



# Legislative Reports



## Manitoba

On October 27, 2005, Lieutenant-Governor **John Harvard** delivered the NDP government's eighth Speech from the Throne, opening the Fourth Session of the Thirty-Eighth Legislature. The House sat for just over six weeks, recessing for the winter break on December 8, 2005.

### Speech from the Throne

Debate on the Throne Speech dominated the first two weeks of the sitting. The address conveyed a range of government proposals and commitments, including:

- new legislation to ensure enhanced capacity to deal with emergencies;
- a commitment to 1,000 megawatts of wind generation over the next decade;
- addressing wait lists identified in the First Ministers' Accord including joint replacement, cardiac treatment, cancer treatment, sight restoration and diagnostic imaging;
- completing the replacement of all 160 ambulances in the province's fleet in the coming year;

- introducing a comprehensive crystal meth strategy;
- strengthening Manitoba's Gang Prosecution Unit; and
- further reductions to personal income taxes in 2006.

In his amendment to the Address in Reply motion, Official Opposition Leader **Stuart Murray** identified a number of government failures, including:

- failure to acknowledge the escalating debt of the province;
- failure to present a plan to address the fact that Manitoba is the highest taxed province throughout all of Canada;
- failure to address the fact that since 1999 gangs have flourished in Manitoba;
- failure to address the doctor shortages, emergency room closures and downgraded health care services throughout rural Manitoba;
- failure to consider, within a publicly funded, single-payer health care system, the development of public-private partnerships for the delivery of health care services;
- failure to support the desperate plight of agriculture producers; and
- failure to call an independent public inquiry into the Crocus Fund scandal.

**Jon Gerrard** (Independent Liberal – River Heights) moved a sub-amendment to Mr. Murray's amendment identifying further dis-appointments with the govern-

ment. This included the government's failure:

- to commit to the principle of accountability in the delivery of public health care services in Manitoba;
- to adequately address the causes of crime; and
- to commit to a process leading to electoral reform and improved democracy in Manitoba.

Mr. Gerrard's sub-amendment was defeated on division, while Mr. Murray's amendment was defeated on a recorded vote of 18 yeas, 32 nays. On November 8, 2005 the main motion carried on division.

### Legislation

The government introduced 20 bills during this fall sitting, with nine of them completing the legislative process to receive Royal Assent. The legislation addresses a range of governance areas, including:

- Bill 8 – *The Official Time Amendment Act*, which provides that, starting in 2007 in accordance with the North American trend, daylight saving time will run from the second Sunday in March to the first Sunday in November.
- Bill 11 – *The Winter Heating Cost Control Act*, which prohibits any further increases in natural gas prices for customers of Centra Gas during the 2005-06 winter heating season, and allows the government to limit such price increases in 2006-07. The Bill also requires Manitoba Hydro to establish a stabilization and affordable energy fund. Bill 11 is currently listed at Debate on Second Reading on our Order Paper.

- Bill 18 – *The Highway Traffic Amendment Act* (Countermeasures Against Impaired Drivers and Other Offenders), which gives the same status to alcohol-related offences committed in the United States as those committed in Canada for the purposes of suspension of drivers' licences and related administrative sanctions. It also gives the same status to offences for which the offender is found guilty, but receives a discharge. The Bill also restricts certain offenders to driving only motor vehicles equipped with an ignition-interlock device after their suspensions expire.

One Bill eclipsed all others however in terms of public interest. Bill 7 – *The Architects and Engineers Scope of Practice Dispute Settlement Act* (Various Acts Amended), amended three Acts to address the scope of practice dispute between architects and professional engineers.

The amendments to *The Architects Act* included provisions that clarify the circumstances in which a professional engineer can do engineering work that would also be considered architectural work; and facilitate the joint practice of architecture and professional engineering.

The Bill also amended *The Buildings and Mobile Homes Act* to provide clear authority for amendments to the Manitoba Building Code that are required to settle the scope of practice dispute.

The amendments to *The Engineering and Geoscientific Professions Act* mirrored several of the amendments to *The Architects Act*, including provisions for a more timely and effective resolution of disputes between the two professions.

Ultimately supported by both the official opposition and the two independent Liberals, Bill 7 received Royal Assent on November 30, 2005. While MLAs debated Bill 7 extensively in the House and in com-

mittee, the level of input from the public on this Bill was most noteworthy. During seven meetings of the Standing Committee on Social & Economic Development, MLAs heard 183 presentations on the Bill and received 17 written submissions.

### Rule Changes

On December 7, 2005 the Standing Committee on the Rules of the House met to discuss a number of proposed amendments to our Rules. The Committee adopted the package after some debate, and later in the same sitting day the House received the Committee's report, concurring in it immediately. The rules amendments included:

- changes to the Membership arrangements for the Public Accounts Committee (PAC);
- increasing the number of annual mandated PAC meetings from four to "six to eight";
- provisions for calling Ministers and deputy ministers as witnesses before the PAC; and
- changes to the order of items in Routine Proceedings, moving up "Introduction of Bills" as the first item in the routine.

### Standing Committee on Public Accounts

The Manitoba Public Accounts Committee met on four occasions in November and December of 2005 to consider a great volume of outstanding reports. At the first meeting the Committee passed 10 reports, clearing up some of the backlog. At the subsequent meetings the PAC considered Auditor General's reports on the Crocus Fund and an Adult Learning Centre. In addition to debate on the content of the reports, these meetings also heard extended debate over the interpretation of the new provisions in our rules for calling Ministers and

deputy ministers as witnesses before the PAC.

### PC Leadership Contest

After five years as Leader of the Official Opposition, Mr. Murray recently announced his intention to resign as leader of the Progressive Conservative party. On November 5, 2005, delegates to the party's annual convention voted on the resolution "Do you want a leadership convention". While 55% of members defeated the resolution, Mr. Murray still requested a leadership convention be held. On November 14, Mr. Murray announced that he would not enter the leadership race and would step down once the party chose a new leader. The Party set the leadership convention for April 29, 2006 in Winnipeg, with a provision for a second vote, if necessary, on May 13, 2006.

### By-Election

In late September 2005, **John Loewen** (PC – Fort Whyte) resigned his seat in the provincial Legislature and announced his intention to seek the Liberal party nomination in the federal riding of Charleswood – St. James – Assiniboia. In the subsequent provincial by-election in the Fort Whyte riding held on December 13, 2005, **Hugh McFayden** returned the seat for the Progressive Conservative party.

The current standings in the Manitoba House are: NDP 35, Progressive Conservative 20, Independent Liberals 2. Barring an early emergency sitting, the House is set to resume for the spring sitting on March 6, 2006.

**Rick Yarish**

Clerk Assistant /  
Clerk of Committees



## Alberta

The Fall Sitting of the First Session of the 26th Legislature adjourned on December 1, 2005 after 11 sitting days. By the conclusion of the sitting, 18 Government Bills and one Private Bill were passed by the Assembly. During the Fall Sitting, the Assembly also approved supplementary estimates totalling \$1,770,397,000 for 13 departments.

### Government Bills

Notable Bills passed during the Fall Sitting include:

- Bill 43, *Alberta Resource Rebate Statutes Amendment Act, 2005*, introduced by **Shirley McClellan**, Minister of Finance, allows the Government to provide Albertans with a \$400 per person resource rebate.
- Bill 46, *Criminal Notoriety Act*, introduced by **Mary-Anne Jablonski** (PC, Red Deer-North), prohibits criminals from any financial gain they may receive by recounting their crimes through books, movies, television or the Internet.
- Bill 50, *Workers' Compensation Amendment Act, 2005 (No. 2)*, introduced by **Richard Magnus** (PC, Calgary-North Hill), provides workers' compensation benefits to firefighters who suffer a myocardial infarction within 24 hours of responding to an emergency.
- Bill 54, *Alberta Centennial Education Savings Plan Amendment Act, 2005*, introduced by **David Hancock**, Minister of Advanced Education, amends the Act by

extending the \$100 Registered Education Savings Plans grant payable to children at ages 8, 11 and 14 who were born in Alberta in 2005 and beyond, to now include all Alberta children turning 8, 11 and 14 years of age.

### Private Bills

One Private Bill was passed during the Fall Sitting. Bill Pr4, *Brooklyn Hannah George Rewega Right of Civil Action Act*, allows this child to commence an action against her mother for injuries sustained in a traffic accident that occurred prior to birth. The daughter is alleged to have suffered brain damage and blindness as a result of a single vehicle accident that occurred when her mother was pregnant. The Bill allows the father, on behalf of the child, to bring a civil action against the mother for damages arising from the accident.

