



Legislative Reports



House of Commons

The Second Session of the Forty-First Parliament adjourned for the winter break on December 10, 2013. The House resumed sitting on January 27, 2014. The information below covers the period from November 1, 2013 to January 31, 2014.

Legislation

On November 5, during its consideration of Bill C-4, *A second act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures*, the Standing Committee on Finance invited three other committees to study the subject matters of certain provisions of the Bill and to submit amendments to the Committee. In addition, as per a motion it adopted on October 29, the Committee invited independent Members to submit amendments, which would be deemed to be proposed. The Committee considered 66 amendments, including 31 from independent Members. No amendments were submitted by the other Standing Committees. The Bill was reported back to the House without amendment

on November 28, concurred in at report stage on December 3, read a third time and passed on December 9, and received Royal Assent on December 12, 2013.

Points of Order

On January 28, 2014, the Speaker made a statement in response to a point of order raised by **Nathan Cullen** (Skeena—Bulkley Valley) on December 9, 2013, regarding Question Period. The Speaker reminded Members of the need for questions to be related to the administrative responsibilities of the government and cautioned against the use of “hybrid questions,” with long, unrelated preambles, warning Members that questions of this type might be ruled out of order. He also spoke to answers and of his intention to continue the widespread practice and tradition for the Chair to not judge the quality or relevance of answers, a principle that has been upheld by many Speakers before him. He concluded that the onus is on all Members to raise the quality of both questions and answers.

Questions of Privilege

On January 28, 2014, the Speaker ruled on a question of privilege raised by **Charmaine Borg** (Terrebonne—Blainville) on December 9, 2013, regarding a widely-distributed letter addressed to her from Senator **Jean-Guy Dagenais**. She argued that the letter was an attack on her reputation that constituted

an impediment to her ability to perform her parliamentary functions

As the communication which gave rise to the situation did not occur on the floor of the House and it was difficult to determine that the Member was unable to carry out her parliamentary duties, the Speaker concluded that there was no *prima facie* question of privilege.

Procedure

On December 3, 2013, the House adopted the *Fourth Report of the Standing Committee on Procedure and House Affairs* which reduced the membership of committees from 12 to 10 members as of the first sitting day following the winter adjournment. Changes to the number of members per party, per committee, as well as to the number of Members required to convene a committee meeting pursuant to Standing Order 106(4), effective for the remainder of the 41st Parliament, were also made. On December 9, the House adopted two motions to postpone the effect of the changes on the Standing Committee on International Trade and the Standing Committee on Veterans Affairs until February 10 and February 24, 2014, respectively, in order to minimize disruption to travel plans for these committees previously agreed to by the House.

On December 10, the Speaker delivered a ruling in regards to three motions in amendment for

the report stage of Bill C-9, *An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations*. Although it is unusual for the Speaker to provide reasons for the selection of report stage motions, he explained that independent Members had been invited to participate in the Standing Committee on Aboriginal Affairs and Northern Development's clause-by-clause consideration of the Bill but that, due to an administrative error, these Members were not informed of the deadline to submit amendments. Though motions that could have been presented in committee would not normally be selected, in light of the circumstances, the three motions were selected.

Committees

On December 2, 2013, the Standing Committee on Procedure and House Affairs presented its *Third Report on the Board of Internal Economy* (BOIE). The Committee had undertaken its study pursuant to an order of reference adopted by the House on October 21, 2013. The Report concluded that the Committee could find no reason to alter the structure, membership or general functioning of the BOIE. The Committee did make several recommendations nonetheless, including that the BOIE further consider how it could enhance the Members' Expenditures Report by providing additional information; that the Auditor General be invited by the BOIE to conduct audits with greater frequency; that the BOIE, in consultation with the Auditor General, develop publicly-available guidelines with respect to audits of House of Commons spending; and that the BOIE

continue its practice of making the minutes of its meetings available to the public in a timely manner.

The same day, and pursuant to a November 28th order, the 42nd *Report of the Standing Committee on Procedure and House Affairs* from the previous session was deemed to have been presented and concurred in. The Report recommended guidelines with regard to access to information requests in which the House is a third party. The Committee emphasized that, by agreeing to disclose or not to disclose documents, the House in no way would be waiving its privileges and the usual protections afforded to Members, its staff or witnesses would remain.

On January 29, 2014, the House adopted a private Member's motion regarding electronic petitions, sponsored by **Kennedy Stewart** (Burnaby—Douglas), which instructs the Standing Committee on Procedure and House Affairs to provide recommendations with respect to establishing an electronic petitioning system. The Committee is instructed to consider, among other things, the possibility that a petition would trigger a debate in the House of Commons when a certain threshold of signatures on a petition is reached. The Committee is to report its findings to the House, with proposed changes to the Standing Orders and other conventions, within 12 months.

Members

On November 9, **Ted Menzies** (Macleod) resigned as a Member of Parliament. **Brian Jean** (Fort McMurray—Athabasca) resigned as a Member of Parliament on January 17, 2014.

On November 25, four by-elections were held, with Conservatives **Larry Maguire** and **Ted Falk**, being elected in the ridings of Brandon—Souris and Provencher, respectively and Liberals **Emmanuel Dubourg** and **Chrystia Freeland** elected in the ridings of Bourassa and Toronto Centre, respectively.

Since December 12, 2013, **Bruce Hyer** (Thunder Bay—Superior North) has been sitting as a Green Party Member.

Statements, Resolutions, Special Debates

On November 6, 2013, the House observed a moment of silence and statements were made to mark Veteran's Week and Remembrance Day.

On December 5, 2013, there were statements in tribute to the late **Nelson Mandela**, followed by a moment of silence. On December 10, the House adopted a resolution expressing its sincerest condolences to the South African people and recognizing Mr. Mandela's invaluable contributions and achievements.

On November 20, the House held a take-note debate on the crisis in the Philippines. Take-note and emergency debates were held on the situation in Ukraine on December 10, 2013 and January 27, 2014, respectively. The House also adopted on January 27 a resolution condemning the recent law passed in Ukraine undermining freedom and democracy and calling on the Ukrainian government and security forces to refrain from violence and to respect the people of Ukraine's right of peaceful protest.

Julie-Anne Macdonald
Table Research Branch



The Senate

Prior to the winter adjournment, debate concluded on a number of bills and the Governor General signified Royal Assent to three of them in a traditional ceremony on December 12, 2013. These bills included the budget implementation bill and a supply bill as well as Bill C-7, *An Act to amend the Museums Act* in order to establish the Canadian Museum of History and to make consequential amendments to other Acts. Bill C-7 amends the *Museums Act* to create a new Crown corporation called the Canadian Museum of History to replace the Canadian Museum of Civilization and also sets out the purpose of the new Canadian Museum of History.

In addition to the study of legislation, a significant event occurred on January 29, 2014 with the announcement from the Leader of the Liberal Party that Liberal senators would no longer form part of the Liberal National Parliamentary Caucus. These senators subsequently formed their own distinct caucus, and elected Senator **James Cowan** as their leader. At the beginning of the sitting of January 29, the Speaker made a statement quoting from the *Rules of the Senate*, that “A caucus consists of at least five

senators who are members of the same party political party. The party must have initially been registered under the Canada Elections Act to qualify for this status and have never fallen subsequently below five senators. Each recognized party has a leader in the Senate.” The Speaker went on to assert that Senator Cowan, who was recognized as the head of a party caucus which had the most members other than the government party, would retain the title of Leader of the Opposition in the Senate.

Audio of Senate Proceedings

The Standing Committee on Internal Economy, Budgets and Administration made a historic decision to authorize the Clerk to make the audio broadcast of Senate proceedings publicly available. Beginning November 26, 2013, audio proceedings of the Senate Chamber were made publicly available via ParlVU, the Senate’s webcasting service that allows users to access live and archived streams of Senate committee proceedings and now, Senate Chamber proceedings.

