



# Legislative Reports



## Nova Scotia

The name of the new Sergeant-at-Arms was incorrectly reported in the autumn, 2006 edition of the *Canadian Parliamentary Review*. The correct name of the new Sergeant-at-Arms is **Kenneth Greenham**.

On September 7, 2006, the term of office of the Hon. **Myra Freeman** as Lieutenant Governor of Nova Scotia ended and a new Lieutenant Governor, the Hon. **Mayann Francis** became Lieutenant Governor. Immediately, before her appointment, Ms. Francis served as Director of Human Rights for Nova Scotia.

### Fall Sitting 2006-2007

The Fall sitting of the House began on October 30, 2006, and the House adjourned for Christmas on November 23, 2006. During the sitting, 43 Public Bills were passed. Of these, 30 were introduced by the Government, 3 by the Official Opposition (NDP) and 10 by the third party (Liberal). By far the most controversial was Bill 117. This Bill was introduced by the Government, and deals with political party finances. It was hotly contested by the NDP, but supported by the Liberals and had

not been passed when the House adjourned for Christmas, although it had, at that point, been given second reading and had been referred to the Committee on Law Amendments. However, the Law Amendments Committee began its consideration of the Bill shortly after the Christmas break, and the House reconvened on January 6, 2007, for a rare January sitting, for the sole purpose of considering this Bill. Accordingly, the Bill was reported back to the House by the Committee on January 6, 2007 and, on that day, referred to the Committee of the Whole House on Bills. After a lively and lengthy debate in Committee and on Third Reading, the Bill finally passed, and was given Royal Assent on January 11, 2007, and adjourned until the beginning of its Spring sitting.

Just before the House adjourned, **Ernest Fage**, member of the House for Cumberland North, resigned from the Cabinet and then from the Government caucus, and now sits as an Independent Progressive Conservative.

On March 1, 2007, **Kevin Deveaux**, member for Cole Harbour-Eastern Passage, and NDP House Leader, resigned his seat in the House in order to take a position with the United Nations in Vietnam. **Frank Corbett**, member for Cape Breton Centre is now the NDP House Leader.

These two developments leave the standings in the House as follows: Progressive Conservatives – 22; New Democrats – 19; Liberals –

9; Independent Progressive Conservative – 1 and Vacancy – 1.

### Spring Sitting, 2007

The Spring Sitting of the House began on March 19, 2007 and ended on April 13, 2007. The main item of this sitting was the budget for the fiscal year 2007-08 which was passed unanimously by all members present on April 13, 2007.

At the Spring Sitting 19 Public Bills (including the *Appropriations Act*) were passed. Of these, 17 were introduced by the Government, 1 by the Official Opposition and 1 by the Third Party.

### Liberal Leadership

The Liberal party held a leadership convention on April 28, 2007, to replace **Francis MacKenzie**, who had resigned as its leader. At the close of nominations, the following were the candidates:

- **Kenzie MacKinnon**, a Halifax lawyer
- **Stephen McNeil**, member of the House for Annapolis
- **Mike Smith**, Mayor of the Municipality of Colchester
- **Diana Whalen**, member of the House for Halifax-Clayton Park

After two ballots, **Stephen McNeil** was elected as the new Leader of the Nova Scotia Liberal Party.

**Art Fordham**  
Assistant Clerk



## Manitoba

On April 4th, 2007 the Manitoba Legislature assembled as the Fifth Session of the Thirty-Eighth Legislature resumed amid much speculation about an impending provincial general election. The House sat for two and a half weeks before the Legislature was dissolved on April 20 and Premier **Gary Doer** called a provincial general election for Tuesday, May 22, 2007.

On the opening day of the spring session Finance Minister **Greg Selinger** presented the NDP government's eighth budget. The total operating expenditure for the 2007-2008 "Building Budget" was listed as \$9.3 billion, an increase of 7% from 2006-2007. The government described their plan as "the first summary budget in Manitoba's history that fully reflects generally accepted accounting principles (GAAP)." Highlights included:

- Providing \$297 million in new tax cuts including \$119 million in personal income tax reductions, \$49 million in education property tax relief and \$93 million in business tax cuts;
- Increasing the investment in highways by 50 per cent, bringing the annual investment close to \$400 million;
- Installing a new leading-edge, non-invasive cancer knife to treat cancers in all parts of the body;
- Investing more than \$10 million in additional funds to support water protection initiatives and

improve water management and flood protection;

- Providing a \$30.3-million increase for public schools;
- Implementing the 60 per cent tax rebate on tuition fees for all post-secondary graduates who live and work in Manitoba;
- Increasing funding support for Winnipeg by 18.3 per cent or \$29.1 million, which includes \$21 million for road improvements; and
- Providing funding for 14 additional police officers including five for the Stolen Auto Unit to deal with repeat offenders.

During his first budget speech as party leader, on April 10, 2007 Official Opposition Leader **Hugh McFadyen** moved a motion expressing non-confidence in the government. The motion noted the opposition's regrets that the budget ignored "the present and future needs of Manitobans". The motion listed a number of deficiencies, including:

- failing to set out a coherent plan to stem the flow of people out of Manitoba, after the loss of 35,000 Manitobans to other provinces since 1999;
- failing to implement taxation measures to make Manitoba competitive with other provinces;
- failing to address serious issues of crime such as auto theft, gang activity, and violent crime;
- failing to address the emergency physician shortage that has crippled Manitoba hospitals and threatens to close more emergency rooms;
- failing to embark on a long-overdue, science-based effort to clean up Lake Winnipeg;
- failing to provide clear information about the "Spirited Energy" campaign; and
- failing to be accountable to Manitobans for exorbitant cost

overruns on the floodway expansion project and Manitoba Hydro office tower.

On April 11, 2007 **Jon Gerrard** (Independent Liberal - River Heights) moved a sub-amendment to Mr. McFadyen's amendment. Mr. Gerrard perceived a number of other shortcomings in the government's financial plan, including:

- failing to provide an effective strategy to deal with child poverty;
- failing to provide Manitobans with the legal rights to timely quality health care;
- failing to present an adequate approach to reduce phosphorous levels and algal blooms in Lake Winnipeg; and
- failing to make rapid transit a priority in the city of Winnipeg.

On April 17, 2007 Mr. Gerrard's sub-amendment was defeated on a voice vote, while Mr. McFadyen's amendment was defeated on a recorded vote of yeas 20, nays 34. The main budget motion carried on a recorded vote of yeas 34, nays 20.

During his contribution to the budget debate on April 17, former Speaker **Denis Rocan** (PC - Carmen) offered some criticisms of his own caucus, concluding by indicating in the House that he would be supporting the government's budget. The following day Speaker **George Hickes** received a letter from the Leader of the Official Opposition advising that Mr. Rocan would no longer serve as a member of the Progressive Conservative caucus and would no longer be seated with the caucus in the Legislative Chamber.

Four long serving MLAs announced they will not be seeking re-election:

**Tim Sale** (NDP - Fort Rouge) - first elected in 1995, Mr. Sale served in the NDP cabinet from 1999-2006.

**Glen Cummings** (PC - Ste. Rose) - first elected in 1986, Mr. Cummings served in the cabinet of former premier Gary Filmon.

**Jack Penner** (PC - Emerson) - first elected in 1988, Mr. Penner also served in the cabinet of former premier Gary Filmon.

**Harry Schellenberg** (NDP - Rossmere) - Mr. Schellenberg sat as an MLA from 1993-1995 and again since 1999. He has held the position of Deputy Chairperson of the Committees of the Whole House since 1999.

A number of notable Bills were introduced during the spring session, including:

- Bill 17 - *The Employment Standards Code Amendment Act (Leave for Reservists)*, which would amend *The Employment Standards Code* to provide job protection for members of the reserve force of the Canadian Forces. The Bill would give them a right to an unpaid leave to participate in training or active duty in the reserves.
- Bill 21 - *The Statutory Holidays Act (Various Acts Amended)*, would establish the third Monday in February as a statutory holiday;
- Bill 22 - *The Firefighters, Peace Officers and Workers Memorial Foundations Act*, would establish foundations to honour firefighters and peace officers who have died in the line of duty as well as workers who have died in the workplace; and
- Bill 217 - *The Apology Act*. This Private Member's Bill introduced by Mr. Gerrard would allow a person to make an apology about a matter without the apology constituting an admission of legal liability.

These Bills had proceeded through some of the early stages of the legislative process prior to the dissolution of the Legislature.

The Manitoba Public Accounts Committee (PAC) held two meetings in February and March 2007. The discussion focussed on a pair of reports from the office of the Auditor General. The report on the Crocus Investment Fund (released in May 2005) investigated the failure of the Crocus Fund, a labour-driven investment fund. The report on Environmental Audits (released in November 2005) reviewed both the province's management of contaminated sites, as well as the protection of well water quality in Manitoba.

At the February 22 meeting the Manitoba PAC used a relatively new provision in our rules to pass a motion requesting that the Auditor General consider an examination and audit into the government's recent provincial re-branding campaign known as "Spirited Energy". Auditor General **Carol Bellringer** noted at the meeting that this was the first such request to come from the Public Accounts Committee to her office, and she encouraged MLAs to consider exercising the option "as often as possible".

As noted above, on Friday, April 20, 2007 Premier Doer announced the beginning of the provincial general election campaign with voting day set for Tuesday, May 22, 2007. The last Manitoba general election occurred on June 3, 2003. The current standings in the Manitoba House are 35 NDP, 18 Progressive Conservative, two independent Liberals, one independent and one vacancy.

**Rick Yarish**

Clerk Assistant /  
Clerk of Committees



## Ontario

In the spring session, the Legislature passed a number of bills including Bill 155, *An Act to provide for a referendum on Ontario's electoral system*. As stated in its title, this Bill provides that if the Citizens' Assembly on Electoral Reform recommends the adoption of an electoral system different from Ontario's current one, a referendum on the recommended electoral system shall be held in conjunction with the 2007 general election. The referendum question will be established by an order of the Lieutenant Governor in Council.

On March 22, 2007, the Budget for 2007-2008 was tabled in the House by the Minister of Finance.

### Committees

The Standing Committee on General Government considered Bill 69, *An Act to allow for information sharing about regulated organizations to improve efficiency in the administration and enforcement of regulatory legislation and to make consequential amendments to other Acts*. The purpose of the Bill is to increase compliance in regulated sectors by, "...among other things, empowering Ministers to authorize the collection, use and disclosure of certain information and empowering Ministers to authorize the same person or class of persons to exercise functions under multiple Acts." The Committee held public hearings on March 26 and clause-by-clause consideration



on March 28, 2007. The Bill was reported back to the House, with certain amendments, on March 29, 2007 and is on the *Order Paper* for Third Reading.

The Standing Committee on Finance and Economic Affairs concluded its Pre-budget consultations over the winter adjournment and tabled its report in the House on March 19, 2007.

The Standing Committee on Justice Policy held two days of public hearings on 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 one day of clause-by-clause consideration, the Committee reported the Bill back to the House with certain amendments. Bill 103 is currently on the *Order Paper* for Third Reading.

The Committee is currently considering Bill 165, *An Act to establish and provide for the office of the Provincial Advocate for Children and Youth*. This Bill proposes to establish the position of Provincial Advocate for Children and Youth, who would be an officer of the Legislative Assembly.

#### Other Matters

After being returned as the Member for Markham in the by-election of February 8th, **Michael Chan** was sworn in as Minister of Revenue on February 21, 2007. On March 29, 2007, **Tim Peterson**, Member for Mississauga South, crossed the floor to sit as an independent.

