



Legislative Reports



ASSEMBLÉE NATIONALE

QUÉBEC

The 38th Legislature opened on May 8, 2007 with the election of the President and Vice-Presidents of the National Assembly. An agreement reached between the three parliamentary groups represented at the Assembly provided for temporary rules concerning the election of the president by secret ballot. **Michel Bissonnet**, the Member for Jeanne-Mance-Viger, who was the only Member standing as a candidate, was thus declared elected to the office of President. On motion by the Premier, **Fatima Houda-Pepin**, the Member for La Pinière, and **Jacques Chagnon**, the Member for Westmount Saint-Louis, were declared elected respectively as First and Second Vice-President. **Marc Picard**, the Member for Chutes-de-la-Chaudière, was elected as Third Vice-President on motion by the Leader of the Official Opposition, **Mario Dumont**.

The spring sessional period was primarily devoted to the debate on the opening speech delivered by the Premier, the debate on the budget speech and the consideration of the estimates of expenditure for the fiscal year ending March 31, 2008. Furthermore, the National Assembly passed three private bills and nine public bills, two of which concerned Acts that were adopted last year. On

June 21, 2007, the Assembly adjourned its proceedings until Tuesday, October 16, 2007.

Composition

A few hours before the beginning of the first sitting of the 38th Legislature, on Tuesday, May 8, 2007, the Member for Pointe-aux-Trembles, **André Boisclair**, announced his resignation as Leader of the Parti Québécois. The following day, the Members of this political grouping elected the most senior Member of the National Assembly and Member for Abitibi-Ouest, **François Gendron**, as interim Leader of the Second Opposition Group.

The Assembly is currently composed as follows: Liberal Party, 48 Members; Action démocratique du Québec, 41 Members; Parti Québécois, 36 Members.

Rulings and directives from the Chair

Within the context of the first minority government in Québec since 1878, it goes without saying that the rules governing the proceedings of the National Assembly needed to be adapted accordingly. Shortly after his appointment, President Bissonnet addressed his colleagues in the following terms: "With this 38th Legislature, a new and different form of governance has emerged at the National Assembly of Québec. We are all accountable for this new composition of the House before the population of Québec."

During this short period of parliamentary work, the Chair rendered

nine directives, most of which concerned time allocation to the parliamentary groups. The main criterion on which the Chair based its directives was that of distribution of speaking time in proportion to the number of seats held by each parliamentary group in the Assembly. However, it is important to mention that the lead role played by the Official Opposition was taken into account as regards the distribution of questions during Oral Questions and Answers, which constitutes one of the most important exercises in parliamentary control. With regard to the examination of the estimates of expenditure in committee, the Chair took into consideration the fact that the Government accepted to adjust its strict proportionality criterion to give the opposition more speaking time. It is the first time that the Chair of the Assembly was required to rule on the distribution of speaking time in committee.

On May 25, 2007, President Bissonnet gave a directive in answer to questions concerning the possibility of introducing amendments during the debate on the budget speech. The Standing Orders do not allow the introduction of amendments to the motion by the Minister of Finance for the Assembly to approve the budgetary policy of the Government nor to the budget. They do, however, provide for the possibility for Members to introduce want of confidence motions during the debate on the budget speech. It is not possible for the Government to amend its own budget during this debate.

Persons who are interested in reading the summaries of these directives are invited to consult the *Votes and Proceedings* of May 10 and 25 and of June 8, 19 and 20 on the Internet site of the National Assembly at the following address: www.assnat.qc.ca.

Temporary amendments to the Standing Orders

On May 24, President Bissonnet tabled a document entitled "Proposal for Temporary Amendments to the Standing Orders and the Rules for the Conduct of the Proceedings in the National Assembly Regarding Committee Membership and the Quorum of the Assembly", arising from the proceedings of the Committee on the National Assembly. The Assembly then carried the motion by the First Vice-President for the adoption of these amendments for the duration of the 38th Legislature, notwithstanding the prorogation of the session.

