



Legislative Reports



Saskatchewan

The fall sitting concluded on Thursday, December 6, 2012. During the fall period of session, 42 government bills and 1 private members' public bill were introduced.

The Lieutenant Governor, **Vaughn Solomon Schofield** gave Royal Assent to 2 bills including an Appropriation Bill to defray the expenses of the Public Service. The other bill to receive Royal Assent was Bill No. 66 – *The Saskatchewan Advantage Grant for Education Savings (SAGES) Act*.

100th Anniversary of the Legislative Building

In December 2011, a time capsule was removed from the cornerstone of the Legislative Building. The new 2012 time capsule was filled and placed back into the cornerstone on December 6. Contents included a letter and photo from the Speaker to future MLAs with samples of the Chamber carpet before and after 2012, letters from the Governor General, Grade 4 students, a handwritten letter from the Premier, a selection of seeds from several popular crops grown in Saskatchewan, a sample of copper from the Dome and many other artifacts.

Speaker's Educational Outreach Program

Speaker **Dan D'Autremont** has reinstated the Speaker's Outreach Program. It aims to promote awareness and understanding of the Legislative Assembly and the democratic process through a non-partisan approach. The Speaker's Outreach Program also provides a means of bringing the Legislative Assembly to students who are unable to visit. The Speaker has presented to 17 classes since November.

Stacey Ursulescu
Committee Clerk



Prince Edward Island

The Second Session of the Sixty-fourth General Assembly was prorogued on November 9, 2012. The Third Session of the Sixty-fourth General Assembly opened on November 13, 2012, with the Speech from the Throne delivered by the Lieutenant Governor **H. Frank Lewis**. Highlights of the Speech included new testing for Grade 9 literacy and Grade 11 math skills; an exploration of collaborative emergency centres, and the introduction of pension legislation. Government also announced its goal of 75,000 jobs by 2016 and a number of priorities in health care.

Significant Legislation

During the fall sitting of the Legislative Assembly, several pieces of significant legislation received Royal Assent:

Bill No. 15, *Highway Traffic (Combating Impaired Driving) Amendment Act*, strengthens existing legislation by expanding the ignition interlock program to include mandatory participation for first-time offenders; outlining minimum time frames for participation in the program including: one year for the first offence, two years for the second offence, and five years for the third offence; increasing the mandatory time in the ignition interlock program by one year if a passenger under the age of 16 is in the vehicle at the time of the offence; and adds new measures to impound vehicles of drivers convicted of offences.

Bill No. 6, *Public Health Act*, will prohibit the marketing, sale or access to tanning equipment to a person under the age of 18 years. It also requires a person who appears to be younger than 18 years of age to produce identification as proof of age in order to obtain access to tanning equipment. The bill provides an exemption for ultraviolet light treatments as prescribed by a medical practitioner or nurse practitioner.

The Retail Sales Tax Act, Bill No. 24, ratifies the Comprehensive Integrated Tax Coordination Agreement between Prince Edward Island and the federal government which

provides for the implementation of the Harmonized Sales Tax as of April 1, 2013.

Harmonized Sales Tax

In November, the province signed the Comprehensive Integrated Tax Coordination Agreement with the Government of Canada which provides the framework necessary for the implementation of the Harmonized Sales Tax (HST) in Prince Edward Island. It confirms the province's policy to eliminate the Provincial Sales Tax, currently at 10 per cent, and replace it a value-added tax of 9 per cent. Combined with the Goods and Services Tax, this will create a 14 per cent HST, which will come into effect on April 1, 2013. The agreement indicates that the province will provide specific point-of-sale rebates of the provincial portion of the HST for books, heating oil, children's footwear and children's clothing, as well as a 35 per cent rebate for charities and qualifying non-profit organizations. A new Prince Edward Island Sales Tax Credit will allow a rebate of up to \$200 to low and modest income individuals and families in the province to assist with the transition to the new taxation system.

Appointment of Lands Protection Act Commissioner.

On November 8, 2012, **Wes Sheridan**, Minister of Finance, Energy and Municipal Affairs, announced the appointment of **Horace Carver** to the position of Lands Protection Act Commissioner. Mr. Carver served three terms in the Prince Edward Island Legislature with roles as Attorney General and as Minister of Community and Cultural Affairs as well as that of Government House Leader. He was active in the drafting and passage of the *Lands Protection*

Act in 1982 which regulated the amount of property that can be held by any one person or corporation in the province.

Mr. Carver will start a review of the *Lands Protection Act* in January 2013, studying the existing legislation, holding consultations and determining what changes, if any, might be needed.

Judicial Review – Provincial Nominee Program

In early November, in compliance with the decision of a judicial review, the province released the names of the corporations that received investments through the Provincial Nominee Program, a federal-provincial partnership designed to expedite immigration for individuals and their families who met provincial criteria in support of business and economic development. The program had a significant impact on the Island economy with businesses having access to millions of dollars of investment capital. In June of 2010, then-Acting Information and Privacy Commissioner, **Judith Haldemann**, upheld the decision of the administrator of the program, Island Investment Development Incorporated, to withhold the names of the businesses which participated in the program. Hearings on the matter were held at the Supreme Court in March 2012 and the decision was issued on November 2, 2012.

Fiscal Update

The Minister of Finance, Energy and Municipal Affairs issued a fiscal update for the province on November 29, 2012. Mr. Sheridan indicated that the 2013 deficit is expected to come in at \$79.6 million, an increase over the budgeted deficit of \$74.9 million. The primary reason for

the increase is expected crop insurance losses following the dry summer of 2012. In addition, tobacco tax revenues are \$2.5 million lower than forecast.

Capital Budget

In late November, the province issued its capital budget for 2013-14, with \$83.9 million in infrastructure investments planned for the year. The Minister of Finance announced that spending would be more closely aligned to traditional levels, signaling an end to the stimulus spending of recent years.

