



Legislative Reports



Ontario

The 1st session of the 40th Parliament began on November 21, 2011, with the election of a new Speaker by secret ballot as the first item of business. Four members, **Donna Cansfield**, **Kevin Flynn**, **Dave Levac** and **David Zimmer**, let their names stand for election to the post of Speaker and after two ballots, Mr. Levac (LIB – Brant) was elected. Speaker Levac has been a Member of the Assembly since 1999.

The following day Lieutenant Governor **David C. Onley** delivered the Speech from the Throne which presented the minority government of **Dalton McGuinty** with its first confidence test. An amendment to the motion for an Address in reply to the Speech from the Throne, offered by **Tim Hudak**, Leader of the Official Opposition, was defeated with the combined votes of the government and the New Democratic caucus, and the Address itself was carried in the same manner. All 107 members of the Assembly were present for both votes.

Before adjourning for the winter break on December 8, 2011, the House also appointed its other presiding officers:

- **Bas Balkissoon** as Deputy Speaker and the Chair of the Committee of the Whole House;
- **Ted Arnott** as First Deputy Chair of the Committee of the Whole House;
- **Julia Munro** as Second Deputy Chair of the Committee of the Whole House; and
- **Paul Miller** as Third Deputy Chair of the Committee of the Whole House.

Although the three parties negotiated the structure of the Assembly's nine standing committees throughout the fall sitting of the House, no agreement on membership was arrived at before the House adjourned. As a result, the striking of committees will await the return of the Legislature for its winter/spring sitting. In the meantime, some legislation has been referred to certain committees and so the eventual members of those committees will inherit a business agenda that can be worked on immediately.

Tamara Pomanski
Committee Clerk



Saskatchewan

On November 7, 2011, citizens of Saskatchewan elected a majority Saskatchewan Party government. **Dwain Lingenfelter**,

Leader of the Opposition, tendered his resignation on election night. On November 19th, the Party selected **John Nilson**, Member for Regina Lakeview, as their interim Leader until the NDP host a leadership convention.

The opening of the 27th Legislature occurred on December 5th, 2011. As per the *Rules and Procedures of the Legislative Assembly of Saskatchewan*, an election for the Speaker took place followed by the Throne Speech. Two candidates, **Don Toth**, Member from Moosomin, and **Dan D'Autremont**, Member from Cannington, submitted their nomination forms to the Clerk. After one round of voting, Mr. D'Autremont was duly elected by the Members of the Legislative Assembly for the Office of the Speaker.

On the second day of session, an election for the Deputy Speaker took place. **Glen Hart**, Member from Last Mountain-Touchwood, was the only Member that put his name forward as a candidate for the election of Deputy Speaker. Furthermore, **Christine Tell**, Member from Regina Wascana Plains, was appointed to preside as Deputy Chair of Committees of the Assembly.

House Leader and Whip responsibilities were also announced.

- Government House Leader - **Jeremy Harrison**, Meadow Lake
- Deputy Government House Leader - **Gordon Wyant**, Saskatoon Northwest

- Government Whip – **Randy Weekes**, Biggar
- Deputy Government Whip – **Greg Ottenbreit**, Yorkton
- Opposition House Leader – **Warren McCall**, Regina Elphinstone-Centre
- Deputy Opposition House Leader – **Cathy Sproule**, Saskatoon Nutana
- Opposition Whip – **Doyle Vermette**, Cumberland
- Deputy Opposition Whip – **Cam Broten**, Saskatoon Massey Place

In the eight sitting days, much was accomplished including the reading of the Speech from the Throne and the introduction of thirty-six government bills and two private member public bills. The Throne Speech focused on growth, affordability and quality of life and outlined the legislative agenda of the session. The Opposition did not support the Throne Speech stating that it fails to move Saskatchewan forward in becoming a fairer, greener and more inclusive province.

After the Assembly adjourned on the final sitting day of the fall session, the Members paid tribute to **Gordon Barnhart**. Dr. Barnhart's tenure as Lieutenant Governor is coming to a close. Premier Wall and Opposition Leader, John Nilson, shared warmhearted memories and celebrated his accomplishments such as the establishment of the Lieutenant Governor's Leadership Forum for youth and his Northern Tours.

The Minister of Justice and Attorney General, **Don Morgan**, moved a motion that the Standing Committee on Intergovernmental Affairs and Justice, "shall conduct an inquiry and make recommendations to the Assembly respecting a legislative model for new

legislation regarding lobbying in Saskatchewan..." (*Votes and Proceedings* December 7, 2011).

The Committee met on January 16th to plan for the committee's inquiry. The Committee adopted the Steering Committee's First Report that recommended that the Committee travel to Ottawa on February 6-9th to observe the House of Commons Standing Committee on Access to Information, Privacy and Ethics' statutory review of *The Lobbying Act*. The Committee has also made arrangements to meet with the Commissioners and Registrars of the lobbyist registries and the Government Relations Institute of Canada while in Ottawa.

The year 2012 marks two significant milestones – Her Majesty's Diamond Jubilee and the 100th anniversary of the opening of the Legislative Assembly building in Saskatchewan. On December 14th, it was announced that Their Royal Highnesses The Prince of Wales and The Duchess of Cornwall will visit Saskatchewan as part of the Royal Tour of Canada in May 2012.

The first of many 100th Anniversary events was held on December 15th. The Lieutenant Governor and the Premier removed a time capsule from the cornerstone. Some artifacts such as a phone directory for the province of Saskatchewan, *Journals* from the First Session of the Second Legislature and a 1909 *Canadian Almanac* were unveiled. The other items were taken to be properly catalogued and will be later displayed as part of the centennial celebrations.

Stacey Ursulescu
Committees Researcher



Manitoba

The 1st session of the 40th Manitoba Legislature rose on November 1, 2011. At the time of printing a date had not yet been set for the resumption of session.

The Standing Committee on Public Accounts met on December 16, 2011 to consider two reports on the operations of the Auditor General's Office. At this meeting, **Larry Maguire** was elected as the new Chairperson while **Greg Dewar** was re-elected as Vice-Chairperson. The Committee also agreed to establish a Steering Committee – consisting of the Chairperson, Vice-Chairperson, Auditor General, PAC Committee Clerk and the Research Officer – to set dates and agendas for future meetings.

On January 13, 2012 Premier **Greg Selinger** announced a number of cabinet reassignments and two appointments, as follows:

- **Kevin Chief** entered cabinet as the new minister of Children and Youth Opportunities.
- **Ron Kostyshyn** entered cabinet as the new minister of Agriculture, Food and Rural Initiatives.
- **Jennifer Howard**, the former minister of Labour and Immigration, became the new Minister of Family Services and Labour and retains the position of Government House Leader.
- **Gord Mackintosh** moved from Family Services and Consumer Affairs to Conservation and Water Stewardship.
- **Christine Melnick** moved from Water Stewardship

to Immigration and Multiculturalism.

- **Jim Rondeau** moved from Healthy Living, Citizenship and Youth to Healthy Living, Seniors and Consumer Affairs.

In addition to cabinet reassignments, certain duties and functions of former departments have been transferred or merged and renamed as follows:

- Conservation has been renamed as Conservation and Water Stewardship.
- Family Services and Consumer Affairs has been renamed as Family Services and Labour.
- Healthy Living, Youth and Seniors has been renamed as Healthy Living, Seniors and Consumer Affairs.

