



Legislative Reports



ASSEMBLÉE NATIONALE

QUÉBEC

On September 24, 2007, the new Leader of the Parti Québécois, **Pauline Marois**, was elected in the Electoral Division of Charlevoix, which had become vacant last August 14 following the decision by **Rosaire Bertrand** to step down. Accordingly, the composition of the Assembly stands as follows: Québec Liberal Party, 48 Members; Action démocratique, 41 Members; Parti Québécois, 36 Members.

Two former Members passed away in September 2007. **Carrier Fortin** was the Liberal Party Member for the Electoral Division of Sherbrooke and Minister of Labour from 1963 to 1966, and **Fabien Cordeau**, of the Union nationale, was the Member for the Electoral Division of Saint-Hyacinthe from 1976 to 1981.

National Assembly channel

To further enrich the program schedule of its channel, last July the Assembly launched seven new video vignettes on the services it provides to Members and citizens and on its heritage conservation. These vignettes focus on the following themes: the broadcasting of parliamentary debates; the National Assembly's communications tools; the parliamentary institution's Library; the statues and ornaments

adorning the premises of the Parliament Building; the interior ornaments on display in this heritage building; the history of the Parliament Building; the Central Tower of the Parliament.

In the same perspective, the second season of *Mémoires de députés* was launched last September 9. This programme features former Québec parliamentarians providing sensitive and sometimes humorous insight into the more memorable events of their career. To mark this event, the invited guest was former Minister **Victor Charles Goldbloom**, who was the first Cabinet member to hold the office of Minister of the Environment in 1973.

Interparliamentary Relations

Last August 12 to 15 at the 47th Annual Meeting of the Eastern Regional Conference of the Council of State Governments (ERC) President **Michel Bissonnet** welcomed some 800 delegates to Québec City to discuss the theme *Regional Challenges, Innovative Opportunities: Sharing State-Province Expertise* and to take part in workshops on agriculture, trade and border security with the United States, education, energy and the environment, criminal justice, health as well as transportation.

At the conclusion of the meeting, important resolutions were adopted, particularly with regard to climate change, the passport requirement at the Canada-United States border, the promotion of train and maritime transportation

as well as the elimination and recycling of electronic waste.

The Member for Arthabaska and Chairman of the Committee on Democracy and Peace of the Parliamentary Confederation of the Americas (COPA) **Jean-François Roux**, led an electoral observation mission to Guatemala, from September 5-10, 2007. Over twenty parliamentarians hailing from Argentina, Brazil, Mexico, Surinam and Venezuela also took part in this mission.

Interns

The interns of the Jean-Charles-Bonenfant Foundation for 2007-2008 are **Julien Domingue**, Bachelor of Applied Political Studies, **Nicolas Fontaine**, Bachelor of Biology, **Mathieu Fraser**, holder of a Master's Degree in History, **Alexandre Paré**, Bachelor of Political Science, and **Alexandre Regimbal**, Bachelor of Law. The internship programme, which spans a ten-month period, comprises three elements: the discovery of the National Assembly and a comparative study with other Canadian and foreign parliamentary institutions, the alternate twinning with a Member from each of the three parliamentary groups and, finally, the drafting of a research paper on the parliamentary institutions of Québec.

Francine Boivin Lamarche

Secretariat of the National Assembly

Standing Committees

Autumn began with the launching of consultations. For the past several years now, the triennial planning of immigration in Québec (in terms of volume and composition) has been the object of general consultations. In keeping with this practice, the Committee on Culture, within the framework of an order of the Assembly, has been holding public hearings since September 18 on the consultation document "Planning for 2008-2010 Québec Immigration Levels" produced by the Ministère de l'Immigration et des Communautés culturelles. An on-line consultation is also being held concurrently for this year's exercise, thus increasingly aiming towards cyberdemocracy.

The Committee on Institutions followed in these footsteps and, by order of the Assembly, held a general consultation, along with an on-line consultation, within the framework of the consideration of Bill 9, *An Act respecting the safety of persons on certain premises and amending the Act respecting safety in sports*. This bill aims particularly to prohibit the possession of firearms in the buildings and on the grounds of childcare facilities and educational institutions and in conveyances used for public transportation and school transportation. Public hearings began October 10.

In accordance with the obligation stipulated in the *Sustainable Development Act* (R.S.Q., c. D-8.1.1), assented to in 2006, the Government presented last September its Sustainable Development Strategy project and ordered the Committee on Transportation and the Environment to hold special consultations beginning on October 17, as well as an on-line consultation.

The Committee on Public Administration carried out several orders

in pursuance of the duties conferred upon it by the Standing Orders. Last September 18, it heard the Deputy Minister of Sustainable Development, Environment and Parks, as well as the chief executive officer of RECYC-QUÉBEC concerning residual waste. On 26 September, the Committee examined the financial commitments of the Auditor General for the period from April 2006 to March 2007. It also took the opportunity to hear the latter on his 2006-2007 annual management report and on his 2006-2009 strategic plan. Furthermore, last October 10, the Committee heard the Deputy Minister of Transport on the annual management report of this ministry.

For more information on the proceedings of the standing committees, please visit the Internet site of the National Assembly of Québec at the following address:

www.assnat.qc.ca.

Anik Laplante

Secretariat of committees

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



Newfoundland and Labrador

In 2004 the House of Assembly amended the *House of Assembly Act* to provide for fixed election dates quadrennially on the second Tuesday of October. The Forty-Fifth General Assembly was dissolved on September 17th and the General

Election took place on October 9th. The results were: 43 Progressive Conservatives, three Liberals and one New Democrat elected.

There was a judicial recount in the District of the Isles of Notre Dame which had been held by Leader of the Opposition **Gerry Reid** as there was a difference of only seven votes between the Progressive Conservative, **Derrick Dally** and the incumbent. Upon completion of the recount on November 8th Mr. Dalley, the Progressive Conservative candidate, was confirmed as the Member for the District by a 12-vote margin.

In the District of Grand Falls - Windsor - Buchans the election had to be postponed owing to the untimely death of the Liberal candidate, Dr. **Gerry Tobin**, on October 1. The seat was won by **Susan Sullivan**, the Progressive Conservative candidate, at the election on November 6th increasing the number of Progressive Conservative seats to 44.