Gilbert R. Clements

Gilbert R. Clements died on November 27, 2012, at the age of 84. "Mr. Clements made an outstanding contribution to the public life of this province during his long and distinguished career as a member of the legislative assembly, cabinet minister and lieutenant governor," said Premier **Robert Ghiz**. "He will be especially remembered for his commitment to the protection and enhancement of the environment and his loyalty to the people he represented." Mr. Clements was first elected to the Prince Edward Island Legislative Assembly in the district of Fourth Kings in 1970. He was subsequently reelected in 1974, 1979, 1982, 1986, 1989 and 1993. In 1981, he served as interim leader of the Liberal Party and leader of the Official Opposition. In 1995, he was appointed as the province's Lieutenant Governor. He held a number of cabinet positions in the government of Premier **Alex B. Campbell** and was Minister of Finance in the government of Premier **Joe Ghiz**.

Marian Johnston

Clerk Assistant and Clerk of Committees



Yukon

On December 13th, the 2012 Fall Sitting of the 1st Session of the 33rd Legislative Assembly adjourned. The 28-day sitting had convened on October 25th.

Assent

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

- 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, 2012*
- Bill No. 50, *Statute Law Amendment (Nurse Practitioners) Act*
- Bill No. 51, *Residential Landlord and Tenant Act*

Whistle-blower Committee Report

On December 4, **Patti McLeod**, Chair of the Select Committee on Whistle-blower Protection, tabled the Committee's Final Report. The other members

of the Committee were **Doug Graham, Stacey Hassard, Sandy Silver** and **Jan Stick**. Established during the 2012 Spring Sitting, the Select Committee had been given access to the records of its namesake (which had not tabled a final report) from the preceding Legislature. The Committee was not tasked with drafting a bill, but with reporting to the House "its findings and recommendations respecting the central issues that should be addressed in whistle-blower protection legislation." The Committee's final report is online at: http://www.legassembly.gov.yk.ca/pdf/whistle_blower_committee_final_report_4dec2012.pdf

Protesters in the Gallery

The presence of protesters in the public gallery was a recurring feature during the Sitting. Whereas the protesters on opening day were orderly and left without incident, this was not always the case. On several occasions, Speaker **David Laxton** cautioned people in the gallery against participating in the proceedings, and to desist from distracting behaviour (e.g. applause, standing rather than remaining seated, holding conversations in the gallery). On two occasions, the Speaker directed visitors who persisted in distracting behaviour to leave the Chamber. This included a group of high school students who, having stood en masse and been directed by the Speaker to resume their seats, proceeded shortly thereafter to run up and down the gallery staircase. The students, who were protesting the absence of an on-site gymnasium during the reconstruction of their high school, reportedly adopted the staircase tactic to "exercise" absent a dedicated gym.

The physical layout of the Chamber makes the public gallery a prime location for a protest, from the perspective of those seeking attention for a given issue. The public gallery (due to its placement above the main entrance to the Chamber) is in clear view of all MLAs and of the media gallery. The attempt of protesters to demonstrate in the gallery (as opposed to outside the legislative Chamber) has increasingly brought the Speaker – charged with maintaining order and decorum in the House – into the sights of those seeking to stage a protest in the gallery. The latter perceive themselves as having a "right" to protest in the Chamber though this is contrary to parliamentary rules and practice.

Other protesters during the Fall Sitting were motivated by oil and gas development issues – such as concerns regarding the environment (such as hydraulic fracturing), and First Nations rights. These issues were the subject of questions, motions, petitions, etc. Bill No. 49, *Act to Amend the Oil and Gas Act, 2012* served as a focal point for these concerns, particularly a section of the bill that removed an existing "veto" which First Nations without land claims and self-government agreements had over oil and gas development on their traditional territories.

Bill No. 51

Bill No. 51, *Residential Landlord and Tenant Act*, formed part of the government's response to the Report of the Select Committee on the *Landlord and Tenant Act* (tabled in November 2010) of the 32nd Legislative Assembly. The new Act replaces the decades-old *Landlord and Tenant Act*, with (according to the explanatory

notes that accompanied the bill) “a modern comprehensive stand-alone Act for the regulation of residential tenancies including provisions setting out the rights and responsibilities of landlords and tenants.” It is anticipated that the government will at a future point introduce a bill to deal with commercial tenancies.

Committee Membership Changes

Motions were carried amending committee memberships to remove former Interim Liberal Party Leader **Darius Elias** – now an Independent member – from committees, and to appoint **Sandy Silver**, the new Interim Liberal Leader (currently the sole member of the Liberal Party caucus) to the committees. Mr. Silver is now a member of all five of the Assembly’s standing committees. Mr. Elias is no longer on any of the committees.

As well, a motion was carried removing former NDP House Leader **Jim Tredger** from the Standing Committee on Rules, Elections, and Privileges, and appointing Ms. Stick, the current NDP House Leader, to the Committee.

Linda Kolody

Deputy Clerk
Yukon Legislative Assembly



The general election of September 4, 2012 produced a minority government with two parliamentary groups forming

the opposition. Temporary amendments made to the Standing Orders and the Rules for the Conduct of Proceedings were adopted for the duration of the 40th Legislature. These amendments primarily concern the membership of committees, the allocation of chairmanships and vice-chairmanships, as well as quorum requirements.

Budget and Estimates

On November 20, the Minister of Finance and the Economy, **Nicolas Marceau**, delivered the 2013-2014 budget speech. On November 30, at the conclusion of the 25-hour debate held in the House and in the Committee on Public Finance, the budgetary policy of the Government of Québec was adopted by the following vote: 49 yeas, 48 nays and 0 abstentions.

Cabinet and parliamentary offices

On December 4, Premier **Pauline Marois** made a few changes to the composition of her Cabinet and to her team of parliamentary office holders. **Yves-François Blanchet** was appointed Minister of Sustainable Development, Environment, Wildlife and Parks, in place of **Daniel Breton**. **Véronique Hivon**, was restored to her previous post as Minister for Social Services and Youth Protection. **Marjolain Dufour** was appointed Chief Government Whip and **Sylvain Pagé** was named caucus chair.

Legislation

Eleven bills were passed during the sessional period of the 40th Legislature: 9 public bills on behalf of the Government and 2 private bills. Of these bills, 10 were passed with the unanimous consent of the Members of the

Assembly. Among the more noteworthy bills passed are Bill 1, *Integrity in Public Contracts Act*, and Bill 2, *An Act to amend the Election Act in order to reduce the elector contribution limit, lower the ceiling on election expenses and increase public financing of Québec political parties*.