Committees

There were three substantive reports from committees tabled in the Senate during this period, including two from the Standing Senate Committee on Human Rights entitled: *Employment Equity in the Federal Public Service: Staying Vigilant for Equality* and *Recognising Rights: Strengthening Off-Reserve First Nations Communities*. The former concluded that although much progress has been made in achieving employment equity goals over the years the committee has been studying this issue, there is still work to be done to ensure that Canadians have a federal public service that is

truly representative of them at all levels. The latter urges the federal government and relevant stakeholders to take into account the evidence and preliminary findings in this report in their consideration of the evolving issues facing this group of First Nations. In January, the Standing Senate Committee on Social Affairs, Science and Technology tabled a report concerning the off-label use of prescription pharmaceuticals in Canada. The committee found that prescribers as well as their patients frequently are not aware when drugs are being used off-label and therefore that safety and effectiveness have not been thoroughly addressed. The committee made a number of recommendations to address awareness in this regard but also to improve the collection and assessment of data on off-label drug use. In November, the Standing Senate Committee on Foreign Affairs and International Trade re-tabled a report from the previous session that was still on the Order Paper when Parliament was prorogued. The committee’s second report, entitled *Building Bridges: Canada-Turkey Relations and Beyond*, contained six recommendations that focused on ways to deepen political engagement and enhance commercial diplomacy in order to renew relations between Canada and Turkey. During debate on the motion to adopt the report in December, the Chair, Senator **Raynell Andreychuk**, stated that following a trip to Turkey by the Minister of International Trade, she was informed that the committee’s report was repeatedly highlighted by government officials and business leaders in Turkey as a viable blueprint for furthering Canada-Turkey relations.

Senators

There were two resignations and one retirement from the Senate during this period. After more than 23 years in the Senate, Senator **Donald Oliver** reached the mandatory retirement age of 75 on November 16, 2013. Senator Oliver had served as the Speaker *pro tempore* since 2010 and was Chair or Deputy Chair of many committees, including the Standing Senate Committee on Legal and Constitutional Affairs. Appointed on the advice of **Brian Mulroney** in 1990, Senator Oliver, a lawyer, was the first Black man named to the Senate. Upon the retirement of Senator Oliver, on November 20 the Selection committee elected Senator **Pierre-Claude Nolin** to serve as Speaker *pro tempore*.

Senator **Gérald Comeau** resigned on November 30, 2013 after serving more than 27 years in the Senate. Senator Comeau, who was also a Member of Parliament from 1984 to 1988, was proposed for appointment to the Senate by Brian Mulroney and was most recently the Chair of the Standing Committee on Internal Economy, Budgets and Administration. He served in many roles throughout his tenure, including Deputy Leader of the Government in the Senate from 2006 to 2011.

Businessman and CFL owner Senator **David Braley's** resignation also took effect on November 30. Appointed to the Senate in 2010, Senator Braley served on several standing committees and was most recently the Deputy Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament.

Vanessa Moss-Norbury
Procedural Clerk



Saskatchewan

During the fall sitting, which concluded on December 5, 2013, 34 government bills, one private members' public bill and one private bill were introduced.

The Lieutenant Governor, **Hon. Vaughn Solomon Schofield** gave Royal Assent to four bills including an *Appropriation Bill* to discharge the expenses of the Public Service. The other bills to receive Royal Assent were: Bill No. 110 – *The Senate Nominee Election Repeal Act*; Bill No. 121 – *The Election Amendment Act, 2013*; and Private Bill No. 903 – *The St. Thomas More College Amendment Act, 2013*.

Ombudsman - Appointment

The Board of Internal Economy completed the competition process for a new Ombudsman and the Legislative Assembly approved a motion on December 3, 2013 to make **Mary McFadyen** the new Ombudsman and Public Interest Disclosure Commissioner for the Province of Saskatchewan effective April 1, 2014. Ms. McFadyen is replacing **Janet Mirwaldt**, who has been the acting Ombudsman since June 4, 2013.

Saskatchewan Information and Privacy Commissioner - Resignation

Gary Dickson, the Saskatchewan Information and

Privacy Commissioner, submitted his resignation to the Speaker of the Legislative Assembly effective January 31, 2014. Mr. Dickson was appointed in November 2003 as Saskatchewan's first full-time Information and Privacy Commissioner. He was reappointed for a further five-year term in April 2009.

Dome Rehabilitation Project

The rehabilitation of the Legislative building dome began in January 2014. The restoration work includes replacing the 100-year-old Tyndale stone and mortar and installing new copper sheeting. An environmentally controlled scaffold system will encase the entire dome to allow work to continue all year round. The project is scheduled to be completed by January 2016.

Rob Park
Committee Clerk



ASSEMBLÉE NATIONALE QUÉBEC

By-elections, parliamentary offices and composition of the Assembly

The candidates elected in the by-elections of December 9, 2013 in the electoral divisions of Outremont and Viau made their official entry into the House at the resumption of parliamentary proceedings on February 11 2014. For **Philippe Couillard**, the new Member for Outremont and Leader of the Official Opposition, this is a return to the Assembly; he sat in the House from 2003 to 2008. The new Member for Viau is **David Heurtel**. **Jean-Marc Fournier**, who held the

office of Leader of the Official Opposition until the election of Mr. Couillard, is now Chief Opposition Whip.

The Member for La Pinière, **Fatima Houda-Pepin**, left the Official Opposition on January 20 and now sits as an independent Member. The new composition of the Assembly is as follows: 54 Members of the Parti Québécois (Government), 49 Members of the Québec Liberal Party (Official Opposition), 18 Members of the Coalition avenir Québec (Second Opposition Group) and 4 independent Members (2 under the banner of Québec Solidaire and 2 without any party affiliation).

Rulings: Confidence of the Assembly in the Government

On November 7, 2013 just before the introduction of Bill 60, *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*, the Government House Leader declared in the House that the vote on the motion to introduce this bill in the Assembly raised a question of confidence in the Government. The Official Opposition House Leader then asked for a directive on the possibility for the confidence of the Assembly in the Government to be raised at this stage of the legislative process when the content of the bill has not yet been made public. The President recalled that it is for the Government to determine whether or not it has the confidence of the House and that, for this purpose, it may invoke Standing Order 303.1(5) with regard to any motion. This provision of the Standing Orders states that the confidence of the

Assembly in the Government may be raised only by means of a vote on any motion that the Premier, or her representative, shall have expressly declared a question of confidence in the Government.

Extraordinary sitting

On December 9, 2013, the Assembly held an extraordinary sitting to complete the examination of Bill 70, *An Act to amend the Mining Act*, in accordance with the rules established by the exceptional legislative procedure. It should be recalled that this bill had been introduced on December 5 by the Minister of Natural Resources after the Assembly had rejected the principle of the previous *Mining Act* (Bill 43). Following its passage, Bill 70 was given Assent on December 10.

Bills passed

The Assembly passed 10 bills in November and December 2013. Eight of these bills were passed unanimously. Among the more noteworthy are the following:

-Bill 65, *An Act to replace and reconstitute the notarial deeds en minute destroyed in the 6 July 2013 railway disaster in Ville de Lac-Mégantic*, which establishes a special procedure for reconstituting the notarial records destroyed in the Lac-Mégantic tragedy; and

-Bill 39, *Voluntary Retirement Savings Plans Act*, which establishes a type of retirement plan that is accessible to all individuals, including self-employed workers and workers whose employer has not subscribed to such a plan.

Other events

On January 21 and 22 2014, the Assembly welcomed some

80 women parliamentarians, members of networks in La Francophonie, the Americas and the Commonwealth, during an interparliamentary seminar organized in anticipation of the 20th anniversary of the adoption of the Beijing Declaration and Platform for Action in 2015. At the conclusion of this seminar, the participants adopted a declaration calling on them to continue their work to advance women's rights within their respective parliaments and the networks of women parliamentarians. This seminar, held at the initiative of the President of the National Assembly **Jacques Chagnon**, was the first in the history of the networks of women parliamentarians.

