



# Legislative Reports



## Manitoba

On November 15, 2006 Lieutenant Governor **John Harvard** delivered the NDP government's ninth Speech from the Throne. The address conveyed a range of government proposals and commitments, including:

- \$4-billion plan to modernize highways over the next 10 years;
- University and college graduates to receive 60 per cent tuition rebate;
- Manitoba seniors to save \$11 million annually through pension splitting;
- Corporate tax rates to fall to 14 per cent and small business rates to three per cent
- A new immigration target to double the current levels;
- \$42 million in additional funding for child protection services in response to recommendations made by the provincial ombudsman and the children's advocate;
- More training for emergency medicine physicians and initiatives to recruit oncologists;
- Continuing moves forward on additional wait-list priorities including pediatric dental, pain management and sleep therapy;

- Additional tools to be introduced to provide police and prosecutors with a stronger edge to fight gang crime; and
- Changes to the *Payday Loans Act* and new legislation to prevent identity theft, regulate pawn shops and provide RRSP creditor protection.

In his non-confidence amendment to the Address in Reply motion, Official Opposition Leader **Hugh McFadyen** identified a number of government shortcomings, including their failure to:

- provide meaningful and competitive tax relief for Manitobans;
- provide foster placements for the unprecedented number of children in care housed in hotels;
- address the critical shortage of health care professionals;
- call an independent public inquiry into the Crocus Investment Fund scandal, which resulted in 34,000 Manitobans losing more than \$60 million;
- ensure prudent expenditure of taxpayers' dollars, spending millions of dollars on rebranding campaigns and pre-election advertising;
- implement a long-term provincial strategy to recruit and retain police officers;
- ensure the promised level of flood protection for the people of the City of Winnipeg; and
- address the out-migration of Manitobans, especially youth.

In his sub-amendment to Mr. McFadyen's amendment, **Jon Gerrard** (Independent Liberal – River Heights) identified further

faults with the government's performance, including the failure to:

- provide meaningful tax changes such as elimination of the payroll tax that would make Manitoba more economically competitive;
- resolve the underlying causes of the unprecedented number of children in care;
- provide a stable policy environment to promote growth in Manitoba's agricultural sector;
- legislate a legal right to timely access to quality health;
- facilitate the creation of an agri-industrial park outside of the city of Winnipeg; and
- commit to a process leading to meaningful electoral reform and improved democracy in Manitoba.

Mr. Gerrard's sub-amendment was defeated on division, while Mr. McFadyen's amendment was defeated on a recorded vote of 18 yeas and 29 nays. On November 29, 2006 the main motion carried on a recorded vote of yeas 33, nays 20.

In addition to 11 bills carried over from the previous session, the government introduced 15 bills during this fall sitting, with 12 completing the legislative process and receiving Royal Assent. This legislation addressed a variety of governance areas, including:

- Bill 2 – *The Employment Standards Code Amendment Act*. In addition to adding provisions for unpaid family leave and unpaid bereavement leave, Bill 2 also brought in extensive revisions to the Code in a wide range of subjects including: standard hours of work and overtime; notice of termination and wages payable in lieu of no-

tice; the employment of children; and orders for the payment of wages and the recovery of unpaid wages.

- Bill 4 – *The Consumer Protection Amendment Act (Prepaid Purchase Cards)*, which prohibits expiry dates on most gift cards and other prepaid purchase cards, and also requires information about the use of these cards to be provided to consumers.
- Bill 41 – *The Pharmaceutical Act*, which defines the practice of pharmacy and provides for the regulation of the profession. Key differences from the original Act (which this Bill replaces) include allowing for the expansion of pharmacists' scope of practice, allowing pharmacy operations to include licensed off-site facilities as part of their pharmacy practice, and requiring the College to submit an annual report to the Minister of Health.

Additionally, two Private Member's Bills received Royal Assent during the fall sitting.

- Bill 214 – *The Good Samaritan Protection Act*, which protects a person who voluntarily provides medical services, aid or advice to a victim of an accident or medical emergency. The person will not be liable to pay damages in a lawsuit started by the victim unless the person was grossly negligent. This legislation first emerged in the previous session in the form of two similar Bills from NDP and Independent Liberal Members. In the current session bill sponsor **Bonnie Korzeniowski** (NDP – St. James) joined with Mr. Gerrard who seconded the Bill motions – to finalize the current legislation.
- Another example of legislative cooperation, Bill 215 – *The Liquor Control Amendment Act (Helping to Prevent Date Rape)*, amends *The Liquor Control Act* to allow a person in licensed premises to carry his or her drink to the washroom as a measure to prevent date rape. Due to the House's unanimous approval of this bill, **Myrna Driedger** (PC – Charleswood) received leave to move the bill through all stages of the legisla-

tive process on the last day of session, December 7, 2006.

On November 20, 2006, Government House Leader **Dave Chomiak** interrupted the Throne Speech debate to allow the House to consider two government resolutions regarding the future of the Canadian Wheat Board. The first resolution, moved by Minister of Agriculture, Food and Rural Initiatives **Rosann Wowchuk** called for the Assembly to "make clear its support for the Canadian Wheat Board's single desk." After an hour and a half of debate, this resolution passed on a recorded vote of yeas 34, nays 15.

The second resolution requested that the Assembly "call on the federal government to hold a fair producer plebiscite on the future of the Canadian Wheat Board monopoly for both wheat and barley." This resolution held the House's attention for several hours, ultimately leading to an unscheduled evening sitting. During this debate, **Ralph Eichler** (PC – Lakeside) moved an amendment to the resolution, ultimately resolving that the Assembly "make clear its understanding that the federal government has sole authority for changes to the *Canadian Wheat Board Act*. In recognition of federal authority in this area, we indicate our support for the federal government's decision to hold a plebiscite for the marketing of barley and call on them to hold a plebiscite in advance of any changes to the marketing of western Canadian grain, including wheat." The amendment was defeated on a recorded vote of yeas 15, nays 30, while the resolution passed on a recorded vote of yeas 31, nays 14.

The Manitoba Public Accounts Committee (PAC) held two meetings in December of 2006. Questioning focused on a pair of topics, the Auditor General's Reports on the Crocus Investment Fund and Environmental Audits. The Mani-

toba PAC continues to refine its relatively new process of calling witnesses before the committee. Other procedural issues, such as the frequency of committee meetings, continue to be the topic of discussion both in the Committee and in the House. In related events, this session the government introduced Bill 8 – *The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended)*. The Bill, which passed second reading on December 6, would require the Standing Committee on Public Accounts to hold at least six meetings annually at regular times.

While the House is expected to resume sometime in the spring of 2007, there is also speculation in the media about a general election this year. The last Manitoba general election occurred on June 3, 2003. The current standings in the Manitoba House are 35 NDP, 19 Progressive Conservative, 2 independent Liberals, and one vacancy.

**Rick Yarish**

Clerk Assistant /  
Clerk of Committees



## Northwest Territories

As a result of the involvement of the Legislative Assembly in an ongoing legal matter, Speaker **Paul Delorey** temporarily suspended public distribution of *Hansard* on October 25, 2006. This action was taken to ensure compliance with a Court ruling relating to the distribution of *Hansard* in both English and French. Both parties to the proceed-

ings are negotiating towards the terms of a Stay of Proceedings, pending the hearing of an Appeal launched by the GNWT and the Legislative Assembly. The Assembly continues to make audio and video recordings of the daily proceedings available by means of Internet live web casting and portions of the proceedings are also broadcast on radio and television throughout the Territories. The Blues continue to be produced and distributed internally.

### Legislation

The Fifth Session of the 15th Assembly reconvened on October 17, 2006 and adjourned on November 2, 2006 with a total of twelve bills receiving Third Reading and Assent.

- Bill 6, *Engineering and Geoscience Professions Act*
- Bill 7, *Pharmacy Act*
- Bill 8, *Miscellaneous Statutes Amendment Act, 2006*
- Bill 10, *Forgiveness of Debts Act, 2006-2007*
- Bill 11, *Tourism Act*
- Bill 12, *Garnishment Remedies Statutes Amendment Act*
- Bill 13, *Supplementary Appropriation Act, No.2, 2006-2007*
- Bill 14, *An Act to Amend the Legislative Assembly and Executive Council Act, No. 2*
- Bill 15, *Elections and Plebiscites Act*
- Bill 16, *An Act to Amend the Jury Act*
- Bill 17, *An Act to Amend the Legislative Assembly and Executive Council Act, No. 3*
- Bill 20, *An Act to Amend the Income Tax Act*

Bills 14, 15 and 17 were House Bills, falling under the administration of the Speaker and the Board of Management of the Legislative Assembly.

Bill 14, *An Act to Amend the Legislative Assembly and Executive Council Act, No. 2*, was enacted as a result of the *Electoral Boundaries Commission Report*, tabled in the House in the spring of 2006. This Act adopts the Commission's recommendation to amend the electoral boundaries in the towns of Hay River and Inuvik to achieve more equitable representation and goes on to realign the electoral boundaries in the City of Yellowknife to achieve greater parity. A further recommendation in the report, to add two additional seats, was rejected. The Bill, as passed, realigns electoral boundaries but keeps the number of electoral districts at nineteen.

