hearing from over

250 witnesses over a three year period, the committee identified 13 priorities for action to achieve long-term and affordable energy solutions, addressing the challenges and opportunities of responsible development and energy efficiency. Other committees that issued substantive reports included the Standing Senate Committee on Human Rights, the Standing Senate Committee on Foreign Affairs and International Trade, the Standing Senate Committee on Aboriginal Peoples and the Standing Senate Committee on Transport and Communications. All of these reports are available at <http://www.parl.gc.ca/SenCommitteeBusiness>.

Changes to the *Conflict of Interest Code for Senators* that had been proposed by the Standing Committee on Conflict of Interest for Senators and adopted by the Senate in March of 2012, came into effect this October. The objective of the changes was to adapt the provisions of the *Code* to contemporary realities and practices; to avoid any misunderstanding about the outside activities of Senators; to increase the transparency of the conflict of interest regime applicable to Senators; and to enhance public confidence and trust in the conflict of interest regime applicable to Senators.

Senators

There were a number of vacancies in the Senate due to retirements, a resignation and the death of Senator **Fred Dickson** of Nova Scotia, who passed away earlier in the year. Senators who retired included Senators **David Angus** (Quebec), **Ethel Cochrane** (Newfoundland and Labrador), **Consiglio DiNino** (Ontario) and **Rose-Marie Losier Cool** (New Brunswick). Senator

Vivienne Poy (British Columbia) also resigned from the Senate in September of 2012.

On September 6th, 2012, Prime Minister Harper named five new members to the Senate including **Diane Bellemare** (Quebec), **Tobias C. Enverga, Jr.** (Ontario), **Thomas J. McInnis** (Nova Scotia), **Paul E. McIntyre** (New Brunswick) and **Thanh Hai Ngo** (Ontario). The new Senators were introduced on September 25, 2012.

Senate Ethics Officer

The Senate also saw a change to the position of Senate Ethics Officer due to the retirement of **Jean-Guy Fournier**, who left his position in March. Mr. Fournier was a former ambassador and senior public servant. He was appointed the Senate's first Ethics Officer following the adoption of a motion to that effect by the Senate on February 24, 2005. In April, **Lyse Ricard** assumed the position of interim Senate Ethics Officer and was then appointed to the position for a seven year term on October 4, 2012. Ms. Ricard, a chartered accountant, has a long background of public service in the federal government, including Deputy Commissioner of the Canada Revenue Agency. Most recently, Ms. Ricard had been the Director of the Board of Directors at the Université du Québec en Outaouais. The position of the Senate Ethics Officer is an independent Officer of the Senate, whose mandate is to administer, interpret and apply the *Conflict of Interest Code for Senators*.

Vanessa Moss-Norbury

Procedural Clerk
Journals Office



Saskatchewan

The Second session of the Twenty-seventh Legislature began with the Speech from the Throne by Lieutenant Governor, **Vaugh Solomon Schofield** on October 25, 2012. The Throne Speech, entitled *Planning for Growth*, focused on investing in infrastructure, addressing the skilled labour shortage and ensuring Saskatchewan remains competitive, while maintaining fiscal discipline and a balanced budget. The Speech also focused on improving the health and education systems, life for persons with disabilities, educational outcomes, and employment opportunities for First Nations and Métis people.

The Opposition argued that the Throne Speech did not address the needs of the middle class or small businesses and only provided tax cuts to big business. According to the Opposition, the Speech also failed to address the shortfalls in education and post secondary education, nor did it provide any new plans to improve health care.

Diamond Jubilee and 100th Anniversary of the Legislative Building

The year 2012 marks the 100th Anniversary of the Legislative Building in Saskatchewan and the 60th Anniversary of Her Majesty's accession to the throne and as such, many events have taken place to mark these significant milestones.

The official opening of the newly enhanced Queen Elizabeth II Gardens occurred on August 12, 2012. The opening included the arrival of the Lieutenant Governor, the Premier, **Brad Wall**, and City Councilors in the province's landau. They were accompanied by the 32 member RCMP Musical Ride. It was the final time the province used the landau. The landau will be on permanent display at Government House.

The contents of the 1909 Time Capsule and more than 100 archival photos of the Legislative Building were on exhibit in the Cumberland Gallery until November 26, 2012. The new 2012 Time Capsule was filled with new items that will be sealed for future generations. Speaker **Dan D'Autremont** wrote a letter to future Members, which is to be included in the 2012 Time Capsule.

The Ministry of Education developed an education program for grade 4 students, which included a die-cut model of the Legislative Building, resources for educators and a website with online learning tools about the Legislative Building.

On October 10, 2012 Speaker D'Autremont officially unveiled the new carpet in the Chamber. The worn-out red carpet was replaced with a new green carpet in keeping with the original intent of the building's design.

The 100th Anniversary celebration took place on October 11, 2012. The celebration included:

- A special ceremony with the presentation of seven of the Queen's Diamond Jubilee medals by His Excellency Governor General of Canada and Her Honour the Lieutenant Governor of Saskatchewan
- Cutting of the 100th Anniversary cake
- Special Legislative Building

station tours that included the Cabinet room

- Showcase of artifacts from the building and the 1909 Time Capsule
- Announcement of the items to be placed in the 2012 Time Capsule
- Saskatchewan artists and entertainers
- "Share your story" exhibit
- A fireworks display

Portrait Unveiling

On June 25, 2012 the official portrait of former Premier **Lorne Calvert** was unveiled in the Rotunda of the Legislative Building. He was first elected to the Saskatchewan Legislature in 1986 and re-elected in 1991 and 1995. He left politics in 1999 only to return in 2001, when he won the leadership of the NDP becoming Premier on February 8, 2001. Mr. Calvert announced his retirement as Party Leader on October 16, 2008. He was Saskatchewan's 13th premier and served from 2001 until 2007. The portrait, created by artist **Susanne MacKay Kaplan** of Saskatoon, will remain on permanent display in the Saskatchewan Gallery as part of the Legislative Building Art Collection.

Constituency Boundary Final Report

On October 18, 2012, the Speaker tabled the Final Report of the Saskatchewan Provincial Constituency Boundaries Commission. The Commission was created to make recommendations with respect to 59 proposed constituencies south of a northern dividing line. The existing boundaries of the northern seats of Athabasca and Cumberland are established by legislation and were not within the mandate of the Commission. The total number

of constituencies will increase by three, from 58 to 61 seats at the next provincial general election. It is expected that the Assembly will debate a motion to approve the report during the fall portion of the parliamentary calendar. A new *Representation Act* will be introduced upon approval of the boundary report.

Passing of Former Lieutenant Governor

Sylvia O. Fedoruk, former Lieutenant Governor passed away on September 26, 2012. She was the first woman to be named Lieutenant Governor in Saskatchewan, serving from 1988 to 1994. Born in Canora and graduating from the University of Saskatchewan, she was the sole woman on the research team that developed the world's first Cobalt 60 cancer therapy unit in 1951. In addition to her distinguished career in nuclear medicine and education, she received numerous awards including the Saskatchewan Order of Merit, the Officer of the Order of Canada and the Distinguished Canadian Award.

Robert Park
Committee Clerk



Nova Scotia

The fall sitting of the Fourth Session of the 61st General Assembly commenced on October 25, 2012. During the first five days of the sitting the NDP Government introduced five bills and the Opposition parties

introduced ten Private Members' bills.

New Electoral Districts

Bill 94 – *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act* was introduced on opening day. Second reading debate has taken over eight hours to date, with more debate expected before the Bill is referred to the Committee on Law Amendments. Numerous public presentations are anticipated before the Committee. The Bill implements the changes in the electoral boundaries recommended September 24, 2012 by the Electoral Boundaries Commission appointed pursuant to the *House of Assembly Act*. The major changes include a decrease in the present fifty-two to fifty-one electoral districts and a re-setting either by the removal of or the addition of territory to most of the districts.