Standing committees:

Independent Members who are standing committee members

Of the four independent Members sitting in the Assembly, three are now members of a standing committee. **Amir Khadir** (Québec Solidaire), Member for Mercier, became a member of the Committee on Agriculture, Fisheries, Energy and Natural Resources, followed by **Françoise David**, Member for Gouin (Québec Solidaire), who joined the Committee on Health and Social Services, and **Daniel Ratthé**, Member for Blainville, who was named a member of the Committee on Institutions.

As stipulated in Standing Order 122, when an independent Member is added to a committee's membership, the parliamentary group forming the Government has an additional member. Such committees accordingly consist of 11 Members instead of nine, apportioned as follows: five

Members from the Government, four Members from the Official Opposition, one from the Second Opposition Group, and one independent Member.

30th report on the accountability of deputy ministers and chief executive officers of public bodies

On December 6, 2013, the Committee on Public Administration tabled its 30th report on the accountability of deputy ministers and chief executive officers of public bodies, which contains 35 recommendations adopted unanimously by its members.

The report provides details of eight public hearings held in the second half of 2013. The subjects that were examined included the management of the Commission administrative des régimes de retraite et d'assurances, the failure to file declarations with Revenu Québec, the control and monitoring of the treatment of municipal wastewater and of the production of drinking water, government interventions in the mining sector, intellectual disabilities and pervasive developmental disorders, home care services, and the administrative management of the Ministère de l'Emploi et de la Solidarité sociale and of the Régie de l'assurance maladie du Québec.

Quarterly examination of the Government's budgetary policy and the evolving state of the public finances

For the second time in less than a year, and pursuant to Standing Order 292, the Committee on Public Finance conducted the quarterly examination of the Government's budgetary policy and the evolving state of the public finances on November 20

2013. It should be recalled that this order had also been carried out on June 13, 2013 and that, before this date, the Committee had not availed itself of this provision since February 20, 1997.

In this context, it should be mentioned that the Minister of Finance and the Economy, **Nicolas Marceau**, was summoned to appear before the Committee and produce a document on the revenues and expenditures of the special funds and non-budgetary agencies as at June 30, 2013. Furthermore, the Auditor General of Québec came before the Committee to provide information regarding his audit of the Government's consolidated financial statements as at March 31, 2013.

The Committee made two recommendations in its report.

Orders of reference

More than 250 groups and individuals tabled a brief within the framework of the general consultation on Bill 60, *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*. The Committee on Institutions wishes to hear all of the persons and organizations that submitted a brief within the deadline that had been fixed. The public hearings have already begun.

This Committee is continuing the clause-by-clause consideration of Bill 28, *An Act to establish the new Code of Civil Procedure*, which had begun on October 8, 2013. As of January 31, 2014, 730 of the 830 sections had been adopted over the course of 25 sittings, with more than 274 amendments.

Furthermore, following a motion carried in the Assembly,

the Committee was instructed to hear the Minister of Justice concerning the comments of the Commission des droits de la personne et des droits de la jeunesse made public on October 17, 2013 on the Government's policy directions regarding the proposed charter of Québec values as well as on the unconstitutionality of the Government's proposal. Following the hearing, a report containing two recommendations was tabled.

The Committee on Agriculture, Fisheries, Energy and Natural Resources was instructed by the Assembly to examine the acceptability, for Québec, of the project proposed by Enbridge Pipelines Inc. to reverse the flow of Pipeline 9B eastward between North Westover and Montréal. After having held special consultations and public hearings, the Committee tabled a report containing 18 recommendations and expressing its support for the project.

The Committee on Health and Social Services concluded its special consultations and clause-by-clause consideration of Bill 52, *An Act respecting end-of-life care*. This bill follows up on the report from the Select Committee on Dying with Dignity. It should be noted that the principle of the bill was passed with 84 yeas and 26 nays. All of the Government Members and independent Members voted for the bill, while 25 Official Opposition Members and one Member of the Second Opposition Group voted against it.

Order of initiative

The Committee on Health and Social Services has also undertaken an order of initiative on the living conditions of

adults staying in residential and long-term care centres. Some 30 groups and individuals will be heard by the Committee and an online consultation questionnaire is available as well.

**Christina Turcot
and Cédric Drouin**
Parliamentary Proceedings
Directorate



Prince Edward Island

The Third Session of the Sixty-fourth General Assembly was prorogued on November 8, 2013. The Fourth Session of the Sixty-fourth General Assembly opened on November 12, 2013, with the Speech from the Throne delivered by the **Hon. H. Frank Lewis**, Lieutenant Governor. Highlights of the Speech included initiatives to make government more direct and citizen-centred, and better management of land and water resources.

Significant Legislation

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

-Disability Supports Act (Bill No. 18) establishes a Disability Support Program to provide disability supports to eligible persons;

-Birthplace of Confederation Act (Bill No. 24) sets out the powers of the Premier respecting leading

initiative in commemorating and celebrating the Charlottetown Conference and honouring the achievement of the Fathers of Confederation. This year is the sesquicentennial of the Charlottetown Conference of 1864.

-An Act to Amend the Civil Service Superannuation Act (Bill No. 25) and *An Act to Amend the Teachers' Superannuation Act* (Bill No. 27) provide for changes to the provincial civil service pension plan and the teachers' pension plan, respectively, to address the financial challenges experienced by the plans in the face of changing demographics and volatility in the stock markets.

Capital Budget

In late November, the province issued its capital budget for 2014-15, with \$73 million in infrastructure investments planned for the year. **Hon. Wes Sheridan**, Minister of Finance, Energy and Municipal Affairs, announced that spending would be more closely aligned to traditional levels, signaling an end to the stimulus spending of recent years. Highlights of the budget included funding for a new stand-alone palliative care centre, and a commitment to new spending for the Bonshaw Hills Wilderness Park.

2014

In 2014, Prince Edward Island will commemorate an important chapter in Canadian history, marking the sesquicentennial of the 1864 Charlottetown Conference. Signature events, conferences and activities of all types are taking place province-wide throughout the year. To kick off the celebrations on New Year's Eve, there were fireworks and festivities on the grounds

of Province House and historic Great George Street. Staff at the Legislative Assembly have been busy planning a number of educational and legacy projects for 2014. (Please see the article in this issue for more coverage).

Marian Johnston
Clerk Assistant and
Clerk of Committees



Ontario

The Ontario Legislature, now in its third year as a minority parliament, continued to work through the Second Session of the Fortieth Parliament during the period from November 2013 to January 2014.

On December 9, the House withdrew from its usual proceedings to address two historic events – one local and the other international. First, each of the three parties made statements regarding the Huronia Regional Centre, a former institution for people with developmental disabilities that has been wrought with stories of abuse. Premier **Kathleen Wynne** issued an official apology as part of a settlement approved by a superior court judge in a class-action lawsuit between the province and survivors of the centre. The House also addressed the death of former South African President, **Nelson Mandela** with a tribute by the

Premier and Opposition Party leaders **Tim Hudak** and **Andrea Horwath**. Mr. Mandela, who is a Nobel Prize winner and an honorary Canadian citizen, visited Ontario three times during his life and has a Toronto elementary school named after him.

The resignations of Liberal MPP **Kim Craitor** in September and Progressive Conservative MPP **Peter Shurman** in December created two vacancies. Premier Wynne called by-elections for both ridings for February 13, 2014. NDP candidate **Wayne Gates** and Progressive Conservative candidate **Gila Martow** were elected in Niagara Falls and Thornhill, respectively.

Committee Activities

On November 7, the House passed a motion to authorize the Standing Committee on Social Policy to conduct a year-long comprehensive review of the *Local Health System Integration Act*, and the regulations made under it, as provided for in Section 39 of that Act. The statute, which came into force in 2006, created 14 Local Health Integration Networks (LHINs) in the province to provide for an integrated health system. The Committee began its review with a technical briefing from the Ministry of Health and Long-Term Care, as set out by the motion; a number of organizations were invited to make presentations as well. The Committee then travelled to nine locations across Ontario for eight days in January and February 2014 to conduct public hearings.