Bill 17, *An Act to Amend the Legislative Assembly and Executive Council Act, No. 3*, was the result of a comprehensive review of the existing legislation. The Act was updated to reflect modern concepts of parliamentary democracy and modernize outdated language and practices.

Bill 15, the *Elections and Plebiscites Act*, replaces both the *Elections Act* and the *Plebiscites Act*. In response to the recommendations of the Chief Electoral Officer in his report on the administration of the 2003 general election, the new Act establishes a fixed date for general elections, the first Monday in October, every four years, beginning in 2007.

### Territorial Leadership Committee

The Territorial Leadership Committee convened on October 23, 2006 to elect a new Minister to serve on the Executive Council. The vacancy came after eleven MLAs voted to revoke the appointment of **Michael Miltenberger** to the Executive Council on October 19, 2006. Mr. Miltenberger held the positions of Minister of Health and Social Services, Minister of Environment and Natural Resources, Minister Responsible for Persons with Disabili-

ties and Minister Responsible for Seniors. The Motion to revoke the appointment was made by **David Ramsay** after rising in the House on a Point of Privilege relating to a perceived attempt by the Minister to threaten or intimidate him following a Member's Statement. Speaker **Paul Delorey** ruled that a *prima facie* breach of privilege had occurred. Although Speaker Delorey had not witnessed the alleged threat, several Members corroborated Mr. Ramsay's allegation in speaking to the Point of Privilege. No Member disputed the alleged event.

In keeping with the current convention of regional balance within Cabinet, only Members representing southern constituencies were eligible for nomination. Two members were nominated, **Jane Groenwegen** (Hay River South) and **Kevin Menicoche** (Nahendeh). Mr. Menicoche was elected by secret ballot and was sworn in as a Member of the Executive Council on October 24, 2006. Mr. Menicoche is currently the Minister of Transportation and the Minister Responsible for the Public Utilities Board.

### Committee Appointments

Michael Miltenberger was appointed to the Standing Committee on Governance and Economic Development and the Standing Committee on Rules and Procedures. **Norman Yakeleya** was appointed as a full member of the Board of Management and **Jackson Lafferty** was elected by his colleagues as the Chairperson of the Accountability and Oversight Committee

### Other Matters

The NWT Table was pleased to welcome **Tonia Grannum** of the Ontario Legislative Assembly on a two-week attachment. The Legislative Assembly confirmed the ap-



pointment of **Saundra Arberry** as Chief Electoral Officer of the Northwest Territories, effective January 5, 2007. This appointment is a result of the retirement of **Glen McLean**, Chief Electoral Officer from 2004 until January 2007.

The next sitting of the NWT Legislature will begin on February 7, 2007 at 1:30 p.m. The main focus will be the presentation by Finance Minister, **Floyd Roland**, of his fourth budget of the 15th Assembly.

**Gail Bennett**

Operations Assistant Clerk



## Newfoundland and Labrador

The House resumed sitting on November 20th. A by-election had taken place on November 1st at which **Lorraine Michael**, representing the New Democratic Party, was elected in the District of Signal Hill-Quidi, succeeding **Jack Harris** who had resigned the seat on September 29th. There was no change in the party standings as a result of the by-election.

### Reports

On October 4th the Child and Youth Advocate, **Darlene Neville**, released the report entitled *The Turner Review and Investigation*, carried out by **Peter Markesteyn**, concerning the drowning of 13-month old **Zachary Turner** by his mother in a murder/suicide in August of 2003.

On December 5th the Auditor General, **John Noseworthy**, tabled

supplementary reports relating to excess constituency allowance claims of three sitting Members and one former Member as reported in the Autumn 2006 issue of the *Canadian Parliamentary Review* and an additional report relating to excess constituency allowance claims of another sitting Member, **Percy Barrett**, MHA (Bellevue).

The Auditor General tabled two further reports on January 8th in which he advised the House that he had identified double billings by **John Hickey**, MHA (Lake Melville) and **Kathy Goudie**, MHA (Humber Valley).

Premier **Danny Williams** had announced on January 4th that Mr. Hickey, would step aside from his duties as Minister of Transportation and Works and Minister Responsible for Labrador Affairs, pending the receipt of further information on a review being carried out by the Auditor General into constituency allowance claims. **Trevor Taylor**, MHA (Straits-White Bay North), Minister of Innovation, Trade and Rural Development, took over as acting minister in the interim.

On January 8th the Premier announced that he had reviewed the circumstances surrounding the Auditor General's findings in respect of Mr. Hickey and was confident that there had been no intentional wrongdoing. He re-instated Mr. Hickey as Minister of Transportation and Works and Minister Responsible for Labrador Affairs effective immediately.

**Terry French**, MHA (Conception Bay South) disclosed on January 8th that he had been interviewed by the Auditor General for double billing but that the Auditor General had decided not to file an official report on the matter after hearing Mr. French's explanation for the billings.

The Minister of Finance and President of Treasury Board, **Tom Marshall**, MHA (Humber East) stated on January 12th that Members in receipt of overpayments had until the middle of January to repay the monies in full or make arrangements, on terms and conditions acceptable to government, for their repayment. At a press conference on January 17th, the Minister further stated that the provincial government had agreed to provide the four current and one former MHA, who were the subjects of the first five reports of the Auditor General, with documentation relating to the overpayments.

### Appointment

**William MacKenzie** was appointed Clerk of the House on October 27th succeeding **John Noel**, who had resigned on August 31st. Mr. MacKenzie had been Deputy Minister, in an acting capacity, of the Department of Innovation, Trade and Rural Development since January 2006. Mr. MacKenzie had also served in other executive and management positions with government departments and agencies and was a high school teacher for eight years. He has a master of arts from the University of British Columbia, a bachelor of education from the University of New Brunswick, and a bachelor of arts from Mount Allison University. Mr. MacKenzie assumes the position of Clerk at a time of transition as changes are being made to improve accountability in the financial administration of the House. While some adjustments have already been made and additional staff hired, further changes are expected to be made when the report of Chief Justice Green is submitted mid-February. (Chief Justice Green is carrying out a comprehensive review of the compensation of Members and

related matters as reported in the Autumn 2006 issue).

### Resignations

On December 29th **Loyola Sullivan**, the Member for Ferryland and Minister of Finance and President of Treasury Board, resigned his seat. **Edward Byrne**, MHA (Kilbride) resigned his seat on January 1st, 2007. Veteran MHA, **Jim Hodder** (Port au Port) resigned for health reasons effective January 17th. Mr. Hodder was first elected in 1975. During his political career Mr. Hodder served as Parliamentary Assistant to the Premier; Minister of Cultural Affairs, Tourism and Historic Resources; Parliamentary Secretary of the Resource Policy Committee to Cabinet and Opposition House Leader. On January 19th **Randy Collins**, MHA, Labrador West, announced that he would be resigning his seat in the middle of February to take up employment with the Steel Workers' Union in Ontario. **Paul Shelley**, Minister of Human Resources, Labour and Employment resigned from Cabinet but will remain in the House until the end of his term and **Kathy Goudie**, MHA (Humber Valley) resigned her seat.

### Cabinet Shuffle

On January 19, 2007 Premier Williams made further changes to his Cabinet. **Tom Osborne**, MHA (St. John's South) moved from the Department of Health and Community Services to the Department of Justice; **Ross Wiseman**, MHA, (Trinity North) was appointed Minister of Health and Community Services and **Shawn Skinner**, MHA (St. John's Centre) was appointed Minister of Human Resources, Labour and Employment and Minister responsible for Newfoundland and Labrador Housing. **Tom Rideout**, MHA who had been serving in the

position in an acting capacity was appointed Attorney General.

At the three by-elections on February 8, 2007 the following Progressive Conservative candidates were elected: **Keith Hutchings** (Ferryland), **John Dinn** (Kilbride) and **Tony Cornect** (Port au Port). On February 12, Liberal candidate **Dwight Ball** won the by-election for the District of Humber Valley. The Liberal and Progressive Conservative candidates were separated by 18 votes and a re-count is expected.

On February 14, **Randy Collins**, MHA (Labrador West), tendered his resignation.

During the Fall sitting the House passed 35 pieces of legislation which received Royal Assent on December 12th after which the House adjourned *sine die*. The Liberal Opposition absented themselves from the Chamber during the Royal Assent proceedings in protest of the circumstances surrounding the adjournment.

The House is expected to reconvene in mid-March.

**Elizabeth Murphy**  
Clerk Assistant and Clerk of  
Committees



## Alberta

On December 2, 2006, **Edward Michael Stelmach** was elected leader of the Alberta Progressive Conservative Party. Mr. Stelmach, who defeated **Jim Dinning** and **Ted**

**Morton** (PC, Foothills-Rockyview) on the second round of balloting, was sworn in as Alberta's 13th Premier on December 14, 2006.