On March 21, 2007, **Deborah Deller**, was appointed Clerk of the Legislative Assembly succeeding **Claude DesRosiers**, who had retired on December 31, 2006 after 20 years of service. Ms. Deller had been the Acting Clerk since January 2007 and Deputy Clerk and Executive Director of Legislative Services from 2003 to 2007. Ms. Deller also is

the first woman to occupy the position in Ontario.

Effective April 24, 2007, **Todd Decker**, assumed responsibilities as Deputy Clerk and Executive Director of Legislative Services. Mr. Decker had served as Clerk of Journals and Procedural Research since 1997.

**Katch Koch**  
Committee Clerk



## Nunavut

The Fourth Session of the Second Legislative Assembly of Nunavut convened on March 6, 2007. The Opening Address was delivered by Commissioner **Ann Meekitjuk Hanson**.

Finance Minister **David Simailak** delivered the Budget Address on March 7. The proceedings of the Committee of the Whole during the March sitting were dominated by the scrutiny of the Government of Nunavut's 2007-2008 main estimates and departmental business plans.

To date, a total of 58 bills have been passed during the Second Assembly. Five bills were passed during the March sitting, including amendments to the *Nunavut Elections Act* and the *Income Tax Act*. An *Act to Amend the Local Authorities Elections Act* and a new *Workers' Compensation Act* are presently under consideration by Standing Committees of the Legislative Assembly. Nunavut and the Northwest Territories maintain a joint Workers' Compensation Board.

Both legislatures are presently considering a substantially similar bill.

On March 22, Minister of Energy **Ed Picco** announced that legislation will be introduced in the spring sitting of the House to ban the sale of incandescent light bulbs in the territory. On March 28, Minister of Culture, Language, Elders and Youth **Louis Tapardjuk** tabled two draft bills for public discussion and consultation: a new *Official Languages Act* and a new *Inuit Language Protection Act*. It is anticipated that the bills will be formally introduced in the spring sitting.

The final report of the Electoral Boundaries Commission, which was established pursuant to the *Nunavut Elections Act*, was tabled in the House by Speaker **Peter Kilabuk** in November 2006. During the March 2007 sitting, Iqaluit Centre MLA **Hunter Tootoo** introduced a formal motion to reject the Commission's recommendations. The motion engendered energetic debate in the House, and was ultimately carried by a vote of 11 to 6, with one abstention.

A number of other formal motions were considered by the House during the March sitting. Mr. Tootoo introduced a motion, seconded by Cambridge Bay MLA **Keith Peterson**, to censure the Executive Council for the government's management of the renewal of a major government office lease in the community of Cambridge Bay. The motion was carried by a vote of 9 to 8. Mr. Tootoo also introduced a formal motion to request that the Auditor General of Canada undertake a comprehensive performance audit of the Department of Health and Social Services. The motion passed without opposition, as did that of Rankin Inlet North MLA **Tagak Curley**, who moved to refer the government's energy strategy document to the Committee of the

Whole for detailed scrutiny during the spring sitting of the House. Tunnunig MLA **James Arvaluk's** motion to recommend that the Department of Health and Social Services relocate a number of its administrative positions between communities was not adopted.

The sitting adjourned on March 29. The Fourth Session will reconvene on May 29 for the spring sitting.

**Alex Baldwin**

Director, Research and  
Library Services



At the request of the Premier **Jean Charest**, the Assembly held an extraordinary sitting on February 20, 2007 to permit **Michel Audet**, Minister of Finance, to deliver the budget speech.

The debate on the budget speech did not take place, however, since the following day the Assembly was dissolved by the Lieutenant Governor **Lise Thibault** at the request of the Premier of Québec. At dissolution, the composition of the Assembly was as follows: Liberal Party, 72 Members; Parti Québécois, 45 Members; independent Members, 6 Members, 5 of whom from the Action démocratique du Québec; 2 vacant seats.

Before dissolution, 15 Members of the National Assembly, seven of whom from the Liberal Party, seven from the Parti Québécois and one independent Member, had already indicated that they would not run for office in the next general election.

## General Election

The electoral campaign lasted 33 days with the general election taking place on March 26. For the first time, the traditional Leaders' debate, a major media event, was held at the Parliament Building, more specifically in Le Parlementaire restaurant, which was specially arranged for the occasion.

Following the election, the Québec Liberal Party, was returned to power with the election of 48 Members, obtaining 33.08 % of the popular vote. The Action démocratique du Québec won 41 seats, with 30.80 % of the popular vote, and the Parti Québécois had 36 of its candidates elected with 28.32 % of the votes. As regards female representation, the 38th legislature will open with 32 women Members while the 37th legislature had begun in 2003 with the presence of 38 women.

The results constitute the first minority government in Québec since 1878. Furthermore, **Mario Dumont** is now the leader of the Official Opposition and shares the opposition seats with **André Boisclair**, who henceforth leads the second opposition group. Premier Charest unveiled his cabinet on Wednesday, April 18, and confirmed that proceedings would begin on May 8.

## Interparliamentary Relations and Parliamentary Simulations

The second session of the Catalonia-Québec Interparliamentary Committee was held on February 7-8 in Québec City. This cooperation agreement provides a framework for exchanges between parliamentarians hailing from the various political groups that form both assemblies. This meeting was an opportunity to discuss the role of the regions in the European Union, the status of Catalonia and the jurisdictions of the National Assembly

of Québec. The president of the Catalanian Parliament, **Ernest Benach i Pascual** also had the opportunity of exchanging with the leaders of the political parties represented at the National Assembly.

From February 14-16, 2007, the Assembly hosted the 5th legislature of the Young People's Parliament, a parliamentary simulation for Secondary 3 and 4 students. Hailing from twenty-nine public and private high schools located throughout Québec, the 143 participants played the roles of Members, parliamentary officers, journalists and press secretaries.

This edition allowed these young people to examine three bills addressing issues that reflect their concerns: security in schools, school success and the protection of the environment. A parliamentary committee also carried out an order of initiative on racism in Québec. At the conclusion of the simulation, only one bill was adopted, namely the *Act fostering the involvement of students from Québec schools in the improvement of the quality of the environment*.

## Other News

On March 20, 2007 **Raynald Fréchette**, former Member for Sherbrooke from 1966 to 1970 and from 1981 to 1985, passed away at the age of 73. During his first term representing the Union nationale, he was vice-president and subsequently president of the Assembly. During his second term he was successively Minister of Revenue, of Labour, and of Justice, this time representing the Parti Québécois.

**Carole-Anne Ouellet**

Secretariat of the Assembly

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## Standing Committees

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Last 15 and 16 February, the Committee on Culture held public hearings within the framework of a general consultation on the implementation of the *Act respecting the Conseil des aînés*. During the public hearings, nine groups had the opportunity of expressing their opinion regarding the Conseil des aînés, whose main purpose is to promote the rights of seniors, their interests and their participation in the community. It should be noted that every five years, a parliamentary committee must examine the advisability of maintaining in force or modifying the incorporating Act of this government agency.

With regard to orders of reference, last 6 February, the Committee on Institutions held special consultations on Bill 54, *An Act to amend the Professional Code and the Pharmacy Act*. The clause-by-clause consideration of this bill, whose aim was to modify the amounts of fines prescribed in the Professional Code and to extend the regulatory power of the Ordre des pharmaciens as regards certain contracts entered into by pharmacists, was not completed owing to the dissolution of the Assembly on February 21, 2007.

The extraordinary sitting of last February 20 provided an opportunity for several committees to table in the Assembly the reports on mandates that had been until then carried out. Hence, the Committee on Public Administration tabled its *18th report on the accountability of deputy ministers and chief executive officers of public bodies*. The report contains 16 recommendations aiming to improve the performance and efficiency of the management of the cadastral reform and of the technical assistance programmes for disabled persons. This report follows up on the hearing of the Deputy

Minister of Natural Resources and Wildlife that was held in October 2006 and on the hearing of the persons in charge of technical assistance programmes for disabled persons that was held last February.

The Committee on Education tabled its report on the hearings held with the head officers of educational institutions at the university level. These hearings, which took place between November 2006 and February 2007, allowed the Committee to meet with the presidents and heads of the 18 Québec universities and to make 11 recommendations to the Québec Government and to the universities. The Committee recommends, among other things, that financing matters be reviewed by carrying out a thorough analysis of the needs and resources of universities and students. Furthermore, it also makes recommendations concerning the integration of lecturers, recruitment and the retention of students undertaking graduate studies. The hearings with the heads of Québec universities, which take place every three years, are in pursuance of the mandate given to the Committee on Education under the *Act respecting educational institutions at the university level*.

The Committee on Education also tabled its report on the order of initiative concerning the school success of Natives. Containing 18 recommendations adopted unanimously by the members, this report is first and foremost a contribution to the process undertaken by the Native communities to reclaim education. It recommends that the requirements of the teaching programme correspond to the realities of the Native communities and encourages the implementation of local programmes that are adapted to the specific needs of the communities. The Committee also urges the

Governments of Québec and Canada to address the issue of school and housing infrastructures in Native communities. It should be noted that in autumn 2006, several Committee members had met with the members of the Inuit, Naskapi, Innu, Cree, Algonquin and Huron communities during study missions in Northern Québec, in the Abitibi-Témiscamingue region and in Wendake.

Lastly, the Committee on Public Finance tabled the report on its order of initiative regarding the protection of investors in the mutual funds sector. Though an interim report, it contains 24 recommendations that mainly concern education and information to consumers, governance rules, the actions of regulatory authorities, penalties and compensation. Initiated in 2005, this mandate enabled the holding of public hearings last January and February in which some thirty groups and individuals had the opportunity to express their opinion on this issue. Moreover, the Committee received 140 answers to the questionnaire that was accessible on the Assembly's Internet site during an on-line consultation.

**Yannick Vachon**

Secretariat of committees

Translation: **Sylvia Ford**

Secretariat of the Assembly



## Saskatchewan

**T**he Saskatchewan Assembly began its spring session on March 6th by welcoming a new Member.



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Saskatchewan Party candidate **Nancy Heppner** was victorious in the March 5th by-election in the constituency of Martensville, winning with 77% of the vote. She succeeds her father, **Ben Heppner**, who held the seat until his death last fall. Ms. Heppner had little time to celebrate her victory. The first order of business in the Assembly the following afternoon was the adoption of a bill to enable her to take her seat prior to the return of the writ.

The Assembly marked the passing of former Lieutenant Governor, **John (Jack) Wiebe** with a minute of silence on April 16th. The Assembly agreed not to sit on April 24th so that Members could attend the state funeral in Swift Current. Mr. Wiebe represented the constituency of Morse in the Saskatchewan Assembly from 1971 until 1978 and served in the Senate from 2000 until 2004.

### **Budget**

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March 22nd was Budget Day in Saskatchewan. Finance Minister **Andrew Thomson** presented the 2007-2008 budget fashioned under the theme of "Making Life Better" in Saskatchewan. The Budget identified four areas of priority.

Cutting taxes was the focus of "Keeping the strong economy growing". This included lowering business taxes, maintaining the lowest Provincial Sales Tax rate in twenty years at 5% and providing education property tax relief.

The budget aimed to "Make Saskatchewan an even better place for young people" by creating a new five-year \$10,000 annual tax exemption for new graduates, freezing university tuition at 2004 levels until 2008 and adding more than 2,100 new training seats in the areas of health care, trades, skills, early childhood education and on-serve basic education.

"Increasing access to health care for Saskatchewan families and seniors" was the third theme. A new \$15 Seniors' Drug Plan was described as the most significant expansion of health services for seniors in a generation. The budget also provided funding to shorten wait times, extend health benefits for low income workers, expand capital improvements in hospitals, health facilities and equipment, and additional resources to encourage health professionals to remain in the province.