Directives from the Chair

President **Jacques Chagnon** gave a directive on November 21, in reply to the Chief Government Whip, who requested a decision from the Chair on the following question: “Should the Canadian flag be removed from the Legislative Council Chamber at all times during parliamentary proceedings?” The President ruled that the decision should not only be his but that of all the Members and thus, in accordance with Standing Order 41, submitted the matter to the Assembly for its decision. It should be noted that no President had referred to this standing order since the adoption of the current Standing Orders, in 1984. On December 4, the Assembly voted in favour of keeping the Canadian flag in the Legislative Council Chamber of the Parliament Building.

The President was also asked to give a directive on a motion moved by a Member of the Official Opposition, **Yolande James**, under business standing in the name of Members in opposition. This motion sought to instruct the Committee on Transportation and the Environment to shed light on the events of October 24, 2012 concerning the action taken by the Minister of Sustainable Development, Environment, Wildlife and Parks and Member for Sainte-Marie-Saint-Jacques, Mr. Breton, with regard to the

Bureau d'audiences publiques sur l'environnement (BAPE), an independent public agency. To this end, the motion provided in particular for the summoning of the Minister and of any person the Committee deemed necessary to hear.

On November 21, Government House Leader, **Stéphane Bédard**, raised a point of order questioning the admissibility of this motion. In so doing, he alleged that the motion aimed to cast reflections upon the conduct of the Minister and that this was contrary to the principle whereby no Member shall refuse to take another Member at his word, the Minister having already given statements and answered questions on the matter, thus preventing the Committee from being instructed to examine the matter.

The Chair then ruled that the motion was consistent with the authority vested in both the Assembly and parliamentary committees to hear ministers on matters falling within their jurisdiction in accordance with the principle of ministerial responsibility whereby ministers are responsible for their actions before the Assembly, which has the power to demand accountability. After debate thereon, this motion was carried by the Assembly the following day.

Committees

One particularly significant impact resulting from the recognition of two parliamentary groups forming the opposition and the adoption of temporary rules for the 40th Legislature was a change in the membership of committees so as to represent the proportion of Members in the House.

The adoption of the Government's budgetary policy

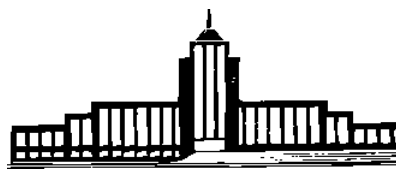
during the 2012 fall sessional period and the tabling of the estimates of expenditure at the same time resulted in the latter being exceptionally examined by the standing committees in February, which is unusual since the last time the estimates were examined during a period other than the spring dates back to June 2007.

On November 22, the Committee on Transportation and the Environment was instructed to examine the events of October 24, 2012, as mentioned in the section on the directives from the Chair. On the same day, the Committee held a first deliberative meeting to organize its proceedings regarding this order of reference.

On November 29, the Member for Sainte-Marie–Saint-Jacques resigned from his ministerial post. Subsequently, during another meeting held on December 4, the Committee agreed to postpone this order until January 2013.

Christina Turcot and Dany Hallé

Parliamentary Proceedings
Directorate



Newfoundland and Labrador

The House of Assembly convened for the Fall sitting on November 19th, 2012 following a cabinet shuffle in October. Included in the shuffle were:

- **Thomas W. Marshall** appointed Attorney General, retaining his responsibilities as

Minister of Finance, President of Treasury Board, Minister Responsible for the Human Resource Secretariat, Minister Responsible for the Public Service Commission, and Minister Responsible for the Newfoundland and Labrador Liquor Corporation;

- **Tom Hedderson**, formerly Minister of Transportation and Works, appointed Minister of Environment and Conservation, Minister Responsible for the Multi-Materials Stewardship Board and Minister Responsible for the Office of Climate Change, Energy Efficiency and Emissions Trading;
- **Darin King**, formerly Minister of Fisheries and Aquaculture, appointed Minister of Justice, Government House Leader, and Minister Responsible for the Labour Relations Agency;
- **Felix Collins**, formerly Minister of Justice and Attorney General, appointed Minister for Intergovernmental and Aboriginal Affairs;
- **Terry French**, formerly Minister of Environment and Conservation, appointed Minister of Tourism, Culture and Recreation;
- **Derrick Dalley**, formerly Minister of Tourism, Culture and Recreation appointed Minister of Fisheries and Aquaculture;
- **Keith Hutchings**, appointed Minister Responsible for the Office of Public Engagement and Deputy House Leader retaining his existing duties as Minister of Innovation, Business and Rural Development and Minister Responsible for the Research & Development Corporation;
- **Paul Davis**, formerly Minister of Service NL, appointed Minister of Transportation and Works and Minister Responsible for the Newfoundland and Labrador Housing Corporation. and
- **Nick McGrath**, appointed

Minister of Service NL, Minister Responsible for the Workplace Health, Safety and Compensation Commission, Minister Responsible for the Office of the Chief Information Officer and Minister Responsible for the Government Purchasing Agency retaining his responsibilities as Minister Responsible for Labrador Affairs.

On January 16 there was a further cabinet shuffle, an exchange of portfolios, when **Jerome Kennedy**, formerly Minister of Natural Resources was appointed Minister of Finance, President of Treasury Board, Minister Responsible for the Human Resource Secretariat, Minister Responsible for the Public Service Commission, and Minister Responsible for the Newfoundland and Labrador Liquor Corporation while Mr. Marshall was appointed Minister of Natural Resources and Minister Responsible for the Forestry and Agrifoods Agency, retaining his responsibilities as Attorney General.

Other Appointments

When the House reconvened it was with a new Clerk, **Sandra Barnes**. Ms. Barnes was appointed in June and took office in July. Before her appointment Ms. Barnes had been a public servant since 1994. The new Clerk came to the House of Assembly from the Department of Municipal Affairs where she had served as Deputy Minister. Ms. Barnes succeeds **William MacKenzie** who has accepted a position in the Department of Service NL.

Newfoundland and Labrador also has a new Auditor General, **Terry Paddon**, who succeeds Acting Auditor General, **Wayne Loveys**. Mr. Paddon has been a public servant in various

capacities since 1990, most recently Deputy Minister of the Department of Finance, a position he had held for eight years.