The Standing Committee on Regulations and Private Bills considered two bills: Bill 6, *An Act to protect and restore the Great*

Lakes-St. Lawrence River Basin and Bill 88, *An Act to amend the Child and Family Services Act with respect to children 16 years of age and older*. Bill 6 is a government bill seeking to protect and restore the ecological health of the Great Lakes. The Committee is in the course of clause-by-clause consideration of the bill. Bill 88 is a private member's public bill introduced by **Rod Jackson**, MPP for Barrie, and is seeking to amend the *Child and Family Services Act* to recognize that services provided under it should be provided in accordance with the United Nations Convention on the Rights of the Child and to allow temporary care agreements to be made in respect of children who are 16 years of age or older. The bill was reported as amended to the House and has been ordered for Third Reading.

Throughout November and December, the Standing Committee on Public Accounts continued its consideration of the 2012 Special Report of the Office of the Auditor General of Ontario on Ornge Air Ambulance and Related Services. After 22 months of consideration the Committee is now working on its second interim report.

On November 6, the Committee met to consider Section 3.05, Education of Aboriginal Students, of the 2012 Auditor General's *Annual Report*. Three Ontario school boards, the Assistant Deputy Minister of Education as well as the Director of Aboriginal Education in Ontario made statements and were questioned by the Committee.

The 2013 *Annual Report of the Office of the Auditor General of Ontario* was tabled on December 8 and the Committee made its

selections for upcoming value for money hearings in February and March. In addition, the Auditor General tabled a special report called "Divestment of Ontario Northland Transportation Commission" in response to the motion passed on March 6 by the Standing Committee on Public Accounts requesting the Auditor General to undertake a special assignment to investigate the government's divestment of, and the operations of, the Ontario Northland Transportation Commission.

In September, the Standing Committee on the Legislative Assembly passed several motions setting out a schedule for its consideration of bills which had been referred to the Committee. The Committee considered Bill 106, *An Act to amend the French Language Services Act with respect to the French Language Services Commissioner*, holding both public hearings and clause-by-clause on December 11. The bill was reported back later that same day and received Royal Assent on December 12. As a result, the French Language Services Commissioner is now an officer of the Assembly, appointed by the Lieutenant Governor in Council on the address of the Assembly.

On October 3, the House passed a motion creating the Select Committee on Developmental Services, with a mandate to consider and report to the House its observations and recommendations with respect to the urgent need for a comprehensive developmental services strategy to address the needs of children, youth and adults in Ontario with an intellectual disability or who are dually diagnosed

with an intellectual disability and a mental illness, and to coordinate the delivery of developmental programs and services across many provincial ministries in addition to the Ministry of Community and Social Services. The Committee began its hearings in Toronto in November and December, and then travelled to London (Ontario), Thunder Bay, Moosonee and Moose Factory, and Ottawa in January for hearings and site visits. The Committee continued its Toronto hearings in January, and is expected to release its interim report by February 26. The Select Committee's final report is expected to be released by May 15, 2014.

During the month of November, the Standing Committee on General Government completed its consideration of Bill 21, *An Act to amend the Employment Standards Act, 2000 in respect of family caregiver, critically ill child care and crime-related child death or disappearance leaves of absence*. Bill 21 would expand entitlements to personal leave without pay in cases where a family member or child is critically ill and requires care, and where a child of an employee dies or disappears and it is probable that the child died or disappeared as a result of a crime. The bill was reported as amended to the House and was being debated at Third Reading when the House rose for the winter adjournment. The Committee also considered Bill 71, *An Act to protect child performers in the live entertainment industry and the recorded entertainment industry*. It is a private member's public bill introduced by **Paul Miller**, MPP for Hamilton East—Stoney Creek, that sets out the rules

relating to the disclosure of terms of employment, tutoring requirements, income protection, hours of work, adult supervision for child performers, and rules relating to the health and safety of child performers. The bill was reported as amended to the House and ordered for Third Reading.

Under a Standing Order that allows policy field committees to initiate self-directed studies, the Committee initiated a study and review of the 2015 Pan/Parapan American Games and the Pan/Parapan American Games Secretariat, as it relates to the mandate, management, organization, or operations of the Ministry of Tourism, Culture and Sport, with a particular emphasis on financial issues, budgets, and expenses. The Committee held three days of public hearings, inviting Deputy Minister **Steven Davidson**, Assistant Deputy Minister **Nancy Munric**, and a number of stakeholders to appear. The Committee further continued its self-directed study relating to the auto insurance industry – which it began in March 2012 – with an additional day of public hearings and the commencement of report writing.

The Standing Committee on Government Agencies began an agency review of Metrolinx, and held four days of public hearings, at which the agency and a number of invited stakeholders appeared.

The Standing Committee on Finance and Economic Affairs held pre-Budget consultations in January. The Committee held public hearings in eight locations including Toronto.

Valerie Quioc Lim
Committee Clerk



Nova Scotia

On October 8, 2013 a provincial election was held in Nova Scotia. The party standings prior to the election in the House of Assembly were: NDP 31, Liberal 13, PC seven, and Independent one. As a result of the electoral map redistribution, there were 51 electoral districts for this general election and the Liberals formed a majority government. Currently the party standings in the House of Assembly are: Liberals 33, PC 11, and NDP seven.

On October 22, 2013 the cabinet was sworn into office. In addition to Premier **Stephen McNeil** there are 15 cabinet ministers of which five are women. Two days later the MLAs were sworn into office. There are 27 first-time elected members out of the 51. Broken down by political party there are 22 new Liberals and five new PC members. There are also a total of 14 women MLAs.

The House of Assembly elected first-time Liberal MLA the **Hon. Kevin Murphy** as Speaker. Murphy's election made history as he is the first Speaker using a wheelchair. Mr. Murphy became paralyzed during a hockey game at the age of 14. The House of Assembly also elected a Deputy Speaker – new Liberal MLA **Margaret Miller**.

The fall sitting of the First Session of the 62nd General Assembly commenced on November 28, 2013 with the Speech from the Throne and lasted 10 days. During the sitting 11 public bills and two private bills were introduced and received Royal Assent.

Address in Reply to the Speech from the Throne

This was an excellent opportunity for first-time elected members to make their maiden speeches in the House of Assembly. Thirty-two members made speeches during 12 hours and 38 minutes of proceedings over nine sitting days.

Point of Order

The Speaker made his first ruling on December 4 arising from the first Question Period of the sitting held the previous day. The House Leader for the NDP rose on a point of order relative to a government backbencher asking a question of the Minister of Transportation and Infrastructure Renewal during Question Period. He was of the view that Question Period was reserved for opposition parties and independent members. The Government House Leader advised that only the 10th and 20th question in each Question Period would be asked by non-Cabinet Members of his party and that only one question would be asked. There would be no supplementary questions.

The Speaker ruled that he would allow limited use of questions by government backbenchers as proposed by the Government House Leader and confirmed the general principle that there was no prohibition against a government backbencher asking a question of

a Minister. He did request that both the question and the answer be concise. He stated: "It is my hope that the questions will be about matters of genuine interest to the particular Members posing them. I believe it would be unfortunate if the questions were simply easy "plants," designed to allow Ministers opportunities to make statements that they are already free to make under the order of business 'Statements by Ministers.'"

Modifications to Chamber

To accommodate the Speaker's wheelchair, rapid changes were made to the historic Chamber for the fall sitting of the House of Assembly. As the large ornate wooden chair on the Speaker's dais was not attached it was easily removed and a ramp was built from the east side of the Chamber, which is the opposition side, to the dais. The Speaker enters from the east side of the Chamber and is able to proceed up the ramp to the dais. When the Deputy Speaker assumes the chair she does so from the west side of the dais and a medium size upholstered chair is lifted to the dais by the pages for her.