Mr. Stelmach was born on May 11, 1951, and was raised in the Lamont area. He was first elected to the Legislative Assembly of Alberta in 1993. He was elected to his fourth term on November 22, 2004, representing the constituency of Fort Saskatchewan-Vegreville. He served as Minister of International and Intergovernmental Relations until March 2006. Previously Mr. Stelmach served as Minister of Transportation Infrastructure Minister from May 1999 to February 2001 and Minister of Agriculture, Food and Rural Development from March 1997 to May 1999.

Mr. Stelmach has a long record of public and community service. He is a past Lamont County reeve, school trustee, Chair of the Vegreville Health Unit board, and member of the Archer Memorial Hospital and Lamont Auxiliary Hospital and Nursing Home boards. Mr. Stelmach also served as a Director for the Andrew Co-Op Association, President of the Lamont District 4-H Council, and leader for the Andrew 4-H Beef Club.

### New Cabinet

Premier Stelmach announced the Cabinet on December 15, 2006. Several portfolios were changed as the number of Cabinet members was reduced from 24 to 19. Some portfolio changes include:

- a Treasury Board Secretariat was created to manage Government expenditures, capital planning, and internal audit as well as the use of public-private partnerships for capital projects. The President of the Treasury Board will be responsible for the Secretariat and for the new Service Alberta ministry that merged the former portfolios of Government

---

Services and Restructuring and Government Efficiency;

- the portfolios of Advanced Education and Innovation and Science have been combined into the ministry of Advanced Education and Technology;
- an Employment, Immigration and Industry portfolio has been created to deal with labour force planning;
- a new ministry of Tourism, Parks, Recreation and Culture assumes responsibility for lottery funded programs from the former Gaming ministry as well as tourism and film programs from the former Economic Development ministry;
- the responsibility for affordable housing has been added to the new ministry of Municipal Affairs and Housing (affordable housing was previously under the Seniors and Community Supports ministry).

Returning Cabinet Members with different portfolios include: **Doug Horner** (PC, Spruce Grove-Sturgeon-St. Albert), Minister of Advanced Education and Technology; **Iris Evans** (PC, Sherwood Park), Minister of Employment, Immigration and Industry; **Rob Renner** (PC, Medicine Hat), Minister of Environment, **Luke Ouellette** (PC, Innisfail-Sylvan Lake), Minister of Infrastructure and Transportation; **Greg Melchin** (PC, Calgary-North West), Minister of Seniors and Community Supports; **Guy Boutilier** (PC, Fort McMurray-Wood Buffalo), Minister of International, Intergovernmental and Aboriginal Relations.

**Dave Hancock** (PC, Edmonton-Whitemud), who had resigned from Cabinet to seek leadership of the Progressive Conservative Party, was named Minister of Health and Wellness. Former Cabinet Minister **Lyle Oberg** (PC, Strathmore-Brooks), who was suspended from the Progressive Conservative caucus for four months and also sought

leadership of the party, was named Minister of Finance. Both Hancock and Oberg failed to receive enough votes in the first ballot to proceed to the second and declared their support for Mr. Stelmach.

One Minister maintained his previous portfolio: **Ron Stevens** (PC, Calgary-Glenmore), Minister of Justice and Attorney General.

New Ministers are: **Lloyd Snelgrove** (PC, Vermilion-Lloydminster), President of the Treasury Board and Minister of Service Alberta; **Mel Knight** (PC, Grande Prairie-Smoky), Minister of Energy; **Ray Danyluk** (PC, Lac La Biche-St. Paul), Minister of Municipal Affairs and Housing; **Ron Liepert** (PC, Calgary-West), Minister of Education; **Janis Tarchuk**, (PC, Banff-Cochrane) Minister of Children's Services; **George Groeneveld**, (PC, Highwood) Minister of Agriculture and Food; **Ted Morton** (PC, Foothills-Rocky View), Minister of Sustainable Resource Development; **Fred Lindsay** (PC, Stony Plain), Solicitor General and Minister of Public Security; and **Hector Goudreau** (PC, Dunvegan-Central Peace), Minister of Tourism, Parks, Recreation and Culture.

Mr. Hancock was appointed Government House Leader while Mr. Stevens and Mr. Renner will continue to serve as Deputy Government House Leaders.

Further restructuring to the Government included the creation of four Cabinet Policy Committees to replace the Government's six Standing Policy Committees. The Cabinet Policy Committees are: Community Services, Government Services, Managing Growth Pressures, and Resources and the Environment.

### Resignations

Former Deputy Premier and Minister of Finance, **Shirley McClellan**,

resigned effective January 11, 2007. On January 15, 2007, former Premier **Ralph Klein** also resigned his seat in the Legislature. Mr. Klein represented the constituency of Calgary-Elbow while Ms McClellan, who was first elected in a November 1987 by-election, represented the constituency of Drumheller-Stettler. In accordance with the *Legislative Assembly Act*, writs must be issued within 6 months of the warrant being delivered to the Chief Electoral Officer and a by-election held 28 days later.

### Other Events

In celebration of 100 Years of Democracy, the Legislative Assembly Office gave a dinner hosted by Speaker **Ken Kowalski** on November 23, 2006. In attendance were current and former Pages, as well as current and former Table Officers and Managers from the Legislative Assembly Office. Lieutenant-Governor **Norman L. Kwong**, gave remarks. **Lyell Shields**, Legislature Page from 1954 to 1958, spoke on behalf of former Pages.

Speaker Kowalski hosted a ceremony recognizing the Muslim Festival of Eid-ul-Adha in the Rotunda of the Alberta Legislature Building on January 11, 2007. Eid-ul-Adha, the second of the two major Muslim holidays, means "Festival of Sacrifice" and is celebrated by all Muslims worldwide.

The fourth annual Mr. Speaker's MLA for a Day is scheduled to take place on April 23 and 24, 2007. 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 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 representatives. The



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

The Spring Sitting of the 3rd Session of the 26th Legislature is expected to commence in early March 2007.

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



Upon the adjournment of proceedings on December 14, 2006, the members of the National Assembly had passed 26 public bills and 10 private bills, and this, since the resumption of proceedings last October 17.

Among the 26 public bills, four were passed following the adoption of a motion to suspend certain rules of procedure on December 12, 2006. They are: the *Act to amend the Act respecting health services and social services and other legislative provisions*, whose purpose is to improve the accessibility of specialized and superspecialized medical services; the *Act respecting the implementation of the Québec Energy Strategy and amending various legislative provisions*, whose main objective is to follow up on the measures announced in Québec's Energy Strategy made public on May 4, 2006; the *Act to amend the Forest Act and other legislative provisions and providing for special provisions applicable to the Territory of application of chapter 3 of the Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec for the Years 2006-2007 and 2007-2008*,

whose main object is to establish new rules governing forest management activities in forests in the domain of the State; and the *Act to amend the Act respecting hours and days of admission to commercial establishments*, which sets out special rules for grocery stores.

On November 30, 2006, the Assembly unanimously carried a motion moved jointly by the premier, the leader of the Official Opposition, and the leader of the Action démocratique du Québec in relation to the motion carried by the House of Commons recognizing that the Québécois form a nation within a united Canada.

Last November 15, as he had announced last August, **Jean-Pierre Charbonneau** resigned as Member for the electoral division of Borduas. Also on this date, **Diane Legault** resigned as Member for the electoral division of Chambly. These resignations leave two vacant seats at the Assembly, whose composition is now as follows: Québec Liberal Party, 72 Members; Parti Québécois, 45 Members; independent, six Members, five of whom are from the Action démocratique du Québec.

### Interparliamentary Relations

The Member for Charlesbourg and Chair of the Committee on Democracy and Peace of the Parliamentary Confederation of the Americas (COPA), **Éric R. Mercier**, led a COPA electoral observation mission from November 2-6, 2006. After having observed the Brazilian elections last September, the COPA parliamentarians travelled to Nicaragua to observe the conduct of the presidential and legislative elections held there on November 5. Eight other parliamentarians from Venezuela, Argentina, El Salvador and Paraguay were part of the delegation. The latter were accompa-

nied by the assistant to the Chief Electoral Officer of Québec, **Francine Barry**.

Invited by the Supreme Electoral Council of Nicaragua as observers of the electoral process, the COPA parliamentarians were present, on election day, at the maximum number of polling stations in the capital city, Managua. They took the opportunity to meet with representatives of institutions and organizations, including candidates, heads of political parties and organizations active in Nicaraguan civil society.

The Executive Committee of the Eastern Regional Conference of the Council of State Governments passed a resolution opposing a United States Department of Agriculture rule (USDA) aiming to strengthen inspections of Canadian products entering the United States. The heads of Canada's eastern provinces and of the northeastern United States held that the USDA regulation would cause border delays and would impede trade. The resolution asks the USDA to withdraw this rule that also includes the imposition of user fees for all commercial vehicles entering the United States from Canada in order to defray the costs of this inspection reinforcement. The resolution will be sent to the President and the leaders of Congress as well as to the Secretaries of State of Agriculture and of Homeland Security.

