



Legislative Reports



Yukon

On May 14th, the 2009 Spring Sitting of the First Session of the 32nd Legislative Assembly adjourned. The 32-day sitting had convened on March 19th. The Sitting concluded with Assent being given in the Chamber by the Commissioner of Yukon, **Geraldine Van Bibber**.

Pursuant to Motion #799 (moved by private member **Steve Nordick**, Klondike, Yukon Party), which carried on May 13th, the House reconvened for a Special Sitting in Dawson City on June 12, 2009.

Assent

In the Spring Sitting, a total of 12 bills (all Government bills) were granted Assent by Commissioner Van Bibber:

- Bill No. 13, *Third Appropriation Act, 2008-09*
- Bill No. 14, *Interim Supply Appropriation Act, 2009-10*
- Bill No. 15, *First Appropriation Act, 2009-10*
- Bill No. 64, *Act to Amend the Legislative Assembly Retirement Allowances Act, 2007*
- Bill No. 65, *Act to Amend the Yukon Advisory Council on Women's Issues Act*
- Bill No. 66, *Corporate Governance Statute Law Amendment Act*

- Bill No. 67, *Act to Amend the Employment Standards Act*
- Bill No. 68, *Act to Amend the Yukon College Act*
- Bill No. 69, *Miscellaneous Statute Law Amendment Act, 2009*
- Bill No. 70, *Child and Youth Advocate Act*
- Bill No. 71, *Act to Amend the Human Rights Act*
- Bill No. 72, *Corrections Act, 2009*

Special Sitting in Dawson City

When Yukon became a territory on June 13, 1898, its legislative body – the Territorial Council – was composed entirely of persons appointed by the Government of Canada. Amendments to the *Yukon Act* in 1899, 1902, and 1908 allowed for the election (as opposed to the appointment), respectively, of two, five, and finally all members of the Council. The election of the first wholly-elected Council took place on June 28, 1909. This Council (comprising 10 members) met for the first time on July 15, 1909. Yukon has had a fully elected legislative body ever since.

To commemorate the 100th anniversary of representative government in Yukon, the Legislative Assembly held a Special Sitting in Dawson City on June 12, 2009. Dawson City had been Yukon's capital and seat of government from the territory's creation until 1953, when the federal government decided to move the capital to Whitehorse.

The Special Sitting took place in the original chambers of the Legislature in the old Territorial

Administration Building (now the Dawson City Museum). The business of the day was Motion #830, moved by Mr. Nordick, in whose riding Dawson City is located. The motion proposed that the Legislative Assembly, "on behalf of all Yukoners, acknowledges and commemorates the efforts of those who have contributed to the attainment and development of representative government in Yukon over the past 100 years." Each Member present, including Speaker **Ted Staffen**, spoke to the motion, which passed unanimously. In their speeches, Members referenced touchstones such as the advent of party politics in Yukon territorial elections in 1978, the 1979 Epp Letter (which brought responsible government to the territory), and Canada's *Yukon Act, 2003*. Achievements and developments in the area of First Nations self-government in Yukon were also highlighted. As well, the House recessed to hear remarks from **Eddie Taylor**, Chief of the Tr'ondëk Hwëch'in First Nation and Dawson City Mayor **John Steins**.

Among the special guests in attendance at the Special Sitting were Commissioner Van Bibber and several former MLAs. The latter group included two former Premiers (**Chris Pearson**, Government Leader from 1978-1995, and **Tony Penikett**, Premier from 1985-1992); past Commissioners **Jim Smith**, **Ken McKinnon**, and **Jack Cable**; Senior Justice **Ron Veale**; and former Klondike MLAs **Art**

Webster, David Millar, and Peter Jenkins.

Commemorative Book

In anticipation of the centennial of representative government in Yukon, Speaker Staffen commissioned a book to chronicle the first half-century of the history of the Legislature. The book, which was officially released at the Special Sitting, was written by Yukon archivist and historian **Linda Johnson**, under the guidance and direction of Speaker Staffen, **Floyd McCormick**, the Clerk of the Assembly, and former Clerk, **Patrick Michael**. The project was co-sponsored with Yukon College President, **Terry Weninger**.

The book is entitled *With the People Who Live Here: The History of the Yukon Legislature 1909-1961*. The overleaf notes that this title

recognize[s] the efforts and contributions of all Yukon people past and present in building the rich legacy that is ours to enjoy in Yukon today. It is taken from the words of Councillor **James Smith** at the opening of the 1958 session of the Yukon Council: 'Make no mistake – the success or failure of the vision of the North rests with us, the people who live here.'

In Remembrance

During the 2009 Spring Sitting, the House paid tribute to two former Members who had recently died. On March 19th, the House paid tribute to **Fred Berger**, the Member for Klondike in the 23rd Legislature (1974-1978). A memorial service was held for Mr. Berger in Dawson City, on the same day as the Special Sitting. In addition to being the first leader of Yukon's NDP, Mr. Berger ran in the territorial election under the party's banner before party affiliations were recognized in the House. This

development presaged the 1978 territorial election, and the official recognition of parties in the 24th Legislature.

On March 23rd, the House paid tribute to **Joyce Hayden**, who had been Member for Whitehorse South Centre in the 27th Legislature (1989-1992), a Cabinet Minister, and a Chair of the Public Accounts Committee. Ms. Hayden subsequently wrote a book entitled *Yukon's Women of Power: Political Pioneers in a Northern Canadian Colony*, and co-authored the biography, *Victoria Faulkner: Lady of the Golden North*.

During the 2008 Fall Sitting (on October 30, 2008), the Speaker, on behalf of all Members, paid tribute to former MLA **Jean Gordon**. Ms. Gordon, the Member for Mayo in the 21st Legislature (1967-1970), was the first woman elected to the Yukon Territorial Council. In the summer of 2008, former Member **Bea Firth**, a Member from the 25th – 28th Legislatures from 1992-1996, passed away. Ms. Firth had served as a Cabinet Minister, and as a member of the Public Accounts Committee.

Linda Kolody
Deputy Clerk



Prince Edward Island

On May 15, 2009, the Second Session of the Sixty-third General Assembly prorogued after 65 sitting days. According to the parliamentary calendar, the Third Session of the Sixty-third General Assembly will commence

on November 12, 2009.

Significant Legislation

During the Session, a number of pieces of significant legislation received Royal Assent, including:

- *An Act to Amend the Islander Day Act* (Bill No. 72) amends the Act to provide that Islander Day, the province's newest statutory holiday, shall be the third Monday in February of each year. The holiday was first celebrated in 2009 on the second Monday in February.
- *An Act to Amend the Smoke-free Places Act* (Bill No. 76) establishes a prohibition on smoking in a vehicle when a person under the age of 19 years is present. The legislation strengthens the Act in a number of ways, including prohibiting designated smoking rooms in public places and workplaces, with the exception of long-term care facilities.
- *An Act to Amend the Executive Council Act* (Bill No. 89) permits one additional person to be appointed to the Executive Council of the Province, bringing the maximum number of persons on Executive Council to eleven, exclusive of the Premier.

Voices of History

From 1968 to 1995, the debates of the Prince Edward Island Legislative Assembly were recorded on reel-to-reel tape, and stored in the Public Archives in the Coles Building, located adjacent to Province House. During that time period, only a very limited number of debates were transcribed (Prince Edward Island *Hansard* did not commence operations until February 1996). The reel-to-reel tapes were slowly deteriorating and the machine used to play them was antiquated and often in need of repair. Recognizing the danger of losing this part of our legislative history, *Hansard* staff have begun digitizing the reel-to-reel tapes, starting with the Third

Session of the Fifty-first General Assembly (22 February-25 April 1968), and then transcribing the audio. Beyond the transcript, the digital audio will be available on line and available to the public on the Legislative Assembly's web site (www.assembly.pe.ca). With 27 years of tape to transcribe, this project will take some time to complete, but it will safeguard and make accessible the legislature's historic debates long into the future.

Committee Activity

The Standing Committee on Community Affairs and Economic Development held a final hearing on its review of the Island Regulatory and Appeals Commission (IRAC) in June. The committee was given the mandate in November 2008 to consult with consumers and industry stakeholders to determine the Commission's overall role in serving Islanders' interests with regard to energy costs and rent increases. IRAC is an independent, quasijudicial tribunal operating under the authority of the *Island Regulatory and Appeals Commission Act*. The Commission administers a number of provincial statutes dealing with economic regulation and hears appeals under provincial planning, tax and residential rental property legislation.

Order of Prince Edward Island Recipients Announced

The 2009 recipients of the Order of Prince Edward Island were announced on June 26, 2009. Receiving the highest honour that can be accorded to a citizen of the province were **Wilma Hambly**, **Elmer MacDonald** and **Frank Zakem**. First conferred in 1996, the honour is awarded annually as a means of recognizing those Islanders who have shown individual excellence or outstanding

leadership in their community and in their chosen occupation or profession.