The Members elected on October 9th were sworn on November 1st. **Roger Fitzgerald**, Member for Bonavista South, was acclaimed Speaker. Mr. Fitzgerald was twice acclaimed as the other candidate for the District of Bonavista South, **Clayton Hobbs** had to withdraw from the campaign because of illness. **Jack Byrne** was elected Deputy Speaker and Chair of Committees and **Tom Osborne** was elected Deputy Chair of Committees.

Auditor General Reports

On September 14th the Auditor General tabled a review of Constituency Allowance Claims for the period 1989-90 to 2005-06. The review identified inappropriate expenditures and claims for which there was no documentation or inadequate documentation. The Auditor

stated in the Report that he is confident that with the adoption of the Green Commission Report and the restoration of independent scrutiny by the Auditor General and Comptroller General and the hiring of professional accountants to staff the Corporate and Members' Services Division of the House of Assembly the financial management and controls have significantly improved.

On September 17th the Auditor General table a report pursuant to section 16 of the *Auditor General Act* which allows the Auditor General to "inquire into and report on a person or organization that has received financial aid from the government of the province or in respect of which financial aid from the government of the province is sought." The House, by Resolution, had requested that the Auditor General investigate and report on the Government's decision to invest \$15 million in the installation of a fibre optic link between St. John's and Halifax. The Auditor General concluded, *inter alia*, that there was no evidence that the Premier was involved in the project; that although the Department concerned had not complied with the Guidelines for Hiring External Consultants nor the Atlantic Procurement Agreement it had complied with the *Public Tender Act*; that Government had exercised due diligence in assessing the proposal and negotiating the final agreement although the initial assessment process at the department level had been weak and that the Province had received good value for its investment.

Access To Information And Protection of Privacy Act

Pursuant to Recommendation No. 6 of the Report of Commissioner J. Derek Green "Rebuilding Confi-

dence" the *Access To Information And Protection of Privacy Act* (ATIPPA) now applies to the House of Assembly and statutory offices. Personal and constituency records of a Member; records of a registered political party; House of Assembly records the non-disclosure of which is required for the protection of the privileges of the House and records connected with the investigatory functions of Statutory Offices are among those records which are exempt from ATIPPA.

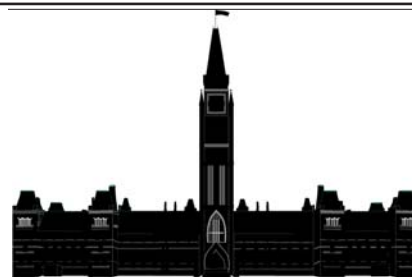
The ATIPP co-ordinator and senior privacy analyst for the House of Assembly has received 174 requests for information since October 9th when the sections of the *House of Assembly Accountability, Integrity and Administration Act* relating to the application of ATIPPA to the House and related offices came into force.

Whistle Blower Legislation

The *House of Assembly Accountability Integrity And Administration Act* includes measures providing protection for whistle blowers within the House of Assembly service. The Premier made a commitment during the election campaign to introduce similar legislation for Government as a whole. It is expected that this legislation will be introduced when the House next sits.

The Deputy Premier, **Tom Rideout** advised on October 17th that the Forty-Sixth General Assembly would open in the Spring of 2008.

Elizabeth Murphy
Clerk Assistant



House of Commons

On August 14, 2007, mid-way through the summer adjournment and in anticipation of the Second Session of the 39th Parliament, Prime Minister **Stephen Harper** shuffled his Cabinet for the second time, reassigning a number of key portfolios. **Peter MacKay** replaced **Gordon O'Connor** as Minister of National Defence and **Maxime Bernier** replaced Mr. MacKay as Minister of Foreign Affairs.

At the beginning of September, the Prime Minister announced that he would recommend to the Governor General that Parliament be prorogued. The official announcement, however, came only on September 14, 2007, when the Governor General prorogued the First Session and set the date for the opening of the Second Session as October 16, 2007. The time for the Throne Speech was set in the evening in a subsequent proclamation, issued on October 4, 2007.

In the September 17, 2007 by-elections, conducted in a climate of controversy regarding veiled voting, the Outremont seat left vacant by the departure of Liberal **Jean Lapierre** was won by New Democrat and former Quebec Liberal Minister **Thomas Mulcair**. St-Hyacinthe--Bagot elected Bloc Québécois candidate **Ève-Mary Thäi Thi Lac**, who replaces **Yvan Loubier**, also a member of the Bloc. In Roberval-Lac-St-Jean, Conserva-

tive **Denis Lebel** replaced **Michel Gauthier**, who had retired.

Parliament was convened for a new session on October 16, 2007. While awaiting the arrival of the Usher of the Black Rod to summon the members of the House to the Senate Chamber for the Speech from the Throne, a number of events occurred in the House of Commons: the Speaker announced vacancies in several ridings, two of the three newly-elected Members were introduced, a question of privilege was raised, and the Speaker made a statement regarding Private Members' Business.

As they had done in the previous Throne Speech, the Conservative government set out five new priorities: strengthening Canada's sovereignty, building a stronger federation, providing more effective economic leadership, improving the environment and continuing to tackle crime. The New Democratic Party and the Bloc Québécois announced that they would not support the Throne Speech, leaving the Liberals to decide the fate of the government. On October 24, 2007, the Liberals abstained from the final vote on the motion for an Address in Reply to the Speech from the Throne, thus avoiding the defeat of the government.

On October 30, 2007, Minister of Finance, **Jim Flaherty**, tabled a Notice of Ways and Means motion and the text of an economic statement. Soon thereafter, he held a press conference during which he unveiled a "mini-budget", outlining \$60 billion in cuts to personal and corporate taxes, as well as a one percentage point cut to the GST. The three parties in Opposition condemned the proposed tax reductions, seeking instead renewed program investments. Nonetheless, the Liberals abstained again on the vote on the Ways and Means motion

related to the economic statement. With the adoption of the motion, the government is now able to introduce legislation to implement the measures outlined in the economic statement.

Committees

On September 11, 2007, the Standing Committee on Access to Information, Privacy and Ethics instructed its clerk and research staff to prepare a draft report on its access to information request for the Department of Foreign Affairs and International Trade internal report entitled "Afghanistan 2006: Good Governance, Democratic Development and Human Rights". The clerk was also instructed to bring the draft report to the Committee once it has been reorganized in the new session.