Pursuant to the *House of Assembly Act*, an Electoral Boundaries Commission was established on December 31, 2011. Under that Act, the Commission is to prepare, for approval by the House, a report recommending the boundaries and names for the electoral districts comprising the House. The Commission was issued terms of reference by a Select Committee of the House, in accordance with the statute. In re-setting the boundaries, the Commission must ensure that each electoral district is within plus or minus 25% of the average number of electors per electoral district. The final number of recommended districts cannot be more than the current number of fifty-two.

Based on the 2011 census data the average electoral population per electoral district is 13,687. Therefore the range of 25% plus or minus is from 10,265 to 17,109

electors per district. Currently ten districts are below 25% and five districts are above 25% of the average elector population range while thirty-seven districts are within the range.

The Commission's interim report was issued on May 31, 2012. The Commission chose to treat its terms of reference as "guidelines" rather than as binding requirements, and maintained four smaller ridings with their existing boundaries. These ridings had been situated in 1990 to take into consideration several communities of special interest. Three have significant Acadian populations and one has a significant African-Canadian population. The report did not comply with the terms of reference issued to the Commission and the Attorney General advised the Commission that it was not acceptable and that the Commission would have to produce a revised interim report that complied with those terms.

The Commission issued a revised interim report on July 20, 2012. The revised report recommends reducing the number of electoral districts from fifty-two to fifty-one. On August 20, 2012, the Commission asked the Attorney General for a three week extension on the deadline for its final report. The Attorney General replied that he did not have the authority to extend the deadline and that only the House of Assembly could do that. He advised that he was aware that the report would be delivered beyond the deadline. The report was delivered on September 24, 2012.

Emergency Debate

House Rule 43 allows a Member of the House to request leave

to move that the business of the House be set aside for the purpose of discussing a definite matter of urgent public importance. The notice of intention to move is made in writing to the Speaker at least two hours before the opening of the sitting. The Speaker decides whether the matter is proper to be discussed and if so the motion for leave is put to the House.

Normally opposition Members avail themselves of this Rule to bring matters for debate to the floor of the House. On Wednesday, October 30, 2012 – Opposition Members' Business day – the Premier requested an urgent debate for the support of the Lower Churchill project. On making his request he stated in part:

The Lower Churchill project and the Maritime Link will bring predictability and stability to an electricity system in Nova Scotia that underwent no significant change for 30 years under successive governments. This system has left our province too exposed to swings in the price of fossil fuels to power our electricity system....An independent report released today indicating that Newfoundland and Labrador will achieve \$2.4 billion of savings by proceeding to develop the hydroelectric power at Muskrat Falls on the Lower Churchill River to meet its power needs, thereby confirming the value of this important development.

The House granted leave and at the moment of interruption at 6:00 p.m. that evening the topic was debated for a two-hour period.

Annette M. Boucher
Assistant Clerk



Prince Edward Island

The Third Session of the Sixty-fourth General Assembly opens on November 13, 2012, with the Speech from the Throne delivered by the Lieutenant Governor **H. Frank Lewis**.

The Second Session of the Sixty-fourth General Assembly was prorogued on November 9, 2012.

Retirement of Auditor General

After a decade of highly professional public service, Auditor General **Colin Younker** retired from his position in October. "Over the years, Mr. Younker has distinguished himself as one of the most credible and reliable public servants in the Prince Edward Island government," Premier **Robert Ghiz** said. "His diligence has helped government to improve its processes – and his work has served as an important check and balance." Audit Director **Jane MacAdam** will serve on an interim basis until a permanent Auditor General is appointed.

CAPA Conference

Prince Edward Island was proud to host the 12th annual conference of the Canadian Association of Parliamentary Administration from September 10th to 14th. Forty-one delegates attended and enjoyed a busy agenda, which included a welcome reception, twelve business sessions, evening social events, some golf and a North Shore tour. The

business sessions were a mix of plenary and breakout, covering Finance, Human Resources and Information Technology. Topics discussed included: "How Are We Advising and Preparing our Legislatures for the Future"; "Social Media Update"; "Mobile Technologies in a Parliamentary Environment"; "Managing Fixed Election Dates"; "Bridging the Broadcast and IT Worlds"; and "Members' Allowances, Benefits and Entitlements – A Northern Perspective". From the positive feedback received the conference was deemed a great success.

Province House Renovations

Work is underway on much-needed repairs to the foundation, mortar, stone facing, windows and roof of Province House, the home of Prince Edward Island's Legislative Assembly and a national historic site. No significant restoration has been undertaken for the past several decades and weather-related stresses have taken their toll on the structure. The renovations are meant to get the building ready for 2014 which is the 150th anniversary of the meetings of the Fathers of Confederation in Charlottetown.

Marian Johnston
Clerk Assistant and
Clerk of Committees



ASSEMBLÉE NATIONALE

Q U É B E C

The First Session of the Fortieth Legislature opened on October 30, 2012 with the election of the President and Vice-Presidents. **Jacques Chagnon**, Member for Westmount-Saint-

Louis from the parliamentary group forming the Official Opposition, was re-elected President by acclamation. As regards the party forming the Government, **Carole Poirier**, Member for Hochelaga-Maisonneuve, was elected First Vice-President, and **Claude Cousineau**, Member for Bertrand, Second Vice-President. **François Ouimet**, Member for Marquette from the group forming the Official Opposition, was elected Third Vice-President.

The opening speech of the session was delivered by Premier **Pauline Marois** on October 31 and, after the 25-hour debate thereon, will conclude with the question being put on the motion for approval of the general policy of the Government.

Cabinet and parliamentary offices

On September 19, 2012, Premier Marois appointed the members of her Cabinet, which is composed of 8 women and 15 men. Among the appointments to the several parliamentary offices, it should be noted that **Stéphane Bédard**, Member for Chicoutimi, will carry out the duties of Government House Leader and **Yves-François Blanchet**, Member for Johnson, those of Chief Government Whip.

Jean-Marc Fournier, interim leader of the Québec Liberal Party and leader of the Official Opposition, announced the responsibilities of the Members of his parliamentary group. Among those who will be holding parliamentary offices are **Robert Dutil**, Member for Beauce-Sud, as Official Opposition House Leader and **Laurent Lessard**, Member for Lotbinière-Frontenac, as Chief Opposition Whip.

Lastly, the leader of the

Coalition Avenir Québec, **François Legault**, presented the parliamentary officers of the Second Opposition Group. They are **Gérard Deltell**, Member for Chauveau, as Second Opposition Group House Leader, and **Daniel Rathé**, Member for Blainville, as Whip of the Second Opposition Group.

Other events

From July 15 to 21, the President of the National Assembly and chair of the Québec Branch of the Commonwealth Parliamentary Association, Mr. Chagnon, hosted the 50th Canadian Regional Commonwealth Parliamentary Association Conference, which brought together some 140 delegates from the Canadian sections of the CPA and from several other Commonwealth countries. The meetings of the Canadian Region of the Commonwealth Women Parliamentarians and the Canadian Regional Council were held in parallel with the Conference.

At a ceremony organized by the Forum des communicateurs gouvernementaux on September 5, 2012, the National Assembly received two Zénith awards underlining its excellence in government communications: in the Publications category for the book *Québec, splendeurs capitales* and in the Public Relations category for the tabling of the report from the Select Committee on Dying with Dignity.