Other Appointments

Pursuant to section 52.7 of *The Legislative Assembly Act*, **Michael Werier** was appointed on November 22, 2011 as the new Commissioner responsible for reviewing salaries, allowances and retirement benefits for Members. After his review, Mr. Werier will have six months to prepare a report to the Speaker. His recommendations are binding and automatically made into regulation with no required vote of the Assembly.

New Clerk Assistant/Clerk of Committees

The Manitoba Table is pleased to welcome **Andrea Signorelli** as our new Clerk Assistant/Clerk of Committees. This vacancy came as a result of the recent appointment of **Rick Yarish** as Deputy Clerk of the Manitoba Legislative Assembly.

Monique Grenier

Clerk Assistant/Clerk of Committees



Yukon

Following the general election of October 11, 2011 the Yukon Party, New Democratic Party (NDP) and Liberal Party caucuses made arrangements with the Clerk's office to have their members sworn in as MLAs. The first caucus to be sworn in was the official opposition NDP, whose six members took the oath of allegiance and the oath of office on October 20. The two Liberals members, who comprise the third party in the House, were sworn in on October 28. The governing Yukon Party's eleven-member caucus was sworn in on November 5. In all three cases the oaths were administered in the Legislative Assembly Chamber by the Commissioner of Yukon, **Doug Phillips**.

Cabinet

On the same day that the Yukon Party caucus members took the oaths as MLAs, the cabinet swearing-in ceremony took place in the foyer of the Yukon Government's Main Administration Building in Whitehorse. The eight Yukon Party caucus members appointed to the Executive Council, and their areas of responsibility, were:

- **Darrell Pasloski** (Mountainview) – Premier, minister responsible for the Executive Council Office and Minister of Finance,
- **Elaine Taylor** (Whitehorse West) – Minister of Community Services, Minister responsible for the Public Service Commission, Minister responsible for the Women's Directorate and Minister responsible for the

French Language Services Directorate,

- **Brad Cathers** (Lake Laberge) – Minister of Energy, Mines and Resources and Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation,
- **Doug Graham** (Porter Creek North) – Minister of Health and Social Services and Minister responsible for the Yukon Workers' Compensation Health and Safety Board,
- **Scott Kent** (Riverdale North) – Minister of Education, Minister responsible for the Yukon Housing Corporation and Minister responsible for the Yukon Liquor Corporation,
- **Currie Dixon** (Copperbelt North) – Minister of Economic Development and Minister of Environment,
- **Wade Istchenko** (Kluane) – Minister of Highways and Public Works; and
- **Mike Nixon** (Porter Creek South) – Minister of Justice and Minister of Tourism and Culture.

Convening of the Legislative Assembly

The Standing Orders indicate that the House shall sit twice a year, in the spring and fall, for a maximum of 60 sitting days per calendar year. However, the Standing Orders allow for a variation in this practice in those years when a general election occurs, as was the case in 2011. When a fall election occurred in 2002 the House did not sit until February 2003. However, the House sat for twelve days following the general election of October 10, 2006.

Following the appointment of the Yukon Party Cabinet the three House leaders - Mr. Cathers, **Jim Tredger** (Mayo-Tatchun, NDP) and **Sandy Silver** (Klondike, Liberal) held discussions

regarding the start date and length of a 2011 Fall Sitting. On November 17, Premier Pasloski revealed the results of those discussions, announcing that the 33rd Yukon Legislative Assembly would convene on Thursday, December 1. The Premier also announced that the Sitting would consist of nine sitting days, concluding on December 15.

The following day, Premier Pasloski announced that when the Assembly convened, he would nominate **David Laxton** (Porter Creek Centre, Yukon Party) as Speaker. In making the announcement, Premier Pasloski indicated that he had discussed Mr. Laxton's nomination with the Leader of the Official Opposition, **Liz Hanson** and the Leader of the Third Party, **Darius Elias**.

Opening Day

The opening day of the 33rd Legislative Assembly proceeded with its usual traditions and legal and procedural requirements. The day began with the Clerk of the Assembly, **Floyd McCormick**, reading the Commissioner's Proclamation summoning the Members to the Chamber for the dispatch of business. The Clerk then read into the record a letter from the Chief Electoral Officer to the Commissioner, reporting on the 19 Members elected to represent each electoral district. This procedure was a bit of a departure from recent practice, as this was the first general election since 1982 that the Chief Electoral Officer was someone other than the Clerk.

Commissioner Phillips then entered the Chamber; however, the Clerk had to inform the House that the Commissioner declined to read the Throne Speech until the House had elected a Speaker. The Clerk then

conducted the election of the Speaker. Premier Pasloski, moved "THAT David Laxton, Member for Porter Creek Centre, do take the Chair of this Assembly as Speaker." The Yukon Legislative Assembly does not require seconders for motions, but by practice, the motion to appoint the Speaker is seconded by the Leader of the Official Opposition and the Leader of the Third Party. The motion carried without debate or division.

The Commissioner then re-entered the Chamber. With the Commissioner seated in the Speaker's Chair the Speaker addressed the Commissioner, claiming for all Members "their undoubted rights and privileges, especially freedom of speech in their debates, access to your person when necessary and your favourable consideration of their proceedings." Commissioner Phillips "grant[ed] and allow[ed] the Assembly's constitutional privileges." He also assured the Speaker "that the Assembly shall have ready access to me and that the Assembly's proceedings, words and actions will receive from me favourable consideration."

Commissioner Phillips then read the Speech from the Throne. As the Speech was delivered only 51 days after the election, it reiterated the commitments made by the Yukon Party during the election campaign. Of particular importance to the Assembly was the following statement: "My government remains committed to practicing open, accountable, fiscally responsible government and to work constructively with all members of this House to improve the operation of its committees and the proceedings of the Legislature."

Following the Throne Speech,

Mr. Cathers, in his role as Government House Leader, moved motions for the election of the other presiding officers. Unlike some assemblies the Yukon Legislative Assembly does not routinely appoint an opposition member as a presiding officer. Therefore, two government private members, **Patti McLeod** (Watson Lake) and **Stacey Hassard** (Pelly-Nisutlin), were elected Deputy Speaker (and Chair of Committee of the Whole) and Deputy Chair of Committee of the Whole, respectively. As a result of these motions, the three Yukon Party caucus members who were not appointed to cabinet are now the Assembly's presiding officers.

House business

The first three days of debate were devoted to the motion for an Address in Reply to the Speech from the Throne. Ms. McLeod had the honour of moving the motion. On December 7 the motion was adopted on division, 10-8, with all government members voting in favour of the motion and all opposition members voting against it.

On December 1, Mr. Pasloski introduced two supplementary appropriation bills. Bill No. 2 was the final supplementary appropriation bill for the 2010-11 fiscal year, while Bill No. 3 was the first supplementary appropriation bill for 2011-12. In accordance with the *Financial Administration Act* and the Standing Orders, each bill was accompanied by a money message, Yukon's equivalent of a Royal Recommendation. Both bills passed on December 15, with Bill No. 3 succeeding on another 10-8 division. Yukon's Administrator, **Bob Cameron**, then granted Assent to the bills.

Two private members' bills were introduced during the 2011 Fall Sitting. The Assembly's *pro forma* bill, Bill No. 1, *Act to Perpetuate a Certain Ancient Right*, was introduced by Ms. McLeod. On December 8, Mr. Elias introduced Bill No. 101, *Disclosure Protection Act*, a whistle-blower protection bill. Bill No. 101 was not brought forward for debate during this sitting.