On November 21, the Eastern Canadian Provinces and Northeastern United States Committee of the ERC/CSG and the Canadian Relations Committee of the Midwestern Legislative Conference of the ERC/CSG sent a letter signed by both parties to Secretary of Agriculture **Mike Johanns** and to Secretary of Homeland Security **Michael Chertoff** in which they oppose the USDA rule on agricultural inspec-

tions. This letter expresses the fear that the USDA's regulation will worsen delays at border crossings and divert the American border personnel from their primary purpose, which consists of focussing on shipments of unknown or high-risk merchandise, to focus on shipments that pose a relatively low risk. The text of the resolution and the letter are published at the following address: [www.csgeast.org](http://www.csgeast.org)

### Parliamentary Simulations

From December 26-30, 2006, 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 57th legislature of the Québec Youth Parliament. During this simulation, students take the seats of the Members, express their opinions, prepare the speeches they will deliver 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 process. Much the same as the Youth Parliament, this Parliament, which 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 in the Chamber of the National Assembly from January 2-6, 2007 for the holding of the 21st edition of their simulation of parliamentary proceedings.

### Other News

The fifth edition of the Conférences Jean-Charles-Bonenfant was held on November 15. The theme of this round-table activity focussed on the role of Ministers at the National Assembly and finding the proper balance between the legislative and executive powers. The three guest speakers for this occasion were former Member and Minister **Jacques Brassard**, President of the Amicale des anciens parlementaires du Québec, **Nicole Duplé**, Professor at Laval University's Faculty of Law, and **Denis Hardy**, former Member and Second Vice-President of the Fédération des sociétés d'histoire du Québec. The conference was conducted by **Antoine Robitaille**, journalist with *Le Devoir* newspaper.

On the occasion of the unveiling of a bronze statue on the grounds of the Parliament Building to commemorate one of the former premiers of Québec, **Robert Bourassa**, the Library of the National Assembly launched an exhibition titled *Lire Bourassa*, which features some books and numerous articles written by Mr. Bourassa as well as the principal works and magazine articles written about him throughout his political career. This exhibition, which will continue until March 2, 2007, also allows visitors to hear excerpts of speeches he delivered. Mr. Bourassa was the Premier of Québec for four terms, from 1970 to 1976 and from 1985 to 1994.

Last December 7, as part of the ongoing efforts to bring the citizens and parliamentarians closer together, the President of the Québec National Assembly, **Michel Bissonnet**, and several Members officially inaugurated the multimedia exhibition titled *Le Québec, ses députés, ses régions*, which was designed and developed by the As-

sembly. This exhibition is being presented in the main entrance hall and the presidents' gallery of the Parliament Building, in Québec City. The exhibition consists of stations featuring archival and current photographs of each of the 17 administrative regions, as well as touchscreens providing interactive content, including video clips recorded by Members sharing their pride in representing their home region.

**Sylvia Ford**

Secretariat of the Assembly

### Parliamentary Committees

Last December 12, the Committee on Public Administration tabled its 17th report on the accountability of deputy ministers and chief executive officers of public bodies in which there are 18 recommendations that were unanimously adopted by its members. Last autumn, the Committee examined the annual management reports of several ministries and public agencies. The Committee's report focuses primarily on the public hearings held with representatives of the Ministry of Families, Seniors and the Status of Women, the Deputy Minister of Labour and the Chairman of the Office de la protection du consommateur (consumer protection bureau) concerning their respective annual management reports. Furthermore, the Committee heard the Deputy Minister of Health and Social Services concerning the Ministry's mental health action plan as well as the Deputy Minister of Agriculture, Fisheries and Food concerning food inspection. It should be noted that the mandate to exercise parliamentary control of the administrative management of government bodies, which is carried out by the Commit-



tee on Public Administration, stems from the *Public Administration Act*.

On December 13, 2006, the Committee on Transportation and the Environment tabled the report, prepared within the framework of an order of initiative on the impact of global warming in Northern Québec, entitled *Le réchauffement climatique et d'autres problématiques environnementales au Nunavik*. Unanimously adopted by the Committee members, it makes recommendations in order to foster the implementation of measures enabling the Inuit communities to adapt to the impact of global warming. The Committee members also set forth recommendations regarding certain of the environmental issues in Nunavik, including the cleaning up of abandoned mining sites and the development of residual material management plans for the 14 Inuit villages of Québec.

Last December 14, the Committee on Labour and the Economy tabled its report on the examination of the assessment report of the Bureau d'évaluation médicale (BEM). This report, which contains 11 recommendations that were unanimously adopted by the Committee members, falls within the framework of a statutory order arising from the *Act to establish the Commission des lésions professionnelles*. To carry out its mandate, the Committee held special consultations and public hearings on the BEM and heard representatives of associations of work accident victims, unions, employers and the industry. The report focuses on four specific issues related to medical assessment, namely the encouragement to systematically contest and the inherent delays, the double role of the Bureau d'évaluation médicale, support to attending physicians and, lastly, the human aspect of the medical assessment process.

In November 2006, the Committee on Education heard the head officers of Québec university institutions in compliance with the mandate arising from the *Act respecting educational institutions at the university level*. The Committee plans to hear the 18 university institutions that are subject to its examination during the months of January and February 2007.

As regards the legislative mandates, special consultations were held in committee within the framework of the consideration of bills. Hence, the Committee on Institutions held public hearings within the framework of the clause-by-clause consideration of Bill 36, *An Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activities*, and of Bill 48, *An Act to amend the Consumer Protection Act and the Act respecting the collection of certain debts*. The Committee on Labour and the Economy, for its part, held public hearings on Bill 57, *An Act to amend the Act respecting hours and days of admission to commercial establishments*, and on Bill 52, *An Act respecting the implementation of the Québec Energy Strategy and amending various legislative provisions*.

On November 29, 2006, the members of the Committee on Agriculture, Fisheries and Food elected **Louise Harel**, Member for Hochelaga-Maisonneuve, as vice-chairman. This election was necessary owing to the resignation of **Jean-Pierre Charbonneau** as Member for Borduas.

From January 30 to February 7, 2007 the Committee on Public Finance will hold public hearings on the occasion of a general consultation on its order of initiative concerning the protection of investors in Québec. It should be noted that after having held preliminary consultations in February 2006, the

Committee chose to more closely examine the mutual investment funds sector. The consultation will focus more specifically on governance shortcomings, problems related to the exchange of information between audit organizations, police services and the Autorité des marchés financiers (financial market authority), investor indemnity and the penalties imposed. The issues regarding investor education, the role of the Autorité des marchés financiers and outflow expenses will also be examined during the consultation.

For more information on the proceedings of the parliamentary committees, please visit the Internet site of the Québec National Assembly at the following address:  
[www.assnat.qc.ca](http://www.assnat.qc.ca).

**Yannick Vachon**

Secretariat of committees

Translation: **Sylvia Ford**



## New Brunswick

**T**he First Session of the 56th Legislature opened on February 6, 2007. This was the first session under the leadership of Premier **Shawn Michael Graham** (Liberal, Kent), who became New Brunswick's 31st premier after his party secured a majority of seats in the September 18, 2006, provincial election. Premier Graham was previously Leader of the Official Opposition.

Official house standings are now 29 Liberals, 25 Progressive Conservatives and one vacant seat, previ-

ously held by former Premier **Bernard Lord** who resigned as a Member of the Legislative Assembly, effective Jan. 31, 2007.

The first order of business was the election of a Speaker. Liberal **Eugene McGinley** was elected on the first ballot. Mr. McGinley, who represented the city of Bathurst from 1972 to 1978, was re-elected to represent Grand Lake in 2003 and Grand Lake-Gagetown in 2006. Former Speaker **Michael Malley** (PC, Miramichi-Bay du Vin) was not re-elected in the provincial election.

Following the election of Speaker during the morning, the House recessed until 3 p.m. when the session resumed for the official opening and the Speech from the Throne, delivered by Lieutenant-Governor **Herménigilde Chiasson**.

On December 14, 2006, former Premier Lord (PC, Moncton East) announced his intention to step down as Leader. He was elected Leader of the Progressive Conservative Party of New Brunswick in 1997. A year later, in an October 1998 by-election, he was elected Member for the riding of Moncton East, becoming the Leader of the Official Opposition in the Legislature. On June 7, 1999, he led his party to victory, becoming, at the age of 33, the province's youngest elected Premier. He was re-elected in 2003 and served as Premier for more than seven years. A by-election will be held on Monday, March 5, 2007, to fill the vacancy.

On December 19, 2006, the opposition caucus chose former finance minister **Jeannot Volpé** (PC, Madawaska-les-Lacs) to serve as interim Leader of the Opposition until the election of a new leader in 2007. Mr. Volpé, who was first elected in 1995, served as Minister of Natural Resources (1999-2003) and Minister of Finance (2003-2006) before the defeat of the Lord government in

the 2006 election. The opposition caucus also selected a shadow cabinet, designating several of the former ministers as critics for their former departments.