Changes to Senior Management

A series of adjustments to the provincial government's senior administrative level were announced by Premier **Robert Ghiz** on July 14, 2009. **Doug Clow** has been appointed Deputy Provincial Treasurer, following the retirement of the former Deputy, **Paul Jelley**. **Allan Rankin** has been appointed as a member and Vice-chairman of the Island Regulatory and Appeals Commission. Replacing him as Clerk of Executive Council and Secretary to Cabinet is **Rory Beck**. **Jim Ferguson** will become Executive Director of the Population Secretariat. **Aidan Sheridan** will replace him as Chief Executive Officer of the Public Service Commission. **Neil Stewart** has been appointed as Chief Executive Officer of Innovation PEI, where he has been serving on an interim basis. All appointments are effective July 27, 2009.

Thirty-fifth Annual Statistical Review

A snapshot of the province's economy, population and social makeup is now available with the release on July 7, 2009, of the thirty-fifth edition of the *Prince Edward Island Annual Statistical Review*. Highlights from 2008 reveal the Island population at 138,818; economic growth of 0.9%; an unemployment rate of 10.8%; farm cash receipts of \$390.3 million; and 712 housing starts. The review contains new data tables on justice and the health of Islanders, and can be viewed in its entirety at www.gov.pe.ca/photos/original/pt_annualreview.pdf.

Sound and Light Show

Celebrate the Canadian Dream-Voices from the Island is a new and entertaining tourism product which debuted on Canada Day. The sound and light show, modelled after the Ottawa version, showcases Prince Edward Island's history and culture, along with national symbols. Music, narration and iconic images playing on the facade of Province House tell the story of confederation and Prince Edward Island's role in Canadian history.

Marian Johnston

Clerk Assistant and
Clerk of Committees



Nunavut

The 2nd Session of the 3rd Legislative Assembly of Nunavut convened on April 1, 2009. This date marked the 10th anniversary of the creation of the territory and the first sitting of its Legislative Assembly.

A number of noteworthy events were held in the Legislative Assembly Precinct to mark the occasion. During the morning, Speaker of the Legislative Assembly and Uqummiut MLA **James Arreak** announced the winners of the *Nunavut at 10* essay competition. Four high school students from different Nunavut communities received one of the Royal Canadian Mint's 2009 gold coins to mark the 10th anniversary of Nunavut's creation. The coins were designed by internationally-renowned Pangnirtung artist **Andrew Qappik**. Following the announcement of the contest winners, Speaker Arreak proceeded to

unveil a retrospective exhibition of photographs and other memorabilia from the first decade of Nunavut's Legislative Assembly. Later that afternoon, a portrait of former Speaker **Peter Kilabuk** was unveiled.

The day's sitting of the House began with the delivery of the opening prayer by Bishop **Paul Idlout**. Iqaluit Elder **Enoapik Sageatok** lit a ceremonial *qulliq*. The Aqsarniit Middle School Choir led the singing of *O Canada*, different passages of which were delivered in Inuktitut, English and French.

Speaker Arreak welcomed a number of dignitaries to the Visitors' Gallery, including Nunavut Member of Parliament and Minister of Health **Leona Aglukkaq**, Minister of Indian and Northern Affairs **Chuck Strahl** and Nunavut Tunngavik Incorporated President **Paul Kaludjak**.

Commissioner of Nunavut **Ann Meekitjuk Hanson** was subsequently invited into the Chamber to deliver the Opening Address, which focused on the contents of the Government of Nunavut's mandate document, *Tamapta: Building our future together*.

Premier and Iqaluit East MLA **Eva Aariak** subsequently rose in her place to deliver a Minister's Statement. The statement offered reflections on the creation of the territory and articulated her government's agenda for its term of office.

The 2nd Session reconvened on June 4, 2009. Minister of Finance and Cambridge Bay MLA **Keith Peterson** delivered his first Budget Address. The proceedings of the Committee of the Whole during the spring session were dominated by the scrutiny of the Government of Nunavut's

2009-2010 main estimates and departmental business plans.

Four bills were passed by the Legislative Assembly in June:

- Bill 1, *Appropriation (Operations and Maintenance) Act, 2009-2010*;
 - Bill 2, *Supplementary Appropriation (Capital) Act, No. 1, 2009-2010*;
 - Bill 4, *An Act to Amend the Income Tax Act*; and
 - Bill 5, *Miscellaneous Statutes Amendment Act, 2009*.
- Bill 3, the proposed *Western Canada Lottery Act*, remains under consideration.

A number of substantive motions have been passed to date during the 3rd Legislative Assembly. On March 25, 2009, Minister of Environment and Arviat MLA **Daniel Shewchuk** introduced a motion to express the Legislative Assembly's opposition to the European Union's proposed ban on the importation of seal products. The motion, which was seconded by Nanulik MLA **Johnny Ningeongan**, was unanimously adopted by the House.

On June 4, 2009, Iqaluit West MLA **Paul Okalik** introduced a motion to suspend Nattilik MLA **Eruk Pauloosie** from sittings of the House until the conclusion of its spring sitting. The preamble to the motion noted the House's displeasure with the Member's absences without reasonable explanation from meetings of the Legislative Assembly's committees and caucuses. The motion, which was seconded by Akulliq MLA **John Ningark**, was unanimously adopted by the House.

On June 8, 2009, Mr. Okalik introduced a motion concerning the Senate of Canada's consideration of a motion, pursuant to section 38 of the federal *Nunavut Act*, to concur in the passage of

Nunavut's new *Official Languages Act*, which received Assent on June 4, 2008, during the 2nd Legislative Assembly of Nunavut. This Act replaced the *Official Languages Act* that was inherited by the territory in 1999. The motion, which was seconded by Minister of Languages and Amittuq MLA **Louis Tapardjuk**, was unanimously adopted by the House.

Mr. Okalik's motion urged the Senate's Standing Committee on Legal and Constitutional Affairs to swiftly conclude its study of the Senate's motion for concurrence, which had been referred to the committee for consideration subsequent to its introduction by Senator **Gerald Comeau** on June 2, 2009. This motion had been seconded by Nunavut Senator **Willie Adams**. A similar motion had been passed by the House of Commons on June 1, 2009, following its introduction by Nunavut Member of Parliament Ms Aglukkaq.

On June 10, 2009, Messrs. Tapardjuk and Okalik appeared before the Senate's Standing Committee on Legal and Constitutional Affairs to provide testimony. On June 11, 2009, the Senate adopted the motion to concur in the passage of Nunavut's *Official Languages Act*.

A number of significant appointments have been made to date during the 3rd Legislative Assembly. On January 26, 2009, the Legislative Assembly recommended the appointment of **Alexina Kublu** of Iqaluit to serve as Nunavut's Languages Commissioner. This position is one of a number of independent officers who report directly to the Legislative Assembly. Ms. Kublu is a former language teacher, author and Senior Justice of the Peace.

On March 27, Speaker Arreak announced the establishment of

an Independent Commission to Review Members' Indemnities, Allowances, Expenses and Benefits. The Commission's mandate is provided for in section 37 of the *Legislative Assembly and Executive Council Act*, which was passed in 2002. This is the first time that an Independent Commission has been established in Nunavut. Former Speaker Kilabuk was appointed Chairperson of the Commission. The other commissioners are Messrs. **Ryan St. John** of Arviat and **Chris West** of Iqaluit, both of whom are members of Nunavut's business community. The final report of the Independent Commission will be tabled in the Legislative Assembly.

Earlier this year, the 3rd Legislative Assembly established a number of Standing Committees. The Standing Committee on Oversight of Government Operations and Public Accounts (OGOPA) consists of all ten Regular MLAs. The Committee elected Tununiq MLA **James Arvaluk** as its Chairperson and South Baffin MLA **Fred Schell** as its Co-Chairperson. The Committee's mandate includes responsibility for reviewing the reports of the Auditor General.

On May 6, 2009, Auditor General of Canada **Sheila Fraser** made her seventh appearance before a Standing Committee of the Legislative Assembly of Nunavut on the occasion of the consideration of her 2008 report to the Legislative Assembly on the Nunavut Housing Corporation (NHC), which is one of the Government of Nunavut's Crown corporations. The Committee undertook two days of hearings on her report, which were held in the Chamber of the Legislative Assembly. Witnesses from the NHC also appeared before the

Committee to respond to Members' questions concerning the observations and recommendations in the Auditor General's report. On June 8, 2009, the Committee presented its own report to the House. The Committee requested that the Government, pursuant to Rule 91(5) of the *Rules of the Legislative Assembly*, provide a comprehensive written response to its report within 120 days.

The Committee's report also noted its intention to hold hearings during the fall of 2009 on the Auditor General's most recent reports to the Legislative Assembly, which were tabled in the House by Speaker Arreak on April 1, 2009. One of these reports concerned the financial management practices of the Government of Nunavut's Department of Health and Social Services.