Fall Sitting

The Fall sitting was dominated by discussion of the Muskrat Falls Hydroelectric Project in Labrador. The sitting ended early in the morning of December 22nd on a parliamentary day which had begun on December 20th. The subject of debate during the extended sitting was a pair Bills relating to the Project.

The House passed 19 Bills during the Fall sitting, a total of 54 during the First Session of the Forty-Seventh General Assembly, which is expected to prorogue in mid-March.

The party standings in the House of Assembly changed in September 2012 when the Member for St. John's South, **Tom Osborne**, left the Progressive Conservative caucus to sit as Independent.

Elizabeth Murphy

Clerk Assistant



Manitoba

The Second Session of the 40th Legislature began on November 19, 2012 with the presentation of the NDP government's 16th Speech from the Throne. Delivered by Administrator, Chief Justice **Richard Scott**, on behalf of Lieutenant-Governor **Phillip Lee**, the address highlighted a range

of government commitments and proposals, including:

- New rural economic development and improvements to cities with new road infrastructure, building on already historic road investments;
- Steady economic growth with the addition of 75,000 workers to Manitoba's labour force by 2020;
- Better care for seniors with improvements to home care and 200 new personal-care home beds in Winnipeg;
- Faster, more convenient access to testing and treatment for cancer patients with new CancerCare hubs in rural Manitoba;
- Improved access to family doctors with additional nurse practitioners, physician assistants, nurses and dieticians for medical practices taking new patients;
- Better education and training opportunities with new primary schools and new support for high school students to transition into apprenticeships;
- More support for universities and colleges to increase enrolment by promoting Manitoba as a top destination for international students;
- New measures to protect families dealing with new home construction, vehicle purchases and cable bills; and new tools to help low-income Manitobans purchase a home; and
- Support for new research projects that will restore the health of Lake Winnipeg and protect the province's water.

Official Opposition Leader **Brian Pallister's** first non-confidence amendment to the Address in Reply motion included a number of observations and commentaries on the government's plans, including that despite record tax

increases and record increases in transfers from other jurisdictions:

- Manitoba remains the child poverty capital of Canada;
- Manitoba food bank usage is at record high levels including the highest percentage of children using food banks in Canada;
- Manitoba's infrastructure deficit is not being addressed and roads and bridges are in disrepair;
- Many recent flood victims have still not received adequate compensation for their losses;
- Long wait times in emergency rooms and for surgeries continue to put the health of Manitobans at risk;
- Many seniors face long wait times for long-term care beds;
- Manitoba students continue to score at or near the bottom in core subjects such as math, reading and science;
- Manitoba universities are still ranked near the bottom compared to their Canadian counterparts;
- There continues to be a critical shortage of affordable housing;
- Manitoba remains the violent crime capital of Canada and gangs continue to flourish;
- Many Aboriginal Manitobans still live in poverty and their communities lack basic services; and
- Many farm sectors do not receive adequate support when circumstances beyond their control impact food production;

Following the defeat of Mr. Pallister's amendment on November 28, 2010 by a vote of yeas 20, nays 35; on November 29 the main motion carried on a vote of yeas 34, nays 20.

The fall session saw the introduction of 21 bills and the

passage of one government bill, all addressing a variety of governance areas including:

- *Bill 2 – The Highway Traffic Amendment Act (Respect for the Safety of Emergency and Enforcement Personnel)*, which extends the authority to direct traffic in cases of emergency to a firefighter if no police officer is present and also sets maximum speeds that drivers must not exceed in these circumstances.
- *Bill 3 – The Employment Standards Code Amendment Act (Leave Related to the Critical Illness, Death or Disappearance of a Child)*, which allow Manitoba employees to take advantage of new federal benefits outlined in C-44. It gives parents the right to take an unpaid leave from their employment and to be reinstated at the end of the leave. This Bill was assented to on December 6, 2012.
- *Bill 5 – The New Home Warranty Act*, which ensures that all new homes built for sale are covered by a warranty against defects in materials, labour and design and structural defects.
- *Bill 18 – The Public Schools Amendment Act (Safe and Inclusive Schools)*, which amends the Act in the areas of bullying and respect for human diversity.
- *Bill 203 – The Participation of Manitoba in the New West Partnership Act*, which requires the government of Manitoba to contact the governments of British Columbia, Alberta and Saskatchewan to begin negotiations to join their economic partnership, known as the New West Partnership, within one year after the Bill receives royal assent.

These bills, except for Bill 3, are all carried over to the spring session in order to proceed through the rest of the legislative process.

Standing Committees

Manitoba Standing Committee activity this quarter included a meeting of the Human Resources Committee – to consider Bill 3 – as well as two meetings of the Legislative Affairs Committee – to consider the re-appointments of the Conflict of Interest Commissioner and the Information and Privacy Adjudicator due to term expirations for both and the Report and Recommendations of the Judicial Compensation Committee dated July 11, 2012.

Condolences

On December 4 and 5, 2012, the House dealt with several condolence motions conveying deepest sympathies to the families of the late **Albert Driedger, John A. Christianson, George Minaker, Thelma Forbes, Samuel Uskiw, Laurent Desjardins,** and **Parker Burrell** who all served as Members of the Legislative Assembly of Manitoba during a time period between 1959 to 1999.

Current Party Standings:

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

Currently no specific date is set for the resumption of the legislative session however, in accordance to a House Leaders' agreement, four weeks' notice is required for the resumption of the 2013 Spring legislative session.

Monique Grenier

Clerk Assistant/
Clerk of Committees



New Brunswick

Lieutenant-Governor **Graydon Nicholas** formally opened the Third Session of the 57th Legislature on November 27, when he delivered the third Speech from the Throne of the **David Alward** Progressive Conservative government. The theme of the speech was rebuilding New Brunswick, through economic development, health and senior care, education, community protection and development, and government streamlining. Highlights included:

- Creation of a new ministerial committee on jobs and the economy to monitor economic performance and recommend adjustments to government direction and policy.
- Release of a labour force and skills development strategy.
- Evaluation by NB Power of the options for securing compensation for the cost overruns in refurbishing the Point Lepreau Generating Station.
- Development of a cruise strategy for northern New Brunswick to identify ports and stakeholders to help grow the cruise industry.
- Development of an oil and natural gas blueprint to shape a vision for the province's natural resource sector.
- Support for research and development in the agriculture, fisheries and aquaculture sectors.
- Development of a made-in-New Brunswick drug insurance plan.
- Development of a seniors'

charter to ensure seniors are treated with compassion and respect when receiving government services.