The refurbishment of the dome of the Legislative Building was completed on schedule in early December. The project included replacement of decayed wood framing and sheathing with new wood construction where required, and replacement of deteriorated galvanized steel cladding with copper. The Legislative Administration Committee selected copper as the preferred roofing material following a life-cycle cost analysis of various cladding materials.

The restoration was carried out by Heather & Little, specialists in ornamental metal restoration, in association with New Brunswick companies and tradespeople. According to a company representative, the detail of the hand-crafted copper fabrications required to copy the original metalwork was as varied and complex as any of the projects on which they have worked.

On January 16, 2007, a procedural briefing session was attended by new and returning Members. The session focused on the role and functions of the Assembly, election of Speaker, conduct of business in the House, rules of procedure and debate, ceremonial practices and decorum, voting procedures, role and functions of cabinet, and an overview of legislative committees.

**Shayne Davies**

Clerk Assistant and Committee Clerk



## House of Commons

Several times during the final months of 2006, the attention of Canadians was focused on government initiatives in the House of Commons touching on sensitive political issues.

Foremost among the latter was that of "Québec nationhood". On November 22, 2006, Prime Minister **Stephen Harper** pre-empted a Bloc Québécois Supply motion "that this House recognize that Quebecers form a nation", by announcing the government's intention to place on notice a motion, "that this House recognize that the Québécois form a nation within a united Canada." In response to this announcement, the Liberal and NDP leaders rose to offer the unqualified support of their parties for the government's motion.

The Bloc Québécois motion was debated on November 23, 2006 and the corresponding government motion the following day. The government expedited consideration of its own motion by moving the previous question and by giving notice of a motion for closure pursuant to Standing Order 57. After the adoption (on division) of the motion for closure, debate continued until 8:00 p.m. on Monday, November 27, 2006, at which time the motion was adopted overwhelmingly (Yeas: 265, Nays: 16). This reflected a late decision by the Bloc Québécois to vote in the affirmative. Their own

motion was decisively defeated (Yeas: 48, Nays: 233) the same day.

A casualty of the “nation” debate was the President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport, **Michael Chong**, who resigned his cabinet portfolio in order to abstain from voting. Mr. Chong declared that while he supported the government and its policies, the “nation” motion was in conflict with his belief in civic as opposed to ethnic nationalism.

The anticipated government motion calling for the reopening of the debate on same-sex marriage was introduced with very little fanfare, debated expeditiously and defeated (Yeas: 175, Nays: 123) in a recorded division on December 7, 2006. Conservative Members were permitted to vote freely, and thirteen of them, including six Ministers, opposed the motion. The Prime Minister, noting that the government had kept its promise to test the will of the House in this regard, declared the issue closed.

Following the customary adjournment of the House (Nov. 29 - Dec. 1) during a Leadership Convention, **Stéphane Dion** addressed the House for the first time as Leader of the Liberal Party on December 4, 2006, with a question to the Prime Minister on the closing of Status of Women offices.

Mr. Dion's first weeks as Liberal Leader were punctuated by the loss of two members of his caucus. **Wajid Khan** (Mississauga) announced his decision to cross the floor to the Conservatives at a news conference on January 5, 2007. Mr. Khan attributed his decision to his desire to continue in his role as special adviser to the Prime Minister on Middle Eastern Affairs. On January 11, 2007, **Jean Lapierre** (Outremont) made public his decision to accept an offer of employment in the pri-

vate sector, with his resignation to take effect prior to the resumption of sittings of the House on January 29, 2007.

### Legislation

A Legislative Committee for Bill C-27 (*An Act to amend the Criminal Code (dangerous offenders and recognition to keep the peace)*) was struck on November 9, 2006, via the adoption of a motion for concurrence in the 21st Report of the Standing Committee on Procedure and House Affairs. The following day, pursuant to Standing Order 113(2), the Speaker appointed **Bernard Patry** (Pierrefonds-Dollard) as Chair of the committee. At the time of writing, the committee has yet to meet.

A heavily-amended version of Bill C-9 (*An Act to amend the Criminal Code (conditional sentence of imprisonment)*) was passed by the House on November 3, 2006. The provisions of the bill had been narrowed to apply only to perpetrators of serious violent crimes and to sex offenders.

On October 26, 2006, the Senate Committee on Legal and Constitutional Affairs completed its protracted consideration of Bill C-2 (*Federal Accountability Act*), which had been before the Senate since June of 2006. The bill was returned to the House on November 9, 2006, with 158 amendments.

In the Commons, the government, with the support of all but 43 Members, rejected 116 of the Senate Amendments on the grounds that they were “in contradiction with the principles of the bill...” The bill was returned to the Senate, which referred it yet again to its Legal and Constitutional Affairs Committee. In the end, a compromise was arrived at in the form of a version of the bill incorporating some 90 Senate amendments, the majority of them technical. The latter was passed by the Senate on December

7, 2006, and received Royal Assent on December 12, 2006. It is arguably the most significant legislative accomplishment of the current government.

On December 4, 2006, the Government introduced a Ways and Means Motion (No. 13) referring Bill C-30 (*Canada's Clean Air Act*) to a legislative committee before second reading. The report (of the Standing Committee on Procedure and House Affairs) naming Members to the Legislative Committee was tabled on December 12, 2006, and the Speaker appointed **Laurie Hawt** (Edmonton Centre, CPC) as Chair.

The following day saw the introduction and first reading of Bill C-43 (*An Act to provide for consultations with electors on their preferences for appointments to the Senate*), with the pledges from the government to advance, in this and future bills, its agenda of Senate reform.

The Bill implementing the provisions of the agreement between Canada and the United States on softwood lumber (Bill C-24 (*Softwood Lumber Products Export Charge Act, 2006*)) was read the third time and passed on December 6, 2006, with the Bloc Québécois voting with the government.

During the period covered by this report, the following bills received Royal Assent:

- C-2 (*Conflict of Interest Act*) – December 12, 2006
- C-5 (*Public Health Agency of Canada Act*) – December 12, 2006
- C-17 (*An Act to amend the Judges Act and certain other Acts in relation to Courts*) – December 14, 2006
- C-19 (*An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act*) – December 14, 2006



- C-24 (*Softwood Lumber Products Export Charge Act, 2006*) – December 14, 2006
- C-25 (*An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act*) – December 14, 2006
- C-34 (*First Nations Jurisdiction over Education in British Columbia Act*) – December 12, 2006
- C-38 (*An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007*) – December 12, 2006
- C-39 (*An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007*) – December 12, 2006
- S-5 (*Tax Conventions Implementation Act, 2006*) – December 12, 2006

## Financial Procedures

**Jim Flaherty** (Minister of Finance) delivered an Economic & Fiscal Update to the Standing Committee on Finance on November 23, 2006. Also known as the “mini-budget”, the November Update outlined an ambitious program of debt reduction.

On November 1, 2006, the Minister of Human Resources and Social Development, **Diane Finley** was subjected to intensive questioning by a Committee of the Whole on the funding of programs sponsored by her department. Similarly, on November 7, 2006, the Minister of Defence, **Gordon O'Connor** was called upon to defend Canada's ongoing military involvement in Afghanistan. In both cases, the main estimates of the Minister's department had been withdrawn from the corresponding Standing Committee and deemed referred, pursuant to Standing Order 81.4(a), to a Committee of the Whole.

On November 28, 2006, the Main Estimates and the Supplementary Estimates (A) for the fiscal year ending March 31, 2007, were concurred in.

Opposition motions were debated as follows: Status of Women (Lib.) – September 28, 2006; Income Support Program for Older Workers (BQ) – October 5, 2006; Economic and Fiscal Position (Lib.) – October 19, 2006; Canadian Forces (NDP) – November 1, 2006; Québec Nation (BQ) – November 23, 2006; Health Care (Lib.) – November 28, 2006.

## Procedure/Privilege

Former Clerk of the House, **Robert Marleau**, appeared before the Standing Committee on Procedure and House Affairs on November 21, 2006, in connection with the committee's study of possible changes to the Standing Orders to support improved decorum in the Chamber. Mr. Marleau told the Committee that decorum in the Chamber has suffered greatly during the years since the Chair has accepted (and hesitated to deviate from) pre-negotiated lists of Members to be recognized during Question Period. Mr. Marleau also spoke of one-day suspensions for disruptive behaviour as inadequate to the maintenance of decorum in the Chamber and lamented the unavailability to the Chair of “parliamentary consequences”.

On November 28, 2006, **Wayne Easter** (Malpeque) rose on a question of privilege to charge **Chuck Strahl**, (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board) with intimidating representatives of the Canadian Wheat Board in order to prevent them from appearing before the Standing Committee on Agriculture and Agri-Food. The Speaker took the matter under ad-

visement and returned to the House with his ruling on December 7, 2006. He reminded all concerned that a question of privilege arising from committee proceedings may be entertained only upon presentation of a report from the committee in question, and concluded that he could not therefore find a *prima facie* case of privilege.