Sylvia Ford
Parliamentary Proceedings
Directorate



Ontario

During the Summer adjournment, **Gregory Sorbara**, a long serving member of the Peterson and McGuinty cabinets, resigned as the Member of Provincial Parliament for Vaughan. His resignation, effective August 1, 2012, coupled with the earlier resignation of **Elizabeth Witmer** as the Member for Kitchener-Waterloo, left the Legislative Assembly with two vacancies. In by-elections held on September 6, 2012, **Steven Del Duca** (Liberal) was returned as the Member for Vaughan and **Catherine Fife** (NDP) was returned as the Member for Kitchener-Waterloo. The resulting composition of the 107 seat minority legislature is now 53 Liberals, 36 Progressive Conservatives and 18 New Democrats.

Recall of the House

On August 21, 2012 the government advised the Speaker that it was in the public interest to reconvene the House earlier than the September 10, 2012 start date for the Fall meeting period. Accordingly, the Spring meeting period was extended and resumed on August 27, 2012 to allow for the introduction of Bill 115, *An Act to implement restraint measures in the education sector*. The Act established a restraint period of two years for the compensation of workers in the education sector and set out requirements for terms that must be included in employment

contracts and collective agreements that apply during the restraint period. The Act also amended the *Education Act* to provide for regulations that establish and govern existing and new systems of sick leave credits/gratuities and provided for their termination.

After three days of debate, Bill 115 was time-allocated and referred to the Standing Committee on Social Policy for consideration. The time-allocation motion contained a provision that in the event the committee failed to report the Bill by September 10, 2012, the Bill was deemed to be passed by the Committee and was deemed to be reported to and received by the House. This provision proved to be significant because the motion striking the membership for all legislative committees following the last general election included a termination date of September 9, 2012. Although the Committee had concluded clause-by-clause consideration of the Bill and had ordered the Chair to report the Bill, as amended, to the House, the Standing Committee on Social Policy no longer had a Chair or Members by the next opportunity to report the Bill. The Bill was therefore deemed reported as amended. It received Third Reading and Royal Assent on September 11, 2012. A number of education sector unions have launched *Charter of Rights and Freedoms* challenges related to the Bill's impact on collective bargaining processes.

The early resumption of the House also afforded the Attorney General **John Gerretsen** the opportunity to introduce legislation to amend a section of the *Legislative Assembly Act* respecting the composition of the Board of Internal Economy. The amendment provides for parity

in the membership between government and opposition parties on the Board and for the Speaker to continue as Chair, however in a non-voting capacity. The Bill passed unanimously on September 4, 2012.

Matter of privilege

On August 27, 2012, the Chair of the Standing Committee on Estimates tabled a report on the Committee's request for documents from the Ministry of Energy. This report was the result of a motion adopted in committee on July 11, 2012. The report claimed that the Minister of Energy **Chris Bentley** had not produced certain correspondence ordered by the Standing Committee on Estimates during its review of the printed estimates of the Ministry of Energy, and that the non-production of documents may give rise to a matter of privilege. The report recommended that the Minister be compelled to provide the requested documents without delay, and that the Minister be held in contempt if he refused to do so. Debate on the motion to adopt the report's recommendations was adjourned.

The correspondence in question related to the cancellation of gas-fired power plants in Oakville and Mississauga, two communities in the Greater Toronto Area. Included in the Committee's report was a response from the Minister of Energy noting that the information requested by the Committee was subject to solicitor-client privilege and was highly commercially sensitive. The response also maintained that disclosure of the documents would prejudice ongoing negotiations and litigation regarding the cancellations.

Later that same day, **Rob Leone**, the Member

for Cambridge, rose in the Legislature on a question of privilege concerning the Minister not having produced the documents ordered by the Standing Committee on Estimates, of which he was a member.

On September 13, 2012, after considering all submissions and reviewing the matter, Speaker **Dave Levac** ruled that the committees of the Legislative Assembly are effectively empowered to order the production of documents and that non-compliance with a production order made by a committee can, in proper cases, constitute a matter of privilege. In his ruling, the Speaker further stated that:

The right to order production of documents is fundamental to and necessary for the proper functioning of the Assembly. If the House and its committees do not enjoy this right, then the accountability, scrutiny and financial functions of Parliament – which go to the core of our system of responsible government – would be compromised.

The Speaker was satisfied that a *prima facie* case of privilege had been established, but rather than immediately look to the Member for Cambridge for a motion, he offered the three House Leaders until September 24, 2012 to find a way to satisfy the request of the Standing Committee on Estimates. The House Leaders did not reach such an agreement, however the Minister of Energy and the Ontario Power Authority did table with the Clerk of the Legislative Assembly a large number of documents on September 24 related to the Oakville and Mississauga power plants.

On September 25, 2012, the Speaker asked the Member

for Cambridge if he wished to proceed with his motion in light of the recent tabling of documents. The Member did wish to proceed and moved a motion that the House direct the Minister of Energy and the Ontario Power Authority to table immediately all remaining documents, as ordered by the Standing Committee on Estimates on May 16, 2012, and that the matter of the Speaker's finding of a *prima facie* case of privilege with respect to the production of documents be referred to the Standing Committee on Finance and Economic Affairs.

Over a four-day period 67 Members spoke on the matter, and the debate ended with the Member for Cambridge moving closure. The main motion carried 53 to 50. The Order of the House authorized the Standing Committee on Finance and Economic Affairs to meet at the call of the Chair, reconstituted its membership and gave the Committee until November 19, 2012 to report its findings.

Prorogation

On October 15, 2012, Premier **Dalton McGuinty** met with Lieutenant Governor **David Onley** to ask His Honour to prorogue the First Session of the Fortieth Parliament. The Premier also announced that he would be stepping down as Premier of Ontario once his successor had been chosen, but would serve the remainder of his term as MPP in the current parliament. The Liberal leadership convention is scheduled to be held the weekend of January 25, 2013. At prorogation, the legislature had passed 13 public bills and 3 private bills.

Committee Activities

Prior to the termination of Committee Membership on

September 9, 2012, the following Committee activities occurred:

- The Standing Committee on Estimates continued its review of the printed estimates for the Ministry of Energy; the Ministry of Finance; the Ministry of Health and Long-Term Care; the Office of Francophone Affairs; and the Ministry of Aboriginal Affairs.
- The Standing Committee on General Government undertook a review of the *Aggregate Resources Act* in the spring of 2012 as directed by the House. The review garnered a great deal of attention by the public and media. The Committee visited active, abandoned and rehabilitated aggregates sites during the summer adjournment and held public hearings in Orangeville, Kitchener, Ottawa and Sudbury.
- The Standing Committee on Public Accounts continued its review of the 2012 *Special Report of the Office of the Auditor General on Ornge Air Ambulance and Related Services*. With two Speaker's warrants issued for his appearance, the former Chief Executive Officer of Ornge, Dr. **Chris Mazza**, testified before the Committee on July 18, 2012. The Committee heard from 63 witnesses during 17 meetings, and several key witnesses were recalled by the Committee, including the Minister of Health and Long-Term Care **Deb Matthews**.

The Committee also passed a motion requesting that the Auditor General examine the Ontario Power Authority's contract to have a gas-fired power plant built in Mississauga. The motion requested that the Auditor table a value-for-money report before September 1, 2013 on the cost associated with the cancellation of the Mississauga plant.

Katch Koch
Committee Clerk



Nunavut

The 2012 fall sitting of the Legislative Assembly convened on October 23, 2012. It adjourned on November 5, 2012. Minister of Finance **Keith Peterson** delivered his fall fiscal update on the first sitting day. The proceedings of the Committee of the Whole during the fall sitting of the House were dominated by the consideration of the Government of Nunavut's proposed 2013-2014 capital estimates.

On October 29, 2012, Speaker of the Legislative Assembly **Hunter Tootoo** tabled a draft *Plebiscites Act*. The Management and Services Board of the Legislative Assembly has invited members of the public and interested organizations to provide written submissions concerning the proposed new *Plebiscites Act*, which would replace the territory's current statute. Legislation concerning territory-wide elections, including the *Nunavut Elections Act*, falls under the jurisdiction of the Legislative Assembly itself.