In the Spring, the Standing Committee on Private Bills deferred its consideration of Bill Pr4 until the Fall in order to allow the Government time to consider whether it would introduce similar legislation to deal with this matter. During the Fall Sitting, the Government introduced Bill 45, *Maternal Tort Liability Act*, which provides a narrow exception to the current common law by allowing the right of compensation for a child who sustains prenatal injuries as a result of the negligent driving of his or her mother. The Bill also contains provisions to protect mothers by prohibiting claims against them beyond the limits of their insurance policies. Bill 45, however, was not retroactive and therefore would not allow Brooklyn to proceed with her claim. As a result, the Committee recommended Bill Pr4 proceed with amendments based on the limitations outlined in the Government Bill. The Bills received considerable

media attention as they are both legislative precedents in Canada.

### Privilege

On May 17, 2005, the last regular sitting day of the Spring Session, **Laurie Blakeman**, Official Opposition House Leader, gave notice that she would be raising a question of privilege on the next regular sitting day regarding an alleged altercation that took place in the Members' lounge behind the Chamber between a member of her caucus, **Rick Miller** (Lib, Edmonton-Rutherford), and a member of the Government caucus, **Tony Abbott** (PC, Drayton Valley-Calmar). The incident arose over comments made by Mr. Miller during the routine item Members' Statements. In his statement, Mr. Miller expressed concern that certain comments made by a Member of the Legislative Assembly would discourage women from entering politics. After making the statement and leaving the Chamber, Mr. Miller was confronted by Rev. Abbott giving rise to the purported question of privilege. While Mr. Miller did not name any Member in his statement, it was implied that his remarks were based on comments Rev. Abbott made to the media concerning **Belinda Stronach**.

On the first sitting day of the Fall Session, Rev. Abbott offered an apology to the Assembly. Ms Blakeman then indicated that in accordance with Mr. Miller's instructions, she would not be proceeding with the purported question of privilege.

On November 15, 2005, both Ms Blakeman, and **Brian Mason**, Leader of the New Democratic Caucus, raised purported questions of privilege regarding the premature release of reports from the Auditor General and the Ethics Commissioner to members of the media. The

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three reports in question were as follows:

- *Report of the Auditor General on the Alberta Securities Commission's Enforcement System* dated October 2005
- *Report of the Auditor General on Alberta Social Housing Corporation Land Sales System* dated October 2005
- Allegations involving the Minister of Environment and Member for Fort McMurray-Wood Buffalo, October 2005, Ethics Commissioner of Alberta

The Members alleged the unauthorized release of this information prior to it being made available to all Members breached the dignity and authority of the Assembly and therefore constituted a contempt of the Legislature. They also referred to statutory provisions which require that the reports be distributed to Members prior to them being made available to the public. While neither Member could identify the source of the leak with regards to the Auditor General's reports, the Leader of the New Democratic Caucus stated that it was the Minister of Environment who had disclosed the contents of the Ethics Commissioner's report to the media prior to its release to the public.

**Ron Stevens**, Minister of Justice and Deputy Government House Leader, responded to the allegations. He commented that the Auditor General was seeking the source of the premature release of the reports and until the source was found there was no point in raising a question of privilege/contempt.

The following day, the Speaker heard from the Minister of Environment who explained that he was unaware of anything that prohibited him from disclosing the contents of the Ethics Commissioner's report, particularly since he had requested

the investigation. The Minister stated that given these circumstances and that the result of the investigation indicated no wrongdoing on his part, he assumed he was free to comment on the report on a radio program prior to its distribution to other Members and the public. Under legislation and practice, the Commissioner provides an advance copy of the report to the Member against whom an allegation is made, prior to its being released.

On November 17, 2005, the Speaker ruled on the questions of privilege. He indicated that due to the lack of statutory and parliamentary authorities concerning premature release of reports prepared by Officers of the Legislature, he could not find a prima facie case of privilege. The Chair explained that while the premature release of the reports is a very serious matter and may be considered contemptuous behaviour, the legislation itself does not indicate how leaked reports should be dealt with. Even though it was clear in the case of the Auditor General's reports that they had been released prematurely, it was unclear who was responsible for the release. Therefore, to find a case of contempt could cast doubt on those who in fact did have a right to receive copies of the report, which was something the Chair was not prepared to do.

#### Other Events

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A Select Special Chief Electoral Officer Search Committee was struck on November 28, 2005, following the retirement of **O. Brian Fjeldheim** as CEO earlier that month.

While 2005 marked the Centennial of the Province of Alberta entering Confederation, March 15, 2006 marks 100th anniversary of the first meeting of the Assembly. Several projects commemorating the Cen-

tennial created under the theme of education and outreach are underway. They include the following:

- four centennial series books written about Alberta's Lieutenant-Governors, Premiers, Speakers and provincial elections as well as a Legislature Building coffee table book;
- a series of plaques retracing the history of the first 25 Legislatures as well as the history of the province prior to 1905;
- a dinner, to be held on March 15, 2006, for current and former MLAs and their families;
- banners recognizing the Premiers and Speakers of the Legislative Assembly to be placed on the Legislature grounds;
- a commemorative medallion for each Legislature to be given to Members and former Members for each term served as an MLA since 1905;
- an interactive and educational virtual tour of the Legislature, available via the Internet, developed in partnership with Alberta Education.

Speaker **Ken Kowalski** hosted a ceremony recognizing the Muslim Festival of Eid-ul-Adha in the Rotunda of the Alberta Legislature Building on January 26, 2006. Eid-ul-Adha, the second of the two major Muslim holidays, means "Festival of Sacrifice" and is celebrated by all Muslims worldwide.

The third annual Mr. Speaker's MLA for a Day is scheduled to take place on April 24 and 25, 2006. Up to 83 students from across Alberta are expected to participate in this program which is designed to give Alberta high school students the chance to find out what it really means to be an MLA. Through conversations with MLAs and participation in a two-day program, students find out how MLAs act as lawmakers and community repre-

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sentatives. The Legislative Assembly is proud to be in partnership with the Royal Canadian Legion, Alberta NWT Command, which sponsors and assists with the program.

### Spring Sitting

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The Spring Sitting of the Second Session of the 26th Legislature commenced February 22, 2006, with the Speech from the Throne by **Norman Kwong**, Lieutenant Governor of the Province of Alberta.

**Micheline S. Orydzuk**  
Clerk of Journals/Table Research



### Senate

With the near certainty of a federal election campaign on the horizon, the Senate had to work expeditiously to clear its legislative agenda before the dissolution of the 38th Parliament. Of the bills that were dealt with by the Senate during the month of November, none were considered controversial and all twenty were expected to pass quickly and easily. Therefore, it was not anticipated that a short and simple private member's bill would attract any interest as it made its way through the Senate but the progress of Bill C-259 was not routine and ultimately its passage was significant.

Bill C-259, an amendment to the *Excise Tax Act*, sought to eliminate the excise tax on jewellery and specifically, provided a tax reduction for most kinds of clocks. Second

reading debate had already progressed over four days when Government Leader **Jack Austin** raised a point of order on November 23. He maintained the bill was essentially the same as Bill C-43, a budget implementation bill which also amended the *Excise Tax Act*, including a reduction in tax to clocks, and had been passed by the Senate before the summer adjournment. The Senator believed that any further deliberation of Bill C-259 would be in violation of the Senate rule which prohibits the consideration of the same subject matter in the same session. For this reason, the Senator argued that debate on Bill C-259 should not be allowed to continue since the Senate had already made the decision to eliminate the excise tax on jewellery when it passed C-43 in June.

Other senators contributed to the debate before the Speaker *pro tempore* ruled later the same day. She agreed that both bills dealt in general terms with the same subject matter but the deciding factor, in her opinion, was the rate of tax reduction. Bill C-259 amended the application of the excise tax on clocks at an accelerated rate in comparison to the phased-in proposal enacted through Bill C-43. Consequently, the Speaker *pro tempore* determined that the bills were sufficiently different and debate was allowed to continue.

Bill C-259 was then the focus of an unusual motion which forced the Senate to complete the final stages of the bill on November 25. The Deputy Leader of the Opposition, Senator **Terry Stratton**, introduced a motion to limit debate on the bill and to set a time for its final disposition. In effect, the motion enacted a special order since the *Rules of the Senate* only permit time allocation motions on government business. Although highly unusual, it was not

without precedent. In April 2004, a senator succeeded in moving a similar motion to end debate on another private member's bill.

The passage of Bill C-259 was noteworthy for another reason. It amended a tax measure which had already been adopted as Bill C-43. With enactment of Bill C-259, it became one of the rare private members' bills to ever amend a government tax.