Pursuant to Standing Order 45 the House, on December 7, 2011, adopted motions to appoint the Members' Services Board and four standing committees: the Standing Committee on Appointments to Major Government Boards and Committees, the Standing Committee on Rules, Elections and Privileges (SCREP); the Standing Committee on Public Accounts; and the Standing Committee on Statutory Instruments.

The motion appointing SCREP varied from the norm for Yukon Legislative Assembly committees in a number of ways. First, though the Yukon Party caucus has a majority in the House, it does not have a majority on the rules committee; the committee being composed of three government members and three opposition members. Another wrinkle was that the motion to appoint the committee further specified that the committee is to elect as its chair one of the government caucus members appointed to it. The usual practice is for the committee to elect its chair without direction from the House. The motion also specified that the chair would have a deliberative vote and "be required to participate in all votes before the committee." Under normal circumstances the committee Chair has a casting

vote only (i.e., one that is only used in the event of a tie.)

Section 102 of the *Workers' Compensation Act* requires that the Chair of the Yukon Workers' Compensation Health and Safety Board and the Board President appear in the Legislative Assembly annually to answer questions from Members. It is the only territorial legislation that mandates the appearance of witnesses in the House. The Assembly fulfilled this legal obligation on December 13, 2011, when Committee of the Whole adopted a motion for **Mike Pike**, board chair, and **Valerie Royle**, board president and CEO, to appear in Committee of the Whole that day. They were introduced by Mr. Graham, as minister responsible for the board, and questioned by Ms. Hanson, Mr. Silver, Mr. Tredger and **Lois Moorcroft** (Copperbelt South, NDP) from 3:30 p.m. to 5:00 p.m.

Death of former MLA

John Edzerza, who represented the electoral district of McIntyre-Takhini from 2002 to 2011, passed away on November 25, 2011. Mr. Edzerza was a Tahltan, born in Telegraph Creek, BC in 1948. In June 2011, Mr. Edzerza was diagnosed with leukemia and, due to the effects of the illness, chose not to run in the 2011 general election. Prior to his election to the Yukon Legislative Assembly, Mr. Edzerza served four terms on the Kwanlin Dun First Nation Council.

Premier Pasloski, **Kevin Barr** (Southern Lakes, NDP) and Mr. Elias paid tribute to Mr. Edzerza during proceedings on December 8. Mr. Edzerza had a quixotic parliamentary career, twice serving as a Yukon Party cabinet minister, interrupted by

turns as an NDP critic and an independent member. Mr. Barr explained Mr. Edzerza's political career this way: "As an MLA, he was tenacious and pragmatic, which sometimes perplexed people who questioned, for example, his decision to cross the floor but, for John, it was about getting results for the people." Mr. Elias, recalling their tenure on the Select Committee on Anti-smoking Legislation said, "John was the same man, whether it was debating in this House, in front of the camera, or in a conversation in private." Mr. Pasloski observed that Mr. Edzerza was "open about the troubles in his life" including an addiction to alcohol as a young man which he ultimately overcame. As a result, "One of his many great contributions was his work with the Kwanlin Dun First Nation to create the Jackson Lake healing centre, a land-based addictions treatment centre." Mr. Edzerza's last public appearance had been on November 5, when he attended the swearing-in ceremonies for the Yukon Party caucus and cabinet.

Floyd McCormick
Clerk



British Columbia

The fall sitting of the Legislative Assembly adjourned on November 24. The House sat for a total of 24 days, during which time a Throne Speech was delivered and 13 government

bills were passed. The fourth session of the 39th Parliament is scheduled to resume on February 14. Budget Day will take place on February 21 pursuant to the *Budget Transparency and Accountability Act*, which requires that the budget and main estimates be presented to the Legislative Assembly on the third Tuesday in February.

Two notable pieces of legislation were introduced in November:

- **Bill 16 – *Family Law Act*:** modernizes family law and makes improvements in the areas of dispute resolution, guardianship and access, family asset division, and court-ordered protection. Bill 16 received unanimous support during debate and passed third reading on November 23.
- **Bill 20 – *Auditor General for Local Government Act*:** provides for the establishment of an auditor general, under the Ministry of Community, Sport and Cultural Development, to conduct performance audits of the operations of local governments, and to make those results public. Bill 20 was introduced on the last day of the fall sitting and is expected to be considered when the fourth session resumes.

On November 15, the Select Standing Committee on Finance and Government Services released its report on the Budget 2012 consultations. The report, based on province-wide public consultations held over a five-week period, contains 75 recommendations for the next provincial budget. The Committee also completed its annual review of the budgets of the eight independent legislative offices, and issued a report of recommendations on December 14.

On November 15, a special committee released a report

recommending that **Mary Ellen Turpel-Lafond** be re-appointed as the Representative for Children and Youth for a second five-year term. Later that day, the House passed a unanimous resolution confirming her appointment. Ms. Turpel-Lafond was appointed as the province's first Representative for Children and Youth in 2006.

The Special Committee on Cosmetic Pesticides, which is inquiring into and issuing recommendations on the proposed regulation of the sale and use of pesticides in the province, concluded its e-consultation on December 16. The Committee received over 8,600 submissions – survey responses, written submissions, and video submissions – the most ever recorded for a BC parliamentary committee. Twenty-seven presentations were also made at seven public meetings. The Committee expects to table its report during the spring sitting.

On January 13, the Select Standing Committee on Health concluded its call for written submissions relating to the first stage of its three-stage inquiry. In stage one, the Committee has a mandate to consider the impact of demographic trends to the year 2036, and other cost drivers on the sustainability of the provincial health care system.

On November 21, the province's new Chief Electoral Officer, **Keith Archer**, presented a report to the Legislative Assembly recommending legislative changes to enhance electoral administration in four areas. The proposals include: simplifying the role of voting officers; allowing provisional voter registration for 16- and 17-year olds; providing the

Chief Electoral Officer with greater flexibility to determine the best process for conducting enumerations; and introducing, on a pilot basis, a variety of new voting technologies.

As reported in the previous issue, **Barry Penner** stepped down from cabinet and announced his intention not to run in the next provincial general election. On January 9, Mr. Penner advised the Speaker that he was resigning his seat as the Member for Chilliwack-Hope, effective immediately. First elected to the Legislative Assembly in 1996, Mr. Penner served as Attorney General, Minister of Aboriginal Relations and Reconciliation, Minister of Environment, and Minister Responsible for Water Stewardship and Sustainable Communities.

By-elections are expected to be held this year to fill the vacated seat, along with the seat formerly held by **Iain Black**, MLA, who resigned in October.

Byron Plant
Committee Research Analyst



The Senate

The 2011 fall-winter period was an active one for the Senate, both in the Chamber and in committees. The Senate considered a substantial array of bills during this quarter, amongst them Bill C-20, *An Act to amend the Constitution Act, 1867, the Electoral Boundaries Readjustment Act and the Canada*

Elections Act, which proposed that the constitutional formula for allocating seats in the House of Commons among the provinces be based on estimates from the census. The Senate passed the bill without amendment after receiving testimony from 16 witnesses before the Legal and Constitutional Affairs committee and several hours of debate in the Chamber.

In total, ten pieces of government legislation were dealt with, of which seven received Royal Assent in November and December 2011. The Senate also studied several Senate public bills including two that were given third reading and sent to the House of Commons for consideration.