Annette M. Boucher
Assistant Clerk



Newfoundland and Labrador

The House of Assembly convened for the Fall sitting on November 4, 2013,

By-election in Carbonear-Harbour Grace

The by-election for the District of Carbonear-Harbour Grace, vacated on October 2 by former Minister of Finance **Jerome Kennedy** was called on November 4 for November 26. Liberal candidate **Sam Slade** was elected. Mr. Slade will take his seat as a member of the Official Opposition when the Assembly reconvenes in March.

Changes in Composition of the House

On January 19, **Paul Lane**, MHA, Mount Pearl South, announced that he would join the Official Opposition.

On February 4 **Dale Kirby**, MHA, St. John's North and **Christopher Mitchelmore**, MHA, The Straits-White Bay North, who had been sitting as Independents since leaving the NDP caucus on Oct. 29 announced that they would join the Official Opposition. As of writing, the governing Progressive Conservatives stand at 34 Members, the Official Opposition Liberals comprise 11 Members, and the Third Party New Democratic Party has three. The numbers at the last general election were: Government 37, Official Opposition six and Third Party five.

Resignation of Premier

On January 24, the **Hon. Kathy Dunderdale**, MHA, District of Virginia Waters resigned from the office of Premier of the Province. Ms. Dunderdale continues to sit as an MHA. The **Hon. Tom Marshall**, MHA, Humber West, has been appointed interim Premier. Mr. Marshall, elected in 2003, had held the Finance portfolio before his appointment as interim Premier. The **Hon.**

Charlene Johnson, MHA, Trinity-Bay de Verde has been appointed Minister of Finance.

Leadership Renewal

The Progressive Conservative Party has called a leadership convention for the weekend of July 4 to select a new leader and Premier of the Province.

At the NDP Provincial Convention in May one of the resolutions to be discussed will be the addition of a leadership renewal clause to the NDP Constitution under the Elections section. The renewal process would take place at every convention that is not a leadership convention including the May convention. If the resolution is adopted all three parliamentary groups will have had a leadership review before the next general election.

The House is expected to reconvene in March to prorogue before opening the Third Session of the Forty-Seventh General Assembly.

Elizabeth Murphy
Clerk Assistant



Northwest Territories

The Legislative Assembly prorogued the Fourth Session of the 17th Legislative Assembly on November 1, 2013 and returned on Nov. 4, 2013, to open the Fifth Session. The Session began with Commissioner **George L. Tuccaro** presenting the Commissioner's Address on behalf of the Government of the Northwest Territories.

Legislation

During the four-day sitting, six bills received first and second reading and were referred to standing committees. Three of the bills were directly related to the implementation of the devolution agreement with the Government of Canada. Responsibility for public lands, water and resource management are scheduled to be transferred on April 1, 2014, from the Government of Canada to the Government of the Northwest Territories.

In order for the transfer to take place the Government of Canada has introduced Bill C-15, the *Northwest Territories Devolution Act* which must be passed prior to April 1, and the Government of the Northwest Territories must introduce and adopt legislation mirroring current federal statutes. If all the devolution-related legislation is adopted, this legislation will be reviewed in the same manner as other territorial legislation, with a similar process to amend.

The Standing Committee on Priorities and Planning, consisting of all 11 regular Members, is mandated to deal with devolution-related matters. *The Surface Rights Board Act*, *the Reindeer Act* and *the Archaeological Sites Act* are currently before the committee and seven additional pieces of legislation were expected to be introduced during the February/March sitting. The Standing Committee is soliciting public input on the proposed legislation and any amendments that Northern residents feel should be addressed in the future. The Standing Committee will report to the House on its findings during the upcoming sitting.

The Standing Committee on Economic Development and

Infrastructure and the Standing Committee on Social Programs also held public hearings in January to review both Bill 5: *An Act to Amend the Motor Vehicles Act* and Bill 6: *An Act to Amend the Medical Care Act*. Both Committees will report back to the House when it resumes on February 5, 2014.

Committees

Standing committees met in the capital for two weeks in December 2013, to meet with all government departments to consider the draft Main Estimates 2014-2015 of the Government of the Northwest Territories. These in camera sessions allow committee input prior to the expected introduction of the 2014-2015 budget during the February/March sitting.

Committees reconvened in January 2014 for a further two week period to continue budget discussions, receive briefings and prepare for the February/March sitting.

Public Accounts

The Standing Committee on Government Operations, chaired by **Michael Nadli**, Member for Deh Cho, conducted its review of the Public Accounts of the Government of the Northwest Territories for the year ended March 31, 2013. A public hearing was held in Yellowknife on January 24, 2014, with the Comptroller General and the Assistant Comptroller General in attendance. The Committee is expected to present its report to the Assembly during the upcoming sitting. This is the second review of the public accounts undertaken by the Standing Committee on Government Operations following a hiatus of

approximately nine years. The Committee once again publicly commended the Comptroller General for the timeliness of the tabling of the Public Accounts.

Clerk of Committees and Public Affairs

On December 2, 2013, the Legislative Assembly welcomed a new Clerk of Committees and Public Affairs. **Michael Ball** came from the Department of Finance to join the Office of the Clerk. Mr. Ball replaced the previous Clerk of Committees, **Jennifer Knowlan**, who has taken a position at the territorial archives. Mr. Ball looks forward to meeting his colleagues from other Canadian jurisdictions.

Gail Bennett

Principal Clerk of Corporate and Interparliamentary Affairs



New Brunswick

Throne Speech

Lieutenant-Governor **Graydon Nicholas** formally opened the Fourth Session of the Fifty-seventh Legislature on November 5, delivering the fourth Speech from the Throne of Premier **David Alward**'s Progressive Conservative government.

The theme of the speech was strengthening the economy through resource development, strategic investments and responsible management for the future. Highlights included public pension reform, converting the current pension to a shared-risk model; the implementation of a prescription drug plan, ensuring residents have access to coverage for expensive medication as well as prescription drug coverage; and responsible resource development, such as the construction of a west-east pipeline and continued natural gas exploration.

Reply to Throne Speech

On November 7, Official Opposition Leader **Brian Gallant** gave his reply to the Speech from the Throne. Gallant confirmed the Liberals' support for the pipeline project, but urged that the necessary environmental measures be taken. Gallant asked the government to obtain support from affected communities and create a plan to ensure maximum benefit from the project. The Opposition called for a moratorium on hydro-fracking, raising concerns of the potential health and environmental issues. Gallant opposed many of the proposed changes to the pension plan, questioning the lack of transparency of the reform and the government's failure to properly consult with the civil servants and retirees on the issue.

Legislation

Twelve Bills received Royal Assent during the fall sitting. Legislation introduced by Government included:

-Bill 11, *An Act Respecting Pensions under the Public Service Superannuation Act*, introduced by Finance Minister **Blaine Higgs**,

outlines changes required for public pension reform and the implementation of a shared-risk pension model. The pension legislation will put an end to special payments under the *Public Service Superannuation Act*, and provides the basis for converting the pension of Members of the Legislative Assembly to a shared-risk model;

-Bill 17, *An Act to Amend the Provincial Court Act*, introduced by Justice Minister **Troy Lifford**, creates efficiencies in the Provincial Court by reducing adjournment, encouraging early resolution of files, reducing administrative work performed by judges and decreasing delays;

-Bill 27, *Prescription and Catastrophic Drug Insurance Act*, introduced by Health Minister **Hugh Flemming**, proposes the creation of a prescription drug insurance plan, protecting New Brunswickers against catastrophic drug costs.

The Official Opposition introduced nine Bills, including Bill 12, *An Act to Amend the Members' Conflict of Interest Act*, introduced by Brian Gallant. It proposes to increase the cooling off period before former Members can accept a contract or financial benefit granted by the Crown, including employment, from 12 months to 48 months.