Other public bills that received Royal Assent were Bill C-331 which provided for redress and restitution to persons of Ukrainian descent and other Europeans who suffered injustice during the First World War and Bill S-3, the first amendment of the *Official Languages Act* since 1988. The bill gave French-speaking minorities outside Quebec and the English minority in Quebec the right to take the federal government to court if their interests are not taken into account. Altogether, 16 bills were given Royal Assent by written declaration in two separate ceremonies held on November 24 and November 25.

### Committees

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The Energy, the Environment and Natural Resources Committee reported on the fact-finding mission it took to Paris and Vienna in September 2005. The committee updated information on international nuclear reactor safety and other global issues related to the environment and energy supply and demand in its Eleventh Report, tabled in the Senate on November 22. Later that month, on November 24, the Thirteenth Report of the committee was tabled as well. Another in a series of studies on issues related to the committee's mandate, this interim report investigated threats to Canada's water in the west.

On November 22, the Rules, Procedures and the Rights of Parlia-

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ment tabled a report on the participation of Senators by telephone or videoconference during committee meetings. Since the *Rules* of the Senate do not permit Senators to be involved in the Senate in this way, it was the committee's conclusion that the same rule applied to committee proceedings. Its Seventh Report noted, therefore, that no changes to the Rules of the Senate were required at this time.

The Sixteenth Report of the Social Affairs, Science and Technology Committee entitled "A Proposal to Establish a Canadian Mental Health Commission", is part of the final report on mental health, mental illness and addiction in Canada which will be tabled as soon as possible in the new Parliament. The factors that led the Committee to recommend the creation of a Canadian Mental Health Commission are contained in this interim report which was tabled in the Senate on November 24.

The Senate adopted the Second Report of the Library of Parliament Joint Committee and approved the appointment of **William Robert Young** to the office of Parliamentary Librarian on November 24.

### Question of Privilege

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Senator **Mira Spivak** rose on a question of privilege on November 22 to complain about the answers she had received to a series of written questions regarding the boundaries of Gatineau Park. According to the senator, the answers were contradictory to answers provided by the National Capital Commission elsewhere. As a result, the government's failure to provide complete and accurate answers breached her privileges since she was deprived of the information she needed to do her job properly. Speaker **Dan Hays** ruled the following day. In his ruling he suggested other ways to ask

for clarification about the information from the National Capital Commission and concluded he was unable to support the contention that a *prima facie* question of privilege had been established.

### Motion

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The Senate extended best wishes to the members of the Canadian Forces and offered praise in particular to those serving in Afghanistan in a motion passed on November 24.

### Other

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For the first time since the *Conflict of Interest Code* for Senators was adopted on May 18, 2005, a senator declared a conflict of interest with regard to a bill under discussion. On November 25, Senator **Serge Joyal** advised the Senate of a private interest in Bill C-57, an amendment to certain acts in relation to financial institutions. His action was in compliance with section 14(1) of the *Code* which sets out acceptable standards of conduct for all Members of the Senate.

Mary Mussell  
Journals Branch



## Newfoundland and Labrador

The House resumed sitting on November 21, 2005. Compared to the Spring sitting the Fall sitting was relatively uneventful. The House passed 33 Bills including ten relating to a number of health care

professional groups modernizing their statutes particularly in relation to governance and disciplinary procedures; *An Act Respecting Protection Against Family Violence* expediting and simplifying victims' access to emergency protection; and *An Act To Amend The Electoral Boundaries Act* providing that a commission carry out its duties and report during the 2006 calendar year.

In the Fall sitting the House confirmed by Resolution the appointment of **Darlene Neville**, as Child and Youth Advocate. Ms. Neville succeeds **Lloyd Wicks** who resigned on March 31st, 2005.

The House also removed from office by Resolution the Citizen's Representative. The Citizen's Representative and Child and Youth Advocate are among five external officials who are officers of the House.

On December 6th the Opposition House Leader **Kelvin Parsons**, raised a point of privilege concerning the presence of Speaker **Harvey Hodder**, and the Deputy Chair of Committees **Sheila Osborne**, at the nomination meeting of the federal candidate for St. John's South - Mount Pearl. A picture of the nominating group had appeared in the local paper. The Speaker ruled that there was no *prima facie* case of breach of privilege but acknowledged that he had made an error in judgment in taking part in the event and apologized to the House.

The Member for Placentia and St. Mary's, **Fabian Manning**, resigned his seat on December 13th to run in the January 23rd Federal election in which he was successful succeeding **John Efford** in the riding of Avalon. Mr. Manning was first elected to the House of Assembly in 1993 and was elected again in 1999 and 2003. A by-election has been called for Feb-

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ruary 21st for the District of Placentia and St. Mary's.

**Gerry Reid**, (Twillingate and Fogo) announced on January 30th that he would not be seeking the leadership of the Liberal party in the Province. Mr. Reid has been interim leader since the resignation of **Roger Grimes** as leader on June 1st 2005. The House is expected to reconvene in mid-March.

**Elizabeth Murphy**  
Clerk Assistant



## New Brunswick

The Third Session of the Fifty-fifth Legislature opened on Tuesday, December 6, 2005, with the Lieutenant-Governor, **Herménégilde Chiasson**, delivering the Speech from the Throne. The Throne Speech laid out government's blueprint for building on achievements in education, health care, economic growth, environmental protection and strengthening democracy. Highlights included the introduction of a quality pre-kindergarten school readiness program, legislation to modernize governance of the Community College network, strengthening the forestry sector, developing strategies for safe, secure and reliable drinking water, and improving the relationships with aboriginal communities.

Official Opposition Leader **Shawn Graham** claimed that the Speech failed to set out an ambitious vision for the province. As such, Mr. Graham moved an

amendment to the Throne Speech which included initiatives for quantifiable wood supply targets, the protection of rural schools, the development of alternative energy production, and the reduction of waiting times for surgery and other critical medical services. Due to an equality of votes in the House, Speaker **Bev Harrison** cast his deciding vote in the negative on the amendment and in the affirmative on the motion for an Address in Reply to the Throne Speech.

On December 15 the Assembly unanimously adopted a resolution officially recognizing the year 2006 as the Year of the War Bride in celebration of the 60th anniversary of the arrival of the majority of war brides into Canada via Pier 21 in Halifax. The resolution was moved by **Thomas J. Burke** (Lib. Fredericton North,) who was the grandson of a war bride.

On December 20 the Minister of Finance, **Jeannot Volpé**, introduced the 2006-2007 Capital Budget. The Minister announced the largest capital investment in the education system in almost 20 years. The gross capital budget of \$436.7 million, an increase of \$26.1 million from the 2005-06 revised budget included a \$58 million capital investment in education for the construction of new schools as well as the repair and rehabilitation of existing schools; a \$90.8 million capital investment in health care for diagnostic and medical equipment as well as new construction of hospital facilities; a \$16.7 million capital investment in municipal infrastructure including funding to ensure safe drinking water and more effective waste management systems; a \$235.8 million capital investment allocated for roads and highways; and a \$20.5 million capital investment to repair and

upgrade public buildings and other public infrastructure.

On December 22 the Standing Committee on Law Amendments, chaired by **Jody Carr** (PC, Oromocto-Gagetown), tabled its report with respect to Bill 77, *Pay Equity Act*, which was introduced in the House during the First Session of the Fifty-fifth Legislature and subsequently referred to the Committee. Public hearings on the Bill occurred in 2004. The Bill requires that employers take proactive measures to achieve pay equity between men and women in the work place. In the report the Committee recommended that Bill 77 should not proceed. In addition, the Committee recommended that the government release an annual status report on its progress towards reducing the wage gap, and that the government consider enacting proactive legislation designed to reduce the wage gap and promote pay equity should voluntary measures only result in limited progress.

On December 23 the Assembly adopted the recommendations of the Standing Committee on Procedure, chaired by the Minister of Justice, **Brad Green**, that amendments be made to the Standing Rules, including changes to the sitting hours on Friday; sixty second time limits on the length of speeches during Introduction of Guests and Congratulatory Messages; a new rule to address lengthy Statements by Ministers and replies thereto; the creation of two new Standing Committees, the Standing Committee on Health Care and the Standing Committee on Education, and a new Standing Committee on Legislative Officers to replace the Standing Committee on the Ombudsman; and a new rule to provide for appeals of decisions of Chairs of Standing and Select Committees.