On October 30, 2012, the Speaker tabled a report of the Integrity Commissioner of Nunavut concerning the Member for South Baffin, **Fred Schell**. The report was submitted to the Legislative Assembly following the Integrity Commissioner's review of the Member's alleged contraventions of the territorial *Integrity Act*. Section 48 of the statute requires that the Legislative Assembly consider such reports

within ten sitting days of their being tabled. The Legislative Assembly must accept all of the Integrity Commissioner's recommendations or reject all of the Integrity Commissioner's recommendations. The Integrity Commissioner's report concluded that the Member had committed a number of breaches of the *Integrity Act*.

On November 5, 2012, the Legislative Assembly adopted a formal motion to accept the Integrity Commissioner's recommendations for sanctions. The motion was moved by Premier **Eva Aariak**. The motion passed without opposition. In speaking to the motion, Mr. Schell announced his resignation from Cabinet, where he had been serving as Minister without Portfolio since March of 2012.

During the fall sitting, Speaker Tootoo also tabled the Legislative Assembly's sitting calendar for 2013, as required under Rule 3(2) of the *Rules of the Legislative Assembly of Nunavut*. The general election for the 4th Legislative Assembly will be held on October 28, 2013.

The 3rd Session of the 3rd Legislative Assembly will reconvene for its 2013 winter sitting on February 26, 2013. It is anticipated that the proceedings of the winter sitting will be dominated by the consideration of the Government of Nunavut's proposed 2013-2014 main estimates and departmental business plans.

Legislation

A total of four bills received Assent during the Legislative Assembly's 2012 fall sitting:

- Bill 41, *Appropriation (Capital) Act, 2013-2014*;
- Bill 42, *Supplementary Appropriation (Operations and Maintenance) Act, No. 2, 2012-2013*;

- Bill 43, *Supplementary Appropriation (Capital) Act, No. 3, 2012-2013*; and
- Bill 45, *An Act Respecting Constituency Names and Superannuation of Certain Independent Officers of the Legislative Assembly*.

Bill 45, which was introduced under the authority of the Legislative Assembly's Management and Services Board, amended the *Nunavut Elections Act* to change a number of constituency names. The bill also amended a number of statutes to provide that the Chief Electoral Officer and the Languages Commissioner are deemed to be members of the public service for the purposes of superannuation. Speaker Tootoo appeared before the Committee of the Whole on the occasion of its clause-by-clause consideration of the bill.

Three bills are currently under consideration by the Legislative Assembly's Standing Committee on Legislation, which is chaired by **Johnny Ningeongan**:

- Bill 32, *An Act to Amend the Legal Services Act*;
- Bill 40, *Representative for Children and Youth Act*; and
- Bill 44, *An Act to Amend the Justices of the Peace Act*.

On November 5, 2012, **Ron Elliott** gave notice of motion for the first reading of Bill 46, *Donation of Food Act*, which will be introduced as a Private Member's Bill. The motion will be called for consideration when the 2013 winter sitting convenes on February 26, 2013.

Committee Activities

From August 19-21, 2012, the Legislative Assembly of Nunavut hosted the 33rd annual conference of the Canadian Council of Public Accounts Committees

(CCPAC). The conference was held jointly with the Canadian Council of Legislative Auditors (CCOLA). Nunavut's Standing Committee on Oversight of Government Operations and Public Accounts was represented by its Chairperson, Mr. Elliott, and its Co-Chairperson, **Louis Tapardjuk**. One of the conference's panel discussions focused on the three territorial legislatures. Panelists were Mr. Elliott, Northwest Territories MLA **Daryl Dolynny**, Yukon MLA **Jan Stick** and Auditor General of Canada **Michael Ferguson**.

During the 2012 fall sitting of the Legislative Assembly, government responses to two reports of the Standing Committee on Oversight of Government Operations and Public Accounts were tabled in the House by Premier Aariak.

Order of Nunavut

On September 20, 2012, Speaker Tootoo and Commissioner of Nunavut **Edna Ekhiyalak Elias** presided over the investiture of **Charlie Panigoniak** into the Order of Nunavut. The investiture ceremony was held in the Chamber of the Legislative Assembly. The investiture ceremony for Ms **Kenojuak Ashevak** will be held on a date to be announced.

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

as a Companion of the Order of Canada in 1982.

Alex Baldwin

Office of the Legislative Assembly
of Nunavut



Manitoba

The Second session of the 40th Legislature is set to open on Monday, November 19, 2012 with the reading of the Speech from the Throne. In accordance to a House Leaders' agreement, notice for the 2012 Fall legislative session was required to be given by September 30th as well as four week's notice will be required for the resumption of the 2013 Spring legislative session.

Standing Committees

Manitoba Standing Committees held four separate intersessional meetings since our last submission. The Standing Committee on Legislative Affairs met in October to consider the contents of Bill 209 which proposes cooling-off periods relating to Independent Officers of the Assembly. This particular meeting was an anomaly and was held based on a House Leaders' decision. Also, the Standing Committee on Public Accounts met on three separate occasions to consider reports from the Auditor General covering a variety of topics including:

- Members' Allowances
- Appointment Process to Agencies, Boards and Commissions
- Wireless Network Security
- Managing Climate Change

- Protection of Well Water Quality in Manitoba
- Environmental Livestock Program
- Contaminated Sites and Landfills

New PC Caucus appointments:

After winning the by-election for the Fort-Whyte constituency held on September 4, 2012, Official Opposition Leader **Brian Pallister** was sworn in on September 19, 2012 and will officially be introduced to the House on November 20, 2012. On November 3, 2012, an Orientation session with the Table Officers was provided to Mr. Pallister and the briefing material was tailored to suit his thirteen years of experience as a former MLA and former MP.

On September 5, new shadow cabinet was assigned as follows:

- **Brian Pallister**, critic for Federal-Provincial Relations and Francophone Affairs;
- **Myrna Driedger**, critic for Finance, Civil Service and Crown Corporation Accountability;
- **Blaine Pederson**, critic for Local Government;
- **Mavis Taillieu**, Infrastructure Transportation, Emergency Measures and Lotteries critic;
- **Kelvin Goertzen**, Education critic;
- **Reg Helwer**, critic for Justice, Attorney General, Constitutional Affairs and MPI;
- **Bonnie Mitchelson**, Immigration and Multiculturalism critic;
- **Cameron Friesen**, Health critic;
- **Larry Maguire**, Conservation and Water Stewardship critic;
- **Ron Schuler**, critic for Innovation, Energy and Mines, as well as Manitoba Hydro;
- **Heather Stefanson**, Aboriginal and Northern Affairs critic;
- **Cliff Cullen**, critic for Healthy Living, Seniors and Consumer Affairs and the *Liquor Control Act.*;
- **Cliff Graydon**, critic for Entrepreneurship, Training and Trade;
- **Ian Wishart**, critic for Housing and Community Development critic;
- **Leanne Rowat**, critic for Family Services, Labour, Workers Compensation, Persons with Disabilities and Status of Women;
- **Wayne Ewasko**, critic for Culture, Heritage and Tourism;
- **Stuart Briese**, critic for Advanced Education and Literacy;
- **Dennis Smook**, critic for Children and Youth Opportunities and Healthy Child Manitoba;
- **Ralph Eichler**, critic for Agriculture, Food and Rural Initiatives.

On September 12, 2012, **Larry Maguire** resigned as Chairperson for the Standing Committee on Public Accounts and **Reg Helwer** was elected as the new Chairperson.

Report on MLA Salaries

The new Commissioner **Michael Werier**, appointed pursuant to *The Legislative Assembly Act*, provided a report to the Speaker of his review of the salaries, allowances and retirement benefits for Members. Based on his findings, Manitoba MLAs will receive a 4.9% salary increase effect April 1, 2014 being the first pay hike in five years. The additional pay for cabinet ministers and the premier will also be increased. Other increases include:

- Effective immediately, a 10% increase applicable to certain special positions such as caucus chair, house leader, whip, committee chair and deputy chair and legislative assistant.