The other Standing Committees of the 3rd Legislative Assembly are:

- Standing Committee on Legislation (Chaired by Mr. Okalik and Co-Chaired by Mr. Ningongan);
- Standing Committee on Social Wellness (Chaired by Baker Lake MLA **Moses Aupaluktuq** and Co-Chaired by Quttiktuq MLA **Ron Elliott**);
- Standing Committee on Community and Economic Development (Chaired by Pangnirtung MLA **Adamee Komoartok** and Co-Chaired by Hudson Bay MLA **Allan Rumbolt**); and
- Standing Committee on Rules, Procedures and Privileges (Chaired by Mr. Elliott and Co-Chaired by Mr. Okalik).

The 2nd Session of the 3rd Legislative Assembly will reconvene on November 24, 2009. It is anticipated that Speaker Arreak will table the Chief Electoral Officer of Nunavut's report on the conduct of the October 2008 Nunavut general election and

the subsequent by-elections in the constituencies of Akulliq and South Baffin.

Alex Baldwin

Office of the Legislative Assembly



Ontario

On June 4, 2009 the spring sittings of the Ontario Legislative Assembly came to a close as the House adjourned for the summer. The recess marked a pause in a busy session that saw 59 bills introduced for First Reading and 23 bills receiving Royal Assent. However, with employees of the City of Toronto currently on strike, there existed the possibility that the Assembly could return sooner than the date prescribed by the parliamentary calendar. At the time of writing, the House remained adjourned.

Committees

On June 29, 2009, the Select Committee on Elections released its Report entitled *Modernizing Ontario's Election Legislation*. Over the last year, the four-member Committee, chaired by Greg Sorbara, was mandated to consider the current effectiveness of the *Election Act*, the *Election Finances Act* and the *Representation Act* in the preparation, administration and delivery of elections in Ontario. The Committee heard presentations from Ontario's current and former Chief Electoral Officers, **Greg Essenza** and **John Hollins**. The Committee also

invited Returning Officers to share observations about their experiences administering Ontario's election legislation, and received a strong response from throughout the province.

The Select Committee on Mental Health and Addictions has been holding public hearings pursuant to an Order of the House dated February 24, 2009. The Committee is mandated to report its observations and recommendations with respect to a comprehensive Ontario mental health and addictions strategy. The Committee heard from various Ministries and expert witnesses in the months of April and May, and travelled for public consultations to Windsor, St. Thomas, Hamilton and Kingston in June.

On May 12, the Standing Committee on Estimates began its review of the Estimates of the Ministry of Economic Development, the first of 11 ministries selected for consideration. It was during his appearance before the Committee – scheduled over three days – that the Minister responsible, **Michael Bryant**, resigned his cabinet position. The Premier assumed the Economic Development portfolio, and the Ministry was represented by its Parliamentary Assistant, **Jean-Marc Lalonde**, for the final hours of Committee review.

The Standing Committee on Government Agencies continued to undertake the review of selected Ontario Government agencies, boards and commissions, pursuant to its permanent mandate. The Committee's work included ongoing report-writing on its reviews of the Ontario Securities Commission, Human Rights Tribunal of Ontario, and Ontario Racing Commission. The Committee also approved a work

plan to commence reviews of the following 6 agencies (2 selected per caucus) over the coming year: Ontario Municipal Board; Ontario Power Generation Inc.; Royal Ontario Museum; Ontario Pension Board; Hydro One Inc.; and Landlord and Tenant Board.

In May and June the Chair of the Committee, **Julia Munro**, presented three reports to the House on the following completed agency reviews: Ontario Infrastructure Projects Corporation (Infrastructure Ontario), The Ontario Educational Communications Authority (TVO), and the Ontario Trillium Foundation.

In its report on Infrastructure Ontario, the Committee made comments and recommendations on enhancing public disclosure, infrastructure and economic development, and management of the Darlington nuclear procurement project. The Committee's TVO report urged TVOntario to explore the feasibility of (1) producing a weekly Ontario-specific program on parliamentary and political events, and (2) broadcasting Ontario's Question period at a more viewer-friendly time. Both recommendations required TVO to report back to the Committee within 90 days.

The Standing Committee on Justice Policy considered one Government bill, *Bill 155, An Act to permit the Province to recover damages and health care costs incurred because of tobacco related diseases and to make a complementary amendment to the Limitations Act, 2002*. The Act would give the "...Province a direct and distinct action against manufacturers of tobacco products to recover the cost of health care benefits caused or contributed to by a tobacco related wrong." The Committee heard oral submissions on May

7, 2009 and after clause-by-clause consideration, reported the bill back to the House without amendment on May 13. The bill received Royal Assent on May 14.

The Standing Committee on Social Policy considered *Bill 157, An Act to amend the Education Act*. This bill was intended to make schools safer by requiring that incidents for which students could be suspended or expelled are appropriately reported to principals, parents and guardians. It also requires school staff to intervene in instances of inappropriate or disrespectful student behaviour that could have a negative impact on the school climate. The Committee heard oral submissions on May 4, 2009, and after clause-by-clause consideration, reported the bill back to the House with certain amendments on May 13. The bill received Royal Assent on June 5, 2009.

Other Matters

On June 7, 2009, Michael Bryant resigned as the Member for the riding of St. Paul's. He was first elected to the Legislature on June 3, 1999 and served in both opposition and government over his 10 year career. He has been the critic to the Attorney General, Human Rights and Energy portfolios and has also held the positions of Attorney General, Minister Responsible for Democratic Renewal, Minister Responsible for Native Affairs, Minister of Aboriginal Affairs, Government House Leader and Minister of Economic Development. Mr. Bryant has since been appointed the CEO of the City of Toronto's new marketing corporation Invest Toronto.

On June 27, 2009, **Tim Hudak**, the Member for Niagara West-Glanbrook, was elected leader

of the Ontario Progressive Conservative Party. He was challenged for the leadership by caucus colleagues **Randy Hillier**, **Christine Elliott** and **Frank Klees**, and won on the 3rd ballot. He was first elected to the Legislature on June 8, 1995. He was a member of cabinet from 1999 to 2003 serving as the Minister of Northern Development and Mines, the Minister of Culture Tourism and Recreation, and the Minister of Consumer and Business Services.

As the new Leader of the Official Opposition, Mr. Hudak replaces **Robert Runciman** who had held the post since November 1, 2007. Prior to the last question period before the summer adjournment, each Party took the opportunity to thank Mr. Runciman for his service. The Premier, after expressing his praise and gratitude, even went so far as to offer a recess should some of Mr. Runciman's coming questions need to be softened and rephrased, in the generous spirit of the moment. However, Mr. Runciman declined the offer!

Bill Murdoch, the Member for the riding of Bruce-Grey-Owen Sound, is once again a member of the Ontario Progressive Conservative Party caucus. Mr. Murdoch rejoined the caucus on April 23, 2009, after sitting as an independent Member of the House since September 18, 2008. With Mr. Murdoch sitting again as a Progressive Conservative, and with the current vacancy, the Party standings are currently 71 Liberals, 25 Progressive Conservatives, 10 New Democrats and 1 vacant.

Trevor Day
Committee Clerk



Alberta

The Spring Sitting of the Second Session of the Twenty-Seventh Legislature adjourned on June 3, 2009, after 48 sitting days for a total of just over 215 sitting hours. By the conclusion of the sitting, 47 Government Bills, one Private Members' Public Bill and three Private Bills were passed by the Assembly. Five Government Bills and four Private Members' Public Bills, were left on the Order Paper in addition to other Private Members' business items.

Privilege

On June 2, 2009, Liberal **Kevin Taft** (Edmonton-Riverview) raised a purported question of privilege alleging that the Ethics Commissioner interfered with his ability to perform his functions as a Member by providing conflicting advice as to whether he could participate in debate on a Bill. The Bill in question was Bill 43, *Marketing of Agricultural Products Amendment Act, 2009* (No. 2), which amends the Act by allowing producers in four commodity groups – beef, pork, sheep and lamb, as well as potato growers – to request refunds on the service fees they pay to agricultural commissions that represent them.

While presenting his arguments, Dr. Taft referenced a letter dated May 21, 2009, from the Ethics Commissioner **Neil Wilkinson** that had been read into the record of the Assembly on May 25, 2009, by Speaker

Ken Kowalski. The letter provided general advice regarding Bill 43, pursuant to the *Conflicts of Interest Act*, in particular section 2(2) which requires that Members who have reasonable grounds to believe that they, their minor or adult children, or their direct associates have a private interest in a matter before the Legislative Assembly must declare that interest and withdraw without voting on or participating in the consideration of the matter.

In this letter, the Ethics Commissioner stated that he had previously advised Members who were producers affected by the Bill that they could participate in the vote on the Bill as it was his opinion that it was a matter of general application. However, after reviewing Bill 43, he determined it was not a matter of general application but rather a private interest since producers could request refunds of service charges, which for some Members would be considered a direct financial benefit. He advised that those Members should declare that interest and withdraw without participating in the debate or voting on the Bill.

After the letter was read to the Assembly, Dr. Taft contacted the Ethics Commissioner to clarify his personal situation since his father-in-law owns a small herd of cattle. At that time, the Ethics Commissioner advised him to recuse himself from debating and voting on Bill 43. He was also advised by the Ethics Commissioner that he should not ask questions regarding the Bill during question period.