Among the noteworthy pieces of government legislation passed by the House were the following:

- Bill 3, *An Act to Amend the New Brunswick Income Tax Act*, introduced by the Minister of Finance to provide a cash rebate to families who heat their homes with oil and have a total annual income of less than \$45,000.
- Bill 7, *Energy Efficiency and Conservation Agency of New Brunswick Act*, introduced by the Minister of Energy, **Bruce Fitch**, to establish the new Energy Efficiency and Conservation Agency of New Brunswick. The Agency's aim is to help consumers lower energy bills and better deal with energy price impacts through conservation and financial incentives. Former NDP Leader and MLA **Elizabeth Weir** was named President and CEO of the Agency.
- Bill 27, *Pipeline Act, 2005*, introduced by the Minister of Energy to consolidate, update, and expand existing pipeline legislation, providing a clear and modern regulatory environment for the construction and operation of pipelines in the province of New Brunswick.
- In addition, Bill 6, *Franchises Act*, was introduced by the Minister of Justice and referred to the Standing Committee on Law Amendments for consideration. The Bill is designed to ensure a fair relationship between small business people in New Brunswick and franchise owners. The Bill is based on a model Act that was adopted and recommended by the Uniform Law Conference of Canada.

For the second consecutive year the Assembly adopted a sessional calendar setting out the sitting days of the House for the balance of the Third Session. The resolution was supported by the Official Opposition. In accordance with the calendar, the House, which will resume sitting March 28, will continue to sit for three-week periods followed by

one-week adjournments until June 9.

Since the adjournment of the House on December 23, Committees have maintained an active schedule with the Standing Committee on Public Accounts and the Standing Committee on Crown Corporations being the most active in their review of the annual reports and public accounts of various government departments, agencies, and Crown corporations.

On January 13, 2006, **Frank Branch** (Nepisiguit), New Brunswick's longest serving MLA, announced his intention to sit as an independent Member and to resign as Chair of the Standing Committee on Public Accounts. Accordingly, the standings in the House are 28 Progressive Conservatives; 26 Liberals; and 1 Independent.

#### Shayne Davies

Clerk Assistant - Committee Clerk



On Wednesday December 14, 2005, the Government House Leader moved a motion to adjourn the Assembly proceedings until March 14, 2006. The following day, December 15, at the request of Premier **Jean Charest**, the National Assembly was convened to hold an extraordinary sitting as a matter of urgency beginning at 9.00 o'clock a.m., in order to introduce, pass through all stages and give final passage to Bill 142, *An Act respecting conditions of employment in the public sector*, whose purpose is to ensure the continuity of public services and provide for the conditions of employment of employees of public sector bodies, and to complete the

consideration of and pass Bill 124, *Educational Childcare Act*, which is designed to enhance the quality of the educational childcare services provided to children, from birth until their admission to preschool education, by childcare centre and day care centre permit holders and by recognized home childcare providers, as well as to foster the harmonious development of childcare services, taking into account the needs of parents, particularly their need to reconcile their parental and professional responsibilities.

At the adjournment of proceedings, on December 15, 2005, the Members of the Québec National Assembly had passed 20 public bills and 9 private bills since the resumption of proceedings last October 18.

#### Appointment and By-elections

The Member for Marguerite-D'Youville, **Pierre Moreau**, was named Deputy Government House Leader, in replacement of **Michèle Lamquin-Éthier**, the Member for Crémazie, from October 29 to December 21, 2005. Mrs. Lamquin-Éthier resumed her duties last 22 December.

By-elections were held last December 12 in two electoral divisions following the resignation of **Yves Séguin** in Outremont and of **Bernard Landry** in Verchères. The candidates proclaimed elected were **Raymond Bachand**, representing the Québec Liberal Party in Outremont, and **Stéphane Bergeron**, representing the Parti Québécois in Verchères. The composition of the Assembly now stands as follows: Québec Liberal Party, 73 Members; Parti Québécois, 45 Members; independent, six Members, five of whom are with the Action démocratique du Québec; and one vacant seat.



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## Interparliamentary Relations

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**Éric R. Mercier**, the Member for Charlesbourg and Chairman of the Committee on Democracy and Peace of the Parliamentary Confederation of the Americas (COPA), headed a delegation of parliamentarians of this organization to observe the unfolding of the presidential and legislative elections in Bolivia on December 18, 2005. In addition to Mr. Mercier, the delegation was composed of two Brazilian Members and a Mexican Member. Mr. Mercier was also aided by **Francine Barry**, assistant to the Chief Electoral Officer of Québec. This is the first election observation mission organized by the COPA since this organization adopted a regulatory framework regarding the organization of such missions at its general assembly held in Foz do Iguaçu, in May 2005.

At the initiative of Québec parliamentarians **William Cusano**, Vice-chair of the ERC and Member for Viau, and **Norman MacMillan**, Member for Papineau, the executive committee of the Eastern Regional Conference (ERC) of the Council of State Governments (CSG) voted unanimously, last October 22, a resolution asking the American Government to postpone the enforcement of the Western Hemisphere Travel Initiative (WHTI). This American law, whose first provisions will come into effect in January 2007, will require that American and Canadian travellers hold a passport to cross the Canada-United States border.

On October 17 and 18, 2005, the Member for Rosemont and Chairman of the Committee on Public Administration, **Rita Dionne-Marsolais**, co-chaired in Ottawa the 25th Conference of the Canadian Comprehensive Auditing Foundation, which examined the best practices, both in Canada and

internationally. She made the opening remarks of the conference's parliamentary reform theme. The Member also wrote an article for the conference's anniversary journal entitled *Québec in a Time of Change in Governance*, which focusses on extended auditing, accountability that has evolved, as well as the challenges presented by public-private partnerships and the information highway.

## Youth Parliament and Student Parliament

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From December 26 to 30, 2005, approximately one hundred students, aged 18 to 25 years, came to the Québec Parliament Building to conduct a simulation of the proceedings of the National Assembly during the holding of the 56th legislature of the Québec Youth Parliament. In the course of this simulation, students take the seats of the Members, express their opinions, prepare the speeches they will give in the House, defend their points of view, and are called upon to vote for or against bills. Hence, for a very brief legislature, the participants of the Youth Parliament learn the inner workings of Québec democracy.

The Student Parliament, under the responsibility of the *Assemblée parlementaire des étudiants du Québec*, aims to make known the National Assembly and its legislative procedure. Much the same as the Youth Parliament, this Parliament, which faithfully reproduces the proceedings of the Québec Parliament, is organized and carried out by university students aged 25 years and under. This year, the students met at the National Assembly from January 2 to 6, 2006, for the holding of the 20th edition of their simulation of parliamentary proceedings.

## Training and development

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On October 21, **Michel Bonsaint** gave a training course on parliamentary law and procedure to 25 Government-employed lawyers from the Montréal region, as he had given last May for Government-employed lawyers from the Québec City region.

On October 24, within the context of continuing professional development in parliamentary procedure, the personnel of the parliamentary affairs sector attended presentations prepared by colleagues on the effects of the prorogation of a session on the activities of their respective units. Also on this session's agenda were two presentations: the first, to make better known the services provided to Members by the pages, and the second, to explain the work organization and the various duties carried out by the employees of the *Service de la séance* at the French National Assembly.

On October 28 and 31, as well as on November 11 and 14, the administrators and professionals of the Assembly were invited to attend development sessions on parliamentary procedure, the organization and proceedings of the Assembly and of its committees. The same programme will be offered to public servants in the near future.

## Other News

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On November 24, 2005, **Michel Bissonnet** and **Diane Leblanc**, respectively President and Vice-President of the National Assembly, officially launched an ambitious project on democracy education, *Parliaments in high schools*.

The Jean-Charles-Bonenfant Foundation, a non-partisan organization dedicated to the dissemination of knowledge on parliamentary institutions, plans to establish in high schools actual parliaments that

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will have as a reference the *Standing Orders of the Québec National Assembly*. These parliaments, based on the student councils defined in the *Education Act* and which already exist in high schools, will comprise of a premier, ministers and members, all elected. The Foundation wishes to establish this project in 250 high schools within the next 5 years. There are currently five Québec high schools experimenting the project. The project is mainly supported by the *Ministère de l'Éducation, du Loisir et du Sport*, the *Fédération des commissions scolaires du Québec* and the *Chief Electoral Officer of Québec*.

**Sylvia Ford**

Secretariat of the Assembly

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## Committees

The Select Committee on the *Election Act* of the Québec National Assembly, composed of Members and citizens, officially launched its proceedings on Tuesday, November 1, 2005, at the Parliament Building.

The terms of reference of the Select Committee, which was created on June 15, 2005, are to examine various matters in relation to the election procedure, the holding of elections, and measures to promote the participation of the regions, women, youth and ethnocultural minorities. From November 1 to 11, 2005, the Committee heard the Chief Electoral Officer of Québec, representatives from political parties recognized under the *Election Act* as well as university experts.