The Standing Committee on Procedure and House Affairs met on the morning of September 13, 2007, to hear testimony from the Chief Electoral Officer, **Marc Mayrand** on the question of veiled voters. Later that day, the Committee unanimously adopted a motion calling upon the Chief Electoral Officer to use his discretionary powers to require facial identification at polling stations, in the September 17, 2007 by-elections. This was communicated to Mr. Mayrand by letter, but he rejected this unanimous call to reverse his decision. The Committee also considered the legitimacy of electoral campaign financing during the 2006 campaign. Little progress was made on the matter before Parliament was prorogued.

On October 31, 2007, the House concurred in the First Report of the Standing Committee on Procedure and House Affairs, setting out the membership for the standing committees. Committee organization meetings took place when the

House returned to business during the week of November 12, 2007.

Legislation

Of the 63 government bills introduced in the First Session of the 39th Parliament, 27 had not yet received Royal Assent at the time of prorogation and thus died on the *Order Paper*. With the adoption of a motion on October 25, 2007, the government was authorized to reintroduce some or all of these bills within the first 30 sitting days of the Session. Provided that the bills are in the same form as they were at prorogation, they will be deemed to have been considered and approved at all legislative stages completed at the time of prorogation.

On October 18, 2007, the Minister of Justice, **Rob Nicholson**, tabled an omnibus bill targeting violent crime. Bill C-2, *An Act to amend the Criminal Code and to make consequential amendments to other Acts*, groups together five bills from first session, namely C-10, C-22, C-27, C-32 and C-35. (Three of these bills had been adopted at third reading and sent to the Senate during the First Session of the 39th Parliament.) Opposition critics have characterized the omnibus bill format as "ineffective", contending that three of the lapsed bills could have been adopted more quickly by way of reinstatement. In a motion adopted by unanimous consent on October 26, 2007, the Bill was deemed read the second time and referred to a legislative committee. The legislative committee was established, **Rick Dykstra** named chair, and the committee was ordered to report the Bill back to the House by November 23, 2007.

Also on October 26, 2007, Bill C-6, *An Act to amend the Canada Elections Act (visual identification of voters)* was introduced and read a first time. Other bills to amend the *Can-*

ada Elections Act have been introduced by the government this session (Bills C-16 (expanded voting opportunities) and C-18 (verification of residence)). Several private Members' bills aimed at amending the *Canada Elections Act* have also been introduced this Parliament: Bills C-203 (telephone, fax and Internet service to campaign offices); C-341 (military dependants); C-353 (date of general election); C-419 (closed captioning); and C-465 (identity of electors).

Privilege

On October 16, 2007, the Official Opposition House Leader, **Ralph Goodale**, rose on a question of privilege alleging that the Speech from the Throne had been leaked to the media. He sought to have the circumstances of the leak investigated and the responsible parties identified. On October 23, 2007, the Speaker of the House, **Peter Milliken**, ruled that there was no procedural authority for the claim that premature disclosure of the Speech from the Throne constituted a breach of the privileges of the members of the House.

On October 18, 2007, NDP MP **Nathan Cullen** rose on a question of privilege, contending that **Richard Harris** had impeded his ability to function as a Member of Parliament by stating that someone other than he was the *de facto* Member of Parliament for his riding of Skeena-Bulkley Valley. Specifically, Mr. Cullen noted, Mr. Harris had held interviews and issued a press release stating that people of Skeena-Bulkley Valley should contact the Conservative candidate **Sharon Smith** "when they have concerns or issues with the government." On October 30, 2007, the Speaker ruled that while the allegations were not to be dismissed

lightly, Mr. Cullen had not been obstructed in the performance of his parliamentary duties and therefore no *prima facie* breach of privilege could be found.

Private Members' Business

During the last session, the Speaker ruled that several private Members' bills before the House would require a Royal Recommendation. On October 17, 2007, the Deputy Speaker, **Bill Blaikie**, reminded the House that the Speaker's rulings and comments made during the First Session regarding these bills would continue to apply in the current session.

On June 13, 2007, the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities reported back to the House Bill C-284: *An Act to amend the Canada Student Financial Assistance Act (Canada access grant)*. The Committee had deleted the title of the bill and all its clauses. On October 29, 2007, the sponsor of the Bill, **Geoff Regan**, proposed three motions at report stage to restore the bill's title and clauses. The Speaker has ruled that if the Motion No. 2 is adopted by the House, the bill would require Royal Recommendation before the question on the motion for third reading could be put.

Other Matters

By unanimous consent, the House of Commons adopted a motion on October 17, 2007, granting honorary citizenship to Nobel Peace Prize winner **Aung San Suu Kyi**, the leader of Burma's National League for Democracy. The House noted Ms. Suu Kyi remains one of the leading forces in the continuing struggle for democracy and human rights and a symbol of the desire of

the people of Burma for political freedom.

Catherine Gérin-Lajoie

Procedural Clerk
House Proceedings



Prince Edward Island

The First Session of the Sixty-third General Assembly opened on July 6, 2007, and adjourned to the call of the Speaker that same day. The Session resumed on October 16, 2007, with the presentation of the Budget Address by **Wes Sheridan**, Provincial Treasurer; and adjourned to the call of the Speaker on November 2, 2007. In total, the Assembly sat for 13 days to date this Session.

Mr. Sheridan presented his first budget address as Provincial Treasurer on October 16, 2007. In his address to the Legislative Assembly, he characterized the budget as a bridge between the former and the current administration. Budgetary commitments made in the spring of 2007 by the former government were largely respected in the new financial plan. The Treasurer indicated priorities identified during the election campaign, including a reduction in the gasoline tax, an improvement to the disability tax credit, and a freeze on owner-occupied residential property tax assessments would be implemented.

Health and Social Services and Seniors expenditures continued to account for the largest share of the

provincial budget at just over \$495.8 million, or 39.4% of the total operating expenditure of almost \$1.26 billion dollars; followed by Education at \$247.7 million, or 19.7 % of the total.

Full texts of the budget address, estimates of revenue and expenditure and supporting schedules are available on the province's website at www.gov.pe.ca/budget.