Reply to Throne Speech

On November 29, Official Opposition Leader

Victor Boudreau gave his reply to the Speech from the Throne. Mr. Boudreau spoke on the Liberal Party's renewal process, and on the newly elected Liberal Party leader, **Brian Gallant**.

Mr. Boudreau raised concerns on the current economy, the unemployment rate, and the need for a trained New Brunswick workforce. The Opposition Leader spoke on multiple points pertaining to the provincial government's negotiations with their federal counterparts, notably the elimination of funding to community economic development agencies, and the compensation for cost overruns at the Point Lepreau Generating Station.

Capital Budget

On December 11, Finance Minister **Blaine Higgs** tabled the 2013-2014 capital budget, totalling \$466 million. Funding for new projects was down to \$3.5 million, from \$24 million in 2012-13. Minister Higgs noted that the budget will focus on projects already underway, and on the maintenance of current assets. Highlights included:

- \$120.8 million for infrastructure in public schools, \$7 million for infrastructure in universities and community colleges.
- \$53.2 million for health-care infrastructure, consisting of \$22.3 million for capital improvement and construction projects, and \$30.9 million for replacements of medical equipment.
- \$279.6 million for

transportation and infrastructure, to be used for maintenance, repair and strategic investments.

Legislation

Seventeen government Bills received Royal Assent in the winter sitting. Of note were the following three bills related to local governance issues:

- Bill 2, *An Act Respecting Property Tax Reform*, introduced by Environment and Local Government Minister **Bruce Fitch**, implements a property tax equalized payment plan for homeowners, allowing monthly payments for tax bills; exempts libraries from provincial and municipal taxes; adds the cost of policing to the local tax rate in local service districts and rural communities; and reduces taxation on businesses, farm land, vacant land and non-owner occupied housing.
 - Bill 3, *An Act Respecting the Regional Service Delivery Act*, introduced by Minister Fitch, modifies the current rural community model, removing barriers which previously limited it to villages and local service districts, and making the new model available to interested towns.
 - Bill 19, *Community Funding Act*, introduced by Minister Fitch, creates a community funding and equalization grant to replace the existing unconditional grant to municipalities, rural communities and local service districts. The new model uses two components: a \$12 million funding component, which distributes based on the non-residential tax base of a community; and a \$54 million equalization component, which distributes based on expenditure needs and fiscal capacity.
- The Official Opposition introduced five Bills, including:
- Bill 14, *Tanning Beds Act*, introduced by

Donald Arseneault, would prohibit people under 19 years of age from having access to tanning facilities in New Brunswick.

- Bill 25, *An Act to Amend the Emergency Measures Act*, introduced by **Rick Doucet**, would require owners and operators of critical infrastructure to have emergency measures plans.

Motions

On December 19, Premier Alward, seconded by Opposition Leader Boudreau, introduced a motion in support of the construction of a west-east pipeline to bring western crude oil to the City of Saint John, providing economic growth for the region and province. The motion was adopted unanimously by the House.

Committees

The Standing Committee on Public Accounts, chaired by **Rick Doucet** and the Standing Committee on Crown Corporations, chaired by **Jack Carr**, have been active in January and February reviewing annual reports of various departments and Crown corporations, as well as reports of the Auditor General.

Standings

The Legislature adjourned on December 20 and is expected to resume sitting on March 26. The standings in the House remain 41 Progressive Conservatives, 13 Liberals and 1 Independent Progressive Conservative.

John-Patrick McCleave
Research Assistant



Senate

During the fall/winter session of Parliament, the Senate passed several bills of note, including Bill C-46, *An Act to amend the Members of Parliament Retiring Allowances Act*, which made changes to Senators' and MPs' pensions; and Bill C-36, *An Act to amend the Criminal Code* (elder abuse), which involved harsher sentences for those convicted of crimes against the elderly. In total, six government bills, two Senate public bills and two Commons public bills all received Royal Assent during this period.

In December, the Senate Chamber was seized with Bill C-45, *A second Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures*. Given the large size of the bill, the Senate decided to send the subject matter of the bill to six different committees for study while the bill was still being examined by the House of Commons. The results of these studies, conducted over four weeks, were automatically referred to the Standing Senate Committee on National Finance. This process facilitated the consideration of the bill which passed the Senate and received Royal Assent on December 14, 2012.

Committees

In addition to the second omnibus budget bill being split up for pre-study by several

committees, there were a number of substantive reports tabled or presented in November and December. Amongst them was the Standing Senate Committee on Human Rights' report entitled: *Cyberbullying Hurts: Respect for Rights in the Digital Age*, tabled on December 12, 2012. The committee viewed cyberbullying as a violation of the human rights of children under the *UN Convention on the Rights of the Child*. The report had six recommendations for the government focussing primarily on improved Federal/Provincial cooperation and partnership on the matter. The report also contained a *Guide for Youth* and a *Guide for Parents* which aims to help parents and their children understand and deal with cyberbullying. The Senate has requested an official government response to its report.

Other committees tabled reports including one by the Standing Senate Committee on Aboriginal Peoples, entitled: *Additions to Reserve: Expediting the Process*, which looked at ways to enhance the federal Additions to Reserve policy. The Standing Senate Committee on Social Affairs, Science and Technology's interim report on *Canada's Clinical Trial Infrastructure: A Prescription for Improved Access to New Medicines* included four components: the process to approve prescription pharmaceuticals with a particular focus on clinical trials; the post-approval monitoring of prescription pharmaceuticals; the off-label use of prescription pharmaceuticals; and the nature of unintended consequences in the use of prescription pharmaceutical. These reports do not complete the work of either committee, and further study will continue in the coming months.