The citizens' committee, comprising of four women and four men who take part in the Select Committee's public meetings, was selected by means of a random draw carried out by a specialty firm out of some 2300 candidates.

For the purpose of adequately informing the population of this im-

portant democratic exercise, the Select Committee distributed a bilingual reflection document, which is also available on the Assembly's Internet site, in 3,340,000 Québec households.

Beginning in January 2006, the Select Committee will hold general consultations in 16 cities throughout Québec, namely: Bécancour, Gaspé, Gatineau, Joliette, Laval, Lévis, Longueuil, Montréal, Québec, Rimouski, Saguenay, Saint-Jean sur-Richelieu, Sept-Îles, Sherbrooke, Sorel-Tracy and Val-d'Or.

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## Accountability of Deputy Ministers and Chief Executive Officers of Public Bodies

In December 2005, the Committee on Public Administration tabled in the Québec National Assembly its fifteenth *Report on the accountability of deputy ministers and chief executive officers of public bodies*, which contains observations, conclusions and recommendations. This exercise in the parliamentary control of the administrative management of ministries and public agencies arises from the *Public Administration Act*.

Last autumn, the Committee examined the annual management reports of several ministries and public agencies of the Québec State. The Committee report mainly accounts for the public hearings on the examination of the basic prescription drug insurance plan, the 2004-2005 annual management report of the *Ministère de la Sécurité publique* as well as the 2003-2004 and 2004-2005 annual management reports of the *Sûreté du Québec*.

In addition, the Committee released the results of the examination of the annual management reports of the *Ministère de l'Agriculture, des Pêcheries et de l'Alimentation* for 2003-2004, of the *Ministère de la Justice* for 2003-2004,

of the *Régie du bâtiment du Québec* for 2004-2005, of the *Régie du logement* for 2004-2005 and of the *Société des traversiers du Québec* for 2003-2004.

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## Diversity of Cultural Expressions

Last November, the Committee on Culture tabled in the National Assembly the final report on the order of initiative concerning the diversity of cultural expressions, which contains observations, conclusions and recommendations.

This order of initiative, which was entered upon in April 2005, included special consultations with organizations and experts on the matter as well as several deliberative meetings, including one held with **Line Beauchamp**, Minister of Culture and Communications.

The Committee report meets the requirements of section 22.4 of the Act respecting the *Ministère des relations internationales*, which states that important international commitments must be approved by the National Assembly.

Hence, on November 10, 2005, the Assembly gave effect to the main recommendation of the document, namely the approval of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions that was adopted during UNESCO's 33rd General Conference, by a unanimous vote taken in the House following a two-hour debate on the question. The National Assembly thus became the first parliament in the world to approve this new international agreement.

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## Equality Between Women and Men

After having been instructed by the National Assembly to hold a general consultation and public hearings on a document prepared by the *Conseil du statut de la femme* entitled "For a New Social Contract of

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Equality Between Women and Men" in November 2004, the Committee on Social Affairs tabled in December 2005 its report containing observations and also tabled conclusions and recommendations, which rarely occurs with an order of the Assembly.

This document, which was requested by **Michelle Courchesne**, Minister responsible for the administration of the Act respecting the *Conseil du statut de la femme and responsible for the Secrétariat à la condition féminine*, aims to renew the Government policy on the status of women.

Within the framework of its proceedings, the Committee received 107 briefs and 23 opinions on-line from individuals and groups concerned with the issue. Of this number, the parliamentarians heard 75 individuals and groups in the course of 14 sittings.

In the conclusions and recommendations contained in the report, the Committee members clearly indicate their desire that the future policy underline the problems faced by women who are doubly discriminated against or who are victims of multiple discriminations and that it put forth solutions in this regard.

### Highway Safety

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The Committee on Transportation and the Environment recently took the initiative to examine highway safety in Québec. It wishes to take a closer look at four specific themes, namely the use of cellular phones when driving, excessive speed, motorcyclists as well as winter driving conditions. Within this framework, the Committee will hear groups and experts during special consultations held this winter. Also, it will invite citizens to take part in an on-line consultation, on its Internet site, by answering an electronic survey composed of 10 questions cov-

ering the subjects discussed during its proceedings.

To learn more about the proceedings of the parliamentary committees and to consult the documents mentioned in this article, please visit the Internet site of the Québec National Assembly at the following address: [www.assnat.qc.ca](http://www.assnat.qc.ca).

**Martin Cardinal**

Secretariat of committees

Translation: **Sylvia Ford**  
Secretariat of the Assembly



## Prince Edward Island

In late November 2005, the province held a plebiscite on a form of mixed member proportional representation. The question presented to electors was: "Should Prince Edward Island change to the Mixed Member Proportional System as presented by the Commission on Prince Edward Island's Electoral Future?" A total of 20,515 voters (or 63.58%) answered the question in the negative; only 36.42% or 11,650 cast their ballots in favour of change from the first-past-the-post system.

Because no enumeration of electors was conducted, and no official list of electors prepared, no official count of electors is available for the plebiscite. An approximate idea of voter turnout can be calculated using the 2003 provincial general election figure of 97,180 eligible electors, which translates to a low turnout of approximately 33%. In comparison, in the last provincial general election, 83.27% of eligible voters cast their vote; and during the 1988 plebiscite on a fixed cross-

ing to New Brunswick a total of 65% of Islanders voted.

In a year-end interview with a Charlottetown newspaper, Premier **Pat Binns** indicated an electoral reform process may continue after the next provincial election. The Premier noted that Islanders need time to reflect on the results of the November 28 plebiscite and reconsider the most appropriate voting system for the province.

### Auditor General Under Fire for Releasing Document

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The chairman of the Standing Committee on Public Accounts, **Ron MacKinley** (North River-Rice Point), came to the public defense of the province's auditor general in February 2006. At issue was the fact that the auditor general, **Colin Younker**, CA, had provided a copy of an executive council memo, dated July 2003 and concerning Polar Foods International Inc., to the Standing Committee on Public Accounts, at the request of the Committee. The Premier's chief of staff raised concerns in the media as to the propriety of the conduct of the auditor general. Mr. MacKinley stated that he felt compelled to respond and said, "Once the committee has determined that the auditor general is in possession of a document—be it an executive council document or some other document received by the auditor in the conduct of his official responsibilities pursuant to the *Audit Act*—and the committee orders the production of the document, the auditor general recognizes that he has no option other than to present the document to the committee."

### Significant Legislation

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Several significant pieces of legislation received Royal Assent at the conclusion of the fall 2005 sitting of the Legislative Assembly:

- *An Act to Amend the Tobacco Sales and Access Act* (Bill No. 8) adds pharmacies and retail stores of a certain type to the list of designated places in which the sale of tobacco is prohibited. The Act also effects amendments in respect of the display of tobacco, and the advertisement of the sale or use of tobacco, in places or premises in which tobacco is sold or offered for sale at retail. The change will eliminate the so-called "power walls" of tobacco product displays by June of 2006.
- *An Act to Amend the Freedom of Information and Protection of Privacy Act* (Bill No. 10) adds new provisions to the Act which outline the role of an adjudicator and the process to be followed where the Commissioner is in a conflict of interest position. The Act also reflects the inclusion of the province's school boards as public bodies under the Act. A final provision requires another view of the Act in three years' time.
- *An Act to Amend the Farm Registration and Farm Organizations Funding Act* (Bill No. 11) provides that an approved farm organization must inform the Registrar before June 7 of each year of all requests for refunds made by farm businesses for the year, and provides that where a refund of a registration fee has been requested by a farm business, the Registrar shall cancel the registration of the business.
- *An Act to Amend the Marriage Act* (Bill No. 12), among other provisions, gives parties some options with respect as to how they will be referred to during the required declarations and statements of a civil marriage ceremony—specifically, the alternative of "spouse" has been added to the list of "husband" and "wife."

### Significant Debates

On December 2, 2005, there was a memorable ceremony in the Legislative Chamber, prior to debate on a motion honouring veterans of the Island's Mi'kmaq community.

Speaker **Greg Deighan**, with the unanimous consent of the House, invited **Keptin John Joe Sark** of the Mi'kmaq Grand Council and Chief **Darlene Bernard** of Lennox Island First Nation to the floor of the Legislative Assembly to present an eagle feather to the Premier **Pat Binns**; the Leader of the Opposition, **Robert Ghiz**; the Minister of Education and Attorney General, **Mildred Dover**, as Minister Responsible for Aboriginal Affairs; and **Wilfred Arsenault** (Evangeline-Miscouche). The motion, which urged the Assembly and all Islanders remember and honour the significant wartime participation and sacrifices of the Prince Edward Island Mi'kmaq community carried unanimously.