Speaker's Ruling

On December 4, Opposition House Leader **Bill Fraser** rose on a point of order and submitted that the time allocation motion moved by **Glen Tait**, Member for Saint John East, was out of order as it was an abuse of the Standing Rules and infringed upon the rights of the minority. The motion proposed to limit further debate on Bill 11, at all stages, to three days. Speaker **Dale Graham**

ruled the motion to be in order as the use of time allocation motions has been an accepted practice in the New Brunswick Legislature, and the wording of the motion in question mirrored that of time allocation motions used in the past. The Speaker noted in his ruling that notice of the motion had been given the week prior, giving Members opportunity to determine how best to utilize the time spent considering the Bill. The Speaker further noted that every Opposition Member had the opportunity to speak on the second reading of the Bill and that the Bill was currently being considered in Committee of the Whole.

Resumption of Sitting and Standings

The Fourth Session adjourned on December 13, 2013, and resumed on February 4, 2014, at which point Mr. Higgs delivered his final budget speech before the September 22 general election.

The Standings in the House remain 41 Progressive Conservative, 13 Liberals, and 1 Independent.

John-Patrick McCleave
Research Assistant



Yukon

2013 Fall Sitting

On December 19, the 2013 Fall Sitting of the First Session of the 33rd Legislative Assembly adjourned. The 28-day sitting had commenced on October 31. All

10 government bills introduced during the sitting received Assent before the sitting concluded.

Select Committee – Hydraulic Fracturing

The work of the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing (established in the 2013 Spring Sitting, and described in Yukon's two previous legislative reports) continues. The Committee travelled to southern Alberta on a fact-finding mission from January 6-9 to "tour a site and meet with organizations and government agencies," in furtherance of the aspect of the Committee's mandate requiring its members to gain "a science-based understanding of the technical, environmental, economic and regulatory aspects of hydraulic fracturing."

On January 6, the Committee travelled to Red Deer, toured the Alberta Energy Regulator Field Centre, and held meetings with Alberta Energy Regulator, and Sundre Petroleum Operators Group. The following day, the Committee toured a hydraulic fracturing operation and a producing well site located north of Red Deer. On January 8, the Committee held meetings in Calgary with Alberta Health Services, Alberta Environment and Sustainable Resource Development, a University of Calgary professor from the Department of Geology and Geophysics, and the Cochrane Area Under Siege Coalition. The following day, the Committee travelled back to Yukon.

In a January 20 open letter, **Patti McLeod**, chair of the six-member committee, provided an update on upcoming committee proceedings. Public proceedings, which were held in the Yukon

Legislative Chamber on January 31 and February 1, brought presentations from eight groups and individuals over the course of two full days. After each committee member had the opportunity to ask the presenter a few questions, committee members selected and asked questions submitted in writing by visitors in the Gallery. The public proceedings in the Chamber included representatives from industry, an environmental group, academics, regulators, and a First Nation.

A motion adopted during the 2013 Fall Sitting (Motion #518), formalized committee membership changes that had been informally observed since shortly after the July 8, 2013 change in affiliation of committee member **Darius Elias** (from an Independent member, to a Government member). Official Opposition member **Lois Moorcroft** replaced a Government member, **Stacey Hassard**, on the Committee, thus restoring the equal Government- Opposition balance to the Committee's membership. Ms. Moorcroft was subsequently elected by the Committee as its Vice-Chair – a role Mr. Elias relinquished after becoming a Government member.

The committee has not yet set a schedule for public hearings to be held in various Yukon communities. The motion establishing the committee (Motion #433, carried May 6, 2013) provides for the committee to report back its findings and recommendations to the Legislative Assembly before the end of the 2014 Spring Sitting. Additional information about the Committee is posted at: <http://www.legassembly.gov.yk.ca/rbhf.html>

Yukon Liberal Party Leadership Convention

On March 1, the Yukon Liberal Party will elect a new leader (not known as of press time). On July 25, 2013, **Sandy Silver**, the MLA for Klondike, announced that he would be running for the leadership of the Yukon Liberal Party. Since August 17, 2012, when Mr. Elias announced he would sit as an Independent member, Mr. Silver has been the Interim Liberal Leader, and the de facto Leader of the Third Party in the House.

Linda Kolody
Deputy Clerk



Manitoba

Speech from the Throne

The Third Session of the 40th Legislature began on November 12, 2013 with the presentation of the NDP government's 17th Speech from the Throne. Delivered by Lieutenant Governor **Phillip Lee**, the address highlighted a range of government commitments and proposals, including:

- Strong infrastructure to grow Manitoba's economy – a new five-year, \$5.5 billion plan focused on core, strategic economic infrastructure will

build Manitoba's road and bridges, flood protection and municipal infrastructure like water and sewer;

- Better and streamlined tax credits for employers to take on more apprentices, and new tools to help match apprentices with job openings;

- A new grant program for young entrepreneurs in technology-based start-ups and access to better resources for young people in skilled trades wanting to start their own business;

- New schools for growing neighbourhoods;

- New Churchill transportation authority to diversify and market the port to attract investment and develop opportunities in the north;

- New child-care centres to give parents more convenient options for care;

- More health professionals to help family doctors' offices take on new patients, expansion of care options for cancer patients and building more clinics for families to conveniently access the care they need; and

- Expansion of Manitoba Hydro energy-efficiency incentives to lower-income renters.

Reply to the Speech From The Throne

Official Opposition Leader **Brian Pallister's** non-confidence amendment to the Address in Reply motion noted a number of shortcomings in the speech and in the government's performance, including:

- Ignoring both the will of Manitobans and the law by choosing to raise the Provincial Sales Tax by one per cent from seven to eight per cent;

- Failing to respect the rule of law and the democratic right of Manitobans by raising major taxes without a referendum and exempting Ministers from established salary penalties during deficit periods;

- Continuing to impose taxes on Manitobans at a lower level of income than what is found in all but two provinces, and failing to provide an increase in the basic personal income tax exemption to the national provincial average;

- Failing to protect the most vulnerable Manitobans by refusing to raise the rental allowance portion of employment and income assistance to 75 per cent of median market rents; and

- Failing to follow through on past commitments of numerous core infrastructure projects.

Following the defeat of Mr. Pallister's amendment on November 21, 2013 by a vote of yeas 18, nays 34; on November 22 the main motion carried on a vote of yeas 35, nays 17.

Legislation

As a result of the Sessional Order adopted on September 11, 2013, the fall session dealt with the remaining legislative stages of 35 reinstated government bills from the 2nd Session. In late November, the House debated numerous Report Stage Amendments moved by all parties to 15 separate bills and saw the passage of 10 amendments affecting seven government bills.

As well, this fall session saw the introduction of 19 bills and the passage of one government bill, all addressing a variety of governance areas including:

- Bill 2 – *The Highway Traffic Amendment Act (Safety of Workers*

in Highway Construction Zones), which increases the additional fine to \$7.70 per kilometre per hour of excess speed regardless of whether workers are present or equipment is being used in any construction zone that is signed in accordance with the regulations.

-Bill 21 – *The Churchill Arctic Port Canada Act*, which establishes Churchill Arctic Port Canada Inc. as a non-government agency in the form of a corporation without share capital. Its mandate is to facilitate the long-term development and viability of the Churchill gateway system and to promote it.

-Bill 23 – *The Cooperative Housing Strategy Act*, which requires the minister to develop a cooperative housing strategy and review it at least every five years. The minister is to consult when developing and reviewing the strategy.

-Bill 33 – *The Apprenticeship Employment Opportunities Act (Public Works Contracts)*, which requires the government and any public sector body designated in the regulations to develop and implement an apprenticeship policy. An authority must also ensure that its public works contracts contain a commitment by the contractor to employ apprentices during the time the contractor performs work.

-Bill 204 – *The Results-Based Budgeting Act*, which requires the budgets for all government programs, services, agencies, boards and commissions to be reviewed on a regular cycle to ensure that they are delivering the outcomes that the public needs.