Significant Legislation

A number of pieces of significant legislation received Royal Assent during the Session. They include:

- *Tobacco Tax Act* (Bill No. 2) sets out the tax rate on the purchase of tobacco and defines various offences relating to the sale, purchase, possession, marking and transportation of tobacco. As well, various punishments including fines, imprisonment, and seizure, with regard to illegal traffic in tobacco are specified.
- *An Act to Amend the Employment Standards Act* (Bill No. 6) received, with unanimous consent, its three readings on November 18, 2007. The Act amends the *Employment Standards Act* to provide job protection for members of the reserve force of the Canadian Forces. It establishes the right of employees who have worked for an employer for at least six months and who are in the reserve force to take unpaid leave to participate in military training or active service. Employees are required to give their employers reasonable notice for their leave of absence. In addition, the Act provides for the reinstatement of the employee upon return from military service or training.
- *An Act to Amend the Real Property Assessment Act* (Bill No. 14) provides for owner-occupied residential property tax assessments to be "frozen" for the years 2008 and 2009 at the same level as that assessed in the year 2007.
- *An Act to Amend the Dog Act* (Bill No. 18) adds provisions with re-

spect to the responsibilities and liability of an owner of a dog. An offense and penalty provision has been included in respect of an owner of a dog who fails to exercise reasonable precautions to prevent the dog from biting or attacking a person or a domestic animal or behaving in a manner than poses a menace to the safety of persons or domestic animals.

By-Election

Charles McGeoghegan (Liberal) was elected in the by-election of October 15, 2007, for the district of Belfast-Murray River, a seat left vacant by the resignation of former premier, **Pat Binns** on August 31, 2007. The by-election win gave the Liberals 24 of the 27 seats in the legislature.

Mr. McGeoghegan was sworn in on October 31, 2007, and took his seat in the House for the first time that same day. Prior to entering public life, Mr. McGeoghegan was a fisherman and a competitive arm wrestler.

New Positions for the PEI Legislature

In September 2007, the Standing Committee on Legislative Management, Chaired by Speaker **Kathleen Casey**, announced its approval for the re-establishment of a Legislative Library and Research Service to support the work of Members, House Committees and House Officers. In addition, a new part time Committee Clerk position was established in anticipation of an expanded role for standing committees in reviewing issues and public policy initiatives.

Recruiting efforts started immediately with advertisements placed in all the daily and weekly newspapers in the province. Applications were received from all across Prince Edward Island, as well as from several other provinces. Successful can-

didates were introduced to members in the House on October 30, 2007: **Laura Morrell** is the Legislative Assembly's Research Librarian; **Ryan Conway** is the Research Officer; and **Melissa Keefe** is the new Committee Clerk.

Committee Activity

The Standing Committee on Agriculture, Forestry and Environment will be reviewing the implementation and potential impacts of a province-wide ban on the use of cosmetic lawn pesticides over the next several months. The Committee will report in the spring 2008 Session.

The Standing Committee on Community Affairs and Economic Development has been mandated to conduct public hearings on the issue of Sunday shopping to solicit the views of the Islanders. The Committee will hold public hearings throughout the province and make its report, including any recommendations for legislative changes, in the spring of 2008.

Standing Committee on Fisheries, Intergovernmental Affairs and Transportation has been instructed, by motion of the Legislative Assembly, to conduct a thorough review of the collapse of Polar Foods International Inc., a business failure which cost Island taxpayers approximately \$31 million. This Committee will also be reporting its findings in the spring 2008 sitting.

Participate in PEI

In late August, government launched a new initiative calling for public participation in over 70 of the province's agencies, boards and commissions. A website is under development which will contain a profile of each organization and will include qualifications, length of term, current make-up, nomina-

tion requirements and vacancies. The Premier indicated that the process is intended to fill openings, and to provide Islanders with information on their agencies, boards and commissions, engaging them in the governing process.

Report of the Indemnities and Allowances Commission

Effective as of the first day of the commencement of the Sixty-third General Assembly, MLAs on Prince Edward Island began receiving a base salary of \$62,500 (tax free expense allowance has been eliminated). Previously, compensation had consisted of an indemnity of \$36,689 plus a tax-free expense allowance of \$12,000.

Marian Johnston
Clerk Assistant and
Clerk of Committees



Ontario

Summer 2007 was a quiet time at Queen's Park as the Legislative Assembly was prorogued on June 5 and all focus shifted to the future general election legislated to occur on October 10.

During the break, however, the **David C. Onley** was installed as Ontario's 28th Lieutenant Governor on September 5. A champion of disability issues, he was Canada's first senior newscaster with a visible disability. He has chaired the Government of Ontario's Accessibility Standards Advisory Council, and served on both the SkyDome Acces-

sibility Council and Air Canada Centre Accessibility Committee.

Mr. Onley had little time to settle in before being called upon to dissolve the 38th Parliament on September 10, and issue the writs for the 39th provincial general election.

The election resulted in the Liberal Party under **Dalton McGuinty** winning re-election, and little change in the composition of the House. The Liberals took 71 seats (up 3), the Progressive Conservatives under **John Tory** took 26 seats (up 1) and the New Democratic Party of **Howard Hampton** kept 10 seats in a Legislative Assembly that had grown by 4 seats due to the realignment of electoral districts.

While the election did not produce a dramatic change from the previous Parliament, it was the first time in 70 years that the Liberal Party won back-to-back majorities in Ontario. This was last accomplished under Premier **Mitchell Hepburn** in 1937.

The race in the riding of Don Valley West was likely the most observed of the election. It pitted 2 highly respected parliamentary incumbents against each other, the Leader of the Progressive Conservative Party, Mr. Tory, and **Kathleen Wynne**, the Minister of Education. In the end, Ms. Wynne took the riding for the Liberals.

Also on the October 10 ballot (actually a separate ballot placed in the same ballot box) was a referendum question on electoral reform. Ontarians were asked "Which electoral system should Ontario use to elect members to the provincial legislature?" The choices were:

- The existing electoral system (First-Past-the-Post).
- The alternative electoral system proposed by the Citizens' Assembly (Mixed Member Proportional).

In order for Ontario to change its electoral system, the Mixed Member Proportional (MMP) system would have to attain a double majority, consisting of:

- At least 60% of all the valid referendum ballots cast province-wide; and
- More than 50% of the valid referendum ballots cast in each of at least 64 electoral districts.

The MMP received only 36.9% of the ballots cast and achieved more than 50% support in just 5 of 107 electoral districts.

The 39th Parliament resumed on November 28, 2007, with the election of a Speaker.

Trevor Day
Committee Clerk



Senate

The Governor General, the Senate and the House of Commons—the three components of Parliament—assembled in the Senate Chamber on October 16 for the Opening of the Second Session of the Thirty-ninth Parliament. In keeping with tradition, the Governor General read the Speech from the Throne, but on this occasion, and for the first time, the Speech was read by Her Excellency Michaëlle Jean early in the evening for broadcast during prime time television.