The Senate passed a private bill (S-1002, *An Act to authorize the Industrial Alliance Pacific General Insurance Corporation to apply to be continued as a body corporate under the laws of Quebec*) and in accordance with section 5 of the *User Fees Act*, approved the proposal from the Parole Board of Canada to increase current fee for the processing of a pardon application.

Committees

Senate committees were busy as they progressed through the budget process, examined a number of bills and continued their special studies. The Standing Senate Committee on Energy, the Environment and Natural Resources conducted a fact finding mission to western Canada as part of their aim to make recommendations to the federal government to strengthen Canada's long term energy future in all regions while respecting provincial and territorial jurisdictions on energy matters. The Standing

Senate Committee on Foreign Affairs and International Trade went to Brazil to advance their study on political and economic developments in Brazil and the implications for Canadian policy and interests in the region.

Several committees issued reports on their special studies. One report of particular interest is the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament presented on November 16, 2011. This report, which is still under consideration by the Senate, seeks to reorganize, standardize and clarify the *Rules of the Senate*, without making major substantive changes. If adopted, the changes to the *Rules* would come into effect on September 1, 2012.

The Senate Chamber was resolved into Committee of the Whole twice during this time period. The first was to receive **Michael Ferguson**, the nominee for the position of Auditor General of Canada and the second was to hear from **Mario Dion**, the nominee for Public Sector Integrity Commissioner. Both Mr. Ferguson and Mr. Dion were appointed to their positions. The former on November 28, 2011 and the latter on December 21, 2011, after both Houses of Parliament approved their nominations.

Speaker's Rulings

Of procedural interest, the Speaker ruled on a point of order that was raised seeking clarification about the process in the Senate for studying and adopting the government's financial estimates. More specifically, direction was sought about whether it was necessary to adopt the National Finance committee's report on the estimates, prior to the adoption

of the related supply bill. In his ruling, Speaker **Noël Kinsella** stated that:

"...while it may be helpful to consider or adopt the report of the National Finance Committee' related to the Estimates, neither our *Rules* nor our practice make it essential that the report be received or adopted before the Senate proceeds with a supply bill providing for the related expenditures. Indeed, the Senate can adopt the supply bill without any report. For a particular series of proceedings to be obligatory, it would, as Senator Comeau noted, be necessary to amend the *Rules of the Senate* to clearly reflect such a requirement."

On December 8, 2011, another significant ruling was made pertaining to the Senate's study of Bill C-18, *An Act to reorganize the Canadian Wheat Board and to make consequential and related amendments to certain Acts*.

A question of privilege was raised with regard to the ongoing study of the bill in the Senate after a ruling of the Federal Court, which stated that the Government had violated Section 47.1 of the *Canadian Wheat Board Act*. In his ruling that no *prima facie* case had been established, the Speaker explained that "...proceedings on Bill C-18 in the Senate have respected our *Rules* and practices. While there has been a court decision respecting the current *Canadian Wheat Board Act*, if anything was at issue with respect to section 47.1, it did not involve Parliament."

Senators

There were two departures from the Senate in December of 2011. Liberal Senator **Francis Fox** was appointed to the Senate in 2005, by Prime Minister **Paul Martin**. He was first elected to the House of Commons in 1972, where he

held several ministerial portfolios until 1984. Once appointed to the Senate, he served on a number of committees until his resignation on December 2, 2011. Another Liberal Senator, **Tommy Banks**, retired on December 17, 2011. A musician and band leader, Senator Banks was appointed by Prime Minister **Jean Chrétien** in 2000. During his tenure, he served on many standing committees and chaired the Standing Senate Committee on Energy, the Environment and Natural Resources for more than seven years.

These departures and a number of already vacant seats allowed the Prime Minister to appoint six new Senators to the Upper Chamber. They are **Betty Unger** (Alberta), **Joane L. Buth** (Manitoba), **Normann E. Doyle** (Newfoundland and Labrador), **Asha Seth** (Ontario), **Ghislain Maltais** (Québec) and **Jean-Guy Dagenais** (Québec). The new senators were sworn in on January 31, 2012.

Vanessa Moss-Norbury
Procedural Clerk
Journals Office



New Brunswick

On Wednesday, November 23, Lieutenant-Governor **Graydon Nicholas** delivered the second Throne Speech of the **David Alward** Progressive Conservative government, formally opening the Second Session of the 57th Legislature.

The speech focussed on building a robust economy; promoting healthy families; improving the culture of government through a Government Renewal process; reducing poverty and enhancing education. Highlights included:

- \$250 million investment in economic development innovation funds for the north and Miramichi region;
- development of an employment action plan for persons with disabilities;
- multi-year funding for universities and predicable tuition for students;
- implementation of a wetlands management strategy;
- enhancement of existing leave for reservists' rules;
- establishment of a large industrial renewable energy purchase program;
- improve access to natural gas throughout the province;
- review of the entry point of early french immersion;
- revision of the *Official Languages Act*;
- creation of an environmental protection plan to protect health, water, and societal interests;
- development of an action plan to create a regulatory regime for monitoring and enforcement mechanisms during oil and gas exploration;
- review of private and public sector pension plans;
- review of legal aid to provide greater efficiency and accessibility;
- improvement of culture and governance of New Brunswick Liquor Corporation;
- legislation to enable citizens to vote Senate nominees for New Brunswick.

Reply to Throne Speech

Official Opposition Leader, **Victor Boudreau**, noted delays

in nursing home construction and renovation, health care cuts, and inaction towards the poverty reduction plan, as examples of broken promises by Premier Alward. Mr. Boudreau stated that while the deficit needs to be addressed, the government should put more focus on economic growth and a trained New Brunswick workforce.

Mr. Boudreau raised concerns on the issue of shale gas exploration. He noted the lack of enforcement and inadequate penalties for exploration companies, and called for a moratorium on the exploration of shale gas. The Opposition Leader also demanded public participation in the development of stronger regulations.

Mr. Boudreau requested the government to support a number of proposed Liberal initiatives, such as creating a legislative committee tasked with consulting the public on shale gas development, and an immediate reversal of the government's decision to delay the minimum wage increases.

Capital Budget

On December 13, Finance Minister **Blaine Higgs** unveiled the 2012-2013 Capital Budget, totalling \$948 million. Mr. Higgs sought to address the province's serious fiscal challenges and limit new spending, while continuing to invest in health care and education. Highlights of the capital budget included:

- \$104 million for infrastructure in kindergarten-to-grade 12 schools;
- \$10 million for postsecondary education infrastructure;
- \$49 million to maintain and improve health care infrastructure;
- \$544 million for the Route 1

Gateway project;

- \$200 million for other transportation infrastructure, including funding for the Caraquet bypass project.

Legislation

Sixteen government Bills received Royal Assent during the fall sitting. Of note, Bill 9, *An Act to Amend the Electoral Boundaries and Representation Act*, introduced by Minister of Economic Development **Paul Robichaud**, requires that a Commission on Electoral Boundaries and Representation be established within 24 to 25 months before the scheduled general election on the fourth Monday in September 2014, and within 24 to 25 months before every scheduled general election thereafter. The redraw of the province's electoral map will see a reduction in the number of seats from 55 to 49.

Bill 19, *An Act to Amend the Real Property Tax Act*, introduced by the Finance Minister allows seniors who are experiencing financial difficulty to apply to defer their annual increase in property taxes. The deferred taxes with interest would be payable upon change of ownership of the property.

The Official Opposition introduced three Bills, including Bill 10, *An Act to Amend the Tobacco Tax Act*, introduced by Opposition House Leader **Bill Fraser**, which allows the Minister of Finance to direct a fixed percentage of the tax collected on the sale of tobacco products to smoking cessation programs.