Late on Dec 28, 2006, the government issued a press release announcing the resignation of Chief Electoral Officer, **Jean Pierre Kingsley**. Pursuant to the terms of the *Canada Elections Act* a successor to this Officer of Parliament must be appointed by means of a resolution of the House of Commons. The Standing Orders of the House provide for the examination of any nominee for appointment to the position by a Standing Committee of the House prior to the introduction of a resolution approving that nomination, although no Committee is obliged to conduct such a review.

## Committees

On November 6, 2006, **Peter Julian** (Burnaby-New Westminster) rose on a point of order claiming that in severely limiting the time permitted for the clause by clause consideration of Bill C-24 (*Softwood Lumber Products Export Charge Act, 2006*), the Standing Committee on International Trade had exceeded its authority. The Speaker characterized this as a procedural matter and reminded the Member that committees are masters of their own procedure. He ruled against any exercise by the Chair of the jurisdiction of a court of appeal in such matters.

Several of the Standing Committees that had not already done so presented reports recommending the reversal of planned funding cuts to government programs. These included the Standing Committee on

---

the Status of Women (Status of Women Canada – November 22, 2006), the Standing Committee on Justice and Human Rights (Court Challenges Program of Canada and the Law Commission of Canada – November 23, 2006) and the Standing Committee on Canadian Heritage (Museums Assistance Program – November 27, 2006).

At the request of four members of the Standing Committee on Finance, a meeting was convened on January 17, 2007 to consider the undertaking of a study on the government's decision to tax income trusts. The Committee decided to invite expert witnesses, including officials from the Department of Finance, to testify in this regard and agreed to allocate at least six hours to such testimony before February 2, 2007.

On January 22, 2007, the Standing Committee on Public Safety and National Security met informally with Israel's Minister of Public Security.

### Private Members' Business

---

In a November 7, 2006 ruling on a point of order with regard to Bills C-257 (*An Act to amend the Canada Labour Code (replacement workers)*), standing in the name of **Richard Nadeau** (Gatineau, BQ), and C-295 (*An Act to amend the Canada Labour Code (replacement workers)*), standing in the name of **Catherine Bell** (Vancouver North, NDP), the Speaker observed that, aside from three minor differences between the bills, they were identical in terms of their legislative and procedural impact. He ruled that, pursuant to S.O. 94(1), the order for second reading of Bill C-295 be dropped to the bottom of the order of precedence on the *Order Paper* to afford the Standing Committee on Procedure and House Affairs an opportunity to attempt a resolution and to examine different approaches to the applica-

tion of S.O. 86(4), which empowers the Speaker to prevent two bills "so similar as to be substantially the same" from appearing simultaneously on the *Order Paper*.

The issue of royal recommendations continued to fuel rulings from the Chair. In a ruling delivered on November 1, 2006 respecting Bill C-253 (*An Act to amend the Income Tax Act (deductibility of RESP contributions)*), for example, the Speaker found that the provisions of the bill to which the government had objected were in the nature of a tax deferral, imposing no increased burden on the taxpayer. Accordingly, he ruled that the bill was properly before the House.

On November 8, 2006, the Speaker also ruled that there was no need for a royal recommendation to accompany Bill C-285 (*An Act to amend the Canada Mortgage and Housing Corporation Act (profits distributed to provinces)*) since provisions that reserve funds should not be paid to the Receiver General but be used for another purpose, did not affect the Consolidated Revenue Fund.

In the case of Bill C-269 (*An Act to amend the Employment Insurance Act (improvement of the employment insurance system)*), however, the Speaker ruled, on November 6, 2006, that provisions for new expenditures from the EI Account and other provisions involving other increases to expenditures made a royal recommendation necessary.

Bill C-303 (*Early Learning and Child Care Act*), suffered a similar fate, also on November 6, 2006, when the Speaker found that the provisions in the bill for the making of transfer payments would cause it to require a royal recommendation. He told the House that he would therefore decline to put the question on third reading of the bill in its

present form unless a royal recommendation were received.

In like manner, the Speaker found, on November 8, 9 and 10, 2006, that particular provisions of Bills C-279 (*An Act to amend the DNA Identification Act (establishment of indexes)*), C-284 (*An Act to amend the Canada Student Financial Assistance Act (Canada access grants)*) and C-278 (*An Act to amend the Employment Insurance Act (benefits for illness, injury or quarantine)*) would entail new expenditures by the government. Accordingly, he ruled that he would decline to put the question on third reading of the bills in their present form, unless royal recommendations were received.

The Right Hon. **Paul Martin's** Private Member's Bill (C-292) providing for implementation of the "Kelowna Accord", was reported without amendment by the Standing Committee on Aboriginal Affairs and Northern Development on December 6, 2006.

Bill C-288 (*An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol*), standing in the name of **Pablo Rodriguez** (Honoré-Mercier), was reported with amendments by the Standing Committee on Environment and Sustainable Development on December 8, 2006.

### Other Matters

---

November 21, 2006 saw the unanimous adoption of a motion urging the government to "honour all who served Canada in the First World War by sponsoring a state funeral on the passing of the last Canadian veteran of this Great War."

On Dec. 5, 2006, the Prime Minister tabled the certificate of nomination of **Robert Marleau**, former Clerk of the House of Commons, as the new Information Commissioner. Mr. Marleau appeared be-

fore the Standing Committee on Access to Information, Privacy and Ethics on Dec. 12, 2006. The Committee's affirmative report was presented the following day, whereupon the House adopted a motion approving the appointment.

**Glen Pearson** (Lib.), newly elected to represent the constituency of London North Centre, was introduced in the House of Commons on December 7, 2006. Mr. Pearson was elected on (November 27, 2006) to replace **Joe Fontana**, who resigned his seat to enter municipal politics.

On December 12, 2006, **Raymond Gravel** (BQ) the newly-elected Member for Repentigny, took his seat in the House. Mr. Gravel was elected (also on November 27, 2006) to replace Bloc Québécois MP **Benoît Sauvageau** who lost his life tragically during the summer recess.

On December 13, 2006, the House adopted a motion that it stand adjourned until January 29, 2007, provided that, for the purposes of S.O. 28 (setting out the House calendar), it be deemed to have sat on Thursday, December 14 and Friday, December 15, 2006.

On January 30, 2007, a moment of silence was observed and tributes offered in memory of the Hon. **Lloyd Francis**, former Speaker of the House of Commons (January 16 - November 4, 1984), who passed away on January 20, 2007. Mr. Francis was named Deputy Speaker in 1980 and became Speaker in 1984 after the Hon. **Jeanne Sauvé** resigned to become Governor General.

**Gary Sokolyk**  
Procedural Clerk  
Table Research Branch  
House Proceedings Directorate



## Ontario

On December 21, 2006, the House adjourned for the winter recess, one week later than expected. Of the 16 bills that received Royal Assent during the fall sitting, some of the more significant were Bill 14, *Access to Justice Act, 2006*, which provided for the regulation of paralegals; Bill 50, *Traditional Chinese Medicine Act, 2006*, which created the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario; Bill 65, *Mortgage Brokerages, Lenders and Administrators Act, 2006*, which amended regulations in the mortgage industry in an attempt to curtail fraud; Bill 158, *Public Service of Ontario Statute Law Amendment Act, 2006*, which introduced amendments to public service legislation that included whistle blowing and conflict of interest provisions, and Bill 173, *Legislative Assembly Statute Law Amendment Act, 2006*, which revises the method for determining a Member's pay by linking it to 75 per cent of the salary of a Member of the House of Commons.

### Committee Activity

During the month of November, 2006, the Standing Committee on the Legislative Assembly met to conduct clause-by-clause consideration of Bill 52, *An Act to amend the Education Act respecting pupil learning to the age of 18 and equivalent learning and to make complementary amendments to the Highway Traffic*

*Act*. The Committee also held one day of public hearings on Bill 28, *An Act to require the taking and analysing of blood samples to protect victims of crime, emergency service workers, good Samaritans and other persons and to make consequential amendments to the Health Care Consent Act, 1996 and the Health Protection and Promotion Act*. Clause-by-clause consideration of the bill was conducted on November 30, 2006, after which the bill was reported back to the House as amended.

The Standing Committee on Government Agencies presented three reports to the House after completing its review of the Liquor Control Board of Ontario, the Ontario Lottery and Gaming Corporation and Hydro One. The Committee conducted its Agency Review with a view to improving accountability of the agencies, and rationalizing the functions of the agencies. The three reports are currently available online at the Legislative Assembly of Ontario web site.

The Standing Committee on Justice Policy resumed public hearings on Bill 107, *An Act to amend the Human Rights Code*. The Committee had met previously for public hearings and had scheduled additional meetings to be held throughout November and December with the intention of hearing from all those who requested to appear. However, a time allocation motion was introduced and passed in the House on November 21 that ordered the Committee to complete its consideration and clause-by-clause review of the bill on November 29 and report the bill to the House no later than November 30, 2006. The bill was reported as amended. The Committee also considered Bill 103, *An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act*. After two



days of public hearings and one day of clause-by-clause consideration, the Committee intends to report the bill, as amended, when the House resumes.