The Speech outlined the Government's agenda for the new session and included sovereignty and security, environmental protection, eco-

nomic growth, modernization of Canada's federation, and safe communities as priorities. The Government remains committed to Senate reform, as it was during the First Session of this Parliament. In particular, two pieces of complex and controversial legislation not passed during the last session will be re-introduced: one to shorten Senators' tenure from a maximum of 45 years to eight years; and the other to allow for direct consultation of voters in the selection of Senators.

Although the Speech was the highlight of the day, the Senate also attended to other business. The appointment of the **Bert Brown** who was summoned to the Senate early in the summer and sworn in on October 16 further demonstrated the Government's belief that Canadians must have a say in who will represent them in the Senate. Senator Brown, a long time advocate of Senate reform, won an Alberta province-wide Senate election in 2004. This was only the second time in Canada's history that an elected Senator was appointed to the Senate. In 1989, the people of Alberta chose **Stan Waters** who was summoned to the Senate in 1990 and served until his untimely death a year later.

The presentation of the *pro forma* bill and the appointment of the Committee of Selection also occur on the first sitting day of the session. Bill S-1 relating to railways, only receives first reading. Its purpose is to symbolize the independence of the Senate and its authority to discuss matters not set out in the Speech from the Throne. The Committee of Selection is formed to nominate a Speaker *pro tempore* and to name Senators to serve on committees for the session. It must report within five sitting days regarding the nomination of the Speaker *pro tempore* which occurred on October 23 when

the Senate approved the nomination of Senator **Rose-Marie Losier-Cool** as Speaker *pro tempore*. Senator Losier-Cool will serve as Speaker when Speaker **Noël A. Kinsella** is unable to attend a sitting.

By independent resolution adopted on October 17, the Senate granted honorary citizenship to **Aung San Suu Kyi**, the leader of Burma's National League for Democracy and a Nobel Peace Prize laureate. The idea for this resolution was proposed in the Government's Throne Speech in recognition of her dedication to the cause of democracy. The **Dalai Lama**, **Nelson Mandela**, and **Raoul Wallenberg** are also honorary Canadian citizens.

Mary Mussell
Journals Branch



Manitoba

The first session of the 39th Manitoba legislature resumed on September 25, 2007. In accordance with the sessional order passed during our June sitting, the House immediately began consideration of the departmental estimates of expenditure in the Committee of Supply flowing from the reinstated budget. The entire budget process concluded on October 25.

In addition to completing the financial business, 21 government bills and two opposition private

member's bills also completed their journey through the legislative process during this fall sitting, receiving Royal Assent before the House rose on Thursday, November 8. These bills included:

- Bill 12 - *The Employment Standards Code Amendment Act (Leave for Reservists)* - which amends the Employment Standards Code to provide job protection for members of the reserve force of the Canadian Forces. It gives them a right to an unpaid leave to participate in training or active duty in the reserves.
- Bill 15 - *The Biofuels Amendment Act* - which expands the *Biofuels Act* to include biodiesel and other types of fuels derived from biomass material that are specified in the regulations. The Bill creates the Ethanol Fund, which will be funded by a portion of provincial gasoline tax revenues for eight years. The fund will be used to pay grants to producers for denatured ethanol produced and consumed in Manitoba.
- Bill 16 - *The Statutory Holidays Act (Various Acts Amended)* - which establishes the third Monday in February as a statutory holiday to be known as "Louis Riel Day".
- Bill 17 - *The Firefighters, Peace Officers and Workers Memorial Foundations Act* - which establishes 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.
- Bill 19 - *The Fair Registration Practices in Regulated Professions Act* - which is designed to help ensure that regulated professions and people applying for registration to practise those professions are governed by registration practices that are transparent, objective, impartial and fair. The Bill provides for the appointment of a fair registration practices commissioner.
- Bill 202 - *The Apology Act*, a private member's bill sponsored by **Jon Gerrard** (Independent Liberal - River Heights), Bill allows a

person to make an apology about a matter without the apology constituting an admission of legal liability.

- Bill 209 - *The Historic Highway No. 1 Act*, a private member's bill sponsored by **Gerald Hawranik** (PC - Lac du Bonnet), designates Provincial Trunk Highway No. 44 as the "Historic Highway No. 1" to commemorate its historical significance to Manitobans.
- A sessional order identifies a series of dates when certain steps in the legislative and budget processes must be completed. Additionally, the order outlines our sitting schedule up to the spring of 2008, as follows:
- The House sat from September 25, 2007 to November 8, 2007 to conclude the current budget process and to consider the bills re-introduced from the previous session.
- The House will sit from November 20, 2007 to December 6, 2007 to hear and debate the throne speech commencing the second session of the 39th Manitoba legislature.
- The House will sit from no later than April 9, 2008 to June 12, 2008 to consider the next budget and legislative agenda.

The Standing Committee on Crown Corporations met in October and November 2007. The committee considered several years of Annual Reports from Manitoba Hydro and the Manitoba Public Insurance Corporation.

Rick Yarish

Clerk Assistant / Clerk of Committees



British Columbia

On October 1, 2007, **Steven Point** was sworn in as 28th Lieutenant Governor of British Columbia during a historic ceremony in the legislative chamber. He served as an elected Chief of the Skowkale First Nation for fifteen years and as the tribal chair of the Stólo Nation Government. He was appointed a provincial court judge in 1999 and as Chief Commissioner of the British Columbia Treaty Commission in 2005. One of Mr. Point's first legislative duties will be to proclaim the first urban, modern-day treaty negotiated by a B.C. First Nation with the provincial and federal governments.

Treaty Settlement Legislation

The third session of the 38th Parliament resumed on October 15th, 2007, two weeks after the scheduled start date in the parliamentary calendar. The first three bills introduced in the House related to the treaty settlement with the Tsawwassen First Nation. They were:

- Bill 40, *Tsawwassen First Nation Final Agreement Act*
- Bill 41, *Final Agreement Consequential Amendments Act, 2007*
- Bill 42, *Treaty First Nation Taxation Act*

At first reading, **Michael de Jong**, Minister of Aboriginal Affairs and Reconciliation, explained that this

"landmark legislation" gives legal force to the Tsawwassen First Nation Final Agreement. Under the agreement, the Tsawwassen people will receive title in fee simple of 724 hectares of settlement land and some \$16 million in cash transfers over the next 10 years. The agreement also includes a long-term renewable harvest agreement for salmon and crab, as well as a governance model setting out the First Nation's law-making authorities, with provision for a seat on the regional board of Metro Vancouver (formerly the Greater Vancouver Regional District).