Interparliamentary Relations

From June 3 to 6, the President of the National Assembly welcomed the President of the Senate and the President of the House of Deputies of the Republic of Haiti, **Joseph Lambert** and **Pierre Éric Jean-Jacques**. This meeting provided an opportunity to discuss the organization and proceedings of the Québec and Haitian Parliaments in order to better harmonize future partnerships.

Educational Activities

The 15th edition of the Young Democrats' Tournament was held on April 21 and 22. This quiz game organized by the National Assembly brought together over 300 students from Secondary 4 and 5 and college. During this activity, contestants were able to test their knowledge regarding the history of democracy in

the world and, more particularly, the political history and parliamentary system of Québec.

Last May 6, 125 pupil-Members of the 11th Legislature of the Youth Parliament adopted two bills concerning recycling and computer instruction. This parliamentary simulation is intended for 6th grade elementary students.

Other News

On Thursday, June 7, 2007, the Lieutenant-Governor Designate, **Pierre Duchesne**, was sworn in as 28th Lieutenant-Governor of Québec during a solemn ceremony presided over by the Secretary General of the Government, **Gérard Bibeau**, in the presence of the Premier **Jean Charest**.

Bernard Pinard, former Member for the electoral division of Drummond from 1952 to 1956 and from 1960 to 1973, passed away last June 16 at the age of 84 years. Mr. Pinard held important ministerial offices in the cabinets of **Jean Lesage** and **Robert Bourassa** until 1973, when he was named a judge of the provincial court and president of the transportation tribunal.

Mémoires de députés is a series of programmes broadcast on the National Assembly Channel. It is produced entirely by a National Assembly team, in collaboration with journalist **Gilles Morin**, who was a parliamentary correspondent in Québec City for over 30 years, and with the Amicale des anciens parlementaires du Québec (fellowship of former Québec parliamentarians). Each of the *Mémoires de députés* programmes features interviews with former Québec Members, who recall with sensitivity and a touch of humour the more memorable moments of their careers. This series is available on the Internet site of the National Assembly at the

following address:
www.assnat.qc.ca/memoires.

The fifth edition of Political Book Day in Québec took place on May 23, 2007 under the theme *Des idées à votre portée (ideas within reach)*. Numerous activities were held throughout the day, which concluded with a ceremony in which the *Prix de la Présidence de l'Assemblée nationale* was awarded to **Martine Tremblay** for her book entitled *Derrière les portes closes : René Lévesque et l'exercice du pouvoir (1976-1985)*. This award recognizes quality, originality and interest in a publication submitted by a Québec publisher and concerning politics in Québec.

Manon Voyer

Secretariat of the Assembly

The Standing Committees

On May 24, 2007, the National Assembly introduced certain amendments to its Standing Orders for the duration of the 38th Legislature. The purpose of these amendments is essentially to harmonize committee membership with the current situation brought about by a minority government and the presence of a third parliamentary group. The new rules provide that committees will henceforth be composed of five members from the parliamentary group forming the Government, four from the Official Opposition and three from the Second Opposition Group. In the latter case, only two of the three members will have the right to vote.

Furthermore, the amendments to the Standing Orders specify the distribution of committee chairmanships and vice-chairmanships among the parliamentary groups. It was therefore agreed that the following five sector-based commit-

tees would be chaired by Members from the parliamentary group forming the Government:

- Committee on Social Affairs
- Committee on Agriculture, Fisheries and Food
- Committee on Public Finance
- Committee on Institutions
- Committee on Transportation and the Environment

It was further decided that the chairmanship of the following three committees would be taken by Members of the Official Opposition:

- Committee on the Public Administration
- Committee on Planning and Public Domain
- Committee on Labour and the Economy

Lastly, both of the following committees will be chaired by Members of the Second Opposition Group:

- Committee on Culture
- Committee on Education

It should be mentioned that the distribution of committee vice-chairmanships respects this proportion, with the exception of a second vice-chairmanship at the Committee on Institutions, which will be taken by a Member of the Second Opposition Group. This Committee now has a chair and two vice-chairs.