On June 1, 2009, Dr. Taft received a letter from the Ethics Commissioner's office apologizing for his earlier advice and informing Dr. Taft that he could participate in further debate as well as vote on Bill 43. At this

point, the Bill had already been reported to the Assembly by Committee of the Whole.

During his arguments in support of a *prima facie* case of privilege Dr. Taft included suggestions for possible remedies to the problem such as amending the Act and requiring that the Ethics Commissioner have a legal background.

On June 3, 2009, Speaker Kowalski found no *prima facie* case of privilege. He did, however, recommend the following:

- that the Ethics Commissioner meet with caucuses to discuss and receive input on the application of the *Conflicts of Interest Act*;
- that Parliamentary Counsel and counsel from the Department of Justice and Attorney General meet with the Ethics Commissioner to discuss the Legislation;
- that the Speaker and Minister of Justice and Attorney General should avail themselves to the Ethics Commissioner to discuss issues regarding the application of the Act; and
- prior to the fall sitting, the Ethics Commissioner provide an interpretation of the Act and what constitutes a private interest.

Caucus Changes

Progressive Conservative Member **Guy Boutilier** (Fort McMurray-Wood Buffalo) was removed from Caucus on July 17, 2009, by Premier **Ed Stelmach** after he publicly criticized the government's decision to stall construction of a long-term care facility in Fort McMurray. Mr. Boutilier, a former minister in Premier Stelmach's cabinet, will now sit as the Assembly's sole independent Member.

Micheline Gravel

Clerk of Journals/Table Research



The parliamentary proceedings of the First Session of the 39th Legislature were adjourned on June 18, 2009 for the summer holidays. At the end of this work period, the Members of the National Assembly of Québec had passed 37 public bills and 12 private bills. The Assembly will resume on September 15, 2009, in compliance with the new parliamentary calendar adopted within the framework of the recent parliamentary reform.

Parliamentary Reform

On April 21, 2009, the National Assembly completed a major parliamentary reform by adopting a series of new rules to amend its Standing Orders. Three reform proposals tabled in recent years contributed to the reflection leading to adoption of the new rules.

One of the principal objectives is to increase the efficiency of Members' work. To attain this, the Members adopted a new parliamentary calendar and work schedule allowing them to plan their work more efficiently at the Assembly and in their riding. Hence, this September the Assembly proceedings will extend over a longer period and will begin one month sooner. The increase in sitting days enables, on the one hand, to reduce the period during which the Assembly has extended hours of meeting to two weeks and, on the other hand, to ensure that the sittings end no later than 10.30 p.m. rather than at midnight. Furthermore, a greater

number of committees will be able to meet simultaneously, thus making it easier to carry out the mandates they receive.

Another objective of the reform is to bring the Assembly closer to the citizens. In this regard, several measures were put into place to facilitate the participation of citizens in public affairs. Thus, it shall now be possible for them to make on-line comments on any matter discussed in committee. On-line consultations may also be held at the request of the Assembly or on the initiative of a committee. Moreover, when general consultations are held, citizens will now have the possibility of forwarding briefs electronically and committees may choose to hear citizens who forwarded requests to be heard without having produced briefs.

For further information on the objectives of this reform, please visit the Assembly's Internet site at: <http://assnat.qc.ca/fra/reforme/index.html>.

Cabinet Shuffle

Premier **Jean Charest** carried out a Cabinet shuffle on June 23, 2009. The new Member for Marguerite-Bourgeoys, **Clément Gignac**, was named Minister of Economic Development, Innovation and Export Trade, in place of **Raymond Bachand**, who remains Minister of Finance. **Claude Béchard** leaves the Ministry of Natural Resources and Wildlife to go to Agriculture, Fisheries and Food, in addition to taking the portfolio of Canadian Intergovernmental Affairs and the Reform of Democratic Institutions. **Laurent Lessard** leaves Agriculture, Fisheries and Food to head the Ministry of Municipal Affairs, Regions and Land Occupancy. **Nathalie Normandeau**, Deputy Premier, was appointed to the Ministry of

Natural Resources and Wildlife.

Parliamentary Simulation

On May 1, 2009, the President of the National Assembly, **Yvon Vallières**, welcomed more than 120 sixth-grade elementary students on the occasion of the 13th Pupils' Parliament. These young people, hailing from all regions of Québec, had the opportunity of playing the role of Member for a day and of debating issues that particularly concern them.

The apprentice Members discussed three bills. The first concerned creation of a democratic student council in all elementary schools throughout the province, the second regarded the establishment of sports teams enabling competitions between schools, and the third focussed on the integration into the school curriculum of a culinary art course in partnership with a charitable organization.

Assemblée parlementaire de la Francophonie (APF)

The President of the National Assembly, Mr. Vallières, was elected President of the Francophonie Parliamentary Assembly at the 35th session of the organization held in Paris on July 6. During his nomination speech, Mr. Vallières set forth the objectives he intends to pursue during his term, which specifically include strengthening the political influence of the APF with the leaders of the Francophonie and consolidating the cooperation programmes it implements. Mr. Vallières also was decorated with the Ordre de la Pléiade at the closing of proceedings, on July 6, 2009. He was awarded the rank of Grand Croix, the highest honour of the Ordre. Established in 1976, the Pléiade, Order of the

Francophonie and of cultural dialogue, is an initiative of the Assemblée parlementaire de la Francophonie. Its purpose is to recognize the eminent merits of public figures who have distinguished themselves by serving the Francophonie's ideals of cooperation and friendship.

The National Assembly delegation that accompanied Mr. Vallières to this APF session was composed of **Henri-François Gautrin**, Vice-President of the APF, Québec Section, Rapporteur of the APF's Political Committee and Member for Verdun; **Bertrand St-Arnaud**, Vice-President of the APF, Québec Section, Rapporteur of the APF's Education, Communication and Cultural Affairs Committee, and Member for Chambly; **Stéphanie Vallée**, Rapporteur of the Network of Women Parliamentarians of the Francophonie and Member for Gatineau; **Germain Chevarie**, Vice-President and Rapporteur of the Cooperation and Development Committee and Member for Îles-de-la-Madeleine; **Sylvie Roy**, Rapporteur of the APF's Parliamentary Affairs Committee and Member for Lotbinière.

Other news

On June 22, 2009, by-elections were held in two electoral divisions to fill seats left vacant by the resignation of **Mario Dumont** and **Monique Jérôme-Forget**. The Québec Liberal Party now counts two new Members: **Jean D'Amour**, elected in Rivière-du-Loup, and **Clément Gignac**, elected in Marguerite-Bourgeoys.

On June 25, 2009, **François Legault** announced his resignation as Member for the electoral division of Rousseau. Elected as a Member of the Parti Québécois in Rousseau in 1998

and then re-elected in 2003, 2007 and 2008, he is a former Minister of Industry, Trade, Science and Technology, Minister of State for Education and Youth, Vice-Chairman of the Conseil du trésor, Minister of State for Education and Employment and Minister of State for Health and Social Services. The composition of the Assembly is now: Québec Liberal Party, 67 Members; Parti Québécois, 50; Action démocratique du Québec, 6; Québec Solidaire, 1; 1 vacant seat.

On May 12, 2009, Mr. Vallières, unveiled the photograph of his predecessor, **François Gendron**, who was President from 21 October 2008 to 13 January 2009. The photograph of the 43rd President of the National Assembly is on display in the Presidents' Gallery, located near the main hall of the Parliament Building.

Three former Liberal Members passed away in recent months. They are **Jean-Paul Lefebvre**, Member for Ahuntsic from 1966 to 1970, **Claude St-Hilaire**, Member for Rimouski from 1973 to 1976, and **Louis Vézina**, Member for Montmorency from 1970 to 1973.

Sylvia Ford

Secretariat of the Assembly

Standing Committees

The months of April, May and June were very busy for the standing committees of the National Assembly. The committees entered into this period by spending close to 200 hours examining the Government's estimates of expenditure. Several sittings were then set aside for special consultations and the clause-by-clause consideration of numerous bills. The following is a brief overview of the main

mandates carried out by the committees during this period.

Last May and June, the Committee on Social Affairs held four special consultations on bills in close succession. It then examined these bills clause-by-clause, as well as two other bills. Of the bills referred to the Committee for consideration, Bill 34, *An Act to amend various legislative provisions concerning specialized medical centres and medical imaging laboratories*, should be mentioned. Among other things, this bill allows the Government to determine, by regulation, the types of medical treatments that can be provided by the private sector. Equally noteworthy, Bill 26, *An Act respecting clinical and research activities relating to assisted procreation*, aims to ensure high-quality, safe and ethical practices.

Bills 49 and 51, *An Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements [...]* and the *Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements, and amending various legislative provisions [...]*, both constitute a response to the ruling rendered in October 2008 by Justice **Danielle Grenier**, of the Superior Court, who recognized the right to organize of employees working in these areas of activity.