- MLA allowances such as travel for southern MLAs, constituency office rent, constituency assistant salaries and moving expenses. These allowances are reimbursement for expenses incurred in the course of duties as a member of the legislative assembly

The Werier Report on MLA Salaries, can be found at <http://www.reviewcommissioner.mb.ca/>.

Current Party Standings:

The current party standings in the Manitoba Legislature are: NDP 37, Progressive Conservatives 19 and one Independent Liberal.

Monique Grenier
Clerk Assistant/
Clerk of Committees



Northwest Territories

The Third session of the 17th Legislative Assembly reconvened on Wednesday, October 17, 2012. The focus of the Session was the introduction and passage of Bill 14: *Appropriations Act (Infrastructure Expenditures), 2013-2014*. This is in keeping with the changes which the Assembly adopted in 2008 to introduce the capital budget in the fall, rather than as part of the Main Estimates, which are introduced in the spring. In addition, two supplementary appropriation bills, addressing both operations and infrastructure, were introduced and considered during the sitting.

Alfred Moses, Chair of the Standing Committee on Social Programs, reported back to the Assembly on the consideration of four bills which were referred to Committee during the spring

sitting. The Standing Committee held public hearings in the capital on Bill: 5, *Legal Aid Act*, on August 23, 2012 and October 29, 2012. Based on substantive public input, the Committee proposed twelve amendments to the bill. The Minister concurred with all but one of the amendments during the public clause-by-clause review. The remaining amendment was introduced during the Committee of the Whole consideration of the Bill in the House and was subsequently defeated. The Standing Committee on Social Programs considered and reported on a total of six bills during the sitting.

Committee Reports

Two Committee reports were presented during the sitting. **Robert Hawkins**, Chair of the Standing Committee on Economic Development and Infrastructure, presented the *Report on August 2012 Hydraulic Fracturing Study Tour: Toward a Policy Framework for Hydraulic Fracturing in the Northwest Territories*. In its report, the Standing Committee provided eight recommendations to the government, most relating to the establishment of policy and regulations with respect to hydraulic fracturing in the Northwest Territories. During its review of the report in Committee of the Whole, the Assembly adopted all eight committee motions.

Bob Bromley, Chair of the Standing Committee on Rules and Procedures presented the *Report on the Use of Tablet Computers in Formal Session of the Legislative Assembly*. This report recommended that Members be permitted to use tablet computers during all proceedings in the Chamber, with the exception of the following: during the prayer, when the Commissioner is

present in the Chamber, during the Speaker's opening and closing remarks and rulings, during votes and at any other time designated pursuant to instruction of the Speaker. Tablet computers are also subject to the existing convention that any electronic device used in the Chamber must be on silent mode at all times. The report further recommended that the Rules of the Legislative Assembly be amended to reflect this decision and that the changes be effective for the February 2013 sitting of the Assembly. During consideration of the report in Committee of the Whole, three motions were introduced and adopted by the Assembly.

Business Plan Reivew

Working within the consensus government framework, the Standing Committees of the Legislative Assembly devoted three weeks in September to the review of departmental business plans. The business plans are developed by the government departments in accordance with the Assembly's vision and goals, as established collaboratively at the beginning of each Assembly. The Standing Committee on Economic Development and Infrastructure, the Standing Committee on Government Operations, and the Standing Committee on Social Programs examined the business plans and met with the ministers and senior officials from all twelve government departments as part of the review process.

Establishment of Electoral Boundaries Commission

Pursuant to section 2(1) of the *Electoral Boundaries Commission Act*, a motion was adopted by the House on October 18, 2012, to establish an Electoral Boundaries Commission, 2012. The motion

also recommended to the Commissioner of the Northwest Territories the appointment of a chairperson and two commission members. A second motion, adopted on the same day, established guidelines or criteria to be taken into consideration by the Commission. The final report of the Commission is to be submitted to the Speaker and Clerk of the Legislative Assembly within seven months of the establishment of the Commission

Diamond Jubilee Medals

On November 6, 2012 **George Tuccaro**, Commissioner of the Northwest Territories and **Jackie Jacobson**, Speaker of the Legislative Assembly accompanied by Premier **Robert R. McLeod** had the honour of presenting the Queen's Diamond Jubilee Medal to two Members of the Legislative Assembly. **J. Michael Miltenberger**, and **Jane Groenewegen**, are currently the longest-serving Members of the Legislative Assembly of the Northwest Territories. They were honoured on the floor of the Chamber, in the company of their colleagues, for their seventeen years of dedicated public service.

Assent to Bills

Commissioner Tuccaro gave assent to ten bills, before proroguing the Third Session of the 17th Legislative Assembly on November 6, 2012.

- Bill 2: *Miscellaneous Statute Law Amendment Act, 2012*
- Bill 5: *Legal Aid Act*
- Bill 7: *An Act to Amend the Judicature Act*
- Bill 8: *An Act to Amend the Securities Act*
- Bill 12: *An Act to Amend the Human Rights Act, No. 2*
- Bill 13: *An Act to Repeal the Credit Union Act*
- Bill 14: *Appropriation Act (Infrastructure Expenditures)*,

2013-2012

- Bill 15: *An Act to Amend the Human Rights Act*, No. 3
- Bill 16: *Supplementary Appropriation Act (Infrastructure Expenditures)*, No. 2, 2012-2013
- Bill 17: *Supplementary Appropriation Act (Operations Expenditures)* No. 2, 2012-2013

Conferences

The 39th Annual Conference of the Hansard Association of Canada took place August 13-17, 2012. Thirty-nine delegates attended from Canada's federal, provincial and territorial legislatures, as well as representatives from the United Kingdom House of Commons, the Scottish Parliament and the National Assembly for Wales. The conference program included sessions on the impact of social media, the advent of high definition television and other new broadcasting technologies.

The Parliamentary Visitor Services Association Conference was held September 4-7, 2012. Attending were delegates from ten Canadian legislatures. Sessions and discussion focused on the various outreach programs that each legislature provides to the public.

Gail Bennett

Principal Clerk, Operations



New Brunswick

On September 26, 2012, Premier **David Alward** announced various changes

to cabinet. Four MLAs joined cabinet: **Hugh Flemming** was appointed Minister of Health; **Danny Soucy** was appointed Minister of Post-Secondary Education, Training and Labour; **Troy Lifford** was appointed Minister of Human Resources and **Dorothy Shephard** was appointed Minister of the newly created Department of Healthy and Inclusive Communities. **Madeleine Dubé** moved from the Department of Health to Social Development and **Sue Stultz** moved from Social Development to Government Services. The four new cabinet members were sworn into the Executive Council on October 9, 2012, by Lieutenant-Governor **Graydon Nicholas**.

Committee Activities

The Select Committee on the Revision of the *Official Languages Act* is mandated to oversee the examination of and consultation on the *Official Languages Act*, to review legal decisions, recommendations of the Office of the Commissioner of Official Languages, as well as suggestions and recommendations from civil society and New Brunswickers. The 2002 Act requires a review to be initiated before December 31, 2012.

During the summer and fall months, the Committee met with various interest groups, experts and individuals to receive input on possible revisions to the Act. The Committee held discussions and received briefs and submissions. The Committee filed an interim report on June 28, 2012, and is expected to file a final report during the next session of the House. The Committee is chaired by **Marie-Claude Blais**, Minister of Justice and Attorney General.