In the weeks following the election of the parliamentary committee chairs and vice-chairs on May 25, committee members held deliberative meetings to receive training regarding committee operations and to organize their proceedings for the coming months. This was also an opportunity to form the steering

committees of each committee. The steering committee sees to the organization of proceedings between sittings and is composed of three Members representing each parliamentary group as well as of the committee clerk.

On May 30 and 31, the Committee on Public Finance proceeded, as it does each year, with the continuation of the debate on the budget speech for a period of 10 hours.

Subsequently, the parliamentary committees were mandated to examine the estimates of expenditure of the ministries and agencies. This activity, which generally takes place in April, took place between 8 and 18 June this year, owing to the holding of the general election. Upon the conclusion of their mandate, the committees had spent over 170 hours examining and adopting the estimates of expenditure for 2007-2008.

As regards the clause-by-clause consideration of bills, it should be noted that on May 29 the Committee on Social Affairs examined Bill 1, *An Act to establish the Fund for the promotion of a healthy lifestyle*. The Fund will notably be used to fund activities, programmes and projects that foster healthy eating and physical activity as well as to improve services to persons with a weight problem. On June 1, the Committee on Planning and the Public Domain began the consideration of Bill 6, *An Act to amend various legislative provisions respecting municipal affairs*. The consideration of this bill, which more particularly introduces changes in the urban agglomeration powers exercised by Ville de Longueuil and Ville de Québec, took place over the course of eight sittings and ended on June 26.

For more information regarding parliamentary committee proceedings, please visit the Internet site of the Québec National Assembly at

the following address:
www.assnat.qc.ca.

Yannick Vachon
Secretariat of committees
Translation: **Sylvia Ford**
Secretariat of the Assembly



Saskatchewan

The Assembly completed its spring session on schedule on May 17. The adjournment brought to a close the first session of the House under the sitting calendar adopted last October.

The session saw the introduction of 72 public bills and the passage of 67 of them. In addition, two Private Bills were considered and enacted. Last fall's changes to the standing orders implemented an elaborate process specifying deadlines by which bills and estimates had to be introduced along with minimal periods of consideration in order for them to be brought to a final vote before the spring adjournment. The process necessitated the compilation of complex statistics which in the end were not availed to as the bills and estimates were permitted to proceed through all stages by agreement of all members.

Cabinet shuffle

Shortly after the House adjourned for the summer, Premier **Lorne Calvert** announced a significant reorganization of his cabinet. The shuffle included the reassignments of veteran ministers and the appointment of five new ministers, three of whom will be joining cabi-

net for the first time. The shuffle was prompted in part by the decision of a number of ministers and backbench members to not seek reelection.

Leading the changes was the appointment of **Pat Atkinson** as the new Finance minister. **Maynard Sonntag** assumed the Industry and Resources portfolio in addition to his current duties at First Nations and Métis Relations. **Buckley Belanger** moved to Highways and Transportation while **Warren McCall** took on Advanced Education and Employment. The reorganization also included the reassignment of secondary duties amongst several members of the cabinet.

The three new members of cabinets are **Ron Harper** as Minister of Corrections and Public Safety, **Lon Borgerson** with the Regional Economic and Co-operative Development portfolio and **Sandra Morin** at Culture, Youth and Recreation. **Judy Junor** and **Kevin Yates** returned to cabinet and were respectfully assigned the Crown Investments Corporation and Community Resources responsibilities. Minister Yates will also serve as Government House Leader.

The May cabinet shuffle necessitated changes to the chairmanship and membership of several committees. As a result, a series of committee meetings were held in early July to elect **Glenn Hagel** as the chair of the Crown and Central Agencies Committee, **Doreen Hamilton** as the chair of the Economy Committee, **Eldon Lautermilch** as the chair of the Human Services Committee and **Andrew Thomson** as the chair of the Intergovernmental Affairs and Infrastructure Committee. The chair of the Private Bills Committee is currently vacant as a result of the Judy Junor's resignation.