On December 13, 2005, a Special Committee on Prince Edward Island's Electoral Boundaries was established by motion of the Legislative Assembly. The Special Committee was charged with receiving opinion on the final report of the PEI Electoral Boundaries Commission; and was to be comprised of six members, two to be named by the Leader of the Opposition, and four to be named by the Premier. The Leader of the Opposition, **Robert Ghiz**, has stated publicly that no Liberal members will sit on the committee and, further, that politicians should not be interfering with the work of the independent commission. To date, Mr. Ghiz has not named members of the opposition to the special committee and no meetings have been scheduled.

### Capital Budget

Estimates of capital revenues and capital expenditures were presented to the members of the Legislative Assembly by the Provincial Treasurer, **Mitchell Murphy**, on December 9, 2005. This marked the first fall capital plan in the history of the province. The five year plan,

which will result in capital spending of \$247.8 million, was put in place to provide additional time for provincial government departments and industry to finalize designs and undertake the tendering process. The spending is concentrated on highways, bridges, and school construction.

**Marian Johnston**  
Clerk Assistant and  
Clerk of Committees



## Northwest Territories

The fourth Session of the Fifteenth Legislative Assembly sat from May 25 to June 2, 2005. It reconvened on October 12, 2005 and concluded on October 27 with a total of nine Bills receiving assent:

- Bill 3, *An Act to Amend the Access to Information and Protection of Privacy Act*;
- Bill 4, *An Act to Amend the Education Act*;
- Bill 5, *An Act to Amend the Judicator Act*;
- Bill 6, *Miscellaneous Statutes Amendment Act 2005*;
- Bill 7, *Personal Directives Act*;
- Bill 8, *An Act to Amend the Revolving Funds Act*;
- Bill 9, *Municipal Statutes Amendment Act*;
- Bill 10, *An Act to Amend the Income Tax Act*; and
- Bill 11, *Supplementary Appropriation Act No. 2 2005-2006*.

The following Bills received Second Reading in October, were con-

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sidered by Standing Committee, and were reported back to the House when the fourth session reconvened in February.

- Bill 13, *An Act to Amend the Financial Administration Act* – This Bill would allow the Government to enter into commodity swaps, forward agreements and similar transactions for the purpose of managing risks relating to petroleum product prices. The investments would be made in accordance with regulations and guidelines established by the Financial Management Board.
- Bill 14, *Public Airports Act* – This Bill would give the Minister responsible the authority over a number of matters respecting public airports, including traffic, commercial activities and user fees.
- Bill 12, *An Act to Amend the Territorial Court Act* – This Bill makes changes to both the Judicial Remuneration Commission process, and the disciplinary process for judges. It also makes a number of administrative amendments to the Act.
- Bill 15, *Court Security Act* – A new Act is proposed to control weapons in court areas, the use of equipment such as cameras, cell phones and recording devices in certain restricted zones, and entry into restricted personnel zones.
- Bill 16, *Tobacco Control Act* – This Bill would establish restrictions on the sale and display of tobacco and tobacco accessories, and on smoking in public places.
- Bill 17, *An Act to Amend the Public Colleges Act* – This Bill would change the *Public Colleges Act* to the *Aurora College Act* to reflect that since Division the NWT has only had one public college, and replace general references to public colleges in that Act and several other Acts with specific references to Aurora College and its board;

It is anticipated that the House will give consideration to each of

these Bills prior to prorogation in March.

### **Budgetary Matters**

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Between August 25 and September 2, 2005 the Standing Committee on Accountability and Oversight held hearings in nine communities to consult northerners and provide opportunity for citizens to influence the government's planning process, in advance of the business plans and budget. This consultation was a significant departure from past practices and resulted in a pre-budget consultation report being submitted to the Legislative Assembly on October 17, 2005. The Government of the Northwest Territories tabled its preliminary response to the report on February 9, 2006. Although the consultation process likely had some impact on the 2006-2007 budget it is anticipated that the 2007-2008 Business Plans will be more significantly affected.

Finance Minister **Floyd Roland** introduced his third budget of the Fifteenth Assembly on February 2, 2006. Members conducted an abbreviated review of the budget in draft estimate form in the Standing Committees in January, prior to the budgets being finalized. Lively debate on the Main Estimates is expected until prorogation on March 2, 2006.

On February 3, 2006 the House adopted a Motion to introduce "Provisional Rule Changes to Implement Designated Budget Days". These changes include the following procedural changes: On Monday, Tuesday and Wednesday each week the House commences sitting at 11:00 a.m. and adjourns at 6:00 p.m.: The time allotted for Minister's statements has been reduced from 20 minutes down to 10 minutes; Supplementary questions, during question period, have been reduced from a maximum of three down to a maximum of two; and the

orders have been provisionally changed to remove Replies to the Opening Address, Reports of Standing and Special Committees and Motions. Standard orders remain in place for Thursday and Friday each week. The changes have been introduced on a trial basis and will end upon prorogation of the Fourth Session of the Legislative Assembly.

### **Report of the Independent Commission to Review Members Compensation & Benefits**

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The NWT Legislature established an Independent Commission to Review Members' Compensation in June to examine and make recommendations on Members' salaries, benefits, allowances and expenses in accordance with the *Legislative Assembly and Executive Council Act*. The Commission, chaired by former Member, **Jake Ootes** tabled its report with 42 recommendations on February 3, 2006. The recommendations are largely intended to enhance the transparency, accountability and public awareness of Members' compensation and benefits but also include a one-time nine percent increase to the basic and additional indemnities of Regular Members and Ministers. The majority of the recommendations, if adopted by the Assembly, would take effect upon commencement of the 16th Legislative Assembly.

### **Electoral Boundaries Commission**

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In the October sitting of the Fourth Session, the Assembly appointed a three member Electoral Boundaries Commission pursuant to the *Electoral Boundaries Commission Act*. The Commission is chaired by Justice **John Vertes** and is in the midst of public consultation. The Commission will report its findings and recommendations to the House in the

spring. These recommendations are not binding.

### **Broadcast of Session Proceedings**

The Board of Management has directed that alternative options for the broadcast and rebroadcast of Assembly proceedings be pursued in the short term, due to the expiry of the broadcast agreement with the Aboriginal Peoples Television Network (APTN). The Speaker subsequently agreed to a trial run of Internet web-casting of the Assembly and has sought out broadcasting agreements with several radio and cable television outlets across the NWT.

Web-casting through live audio and video web streams as well as archives are now available through the Legislative Assembly Website at:

<http://www.assembly.gov.nt.ca/>.

**Andrew Stewart**

Acting Clerk of Committees



## **Yukon**

The 2005 Fall Sitting of the Yukon Legislative Assembly began on October 27 and ended on December 19 after 30 sitting days. Ten government bills were introduced during this Sitting. These bills were:

- Bill No. 16, *Fourth Appropriation Act, 2004-05*
- Bill No. 17, *Second Appropriation Act, 2005-06*
- Bill No. 57, *Act to Amend the Small Claims Court Act*

- Bill No. 58, *Act to Amend the Supreme Court Act*
- Bill No. 60, *Act to Amend the Public Service Group Insurance Benefit Plan Act*
- Bill No. 61, *Co-operation in Governance Act*
- Bill No. 62, *Act to Amend the Jury Act*
- Bill No. 63, *Act to Amend the Family Violence Prevention Act*
- Bill No. 64, *Act to Amend the Income Tax Act*
- Bill No. 65, *Act to Amend the Income Tax Act, No. 2 (2005)*

All these bills passed third reading and, with the exception of Bill No. 65, received Assent on December 19.

Of particular interest are the *Co-operation in Governance Act* and *Act to Amend the Income Tax Act, No. 2 (2005)*. The *Co-operation in Governance Act* establishes certain procedures and expectations regarding interaction among members of the Yukon Forum – the Government of Yukon, self-governing Yukon First Nations and the Council of Yukon First Nations. The Yukon Forum provides its members a venue to discuss issues of common concern and identify common priorities that they may reflect in their activities. Criticism of the bill had less to do with its content than with what the opposition parties saw as the government's lack of commitment to it.

*Act to Amend the Income Tax Act, No. 2 (2005)* was remarkable for the speed with which it became law. The bill, which was introduced in response to the rising cost of energy, provides for a one-time energy rebate of \$150 to resident Yukon taxpayers who are also eligible for quarterly payments of the Goods and Services Tax rebate. The bill was introduced and given first and second reading on December 1. On December 6 it was reported by

Committee of the Whole, given third reading and received Assent. Despite its quick passage the bill was not without its critics. Opposition members argued that the rebate contained in the bill was too small and would not benefit enough Yukoners. However, they did support its passage.