Petitions

During the fall sitting, 61 petitions were presented, 27 of which dealt with opposition

to shale gas exploration, or 'fracking'. Shale gas exploration was one of the dominant issues during the fall sitting.

Question of Privilege

Prior to the start of a daily sitting, a government Member was observed picking up and examining documents off the desk of the Opposition House Leader. It was submitted that a violation of the privacy of documents on a Member's desk is an unacceptable breach of the privileges of the Member.

In explaining the incident, the Government House Leader noted that a government backbencher had placed colouring books on the desk of each Opposition Member. A fellow Member had simply picked up one of the colouring books to show a Minister and was not trying to obtain confidential information.

The Speaker's ruling found that Members do have a right to expect privacy with respect to the desks that have been assigned to them and that it is not acceptable for Members to handle or examine documents that have been placed on another Member's desk. However, the incident did not rise to the level of a *prima facie* case of a breach of privilege. It should be noted that prior to the ruling, the Member in question apologized to the Speaker, to the Opposition House Leader and to all Members of the House for his actions.

In his ruling, the Speaker reminded Members that pages should not be asked to distribute items of a frivolous or offending nature, noting that the distribution of colouring books was one such example that he did not wish to see repeated.

Committee Activity

The Standing Committee on Public Accounts, chaired by **Rick Doucet**, and the Standing Committee on Crown Corporations, chaired by **Jack Carr**, were active during the months of January and February reviewing annual reports, public accounts, and other matters referred to their respective committees. The Select Committee on the Revision of the *Official Languages Act*, chaired by **Marie-Claude Blais**, held its first meeting in February to review their mandate.

Review of Legislative Officers

Former Ombudsman and Child and Youth Advocate **Bernard Richard** led a review of the functions and operations of New Brunswick's eight legislative officers. The review was carried out at the request of the Legislative Administration Committee (LAC), and coincides with the Government Renewal Initiative. The review was intended to find ways in which the efficiency, effectiveness and accountability of legislative officers can be enhanced without impairing their independence.

The report entitled *Fine-tuning Parliamentary Machinery: A Review of the Mandates and Operations of New Brunswick's Legislative Officers* was filed with the Speaker on December 14, and is currently under consideration by LAC. The full report can be found on the Legislative Assembly of New Brunswick's web page.

The Report recommends, among other things, that provisions bearing on effectiveness be harmonized across the officer class, namely: recruitment and selection; compensation; removal from office; immunity from

prosecution and suit; access to information, including access to privileged documents when warranted, as well as access to a dispute resolution mechanism in the event of disagreement. The Report also recommends that the Clerk of the Legislative Assembly be formally designated as the accounting officer for the Legislative Assembly and that the Clerk manage and administer the legislative officers as a group.

Standings

The Legislature will resume sitting on March 27, 2012, when the government will present its budget. The current standings in the House are 42 Progressive Conservatives and 13 Liberals.

John-Patrick McCleave
Research Assistant



Prince Edward Island

The First Session of the Sixty-fourth General Assembly opened on November 1, 2011, and adjourned to the call of the Speaker on November 9, 2011, after six sitting days. On February 7, 2012, it was announced that the session will be prorogued at the end of March, and the Second Session will commence with a Speech from the Throne on April 4, 2012.

The 2012-2013 Capital Budget was presented on November 2, 2011, by Finance and Municipal Affairs Minister **Wes Sheridan**.

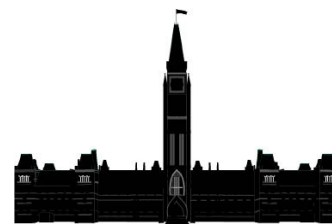
Totaling almost \$101.2 million, the plan will provide investments of \$32.3 million to the health care system, and a further

\$42.4 million for transportation and infrastructure renewal. The Minister indicated that capital spending is returning to traditional levels after three years of stimulus spending.

On November 15, 2011, Premier **Robert Ghiz** announced changes in the organization of government which will reduce the number of departments from 11 to 10. The former Department of Environment, Energy and Forestry and the Department of Justice and Public Safety will be replaced by a new Department of Environment, Labour and Justice, headed by Minister **Janice Sherry**. Other changes saw the energy file move to Finance, Energy and Municipal Affairs under the leadership of Wes Sheridan. Forestry returned to the Department of Agriculture, with **George Webster** as Minister of Agriculture and Forestry. The Premier announced he would assume responsibility for Aboriginal Affairs within his Intergovernmental Affairs Secretariat.

The three-member Indemnities and Allowances Commission was appointed on November 22, 2011, by Speaker **Carolyn Bertram**, to review the salaries and benefits of Members of the Legislative Assembly. The Commission's authority arises from a 1994 amendment to the *Legislative Assembly Act*, which established the independent commission for the purpose of reviewing the salaries and benefits of Members, and reporting its decisions to the Speaker each year. The Commission has advertised for public input with a closing date of February 3, 2012.

Marian Johnston
Clerk Assistant and Clerk of
Committees



House of Commons

The First Session of the Forty-first Parliament resumed from summer adjournment on September 19, 2011, and, by unanimous consent, adjourned for the winter break on December 15, 2011. The House is scheduled to resume sitting on January 30, 2012. The information below covers the period from November 1, 2011 to January 29, 2012.

Legislation

Time allocation was moved and adopted at the second reading stage of Bill C-20, *Fair Representation Act*; and at the report and third readings stages of the following bills: C-10, *Safe Streets and Communities Act*; C-13, *Keeping Canada's Economy and Jobs Growing Act*; C-18, *Marketing Freedom for Grain Farmers Act*; and C-20.

On December 7, 2012, after its passage by the Senate, private Bill S-1002, *An Act to authorize the Industrial Alliance Pacific General Insurance Corporation to apply to be continued as a body corporate under the laws of Quebec*, was passed by the House of Commons. The Bill received Royal Assent by written declaration on December 8, 2012. The following bills also received Royal Assent during this period: C-13, *Keeping Canada's Economy and Jobs Growing Act*; C-16, *Security of Tenure of Military Judges Act*; C-18; C-20; C-22, *Eeyou Marine Region Land Claims Agreement Act*; C-29, *Appropriation Act No. 3, 2011-12*; and S-3, *Federal Law-Civil Law Harmonization Act, No. 3*.

Financial Procedures

An opposition motion moved by **Claude Gravelle** regarding the use and export of asbestos was debated on October 31, and defeated on a recorded division on November 1, 2011.

On November 17, 2011, Interim Leader of the Liberal Party **Bob Rae** moved an opposition day motion concerning First Nations communities. During debate, **Carolyn Bennett** moved an amendment to the motion. The Deputy Speaker advised members that an amendment may be moved to a supply day motion only with the consent of the sponsor, and consent was given immediately. Following debate, the amendment and the main motion, as amended, were adopted.

On November 25, 2011, the House considered an opposition motion, moved by **Joe Comartin**, that called on the Speaker to undertake a study and make recommendations to amend the Standing Orders with respect to closure and time allocation. The motion was negatived on a recorded division on November 28, 2011.

December 5, 2011, was the seventh and final allotted day in the supply period ending December 10, 2011. **Megan Leslie** moved an opposition motion on climate change, which was negatived on a recorded division. Following the vote on the opposition motion, Supplementary Estimates (B) for the fiscal year ending March 31, 2012, and the *Appropriations Act* based thereon, were adopted.