Committee Business

Elwin Hermanson, chair of the Public Accounts Committee, tabled its second Report on May 16. The report covered the committee's deliberations between December 2005 and May 2007. During that period, the committee reviewed 38 chapters covering twenty-five departments and agencies and considered 99 recommendations. The committee also reviewed and approved the Business and Financial Plan of the Provincial Auditors for the 2006-07 and 2007-08 fiscal years. The committee's efforts to improve the accountability and transparency in the use of public resources were aided in the past year by the receipt of a new quarterly report prepared by the Provincial Comptroller. This report outlines any incidents of losses that occurred in departments or Treasury Board Crown corporations.

The Public Accounts Committee devoted some time after the session ended to review two documents that outlined its mandate and operating practices. These were first adopted in 1992 and have now been updated and condensed into a Manual on Procedure.

In late April, the Standing Committee on the Economy was approached by the Minister of Government Relations, **Harry Van Mulligen**, pursuant to Rule 146(2), to undertake an enquiry into the state of internal trade in Saskatchewan. The request was prompted by the province's high dependency on trade both internationally and domestically within Canada and the April 2006 signing of the Trade, Investment and Labour Mobility Agreement (TILMA) between Alberta and British Columbia.

The minister requested the committee to respond to two questions:

- a) What specific impediments to internal trade, including in-

terprovincial investment and labour mobility, are problematic for provincial interests; and

- b) What practical solutions and/or intergovernmental mechanisms have been identified as best suited to addressing trade impediments?

The committee held public hearings in Regina and Saskatoon to hear from 47 organizations, institutions, associations and private citizens. Thirty additional organizations chose to forward written submissions. The committee's report summarizing the testimony it received was tabled by the chair, **Doreen Hamilton**, on June 28.

The Standing Committee on House Services directed its steering committee to consider various procedural matters over the summer adjournment. Some of these changes arose out of a need to modify how the 2006 Rule changes had operated during the past session. Subsequently, the steering committee, headed by Speaker **Myron Kowalsky**, initiated a broader review of the Rule book to address inconsistencies and out dated procedures. It is anticipated that the steering committee will report its recommendations to the full committee in the fall.

Information and Privacy Commissioner

As part of his mandate, the Information and Privacy Commissioner tabled reports over the session outlining his concerns on the provisions and implications of five public bills. These reports were passed on to the committees where the bills were referred for their consideration.

Margaret (Meta) Woods
Clerk Assistant



Senate

The Senate was the centre of attention throughout the spring of 2007 as tension increased between the Upper Chamber and the minority government. Two pieces of legislation in particular, one a private members' public bill and the other a budget bill, were the focus of considerable and often heated debate.

Private Members' Business provides a forum for debate on issues important to the public and is frequently used as a vehicle for legislative and policy changes, often in competition with the government's agenda. It is an important role in a minority government and knowing that another election is always imminent adds a sense of urgency to the situation. Bill C-288, a Private Members' Public Bill to implement the Kyoto Protocol, had been contentious since it arrived in the Senate in February. Senators opposed to the bill at second reading disagreed with the extent of the role played by private members' legislation in influencing government policy. They were critical of Bill C-288 because its passage would commit the Government to implement the Kyoto Protocol on climate change, within an impossible timeframe. On May 17, the Energy, the Environment and Natural Resources Committee reported the bill without amendment. Still, Conservative Senators opposed to the bill attempted to prevent a final vote by

proposing a series of amendments at third reading.

At the same time, Bill C-52, the Government's Budget Bill, also met with resistance as it made its way through the Senate during the latter part of June. The duty of the Senate to scrutinize legislation as an independent chamber of "sober second thought" and its constitutional right to amend any bill including a budget bill like Bill C-52 were challenged by those who wanted it passed quickly without amendment. While it is unusual for the Senate to amend a budget bill, it is not without precedent. Even so, supporters of Bill C-52 argued it was inappropriate for the Senate to try to change a budget adopted by the elected House of Commons. Resistance to the bill came from Senators representing the Atlantic provinces and Saskatchewan who claimed the budget reneged on the terms of the 2005 Atlantic Accord. With the role of the Senate to represent and protect regional interests, these senators moved several critical amendments to the bill at third reading.