The Standing Committee on Public Accounts, Chaired by **Rick Doucet**, held public

meetings from October 31 to November 2, 2012. The Committee reviewed the 2010-2011 annual reports of the Department of Social Development, Department of Health and the Department of Local Government. On December 4, 2012, the Committee will meet in a joint session with the Standing Committee on Crown Corporations, Chaired by **Jack Carr**, to receive Volumes 1 and 2 of the 2012 Report of the Auditor General of New Brunswick.

The Standing Committee on Law Amendments received briefs and submissions on Bill 64, *An Act Respecting the Selection of Senator Nominees*. The proposed Act would introduce a process in New Brunswick for the election of nominees to the Senate of Canada. The Committee is expected to present a report during the fall session.

Electoral Boundaries and Representation Commission

New Brunswickers had the opportunity to provide their opinions on modifications to the provincial electoral districts through a series of public hearings. The Electoral Boundaries and Representation Commission, an independent body operating under the terms of *New Brunswick's Electoral Boundaries and Representation Act*, was tasked with redrawing the boundaries of New Brunswick's electoral ridings and replacing the current 55 ridings with 49 ridings to be implemented in the next provincial general election in 2014. The Commission visited 13 communities in October and November 2012 to gather input in preparation for its preliminary report. The Commission will hold a second series of public meetings to receive feedback on its

preliminary report.

Caucus Changes

On September 21, 2012, Premier Alward announced that **Jim Parrott** would no longer sit as a member of the government caucus. Dr. Parrott, a retired heart surgeon, will sit as an Independent Progressive Conservative in the Legislative Assembly. He was elected to the Legislature in the 2010 provincial election.

Liberal Party Leader

On October 27, 2012, **Brian Gallant** was elected the Leader of the New Brunswick Liberal Party. Mr. Gallant, 30, a lawyer practicing in Dieppe, does not currently have a seat in the Legislative Assembly. **Victor Boudreau** will remain as Leader of the Opposition.

House Sitting

The Second Session of the 57th Legislative Assembly will reconvene on the morning of Tuesday, November 27, 2012, for the purpose of proroguing. The Third Session will formally open in the afternoon with the Speech from the Throne, the third for the government of Premier Alward. The current House standings are 41 Progressive Conservatives, 13 Liberals and 1 Independent Progressive Conservative.

Ryan Ballak

Clerk Assistant and Committee Clerk



Yukon

The 2012 Fall Sitting of the 1st Session of the 33rd Yukon

Legislative Assembly convened on Thursday, October 25th, and is expected to rise on Thursday, December 13th, after 28 sitting days. Pursuant to Standing Order 74 the government introduced all its legislation for the Sitting by the fifth sitting day, Thursday, November 1. The bills introduced and given first reading were:

- Bill No. 7, *Second Appropriation Act, 2012-13*
- Bill No. 42, *Donation of Food Act*
- Bill No. 43, *Act to Amend the Securities Act*
- Bill No. 44, *Miscellaneous Statute Law Amendment Act, 2012*
- Bill No. 45, *Act to Amend the Municipal Finance and Community Grants Act*
- Bill No. 46, *Act to Amend the Income Tax Act*
- Bill No. 47, *Act to Amend the Retirement Plan Beneficiaries Act*
- Bill No. 48, *Act to Amend the Access to Information and Protection of Privacy Act*
- Bill No. 49, *Act to Amend the Oil and Gas Act*
- Bill No. 50, *Statute Law Amendment (Nurse Practitioners) Act*
- Bill No. 51, *Residential Landlord and Tenant Act*

Tribute to former Speaker

At the outset of the opening day, Speaker **David Laxton** offered a tribute to former Speaker **Don Taylor**, who had passed away from lung cancer on October 7th. Mr. Taylor had won seven successive elections, serving as MLA for Watson Lake from 1961 through 1985, and as Speaker from 1974 through 1985. Mr. Taylor holds the dual distinctions of being Yukon's longest-serving MLA, and longest-serving Speaker of the Legislative Assembly (as opposed to the Territorial Council).

Protesters in the Gallery

Also at the start of the opening day, the public gallery was filled with protesters representing a few different groups, some of whom had placed advertisements in local newspapers respecting their intention to hold a rally outside the building and to then fill the gallery. The protesters in the gallery were orderly, and, as anticipated, left at the conclusion of Question Period.

Interim leader leaves the Liberal caucus

During the summer recess (on August 17th), Interim Liberal Leader **Darius Elias**, MLA for Vuntut Gwitchin since the Fall 2006 general election, left the Yukon Liberal Caucus to become an Independent member. Mr. Elias indicated that the responsibilities of Interim Leader were detracting from his mandate to represent the people of his northern community of Old Crow. The remaining member of the Yukon Liberal Party caucus, **Sandy Silver**, issued a statement thanking Mr. Elias for the contributions the latter had made to the Liberal Party, and leaving the door open for Mr. Elias's return to the party in the future. Mr. Silver was elected as the MLA for Klondike in the Fall 2011 election. He now takes on the mantle of Interim Liberal Leader, and de facto Leader of the Third Party.

Change to the Standing Orders

On October 30th, the House adopted a motion, moved by Mr. Elias, providing for the inclusion of Independent Members in the roster used to determine the order for Opposition Private Members' Business under Orders of the Day on Wednesdays. This motion effected a change to the Standing

Orders, which previously had not provided for the calling of bills and motions for debate by Independent Members. Due to this exclusion of independent members, Mr. Elias required unanimous consent to bring his motion before the House for debate. The motion was adopted 16-0 on Division.

Use of electronic devices in the Chamber

On October 29th, the House Leaders and the Independent member agreed upon provisional guidelines for the use of electronic devices in the House, and provided them to the Speaker, who agreed to be guided by them, subject to his discretion. The guidelines generally allow for the silent, unobtrusive, non-camera use of electronic devices in the House at times other than: Question Period, when the Chair is speaking, when a point of order or privilege is raised, during the taking of divisions or counts, when the Commissioner is present, or at any time the Chair judges such use to impinge on the decorum or dignity of the proceedings. The guidelines also “officially” allow departmental officials to make use of these devices in Committee of the Whole, a practice which had occasionally occurred over the last couple of years. The guidelines currently exist as an addendum to the Standing Orders, but may be incorporated into the Standing Orders at some point in the future.

Linda Kolody
Deputy Clerk



British Columbia

As previously reported, the 4th session of the 39th Parliament recessed on May 31, 2012. As no fall sitting has been announced, it is anticipated that the House will reconvene in February 2013.

Committee Activity

Despite the current recess, several committees have been very active over the last few months.

On August 15, 2012, the Special Committee on Timber Supply released its unanimous report, *Growing Fibre, Growing Value*. The Committee, appointed by the House on May 16, was tasked with examining how to increase the supply and value of mid-term timber in BC's central interior – an area hit hard by a mountain pine beetle epidemic. During the intense six-week consultation period, 650 submissions were received.

The Committee's key recommendations to increase mid-term timber supply focused on: engaging local communities and First Nations in future plans; finding ways to grow more fibre and maximize its value by utilizing marginally economic stands and/or investing in fertilization; and increasing the supply of area-based tenures to support enhanced levels of forest stewardship and private sector forest investment. The Committee's report also outlined steps for government to facilitate the economic recovery effort in Burns Lake, where the local

sawmill had been tragically destroyed by fire in January 2012.

The Ministry of Forests, Lands and Natural Resource Operations issued a response to the Committee's report on October 9, 2012, announcing its support for the recommendations emanating from the Special Committee's report and reaffirming its commitment to forest renewal.

The Special Committee to Inquire into the Use of Conducted Energy Weapons and to Audit Selected Police Complaints has begun its review of the implementation of Justice Braidwood's 2009 recommendations on the use of conducted energy weapons (TASERs), as well as an audit of the outcome of randomly selected police complaints (under Part 11 of the *Police Act*). Public meetings were held in the fall with various expert witnesses briefing the Committee on the status of Braidwood's recommendations and the Committee engaged the Office of the Auditor General to perform the audit. The Committee has until the end of this calendar year to complete its reviews and until May 2013 to table its report.