The Committee on Public Finance pursued its mandate in relation to the results of the Caisse de dépôt et placement du Québec last May by holding six days of public hearings. On this occasion, the Committee heard and questioned former chief executive officers of the Caisse de dépôt et placement, the main depositors and the Minister of Finance, Mr. Bachand, on the causes and consequences of the losses carried

by this organization for the 2008 fiscal year. The hearing of the Minister of Finance concluded this mandate which had been initiated in March 2009 with the hearing of the Minister of Finance at the time, Mrs. Jérôme-Forget.

The Committee also examined several bills, two of which concerned fiscal matters further to the budget speeches for the years 2007 and 2008. The consideration of Bill 40, *An Act to amend the Balanced Budget Act and various legislative provisions concerning the implementation of the accounting reform*, kept the Committee busy for the greatest number of sittings (5 sittings). The consideration of this bill, which aims in particular to suspend temporarily the effect of certain provisions of the *Balanced Budget Act*, was not completed before the adjournment of the Assembly proceedings.

Last April and May, the Committee on Labour and the Economy set aside five sittings for the clause-by-clause consideration of Bill 25, *An Act to amend the Pay Equity Act*. This bill, on which special consultations had been held, modernizes and makes certain adjustments to this legislative act.

The Committee on Culture held two days of public hearings last June 4-5 on Bill 32, *An Act to amend the Act respecting the professional status and conditions of engagement of performing, recording and film artists and other legislative provisions*. It subsequently gave clause-by-clause consideration to this bill, whose principal purpose is to broaden the scope of this Act to include other persons who contribute directly to the creation of the artistic work.

Last May 14, the Committee on Institutions gave clause-by-clause consideration to Bill 3, *An Act to provide for the implementation of the*

Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles and similar agreements. As its title implies, this bill follows up on the agreement reached on 17 October 2008 between the Premier of Québec, Mr. Charest, and the President of the French Republic, **Nicolas Sarkozy**, on the occasion of his official visit to the National Assembly.

The Committee also gave clause-by-clause consideration to Bill 9, *An Act to amend the Code of Civil Procedure to prevent improper use of the courts and promote freedom of expression and citizen participation in public debate*. To meet this objective, the bill in particular allows the courts to promptly dismiss a proceeding that is improper. It also specifies what may constitute an improper use of procedure and authorizes the reversal of the burden of proof if the improper use of procedure is summarily established. It should be noted that this bill follows up on both public consultations conducted during the 38th Legislature with regard to strategic lawsuits against public participation.

Finally, the Committee held three days of public hearings on Bill 48, *Code of ethics and conduct of the Members of the National Assembly*. On this occasion, it heard in particular the Jurisconsult of the Assembly and the Lobbyists Commissioner. In summary, this bill affirms the principal values of the National Assembly and establishes the rules of conduct to be observed by Members (incompatible offices or posts, conflicts of interest, gifts and benefits, the use of State property, etc.). It also sets out special rules of conduct for Cabinet Ministers. Furthermore, it requires Members to file a full

statement disclosing their private interests and those of their family members, and provides for the publication of a summary of such interests. Lastly, the bill provides for the appointment by the National Assembly of an Ethics Commissioner.

Last May, the Committee on Transportation and the Environment held five sittings during which it gave clause-by-clause consideration to Bill 27, *An Act to affirm the collective nature of water resources and provide for increased water resource protection*. Initially, special consultations were held thereon in September 2008 during the 38th Legislature (it was Bill 92 at the time). This bill confirms the legal status of water by affirming that it is a collective resource that is part of the common heritage of the Québec nation. It also recognizes the right of every natural person to have access to safe drinking water and sets out certain principles, including the duty to prevent damage to water resources and repair any such damage.

In June, the Committee held special consultations and gave clause-by-clause consideration to Bill 42, *An Act to amend the Environment Quality Act and other legislative provisions in relation to climate change*. The purpose of this bill is to reduce greenhouse gas emissions (GHG), which affect the quality of the atmosphere and contribute to global warming and climate change. It provides that the Government is to set greenhouse gas reduction targets using 1990 emissions as the baseline. Furthermore, it allows the Government to put in place, by regulation, all the mechanisms required to implement a GHG emissions cap-and-trade system, commonly called “carbon market”.

Last April 23, the Committee on Public Administration elected a second vice-chairman hailing from the Second Opposition Group, namely **François Bonnardel**, Member for Shefford. The presence of a second vice-chairman at the Committee on Public Administration is a measure stemming from the recognition of the Action démocratique du Québec as a parliamentary group.

The Committee tabled the 21st and 22nd reports on the accountability of deputy ministers and chief executive officers of public bodies last June. The first report concerns mandates that had not been completed in autumn 2008 owing to the dissolution of the 38th Legislature. In view of the issues addressed and the efforts already made, the Members of the 39th Legislature chose to complete the work initiated by their predecessors. This report thus contains observations, conclusions and recommendations concerning Revenu-Québec, the Société de développement des entreprises culturelles and the Ministry of Health and Social Services (from the vantage point of medical supplies and equipment). This report also addresses the use of public funds by the former Lieutenant-Governor of Québec.

The second report follows up on the hearings held by the Committee in May and June 2009. The first chapter concerns the Régie des alcools, des courses et des jeux as regards its performance, the issuing of permits and supervision, and the second chapter concerns the business relations of general and vocational colleges with partners.

For further information on the standing committee proceedings, please visit the Internet site of

the Québec National Assembly:
www.assnat.qc.ca.

Christina Turcot
Secretariat of committees



Saskatchewan

After 18 months in government, Saskatchewan Premier **Brad Wall** introduced a new provincial cabinet on May 29, 2009. Four new Ministers were sworn in, while others received additional duties. In announcing the shuffle, the Premier said he was making the changes to “build on Saskatchewan’s economic momentum,” and to give cabinet “a strong combination of youth and experience.”

First-term MLA **Jim Reiter**, who previously served as Legislative Secretary to the Minister of Education, became Minister of Highways and Transportation and Minister Responsible for Saskatchewan Transportation Company. Another newcomer to the Saskatchewan Legislative Assembly, **Jeremy Harrison**, holds the post of Minister of Municipal Affairs. Mr. Harrison was formerly a Member of Parliament and an advisor in the federal government before being elected to serve provincially.

The former Chair of the Standing Committee on Crown and Central Agencies, **Dustin Duncan**, becomes the youngest member of cabinet, taking over

as Minister of Tourism, Parks, Culture and Sport at age 29. The final fresh face in cabinet belongs to veteran MLA **D.F. (Yogi) Huyghebaert**, who now serves as Minister of Corrections, Public Safety and Policing. An MLA since 2000, Mr. Huyghebaert was opposition critic for many ministries, and was most recently Chair of the Standing Committee on the Economy.

Some of the more familiar faces in cabinet received new responsibilities as well. **June Draude**, formerly Minister of First Nations and Métis Relations and responsible for Northern Affairs, is now Minister of Crown Investments Corporation, Information Technology Office, Public Service Commission, and Provincial Secretary. Taking over the First Nations and Northern Affairs portfolios as well as Saskatchewan Gaming Corporation is **Bill Hutchinson**, who leaves the Ministry of Municipal Affairs. **Christine Tell** moves from Tourism to take the reins at Government Services and Saskatchewan Liquor and Gaming Authority.

Bill Boyd retains his post as Minister of Energy and Resources, but takes on supplementary responsibilities for SaskPower, Uranium Development Partnership, Innovation Saskatchewan, and Saskatchewan Research Council. In addition to SaskPower, all the other Crown corporations were added to various Ministers' portfolios: SaskTel will be overseen by **Don Morgan**, Minister of Justice; **Ken Cheveldayoff**, Minister of Enterprise, is responsible for SaskEnergy; and Minister of Environment **Nancy Heppner** takes the helm at SaskWater.

Premier Wall also named eight

legislative secretaries to assist various Ministers investigate diverse areas such as at-risk youth, recycling, surgical wait times, and agricultural programs.

Committee Activities

Subsequent to the cabinet shuffle, several changes were made to the memberships of the legislature's standing committees. New members were named and new Chairs were elected to each committee on June 15. Crown and Central Agencies is now chaired by **Tim McMillan**, **Greg Ottenbreit** is the new head of the Human Services committee, **Darryl Hickie** takes over the Economy committee, **Warren Michelson** chairs the Intergovernmental Affairs and Justice committee, the Private Bills committee is helmed by **Serge LeClerc**, and the Public Accounts committee Chair is now **Trent Wotherspoon**.

In June, the Standing Committee on Human Services held four days of hearings on the government's proposed changes to the legislation governing labour relations in the construction industry, Bill No. 80 – *The Construction Industry Labour Relations Amendment Act, 2009*. Submissions were heard from 19 groups and individuals, and the Minister and his officials also appeared before the committee.

Opponents of the amending bill spoke mostly of the desire to maintain the current collective bargaining system, which allows for unionized construction industry workers to be organized only by trade or skill groups. Other groups in favour of the proposed amendments applauded opening Saskatchewan's construction industry to allow non-traditional unions to represent workers and permit unions to represent all workers on a single project.

Since the conclusion of the public submissions, the committee has commenced work on the substantive report that will summarize the testimony received and offer the committee's recommendations to the Assembly.