By June 21, however, the Government reached an agreement with the Senate to pass Bill C-288 in return for adopting Bill C-52 without amendment. On June 22, in the presence of the Prime Minister, the Governor General gave royal assent to 16 bills, including Bill C-288 and Bill C-52, in a traditional ceremony held in the Senate Chamber. Six other pieces of legislation were granted royal assent by written declaration on May 3 and May 31 by the Governor General.

Speaker's Rulings

On April 25 Senator **Tommy Banks** raised a point of order in which he questioned the propriety of removing members without replacements from the National Security and De-

fence Committee. In his ruling on May 9, Speaker **Noël Kinsella** found the removal of committee members without immediate replacements consistent with the *Rules of the Senate* and part of Senate practice. At the same time, however, the Speaker suggested that it would be appropriate to ask the Rules, Procedures and the Rights of Parliament Committee to consider changes to this practice and make recommendations to the Senate.

Senator **Claudette Tardif**, Deputy Leader of the Opposition, rose on a point of order on May 16 to complain about two interventions made during Senators' Statements. In her opinion, they violated the *Rules of the Senate* because they were about a matter on the *Order Paper* for discussion later that day. Although Senators' Statements is not a period for debate, Speaker Kinsella believed the statements were simply expressions on a matter considered to be of public consequence and ruled them in order on May 17.

A question of privilege was raised on May 16 by Senator **David Tkachuk** about a meeting of the Energy, the Environment and Natural Resources Committee which took place when the Senate adjourned on May 15 and lasted only six minutes. The Senator argued that his ability to discharge his duties in committee was impaired by the limited time available to go from the Senate Chamber to the committee room. The Speaker agreed and ruled on May 29 that there was a prima facie case of privilege established and the matter was referred to the Rules, Procedures and the Rights of Parliament Committee for investigation and report.

Committees

The Official Languages Committee released two reports. In its Seventh Report, tabled on May, 8, the Com-

mittee found it was not able to identify the source of the presumed leak of its Fifth Report. The Eighth Report contained ten recommendations to ensure the protection of language rights when a federal agency head office moves from a bilingual to a unilingual region. *Entitled Relocation of Head Offices of Federal Institutions: Respect for Language Rights*, it was tabled in the Senate on May 16.

On May 10, the Human Rights Committee tabled its Twelfth Report entitled *Canada and the United Nations Rights Council: At the Crossroads*. In it, the Committee recommended ways to help the Government build a more effective Human Rights Council and noted Canada's responsibility to implement its own human rights obligations at home in order to maintain its role on the Council. Also, on May 10 the Transport and Communications Committee tabled the results of its study on the Canadian Television Fund in its report entitled *The Challenges Ahead for the Canadian Television Fund*. Five recommendations to guarantee the viability of Canadian programming and assure support for Canadian television programs were made by the Committee.

The quality and delivery of safe drinking water to First Nations communities was the subject of the Eighth Report of the Aboriginal Peoples Committee, tabled on May 31. It put forward a recommendation to have the Department of Indian Affairs and Northern Development conduct an audit of water system facilities. The Foreign Affairs and International Trade Committee released its Twelfth Report also on May 31. The committee proposed ways to improve future large-scale evacuations based on its assessment of the evacuation of Ca-

nadian citizens from Lebanon during violent conflict in July 2006.

The Sixth Report of the Rules, Procedures and the Rights of Parliament Committee, tabled on June 6, put forward amendments to the *Rules of the Senate* to provide for the reinstatement of bills from the previous session of the same Parliament.