Senators

There were several departures from the Senate during the last few months. Saskatchewan Senator **Robert Peterson**, a civil engineer and business executive, nominated to the Senate by **Paul Martin** in 2005, retired in October. Senators **Gerry St. Germain** (British Columbia) and **Frank Mahovlich** (Ontario) also retired in November and December, respectively. Appointed to the Senate in 1993, Senator St. Germain was originally elected to the House of Commons in 1983. In 2000, he became the first Senator to sit as a member of the Canadian Alliance party and was a long serving Chair of the Standing Senate Committee on Aboriginal Peoples. A six time Stanley Cup winner and Order of Canada recipient, Senator Mahovlich was recommended to the Senate by **Jean Chrétien** in 1998. On January 18, 2013, Senator **Joyce Fairbairn** (Alberta) resigned from the Senate. A former journalist, Senator Fairbairn was nominated to the Senate in 1984 by **Pierre Trudeau**, for whom she had previously been press secretary. She was the first female Leader of the Government in the Senate, a post she held from 1993 to 1997.

In late January 2013, with numerous vacancies in the Senate, Prime Minister **Stephen Harper** announced his intention to appoint five new Senators. These include **Doug Black** (Alberta), **David M. Wells** (Newfoundland and Labrador), **Lynn Beyak** (Ontario), **Victor Oh** (Ontario) and **Denise Batters** (Saskatchewan).

Other news

There were some changes to the internal Parliamentary Television

Network with the arrival of screen enhancements for Senate sittings. In the past, when the chamber was sitting, the floor channel displayed only a red screen which rotated between two pages of text indicating that the Senate was in session and the time that the Senate began its sitting. Since November, the floor channel screen displays real time information about what items are being considered by the Senate (question period, government business, bells ringing for a vote, etc.), including the name of the Senator who is speaking. These enhancements make it easier to follow the sitting of the Senate.

Vanessa Moss-Norbury
Procedural Clerk
Journals Office



British Columbia

The Legislative Assembly reconvened on February 12, 2013 for the Fourth Session of the 39th Parliament which was prorogued that morning and followed in the afternoon by the opening of the Fifth Session. Following the Throne Speech the Budget was presented on February 19, 2013 pursuant to the *Budget Transparency and Accountability Act*, which requires the main estimates to be presented every third Tuesday in February.

A short sitting is expected as a provincial general election is scheduled to take place on May 14, 2013. British Columbia has had fixed election dates since 2001, when the *Constitution Act*

was amended to require elections to be held every four years on the second Tuesday in May.

PST Legislation

In an unusual move, the provincial government publicly released a draft proposed consolidation of the *Provincial Sales Tax Act* on January 9, 2013 to help businesses and consumers prepare for the reimplemention of the PST on April 1, 2013. The draft legislation includes a consolidation of the Act passed in May 2012, along with draft proposed amendments. The release of the draft legislation fulfilled a 2012 commitment by the government to release the final PST legislation in advance of the move back to PST. The draft legislation was shared with Members of the Legislative Assembly prior to its release and before the House reconvened.

On February 13, 2013, Bill 2 – *Provincial Sales Tax Transitional Provisions and Amendments Act, 2013* was introduced. Comprising 308 sections, Bill 2 completes the legislation required for the reimplemention of the PST and provides transitional provisions and consequential and related amendments to other statutes.

Committee Activity

On October 31, 2012, the Select Standing Committee on Health released a report covering the first stage of its inquiry into the projected impact of demographic trends on the provincial health care system to 2036. The report includes the results of a public consultation, research on population aging, and a consultant's findings.

On November 14, 2012, the Select Standing Committee on Finance and Government Services reported on the province-wide

consultations relating to Budget 2013. The report summarizes the public input received and makes 29 recommendations for the next provincial budget. The Committee also completed its annual review of the budgets of the eight independent legislative offices and issued a report with recommendations on December 17, 2012.

The Special Committee to Inquire into the Use of Conducted Energy Weapons and to Audit Selected Police Complaints continued to meet during the reporting period. The Committee is likely to conclude its inquiry before the House prorogues.

On January 23, 2013, the Special Committee to Appoint an Auditor General released a report recommending that **John Doyle** be appointed Auditor General of British Columbia for a second term ending on October 31, 2015. The unanimous recommendation was the outcome of a controversial process during which Premier **Christy Clark** announced that the government intends to amend the *Auditor General Act* to change the Auditor General's appointment to a single non-renewable eight-year term. Currently, the Auditor General is appointed for a six-year term that may be renewed once for a period of up to six years.

On February 4, 2013, Mr. Doyle announced that he has accepted an offer to become the Auditor General of the State of Victoria, Australia later this year.

Changes in the Legislature

On January 14, 2013, Boundary-Similkameen MLA **John Slater** announced that he is resigning from the BC Liberal Party caucus to sit as an independent member.

Byron Plant
Committee Research Analyst



Alberta

On January 15, 2013, it was announced that the Spring Sitting would commence on March 5, 2013 with the budget to be tabled two days later, on March 7, 2013. The Spring Sitting is a continuation of the First Session of the 28th Legislature, which began May 23, 2012. The Legislative Assembly of Alberta has not had a session comprising three or more sittings since the Fourth Session of the 22nd Legislature in 1992-1993.

Committee Activity

The three Legislative Policy Committees continued their work in reviewing matters relevant to their mandates. The Standing Committee on Families and Communities has received presentations for the purpose of pursuing a review related to mental health in Alberta. The Standing Committee on Resource Stewardship is currently in the process of preparing a report to the Assembly having now heard oral submissions and conducted site visits as part of its review on the feasibility of developing hydroelectric capacity on Alberta's three major northern rivers. The Standing Committee on Alberta's Economic Future has received written submissions from stakeholders and is continuing its review regarding the operation of a program enabling companies to obtain raw bitumen from the Government to upgrade it into more valuable petroleum products.

The Standing Committee on Legislative Offices reviewed the appointment of a Public Interest Commissioner pursuant to the *Public Interest Protection (Whistleblower Protection) Act*. Expected to come into force on June 1, 2013, this Act provides for the creation of the Public Interest Commissioner, a new Officer of the Legislature. Like the other Officers, the Public Interest Commissioner will be appointed by the Legislative Assembly of Alberta, following a recommendation by the Committee. After discussing the issue at its meeting on February 14, 2013, the Committee recommended that the Alberta Ombudsman, **Peter Hourihan**, be appointed the first Public Interest Commissioner.