The final theme of "Building highways and infrastructure to secure growth" will provide an increase of 31.3% in the infrastructure funding and a record amount of revenue sharing for municipalities and municipal infrastructure.

Finance critic **Ken Cheveldayoff** delivered the Opposition response to the Budget. Mr. Cheveldayoff took issue with the amount of spending outlined in the budget, questioning whether it was aimed at attracting votes in the lead up to an anticipated general election in the next year. He challenged the government for not taking advantage of the economic boom to prepare the province for future generations. He also condemned the slow progress on addressing the shortage of doctors and nurses.

After a spirited debate, the budget motion was passed on April 2nd by a margin of one vote.

### **House Business**

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Two issues have dominated Question Period during the spring session. The first concerned the government's handling of an employee of the Department of the Environment following allegations of harassment and the subsequent out of court settlement of his wrongful dismissal suit.

On March 12th, the Opposition House Leader, **Rod Gantefer**, raised a question of privilege, asserting that the Carriere settlement impeded the ability of Members to carry out their duties, in that Opposition Members were privy to neither the negotiations that led to it nor to its terms.

Speaker **Myron Kowalsky** ruled that a *prima facie* case of privilege had not been established. It was his opinion that the ability of Members to speak, debate, or ask questions in the Chamber or in committees was in no way impeded by virtue of the settlement agreement having been reached. Additionally, it is not uncommon for Ministers to decline to divulge details of matters on the grounds of sub judice, commercial sensitivity or which are of a confidential nature, such as personnel matters.

The Carriere matter continued to draw the Assembly's attention and was the subject of a Private Members' Motion on April 5th. The decorum during that debate was the focus of a Speaker's ruling on April 11th. Calling the language and conduct of Members' unacceptable, Speaker Kowalsky noted that the written *Hansard* was replete with instances on both sides of the House of language that was unnecessarily personal or offensive, either towards an individual or towards a recognized group. The Speaker concluded his lengthy ruling by cautioning Members to be temperate in their remarks and by reminding them that it was possible to effectively and forcefully refute the positions proposed by the other side while avoiding any personal aspersions on the integrity of colleagues.

The second issue that gained prominence in late April concerned the alleged misappropriation of public funds by a former employee

of the government caucus in 1992 and the manner in which it was dealt with. Speaker Kowalsky was called upon to rule on the admissibility of a line of questioning pursued by **Ken Krawetz** (Canora Pelly) during Question Period.

The Speaker ruled that while Members of the Executive Council did belong to the government caucus, the internal affairs of any caucus, as with those of any political party, do not fall within the administrative responsibility of the Government. The Speaker then enumerated three points that would guide future rulings:

1. Questions must be posed in a manner that clearly connects the issue to the responsibility of a Minister or the government as a whole;
2. When a question is put that is not directly connected to a government responsibility, the Speaker shall rule the question out of order but provide the government with the option to respond; and
3. This ruling does not preclude Members raising this type of issue by other means that are available.

The Speaker concluded his statement by noting that it was in line with the Assembly's practice to allow questions related to political parties when they are posed in terms of the legislation, statutes or the administration of the law. It was also in line with the practice to allow ministers to voluntarily respond to questions outside their ministerial responsibilities.

### Committee Business

Several committees took advantage of the winter intersessional period to conduct public hearings on bills. The Intergovernmental Affairs and Infrastructure Committee, chaired by **Ron Harper** (Regina Northeast) was the first committee to conduct hearings away from the capital under the revised 2004 *Rules*. The com-

mittee traveled to Saskatoon to hear from stakeholders on Bill No. 19 - *The Gunshot and Stab Wounds Mandatory Reporting Act*. Further hearings took place in Regina before the bill was reported back to the House.

The Human Services Committee conducted extensive public hearings over the spring on Bill No. 40 - *The Status of the Artist Amendment Act, 2006*. The bill had been referred to the committee after first reading. On April 26th, chair **Judy Junor** (Saskatoon Eastview) presented the committee's recommendation that the bill not be proceeded with. Subsequently, Bill 40 was withdrawn and the Minister of Culture, Youth and Recreation, **Glenn Hagel**, gave notice of a new bill that incorporated many of the views heard by the committee.

Not to be outdone, the Economy Committee led by **Kevin Yates** (Regina Dewdney) heard public submissions on two bills before being requested by the Minister of Government Relations, **Harry Van Mulligen**, to conduct a formal inquiry into the state of internal trade in the province. These hearings are scheduled to take place after the adjournment of the spring session.

**Margaret (Meta) Woods**  
Clerk Assistant



### House of Commons

The ever-looming possibility of a spring election set the tone for the early months of 2007, with repeated opposition challenges in the

form of Supply Motions, Private Members' Bills and Committee Reports rejecting the government's policies and counteracting its legislative proposals. Opposition initiatives were focused mainly on the environment, Afghanistan, law and order, and economic policy.

On the environmental front, the House debated (February 1, 2007) and adopted (on February 5, 2007) a non-binding Supply Motion sponsored by the Leader of the Opposition, **Stephane Dion**, calling for the government to "honour the principles and targets of the Kyoto Protocol in their entirety". This was followed in short order by the adoption, on February 14, 2007, of the motion for third reading and passage of Bill C-288, a private Member's bill standing in the name of **Pablo Rodriguez**. Presently under consideration by the Senate, the resulting statute would require the government to table a detailed plan for meeting Canada's Kyoto targets within 60 days and to report annually to Parliament on its progress in this regard.

A heavily-amended version of Bill C-30 (*Clean Air and Climate-change Act*), the government's environmental initiative, was reported back to the House on March 30, 2007, after four months of study by the legislative committee to which it had been referred before second reading. The amendments amounted to a virtual re-draft of the bill and reflected a concerted effort to bring it into compliance with Canada's commitments under the Kyoto Accord. Even the title of the bill had been amended, symbolizing the radical transformation of the "*Clean Air Act*" into the "*Clean Air and Climate-change Act*". The bill remains on the *Order Paper* but has yet to be debated at report stage.

Government bills were frequently denied gentle treatment in



committee. Typical of these was Bill C-10 (*An Act to amend the Criminal Code (Offences Involving Firearms)*) whose primary objectives were to increase mandatory minimum terms of imprisonment for individuals who commit serious or repeat firearm offences, and to create the new offences of breaking and entering to steal a firearm and robbery to steal a firearm. Referred to the Standing Committee on Justice and Human Rights after second reading and reported back to the House on February 21, 2007, the bill was amended by the removal of all mandatory minimum penalties. The result was a truncated bill with nine clauses, compared to the original thirty-one. As happened in the case of Bill C-30, the title of the bill had been changed from the original "*Act to amend the Criminal Code (minimum penalties for offences involving firearms and to make a consequential amendment to another Act)*" to reflect the amendments made by the Committee. At the time of writing, the bill remains on the *Order Paper* and has not been debated at second reading.

The concurrence of the House in the 36th report of Standing Committee on Procedure and House Affairs on February 22, 2007, established a twelve member legislative committee under the chairmanship of **Bernard Patry** to examine Bill C-35 (*An Act to amend the Criminal Code (reverse onus in bail hearings for firearm-related offences)*), another element of the government's "law and order" legislative agenda. At the time of writing, the bill remains before the committee.

A government motion to extend key *Criminal Code* provisions instituted by the *Anti-terrorism Act*, S.C. 2001, c. 41, s. 4 for a further three years was opposed by all of the opposition parties including the Liberals, the original enactors of the anti-terrorism statute. After debate

on February 9, 12, and 26, 2007, the motion was defeated in a deferred recorded division on February 27, 2007, with one Liberal Member voting with the government, one abstaining and others absent for the vote.

On Monday, March 19, 2007, **Gordon O'Connor** (Minister of National Defence) rose on a point of order to apologize to the House for having provided inaccurate information to Members, and to table revised responses to two written questions concerning Canada's commitments in Afghanistan and the arrangement with the Afghan government for the transfer of detainees.

In the face of renewed rotating strikes and a lockout of employees of the Canadian National Railway Company, and with the co-operation of all opposition parties but the NDP, Bill C-46 (*An Act to provide for the resumption and continuation of railway operations*) which had been introduced and read the first time on February 23, 2007 (prior to a tentative agreement was between CN and its employees) was considered on April 16, 2007, on which date closure was invoked and a special order respecting proceedings adopted, with the result that the Bill was read the third time and passed the following day. After similarly-expeditious passage by the Senate, it received Royal Assent on April 18, 2007.

Bill C-43 (*An Act to provide for consultations with electors on their preferences for appointments to the Senate*), which had languished on the *Order Paper* since its introduction in December of 2006, was debated for the first time at second reading on April 20, 2007. On April 18th, the Prime Minister had announced the appointment to the Senate of **Bert Brown**, one of Alberta's "Senators-in-Waiting" who had twice

been victorious in (unofficial) Senate elections organized by the government of Alberta.

Tensions over the Canadian military engagement in Afghanistan continued to flare up throughout the period covered in this report with new casualties sparking renewed calls from the opposition benches for a review of Canada's military commitment. On a number of occasions, the government weathered opposition demands for the immediate resignation of the Minister of Defence. These were inspired by reports concerning the mistreatment of prisoners entrusted by Canadian troops to the custody of Afghan authorities.

An opposition (Liberal) motion calling for the withdrawal of Canadian troops from Afghanistan in 2009 was defeated on April 24, 2006, with the NDP, which favours an immediate withdrawal, voting against the motion.

### Other Legislation

Since February 1, 2007, the following government bills have received Royal Assent:

- C-3 (*An Act respecting international bridges and tunnels and making a consequential amendment to another Act*) – February 1, 2007
- C-16 (*An Act to amend the Canada Elections Act*) – May 3, 2007
- C-26 (*An Act to amend the Criminal Code (criminal interest rate)*) – May 3, 2007
- C-28 (*A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006*) – February 21, 2007
- C-36 (*An Act to amend the Canada Pension Plan and the Old Age Security Act*) – May 3, 2007
- C-37 (*An Act to amend the law governing financial institutions and to provide for related and consequential matters*) – March 29, 2007

- C-46 (*An Act to provide for the resumption and continuation of railway operations*) – April 18, 2007
- C-49 (*An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (Appropriation Act No. 4, 2006-2007)*) – March 29, 2007
- C-50 (*An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (Appropriation Act No. 1, 2007-2008)*) – March 29, 2007
- S-2 (*An Act to amend the Hazardous Materials Information Review Act*) – March 29, 2007
- S-3 (*An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act*) – March 29, 2007

## Ways and Means – The Budget

The Minister of Finance, **Jim Flaherty**, presented the second budget of the 39th Parliament to the House on March 19, 2007. Noteworthy among the provisions of the budget were measures intended to address the so-called “fiscal imbalance”.

An NDP subamendment condemning the budget for failing to reduce the “prosperity gap” between the rich and the poor in Canada was defeated on March 21, 2007 (YEAS: 274, NAYS: 29).

A Liberal amendment condemned the budget for alleged failures to propose measures to support disadvantaged citizens and aboriginals; to provide broad-based income tax; to support students and child care; and to advancing significant measures to deal with greenhouse gas emissions and other environmental priorities. The amendment also accused the government of “gross exaggerations of increased federal transfers to provinces and other orders of govern-

ment”. The amendment was defeated (YEAS: 109, NAYS: 175) on March 26, 2007. The following day, the main motion in support of the budget was adopted (YEAS: 176, NAYS: 119) with the support of the Bloc Québécois.