NDP Leadership

Following close on former Premier **Lorne Calvert's** resignation, long-serving NDP MLA **Harry Van Mulligen** announced he would cede the Regina Douglas Park seat he had held for 23 years. Hoping to hold on to the seat for the NDP is the newly-elected leader of the party, **Dwain Lingenfelter**. The party held its leadership convention in Regina on June 6, selecting the former Deputy Premier on the second ballot. Mr. Van Mulligen revealed his decision to retire shortly after the convention, saying he had decided not to run again in the 2011 election and wanted to give Mr. Lingenfelter an early opportunity to run for a seat in the Legislature.

By-elections in both Regina Douglas Park and Saskatoon Riversdale, Mr. Calvert's former constituency, are expected before the fall sitting of the Legislative Assembly begins in late October. In the meantime, the NDP caucus has named **Len Taylor** the interim Leader of the Opposition. **Deb Higgins**, the only sitting MLA who also contested the party leadership, becomes the deputy leader.

Joelle M. Perras
Committee Researcher



House of Commons

During the months of May and June, the House was very active as it finalized the estimates and passed legislation. On June 11, 2009, the Minister of Finance, **Jim Flaherty**, tabled a document entitled “Canada’s Economic Action Plan — A Second Report to Canadians — June 2009”. This was the second instalment of the accountability reports or “report cards” which were to be tabled pursuant to the Liberal amendment to the budget, adopted on February 3, 2009.

Financial Procedures

On May 4, 2009, on the motion of the leader of the Official Opposition, **Michael Ignatieff**, all Votes under Fisheries and Oceans and all Votes under Agriculture and Agri-Food in the Main Estimates for the fiscal year ending March 31, 2010, were withdrawn from their respective standing committees and deemed referred to Committee of the Whole. Votes under Agriculture and Agri-food were considered in and deemed reported by Committee of the Whole on May 14, 2009, and those under Fisheries and Oceans on May 28, 2009.

On May 29, 2009, on the motion of the leader of the Official Opposition, it was deemed adopted that consideration of the main estimates by the Standing Committee on Finance be extended beyond May 31, 2009. The Committee did not report back to the House before the House adjourned for the summer.

On June 19, 2009, the main estimates for the fiscal year ending March 31, 2010, less the amounts voted in interim supply, were concurred in. On the same day, the Supplementary Estimates (A), for the fiscal year 2009-10, which were tabled on May 14, 2009, were also concurred in. Bills C-48 and C-49 (*Acts for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010*) passed all legislative stages on June 19, and received Royal Assent on June 23, 2009.

In the context of much discussion on Parliament Hill about the possibility of a summer election, also on June 19, 2009, the last allotted day of the supply period ending June 23, the Member for Wascana and House Leader for the Official Opposition, **Ralph Goodale** moved an opposition motion which sought to temporarily amend Standing Order 81(10) for the balance of 2009. The motion, which was adopted 214-82, stipulated that, for each supply period:

- the first allotted day shall be between the ninth and thirteenth sitting day after the commencement of the supply period;
- no fewer than four and no more than seven days shall pass between each allotted day;
- the last allotted day shall not be more than seven sitting days before the last sitting day in the supply period, and,
- the Speaker shall, after consultation with the House Leaders, table in the House no later than December 1, 2009, a proposed formula for a fair and even distribution of allotted days in each of the supply periods of 2010.

In addition, the motion:

- amended the House calendar so that the House would reconvene on September 14, instead of September 21, 2009,

and would adjourn during the week of September 21, reconvening on September 28, 2009;

- required the tabling of another report to Canadians on the week of September 28, in addition to the accountability reports to be tabled at the end of each supply period; and,
- established that the first supply day would be held three days after the presentation of that report, provided that this allotted day would be deemed to be the first in the supply period ending December 10, 2009.

Legislation

During debate on Bill C-8 (*An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves*), the Liberal Member for Labrador, **Todd Russell**, moved a hoist amendment that Bill C-8 be not now read a second time but that it be read a second time this day six months hence. While the adoption of a hoist amendment would have been tantamount to defeating the bill by postponing its consideration; the amendment was narrowly defeated on May 25, 2009.

The same day, the Bloc Québécois Member for Sherbrooke, **Serge Cardin**, moved a reasoned amendment to the second reading motion of Bill C-23 which stated “That the House decline to give second reading to Bill C-23, *An Act to implement the Free Trade Agreement between Canada and the Republic of Colombia, the Agreement on the Environment between Canada and the Republic of Colombia and the Agreement on Labour Cooperation between Canada and the Republic of Colombia*, because the government concluded this agreement while the Standing Committee on International Trade was considering the matter, thereby demonstrating its disrespect

for democratic institutions". The bill was not called for debate again before the House adjourned and therefore no decision has yet been taken on the reasoned amendment. Of note, however, was the appearance of the President of Colombia before an informal meeting of the committee on June 11, 2009, where he urged the adoption of the bill.

Standing Order Changes

On May 15, 2009, the Standing Committee on Procedure and House Affairs presented its Twelfth Report to the House entitled "Review of Standing Orders 153 (List of Reports) and 156 (Editorial Corrections)", and on June 3, 2009, the Committee presented its Eighteenth Report entitled "Matters Related to the *Conflict of Interest Code for Members of the House of Commons*". On June 4, 2009, by unanimous consent, the House concurred in both Reports. Consequently numerous amendments were made to the Standing Orders and *Conflict of Interest Code for Members of the House of Commons*.

The Clerk of the House of Commons, **Audrey O'Brien**, along with the Law Clerk, **Rob Walsh**, and the Chief Information Officer, **Louis Bard**, had appeared before the committee regarding the subject matter of the Twelfth Report on May 14, 2009.

Committees

On May 4, 2009, the Standing Committee on Foreign Affairs and International Development adopted the motion, "That, pursuant to Standing Order 108(2), **Abousfian Abdelrazik** be asked to appear before the Standing Committee". Mr. Abdelrazik is a Canadian citizen who had been in Sudan since 2003 and had been staying at the Canadian embassy for the past

year.

Given the questions surrounding the invitation, the Committee adopted the following motion on May 11, 2009: "That the Chair seek a legal opinion from the Law Clerk concerning the legal issues involved in expediting the appearance of Mr. Abdelrazik's appearance before the Committee and the ability of a country to repatriate a citizen whose name appears on the United Nations no-fly list under Resolution 1267". The Law Clerk appeared on June 1, 2009, and the following questions were addressed: does a committee and/or Parliament have the power to repatriate a Canadian citizen?; does a committee and/or Parliament have the power to summon a witness who is out of the country?; what is the breadth and reach of a committee's and/or Parliament's power with regards to Canadian embassies; and, what aspects of an issue can be debated when a matter is before the courts (the *sub judice* convention)?

The Committee subsequently adopted the following motion: "That the Chair write to the Minister of Foreign Affairs requesting him to provide travel documents to Mr. Abousfian Abdelrazik, a Canadian citizen who has been stranded in Sudan since 2003". Mr. Abdelrazik arrived in Canada on June 27, following an order made by a Federal Court judge.

On June 4, 2009, the Clerk of the House of Commons, along with the Law Clerk, and the Director General of Human Resources and Corporate Planning, **Kathryn Butler Malette**, appeared before the Standing Committee on Procedure and House Affairs regarding its study of the rules in respect of non-attendance of Members of the House of Commons.

On June 16, 2009, the Standing Joint Committee on the Library of Parliament's presented its "Report on the Operations of the Parliamentary Budget Officer within the Library of Parliament" to the House and to the Senate.

During the months of May and June, standing, special, and standing joint committees presented a total of 83 reports to the House; 13 on legislation; 14 on supplementary and main estimates; and 56 on other matters including self initiated studies, changes in membership, Governor-in-Council appointees, questions of privilege, and Auditor General Reports. The total number of reports presented to the House to date during the Second Session, (January to June, 2009) was 141.

Other Matters

On May 5, 2009, the House, by unanimous consent, waived the notice period for a take-note debate in order to allow for a debate on the seal hunt and the European Parliament's recent decision to ban the importation of seal products.

On May 25, 2009, the Speaker informed the House that a vacancy had occurred in the representation in the House due to the resignation of **Paul Crête** (BQ), Member for the Electoral District of Montmagny-L'Islet-Kamouraska-Rivière-du-Loup, on May 21, 2009.

On June 2, 2009, the Leader of the Government in the House of Commons, **Jay Hill**, sought and received unanimous consent to move "That, notwithstanding any Standing Order or usual practice of the House, on Wednesday, June 3, 2009, Statements by Ministers should take place at the expiry of the time provided for Oral Questions followed by a moment of silence...." The motion was

agreed to and on the following day the Minister of National Defence, **Peter MacKay**, made a statement to commemorate the 65th anniversary of D-Day. Statements by representatives of each of the opposition parties followed and the Speaker then invited the House to rise and observe a moment of silence.