The Select Standing Committee on Finance and Government Services completed its annual budget consultations on October 18, 2012. The Committee heard 214 presentations at 19 public hearings in September and October, received 311 written submissions, 286 online survey responses, and two video submissions. The Committee must release its report by November 15, 2012 in accordance with the *Budget Transparency and Accountability Act*.

Cabinet Changes

On September 5, 2012, Premier **Christy Clark** introduced a revised 19-member cabinet.

Bill Bennett, **Ben Stewart** and **Moira Stillwell** rejoined cabinet as ministers of Community, Sport and Cultural Development, Citizens Services, and Social Development respectively, while the two newcomers to cabinet, **Norm Letnick** and **Ron Cantelon**, were appointed Minister of Agriculture and Minister of State for Seniors.

Ministers that were appointed to new portfolios include: **Michael de Jong** who moved to Finance and resumed his earlier role as Government House Leader; **Margaret MacDiarmid** moved to Health; **Stephanie Cadieux** to Children and Family Development; **Ida Chong** to Aboriginal Relations and Reconciliation; **John Yap** to Advanced Education; **Naomi Yamamoto** became Minister of State for Small Business; **Don McRae** assumed Education and **Mary Polak** took over Transportation and Infrastructure.

New Lieutenant Governor

On November 2, 2012, **Judith Guichon** was sworn-in as British Columbia's 29th Lieutenant Governor in a ceremony held at the Legislative Assembly. Elder **Lottie Lindley** delivered the blessing to open the proceedings which were attended by Members of the Executive Council, Members of the Queen's Privy Council for Canada, members of the Judiciary, and Members of the Legislative Assembly of British Columbia. The ceremony included the reading of the Commission of Office and the administering of the Oath of Allegiance and the Oath of Office by **Lance Finch**,

Chief Justice of British Columbia.

Mrs. Guichon, only the second woman to hold the post in British Columbia, was presented with the Order of British Columbia and the Collar of Office. The former head of the British Columbia Cattlemen's Association, Mrs. Guichon replaces outgoing Lieutenant Governor, **Steven Point**.

Susan Sourial
Committee Clerk



House of Commons

The First Session of the Forty-First Parliament resumed from summer adjournment on September 17, 2012. The information below covers the period from August 1, 2012 to November 1, 2012.

Financial Procedures

On October 15, 2012, **Ted Menzies** (Minister of State (Finance)) tabled a Notice of a Ways and Means motion to implement certain provisions of the budget that was tabled in Parliament on March 29, 2012 and other measures. The resulting motion, Ways and Means Motion No. 13, was adopted by the House on October 17, 2012. The Bill based thereon, Bill C-45, *Jobs and Growth Act, 2012*, was introduced the following day.

On October 19, 2012, **Lynne Yelich** (Minister of State (Western Economic Diversification)) moved a motion to remove from Bill C-45 the sections relating to Members' of Parliament pensions (clauses 475

to 514) and to create from them a new bill, Bill C-46, *Pension Reform Act*. The motion, which was later adopted, also provided that Bill C-46 be adopted by the House at all stages without debate. Having completed the remaining stages in the legislative process, Bill C-46 received royal assent on November 1, 2012.

On October 30, 2012, Bill C-45 was read a second time and referred to the Standing Committee on Finance. During the Committee meeting the next day, **Shelly Glover** (Parliamentary Secretary to the Minister of Finance) moved a motion to have the Chair of the Committee write to the Chairs of 10 other standing committees to invite them to consider the subject matter of various provisions of the Bill, and to convey to the Finance Committee Chair recommendations, including suggested amendments to the Bill, by 5:00 p.m. on November 20, 2012. The motion also specified how the Committee would deal with these and other proposed amendments during its clause-by-clause consideration of the Bill, and set timelines for its work on the Bill. After debate, the motion was adopted.

By October 18, 2012, six of the seven opposition days allotted for the supply period ending December 10, 2012, had been designated. Topics for debate on these supply days included: the economy, employment insurance, foreign investment, omnibus legislation, and food safety.

Procedure, Points of Order, and Questions of Privilege

On September 17, 2012, the House adopted by the following motion:

That, having considered the nature of a request made of the Auditor General under the

Access to Information Act, the House of Commons waives its privileges relating to all e-mails pertaining to the Auditor General appearing before a parliamentary committee from January 17 to April 17, 2012.

Following the adoption of the motion, the Speaker, **Andrew Scheer**, made a statement to clarify the situation that gave rise to the decision. He explained that the House of Commons had been advised by the Office of the Auditor General in June that they had received a request for the release of e-mail exchanges between their office and the clerks or officials of five standing committees, relating to the Auditor General's appearances before these committees. The Office of the Law Clerk and Parliamentary Counsel suggested that the documents were protected by privilege, and, since the House was not sitting at the time, requested that the Auditor General's office delay a decision on the release of the documents until the House resumed sitting in September. The Office of the Auditor General decided to proceed with the request nonetheless, arguing that parliamentary privilege was not one of the exemptions or exclusions in the Act that would allow them to refuse to release the documents. Before the release could occur, however, the House had 20 days to apply for a review of the decision. Faced with the deadline, the House filed an application for a judicial review of the Auditor General's decision to release the documents. (Had this filing not been made on or before September 10, 2012, the documents would have been released without the express consent of the House). In concluding his remarks, the Speaker reminded Members that this matter was not precedent

setting and, noting that similar situations may arise in the future, encouraged the Standing Committee on Procedure and House Affairs to do a thorough review of the matter. The Committee met on October 16, 2012, to consider the issue and heard from **Marc Bosc**, Deputy Clerk of the House of Commons, and **Richard Denis**, Deputy Law Clerk and Parliamentary Counsel. At the time of writing, the matter is still before the committee.

One question of privilege was brought before the House during this period. On October 25, 2012, **Don Davies** (Vancouver Kingsway) raised a question of privilege concerning the alleged misuse of e-mail accounts. Mr. Davies argued that thousands of e-mails had been transferred to his personal e-mail account instead of his public account by **Bev Shipley** (Lambton—Kent—Middlesex). He maintained that this had frozen his account, thereby preventing him from carrying out his duties as a Member of Parliament. In response, Mr. Shipley rose to state that the redirection of e-mails to Mr. Davies' personal e-mail account had been unintentional and he extended his apologies. At the next sitting, in light of these events, the Acting Speaker declared the matter closed.

Since its return on September 17, 2012, the House has seen many Members rise to object to both the relevance of remarks made by their colleagues during debate, and to the language used in the House. Although none of these resulted in formal rulings by the Speaker, the increase in these kinds of objections should be noted.

Similarly, Members have risen on different occasions to indicate their concern about the misuse

of Statements by Members pursuant to Standing Order 31. For example, on two occasions in October, **Elizabeth May** (Saanich—Gulf Islands) rose on points of order, alleging that their content, which was increasingly political in nature, was disrupting the House and contributing to a lack of decorum. On October 30, 2012, Mr. Van Loan and **Ralph Goodale** (Wascana) both also rose to indicate their concern.

Committees

While undertaking its annual pre-budget consultations, the Standing Committee on Finance took a different approach this year, introducing a system of online submissions which allowed individuals and groups to contribute their views on the priorities that should be reflected in the federal budget in 2013. The site opened on June 8, 2012, and closed on August 3, 2012. As in 2011, submissions were posted on the Committee's Web site. At the time of writing, the Committee is continuing its study and is hearing from witnesses.