One casualty of the budget debate was the Member for Thunder Bay (**Joe Comuzzi**), who was expelled from the Liberal caucus on March 22, 2007, after announcing his intention to vote in favour of the budget. Mr. Comuzzi had stated publicly that he supported the Government’s focus on health-care spending and had declared that if the budget provided funds for Thunder Bay’s new Molecular Medicine Research Centre he would to vote for it.

## Business of Supply

Supply motions subsequent to that of February 1, 2007 (see above) on the Kyoto Accord:

- a) called upon the government to provide the government of Quebec with \$328 million to enable it to implement its plan to meet the Kyoto Protocol targets (BQ – debated February 8, 2007; adopted February 13, 2007);
- b) condemned all of the current government’s major policy and legislative initiatives (Lib – debated February 15, 2007; adopted February 20, 2007);
- c) called upon the government to implement a national anti-poverty strategy (NDP – debated and negatived on February 20, 2007);
- d) condemned the government’s immigration policies (Lib – debated February 22, 2007; adopted February 27, 2007);
- e) denounced the “laissez-faire attitude of the government” in its negotiations with Boeing (BQ – debated March 1, 2007; negatived March 20, 2007);
- f) regretted that the government had “abandoned the principles respecting the Atlantic Accords, equalization and non-renewable resource revenues” (Lib – debated and negatived on March 22, 2007);

g) called upon the government to end Canada’s existing military deployment in Afghanistan in 2009 (Lib – debated April 19, 2007; negatived April 24, 2007); and

h) called upon the government to set fixed greenhouse gas reduction targets as soon as possible so as to meet the objectives of the Kyoto Protocol, and to establish a carbon exchange in Montréal (debated – April 24, 2007).

The Supplementary Estimates (B), 2006-2007 were tabled on February 22, 2007 and concurred in on March 22, 2007; the Main Estimates 2007-2008 were tabled and deemed referred to the apposite standing committees on February 27, 2007.

## Procedure/Privilege

On February 2, 2007, **Ken Boshcoff** sought and obtained unanimous consent to move that Bill S-1001 (*An Act respecting Scouts Canada*), a private bill, be deemed to have been read a second time and referred to a Committee of the Whole, deemed considered in Committee of the Whole, deemed reported without amendment, deemed concurred in at report stage and deemed read a third time and passed. Private bills, which are now relatively rare, involve Parliament both in a judicial and a legislative capacity, and are subject to special rules in both Houses of Parliament. They confer special powers or benefits upon one or more persons or body of persons, or exclude one or more persons or body of persons from the general application of the law, and should not be confused with private Members’ public bills.

**James Rajotte**, Chair of the Standing Committee on Industry, Science and Technology, rose on a point of order on March 1, 2007, to request clarification with regard to the right of Standing Committees to continue to meet while recorded divisions are conducted in the Cham-

ber. In a ruling delivered on March 22, 2007, the Speaker confirmed that the *Standing Orders* clearly confer upon committees the power “to sit while the House is sitting” and “to sit during periods when the House stands adjourned” (S.O. 108(1)(a) and S.O. 113(5)). Acknowledging that provision in the rules for the temporary suspension of committee meetings to permit Members to vote in the Chamber might well be desirable, he referred to the absence of such provision as “a chronic and still unresolved ambiguity in the practice of the House.” He recommended that the Standing Committee on Procedure and House Affairs consider the matter and report to the House with recommendations for appropriate directives or changes to the rules. He concluded by reminding Members that there was no obstacle to the adoption by a committee of a routine motion setting out a protocol to be followed upon to the sounding of the division bells.

**Peter Van Loan** (Leader of the Government in the House of Commons and Minister for Democratic Reform) rose on a point of order on March 21, 2007, to challenge the admissibility of an Opposition Motion proposing the adoption at all stages of Bills C-18 (*An Act to amend certain Acts in relation to DNA identification*), C-22 (*An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act*) and C-23 (*An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)*) and C-35 (*An Act to amend the Criminal Code (reserve onus in bail hearings for firearm-related offences)*).

In a ruling on March 29, 2007, in which he appealed to “the values inherent in the parliamentary conventions and procedures by which we govern our deliberations”, Speaker

**Peter Milliken** affirmed “the government’s unquestioned prerogative to determine the agenda of business before the House”. Noting that “Supply Days were never envisaged as an alternative to the legislative process” and that the motion in question would have the effect of imposing closure or time allocation on four bills simultaneously, he ruled it out of order.

The Parliamentary Secretary to the Leader of the Government in the House of Commons (Tom Lukiwski) rose on a point of order on March 21, 2007, in connection with remarks made by **Pat Martin** on March 2, 2007. During debate on the motion for concurrence in the 11th report of the Standing Committee on Agriculture and Agri-food, Mr. Martin had referred to the Minister of Agriculture as “Il Duce”, compared the Minister to Mussolini and characterized his actions relative to the Canadian Wheat Board as “fascism”. Mr. Martin (March 27, 2007) argued that the expressions in question were no longer as “volatile and emotionally charged” as they had once been. He invoked the principles that in these matters the Chair must consider the context in which the disputed remarks were made and whether or not they created disorder in the Chamber.

In his ruling (April 17, 2007), the Speaker expressed concern for the immediate and potential effects of such language on the ability of this House to conduct free and civil discourse. He found that the context in which it was used had not appreciably mitigated its effect, declared it to be unparliamentary, and directed Mr. Martin to withdraw his remarks. Mr. Martin did so, and unlike many other Members who find themselves in similar situations, he did so unreservedly and without qualification.

On March 29, 2007, **Scott Reid** raised a question of privilege with respect to boxes of confidential documents belonging to the Conservative Party which were discovered by the current (i.e. Liberal) occupants of the office, a circumstance which had been made public in a news conference held by **Mark Holland** and **Marlene Jennings**. Mr. Reid quoted Mr. Holland and other sources to support his contention that the confidential documents in question had been inspected in detail by persons associated with the Liberal Party. Maintaining that this breached his privileges by impeding his ability to discharge his duties as a Member of Parliament, Mr. Reid charged that such behaviour constituted a contempt of Parliament.

Mr. Holland, in his submission on the question of privilege (delivered on April 17, 2007) told the Chair that all of the documents in question had been returned. He also contradicted Mr. Reid’s claim that all of the documents had been boxed and labelled for delivery. At the time of writing, a ruling from the Chair is pending.

## Committees

Typical of the responses of opposition-dominated Standing Committees to government initiatives was the *Third Report of the Standing Committee on the Status of Women*, presented on May 19, 2007. The report, which recommended increased funding for women’s groups and “equality-seeking organizations”, was brought back before the House by means of a motion for concurrence, debated on February 12, 2007 and adopted the following day in a deferred recorded division.

On February 27, 2007, **Norman Doyle** presented the 11th Report of the *Standing Committee on Citizenship and Immigration*. The purpose of



the report was to inform the House of a possible breach of parliamentary privilege by way of the premature disclosure of a confidential draft report on security certificates. The Committee requested that the House and the Standing Committee on Procedure and House Affairs investigate the matter further. To date, no motion for concurrence has been adopted and the Standing Committee on Procedure and House Affairs has taken no action.

On Thursday, March 1, 2007, **Gary Goodyear** presented the 37th Report of the Standing Committee on Procedure and House Affairs (*decorum in the House of Commons*). To the disappointment of some Members concerned with this issue, the Committee declined to recommend that the Chair be provided with new tools to permit it more effectively to address the ongoing decline in the level of decorum in the Chamber, particularly during the daily Question Period. The report made appeals to collegiality and encouraged more frequent and assertive use of the mild sanctions already available to the Chair.

Further to his apology to the House on March 19, 2007 for repeated statements to the effect that International Committee of the Red Cross would report to Canadian authorities any abuse of prisoners turned over to Afghan authorities, the Minister of Defence was invited to appear before the Standing Committee on Defence. While he has not done so, he did appear before the Standing Committee on Foreign Affairs in connection with the situation in Afghanistan, on April 25, 2007.

In widely reported proceedings, the Standing Committee on Public Accounts undertook to investigate reports of administrative misconduct and the alleged mishandling of pension funds at the RCMP. The de-

cision to do so was precipitated by evidence presented to the Committee on February 21, 2007 in connection with Chapter 9 of the November 2006 *Report of the Auditor General of Canada (Pension and Insurance Administration - Royal Canadian Mounted Police)*.

The committee heard testimony from numerous current and former officers and administrators of the force, from former Commissioner **Giuliano Zaccardelli**, and, in a tumultuous session on April 23, 2007, from **Reg Alcock**, former President of the Treasury Board, and **Anne McLellan**, former Minister of Public Safety and Emergency Preparedness, and former Deputy Prime Minister. At the time of writing, the enquiry is ongoing.

#### Private Members' Business

Private Members' public bills adopted since February 1, 2007:

- Bill C-252 (*An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition)*) standing in the name of **Rick Casson** was read the third time and passed unanimously on March 21, 2007. If enacted into law, the bill will grant terminally or critically ill parents access to children of broken marriages "as long as such access is consistent with the best interests of the child."
- Bill C-277 (*An Act to amend the Criminal Code luring a child*) standing in the name of **Ed Fast** was read the third time and passed on March 28, 2007.
- Bill C-288 (*An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol*) was subjected, in a point of order raised on Friday, February 2, 2007 by the Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform to the now common challenge to private Members' bills, that amendments of the Standing Committee

to which the bill was referred following second reading, necessitated the obtaining of a Royal Recommendation. The Speaker ruled that the amendments in question contained no authorization for spending, nor did they entail spending for a "new and distinct purpose", and that consideration of the bill could continue without any requirement for a royal recommendation. The bill was read the third time and passed in a recorded division on February 14, 2007 (Yeas: 161; Nays: 113).

- Bill C-292 (*An Act to implement the Kelowna Accord*) standing in the name of **Paul Martin** was read the third time and passed in a recorded division (Yeas: 176; Nays: 126) on March 21, 2007, with all parties except the Conservatives voting in favour of the motion. The bill requires that the government "immediately take all measures necessary to implement the terms of the accord, known as the 'Kelowna Accord', that was concluded on November 25, 2005" 2005 by the government of former Prime Minister Martin. Doubts have been expressed as to the legality of certain provisions of the bill should it become law.
- Bill C-293 (*An Act respecting the provision of official development assistance abroad (former title: An Act respecting the provision of development assistance abroad)*), standing in the name of **John McKay** (Scarborough-Guildwood) was read the third time and passed on March 28, 2007.
- Bill C-294 (*An Act to amend the Income Tax Act (sports and recreation programs)*), standing in the name of **Brian Fitzpatrick** was read the third time and passed on March 30, 2007.

Since the commencement of this Thirty-ninth Parliament, no private Member's public bill originating in either House has received Royal Assent.

Private Members' motions adopted since February 1, 2007:

- a motion calling upon the government to adopt a comprehensive strategy to combat the trafficking of women and children worldwide, **Joy Smith**, February 22, 2007
- a motion calling for government action in support of the Canadian textile industry, **Paul Crête**, April 18, 2007
- a motion calling for the development of a national strategy for the treatment of autism spectrum disorder, **Andy Scott**, February 14, 2007

### Other Matters

On February 7, 2006, **Jim Peterson** paid tribute to the memory of **Len Hopkins**, Member of the House of Commons from 1965 to 1997. Mr. Hopkins passed away on February 6, 2007.

On February 21, 2007, Mr. Goodyear presented the *35th Report of the Standing Committee on Procedure and House Affairs* recommending the appointment of **Marc Mayrand** as Chief Electoral Officer of Canada. Later, by unanimous consent, the Government House Leader Mr. Van Loan, seconded by **Ralph Goodale**, **Michel Gauthier** and **Libby Davies** moved that, in accordance with section 13 of the *Canada Elections Act*, Chapter 9 of the *Statutes of Canada, 2000*, the House appoint Mr. Mayrand as Chief Electoral Officer. The motion carried unanimously.