Immediately following first reading, **Kim Baird**, the elected Chief of the Tsawwassen First Nation, was invited to address the Assembly from the Bar of the House, a rare event in the legislature's history. She described her presence as "symbolic of true reconciliation...born of hard work and hard-fought compromises, so very painful to my community." In her address, Ms. Baird urged both parliamentary parties to support the treaty settlement.

At second reading, Mr. de Jong explained that Bill 40 is intended to help achieve reconciliation for past injustices, recognize the Tsawwassen First Nation's aboriginal rights and title, and enable the Tsawwassen people to become an independent and self-reliant community. Leader of the Official Opposition **Carole James** also spoke in support of the Final Agreement, but expressed some reservations relating to the government's approach to treaty-making and its handling of overlapping claims from other First Nations. Another concern of the opposition caucus was the proposed transfer of land from the jurisdiction of the Provincial Agricultural Land Commission.

At the start of committee debate on October 29, the Chair explained that as it is a Crown prerogative to make agreements, parliament could debate, accept, reject or amend Bill 40; however, it could not amend the final agreement, except for technical amendments.

Subsequently, Bills 40, 41 and 42 were all reported complete with minor technical amendments. A handful of members from both sides of the House abstained or voted against the treaty settlement legislation.

Other Bills

Three bills left on the order paper at the end of the spring sitting have now passed third reading. The bills amend existing legislation and were debated during October 2007:

- Bill 27 proposes changes to the *Business Practices and Consumer Protection Act, 2004* to promote fairness in the marketplace and prevent the charging of excessive fees, or “debt traps,” for consumers. The provisions will require payday lenders to be licensed, in line with the recent amendment to the *Criminal Code*; limit the fees that can be charged for cashing government cheques; and require the full disclosure of the terms and conditions of loans.
- Bill 28 makes targeted amendments to the *Securities Act* as part of the drive to harmonize and streamline securities laws across the country. It strengthens the compliance and enforcement powers of the British Columbia Securities Commission; improves investor protection; and establishes a new statutory civil liability framework that is already in effect in Ontario, Manitoba and Alberta.
- Bill 29 amends the *Adult Guardianship Act* in order to reflect modern guardianship principles of individual autonomy and dignity. It clarifies and modernizes the laws governing how deci-

sions are made for vulnerable adults who are or become incapable of managing their own affairs. Similar legislation was originally introduced in the spring of 2006 (Bill 32) but did not proceed in order to allow for additional changes to advanced care directives and more extensive public and stakeholder consultation.

Also introduced on October 23, 2007 was a bill proposing major amendments to the *Greater Vancouver Transportation Authority Act*. Transportation Minister **Kevin Falcon** explained that Bill 43 replaces a similar bill introduced in the spring sitting. It is intended to build a solid foundation for an expanded, high-quality public transportation system in the lower mainland, by establishing a new planning framework, governance structure, and funding measures for the Greater Vancouver Transportation Authority (TransLink). Bill 43 had not concluded second reading by the end of October 2007.

Committee Activities

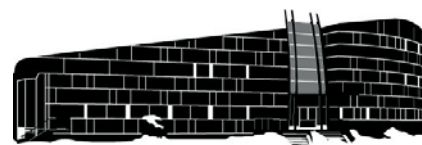
This fall, the Select Standing Committee on Finance and Government Services conducted its eighth consecutive pre-budget public consultations. The budget 2008 consultation paper contained six questions, three of which asked the public for responses on options to reduce greenhouse gases. The Finance Committee received some 5,800 submissions, about 2,700 fewer than last year. Four methods of consultation were used: public hearings at 14 locations throughout the province, written submissions, on-line responses, and a flyer mailed out to households around the province by the Ministry of Finance.

Following its appointment during the spring sitting, the Special Committee to Appoint a Conflict of

Interest Commissioner was briefed by incumbent **H.A.D. Oliver** before embarking on the search for his successor. The Committee has interviewed a number of applicants and is likely to make a unanimous recommendation to the Legislative Assembly in the near future. To facilitate a smooth transition, the House adopted a motion on October 30 extending Mr. Oliver's term to December 31, 2007.

In other committee-related business, the Select Standing Committee on Public Accounts hosted the 28th Annual Conference of the Canadian Council of Public Accounts Committees. This was held in Victoria from August 19 to 21, in conjunction with the 35th Annual Conference of the Canadian Council of Legislative Auditors. In attendance were delegates from most parts of Canada and observers representing the countries of Australia, Bangladesh, Pakistan, Ghana, Nigeria, Tanzania, and Thailand.

**Naomi Adams, Erin Bett,
Lindsay Gardner, Jeremy Wood**
Clerks of Committee - Research



Nunavut

The Fourth Session of the Second Legislative Assembly of Nunavut reconvened on October 23, 2007, for the fall sitting. The House adjourned on November 8, 2007.

The fall sitting began with Finance Minister and Baker Lake MLA **David Simailak's** presenta-

tion of the government's mid-year fiscal update and introduction of the 2008-2009 capital estimates. The proceedings of the Committee of the Whole during the fall sitting were dominated by Members' scrutiny of the proposed capital estimates.

A total of 68 bills have been passed to date during the Second Assembly. Eight bills were passed during the fall sitting and received assent. These included a new *Workers' Compensation Act*, which had been introduced earlier in the year by the Minister responsible for the Workers' Compensation Board and Nanulik MLA **Patterk Netser**, and a new *Emergency Measures Act*, which had been introduced earlier in the year by Community and Government Services Minister and Rankin Inlet South-Whale Cove MLA **Levinia Brown**.

In two cases, recommendations have been made that certain bills that had been introduced earlier in the year not proceed any further in the legislative process and be allowed to fall off the order paper. The Standing Committee on Infrastructure, Housing and Economic Development, chaired by Rankin Inlet North MLA **Tagak Curley**, C.M., recommended that Bill 5, *An Act to Amend the Local Authorities Elections Act*, be allowed to fall off the order paper.