Other Matters

The Speaker informed the House on September 17, 2012, that vacancies had occurred in the ridings of Durham and Victoria, by the resignations of **Bev Oda** and **Denise Savoie**, respectively. As a result of Mrs. Savoie's resignation, a vacancy occurred in the position of Deputy Speaker and Chair of Committee of the Whole. Pursuant to Standing Order 7.(1), the Speaker proposed **Joe Comartin** (Windsor—Tecumseh) for the position of Deputy Speaker and Chair of Committees of the Whole, and the motion was subsequently agreed to by the House.

During Statements by Members on September 17, 2012, **Candice Bergen** (Portage—Lisgar), formerly

Candice Hoepfner, informed the House that she would be returning to her birth name.

The Speaker informed the House on October 25, 2012, that, following a decision of the Supreme Court, the election of **Ted Opitz** (Etobicoke Centre) had been declared valid.

On September 28, 2012, by unanimous consent, and notwithstanding Standing Order 28 which calls for the Speaker to table the House of Commons calendar, the calendar for 2013 sittings was tabled by **Gordon O'Connor** (Minister of State and Chief Government Whip) and adopted.

On September 19, 2012, the House resolved itself into Committee of the Whole to welcome the Olympic and Paralympics Athletes. Similarly, on October 24, 2012, the House resolved itself into Committee of the Whole to recognize the 100th anniversary of the Grey Cup. Former football player **Russ Jackson**, who was carrying the Grey Cup, was welcomed onto the floor of the House.

John Baird (Minister of Foreign Affairs) made a Ministerial Statement on October 17, 2012 concerning the attempt on the life of **Malala Yousufzai**. An advocate for education and women's rights in Pakistan, Ms. Yousufzai was shot by Taliban gunmen on October 9, 2012. Pursuant to Standing Order 33(1), **Paul Dewar** (Ottawa Centre) and **Irwin Cotler** (Mount Royal) also made statements on the matter on behalf of their respective parties. Having sought and received the unanimous consent of the House, Bloc Québécois member **Maria Mourani** (Ahuntsic) and Ms May also spoke to the matter. Afterwards, the House observed a moment of silence.

On October 3, 2012, following the recall of beef after an E. coli contamination at XL Foods facility in Brooks, Alberta, the House held an emergency debate on food safety.

Caroline Bosc
Procedural Clerk
Table Research Branch



Alberta

The Fall Sitting of the First Session of the 28th Legislature commenced on October 23, 2012. At the time of writing, the Assembly had passed eight Government Bills. Two Government Bills and four Private Members' Bills remain on the *Order Paper* for the Assembly's consideration.

Bill 2, *Responsible Energy Development Act*, received third reading on November 21. This Bill was contentious, receiving much debate, especially in Committee of the Whole, in which over 20 amendments were proposed. Debate on Bill 2 was a chief contributor to a marathon sitting of the Assembly, which began at 1:30 p.m. on November 20 and lasted until 1:03 p.m. on November 21.

Bill 2 establishes the Alberta Energy Regulator, with a mandate that provides for "the efficient, safe, orderly and environmentally responsible development of energy resources in Alberta through the Regulator's regulatory activities." With respect to energy activities, it regulates "the disposition and

management of public lands, the protection of the environment, and the conservation and management of water, including the wise allocation and use of water" in accordance with the Bill and other legislation. The Bill is intended to streamline the provincial regulatory processes concerning certain energy resource projects. Bill 2 awaits Royal Assent.

Bill 3, *Education Act*, replaces Alberta's *School Act*. It is the third consecutive session in which such a bill has been proposed. The Bill, among other things, grants natural person powers to school boards, defines bullying and requires school boards to develop a student code of conduct addressing bullying behaviour, including cyber bullying. Additionally, Bill 3, among other things, raises the age of mandatory school attendance from 16 to 17 years, requires schools boards to collaborate with post-secondary institutions and communities to enable transitions from high school to post-secondary education or to the workforce, and establishes criteria for the creation of charter schools.

Bill 4, *Public Interest Disclosure (Whistleblower Protection) Act*, is currently being considered in Committee of the Whole. The Bill establishes the Public Interest Commissioner and sets up processes for employees in the public sector to disclose certain wrongdoings that relate to departments, public entities, or offices of the Legislature, including the contravention of an Act or regulation or the gross mismanagement of public funds.

Bill 5, *New Home Buyer Protection Act*, provides that new homes must include, at a cost to the home buyer, a warranty of various time periods for

labour and materials, defects in labour and materials under certain circumstances, and major structural components, among other warranties.

Members of the Opposition accepted the principles of Bill 5 but opposed some of its provisions, including the authority of the Minister to exempt certain persons or categories of persons from the proposed legislation. Another concern was that minimum coverage periods outlined and stipulated in the Bill are not adequate to provide full and comprehensive protection to new home buyers in Alberta. Bill 5 received third reading and awaits Royal Assent.

Bill 7, *Election Accountability Amendment Act, 2012*, is a lengthy Bill which makes numerous amendments to several pieces of legislation concerning elections and election financing. Some of these changes include a requirement for the Chief Electoral Officer to disclose his findings when a penalty is imposed and the adoption of rules concerning political party leadership contests. Bill 7 is presently being considered at second reading.

Committee Activity

The three Legislative Policy Committees, which are new as of the 28th Legislature, have been active in recent months in reviewing different matters relevant to their mandates. The Standing Committee on Resource Stewardship is in the midst of reviewing the feasibility of developing hydroelectric capacity on Alberta's three major northern rivers. The Standing Committee on Alberta's Economic Future is investigating the operation of a program which enables companies to obtain bitumen

from the Government to upgrade it into more valuable petroleum products. The Standing Committee on Families and Communities is in the process of determining its subject matter to review.

The Special Standing Committee on Members' Services continues its review of Members' compensation and benefits, which it commenced in June of this year. Pursuant to a Government motion passed in the Assembly in May, the Committee has implemented a number of recommendations made by retired Supreme Court of Canada Justice **John C. Major** in his report entitled *Review of Compensation of Members of the Legislative Assembly of Alberta* (<http://www.mlacompensationreview-alberta.ca>). In addition, the Committee continues to investigate Members' RRSP allowance and pension plans and a mechanism to review Members' pay in the future.

The Select Special Conflicts of Interest Act Review Committee has been struck and is poised to engage in a comprehensive review of the Act.

Centennial of the Legislature Building

Albertans recently celebrated the 100-year anniversary of the opening the Alberta Legislature building. Celebrations commenced on June 18, 2012, with the extraction and unveiling of a 1909 time capsule, over which Speaker **Gene Zwozdesky** presided. Additional events took place on September 2 and were highlighted by a re-enactment of the opening ceremony from 1912 and a free musical performance on the grounds of the Legislature, attended by over 15,000 people. In addition, members of the

public submitted suggestions of items to be included in a new time capsule, the contents of which will be revealed in 100 years.

Unveiling of Speaker's Portrait

On October 15, 2012, the portrait of **Ken Kowalski**, the 11th Speaker of the Legislative Assembly of Alberta, was unveiled. Mr. Kowalski served as Speaker from 1997 to 2012, the second longest tenure of any Speaker in the Assembly's history. Mr. Kowalski made a number of innovations during his time as Speaker, including making the Legislature Building and the Grounds more accessible to the public and by overseeing the creation of programs to engage students in learning about the parliamentary process in Alberta. It was also under the leadership of Mr. Kowalski that a series of books were written commemorating Alberta's centennial. The Centennial Series contains volumes on Alberta's Lieutenant Governors, Premiers, and Speakers and also includes a book on the elections of the Legislative Assembly of Alberta.

Lying in State of E. Peter Lougheed

Former premier of the Province of Alberta **Peter Lougheed** passed away on September 13, 2012. Mr Lougheed lay in state in the Alberta Legislature on September 17 and 18, and hundreds of mourners, greeted by members of the former premier's family, paid their respects. Mr. Lougheed was Alberta's 10th premier and served from 1971 to 1986.

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