On March 15, 2007, **Bill Blaikie**, who has served in the House for the past twenty-eight years, announced his decision not to run in the next general election. Mr. Blaikie is currently Dean of the House. He has served this Thirty-ninth Parliament with distinction as Deputy Speaker and Chairman of Committees of the Whole of the House of Commons.

On March 23, 2007, the House unanimously adopted a motion of **Raymonde Folco** that the House recognize the importance of March

25, 2007 as the International Day for the Commemoration of the 200th Anniversary of the *Act to Abolish the African Slave Trade in the British Empire*. On March 26, 2007, **Jason Kenney** (Secretary of State (Multiculturalism and Canadian Identity)), **Colleen Beaumier**, **Maka Kotto** and **Wayne Marston** made statements to the House with respect to the abolition of the Slave Trade.

On March 29, 2007, **Greg Thompson** (Minister of Veterans Affairs) made a statement on the occasion of the 90th anniversary of the Battle of Vimy Ridge. This was followed by statements from **Albina Guarneiri**, **Gilles Perron**, and **Peter Stoffer**. The Deputy Speaker, Mr. Blaikie, also made a brief statement in this regard.

**Gary Sokolyk**

Procedural Clerk

Table Research Branch

House Proceedings Directorate



## Alberta

On March 7, 2007, Lieutenant Governor **Norman L. Kwong** delivered the Speech from the Throne. The Speech outlined actions the Government will undertake under five priorities: governing with integrity and transparency; managing growth pressures; improving Albertans' quality of life; providing safe and secure communities; and building a strong Alberta. It also outlined the Government's commitment to protecting the environment and addressing

climate change. Other highlights include plans to:

- address housing, labour, infrastructure and environmental pressures;
- develop an energy strategy to ensure resource development and environmental stewardship;
- develop a capital plan to address infrastructure needs and inflation costs;
- finalize a long-term funding arrangement with municipalities;
- develop a policy for managing the financial or budgetary surpluses.

During the Spring Sitting, the Assembly approved supplementary estimates totalling \$393,516,000 for five departments. The Assembly also approved interim estimates totalling \$10,009,000,000.

At the time of writing, 11 Government Bills had been passed by the Assembly.

### Government Bills

Some Bills before the Assembly include:

- Bill 1, *Lobbyists Act*, creates a lobbyists registry whereby individuals can access information regarding people, groups, and organizations who lobby the Provincial Government. The Bill also prohibits lobbyists from simultaneously lobbying and being paid by the Government to provide advice to the Government on the same issue and contains provisions to have the listing of entities who receive payment from the Government posted online.
- Bill 3, *Climate Change and Emissions Management Amendment Act, 2007*, establishes legislated greenhouse gas emission reduction targets for large industrial emitters. The regulations require industry to reduce emissions intensity by 12 per cent by 2008 either through upgrading facilities,

purchasing Alberta offsets, or investing in a technology fund to develop Alberta-based technology to reduce emissions. The opposition indicated they could not support the Bill as it failed to provide clear and fixed targets as well as timelines. A reasoned amendment was moved by the Leader of the New Democrat opposition during Third Reading consideration of the Bill which was defeated on division.

- Bill 31, *Mental Health Amendment Act, 2007*, amends the Act by changing the criteria for involuntary admission to designated facilities, provides a legislative framework to implement community treatment orders in Alberta, and requires that treatment recommendations be provided to patients' family doctors when patients are discharged from facilities.
- Bill 34, *Tenancies Statutes Amendment Act, 2007*, amends the existing legislation by limiting rent increases to once per year with three months' notice before rent on periodic tenancies can be increased. The Bill also compels landlords to provide one year's notice before ending a periodic tenancy for the purpose of converting a rental unit to a condominium or to undertake major renovations to a rental unit. No rent increases are to be permitted during that one-year period. The changes are retroactive to April 24, 2007, the date the Government first announced its intention to revise residential tenancies legislation. Landlords who fail to comply with the legislation may face fines of up to \$10,000 per tenant. The opposition criticized the Bill and argued that rent stability guidelines (limits on the amount of increases) be put in place. During Committee of the Whole consideration, which began the evening of May 9 and continued until late the following morning, 6 opposition amendments and 1 subamendment were moved in connection with the Bill. Two of these amendments were approved by the committee.

## Private Members' Public Bills

Some Private Members' Public Bills before the Assembly include:

- Bill 203, *Service Dogs Act*, sponsored by **Rob Lougheed** (PC, Strathcona) prohibits discrimination against persons with disabilities who use a certified service dog by allowing such individuals to be accompanied by an accredited service dog in all areas open to the general public. The Bill also includes a provision for a mechanism to identify service dogs.

Hoist amendments were moved in connection with the following Private Members' Bills:

- Bill 204, *Emblems of Alberta (Franco-Albertan Recognition) Amendment Act, 2007 / Loi modificative de 2007 sur les emblèmes de l'Alberta (reconnaissance du fait franco-albertain)*, introduced by **Frank Oberle** (PC, Peace River), amended the *Emblems of Alberta Act* by recognizing the Franco-Albertan symbol as an official emblem of Alberta. A six-month hoist amendment was agreed to during Second Reading of the Bill. (Note: a Government Bill, Bill 27, *Emblems of Alberta Amendment Act, 2007*, was introduced in response to Bill 204 to allow for any special Alberta symbol to be added to the list of official symbols of the province. These items would be designated as symbols of distinction rather than emblems. The Government Bill received Royal Assent on April 20, 2007.)
- Bill 205, *Environmental Protection and Enhancement (Conservation and Reclamation) Amendment Act, 2007*, sponsored by **Ivan Stang** (PC, West Yellowhead), proposed amendments to the Act to ensure that stakeholders in the energy and forest industries would be brought together with representatives from the Government on a consistent basis to review reclamation standards for land that has been utilized in the resource extraction.

## Standing Orders Changes

During the Spring Sitting the Legislative Assembly approved significant changes to its *Standing Orders*. The temporary amendments were approved by the Assembly on March 12, 2007, thereby giving effect to a March 7, 2007, House Leaders' Agreement. Further amendments to the temporary *Standing Orders* were approved on April 17, 2007. A guiding principle in the House Leaders' Agreement was democratic reform, specifically, to create a better quality of life for MLAs by changing the sitting schedule in order to increase participation by women and parents with young families.

Notable amendments include:

- a set parliamentary calendar with a Spring Sitting to commence the first Monday of February and conclude the first Thursday in June and a Fall Sitting to commence the first Monday in November and conclude the first Thursday in December;
- the adjournment of the Assembly every fourth week during the Spring Sitting for a constituency week;
- revised sitting hours whereby the Assembly now sits Monday through Thursday from 1:00 p.m. to 6:00 p.m. (the Assembly previously sat Monday through Thursday from 1:30 p.m. to 5:30 p.m. and Monday, Tuesday and Wednesday evenings from 8:00 p.m. until adjournment). The Assembly will meet in the evenings over 2 weeks for consideration of the main estimates during the 2007 Spring Sitting (from 7:00 p.m. to 10:15 p.m.). There also remains a provision in the *Standing Orders* to allow the Assembly to meet in the evenings upon passage of a Government Motion to consider Government Business;
- changes to the procedure for the consideration of the main estimates. The Committee of Supply



will consider the main estimates for 75 hours (four cycles of 15 hours to be considered in three hour blocks - with each of the latter allocated to a recognized party (with final hours open to all Members). At the conclusion of the 75 hours of consideration (60 hours for the 2007 Spring Sitting), one vote is taken to approve the estimates unless additional votes are required on amendments or if a Member has provided notice that they would like the estimates of a particular department voted on separately;

- the establishment of four Policy Field Committees each consisting of 11 Members. The mandates of these four committees are based on the Government's Cabinet Policy Committees and encompass the following subject areas: Community Services; Government Services; Managing Growth Pressures; and Resources and Environment. The committees may review Bills, regulations or prospective regulations. The annual reports of each Government department, provincial agency, Crown-controlled organization, board or commission are also permanently referred to the Policy Field Committees and may inquire into matters within their jurisdiction;
- an expanded role for the Standing Committee on Public Accounts. The Committee will now be able to meet when the Assembly is not in session. The Government must also respond to a report of the Committee within 150 days.

The amendments have effect until the dissolution of the 26th Legislature and will be reviewed by the Assembly's Standing Committee on Privileges, Elections, Standing Orders and Printing.

### Naming a Member

On April 3, 2007, Speaker **Kenneth Kowalski** named **Bharat Agnihotri** (Lib, Edmonton-Ellerslie) to the Assembly. Mr. Agnihotri was named after he refused to apologize or

withdraw his remarks made earlier that day during Oral Question Period. Mr. Agnihotri asked questions regarding Community Initiatives Program grants which gave rise to a point of order by the Government House Leader, **Dave Hancock** (PC, Edmonton-Whitemud). The Government House Leader argued that Mr. Agnihotri's questions imputed false motives to another Member, made allegations against another Member, and used insulting language. The Speaker invited Mr. Agnihotri to withdraw his remarks on three occasions and, following his refusal to do so, named the Member to the Assembly. The next day, the Speaker recognized Mr. Agnihotri who apologized and withdrew his comments.

### Budget 2007

On April 19, 2007, **Lyle Oberg**, Minister of Finance, presented the Budget and the estimates for the 2007-08 fiscal year. Revenue for the 2007-08 fiscal year is estimated to be \$35.3 billion and total resource revenue is expected to be \$10.3 billion. The Minister projected total expenditures of \$33.1 billion in 2007-08. Surplus revenue is estimated to be \$2.2 billion. The Budget increases the base budget for the Department of Health and Wellness by 12.2 per cent to \$12 billion. Funding for Advanced Education, which oversees post-secondary education programs, will increase by 22.2 per cent to \$3.1 billion while program support for Education will increase to \$5.6 billion. Funding for Infrastructure programs will be \$2.6 billion. Over the next three years, \$18.2 billion will be allocated to infrastructure projects, including \$3 billion for health facilities and equipment and \$1.3 billion for schools. Funding for Environment will increase by 6.3 per cent to \$164 million.

Other elements of Budget 2007 include:

- a new \$1.4 billion Municipal Sustainability Initiative;
- a 10 per cent increase in operating spending to address growth pressures and improve services;
- increased tax credits for charitable donations and post-secondary students as well as higher tobacco taxes (16 per cent increase);
- the assumption that prices will be \$58.00 US a barrel for oil and \$6.75 Cdn per gigajoule for natural gas.

### Question of Privilege

On April 18, 2007, **Lyle Oberg** (PC, Minister of Finance, Strathmore-Brooks) raised a purported question of privilege in response to statements made by **Brian Mason** (ND, Edmonton-Highlands-Norwood) during Oral Question Period that day.

In the preamble to his first main question, Mr. Mason alleged that the Minister of Finance "failed to disclose his campaign donations for his PC leadership bid and has broken his own deadlines by doing so." Mr. Mason made another allegation against the Minister when he said "Worse, the Minister has continued to fund raise even while preparing tomorrow's province budget." He then asked the Premier "Why does the Premier think it is acceptable for a Finance Minister to be seeking financial donations from the very same corporations and individuals who may benefit from his budget?"

Speaker Kowalski ruled that while there was no *prima facie* question of privilege, as the Member's comments did not impede the Member from performing his parliamentary duties, but in no way did he condone the comments that were the subject of the purported question of privilege.