The Standing Committee on Government Operations and Accountability, chaired by Iqaluit Centre MLA **Hunter Tootoo**, recommended that Bill 13, the proposed *Nunavut Energy Efficiency Act*, be allowed to fall off the order paper. Following the presentation on November 8, 2007, of Mr. Tootoo's report on the Standing Committee's review of the Bill, Energy Minister and Iqaluit East MLA **Ed Picco** rose to move a motion to have Bill 13 referred to the Committee of the Whole. Speaker **Peter Kilabuk**

ruled that inadequate notice had been given for the motion and invited the Minister to revisit the matter when the House reconvenes for its winter sitting.

During the spring sitting of the House, Minister of Culture, Language, Elders and Youth and Amittuq MLA **Louis Tapardjuk** introduced Bill 6, Nunavut's proposed new *Official Languages Act* and Bill 7, the proposed new *Inuit Language Protection Act*. These bills were subsequently referred to the Standing Committee Ajauqiit for scrutiny. Standing Committee Chair and Akullik MLA **Steve Mapsalak** delivered the Committee's interim report on its review of the bills during the fall sitting. Further hearings on the bills are scheduled to be held in December 2007.

A number of bills were introduced in the fall sitting. These included a proposed new *Education Act*, introduced by Education Minister Ed Picco; a proposed new *Midwifery Profession Act*, introduced by Health and Social Services Minister and Nattilik MLA **Leona Aglukkaq**; and a proposed new *Engineers and Geoscientists Act*, introduced by Premier and Justice Minister **Paul Okalik**.

Auditor General **Sheila Fraser** has submitted two reports during 2007 to the Legislative Assembly on performance audits undertaken by her office. In June, she appeared before the Standing Committee on Government Operations and Accountability during its review of her report on the Financial Assistance for Nunavut Students program. Committee Chair Tootoo presented the Standing Committee's own report to the House on November 7. On November 5, Speaker Kilabuk tabled the Auditor General's report on the Nunavut Business Credit Corporation. The Auditor General is scheduled to appear before the

Standing Committee when it begins its hearings on this report on November 27.

A number of formal motions have been considered by the Legislative Assembly during the Fourth Session. During its spring sitting, the House unanimously adopted a motion introduced by Environment Minister **Patterk Netser** and seconded by Tunnunuiq MLA **James Arvaluk** to express the Legislative Assembly's opposition to the proposal of the United States Fish and Wildlife Service to list the polar bear as a threatened species under that country's legislation.

The House held a one-day sitting on September 17 to consider a motion proposed by Cambridge Bay MLA **Keith Peterson** and seconded by Hunter Tootoo. The motion censured Premier Okalik for certain comments that he made at a public event held earlier in the year. The Premier apologized for his comments and urged all Members to support the motion, which was adopted unanimously.

On November 8, the House unanimously adopted a motion introduced by Mr. Peterson and seconded by Ms. Brown that called on the Government of Canada to increase the residency portion of the Northern Residents Deduction.

The Fourth Session will reconvene on February 19, 2008, for the winter sitting.

Alex Baldwin
Director, Research and
Library Services



Saskatchewan

On October 10th, the 25th Legislature was dissolved and a general election called for November 7th. The standings in the Assembly were 30 New Democrats and 28 members of the Saskatchewan Party. When all of the ballots were counted, the Saskatchewan Party received 52% of the popular vote and a majority 38 seats in the Assembly. The New Democrats saw its share of the popular vote fall to 36% and 20 seats. The Liberal Party under **David Karwacki** received only 9% of the popular vote and no seats. The composition of the new Assembly will include seventeen new Members and an eighteenth, **Bill Boyd**, who returns to the House after not running in the 2003 general election. Women now hold thirteen of the total 58 seats, an increase of two from the previous Legislature.

The success of the Saskatchewan Party campaign was noteworthy for several reasons. Premier designate **Brad Wall's** government will be the first formed by the Saskatchewan Party since the party's creation in August 1997. The seats gained by the party included three in Regina, long a bastion of NDP strength, three additional seats in Saskatoon and one each in Moose Jaw and Prince Albert. The in-roads made by the Saskatchewan Party in the urban centers suggested that the split between urban and rural voting patterns that were so evident in the 1999 and 2003 elections were weakening.

Premier designate Brad Wall quickly announced that his government would introduce legislation to set the provincial election date as the first Monday in November every four years. He then announced that the next election would fall on November 7, 2011. The cabinet was sworn in on November 21st.

Despite seeing his government defeated, outgoing Premier **Lorne Calvert** retained a sizable caucus of experienced members. Several veteran members of his administration had chosen not to seek re-election and of those that did, all but five were successful. Those defeated included Ministers **Graham Addley**, **Lon Borgerson**, **Maynard Sonntag** and **Mark Wartman** and a former Speaker, **Glenn Hagel**.

In anticipation of a delayed fall sitting in December, administrative and procedural orientations were offered to the newly elected Members in late November. The first order of business when the Assembly convenes will be the election of a new Speaker. Speaker **Myron Kowalsky**, who chose not to run in the election, will continue in office until the day before the first session of the 26th Legislature.

Margaret (Meta) Woods
Clerk Assistant



New Brunswick

On October 31, 2007, Premier **Shawn Graham** announced the first changes to Cabinet since the Liberal Government took office in

October of 2006. **Eugene McGinley** resigned as Speaker of the Legislative Assembly and was sworn in as Minister of State for Seniors and Minister of State for Housing. **Wally Stiles** was appointed Minister of Human Resources.

Three additional portfolios which were under the responsibility of other ministers were announced as separate ministries: **Hédard Albert**, former Minister of Human Resources, was appointed Minister of Wellness, Culture and Sport and Minister responsible for the Francophonie; **Carmel Robichaud**, former Minister of Family and Community Services and Minister responsible for the Status of Women, was appointed Minister of Local Government and Minister responsible for Community Non-profit Organizations, and **Mary Schryer**, former Minister of State for Seniors and Housing, became Minister of Family and Community Services and Minister Responsible for the Status of Women. Minister of Health, **Michael Murphy** was appointed Government House Leader replacing **Stuart Jamieson** who retains his portfolio as Minister of Tourism and Parks.

The Second Session of the 56th Legislature convened at 11 a.m. November 27 when Members elected former Deputy Speaker and long-time educator **Roy Boudreau** as Speaker before recessing until 3 p.m. for the delivery of the Speech from the Throne by His Honour **Herménégilde Chiasson**, Lieutenant-Governor.

Throne Speech

The Throne Speech proposed a legislative agenda to set in motion transformative change toward a self-sufficient New Brunswick.