The Standing Committee on General Government met on November 15, 20, 22, 27, 29, December 4, 6 and 11, 2006, to conduct public hearings and clause-by-clause consideration of Bill 130, *An Act to amend various Acts in relation to municipalities*. The bill amends or repeals various Acts which are set out in separate Schedules. The bill was reported back to the House as amended by the Committee on December 12, 2006.

The Standing Committee on Regulations and Private Bills met on November, 15, 21, 22, December 6 and 7, 2006, to conduct public hearings and clause-by-clause consideration of Bill 124, *An Act to provide for fair registration practices in Ontario's regulated professions*. The bill amends the *Regulated Health Professions Act, 1991*, and creates a *Fair Registration Practices Code*. The bill was reported back to the House as amended by the Committee on December 11, 2006. The Committee also considered 4 private bills during the same time period.

The Standing Committee on Social Policy met for clause-by-clause consideration of Bill 50, *An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts*, and reported the bill, as amended, on November 15, 2006. It also considered and reported on Bill 152, *An Act to modernize various Acts administered by or affecting the Ministry of Government Services*. During the winter recess, the Committee concluded consideration of Bill 140, *An Act respecting long-term care homes*. The Committee intends to report the bill, as amended, when the House resumes.

## Other Matters

On October 25, 2006, **Coulter A. Osborne**, Integrity Commissioner, tabled a Report responding to the request of **Mario Sergio**, member for York West concerning **Robert Runciman**, member for Leeds-Grenville. The complaint alleged that Mr. Runciman, during media scrums outside of the Legislature, breached the parliamentary convention of sub judice and therefore the *Members' Integrity Act* by commenting directly on a matter before the courts. The matter involved an innocent bystander injured and permanently confined to a wheelchair by an apparent drive by shooting. The four men subsequently arrested and accused with conspiracy to commit murder entered into plea negotiations with the Crown and discussion of substantial restitution payments to the injured woman were reported in the media. The Integrity Commissioner concluded that Mr. Runciman knowingly commented directly on the propriety of the restitution payment. In the Integrity Commissioner's view, it was established that a clear contravention of the *Members' Integrity Act* had taken place. Section 34(i) of the Act allows for penalties on the finding of contravention of the Act, but due to the fact that the criminal proceedings were not affected by Mr. Runciman's comments, the Commissioner recommended that no penalty be imposed. On November 21, 2006, after one day of debate, a motion that the Legislative Assembly accept the Report of the Integrity Commissioner dated October 25, 2006, and approve the recommendation contained therein, was carried by a vote of 48 to 27.

Each party in the Legislature received a new member during three by-elections held on Thursday, February 8, 2007. The polls returned Liberal candidate **Michael Chan** in

the riding of Markham, New Democratic Party candidate **Paul Ferreira** in the riding of York South-Weston, and Progressive Conservative candidate **Joyce Savoline** in the riding of Burlington. These members will replace former members **Tony Wong**, **Joe Cordiano** and **Cam Jackson** respectively.

**Trevor Day**  
Committee Clerk



## British Columbia

A brief fall sitting of the second session of the 38th parliament commenced on November 22, 2006 to consider primarily the report of a Special Committee tasked with recommending a new, independent Children and Youth Representative for British Columbia. The sitting was intended by Government to last one day, but was extended to three days by the Official Opposition through a number of procedural tactics. These included: refusing to grant leave to permit the moving of a motion to adopt the Special Committees' report to appoint the child and youth representative; using Standing Order 35 to raise matters requiring urgent debate; raising a point of privilege; and debating on motions to adjourn and to recess. The fall sitting totaled three sitting days, and included an all-night debate on November 27, 2006.

---

## Standing Order 35

---

On three different occasions, members of the Official Opposition rose under Standing Order 35 and sought to move a motion to adjourn the House to discuss matters of urgent public importance.

- **Jenny Kwan** (Vancouver-Mount Pleasant) sought leave to adjourn the House on November 22, 2006, pursuant to Standing Order 35, to discuss the shelter rate for income assistance recipients.
- **Gregor Robertson** (Vancouver-Fairview) sought leave to adjourn the House on November 23, 2006, pursuant to Standing Order 35, to discuss the need to ensure all British Columbians have access to safe drinking water.
- Leader of the Official Opposition, **Carole James**, sought leave to adjourn the House on November 27, 2006, pursuant to Standing Order 35, to discuss a pending vote by the United Nations on the declaration on the rights of indigenous peoples.

In all three cases brought forth under Standing Order 35, the Speaker of the Legislative Assembly, **Bill Barisoff**, ruled that although the matters were important policy issues, they did not, in themselves meet the requirements for an emergency debate.

## Point of Privilege

---

On November 23, the Leader of the Official Opposition raised a point of privilege, claiming that there was a *prima facie* case of a breach of privilege by the Solicitor General. The breach of privilege claim by Ms. James alleged that the Solicitor General deliberately misled the House in his description, during Question Period, of the powers of the Chief Coroner under the *Coroners Act* and in regard to administration matters in relation to child deaths on an is-

sue dealing with the coroner's office.

In his decision, the Speaker stated that difference of opinion as to the interpretation of an act may be the essence of a debate but cannot qualify as a breach of privilege. The Speaker further stated that in numerous Speaker's decisions it has been ruled that a dispute between members as to the facts does not constitute a *prima facie* case of breach of privilege.

## Granting Leave and Debate on Adjournment

---

As noted earlier, the primary purpose for the brief fall sitting was for the House to consider the report of the Special Committee to Appoint a Representative for Children and Youth. However, as the adoption of a committee motion is a substantive motion, two days notice, or leave of the House is required to proceed with this business.

On the first sitting day, the Chair of the Special Committee the Appoint a Representative for Children and Youth, **John Rustad**, asked leave to suspend the rules to permit the moving of a motion to adopt the Committee's report. Leave was not granted by the Official Opposition on November 22 nor on November 23. The Chair had filed a notice of motion on November 22, so by November 27, 2006, the matter was finally on the floor of the House, and unanimously adopted, including the recommendation made by the Special Committee.

On motions to adjourn and motions to recess, debate arose which lasted through the night and primarily involved opposition members expressing the view that other important issues warranted the Legislature's attention, and therefore the House should continue with its session. The House adjourned the morning of November

28, 2006 after an eighteen hour sitting.

## Committee Activity

---

The Special Committee to Appoint a Representative for Children and Youth had unanimously recommended **Mary Ellen Turpel-Lafond** to the position of Children and Youth Representative. This position introduces a new, independent statutory officer who, like other statutory officers in British Columbia, will report directly to the Legislative Assembly.

Mme Turpel-Lafond was previously the Administrative Judge for Saskatoon and was involved in the administration of the Provincial Court of Saskatchewan in relation to access to justice, judicial independence projects, technology and public outreach. She has also worked as a criminal law judge in both youth and adult courts.

The primary duties of the Representative for Children and Youth include enhancing the awareness of services available to children and their families; reviewing and auditing ministries and public bodies providing services to children and families in need; and reviewing and investigating critical injuries and deaths of children in the care of government.

In other committee activity, the Select Standing Committee on Finance and Government Services released two reports this session—the *Report on the Budget Consultations* (November 16, 2006); and the *Annual Review of the Budgets of the Independent Offices of the Legislative Assembly* (December 20, 2006).

Other committees that reported out during this session were the Select Standing Committee on Health; the Select Standing Committee on Education; the Special Committee on Sustainable Aquaculture (1st Re-

port); and, the Select Standing Committee on Crown Corporations.

The Select Standing Committee on Public Accounts was tasked with recommending the appointment of a new Auditor General of British Columbia, which began its search in March, 2006. The Committee was unable to unanimously select a candidate and the decision was made by a motion approved on division to appoint **Arn van Iersel** Acting Auditor General on May 31, 2006. In February 2007, Mr. van Iersel submitted his letter of resignation effective June 2007. The Committee will continue its selection process for a new Auditor General in the new session. The annual report on the Select Standing Committee on Public Accounts should be released later this month.

### Other Matters

On November 18, 2006, a ceremony was held on the Legislative Assembly grounds to recognize a historic settlement that was reached between the Songhees and Esquimalt First Nations, and the Governments of Canada and British Columbia in regards to a parcel of land in downtown Victoria. The land, which includes the grounds of the British Columbia Parliament Buildings, was originally set aside for the purpose of a reserve in 1854 by Governor James Douglas, but was allegedly reclaimed for the purpose of building a legislature without obtaining a formal surrender of the land. Upon ratification of the settlement—which included a \$31 million payment to the two First Nations—the rights and interests of the lands will be surrendered.

On November 27, Members of both the government and the official opposition paid tribute to Dr. **Frank Calder** who passed away on November 4, 2006. Dr. Calder was a member of the Order of Canada, the

Order of British Columbia, and served as a Member of the Legislative Assembly for 26 years. Dr. Calder was also the first aboriginal person in the country to be elected to a legislature, and the *Calder vs. British Columbia* Supreme Court of Canada decision established that Aboriginal title exists in modern Canadian law.