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## Expanded Internet Coverage of House Proceedings

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The entire proceedings of the Legislative Assembly of Alberta's afternoon sittings were made available on the Assembly website beginning April 10, 2007. The webcast of House proceedings can be viewed at [www.assembly.ab.ca](http://www.assembly.ab.ca).

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



## Senate

The high profile issues of climate change and Senate reform occupied much of the Senate's time during the winter of 2007. As the chamber of sober second thought, the Senate takes its role seriously and important legislation can expect to be given careful consideration, both on the floor of the Senate and in its committees. Bill C-288, the *Kyoto Protocol Implementation Act*, passed by the House of Commons under Private Members' Business, arrived in the Senate on February 15 and generated significant debate on second reading. Senators opposed to the bill questioned the powers of private members through their bills to influence Government action. The effect of this bill, they argued, would be to force the Government to propose a particular measure that it had resolved not to do. After eight days of debate it was referred to the Energy, the Environment and Natural Resources Committee on March

29. Since the subject-matter of Bill S-4, *an amendment to the Constitution Act, 1867* (Senate tenure) and a motion to increase western representation in the Senate had been studied and reported in October 2006, the Senate gave its undivided attention to Bill S-4. It imposes a limit of eight years on the tenure of senators appointed after the bill becomes law while preserving the existing retirement age of 75. Many senators took part in debate on second reading, spread over 28 days, before the bill was referred to the Legal and Constitutional Affairs Committee on February 20.

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## Committee Reports

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The wide range of Senate interest and scrutiny is more evident in the reports of its committees, either standing or special. During this period, committees presented reports on five Government bills and one Senate public bill and tabled 19 reports on special studies. Of these, two were submitted by special committees appointed to consider a particular issue. The Special Committee on the *Anti-terrorism Act* tabled its Main Report entitled *Fundamental Justice in Extraordinary Times* on February 22 and later on March 1, the Special Committee on Aging tabled its interim report entitled *Embracing the Challenge of Aging*.

Standing committees also reported on special studies. The Seventh Report of the Foreign Affairs and International Trade Committee outlined a plan of action for improving the standard of living in African countries. Tabled in the Senate on February 15, the report entitled *Overcoming 40 Years of Failure: A New Road Map for Sub-Saharan Africa* recommended a review of the Canadian International Development Agency (CIDA) and the creation of an Africa Office within the Depart-

ment of Foreign Affairs and International Trade. The Human Rights Committee recommended ways to tighten the process of hiring visible minorities in the public service in its Seventh Report entitled *Employment Equity in the Federal Public Service-Not There Yet*, tabled on February 20. Autism was the subject of the Twelfth Report of the Social Affairs, Science and Technology Committee tabled in the Senate on March 29. The committee recommended in its report entitled *Pay Now or Pay Later: Autism Families in Crisis* that the federal government act now to assist families facing the challenges of autism.

The Social Affairs, Science and Technology Committee also reported on reproductive issues of concern to women; the Fisheries and Oceans Committee on Atlantic fish stocks; the Human Rights Committee on children's rights; the Official Languages Committee on bilingual service on the Trans-Canada Highway and at the 2010 Olympic and Paralympic Games; the Aboriginal Peoples Committee on Aboriginal economic development; the National Security and Defence Committee on Canadian troops in Afghanistan, security gaps at airports, seaports, border crossings and coasts and ceremonies marking the 90th anniversary of Vimy Ridge; and Scrutiny of Regulations Joint Committee on the authority of Parliament to impose charges.

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## Speaker's Rulings

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Rulings were given on several points of order raised by Senator **Gerald J. Comeau**, Deputy Leader of the Government. On February 6 when adjournment of debate was proposed on Bill S-222, the *Protection of Victims of Human Trafficking Act*, Senator Comeau rose to complain about the practice of adjourning debate in the name of a

particular senator. In her ruling the next day, the Speaker *pro tempore* determined it was acceptable to move a motion to adjourn debate in another senator's name. At the same time, she took the opportunity to caution senators in referring to the absence of members, an issued raised by Senator **Joan Fraser**, also in a point of order.

On February 8, day, the Speaker *pro tempore* ruled on a point of order raised by Senator Comeau on January 30 about a motion to express congratulations and confidence in the new Speaker, the Honourable **Noël Kinsella**, which the Senator believed was a censure motion. The Speaker *pro tempore* did not agree the language suggested censure and ruled the motion procedurally acceptable.

Senator Comeau raised a further point of order on January 30, stating his belief that that Bill S-221, the *Medical Devices Registry Act*, was a money bill which could not originate in the Senate. No evidence was found to support his argument, however on February 20 the Speaker ruled the bill in order.

The final point of order was raised at the end of Question Period on February 15 when Senator Comeau argued that some questions posed to committee chairs were out of order because they anticipated a decision of the Senate. Question Period is an opportunity to exchange information, the Speaker noted in his ruling on March 20, and ruled that questions posed to committee chairs during Question Period were permissible.

On April 24, the Speaker also ruled on three points of order that had been raised by Senator **Anne Cools**. On March 27, the Senator challenged the practice of granting extensions of the time limit on speeches. The Speaker, however, determined it was procedurally ac-

ceptable to request leave to extend debate.

The second point of order, on April 17, concerned a motion asking the Human Rights Committee to consider a resolution adopted by the OSCE Parliamentary Assembly and the propriety of asking a committee to judge the proceeding of another assembly. The Speaker found that the committee was not asked to take a stand or to pass judgement on the resolution and ruled against the point of order.

On March 27, the Senator raised a third point of order. It concerned the form of a motion urging the Government of the People's Republic to China and the **Dalai Lama** to negotiate about the future of Tibet. Convinced that the only intention of the motion was to express the view of the Senate, the Speaker ruled it in order.

### Royal Assent

The Governor General, **Michaëlle Jean**, granted royal assent to five bills in a formal ceremony held in the Senate Chamber on March 29. Four other bills also received royal assent by written declaration. One of these, Bill C-46, ended the CN Rail labour strike and was the first back-to-work legislation since 1999. Another, a private bill, changed the organization's official name from the Boy Scouts of Canada to Scouts Canada.

### Milestones

On February 21, senators paid tribute to the dean of the Senate, **Jack Austin**, who retired on March 2. A member of the Senate for over 31 years, he served as Leader of the Government from 2003 to 2006 and was a member of numerous standing committees.

**Jack Wiebe**, a former Lieutenant-Governor of Saskatchewan and

senator from 2000 until his retirement four years later, died on April 16. Senators paid tribute to his memory on April 25.

Mary Mussell  
Journals Branch



## British Columbia

The Third Session of the Thirty-eighth Parliament commenced on the afternoon of February 13, 2007 with reading of the Speech from the Throne by Lieutenant Governor **Iona Campagnolo**. Building upon the government's previous commitments to the "Five Great Goals for a Golden Decade," the government's agenda proposed programs to promote partnerships with First Nations; to address global warming and urban sprawl; to increase available affordable housing; to improve quality, choice and accountability within the health and education systems; and to further open Canada's Pacific Gateway.

The government's commitment to implement tangible solutions to address climate change has been lauded both domestically and internationally. Environmental initiatives announced in the Throne Speech include reducing greenhouse gas emissions to 90 percent of 1990 levels by 2020; incentives for clean energy production; tailpipe emission standards for all new vehicles sold; rebates for consumers electing to purchase hybrid vehicles; and a commitment to make the



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government of B.C. carbon-neutral by 2010.

Whereas great emphasis was placed on the environment in the Speech from the Throne, Finance Minister **Carole Taylor** delivered a surplus budget that emphasised a government commitment to increase housing opportunities for all British Columbians. The "Housing Legacy" budget set aside additional funding for emergency shelter beds; additional supports for projects to house the homeless; increases to the shelter allowance and an expansion to the province's Rental Assistance Program; as well as an enhanced exemption for first-time home buyers from the property transfer tax. Budget 2007 also included a reduction in personal income taxes by ten percent for all individuals earning less than \$100,000. Government noted that the savings resulting from this tax reduction could be used to assist British Columbians in offsetting rising costs of housing expenses throughout the province.

In light of the significant divergence of critical policy themes between the Throne Speech and Budget 2007, the Leader of the Official Opposition, **Carole James**, remarked during her Response to the Throne Speech that the government's past Throne Speeches "have been a terrible barometer of the government's true intentions." NDP Finance critic **Bruce Ralston** added that the 2007 budget only contributed \$4 million over three years to specifically address climate change. Mr. Ralston also remarked that the Budget did little for middle-income families facing additional costs associated with post-secondary education and child care.

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### Sitting hours

Citing a need for the Legislative Assembly to model healthy lifestyles, Government House Leader **Mike de Jong** moved a sessional motion to alter the legislative sitting hours on February 22, 2007, thereby eliminating extended night sittings. As proposed, the sessional order would maintain the existing morning sitting hours, while changing the afternoon sitting hours to 1:30 to 6:30 p.m. from Monday to Thursday for the entire third session. The *Standing Orders* had stipulated that the House would sit from 2:00 to 9:00 p.m. on Mondays and Wednesdays beginning in March. The amended time allotments for debate would result a net increase of eight sitting hours over the course of spring session as outlined within the parliamentary calendar.

Opposition members opposed the amendment on several grounds. Lead by Opposition House Leader **Mike Farnworth**, members argued against the amended sitting hours on the basis that the move would primarily benefit Members commuting between Victoria and urban ridings in the lower mainland; the reduced afternoon break would cut into time available to meet constituency delegations in Victoria; and that ending debate at 6:30 p.m. would effectively reduce the public's opportunities to view live parliamentary debate. Furthermore, as the motion was not introduced until the second week of session, time allotted for estimates debate would effectively be reduced by at least one-half hour. The motion to adopt the sessional order was eventually agreed to, on division, on February 26, 2007.

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### Legislation

The spring session saw several high-profile pieces of legislation

adopted by the House. In an effort to modernize the *Inquiry Act*, Attorney General **Wally Oppal** introduced Bill 6, the *Public Inquiry Act*. The new act establishes two types of commissions of inquires (study commissions and hearing commissions), clarifies the powers and functions of inquiries, and ensures the commissions are based on modern standards of administrative justice. Noting that Bill 6 also provided the Lieutenant Governor in Council the power to receive, review, sever, and release a commission's report, opposition critic **Leonard Krog** unsuccessfully posed several amendments to the legislation, including a failed attempt to amend the title to the *Secret Inquiry Act*.

Endorsed by both sides in the House, Bill 10, the *Tobacco Sales (Banning Tobacco and Smoking in Public Spaces and Schools) Amendment Act, 2007*, prohibits the sale of tobacco on university campuses, recreation facilities, or any building owned or leased by a Crown Corporation; bans smoking on school grounds; and provides for an administrative penalty process rather than penalties administered by a court process.

The Minister of Education, **Shirley Bond**, introduced several pieces of legislation pertaining to British Columbia's education system. Bill 20, the *School (Student Achievement Enabling) Amendment Act, 2007*, broadens the mandate of boards of education to include early learning and literacy programs, requires school boards to meet specific goals for student achievement and permits the creation of provincial demonstration schools. In response to a recent court decision, Bill 20 also permits school districts to charge fees to defray non-instructional costs associated with special academies, the purchase or rental of musical equipment, tools, and materials

associated with trades training programs. Bill 21, the *Teaching Profession (Teacher Registration) Amendment Act, 2007*, requires the B.C. College of Teachers to post on-line information pertaining to disciplinary actions taken by the College against its members teaching in public and independent schools. Finally, building upon a private member's bill introduced last session by **Lorne Mayencourt**, Bill 22, the *Education Statutes Amendment Act*, mandates that all boards of education must develop a code of conduct that meets provincial standards with respect to anti-bullying and anti-harassment guidelines.