On June 9, 2009, the Government House Leader moved a motion to extend the sittings of the House which stated, "That, pursuant to Standing Order 27(1), except for Friday, June 12 and Friday June 19, 2009, commencing on Wednesday, June 10, 2009, and concluding on Tuesday, June 23, 2009, the House shall continue to sit until 10:00 p.m.". The motion was defeated by a vote of 138-134.

On June 19, 2009, the House resolved to bestow the title "honorary Canadian citizen" on His Highness the **Aga Khan**, leader of the worldwide Ismaili Muslim Community.

Samy Agha

Procedural Clerk
House Proceedings



British Columbia

The 39th provincial general election was held on May 12, 2009. The key campaign issues included: the new carbon tax; the potential impact of the global recession on provincial revenues and program spending; and leadership styles.

As anticipated in the previous issue, there were two recounts. In Cariboo-Chilcotin, the Liberal challenger **Donna Barnett** defeated the NDP incumbent **Charlie Wyse**; and in Delta South, an independent candidate **Vicki Huntington** scored an upset victory over Attorney General Wally Oppal. The final election results confirm that:

- the new 85-seat parliament will have 49 Liberals, 35 New Democrats and one Independent;
- the governing and opposition parties' respective share of the popular vote was virtually unchanged from the 2005 election, with the Liberals receiving 46 percent and the NDP 42 percent;
- the turnout of eligible voters was 51 percent (7 percent lower than in 2005).

The election was held in conjunction with the second referendum on electoral reform. As reported earlier, 61 percent of B.C. voters preferred the existing first-past-the-post system, while 39 percent opted for the single transferable vote.

39th Parliament

The successful Liberal and NDP candidates were officially sworn in as Members by **E. George MacMinn**, Clerk of the House, at separate televised ceremonies on June 8 in the legislative chamber. The 39th Parliament, which opens on August 25, consists of 58 experienced Members and 27 newcomers, including the first Filipino-Canadian, **Mable Elmore**, and the first Japanese-Canadian, **Naomi Yamamoto**, to sit in the B.C. House.

On opening day the first item of business will be the election of a Speaker, followed later in the day by the Speech from the Throne. The government has also

announced its intention to present a new provincial budget on September 1.

New Cabinet Appointments

Premier **Gordon Campbell** announced his new cabinet on June 10. The Executive Council has increased from 22 to 25 members, and six other MLAs are named as parliamentary secretaries.

Newly elected Liberal MLAs in cabinet are: **Kash Heed**, Minister of Public Safety and Solicitor General; **Margaret MacDiarmid**, Minister of Education; **Mary McNeil**, Minister of State for the Olympics and ActNow BC; **Ben Stewart**, Minister of Citizens' Services; **Moira Stilwell**, Minister of Advanced Education and Labour Market Development; **Steve Thomson**, Minister of Agriculture and Lands; and **Naomi Yamamoto**, Minister of State for Intergovernmental Relations.

Also appointed to the new cabinet are two returning MLAs: **Randy Hawes**, who becomes Minister of State for Mining, and **John Yap**, who takes on the new portfolio of Minister of State for Climate Action.

Opposition Shadow Cabinet

Later in June, Opposition Leader **Carole James** announced her shadow cabinet. In a shift from last parliament, some key portfolios now have both a critic and a deputy critic: advanced education and labour market development; children and family development and child care; education, early learning and literacy; environment; finance and public accounts; forests and range and integrated land management; health services; housing and social development; and transportation and infrastructure.

Among returning NDP MLAs,

twenty-two take on new assignments, and five keep the same critic roles they held before the election. Three of the seven newcomers have been given lead critic roles: **Dawn Black**, advanced education and labour market development; **Kathy Corrigan**, the Olympics and ActNow BC; and **Lana Popham**, agriculture and lands. Ms. Black resigned as the NDP MP for New Westminster-Coquitlam in March 2009 to run in the provincial riding of New Westminster, following the decision of NDP MLA **Chuck Puchmayr** not to seek re-election due to health concerns.

Kathryn Butler
Committee Researcher



Senate

The two months before the summer adjournment saw the Senate study and pass a total of 23 bills, including both Appropriation Acts, allowing the government to continue with its economic stimulus plans. Among the bills passed were Bill S-4, which targets identity theft, Bill C-3, which enhances Canada's sovereignty over Arctic waters and protects them from pollution, and Bill C-38, which expands the Nahanni National Park Reserve to six times its current size, making it one of the world's largest National Park Reserves. All government bills passed by the Senate during these

two months have received Royal Assent, other than Bill S-4 which is now before the House of Commons.

Aboriginal Peoples

A number of discussions took place in the Senate in May and June related to Aboriginal peoples and Northern Canada. In keeping with its tradition of special regard for minority rights, the Senate chose to return to the issue of the Government's apology to former students of Indian Residential Schools. Under the initiative of Senator **Serge Joyal**, P.C., the Senate resolved itself into a Committee of the Whole twice in June in order to hear from different Aboriginal leaders on progress made during the past year regarding compensation and initiatives taken to heal those Aboriginal peoples who were students under the residential school system.

Senators heard first from **Mary Simon**, President of the Inuit Tapiriit Kanatami, on June 2. Ms. Simon's hearing touched on a number of issues relating to Inuit culture, language, identity and education, as well as the need to restore the legitimacy and validity of Inuit language and cultural knowledge. Ms. Simon underlined the need for the Inuit people to participate in the decision-making process regarding the multiple issues that affect Northern communities.

As the first phase of an important initiative by the Senate, Ms. Simon, as well as Senators **Charlie Watt** and **Willie Adams**, were able to speak in the Senate Chamber on this occasion in Inuktitut, their mother tongue. This represented the first time that simultaneous interpretation of an Aboriginal language was provided during a sitting of the Senate, allowing Senators to follow the proceedings

in both official languages. It once again highlights the Senate's special consideration for minority rights as well as its recognition of the importance of Aboriginal peoples. This initiative was the result of a report of the Standing Committee on Rules, Procedures and the Rights of Parliament, adopted by the Senate on May 14, 2008, recommending "that a pilot project involving the use of Inuktitut in the Senate chamber be commenced at the earliest opportunity." Previously, Senators Adams and Watt had occasionally spoken in Inuktitut in the Senate, but without simultaneous interpretation.

On June 11, the Senate again resolved itself into a Committee of the Whole to hear from **Phil Fontaine**, National Chief of the Assembly of First Nations; **Kevin Daniels**, Interim National Chief of the Congress of Aboriginal Peoples; and **Clément Chartier**, President of the Métis National Council, on progress made since the Government's apology to former students of Indian Residential Schools.

Mr. Fontaine commended the apology as a watershed moment in Canadian history and the first step towards reconciliation. He honed in on the issue of poverty and stressed that despite the government's good efforts, its programs still fail to meet current needs. Mr. Daniels expressed concern about the Métis peoples not being included in the settlement agreement. Mr. Chartier pointed out that a small number of Métis who attended schools recognized by the Indian Residential School Settlement Agreement will receive compensation, but thousands of Métis who had attended similar schools will not be compensated. He urged the Senate to ask the Prime Minister

to “refer the question of whether the Métis are included in section 91.24 of the *Constitution Act, 1867*, to the Supreme Court of Canada”, and to “establish a Métis claims commission with a mandate similar to that of the Indian Claims Commission in order to restore the land base of the Métis nation.”

After a study by the Standing Senate Committee on Legal and Constitutional Affairs, the Senate concurred by motion to the Legislative Assembly of Nunavut’s new *Official Languages Act*, which now recognizes Inuktitut, French and English as the territory’s official languages. As Senator Adams said “This act... was the result of years of consultation to achieve legislation that would recognize the rights of Inuit in the legislative process and ensure that Inuit languages continue to be spoken and have equality with English and French as the official languages of Nunavut.” This Act will also help preserve and promote Inuit language and culture by making Inuktitut a working language and allowing the Inuit people to work and get services in the language of their choice.

Commissioner of Lobbying

The Senate resolved itself into another Committee of the Whole on June 22 to hear from **Karen E. Shepherd** respecting her appointment as Commissioner of Lobbying. Ms. Shepherd highlighted the importance of the Lobbyists Registration System for ensuring the transparency and accountability of lobbyists’ activities and government decision-making; outlined the ongoing development of educational and outreach programs to ensure that lobbyists, public office holders and the public understand the requirements and the rationale of the act; and explained her responsibility

to provide guidance to lobbyists regarding the *Lobbying Act* and the *Lobbyists’ Code of Conduct* to ensure proper compliance.

Committees

A number of Senate committee reports were recently adopted on issues affecting Canada’s North. The Standing Senate Committee on Fisheries and Oceans produced two reports entitled *Rising to the Arctic Challenge: Report on the Canadian Coast Guard*, and *Nunavut Marine Fisheries: Quotas and Harbours*, while the Standing Senate Committee on Energy, the Environment and Natural Resources tabled a report entitled *With Respect, Canada’s North*.