In its continuing study of fiscal balance, the National Finance Committee tabled its Seventh Report, a second interim entitled *The Vertical and Municipal Fiscal Balances* on June 21. The committee's first interim report on horizontal fiscal imbalance and the Equalization and Territorial Formula Financing programs was released in December 2006.

In a report tabled on June 12, the Subcommittee on Veterans Affairs recommended the Canadian War Museum review and consider alternate ways or presenting its display relating to the allied strategic bombing campaign in Europe during the Second World War.

Motions

Motions urging the Government to take a leadership role in eliminating nuclear weapons and to sever diplomatic relations with Zimbabwe were adopted by the Senate on May 3 and May 8 respectively. On May 17 the Senate concurred with the resolution of the House of Commons to apologize to survivors of Indian Residential Schools for the trauma they suffered.

The Senate met in Committee of the Whole on June 19 to pose questions to **Christiane Ouimet** concerning her nomination as Public Sector Integrity Commissioner and later that same day passed a motion approving her appointment. An agent of Parliament, Ms. Ouimet is responsible for the administration of the new *Public Servants Disclosure*

Protection Act which came into force on April 15, 2007.

Milestones

Tribute was paid to the Honourable **Dan Hays**, P.C., who resigned on June 30 after serving the Senate for 23 years. As Deputy Leader of the Government, Speaker of the Senate and Leader of the Opposition, he was highly respected. Senator Hays was also an active member of several committees, including the Special Committee on Senate Reform. He most recently authored "Renewing the Senate of Canada-A Two-Phase Proposal", a discussion paper on the future of the Senate.

Mary Mussell
Journals Branch



Alberta

The Spring Sitting of the Third Session of the Twenty-Sixth Legislature adjourned on June 14, 2007, after 45 sitting days for a total of just over 251 sitting hours. By the conclusion of the sitting, 27 Government Bills and one Private Member's Public Bill were passed by the Assembly. Nineteen Government Bills, three Private Members' Public Bills, and one Private Bill were left on the *Order Paper* in addition to other Private Members' business items.

Private Members' Public Bills

The Private Members' Public Bill passed by the Assembly was Bill

203, *Service Dogs Act*, sponsored by **Rob Lougheed** (PC, Strathcona), which prohibits discrimination against persons with disabilities who use a certified service dog by allowing such individuals to be accompanied by an accredited service dog in all areas open to the general public. The Bill also includes a provision for a mechanism to identify service dogs. It received Royal Assent on June 1, 2007.

Policy Field Committees

Four Policy Field Committees were created by temporary *Standing Order* amendments during the Spring sitting. The temporary amendments include a provision whereby a Bill can be referred to one of the new committees by way of a motion by a Member of Executive Council immediately after the Bill has been read a first time or immediately after the Bill has been read a second time. Two Government Bills, Bill 1, *Lobbyists Act* and Bill 2, *Conflicts of Interest Amendment Act, 2007*, stand referred to the Assembly's new Standing Committee on Government Services. In addition, Bill 31, *Mental Health Amendment Act, 2007*, and Bill 41, *Health Profession Statutes Amendment Act, 2007*, stand referred to the new Standing Committee on Community Services. Bills 1, 2 and 31 were referred after second reading and Bill 41 after first reading. The committees must report back to the Assembly on or before the first week of the Fall 2007 Sitting which is scheduled to commence on November 5, 2007.

On July 11, 2007, the Minister of Environment requested the Standing Committee on Resources and Environment review key issues affecting the Beverage Container Recycling Regulation, which expires on October 31, 2007. These include:

- beverage container collection system issues;
- deposit levels;
- unredeemed deposits; and
- exemption of milk containers

The Minister has asked that the committee complete its review by mid-October 2007.

The Standing Committee on Managing Growth Pressures had its initial orientation meeting on August 13, 2007. Although nothing has been referred to the Committee to date, at its next meeting, the Committee will be reviewing various issues within its mandate with the objective of identifying priority areas for review.