### Conflict of Interest Guidelines

On February 5, 2007, British Columbia's Conflict of Interest Commissioner **H.A.D. Oliver**, issued a ruling concerning a purported conflict of interest involving Premier **Gordon Campbell**. At the request of **John Horgan**, MLA, Mr. Oliver conducted an investigation into whether the Premier's holding of common shares of Alcan Inc. within an equity portfolio administered independently on behalf of the premier by a private investment firm. At issue was whether the Premier was, in fact, in either a perceived or actual conflict of interest in light of Alcan's concurrent appearance before the British Columbia Utilities Commission on a regulatory matter.

Noting that the established practice in British Columbia is permit Members to hold open-ended mutual funds, common stocks and bonds, and other investment devices while in office, Mr. Oliver found that the Premier had neither breached the *Members' Conflict of Interest Act* nor had taken part in any inappropriate conduct. However, Mr. Oliver did take the opportunity

to remind all Members "to consider the wisdom in investing in non self-directed mutual funds or alternatively placing all investments in blind trusts."

### Members' Remuneration

On January 30, 2007, the government appointed an independent commission to review the compensation and pension arrangements of all Members of the Legislative Assembly. On May 1, 2007, the Commission recommended an increase in the Member's base salary to \$98,000 with additional stipend increases to key parliamentary, caucus, and ministerial positions. Members are expected to vote on enabling legislation regarding the commission's recommendations during the Spring 2007 session.

### Removal of Public Art

For more than 70 years, the Legislative Assembly of British Columbia has displayed murals purported to depict four scenes in the province's colonial history. Endowed as a gift to the province by a former Provincial Secretary, **S.L. Howe**, the murals by artist **George Southwell** are prominently displayed in the publicly-accessible lower rotunda. The four scenes contain images of early aboriginal people which are considered by many to enforce demeaning and degrading colonial stereotypes.

In 2001, Speaker **Bill Hartley** commissioned a panel of experts to review the artistic merits and historical accuracy of the depictions of aboriginals in the murals. The report made the recommendation that the murals should be removed, with the proviso that they must not be destroyed in the process.

On April 24, 2007, the House agreed, on division, to adopt the re-

port's recommendation to remove the four murals from the Parliament Buildings. The Legislative Assembly Management Committee has been assigned the responsibility of relocating Southwell's murals to another location.

**Jonathan Fershau**  
Committees Research Analyst



## New Brunswick

The First Session of the 56th Legislative Assembly of New Brunswick was convened at 11 a.m. on Tuesday, February 6, 2007. **Eugene McGinley**, Liberal MLA for Grand Lake-Gagetown was elected Speaker. Mr. McGinley, first elected in a 1972 by-election to represent the riding of Bathurst, was re-elected in the 1974 provincial election. On June 9, 2003, he was again elected to the Legislative Assembly to represent the constituency of Grand Lake. He was re-elected in the provincial election of September 18, 2006, to represent the new electoral district of Grand Lake-Gagetown.

Immediately following the election of Speaker, the House recessed until 3 p.m. for the formal Opening and the delivery of the Speech from the Throne.

Lieutenant-Governor **Herménégilde Chiasson** delivered the Speech from the Throne, the first for the new Liberal government under

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Premier **Shawn Graham**. In an excerpt from the speech, the government announced its goal of making the province self-sufficient:

Your government is driven by the goal of making New Brunswick self-sufficient over the next 20 years. This means increasing New Brunswick's population, economic output, productivity and income levels. ... Before embarking on any significant journey, there are preparations which must be undertaken. It is this preparatory work that will be the focus of this legislative session.

Day one initiatives of the new government included a 3.8 cent per litre reduction in provincial tax on gasoline; first year university student grants; elimination of parental and spousal contribution requirements; removal of seniors' homes, assets and life savings from the calculation of nursing home fees; and a memorandum of understanding on Saint John Harbour cleanup.

Other initiatives outlined in the Throne Speech include a plan for education to implement the *MacKay Report* recommendations; a community schools policy to enhance the quality of rural and urban education; a proposed *Post Secondary Student Financial Assistance Act*; a new select committee to address long-term literacy challenges; a feasibility study for a second nuclear reactor at Point Lepreau; examination of the potential of sending natural gas to northern New Brunswick; exploration of prospective markets in Atlantic Canada and New England to grow the energy sector; a new energy policy; review of the *Electricity Act*; a plan to address demographic challenges; a program to stimulate capital investment for small business start-up; a Northern New Brunswick Initiative to ensure adequate infrastructure for economic development; strate-

gic assistance for the forest industry, and a prescription monitoring plan.

The government announced that it intends to forge a new relationship with Aboriginal communities through removal of the Ganong Line division between Mi'kmaq and Maliseet communities, the designation of September 24 as *Treaty Day* and working with the federal government and First Nations to establish a Bilateral and Tripartite Forum.

In responding to the Throne Speech, Opposition Leader **Jeannot Volpé** (PC, Madawaska-les-Lacs) claimed that the Liberal government of today is facing the same challenges that the previous Progressive Conservative government faced over more than seven years. He noted that certain initiatives put forward in the Throne Speech were inspired by the work of the previous government. He commended the present government for continuing the plan to add legal assistants to support social workers, but noted that the plan was ready to be announced in August. He applauded the decision to maintain a private automobile insurance system, noting that the Liberals had considered a public system but once elected, the new government had changed their minds. Continuing, he indicated that the PC government had established the initiatives to make automobile insurance more affordable. The Leader of the Opposition commended the government for maintaining the gas regulation system noting however, that the new government's decision to review fuel prices weekly does not benefit the middle class and has simply made the oil industry happy. He claimed that the Liberal government had put their stamp on the previous government's NB Power no-disconnect policy. He pointed out that the for-

mer Conservative government had supported well-designed measures for conservation and energy efficiency, having created in 2005 the Energy Efficiency and Conservation Agency of New Brunswick. With regard to announced health initiatives, he noted that nurse practitioners are being trained in New Brunswick, and that the previous government had already discussed a plan to consolidate all ambulance services. Mr. Volpé claimed that the new government needs to clarify its position on the environment and that the Premier was confusing the public and distancing himself from Kyoto Protocol objectives. He stated that the new government will also have to provide more support for regions in the province and noted that New Brunswick is as much a rural province as an urban one. In conclusion, the Opposition Leader remarked that the full legislative agenda he expected to see had been transformed into a "slimming diet."

On February 6, **Roy Boudreau**, (L, Campbellton-Restigouche Centre) and **Brian Kenny**, (L, Bathurst) were appointed to serve as Deputy Speakers and chairs of the Committees of the Whole House.

Following six days of debate, the Address in Reply to the Speech from the Throne, moved by **Cheryl Lavoie**, (L, Nepisiguit) and seconded by **Rick Brewer** (L, Southwest Miramichi) passed on February 16.

The 2007-2008 budget was brought down on March 13, 2007, by Finance Minister **Victor Boudreau** (L, Shediac-Cap-Pelé) and promised greater self-sufficiency for the province, focusing on the priorities of health care, education, senior care and energy conservation, and providing for the newly created Population Growth Secretariat and a 3% increase in social as-



sistance rates effective October 2007. It was noted that this was consistent with priorities identified by New Brunswickers through a pre-budget online consultation process and within the government's *Charter for Change* electoral platform.

The Minister stated that the Budget is balanced with a surplus of \$37.1 million with a potential deficit of more than \$300 million for 2007-2008 identified. The budget promised to address the financial challenge by:

- eliminating the HST rebate on home energy fuel costs;
- implementing new revenue measures;
- directing departments to realize program administration reductions;
- constraining overall government spending growth;
- revenue improvements since fall 2006, largely attributable to information relating to income taxes and metallic minerals tax.

The Finance Minister stated that the tax reductions made over the past number of years were not sustainable and that there was a need to bring revenues and spending into line with one another. The Minister announced that effective Jan. 1, 2007, the province's personal income tax rates will increase to generate an additional \$50 million annually. For a one-earner family of two with taxable income of \$40,000, this represents an increase of \$42 in New Brunswick personal income taxes for 2007. The government will increase the Low-Income Seniors' Benefit from \$100 to \$200 on April 1, 2007. The provincial general corporate income tax (CIT) rate will increase to 13 % effective Jan. 1, 2007, restoring the rate that was in effect for the 2006 taxation year. The pro-

vincial small business corporate income tax rate will increase to 5% effective Jan. 1, 2007, and the income threshold will be decreased to \$400,000. The Minister noted that the small business corporate income tax rate is the third lowest in Canada.

In his response to the Budget Speech, the Leader of the Opposition stated that the Liberal government destroyed seven years of effort and work carried out in partnership with New Brunswick families and business people. He noted that the previous government had achieved these positive results through a strong and prudent approach, coupled with a significant tax reduction program and a carefully conceived plan. He stated that over the previous years, tax reductions were steady and ongoing and that this tax burden reduction program for individuals and businesses was, and continues to be, a necessity in order to give the province, along with its residents and its businesses, an opportunity to become competitive and to stand out, both nationally and internationally.

The Opposition Leader stated that the present Premier had a choice to make and that he did not choose the road to economic prosperity and job creation. He did not choose the road that leads to the creation of new businesses and incentives for foreign investment. He did not choose to help the regions and the middle class. The Opposition Leader also stated that the Premier did not keep the promise he made to New Brunswickers that he would not raise taxes.

The \$311.9 million 2007-2008 Capital Budget focused on projects currently under construction and on maintenance: highway and rural road infrastructure investments; new and existing schools; capital improvements and repairs and ren-

ovations to the New Brunswick Community College network.

**John W. Foran**, Minister of Public Safety (L, Miramichi Centre) introduced *An Act to Amend the Off-Road Vehicle Act*, explaining that the government is committed to the responsible use of off-road vehicles. The amendment would prohibit the operation of off-road vehicles, including all-terrain vehicles, dirt bikes, dune buggies, motorized vehicles and amphibious vehicles, by youth under the age of 16, except as otherwise provided. Youth 14 or 15 years of age would be permitted to operate off-road vehicles only under certain conditions. One of the conditions would require the operation of an appropriate-sized machine. Exceptions would also be provided which would permit the operation of off-road vehicles on closed courses by youth under the age of 16. The Bill was highly debated at second reading and numerous petitions were presented in the House in opposition to provisions of the Bill. Debate at the second reading stage has been adjourned.

Bill 45, *An Act to Amend the Family Services Act*, introduced by **Carmel Robichaud**, Minister of Family and Community Services, has received Royal Assent. The object of the Bill is to modernize the adoption process and to allow for open adoptions.

**Margaret-Ann Blaney** (PC, Rothesay) introduced Bill 60, *An Act to Amend the Industrial Relations Act*, the goal of which is to prevent contractors from a practice known as "double breasting." The Bill was referred to the Standing Committee on Law Amendments for consideration.

On February 21, the sitting of the House was suspended for the address to the Members of the Legislative Assembly by the Governor of the State of Maine, **John Baldacci**.

On March 20, 2007, following the tabling by Speaker McGinley of the returns of the by-election held March 5, 2007, in the electoral district of Moncton East (vacated by the resignation of former Premier **Bernard Lord**), Premier Shawn Graham introduced newly-elected Member **Chris Collins** to the House.

On April 10 and on April 12, the House observed a moment of silence in honour of the Canadian soldiers from New Brunswick who lost their lives in Afghanistan.