On June 16 the Senate adopted a report of the Standing Joint Committee on the Library of Parliament entitled *Report on the Operations of the Parliamentary Budget Officer within the Library of Parliament*. The study was a result of differing opinions regarding the role of the newly created position of Parliamentary Budget Officer (PBO) and its status within the Library of Parliament. According to the committee, the PBO, **Kevin Page**, is an officer of the Library of Parliament who reports to the Parliamentary Librarian. The committee made a number of recommendations, amongst which it proposed that the PBO and the Library’s Parliamentary Information and Research Service coordinate their activities when reviewing government estimates; that all PBO responses to requests made by parliamentarians or parliamentary committees remain confidential until this confidentiality is lifted by the requesters; and that the PBO not release any report during a general election. The committee also proposed that the PBO’s budget be increased to \$2.8 million, as long as the PBO

complies with its recommendations.

Retirements

Five Senators retired in the last three months. Senator **Yoine Goldstein**, an expert in the fields of bankruptcy and insolvency law, retired on May 11; Senator **Willie Adams**, the first Inuk to sit in the Canadian Senate and an avid advocate of his people in Northern Canada, retired on June 22; Senator **Norman Atkins**, a long-time campaign organizer who sat in the Senate as a Progressive Conservative, retired on June 27; Senator **Trevor Eyton**, who retired from the Senate on July 12, brought considerable legal and business expertise to the Senate; and finally Senator **Mira Spivak**, an advocate for environmental issues, also retired on July 12.

The Senate adjourned for the summer break on June 23 and is scheduled to resume on Tuesday, September 15, 2009.

Katie Castleton

Procedural Clerk
Journals Office



Manitoba

The 3rd session of the 39th Legislature recessed for the summer break on June 11, 2009. A number of government bills passed and received Royal Assent during the spring session, including:

- *Bill 3 – The Forest Amendment Act*, which prohibits logging in

79 out of 80 provincial parks and all future parks effective April 1, 2009.

- *Bill 5 – The Highway Traffic Amendment Act (Promoting Safer And Healthier Conditions In Motor Vehicles)*, which prohibits smoking in cars while children under the age of 16 are present after a one-year education period. It also bans the use of handheld devices that include telephone function or text message functions for drivers.
- *Bill 14 – The Consumer Protection Amendment Act (Payday Loans)*, which permits the government to set maximum payday loan lending rates.
- *Bill 27 – The Gaming Control Amendment Act*, which improves regulatory oversight of lottery ticket retailers to prevent fraud.

Opposition Day Motion

On Tuesday, June 9, 2009 Official Opposition Justice Critic **Kelvin Goertzen** (PC- Steinbach) moved the following Opposition Day Motion:

That the provincial government consider refunding the fines and court costs collected from those people who received photo radar tickets while travelling in construction zones with no construction workers present and travelling at or below the normal speed limit.

Following a full afternoon of debate on this issue, the House defeated the motion on a recorded vote of Yeas 21, Nays 33.

Standing Committees

Manitoba Standing Committees have maintained their active pace:

- The Standing Committees on Human Resources, Justice, Legislative Affairs, and Social and Economic Development met throughout the spring session to hear public presentations consider legislation.
- The Standing Committee on Crown Corporations met on several occasions in this period

to consider annual reports from the Manitoba Liquor Control Commission, the Manitoba Hydro-Electric Board, the Manitoba Public Insurance Corporation, and the Workers Compensation Board.

- The Standing Committee on Legislative Affairs also met in May to consider a number of Annual Reports from Elections Manitoba.
- The Standing Committees on Public Accounts met on several occasions to consider reports from the Auditor General covering a range of topics including:
 - Audit of the Department of Conservation's Management of the Environmental Livestock Audit of the Province's Management of Contaminated Sites and Landfills
 - Voluntary Sector Grant Accountability: Perspectives and Practices – Enhancing Board Governance in Not-For-Profit Organizations Report
 - An Examination of RHA Governance in Manitoba
 - Reports from the Office of the Auditor General

The House agreed to extend the reporting deadline for the Special Committee on Senate Reform to October 8, 2009 to allow further time for the drafting of the final report.

New Lieutenant-Governor

After the expiration of **John Harvard's** five year term as Manitoba's Lieutenant-Governor, **Mr. Phillip Lee** has assumed the duties of this office. The official installation ceremony took place in the Legislative Chamber on August 4, 2009. A member of the Order of Canada since 1999 and a recipient of the Queen's Golden Jubilee Medal, Mr. Lee has a distinguished record of leadership within Winnipeg's cultural community.

Member's Gallery

Late last year Speaker **George Hickes** unveiled the new Member's Gallery on the main floor of the legislative building. In honour of the accomplishments of all former members, and to acknowledge their years of service, this portrait gallery celebrates every member elected to the Manitoba Legislature through general elections and by-elections since 1871. The gallery also features those appointed members of the short lived Legislative Council (the upper house which operated in Manitoba from 1871 until 1876).

Sessional Order

Following discussions between the parties the House passed a sessional order on June 1, 2009, specifying a number of provisions for sitting dates and the consideration of legislation, including:

- Deadlines for the completion of consideration of legislation during the Spring 2009 sitting;
- Directions for the consideration of legislation in committee over the summer break;
- Directions and deadlines for the continuation of the current session in the early fall of 2009 to conclude consideration of legislation.

As a result of this agreement the House will be continuing consideration of a number of bills in the fall, including the following government bills:

- *Bill 4 – The Community Revitalization Tax Increment Financing Act*, which states that regulations may be made designating properties as community revitalization properties. A corresponding community revitalization levy is then to be paid into a new fund to be used to make grants to help revitalize communities and neighbourhoods.
- *Bill 16 – The Police Services Act*, which would introduce civilian

oversight and an independent investigation unit.

- *Bill 31 – The Manitoba Floodway Authority Amendment Act*, which would expand the mandate of the authority to include building and maintaining the east side road;
- *Bill 36 – The Manitoba Public Insurance Corporation Amendment Act*, which would increase benefits for Manitobans who are catastrophically injured in motor-vehicle crashes.

Certain private members bills will also be held over until the fall, including:

- *Bill 217 – The Hunting, Fishing and Trapping Heritage Act*, which recognizes the important role of hunting, fishing and trapping in Manitoba's heritage and the right of Manitobans to hunt, fish and trap in accordance with the law.
- *Bill 238 – The Service Animals Protection Act*, which would protect service animals and the people who use them.

In accordance with the sessional order, the 3rd session of the 39th Manitoba Legislature will resume sitting on September 14, 2009, with the session scheduled to conclude on October 8, 2009.

Rick Yarish

Clerk Assistant
Clerk of Committees



Newfoundland and Labrador

The Second Session of the Forty-Sixth General Assembly convened on March 25th, 2009. The Throne Speech which had been scheduled for March 19th was

postponed to allow Members of the House of Assembly to attend the funerals of those killed in the tragic Cougar helicopter accident on March 12th.

Speaker **Roger Fitzgerald**, announced on March 24 that live webcasts of the proceedings of the House would be available commencing with the Speech from the Throne and that the proceedings would be archived on the House of Assembly website. Previously, the proceedings were available only in real time.

On March 3 the Government released the Report of the Commission of Inquiry conducted by Justice **Margaret Cameron** on Hormone Receptor Testing. The Commission had been appointed in the wake of the discovery that test results of patients suffering from cancer had been faulty. The Report included 60 recommendations providing direction intended to address the deficiencies which had led to the testing failures.

During the current Session the House passed the *Bill An Act Respecting Apologies*. Madame Justice Cameron had recommended the enactment of such legislation in her report. The legislation provides for the expression of regret or sympathy to those affected by adverse events without admission of liability on the part of the person or entity making the apology.

On April 17th, **Edward Byrne**, former Minister of Natural Resources, who had pleaded guilty to charges relating to the constituency spending scandal on which we reported in the Autumn 2007 issue of the CPR, was sentenced to two years less a day in prison. At the time of writing the trial, which commenced in July, of former MHA **James Walsh** on similar charges has been adjourned to September.

On May 28th the House passed a Resolution appointing a Members' Compensation Review Committee pursuant to subsection 16(1) of the *House of Assembly Accountability, Integrity and Administration Act*. The Commission which will enquire into the salaries, allowances, severance payments and pensions to be paid to Members of the House of Assembly must report to the Speaker on or before October 31, 2009. The last such body was appointed in 1989.

On the same day the House also adopted a Resolution appointing a retired judge to undertake a review of the dismissal, in December 2005, by Resolution of the House, of the Citizens' Representative following a report by the Auditor General which had identified concerns relating to the operations of the Office of the Citizens' Representative. The retired Justice has been asked to render an opinion on, *inter alia*, whether or not there was sufficient cause to remove the Citizens' Representative from office.

On April 9 the Minister of Education, **Joan Burke** was appointed Minister of the new Department of Child, Youth and Family Services. Dr. **Darin King**, Member for Grand Bank, was appointed Minister of Education.

On July 9 the **Ross Wiseman**, Minister of Health and Community Services was appointed Minister of Business while the **Paul Oram**, Minister of Business was appointed Minister of Health and Community Services.

The House passed 36 Bills during the Spring sitting and approved a budget of \$6,459,399,900.

The House is expected to reconvene in November.

Elizabeth Murphy

Clerk Assistant