Only one private member's bill – Bill No. 110, *Yukon Smoke-Free Places Act* – was introduced and given first reading during this Sitting. The bill was introduced by an independent member, **Peter Jenkins** (Klondike). Unfortunately for Mr. Jenkins the *Standing Orders* do not allow independent members to call bills or motions for debate on those days when opposition private members business has precedence. On two occasions he asked for unanimous consent to proceed with second reading of Bill No. 110. Unanimous consent was denied both times.

### **Changes in the Legislature**

As mentioned in a previous issue of this journal the Yukon Legislative Assembly faced the potential expulsion of a member due to a criminal conviction. On May 13, 2005 **Haakon Arntzen** (Copperbelt, Independent) was convicted of three counts of indecent assault. The charges, laid in April 2004, related to incidents that occurred in the 1970s and 1980s. The calls for Mr. Arntzen's resignation began immediately upon his conviction. These calls grew louder when the sentencing was postponed. His sentencing was originally scheduled for June 27 but was postponed to September 7 after he changed lawyers. Some even called for a special sitting of the Assembly for the purpose of declaring Mr. Arntzen's seat vacant. This controversy abated on September 9, 2005 when Mr. Arntzen resigned his seat.

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However, this controversy then gave way to a new one regarding the date of the by-election to fill the vacant seat of Copperbelt. The *Elections Act* gives the premier up to six months to call a by-election after a seat has been declared vacant. However, given the circumstances of Mr. Arntzen's resignation many felt the seat should be filled sooner rather than later. On October 20, after sustaining criticism, particularly from the opposition parties, Premier **Dennis Fentie** (Watson Lake, Yukon Party) announced that the by-election would be held on November 21.

Three candidates were nominated for the by-election. **Arthur Mitchell** represented the Liberal Party. The New Democratic Party nominated **Maureen Stephens**, who had been a candidate in the electoral district of McIntyre-Takhini during the 2002 general election. **Cynthia Kearns** ran for the governing Yukon Party. Mr. Mitchell won the by-election, taking 49.62 percent of the votes cast. Voter turn-out was 58.34 percent, as compared to 73.84 percent in the 2002 general election. Mr. Mitchell was sworn in as the new Member for Copperbelt on November 28 and took his seat in the Assembly the same day.

Mr. Mitchell had become Liberal leader following a convention held June 4, 2005. The leadership race attracted four candidates, including: **Pat Duncan**, who was Premier of Yukon from 2000-2002; Mr. Mitchell, an unsuccessful candidate for the party in the electoral district of Copperbelt in the 2002 general election; **Ed Schultz**, a former grand chief of the Council of Yukon First Nations; and **Elvis Presley**, a Ross River-based musician and headstone maker. Ms. Duncan, a member of the Assembly since 1996 and leader of the party since 1997, led af-

ter the first ballot, but did not receive a majority of the votes cast, the threshold required to win the leadership. Mr. Mitchell was the first candidate to breach that threshold, taking 357 of 661 votes cast on the third ballot.

### **Member leaves Cabinet**

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November 28 was destined to be an interesting day for the Yukon Legislative Assembly as Mr. Mitchell was due to be sworn in and take his seat in the Chamber. However it became even more interesting when Mr. Jenkins left both cabinet and the government caucus to sit as an independent member.

The circumstances of Mr. Jenkins' departure are a matter of dispute. Mr. Jenkins – the Deputy Premier and government House leader who also held the cabinet portfolios for Health and Social Services, Environment, and the Workers' Compensation Health and Safety Board – said his departure was due to a lack of progress on important issues affecting his electoral district since the Yukon Party assumed power in 2002. Premier Fentie, however, asserted that Mr. Jenkins' leaving was precipitated by his refusal to repay money loaned to his business interests by the Government of Yukon and which are now overdue.

Irrespective of the reasons for Mr. Jenkins' departure, his newfound status as an independent member leaves the governing Yukon Party with a reduced majority in the Assembly. In the November 2002 general election the Yukon Party took 12 of 18 seats, a majority of six. However with Mr. Jenkins' move and Mr. Mitchell's election that majority is now two.

### **Standing Committee on Public Accounts**

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The third report of the Standing Committee on Public Accounts was

released in January 2006. This report arose from public hearings held February 8 and 9, 2005 regarding two reports prepared by the Office of the Auditor General of Canada. These reports related to two projects under the auspices of the Yukon Development Corporation – the Energy Solutions Centre and the construction of an electric power transmission line from Mayo to Dawson City – that incurred significant financial and operational problems. The committee's report will be tabled in the Legislative Assembly when it next sits.

On February 14 PAC members met with officials from the Office of the Auditor General of Canada, including Auditor General **Sheila Fraser**. The purpose of the meeting was to discuss ways in which the committee and the Auditor General's office could work together to ensure the highest levels of fiscal and operational accountability in the Government of Yukon.

### **Legislative Exchange with Alaska**

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On February 21 a delegation of MLAs, led by Speaker **Ted Staffen**, departed Whitehorse for the Assembly's annual legislative exchange with the Alaska State Legislature in Juneau. The exchange, done under the auspices of the Yukon Branch of the Commonwealth Parliamentary Association, began in 1982 and alternates between Whitehorse and Juneau. The purpose of the exchange is to allow legislators in each jurisdiction to become more familiar with each other and their different political systems, and to promote dialogue on issues of mutual concern. Joining Speaker Staffen were the Deputy Speaker, **Patrick Rouble** (Southern Lakes, Yukon Party); cabinet minister **Archie Lang** (Porter Creek Centre); the leader of the official opposition, **Todd Hardy** (Whitehorse Centre,

NDP); and Mr. Mitchell. The delegation was accompanied by **Floyd McCormick**, Deputy Clerk of the Legislative Assembly. The delegation returned to Whitehorse on February 23.

**Floyd McCormick**  
Deputy Clerk



## Ontario

The Second Session of the 38th Parliament adjourned on Thursday, December 15, 2005 until Monday, February 13, 2006. In the fall session, the Legislature passed a number of bills including Bill 214, *An Act to amend the Election Act*, the *Election Finances Act* and the *Legislative Assembly Act*, to repeal the *Representation Act, 1996* and to enact the *Representation Act, 2005*. The bill provides fixed dates for provincial general elections and terms of approximately four years. Barring an earlier dissolution, the next Ontario provincial election will be on October 4, 2007.

When the federal general election was called for January 23, 2006, PC Members **John Baird**, MPP for Nepean-Carleton, and **Jim Flaherty**, MPP for Whitby-Ajax, and NDP Member, **Marilyn Churley**, MPP for Toronto-Danforth, resigned to run for seats in the House of Commons.

With the resignation of Ms. Churley, the NDP caucus dropped to seven Members, one short of the required eight as prescribed in the *Standing Orders* for the status of "Recognized Party" in the Legisla-

tive Assembly. However, the status of the NDP remained the same because, on June 13, 2005, the House ordered that the New Democratic Party Caucus be afforded the status of Recognized Party in respect of all procedural and administrative matters pending the outcome of an eventual by-election in the riding of Toronto-Danforth, at which time the terms of the *Standing Orders* shall apply.

On January 4, 2006, **Coulter Osborne**, Integrity Commissioner, responded to the request by **John Tory**, Leader of the Official Opposition, on whether **Harinder Takhar**, Minister of Transportation, had breached the *Members' Integrity Act* or Parliamentary convention. Mr. Osborne concluded in his report to the Legislative Assembly that the Minister was in breach of the Act and recommended the Member be reprimanded. Mr. Takhar was the third Member in history to be found in breach of the Act and this was the first time that the Integrity Commissioner recommended a sanction.

### Committees

The Select Committee on Electoral Reform, as part of its deliberations, travelled to Victoria and Vancouver (BC), Stuttgart (Germany), Edinburgh (Scotland) and Dublin (Ireland) to review different electoral systems. The committee Members were very fortunate to arrive in Germany on the day of the federal election and were invited to watch the results come in at the state parliament buildings along with state party officials and elected members. After their return to Toronto, the Committee tabled its final report in the House on November 29, 2005.

The Standing Committee on General Government held public hearings on Bill 206, *An Act to revise the Ontario Municipal Employees Retirement System Act*. The Bill was re-

ferred to the Committee after first reading in the House. Following 4 days of public hearings, the bill was amended in Committee and reported back to the House for second reading. Upon receiving second reading, it was referred back to the Standing Committee on General Government for further consideration.

The Standing Committee on Justice Policy examined Bill 211, *An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement*. After public hearings, the bill was amended in Committee and reported back to the House for third reading.