Questions of Privilege and Points of Order

During Question Period on November 4, **Denis Coderre**

raised a question about an individual who had resigned from the Office of the Auditor General's independent audit committee to protest the appointment of the new Auditor General. At the end of the Oral Questions that day, **Tony Clement**, President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, rose on a point of order and tabled documents showing that the individual had contributed to the Liberal Party. Later in the sitting, several Members rose to object to the Government having tabled private information about a public servant. On November 17, the Speaker ruled that, while the Government acted within the established rules of the House for tablings, all Members should use care when referring to individuals who do not have a voice in the Chamber, and avoid circumstances where a person could have his or her reputation damaged without having the opportunity to respond.

On November 14, Mr. Comartin rose on a point of order arising from attempts by the Standing Committee on Access to Information, Privacy and Ethics to order the production of documents related to a matter then before the courts. He asked that the Speaker direct the Committee either to cease its study or to suspend it until the litigation was completed. On November 21, the Speaker ruled that, since the practice of the House was for the Speaker not to enquire into such matters until a committee report is before the House, and since a satisfactory resolution of the issues in committee was still a possibility, he should not presume to prejudge the outcome

of the Committee's deliberations and the matter must rest with the Committee.

On November 16, 2011, **Irwin Cotler** raised a question of privilege arising from telephone calls placed to his constituents by a company identified as Campaign Research, in which his constituents were asked if they intended to support the Conservative Party in the "impending, if not imminent, byelection" in his riding. This misrepresentation, he argued, interfered with his ability to do his job as a Member. On December 13, 2011, the Speaker ruled that, while he found the matter "reprehensible", he could not find that there was a *prima facie* question of privilege as Mr. Cotler had not been impeded in fulfilling his parliamentary functions.

Following a November 2 appearance of Minister Clement at the Standing Committee on Public Accounts regarding the G8 Legacy Fund, several Members alleged that the Minister's office had requested that changes be made to the transcript of the meeting in order to remove words which signalled the Minister's agreement to provide the committee with documentation. On November 23, Mr. Clement rose on a question of privilege and stated that no changes had been requested by his office, and that such allegations had impeded him in his work as a Minister and Member. On November 29, the Speaker rendered a decision in which he explained how the *Debates* and committee evidence documents are created and edited. He then added that he had looked into the matter and there had been no request by the Minister's office to have changes

made to the committee evidence. Noting that the authority over the final version of the evidence rests with the Committee, he remarked that a corrigendum could be issued if the Committee so chose. Finally, he reminded the House that Speaker does not tend to rule on committee matters in the absence of a report from a committee.

On three separate occasions, Members have called upon the Speaker to rule on matters related to the Canadian Wheat Board (CWB) and Bill C-18, the *Marketing Freedom of Grain Farmers Act*. Most recently, following a Federal Court ruling about the Bill, **Francis Valeriote** raised a question of privilege on December 8, 2011, and claimed that Members' privileges had been breached because they had been asked to debate on vote on a bill that was illegal and not in the proper form. At the time of writing, the Speaker had yet to rule on the matter. (In earlier decisions, rendered on September 28 and October 24, the Speaker had ruled the following: that a notice of procurement for a contract to conduct an audit related to the possible financial impact of the repeal of the *Canadian Wheat Board Act* and the dissolution of the CWB did not presuppose a judgment of the House and was not a contempt of the House; that it was not within his purview to rule on the legality of the bill; and that the Bill's introduction had not undermined the ability of Members to do their work.)

Disturbances in the galleries during the proceedings on Bill C-18 also led to several points of order. For example, on November 24, 2011, **Tom Lukiwski**, Parliamentary Secretary to the Government House Leader,

charged that an individual who had caused a disturbance in the gallery following the vote on the second reading of the Bill had been in the gallery at the invitation and with the foreknowledge of a Member of the Official Opposition. On November 29, 2011, the day after the adoption of the Bill at third reading, Mr. Rae rose on a point of order to object to demonstrations that had taken place in the gallery with the apparent approbation of some members of the Government party. On December 6, 2011, the Speaker ruled on the points of order stating that all demonstrations were unacceptable and that any disruptive behaviour was out of order.

Private Members' Business

On October 18, 2011, Mr. Comartin raised a point of order concerning Bill C-317, *An Act to amend the Income Tax Act (labour organizations)*, standing in the name of **Russ Hiebert**. He argued that because of its tax implications the bill had to be preceded by a ways and means motion. The Speaker ruled on November 4 that, as the purpose of Bill C-317 was to remove an existing tax alleviation, it should have been preceded by a ways and means motion. He thus declared all proceedings on the Bill to date to be null and void, and directed that the order for second reading of the Bill be discharged and the Bill be withdrawn from the *Order Paper*. Citing precedent, the Speaker gave Mr. Hiebert 20 sitting days to substitute another item onto the Private Members' Business Order of Precedence. On December 5, 2011, Mr. Hiebert introduced Bill C-377, *An Act to amend the*

Income Tax Act (requirements for labour organizations), and the Bill was placed on the Order of Precedence.

On October 28, the Standing Committee on Procedure and House Affairs presented a report recommending that Bill C-292, *An Act to amend the Corrections and Conditional Release Act (victims' restitution and monetary awards for offenders)*, standing in the name of **Guy Lauzon**, be designated non-votable because the bill concerned matters that were outside federal jurisdiction, more specifically prisoners' civil rights in relation to private property. On November 17, Mr. Lauzon introduced Bill C-350, *An Act to amend the Corrections and Conditional Release Act (accountability of offenders)*, and substituted it for C-292 in the Order of Precedence.

Other Matters

On December 5, 2011, **Peter Goldring** withdrew from the Conservative Party caucus and now sits as an Independent Conservative.

On January 10, 2012, **Lise St-Denis** gave notice that she had left the New Democratic Party and would join the Liberal Party.

On November 3, **Peter Van Loan**, Government House Leader, moved that the House approve the appointment of **Michael Ferguson** as Auditor General of Canada for a term of ten years. The motion was agreed to on a recorded division.

On December 14, 2011, Mr. Van Loan moved that **Mario Dion** be appointed as Public Sector Integrity Commissioner for a term of seven years. The motion was adopted on division.

On December 8, 2011, several Members of Parliament spoke in

tribute to retiring Parliamentary Librarian **William Young**.

On December 14, 2011, the Speaker signalled to the House the upcoming retirement of Law Clerk and Parliamentary Counsel **Robert Walsh**, and paid tribute to him for his many years of service to the institution.

On November 2, 2011, two minutes of silence were observed in honour of Canada's veterans.

On December 6, 2011, the Speaker invited Members to rise and observe the customary minute of silence in commemoration of the National Day of Remembrance and Action on Violence Against Women.

Caroline Bosc
Procedural Clerk
Table Research Branch



Northwest Territories

The First Session of the 17th Legislative Assembly reconvened on December 7, 2011. Due to adjustments in the House sitting calendar to accommodate the General Election held on October 3, 2011, the House considered the full capital budget for the 2012-2013 fiscal year during the December sitting. Bill 1-17(1) *Appropriation Act (Infrastructure Expenditure)*, 2012-2013, received assent on December 15, 2011. During the seven-day sitting the House also adopted appointment motions for Deputy Chairpersons of Committee of the Whole and for members of standing committees.