Liberal Caucus Chair **Rick Miles** (L, Fredericton-Silverwood), welcomed former Progressive Conservative Members **Wally Stiles** (Petitcodiac) and **Joan MacAlpine-Stiles** (Moncton West) to the Government Caucus on April 17, giving the Liberal government of Shawn Graham 32 seats and the Progressive Conservatives, 23.

On April 26, Mr. Speaker requested Margaret-Ann Blaney to withdraw certain unparliamentary remarks she had directed at the chair. The Member did not withdraw the remarks and after two further requests by the Speaker, the Member was directed to leave the Chamber for the remainder of the sitting day. The following day the Speaker noted that Ms. Blaney had met with him in his chamber and had withdrawn the remarks.

The Standing Committee on Private Bills met twice to consider Bill 55, *An Act to Authorize an Easement Through Certain Lands in The City of Saint John for Natural Gas Pipeline Purposes*. The Private Bill has generated considerable public interest and the Committee heard from proponents and opponents of the Bill. The Committee reported progress and will hold further deliberations on the Bill.

During the session, Question Period has been dominated by issues relating to energy, the credit union system in the province, and the government's self-sufficiency agenda.

**Diane Taylor Myles**  
Researcher and Journals Clerk



## Prince Edward Island

The Forty-second Session of the Sixty-second General Assembly opened on November 16 and adjourned to the call of the Speaker on December 15, 2006. The Assembly was recalled on April 3, 2007, and dissolved on April 30, 2007.

### General Election

The Sixty-second General Assembly was dissolved on April 30, 2007, with a general election called for May 28, 2007. At dissolution the party standings in the House were 23 Progressive Conservative seats, and 4 Liberal seats. The previous General Election had been held on September 29, 2003.

With the dropping of the writ for the May 28th general election, new electoral boundaries for the province came into effect. The background to this change is as follows:

The *Electoral Boundaries Act* specified that, after the September 2003 provincial general election, an electoral boundaries commission would be asked to make recommendations as to the area, boundaries and names of the 27 electoral districts in Prince Edward Island. The Electoral Boundaries Commission

began its work in January 2004, holding public hearings across the province. Following the release of its interim report on June 30, 2004, the Commission held additional public hearings, and released its final report on October 4, 2004.

In December 2005, the Special Committee on Prince Edward Island's Electoral Boundaries was appointed, by motion of the Legislative Assembly, to meet and receive opinion on this final report of the Commission. As a result of its deliberations, the Committee made a number of recommendations to improve the electoral process, principally, that the area and boundaries of the existing 27 electoral districts of the province be re-distributed so as to take into account, as far as practicable, community concerns as expressed during the public consultations, and that the deviation in absolute parity in the number of electors in each of the 27 electoral districts be limited to plus or minus 15% as compared to the electoral quotient (that is, the total number of electors in the province divided by 27), with the exception of the district of Evangeline Miscouche where the deviation was permitted to be greater to accommodate the cultural diversity of that area. The Committee also recommended that Elections PEI be charged with completing descriptions and producing maps of the boundaries of the electoral districts. The Committee's report was adopted by the Legislative Assembly on May 4, 2006, thus rejecting the boundaries as put forward by the Electoral Boundaries Commission some 18 months earlier.

Elections PEI complied with the directive of the Legislative Assembly, attempting to balance considerations of a community of interest, or community of identity in, or the his-

torical pattern of an electoral district, with the democratic rights of the individual elector, as guaranteed in the *Canadian Charter of Rights and Freedoms*, to produce a report containing legal descriptions, names and maps for the province's 27 electoral districts.

This report formed the basis for Bill No. 49, *An Act to Amend the Electoral Boundaries Act*, introduced in the House on June 27, 2006. The Bill proposed to amend all 27 electoral district boundaries in accordance with the descriptions and maps produced by Elections PEI. It contained other measures, as well, including a change to the composition of future electoral boundaries commissions, and a requirement that the Legislative Assembly approve, by resolution, reports of future commissions and that government introduce legislation to establish new electoral districts in accordance with those proposals.

The Bill was amended significantly during committee stage on June 27 and June 28, 2006. All 27 electoral boundary descriptions, as outlined in the Bill, were rejected and replaced with yet another set of 27 electoral district legal descriptions as proposed by **Cletus Dunn**, Government House Leader (District 26, Alberton-Miminegash). All Members of the Opposition, citing conflict of interest, absented themselves during deliberations on Bill No. 49. Despite this, debate on the Bill was intense. The Bill, as amended, passed on June 28, 2006, and received Royal Assent that same day.

### **Conflict of Interest Commissioner Investigates Provincial Treasurer**

In separate letters dated January 12, 2007, the Premier **Pat Binns**, and the Provincial Treasurer, **Mitch Murphy**, requested the Conflict of Interest Commissioner provide an

opinion concerning the involvement of Minister Murphy with a private company known as Murcon Construction Limited. In his letter, Minister Murphy acknowledged that he is a director and shareholder in the company and has been since June of 1986 and that he had not disclosed his involvement with the company as required by the *Conflict of Interest Act* RSPEI 1988, Cap. C-17.1. He explained that he had no involvement with the company, did not believe that it created a conflict of interest, and with all the other matters that he deals with as a Minister his "paper" involvement with the company did not come to mind.

During his investigation, the Conflict of Interest Commissioner conducted a number of interviews and concluded that, by itself, his involvement as a director and shareholder never created a conflict of interest within the meaning of the Act. However, Minister Murphy was found to have contravened the Act in failing to disclose his interest in Murcon Construction Limited, and has been directed to resign as director and divest himself of all shares that he holds in the company. In his report, the Commissioner made the recommendation that the Legislative Assembly reprimand Minister Murphy for his contravention in not disclosing his directorship and shareholdings.

In response to the Commissioner's recommendation, on April 12, 2007, the following motion was moved by the Premier, and seconded by the Government House Leader, "Therefore be it resolved that the Legislative Assembly of Prince Edward Island reprimand the Honourable Provincial Treasurer as recommended by the Conflict of Interest Commissioner, **Neil Robinson**, in his report, dated January 29, 2007."

Prior to debate on the motion commencing, the Provincial Treasurer apologized to the House for the omission on his member's statement filed with the Conflict of Interest Commissioner and then withdrew. The question was resolved in the affirmative.

### **Significant Legislation**

A number of pieces of significant legislation received Royal Assent during the Fourth Session of the Sixty-second General Assembly. Among them:

- *Police Act* (Bill No. 10) requires the government to appoint a Police Commissioner and Deputy Police Commissioner, whose duties would include conducting investigations into complaints against police officers. Police unions across the province took issue with this provision and called for the resignation of the Attorney General **Mildred Dover**. In the main, their concern was that insufficient consultation had occurred prior to the Bill being debated in the Legislative Assembly.
- *An Act to Amend the Off-Highway Vehicle Act* (Bill No. 13) amends the definition of an off-highway vehicle to exclude miniature motor vehicles and minibikes. It also allows peace officers to seize and impound off-highway vehicles where the operator has committed an offence under the Act. Further, the Act requires the person who holds an impounded vehicle to keep it until the vehicle is registered, if it is not registered at the time it is impounded. Many of the provisions are based upon the report of the Standing Committee on Fisheries, Intergovernmental Affairs and Transportation, which conducted public consultations on various issues surrounding all-terrain vehicle use during 2006.
- *An Act to Amend the Retail Business Holidays Act and the Employment Standards Act* (Bill No. 14) will allow Sunday shopping in the



province from the Victoria Day weekend until Christmas, although shopping on Sunday mornings will continue to be prohibited.

- *An Act to Amend the Long-term Care Subsidization Act* (Bill No. 25) changes a reference within the Act from “assets” to “income.” Persons applying for financial aid to assist with accommodation expenses in a long-term care facility will now have their liabilities assessed against their income, rather than compared against their total assets.
- *An Act to Amend the Public Health Act* (Bill No. 26) provides the Chief Health Officer with broad powers to be invoked in the case of a provincial health pandemic, including issuing directives for the purpose of managing a public health threat or issuing orders to owners, occupiers or persons in charge of any place or premises to deliver up possession of the place or premises for the use as a temporary assessment, treatment, isolation or quarantine facility.
- *An Act to Amend the Election Act* (Bill No. 38) provides for the appointment of the Chief Electoral Officer and the Deputy Chief Electoral Officer on the recommendation of the Standing Committee on Legislative Management and following a resolution of the Legislative Assembly that is supported by at least two-thirds of the members. It also ensures that the Chief Electoral Officer may, in emergency situations, adjourn or defer a poll on ordinary polling day for the taking the vote of electors. The poll must be completed on one or both of the two days immediately following ordinary polling day. Perhaps its most significant provision is the fixing of dates of future general elections. General elections will be held on the second Monday in May in the fourth calendar year following ordinary polling day in the most recent general election.

### Auditor General Investigates Small Claims Court

In February 2007, the Standing Committee on Public Accounts consulted the Auditor General regarding the feasibility of his office conducting an audit of the provincial small claims court process. In response, **Colin Younker**, CA, Auditor General, indicated that he would be able to describe the process, comment on how well it is working, and what deficiencies might be seen in that process, for example, such things as how many claims were filed, how much is outstanding from unpaid claims, and the success rate of satisfying claims. Following some discussion, a motion was moved by **Richard Brown** (District 12, Charlottetown-Rochford Square) that the Public Ac-

counts Committee request the Auditor General of the Province of Prince Edward Island to carry an audit out on the small claims court process and report back to this committee as soon as possible. The question was resolved in the affirmative.

### Change in Regulations

The government announced in late April it would change provincial regulations requiring beer and pop to be sold in refillable bottles and will introduce a deposit-return system for non-refillable beverage containers. Current regulations requiring beer to be sold in refillable containers came into effect in 1973; and in 1984 the regulations were expanded to include all carbonated, flavoured beverages. The rapid



On April 26, 2007, with unanimous consent, Premier Binns, invited Rick Hansen onto the floor of the House to address the Members of the Legislative Assembly. The event followed an announcement that the province is investing \$200,000 over the next five years to the Rick Hansen Foundation to help make Prince Edward Island communities more accessible and inclusive for Islanders with spinal cord injury (SCI) and to support research for a cure. (Photo courtesy: Brian Simpson, Province of Prince Edward Island)

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growth in the variety of flavoured non-carbonated, and non-flavoured carbonated drinks such as juices, water and sports drinks which are allowed to be sold in cans and plastic bottles was said to be the reason behind the change. Islanders and visitors alike will be able to purchase beer in cans starting this summer; and will see canned pop on Island grocery store shelves and other venues in January 2008. The regulations will require a 50/50 offering of pop in refillable and recyclable containers, so those concerned with the environmental impact of cans and plastic, or simply preferring to consume their beverages from glass bottles will be accommodated.

### **PEI Energy Savings Bonds**

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As of December 11, 2006, Prince Edward Islanders have the opportunity to invest in a “green” province by purchasing PEI Energy Savings Bonds issued by the Prince Edward Island Energy Corporation. The province will be directing the funds to the new Eastern Kings Wind Farm, a wind energy project consisting of ten turbines, located just east of Souris, Prince Edward Island. It is anticipated that the wind farm will supply 7.5% of PEI's total energy needs-enough wind energy to power about 12,000 homes and reduce greenhouse gas emissions by 75,000 tonnes annually.

### **Conference Activity**

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Prince Edward Island hosted the 24th Annual Canadian Presiding Officers' Conference in Charlottetown from January 18-21, 2007. Delegates and partners from all provinces, territories and the Parliament of Canada were in attendance. Business sessions were interesting and informative and everyone appreciated the social opportunities to renew acquaintances and meet new colleagues.

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