The Standing Committee on the Legislative Assembly conducted public hearings on, and clause by clause consideration of, Bill 16, *An Act respecting the Duffins Rouge Agricultural Preserve*. The Bill was reported back to the House without amendments. Pursuant to the Order of Reference received from the Speaker, the Committee commenced its ongoing review of the use of technology in the Chamber. Under the Committee's permanent mandate with respect to the office of Ombudsman Ontario, the Committee held an introductory meeting with the new Ombudsman, **André Marin**.

The Standing Committee on Social Policy examined Bill 210, *An Act to amend the Child and Family Services Act and make complementary amendments to other Acts*. Four days of public hearings were held prior to the Christmas recess with clause-by-clause scheduled for February when the House resumed.

Before the Legislature adjourned for the winter, the House authorized the Standing Committee on Finance and Economic Affairs to meet to consider matters relating to Pre-budget consultations 2006; the Standing Committee on General



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Government to consider Bill 27, *An Act to amend the Arbitration Act, 1991, the Child and Family Services Act and the Family Law Act in connection with family arbitration and related matters, and to amend the Children's Law Reform Act in connection with the matters to be considered by the court in dealing with applications for custody and access*, and Bill 206, *An Act to revise the Ontario Municipal Employees Retirement System Act*; the Standing Committee on Justice Policy to consider Bill 21, *An Act to enact the Energy Conservation Leadership Act, 2005 and to amend the Electricity Act, 1998, the Ontario Energy Board Act, 1998 and the Conservation Authorities Act*; and the Standing Committee on Social Policy to consider Bill 36, *An Act to provide for the integration of the local system for the delivery of health services*.

The Standing Committee on Finance and Economic Affairs commenced its Pre-Budget consultations in December 2005 in Toronto and travelled to Atikokan, Timmins, Cornwall, Niagara Falls, Sarnia, Kitchener-Waterloo in the New Year before concluding its hearings in Toronto in February 2006.

The Standing Committee on General Government examined Bill 27. This Bill, originally referred to the Standing Committee on Justice Policy, was discharged, and referred to the Standing Committee on General Government. The Bill creates a new regime for Ontario family arbitrations by making amendments to the *Arbitration Act, 1991 and the Family Law Act* and removing religious based arbitration in Ontario. Public consultations were held; the bill was amended in Committee and reported back to the House for third reading.

The Standing Committee on Justice Policy began its public consultations on Bill 21 with two days of

hearings in Toronto and travelled to Simcoe, Chatham and Thunder Bay. Clause-by-clause study of the bill was scheduled for February when the House resumed.

The Standing Committee on Social Policy held seven days of public hearings during the winter recess in Toronto, London, Ottawa and Thunder Bay to consider Bill 36. In addition, videoconferences and teleconferences were used to extend the reach of the Committee and to accommodate witnesses who were unable to appear in any of the locations that the Committee visited. Clause-by-clause consideration of the bill was also scheduled for February when the House resumed.

**Katch Koch**  
Committee Clerk



## Saskatchewan

**P**remier **Lorne Calvert** unveiled a new cabinet on February 3rd following a wide sweeping reassignment of portfolios. The shuffle was preceded by two ministers indicating that they did not intend to seek re-election and would be leaving cabinet. **Joanne Crofford** and **Peter Prebble** will continue to sit in the government caucus. Premier Calvert introduced only two new members of his cabinet. Former Government Whip, **Kevin Yates**, was sworn in as the Minister of Corrections and Public Safety and Deputy Government House Leader. Former Speaker **Glenn Hagel** returns to cabinet in the Culture, Youth and Recreation portfolio.

Other significant changes include **Pat Atkinson** assuming responsibility for the new Department of Advanced Education and Employment and **John Nilson** moving to the Environment portfolio. **Maynard Sonntag** adds the Crown Investment Corporation to his duties while **Buckley Belanger** takes over Community Resources. **Harry Van Mulligen** is the new Government Relations Minister while **Andrew Thomson** will head up the Finance ministry. **Deb Higgins** moves to Learning, **David Forbes** to Labour, **Len Taylor** to Health and **Joan Beatty** to Northern Affairs. The remaining ministers, **Clay Serby** (Deputy Premier), **Eldon Lautermilch** (Highways and Transportation) **Eric Cline** (Industry and Resources) **Mark Wartman** (Agriculture and Food), **Frank Quennell** (Justice), **Graham Addley** (Healthy Living Services) remain in their primary portfolios with minor changes in their additional duties.

Saskatchewan Party member **Brenda Bakken Lackey** has submitted her letter of resignation to the Speaker, effectively February 28th. Provincial law requires that a by-election for the constituency of Weyburn - Big Muddy be called within six months.

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### Centennial Anniversaries

While the Province of Saskatchewan celebrated its centennial in 2005, 2006 will mark the centennial of a number of Legislative Assembly firsts.

February 14th will be the one hundred anniversary of the appointment of the first Clerk, **Samuel Spencer Page**. Mr. Page was an English immigrant who arrived on the prairies in 1882. He served as a Member of the Northwest Territories Legislative Assembly for eight years before serving as clerk from 1901 to 1905. He assumed the clerk-

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ship of the new provincial Assembly the following year at a sessional salary of \$500. He served as clerk for seventeen years. In 1909 his duties were expanded to include responsibility for neglected, infirm and incorrigible children. For these additional duties, his salary was increased to \$2000 per annum. Over the past century, these additional duties have been dropped and replaced with a range of administrative, procedural and ceremonial responsibilities.

On the eve of the first Opening of the Saskatchewan Assembly, the first Sergeant-at-Arms was appointed on March 28th, 1906. **Daniel Brown** had been employed as an accountant in the public works department of the Territorial Government. His appointment to the Sergeant's position was in recognition of his status as the most senior "in years" of all employees of the government. He received an annual salary of \$960. There have been thirteen Sergeants-at-arms since Mr. Brown who continue to carry the original Mace.

The commencement of the first session of the First Legislature of the province began with the selection of the first Speaker. The Honourable **Thomas MacNutt** represented the Saltcoats region from 1902 until 1921, first in the Territorial Assembly, then in the Saskatchewan Assembly and finally in the Canadian House of Commons. Mr. MacNutt combined operating the family farm with justice of the peace and coroner duties. He also served in the militia where he participated in the *1866 Fenian Raids* and the *1885 Riel Rebellion*. It was said that his experience as a colonizer assisting European

immigrants settle on the unbroken prairie enable him to "settle" both people and things – experience that came in use during his time as Speaker. Speaker MacNutt's chair was presented to the Assembly in 1965 and restored in 1978. Speaker **Myron Kowalsky** continues to use the MacNutt chair today.

This year will also mark the sixtieth anniversary of the first broadcast of the Assembly proceedings. The Saskatchewan Legislative Assembly was the first in Canada to do radio broadcasts and second only to New Zealand in the Commonwealth. The broadcast was by radio and covered a portion of the sitting day. This method of broadcasting continued until 1983 when the Legislative Network began gavel to gavel television coverage of the proceedings of the Assembly and its committees.

It is tentatively planned to mark the centennial anniversaries in the Assembly on March 29th, which is the centennial of the first meeting of the Assembly in 1906.

#### **Committee Business**

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For the first time, a legislative committee will be conducting public hearings on a bill referred out after receiving first reading. The Standing Committee on Human Services will hold three days of hearings on Bill No. 12 – *The Consumer Protection Amendment Act, 2005*. This process was made possible under the Rule changes adopted in 2004. The committee will hear presentations from stakeholders and members of the public and then prepare a report for the spring sitting of the Assembly.

#### **Assembly Staff**

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The Legislative Assembly is bidding adieu to two long serving employees. **Gary Ward**, the Assembly's first and only Director of Broadcast Services, retired at the end of 2005 after twenty-three years of service. Mr. Ward was hired in 1982 to establish a broadcast unit following the Assembly's 1980 decision to televise its proceedings. Mr. Ward oversaw the hiring of two broadcast technicians and the development of a distribution network. The network grew from an initial eight cities linked by cable in 1983 to the 120 centers currently reached by satellite and further a field by web casts. The broadcast began with gavel to gavel coverage of House proceedings and now includes all committee proceedings as well.

After twenty-four years of noteworthy service as Saskatchewan's tenth and longest serving Legislative Librarian, **Marian Powell** will be retiring at the end of April 2006. Mrs. Powell joined the library in 1982 following the report of the Special Committee on the Review of the Legislative Library. Her first task was to implement the new mandate as outlined in the 1981 report. In subsequent years, Mrs. Powell oversaw much advancement in library and information services with a particular focus on responding to the needs of individual Members while maintaining the accessibility of the library to the civil service and general public.

**Margaret (Meta) Woods**

Clerk Assistant