Among the highlights: a balanced budget for 2008-2009; the mandate

of Service New Brunswick to expand; government departments will transfer customer-facing services to Service New Brunswick; a new Provincial Health Plan to be introduced; amendments to the *Pharmacists Act* to enable pharmacists to prescribe certain drugs; midwifery to be regulated; legislation to legalize living wills and to provide for substitute decision makers to make health care decisions; a Task Force on Access to Family Justice to report on options for increasing access to justice in family law disputes; pay day lenders legislation to set limits on the cost of borrowing; mandatory coroner's inquests for workplace fatalities to be instituted; a Domestic Violence Death Review Committee to be established.

Other highlights: A Commissioner on the Future of Local Governance is examining the structure and organization of the province's local government; targeted property tax relief to be introduced to help with the tax burden associated with rising assessments; new performance-based standards for municipal wastewater effluent from wastewater treatment facilities to be adopted; a Special Committee of Cabinet on Early Childhood Development and Care to be appointed; a long-term plan for early learning and child care to be tabled; the *I'm Ready for School* initiative to be introduced; government to establish and invest in 22 community schools in 2007-2008, with support from local communities and the private sector; a Diversity in Learning initiative will support trades and vocational education; a learning disabilities strategy focussing on early detection and intervention to be launched; a literacy strategy to be released; a working group considering the recommendations of the Commission on Post-Secondary Education's report will recommend

the best model for a post-secondary education system in New Brunswick and an accompanying implementation plan early next year; amendments to the *Workers' Compensation Act* will respect presumptive cancer coverage for firefighters; minimum wage will increase to \$7.75 an hour by April 2008; a population growth strategy to be introduced; investment initiatives to be introduced to support the agriculture and aquaculture sectors to contribute to self-sufficiency; government to address the issue of access to capital for new and growing small businesses through the newly launched NB Growth program; the result of the \$2.5-million feasibility study into a potential second nuclear generating station at Point Lepreau to be announced; government to consider policy options for community wind development initiatives and review NB Power's renewable portfolio standard to ensure that it reaches its maximum potential in renewable energy; feasibility study to be launched into bringing natural gas to northern New Brunswick; the *Electricity Act* to be reviewed to ensure that the utility structure and the electricity market adequately reflect the self sufficiency goals and energy hub agenda; as outlined in the *Charter for Change*, initial funding of the \$100-million Northern New Brunswick Initiative to improve the economic infrastructure of the northern counties of our province will be allocated in 2008-2009; a trust fund for the Petitcodiac River to be established and planning to begin for the restoration of the Petitcodiac River.

Bernard LeBlanc moved the Address in Reply to the Speech from the Throne which was seconded by **Joan MacAlpine-Stiles**. The House adopted a motion appointing **Bill Fraser** as Deputy Speaker. Brian

Kenny remains one of the Deputy Speakers.

Opposition Reply

In critiquing the Throne Speech, Opposition Leader **Jeannot Volpé** stated that: "The speech from the throne, like the *Action Plan to be Self-Sufficient*, can be summed up in one word: hope."

Mr. Volpé noted that trusting in hope is not taking control of the future. People need leadership. He claimed that "Shawn Graham's Liberal government has no confidence in New Brunswickers" noting that it has canceled the tuition rebate program that promoted higher education; it has cut the budget for highway infrastructure by \$60 million; it increased small business taxes by 500%, which will affect research, innovation, and new product development.

According to Mr. Volpé, the self-sufficiency plan, like the Liberal government's speech from the throne, is not for all New Brunswickers-only for the friends on the campaign bus....He claimed that during its first year in office, the Liberal government systematically attacked the very foundations of prosperity in this province.

In concluding, he noted that "the provincial economy is built on enhanced productivity and competitiveness. New Brunswickers must be given the necessary tools for training and education. This training must meet their needs and those of business. It must also be ongoing so that it enables people to constantly adapt to a changing world. The training will enable them to be more productive, and this will raise their salaries. Once the employee makes a product, it must be delivered to the client, who often lives outside the province. That means that a good infrastructure and telecommunications system are

needed. When the product is delivered, it usually generates taxable income. A competitive taxation system enables businesses to keep part of the profits to reinvest in marketing or new technology. Innovation and new technology will enable businesses to make progress and innovate to become more competitive, create opportunities in the market, and create even more jobs.”

Mr. Volpé submitted this is the Progressive Conservative plan to build a more prosperous New Brunswick, building New Brunswick with New Brunswickers, by giving them the necessary tools and by rewarding success instead of encouraging failure.

New Rules

New rules outlined in the First Report of the Standing Committee on Procedure tabled by Committee Vice-chair **Kelly Lamrock** and Minister of Education, were adopted November 28. The new rules propose to facilitate and expedite the transaction of business in the House by capping debate on departmental estimates at 80 hours, retaining the Committee of Supply as the main

committee for the consideration of estimates instead of the Standing Committee on Estimates, allowing government more discretion on controlling the various stages of Government Bills, expediting the passage of appropriation Bills through the House, and allowing the Opposition to set the agenda on Thursdays with regard to Opposition Members' Business (Opposition Members' Public Bills and Motions).

The Select Committee on Wellness will hold public hearings in January and February of 2008. The Committee will travel to various communities in the province to hear from citizens on the importance of adopting and maintaining healthy lifestyles. In addition, the Committee will hold a series of meetings aimed at engaging citizens and stakeholders in discussions on wellness and on understanding the interconnection between wellness and other public policy areas. The Committee aims to stimulate dialogue and to better identify the roles and responsibilities of citizens, stakeholders and government as agents of change with respect to wellness.

On Opening Day, almost 2,000 people watched via live webcast the proceedings for the election of Speaker and delivery of the Throne Speech. In addition, hundreds of people watched the recorded proceedings via webcast later that day. The proceedings continue to be available via the Legislative Assembly website, www.gnb.ca/legis.

The sculpture **Britannia**, which has stood at the top of the central north entrance pediment of the Legislative Assembly building for over 125 years, was recently removed as part of an ongoing refurbishment of the building's roof and masonry. The sculpture had to be removed so that the pediment roof could be reinforced, as it had greatly deteriorated over the years. Conservation repairs to the **Britannia** sculpture will be carried out in the winter of 2008.

It is expected that the government will introduce the capital budget and a number of initiatives and pieces of legislation prior to the Christmas break.

Loredana Catalli Sonier

Clerk of the Legislative Assembly