The Select Special Conflicts of Interest Act Review Committee, appointed by the Assembly on October 23, 2012, began its review of the Act, and has put out a call for written submissions. At the Committee's direction a discussion guide has been made available to the public online, and the deadline for receipt of written submissions is March 1, 2013. In the meantime the Committee will receive research briefings from support staff and technical briefings on the Act from representatives of Alberta Justice and Solicitor General and the Office of the Ethics Commissioner.

Point of Privilege Raised in Committee

The Special Standing Committee on Members' Services, chaired by Speaker **Gene Zwozdesky**, met on February 7, 2013, to review Members' allowances. However, it was a tweet made prior to the meeting by Premier **Alison Redford** which took

up much of the Committee's discussion. The Premier's tweet praised Members of the Government caucus for leading by example and stated: "PCs will freeze MLA pay and housing allowances today."

The comment raised concerns among opposition members on the Committee who argued it infringed on the independence of the all-party committee. The issue was initially raised by Committee member **Danielle Smith**, Leader of the Official Opposition, as a point of order. Initial debate on the issue included the suggestion that the Chair write a letter to the Premier to discourage her from pre-empting the work of a committee of the Assembly. Following further discussion on the matter the issue was then raised as a question of privilege by another Committee member, **Brian Mason**, Leader of the New Democrat Opposition. The Chair indicated he would take the issue under advisement and come back to the Committee at a future meeting with the process to be followed in dealing with a question of privilege at the committee level.

Cabinet Shuffle

On February 4, 2013, Premier Redford announced changes and a small reduction in the size of Cabinet. **Thomas Lukaszuk**, Deputy Premier, was assigned responsibility for the Enterprise and Advanced Education portfolio, taking over the role from **Stephen Khan**, Member of the Legislative Assembly for St. Albert. In addition, Dr. **Richard Starke**, Member of the Legislative Assembly for Vermilion-Lloydminster, replaced **Christine Cusanelli**, Member of the Legislative Assembly for Calgary-Currie, as Minister of Tourism, Parks and Recreation.

With these changes the size of Cabinet was reduced to 18 ministers.

Jody Rempel
Committee Clerk



Nova Scotia

The fall sitting of the Fourth Session of the 61st General Assembly commenced on October 25, 2012 and concluded on December 6th, 2012 when thirty-three Bills received Royal Assent. The Speech from the Throne opening the Fourth Session was delivered on March 29, 2012 at the beginning of the spring sitting – it was interesting to observe during the fall sitting on October 25, November 9th and 27th, 2012, two hours and eight minutes were used by three members (two Government and one Official Opposition) to reply to the speech.

During the fall sitting the NDP government introduced twenty-nine Public bills and five Private and Local Bills. The Opposition Parties introduced thirty-three Private Members' bills and one Private and Local bill.

Legislation Proposing New Electoral Districts

As an update to the article which appeared in the Winter 2012 issue, second reading debate on Bill 94 – *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, took a little over nine hours and a recorded vote

on second reading was taken on November 5th, 2012 – second reading passed by twenty-eight members voting in favour and nineteen members voting against the motion for second reading. The Law Amendments Committee considers bills after second reading and receives submissions from the public. It was of note that for the first time in at least thirty-five years the Committee held meetings on a Bill outside Halifax. These hearings on Bill 94 were held over a six day period in Halifax and outside of the city. Third reading debate took three hours and a recorded vote was taken on third reading of the bill on December 6th, 2012 – third reading passed by twenty-six members in favour and twenty-two members against with one cabinet minister voting against third reading.

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.

Emergency Debate

A second Emergency Debate was held on December 4, 2012 when the Leader of the Progressive Conservative Party requested and was granted leave to debate the new increased estimated costs of the Muskrat Falls project. The topic was debated for two hours from 2:49 to 4:49 p.m. that day.

Annette M. Boucher, Q.C.
Assistant Clerk



House of Commons

The House adjourned for the winter break on December 12, 2012, and resumed sitting on January 28, 2013. The following information covers the period from November 1, 2012, to January 27, 2013.

Bill C-45, Jobs and Growth Act, 2012

During the fall period, the proceedings on Bill C-45 drew much attention and were the subject of many interventions in the House and in committee.

On October 30, 2012, Bill C-45 was read a second time and referred to the Standing Committee on Finance, which held several meetings on the Bill. Pursuant to a motion adopted by the Committee on October 31, 2012, the clause-by-clause consideration of the Bill ended on November 21, 2012, when all question necessary to dispose of the Bill were put without further debate. Between November 21 and 23, the Committee took over 3,600 decisions, voting consecutively for 46 hours, with few suspensions. On November 26, the Bill was reported back to the House without amendment.

The same day Opposition House Leader **Nathan Cullen** and **Scott Brison** raised points of order regarding the Standing Committee on Finance proceedings on the Bill. Mr. Cullen argued that the Finance Committee, through the adoption of its motion regarding the conduct of its proceedings on

the Bill, went beyond its mandate and usurped the authority of the House. In turn, Mr. Brison argued that the October 31 motion, which specified a time limit for the clause-by-clause consideration, had resulted in a decision of the Chair being overturned by the Committee, and consequently, in the Committee being forced to vote on all amendments submitted, even those which had yet to be moved. On November 29, 2012, Speaker **Andrew Scheer**, ruled that without a report to the House from the Finance Committee detailing specific grievance or describing a particular set of events, he could not find sufficient evidence that the Standing Committee exceeded the limits of its mandate and powers in its consideration of the Bill. He therefore considered the 13th Report of the Standing Committee on Finance to be properly before the House and ruled that the Bill could proceed to the next steps in the legislative process.

On November 29, 2012, before delivering a ruling on the selection and grouping of motions in amendment at report stage of Bill C-45, the Speaker responded to a point of order raised by Mr. Cullen the previous day regarding the grouping of report stage motions. Mr. Cullen had expressed concern that, as a result of the grouping for voting of motions at report stage, Members may have to cast a single vote that would apply to several motions, some of which they may support and others which they may oppose. **Peter Van Loan**, Leader of the Government in the House of Commons, also intervened in the matter. Referring to his ruling of June 11, 2012, in relation to Bill C-38, the Speaker explained

that to vote separately on every motion would diverge from the practice of the House. Accordingly, he ruled that he would be guided by past rulings and, in particular, by the ruling on Bill C-38, when ruling on the report stage motions for Bill C-45.