During this final sitting of both the year and of the First Session of the 17th Assembly, a highlight

was a visit to the Legislature by **David Johnston**, Governor General of Canada. This visit was the first by a Governor General to occur during a formal session of the House. The House introduced and adopted a motion to interrupt its proceedings to receive an address from the Governor General of Canada. Also for the first time, the House extended invitations to the leaders of the seven Regional Aboriginal Governments in the Northwest Territories to join the Members on the floor of the Chamber to receive the address.

The First Session of the 17th Assembly prorogued on December 15, 2011. Following the holiday break, Members returned for one week of Committee meetings in mid-January. Committees met to do some strategic planning, receive briefings and updates on ongoing and emerging issues and to prepare for the February sitting of the Assembly.

The Second Session opened on February 7, 2012. Once again the General Election necessitated changes to the regular sessional schedule. The usual six-week February/March budget sitting was shortened to two weeks as the House was dealing with an interim appropriation and not a full annual budget. The interim appropriation includes operations funding for the Government for the first quarter of the 2012-2013 fiscal year and is used in the year following an election to allow Members to work through the business planning process later in the spring and approve a full-year budget during an extended May/June sitting. Additional business of the House for the February sitting included two supplementary appropriation bills.

Early in the session the House also gave Third Reading to Bill 1-17(2): *An Act to Amend the Borrowing Authorization Act*. This Act increases the short-term borrowing authority of the Government of the Northwest Territories.

At the outset of the 17th Assembly, a Caucus decision by all 19 Members approved the use of tablet computers. The intention was that the devices would reduce paper usage and provide for easier access to documents. Speaker **Jackie Jacobson** did request that the Standing Committee on Rules and Procedures review the use of the tablets in both the Assembly and in Committees. The Standing Committee returned with its report and recommended that tablet computers be treated in the same manner as laptops and other handheld electronic devices. The report was adopted by the Assembly on February 8, 2012. All standing committees have also adopted and approved the use of tablet computers for their proceedings. Tablet computers are now used in committees and in the Chamber during Committee of the Whole proceedings. All committee agenda package are now uploaded onto the tablets by Assembly staff and committee clerks no longer distribute paper copies. Members may, of course, print their own copies if they wish.

Joining many other jurisdictions across Canada, the Northwest Territories commemorated the Diamond Jubilee of Her Majesty, **Queen Elizabeth II** on February 6, with a public flag-raising ceremony which took place at sunrise. With the permission of Her Majesty, The Queen's Personal Canadian

Flag flew from sunrise to sunset on that day. On February 7, the House introduced and adopted a congratulatory message to Her Majesty on the occasion of her Diamond Jubilee. At adjournment the same day, the public was invited to join Members for a reception in the Great Hall and to participate in the presentation of the Diamond Jubilee medals to the Premier of the Northwest Territories and ten other northern recipients.

The Second Session prorogued on February 17, 2012. The Third Session is scheduled to open on May 23, 2012.

Gail Bennett

Principal Clerk, Operations



At the resumption of proceedings, on February 14, the composition of the National Assembly had undergone several changes in comparison with the situation at the time of adjournment in December. Indeed, the four Members of the Action démocratique du Québec (ADQ), **Gérard Deltell** (Chauveau), **Sylvie Roy** (Lotbinière), **François Bonnardel** (Shefford) and **Janvier Grondin** (Beauce-Nord), now sit as independent Members under the banner of the Coalition Avenir Québec (CAQ). The CAQ is the new political party launched by the former Member for Rousseau, **François Legault**. Independent Members **Éric Caire** (La Peltre) and Marc Picard (Chutes-de-la-Chaudière), who had left

the ADQ caucus in 2009, as well as **Benoit Charette** (Deux-Montagnes), **Daniel Ratthé** (Blainville) and **François Rebello** (La Prairie), all three from the Parti Québécois caucus, also joined the CAQ.

The new Liberal Member for Bonaventure, **Damien Arsenault**, made his official entry into the National Assembly on February 14. He was elected in the by-election held on December 5, 2011. Furthermore, the electoral division of Argenteuil has been vacant since the resignation of **David Whissell**, last December 16.

As of February 14, the composition of the National Assembly was as follows: 64 Members of the Québec Liberal Party, 44 Members of the Parti Québécois, 16 independents, including 9 sitting under the banner of the CAQ, one sitting under the banner of Québec Solidaire (**Amir Khadir**) and one sitting under the banner of Option nationale (**Jean-Martin Aussant**), as well as one vacant seat.

Proceedings of the Assembly

The Assembly passed 22 bills during the last sessional period. Of these bills, 18 were adopted unanimously. Among the more noteworthy are Bills 33 and 35, which bring important modifications to the operation of the construction industry, and Bill 120, *An Act respecting political party leadership campaigns*, which completes the reform of political party funding that was undertaken in recent years.

On November 22, 2011, the National Assembly held an urgent debate on Federal Bill C-10, *Safe Streets and Communities Act*. The President ruled that the request made by the Member

for Joliette, a Member of the Official Opposition, was in order since it met the admissibility requirements established for the holding of urgent debates. Indeed, this request concerned a definite and important matter that clearly involved, from the standpoint of its impact, the responsibility of the Assembly. The request also met the urgency criterion since the passage of Bill C-10 seemed imminent and, consequently, the Assembly might not have another opportunity to vote on the matter. It should be noted that the Assembly had voted on the same issue on October 20, 2011 and unanimously carried the motion moved by the Member for Joliette during business standing in the name of Members in opposition. This motion read as follows: "That the National Assembly demand the withdrawal of the provisions of federal Bill C-10 that go against the interests of Québec and Québec values as regards justice, including those concerning the treatment of young offenders".

Rulings and directives from the Chair

On October 4, the President gave a ruling on a point of privilege or contempt raised by the Member for Saint-Maurice, a Member of the Official Opposition. The latter alleged that **André Forcier**, chairman of the administrative board of La Financière agricole du Québec, was in contempt of Parliament when he failed to appear as a witness before the Committee on Agriculture, Fisheries, Energy and Natural Resources, after having been summoned to do so. The President of the Assembly stated that there was no doubt that the Committee acted in compliance with its constitutional power

to summon a witness to appear before it. Mr. Forcier therefore had the obligation to comply with the Committee's order. He further specified that just as the judicial branch of the State, the legislative branch must be respected in the exercise of its role, and a summons to appear before the Assembly is not less serious than before a court. He also stated that it is not up to the witness to dictate the Committee's agenda. He recalled that the Assembly has the power to demand accountability and that the chief executive officers and administrators of public agencies have the duty to oblige. However, while the Chair came to the conclusion that there was, at first glance, contempt of Parliament, no action was taken since the Member who raised the point of privilege did not mention that he intended to move a motion asking the Assembly to take a decision regarding the conduct of Mr. Forcier. However, the President stated that this by no means took away from the gravity of this ruling and that he hoped that it would serve as a warning to any person who would choose to disobey an order to appear before a parliamentary committee.

Furthermore, at the sitting of November 8, the President summarized the situation regarding the production of documents by Hydro-Québec. It should be recalled that the Assembly had unanimously carried a motion on September 29, 2010, which motion demanded that Hydro-Québec transmit to the Assembly as expeditiously as possible the information relating to all contracts granted from 2000 to 2010. Subsequently, on November 23, 2010, the President had recognized that there was,

at first glance, contempt of Parliament owing to the fact that Hydro-Québec had not complied with the order adopted by the Assembly. Nonetheless, the contempt procedure had been suspended in order to grant an additional period of time allowing Hydro-Québec to transmit the documents in question. Since that date, several series of documents were produced by Hydro-Québec and numerous meetings were held with Hydro-Québec representatives and the Members. Under these circumstances, and after having discussed the matter with the parliamentary groups and the independent Members, the President deemed that the point of privilege was closed.