**Brant Felker**

Committee Research Analyst



## Senate

The careful and thorough study of Bill C-2, the *Federal Accountability Act*, is a fine example of the work done by Senate committees. One of the most significant pieces of legislation to come before Parliament in recent years, Bill C-2 was massive in size and contained issues that were both complex and far-reaching. The Senate, mindful of its constitutional role, was anxious to move the bill to committee where it would examine all aspects of the bill in-depth. Bill C-2 was referred to the Legal and Constitutional Affairs Committee on June 27 after two days of second reading debate. It was in this committee that Bill C-2 was subjected to an intense review.

The Committee held 30 meetings during the early summer and late fall and heard testimony from over 150 witnesses. In its report to the Senate on October 26, the Committee proposed 156 amendments to the bill. They concerned issues that varied from political financing to

whistleblower protection, but it was the package of amendments about the Senate Ethics Officer that was the focus of much of the debate in the Senate. Senators were concerned about the implications of the amalgamation of functions of the Senate Ethics Officer and the House of Commons Ethics Commissioner in the proposed Conflict of Interest and Ethics Commissioner. Some senators argued that the combination of this position threatened the independence of the Senate and its right to govern its own affairs. They maintained, as they had in 2004 when the Senate Ethics Officer was created as a result of Bill C-4, that only a separate and independent Senate Ethics Officer was acceptable.

In addition to the many amendments recommended by the committee, further amendments were made at report stage and third reading before the bill was returned to the Commons on November 9. On November 23, the Legal and Constitutional Affairs Committee was asked to consider the Message from the Commons on November 21 as well as the Senate Government Leader's motion to concur. In its report of December 7, the committee recommended that the Senate agree to many of the proposals made by the Commons to the Senate amendments and non-insistence to many others. It also recommended that the Senate insist on its amendments which dealt with the Senate Ethics Officer, given their significant importance to the status and privileges of the Senate. When Bill C-2 was accepted in its final form on December 8, over 90 Senate amendments had been agreed to between the Senate and the Commons.

Bill C-2 and five other bills received Royal Assent on December 12 by Governor General **Michaëlle Jean** in a traditional ceremony held



---

in the Senate Chamber. Also in attendance to witness the final passage of the Government's legislative centrepiece was Prime Minister **Stephen Harper**. Four other bills received Royal Assent by written declaration on December 14, the same day that the Senate adjourned for the winter holiday.

### Motions

---

On November 7 the Senate adopted a motion calling on the Government to bring into force section 80 of the *Public Safety Act, 2002*. This section of the Act protects the civilian jobs of Canadian Forces reservists while they particulate in overseas missions.

Several senators participated in debate on a motion urging the Government to include a social and economic impact study on regions and minorities with all government bills. The underlying principle of the motion, to ensure that proposed government legislation does not inadvertently affect any minority group or region, was in keeping with the Senate's constitutional responsibility to represent and protect minorities and regions. Although some senators expressed concern about the practicality of the motion, none could argue with its intent and the motion was passed on November 21.

Minority rights was again an issue during debate on a motion urging the Government to reconsider its decision to discontinue the Court Challenges Program, a tool which helped minority groups to assert their rights guaranteed under the Constitution and particularly the *Charter of Rights and Freedoms*. The motion, including authority for the Legal and Constitutional Affairs Committee to study and report on the benefits and results of the Court Challenges Program, was adopted on December 7. The Committee is

expected to report by the end of February 2007.

On December 14, the Senate adopted a resolution condemning the President of Iran for hosting a Holocaust denial conference which took place in Iran on December 11-12, 2006.

The Senate approved the appointment of **Robert Marleau** as Information Commissioner for a term of seven years on December 13. The day before, Mr. Marleau appeared in Committee of the Whole to answer questions.

### Committee Reports

---

From time to time, the Senate finds it necessary to amend a committee report. This happened last October when the Senate adopted a motion to remove all references to Goose Bay, Labrador from the Fourth Report of the National Security and Defence Committee entitled *Managing Turmoil, The Need to Upgrade Canadian Foreign Aid and Military Strength to Deal with Massive Change*. A week later, the report was referred back to the Committee with an instruction to implement the amendment and to table the amended report. The Committee tabled an amended version of its Fourth Report on November 21.

On November 29, the Foreign Affairs and International Trade Committee tabled an interim report on certain aspects of the Canada-United States agreement on softwood lumber. The Committee will undertake further study on Canada's international business policy during 2007 and plans to present a final report by the end of the year.

The Aboriginal Peoples Committee tabled its final report on the federal specific claims process on December 12. In its Fifth Report, entitled *Negotiation or Confrontation:*

*It's Canada's Choice*, one of the Committee's four recommendations was the establishment of an independent body for resolving specific claims.

Also tabled on December 12 was the Seventh Report of the National Finance Committee. An interim report, *The Horizontal Fiscal Balance: Towards a Principled Approach*, is the first phase of the Committee's ongoing study of Canada's fiscal arrangements for provinces and territories. The Committee will look next at vertical imbalances between the federal government, provinces and municipalities.

On the following day, the Agriculture and Forestry Committee tabled an interim report on rural poverty. There have been other reports on poverty written over the years, including the report of the Special Senate Committee on Poverty in 1971, but the Sixth Report entitled *Understanding Freefall: The Challenge of the Rural Poor* is thought to be the only one written by a federal parliamentary committee dedicated solely to rural poverty.

### Inquiry

---

In addition to legislative and representative roles, the Senate also has an investigative role. Inquiries are a way to promote awareness about an issue of particular interest to a senator. In September 2006, Senator **Joyce Fairbairn**, a long time advocate of literacy programs in Canada and Minister with Special Responsibility for Literacy from 1993 to 1997, initiated an inquiry on the state of literacy in Canada. Currently, 26 senators have contributed to the discussion about literacy programs in their provinces and the effect of government cuts on people who struggle with this issue. Debate will continue until no other senator wishes to speak.

---

## Milestones

---

Senator **Ione Christensen**, who represented the Yukon Territory in the Senate, resigned on December 31. Since her appointment in 1999, Senator Christensen was an active member of several committees and made a valuable contribution to the Senate. She also holds the distinction of being the first woman elected Mayor of the City of Whitehorse and the first woman appointed Commissioner of the Yukon.

Senators paid tribute to the memory of Senator **Eileen Rossiter** who died on January 20. One of the first

women appointed to the Senate from Prince Edward Island, Senator Rossiter is best remembered for her work as Deputy Chair of the Human Rights Committee and as Chair of the Fisheries and Oceans Committee. She retired in July 2004 at the age of 75 years, after serving the Senate for 18 years.

## Hydrogen Bus Project

---

On December 7, 2006, Industry Canada, Natural Resources Canada, Ford of Canada, ATFCAN and other industry partners introduced the first of three hydrogen powered

vehicles to Parliament Hill in a unique pilot project to test the vehicles in real-life conditions. The buses will be included in the Senate's fleet and will be used to transport parliamentarians and staff between buildings in the Parliamentary Precinct. One of the buses is wheelchair accessible.

The three mostly-made-in-Canada shuttle buses feature internal combustion engines that produce near zero emissions of regulated pollutants and greenhouse gases. This is the first time that hydrogen and not gasoline will fuel internal combustion engine shuttle buses in



A new hydrogen fuel bus was delivered to the Senate on December 7, 2006. It is one of three that will be tested in the Hill's renowned cold and humid conditions for the next year as part of a demonstration project to see how the buses perform in real-world conditions. The project is funded by Industry Canada, NRCAN, Ford, ATFCAN and Air Liquide and is scheduled to run until March 2008.

(l. to r.) Senators Tommy Banks; George Furey and Fernand Robichaud; NRCAN Minister Gary Lunn; Senate Speaker Noel Kinsella; Bill Osborne, President and CEO of Ford of Canada; Paul Belisle, Clerk of the Senate; Rodney Semotiuk, President of ATFCAN; Vance Zanardelli, Ford's hydrogen Chief Engineer.

(Credit: Senate of Canada; Communications Directorate)

---

Canada in actual driving conditions.

“The Senate has an ongoing commitment to greening its operations and to making its environmental footprint sustainable over the long term,” commented **Noël Kinsella**, Speaker of the Senate. “This project is a concrete example of industry and government working together to explore alternative technologies, and we are pleased to be participating as a demonstration site in an area where Canada has the poten-

tial to show tremendous leadership.”

Industry Canada has invested \$4.2 million in this \$8.5 million demonstration project of ten Hydrogen Shuttle Buses, three of which will be on Parliament Hill. The remaining seven buses will be distributed among other Canadian locations at a later date.

Natural Resources Canada’s Canadian Transportation Fuel Cell Alliance and Air Liquide Canada are partnering on the installation of a

\$1.6 million hydrogen fuelling station for the shuttle vehicles. The hydrogen fuelling station will be located at the NRCan Booth Street Complex alongside other alternative fuelling stations. The demonstration project will be in full operation sometime in the spring of 2007.

**Mary Mussell**  
Journals Branch