Debate at report stage of the Bill began on November 29, when the Speaker selected and grouped for debate and voting 667 motions in amendment. On December 3, 2012, a time allocation motion allotting five further hours of debate at report stage and one sitting day at third reading stage of the Bill was adopted. On December 4, 2012, 46 recorded divisions were taken by the House to dispose of report stage.

On December 5, 2012, the Speaker ruled on a point of order raised earlier that day by Mr. Cullen with regard to the way the motion for concurrence at report stage of Bill C-45 had been moved the previous evening. Mr. Cullen noted that the motion put to the House by the Chair named Minister of Finance, **Jim Flaherty**, as the mover. However, as the Minister was not present in the House at the time the motion was moved, the Member argued that the motion was out of order and that the vote that took place was not legitimate. In his ruling, the Speaker reported that there had, in fact, been a clerical oversight in the moving of the motion, but that the practices of the House provided for this kind of event. He explained that since a government bill is considered an initiative of the entire Cabinet, it is the practice of the House that one minister can move a motion on behalf of another. The Speaker mentioned that practice was followed when the *Journals* were drafted to indicate that the

motion had been moved by the Government House Leader, and thus, ruled that the House could proceed with the third reading debate. Later that day, Bill C-45 was read a third time and passed.

On December 12, 2012, the Speaker delivered a more comprehensive ruling on the points of order raised on November 28, 2012, by Mr. Cullen and Mr. Van Loan. The Speaker stated that there are several precedents to justify the selection of motions and their grouping for voting purposes at report stage, and that these are long-standing practices of the House. He then clarified that the Chair is and will continue to be guided by procedural imperatives in all of its decisions, and that report stage motions are not, and never have been, selected for debate and grouped for voting on the basis of the likely outcome of a vote. Lastly, the Speaker addressed the role and rights of independent Members during report stage. He explained that independent Members do not currently sit on committees, suggested that a satisfactory mechanism could be found to afford them opportunities to move motions in committee, and mentioned that the report stage selection process by the Chair would adapt to such a new reality. Accordingly, the Speaker concluded that unless and until new ways of considering the motions of all Members to amend bills in committee were found, he intended to continue to protect the rights of independent Members to propose amendments at report stage.

On December 14, 2012, Bill C-45 received Royal Assent.

Points of Order and Procedure

On November 27, 2012, the Speaker ruled on a point of order raised on November 5, 2012, by **Marc Garneau** regarding the nature of an answer given to a written question. Stating that it is not in order to indicate in a response to a written question the total time and cost incurred by the government in the preparation of that response, Mr. Garneau objected to a response given during Question Period by the Minister of Public Safety, **Vic Toews**, in which the Minister had indicated the large cost of answering a specific written question. In his ruling, the Speaker suggested that the Member asking the question and the government find a way to achieve a result that would satisfy both parties, and noted that the rules that apply to the content of replies to written questions do not apply to responses given during Oral Questions – even if the oral question relates to a written question. Accordingly, he ruled the reply by the Minister of Public Safety to be in order.

Several dilatory motions were moved between November 21 and 23, 2012, resulting in unexpected recorded divisions. The motions “that the House do now adjourn”, “that the Member be now heard”, “that the House do now proceed to the Orders of the Day”, and “that the debate be now adjourned” were moved a total of seven times during this three-day period and each time decided on a recorded division. Two of these motions, “that the House do now proceed to the Orders of the Day” and “that the Member be now heard”, were agreed to; all the others were negated by the House.

On December 12, 2012, at the end of Oral Questions,

the Speaker made a statement concerning order and decorum in the House. He noted that, in recent months, the atmosphere in the Chamber had been difficult at times, and encouraged all Members to make a greater effort to curb disorder and unruly behaviour. He then reminded them that the Chair’s authority to enforce the rules depends on the co-operation of the House. He finished, on behalf of all Members, by saluting and thanking the other Chair Occupants for their excellent work.

Private Members’ Business

On December 6, 2012, the Speaker ruled on a point of order raised on November 22, 2012, by **Alexandre Boulerice** regarding Bill C-377, *An Act to amend the Income Tax Act (requirements for labour organizations)*. Mr. Boulerice argued that the Bill contained provisions that would require new spending for purposes currently not authorized by the legislation, and that it should therefore be accompanied by a royal recommendation. **Tom Lukiwski**, Parliamentary Secretary to the Leader of the Government, and **Russ Hiebert**, the sponsor of the Bill, in turn both responded that any spending proposed by the Bill was already authorized under existing provisions. The Speaker found that the provisions in the Bill could result in an increased workload or operating costs, but would not require spending for a new function, and that therefore the requirements contained in the Bill could be said to fall within the existing spending authorization. Accordingly, he ruled that Bill C-377 did not require a royal recommendation, and that it could proceed through the legislative process.

Committees

Following recent examples, the Standing Committee on Public Safety and National Security adopted a motion regarding its consideration of Bill S-7, *An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act*, to set a specific date for the end of the clause-by-clause consideration; to instruct the Chair of the Committee, if the consideration had not been completed by a specific time on this date, to put every question necessary to dispose of the Bill without further debate; and to order the Chair to report the Bill back to the House at the next available opportunity. On December 11, 2012, Bill S-7

was reported back to the House without amendment.

Other Matters

As a result of recent by-elections the Speaker informed the House on December 11, 2012 of the election of **Murray Rankin** as the new NDP Member for Victoria. The next day, the Speaker announced the election of Conservatives **Joan Crockatt** for Calgary Centre and **Erin O'Toole** for Durham.

On November 7, 2012, following the Statement by Minister of Veterans Affairs **Steven Blaney** on Remembrance Day observances, and replies by **Peter Stoffer** on behalf of the Official Opposition, **Sean Casey** for the Liberals,

Louis Plamondon and **Elizabeth May** on behalf of the Bloc Québécois and the Green Party, the Acting Speaker invited Members to observe two minutes of silence.

On December 6, 2012, at the end of Statements by Members, **Jean-François Fortin**, **Bob Rae**, **Thomas Mulcair** and **Shelly Glover** each made statements commemorating the National Day of Remembrance and Action on Violence Against Women. Afterwards, the House observed a moment of silence.

Philippe Grenier-Michaud

Procedural Clerk
Table Research Branch