Finally, on February 14, 2012, the President ruled on the functioning of oral question period and the distribution of measures and speaking times, in order to reflect the important changes that occurred in the composition of the Assembly. The Chair also gave a ruling on the status of the Members who have newly affiliated with the Coalition Avenir Québec.

The status of parliamentary group had been granted to the ADQ in a special order that temporarily amended the rules of recognition of a party as a parliamentary group for the duration of the legislature currently underway, by replacing the criteria of twelve Members elected under the banner of a given political party or 20 % of the votes at the most recent general election by those of five Members and 11 % of the votes. While it has observed that under election law, the new political party of Coalition Avenir Québec is officially recognized by the Québec Chief Electoral

Officer, the President however specified in his ruling that the recognition of a political party as a parliamentary group does not stem from the application of the *Election Act*, but rather from the rules of procedure of the National Assembly. Indeed the rules of interpretation of common law fall within the exclusive power of the courts, while from a parliamentary standpoint, it is in compliance with the Assembly's parliamentary privilege to govern its proceedings without outside influence that the provisions concerning parliamentary rules of procedure are interpreted exclusively by the Chair of the Assembly.

In its decision, the Chair also stated that it could not alone interpret the special order that recognized the ADQ as a parliamentary group in such manner as to establish that the new party should be granted all of the rights stemming from this recognition. The Chair further recalled that it could not interpret a clear rule of procedure, in such manner as to alter its true scope, since it is for the Assembly to modify the rules of procedure, not the Chair. The special order clearly provided a derogatory definition of that which constitutes a parliamentary group for the exclusive benefit of the "Action démocratique du Québec". Since there were no longer any Members sitting under the banner of the political party that had been recognized as a parliamentary group, the Chair could only concur in the fact that the special order in question had lapsed. As this document henceforth has no force and cannot apply to the new political party, the Chair stated that the criteria for a parliamentary group to be recognized as provided for in the Standing Orders, namely

the requirement of 12 Members elected under the banner of a same political party or 20 % of the popular vote obtained in the most recent general election, again become the only ones in force. Since the Members of the Coalition do not constitute a parliamentary group in light of these criteria, the Chair ruled that they would henceforth sit as independents. Nonetheless, as the Chair's objective is not to refute the political affiliation of the independent Members, it indicated that the latter would from now on be identified as the independent Members representing this party in the *Journal des débats (Hansard)* as well as on the Assembly Channel and on the website. However, the Chair stated that this did not have the effect of conferring any special rights upon them.

Owing to the changes in the composition of the Assembly and to the number of independent Members now sitting therein, the Chair proceeded to redistribute the measures, including the questions for oral question period, and the speaking times among the Members of the Official Opposition and the group of independent Members.

The Chair further stated that the random draw procedure that had been used on a trial basis last September in order to distribute the said measures among the independent Members was maintained with a specific provision as to the terms concerning the exchange or cession of rights among the independent Members. It should be mentioned that the President, rather than explaining each of the changes made in the distribution of the measures, tabled the various charts indicating the new distribution of questions,

the motions standing in the name of Members in opposition, interpellations, statements by Members, debates upon adjournment and speaking times for the various limited debates. The random draw procedure was also tabled.

Appointment

On November 29, the President of the National Assembly appointed **Michel Samson** as interim Auditor General of Québec. Mr. Samson was sworn in on December 1. This appointment follows the resignation **Renaud Lachance**, who had held this office since 2004.

Christina Turcot

Parliamentary Proceedings
Directorate
Assembly Service

Committees

Last November 25, the Committee on Labour and the Economy concluded the clause-by-clause consideration of Bill 33, *An Act to eliminate union placement and improve the operation of the construction industry*. At the end of October, the Committee heard 20 groups during a high-profile consultation. The clause-by-clause consideration took place over a 10-day period and the text of the bill was adopted with 63 amendments.

This same Committee also completed the clause-by-clause consideration of Bill 35, *An Act to prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act*. The text of the bill was adopted with 23 amendments.

Last December 6, the Committee on Institutions completed the clause-by-clause consideration of Bill 120, *An Act*

respecting political party leadership campaigns, after holding close to a dozen sittings. The text of the bill was adopted with 89 amendments.

The Committee on Culture and Education gave clause-by-clause consideration to Bill 82, *Cultural Heritage Act*, over a period of close to ten sittings. The text of the bill was adopted with 62 amendments.

The Committee on Agriculture, Fisheries, Energy and Natural Resources began the clause-by-clause consideration of Bill 14, *An Act respecting the development of mineral resources in keeping with the principles of sustainable development*, last October 5. At the 32nd sitting of clause-by-clause consideration, the Committee had adopted 46 amendments. The consideration of the bill resumed in mid-January 2012.

Orders of initiative

The Committee on Agriculture, Fisheries, Energy and Natural Resources, within the framework of its order to examine the policy directions, activities and administrative management of La Financière agricole, heard **Christian Lacasse**, then president of the Union des producteurs agricoles, **Normand Johnston**, Deputy Minister of Agriculture, Fisheries and Food and administrator of La Financière agricole, and lastly, Mr. Forcier, chairman of the board of directors of La Financière agricole. These hearings took place on October 4, 2011.

The Committee on Culture and Education, within its order of initiative on dropping out of school, had chosen to examine the phenomenon by concentrating on the evaluation of education and the actions implemented in the various regions of Québec.

After having travelled to the Lanaudière and Saguenay–Lac-St-Jean regions as well as in the Montreal area, the Committee tabled its report on October 20, 2011. The report contains 11 recommendations that were adopted unanimously by the Committee members.

Last December 18, the Committee on Institutions, within the framework of an order of initiative, heard **Pierre-Marc Johnson**, head negotiator for Québec within the framework of the negotiations concerning the Comprehensive Economic and Trade Agreement between Canada and the European Union. The Committee will continue this order during winter 2012.

Last November 25, the Committee on Health and Social Services held hearings to follow-up on its order of initiative on homelessness. It should be recalled that the report on homelessness entitled

Agissons ensemble had been tabled in the National Assembly in November 2009. On that point, the Deputy Minister of Health and Social Services, the Réseau SOLIDARITÉ Itinérance du Québec and the Réseau d'aide aux personnes seules et itinérantes du Québec came before the Committee to report on their activities to the members.

The Committee on Public Administration, for its 27th report, held hearings on three different mandates. Among these is the follow-up to the 24th report of the Committee on the management of contracts presenting risk situations at the Ministère des Transports. The Committee report was tabled on December 9, 2011 and it contains 9 recommendations that were adopted unanimously.

The Committee on Public Finance, within the framework of an order of initiative, held special consultations and public hearings

on the examination of measures to counter the consumption of contraband tobacco. The Committee heard 17 groups on October 17, 18 and 19, 2011. The Committee is currently drafting its report thereon.

Petitions

The Committee on Health and Social Services examined petitions concerning the practice of midwifery. In addition to hearing 4 groups, the Committee visited the Maison de naissance de la Capitale-Nationale to exchange views with midwives and to get a better understanding of what this work entails. The report, containing 4 recommendations, was tabled in the National Assembly on October 6, 2011.

Emilie Bevan

Parliamentary Proceedings
Directorate
Committee Service