-Bill 205 – *The Seniors' Rights Act*, which establishes a bill of rights for Manitoba's seniors.

These bills, except for Bill 2, 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 the following five meetings:

-Human Resources Committee – to consider Bill 2;

-Legislative Affairs Committee – to consider the *Children's Advocate Annual Report*;

-Social and Economic Development Committee – to consider the *Manitoba Poverty Reduction and Social Inclusion Strategy (All Aboard) Report*; and

-Public Accounts Committee met on two separate occasions – to consider several reports from the Auditor General covering a variety of topics including, the Manitoba Early Learning and Child Care Program; and special audits of four individual rural municipalities.

Under the provisions of the Sessional Order, the Public Accounts Committee is required to have ten meetings between September 11, 2013 and September 11, 2014. This committee held its fourth meeting on January 13, 2014.

By-Elections and Current Party Standings

As a result of two by-elections held on Jan. 28, 2014, Progressive Conservative candidates, **Doyle Piwniuk** and **Shannon Martin** became the newly elected members for the constituencies of Arthur-Virden and Morris. They will both be officially introduced when the House resumes sitting in March.

On February 4, 2014, Premier **Gary Selinger** removed **Christine**

Melnick from the NDP Caucus indicating that he and his caucus had lost confidence in the former Minister of Immigration. In accordance with section 32.3.1 of *The Legislative Assembly Act*, Ms. Melnick will now be considered as an Independent Member.

The current party standings in the Manitoba Legislature are: NDP 36, Progressive Conservatives 18, two Independents.

The House sat until Dec. 5, 2013 before recessing for the holidays. Under the terms of the Sessional Order, the spring session will resume on March 6, 2014. The Sessional Order also specifies dates for the completion of Interim Supply, Main and Capital Supply, and sets an end date for completion of other House business to occur between June 12 and June 20, 2014.

Monique Grenier

Clerk Assistant/Clerk of Committees



British Columbia

The Legislative Assembly resumed on February 11, 2014 for the prorogation of the first session of the Fortieth Parliament. The second session began in the afternoon with the Speech from the Throne, followed by Budget Day on February 18. In

preparation for the spring sitting, the government issued White Papers on proposed amendments to the *Electoral Boundaries Commission Act*, reforms to local government elections; and designing digital services, including the recently introduced BC Services Card.

Committee Activity

Several committees were active during the reporting period. On November 14, the Select Standing Committee on Finance and Government Services released its report on the public consultations on Budget 2014. The Committee received 676 submissions during the five-week consultation period, and made 73 recommendations for the next provincial budget. The Committee also completed its annual review of the budgets of the eight statutory offices, and issued its report, with recommendations, on December 19.

The Legislative Assembly Management Committee (LAMC) met three times between November and January. During that time, the Committee completed its first public review of the proposed estimates of expenditure for the Legislative Assembly, and agreed to clarify the Members' per diem policy regarding prorating of Members' per diem expenses. LAMC also agreed to a proposal to facilitate Members electronic access to House and Committee documents through iPad technology.

On December 12, LAMC released an annual report of activities covering January 2012-2013. The next annual report will feature further accountability reporting, and will be published in conjunction with the release of the Legislative Assembly's first audited financial statements.

Accessibility

Several changes have been made to the Parliament Buildings to improve barrier-free accessibility for persons with disabilities. They include construction of a ramp behind the Chamber to permit wheelchair access to the Legislative Library, and the addition of automatic doors and card-access controls to several entrances and washrooms around the buildings. These changes supplement other accessibility initiatives over the past year, including the opening of the new barrier-free Mowat entrance at the front of the Parliament Buildings in March 2013.

Speaker in the Schools Program

In November, Speaker **Linda Reid** launched the Speaker in the Schools Program, a new educational initiative for elementary school students designed to support and encourage young people to get involved in their communities and to become parliamentarians as a future career choice. The program gives students the opportunity to participate in a model parliament, debate bills, and take on the roles of Speaker, Clerk, and Sergeant-At-Arms, as well as Premier and Leader of the Opposition. It also showcases educational resources available from the Parliamentary Education Office and promotes the BC Teachers' Institute on Parliamentary Democracy. The Speaker visited elementary schools in the Haida Gwaii communities of Masset, Port Clements, Skidegate, and Sandspit on November 19 and 20 to launch the program.

Byron Plant

Committee Research Analyst



Alberta

Continuation of the 1st Session of the 28th Legislature

The fourth sitting of the First Session of the 28th Legislature convened on October 28, 2013, and adjourned on December 4, 2013. This sitting saw the passing of 19 Government Bills and two Private Members Public Bills. The Second Session of the 28th Legislature is scheduled to commence on March 3, 2014.

Bill 28, *Enabling Regional Growth Boards Amendment Act*, originally named the *Modernizing Regional Governance Act*, received First Reading on October 28, 2013. The Bill caused an immediate outcry from opposition parties and municipal leaders who argued the proposed legislation was heavy-handed and created without proper consultation. Second Reading debate began on October 29 and was completed at 1:41 a.m. the next day after surviving a hoist amendment, brought forward by the Official Opposition. On October 31, 2013, Premier **Alison Redford** (Calgary-Elbow) announced that progress on the Bill would be put on hold to allow for consultation with municipalities. One month later, during consideration of Bill 28 in Committee of the Whole, the Minister of Municipal Affairs, **Hon. Doug Griffiths** (Battle River-Wainwright) proposed

amendments to the Bill that were accepted by the House. In addition to changing the name of the Bill, the amendments clarified that Growth Management Boards would not be implemented by the provincial government but could be established by interested municipalities, and that these Boards would be required to develop an appeals process and submit annual reports to the Assembly. The enforcement provisions of the Act were also changed to ensure penalties focus on organizations, as opposed to individuals, and to impose fines instead of imprisonment. Bill 28, as amended, received Third Reading on Dec. 4, 2013, and came into force upon Royal Assent one week later.

The closing days of the fall sitting saw more controversy after the Government introduced Bills 45 and 46 in the Assembly. Bill 45, *Public Sector Services Continuation Act* significantly increases the fines and civil liabilities on unions for illegal strikes or threats to strike. Bill 46, *Public Service Salary Restraint Act* would apply to the Government's negotiations with the Alberta Union of Public Employees (AUPE) and would impose terms if agreement was not reached between AUPE and the Government. Both pieces of legislation faced significant criticism from unions and opposition parties and prompted multiple demonstrations on the Legislature grounds. The Government moved time allocation motions limiting debate at each stage of the legislative process to two hours. Both Bills moved quickly through the House and received Third Reading just before the completion of the fall sitting and were granted Royal Assent on December 11, 2013.

Legally barred from striking and unable to reach an agreement with the Government through negotiation or mediation, the AUPE had applied successfully to go to binding arbitration in February 2014. Under Bill 46 this option is no longer available. The *Public Service Salary Restraint Act* provides that if the Government and the union are unable to negotiate an agreement by January 31, 2014, or a date not later than March 31, 2014, then the legislated agreement takes effect. However, the AUPE has initiated a legal challenge against the Government and requested a stay on the implementation of the legislation until the court has ruled whether the legislation breaches the rights of union members. On January 29, 2014, the Court of Queen's Bench issued a two-week stay on the legislation to allow time to consider the request for a longer injunction. The following day, the negotiation deadline was extended to March 31, 2014, through an Order-in-Council.

Questions of Privilege

On the October 29, 2013, **Shayne Saskiw** (Lac La Biche-St. Paul-Two Hills) raised a purported question of privilege regarding the Government's public advertising of a Bill that had not been presented to the Assembly. The Bill in question, Bill 32, *Enhancing Safety on Alberta Roads Act*, was on the Order Paper but had not been introduced in the Assembly when related media articles and public signage appeared. Mr. Saskiw argued that the Government was in contempt for breaching the rights of the Members of the Legislative Assembly.

On Oct. 31, 2013, the Speaker, **Hon. Gene Zwozdesky**

(Edmonton-Mill Creek), addressed the purported question of privilege. The Speaker found there was no *prima facie* case of privilege because there was no finding that the Bill had been provided in its final form to the media or other entity prior to its introduction in the Assembly. However, he went on to clarify that his ruling should not be interpreted as reducing restrictions on providing detailed information on Bills not yet before the Assembly. He cautioned that any advertising of a Bill should be undertaken with great caution so as not to give the impression that the Bill was already law, and he went on to emphasize the convention of confidentiality of Bills on notice in order to ensure that all Members of the Assembly are well informed and the role of the Assembly in the parliamentary system is respected.

Subsequently, two additional purported questions of privilege were raised in the Assembly. The first of these related to Government advertising followed by a concern regarding advance media access to detailed information on Bills. On November 27, 2013, **Rachel Notley** (Edmonton-Strathcona), raised a purported question of privilege suggesting that the independence and the function of the Special Standing Committee on Members' Services, the legislative committee responsible for determining Member remuneration, had been obstructed when the government sent out a brochure to Albertans, including a statement referring to a multi-year wage freeze for MLAs. The government brochures were delivered to Albertans several days prior to a committee meeting at which a motion calling for a three-year

wage freeze for MLAs was scheduled for discussion.

It was further purported that the Government had breached the privileges of the Assembly by holding a media briefing regarding Bills 45 and 46 before either Bill had been presented in the Assembly and before copies were available to MLAs. The media briefing had a scheduled start time of 2:45 p.m. while copies of the Bills in question were not distributed in the Assembly until approximately 3:15 p.m.

On December 2, 2013, the Speaker presented his ruling on both matters. Having received additional information from the Ministers involved in the media briefing on Bills 45 and 46 the Speaker found that the distribution of the Bills in the Assembly and the actual time at which the media briefing occurred indicated no *prima facie* case of privilege had occurred.

The Speaker went on to address the matter of the brochure referring to a wage freeze for MLAs. In a statement that included references to parliamentary authorities and precedents found in other Canadian jurisdictions the Speaker ruled that a *prima facie* case of privilege had occurred. It was noted that the Government had already been “warned to not try and presume that the Assembly would pass legislation through some form of their own advertising.” The Speaker indicated the Government was in contempt of both the Assembly and one of its committees.

Following the ruling Deputy Premier, the **Hon. Thomas Lukaszuk** (Edmonton-Castle Downs), apologized on behalf of the Government for any affront to the dignity of the Legislative

Assembly and the matter came to a close.

Changes to Cabinet

On December 6, 2013, Premier Redford announced significant changes to her Cabinet, which saw several ministers moved into new portfolios and the creation of both a new ministry and a new associate ministry. **Dave Hancock** (Edmonton-Whitemud) took over as Deputy Premier and Minister of Innovation and Advanced Education, while **Thomas Lukaszuk**, the former Deputy Premier, moved to the new ministry of Jobs, Skills, Training and Labour. **Wayne Drysdale** (Grande Prairie-Wapiti) and **Ric McIver** (Calgary-Hays) traded portfolios to become the Minister of Transportation and Minister of Infrastructure respectively. **Ken Hughes** (Calgary-West) took over Municipal Affairs, while **Diana McQueen** (Drayton Valley-Devon) became the Minister of Energy, after having served as Minister of Environment and Sustainable Resource Development. **Doug Griffiths** went from Municipal Affairs to Service Alberta, previously led by **Manmeet Bhullar** (Calgary-Greenway), who was moved to Human Services. **Frank Oberle** (Peace River) was promoted from Associate Minister of Seniors to Minister of Aboriginal Relations, which had been led by **Robin Campbell** (West Yellowhead), who became Minister of Environment and Sustainable Resource Development.

Three private Members became associate Ministers: **Dave Quest** (Strathcona-Sherwood Park) was promoted to Associate Minister of Seniors, and **Naresh Bhardwaj** (Edmonton-Ellerslie) took over the Persons with Disabilities portfolio from Mr.

Oberle. Donna Kennedy-Glans (Calgary-Varsity) was appointed to the new position of Associate Minister of Electricity and Renewable Energy.

With these new appointments Premier Redford’s cabinet now has 19 ministers, including the Premier, and 10 associate ministers.

Reports by the Ethics Commissioner

In May 2013, **Peter Sandhu** (Edmonton-Manning), resigned from the Progressive Conservative caucus following media reports on legal actions related to his personal business interests. Mr. Sandhu requested that the Ethics Commissioner investigate the matter. Three and a half months later another investigation was requested by opposition Members who raised concerns about the appropriateness of Mr. Sandhu lobbying for changes to legislation that would benefit his own home building company.

On October 16, 2013, the Commissioner released two reports relating to Mr. Sandhu’s activities. The Commissioner ruled that Mr. Sandhu’s efforts to change legislation pertaining to home building companies “created an appearance of a conflict of interest but did not amount to an improper use of his office.” Regarding the legal proceedings against Mr. Sandhu’s private business the Ethics Commissioner concluded that the Member had violated the *Conflicts of Interest Act* on six occasions by not disclosing court actions which had not reached finalized settlements. However, the report also concluded that although Mr. Sandhu had breached the Act he was relying on the advice of his lawyer at the time and that

“there was no deliberate attempt to conceal actions for some underlying reason.” Ultimately the Commissioner recommended to the Assembly that no sanction was warranted.

On December 10, 2013, it was announced that Mr. Sandhu had been welcomed back into the Progressive Conservative caucus. With this change the composition of the Legislative Assembly of Alberta now sits at 60 Progressive Conservative Members, 17 Wildrose Members, five Alberta Liberal Members, four New Democrat Members, and one independent Member.

In January 2013, the Ethics Commissioner confirmed he was conducting an investigation into allegations that Premier Redford had breached the *Conflicts of Interest Act* when she was Minister of Justice in 2010. The investigation focused on the selection of a consortium of law firms to represent the province in an estimated \$10 billion lawsuit against tobacco companies. Included in the selected consortium was the firm at which the Premier’s ex-husband is a partner. Throughout the investigation a number of people, including several senior government officials, and the Premier herself, were interviewed by the Office of the Ethics Commissioner.

The Ethics Commissioner’s investigation of the Premier, occasionally referred to as “tobacco-gate,” took approximately a year to complete. The Ethics Commissioner concluded that Ms. Redford, in her role as Minister of Justice, had taken part in the decision to hire a consortium of law firms that included the firm in which her ex-husband was a partner, to represent the province in a lawsuit against tobacco companies. He found that Ms. Redford had not improperly furthered any private interests, and that her involvement in the matter “was an entirely proper exercise of her office as Minister of Justice, and in the public interest.” The Commissioner found that the Premier had not breached the *Conflicts of Interest Act*, and no sanctions were recommended. In his report, the Commissioner used the opportunity to remind Members that his office performed both an investigative function and an advisory role and that costly, time consuming investigations would be avoided if politicians and senior officials consulted his office for guidance.

Search Committee Activity

On November 20, 2013, the all-party Select Special Chief Electoral Officer Committee

unanimously recommended to the Assembly that **Glen L. Resler** be appointed as Chief Electoral Officer of Alberta. The Committee’s recommendation was accepted by the Assembly and Mr. Resler began his new appointment on December 9, 2013.

On November 15, 2013, Alberta’s third Ethics Commissioner, **Neil R. Wilkinson**, advised the Standing Committee on Legislative Offices that he would not be seeking reappointment when his five-year term expired on November 18, 2013, but that he would remain in office for an additional six months, as permitted by legislation, during the search for his successor. On December 3, 2013, the Assembly appointed a nine-Member all-party committee for the purpose of inviting applications for the position of Ethics Commissioner and to recommend to the Assembly the applicant it considers most suitable for the position. After conducting a national advertising campaign the Committee met on February 21, 2014, to screen applications.

Jody Rempel
Committee Clerk

Notes

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