Standing Committees

The Standing Committee on Privileges and Elections, *Standing Orders* and Printing has been assigned the task of reviewing the temporary *Standing Orders* and recommending additional changes or reforms. The committee must report to the Assembly by the conclusion of the fall 2007 sitting regarding the process used for Committee of Supply and by February 2008 with respect to the other temporary amendments to the *Standing Orders*.

The Standing Committee on Public Accounts will be meeting outside of session in September for the first time in its history.

On June 22, 2007, Premier **Ed Stelmach** announced the appointment of **Ron Stevens** as Deputy Premier and the addition of three Members to Cabinet. **Yvonne Fritz** was named Associate Minister of Affordable Housing and Urban Development, **Cindy Ady**, Associate Minister of Tourism Promotion, and **Gene Zwozdesky**, Associate Minister for Capital Planning.

Micheline Gravel

Clerk of Journals/Table Research



British Columbia

With the House scheduled to adjourn for the summer break on May 31, 2007, Government House Leader **Michael de Jong** introduced a motion in accordance with the Legislative Assembly's Standing Order 81 (b) to invoke time allocation limits for three Government Bills left on the *Order Paper*. Two of the bills cited for time allocation limits passed with unanimous support from both sides of the House.

To abolish mandatory retirement at the age of 65, Attorney General **Wally Oppal** introduced Bill 31, *Human Rights Code (Mandatory Retirement Elimination) Amendment Act, 2007*. The legislation, which applies to both public and private sector employers, supports a key recommendation of the Premier's Council on Aging and Seniors' Issues.

Similarly, measures to strengthen consumer protection laws governing the sale of new homes were also supported by both the Government and Official Opposition. Bill 34, *Homeowner Protection Amendment Act, 2007*, strengthens the licensing requirements for residential builders and enhances enforcement provisions and penalties administered under the Act.

Members' Remuneration

The final piece of legislation debated during the Spring Session under a time allocation limit was Bill 37, *Legislative Assembly (Members'*

Remuneration and Pensions) Statutes Amendment Act, 2007. Stemming from the report tabled with the Speaker by the Independent Commission to Review MLA Compensation, Bill 37:

- sets the basic salary for B.C.'s MLAs at \$98,000 (a 28.8 percent increase);
- links stipends payable for additional duties as a percentage of a Member's basic salary;
- increases the stipends payable to the Premier, members of the Executive Council, the Leader of the Opposition, the Speaker, Deputy Speaker, Assistant Deputy Speaker, parliamentary and caucus officer positions, and Chairs and Deputy Chairs of Select Standing and Special Committees; and
- re-institutes a defined benefit pension plan for all Members.

Bill 37 also provided Members the opportunity to permanently and irrevocably opt out of both the revised compensation package as well as the new pension plan by submitting a request in writing to the Speaker within one week of the bill receiving Royal Assent. Members electing to opt out would continue to receive their existing remuneration and RRSP contribution framework.

In speaking to Bill 37, Mr. de Jong stated that issues pertaining to MLA compensation are "fraught with political quicksand." As the Legislative Assembly had, in 2005, unanimously adopted – then quickly repealed – a less-lucrative pay and benefits package developed by the Legislative Assembly Management Committee, Mr. de Jong added that the government respected "that the integrity of the report needed to be preserved by not succumbing to the temptation of beginning to pick and choose" from the report's recommendations.

Noting that the Premier's 54 percent increase in compensation would only serve to "further alienate politicians from the public," the Leader of the Official Opposition **Carole James** voiced her party's opposition to the Bill. Official Opposition House Leader **Mike Farnworth** spoke against the Bill's opt-out clause, stating that it was "incredibly cynical" to link the "exorbitant pay increase" to pension benefits for all Members.

Ultimately, members of the New Democratic Party caucus voted against the enhanced pay and benefits package. However, no Members from either party elected to opt out of the package by the June 7, 2007 deadline. Instead, Members within the NDP caucus have indicated that they will donate their basic salary increase to select charities within their constituencies.

Exposure Bills

Six Government Bills received First Reading and were left on the *Order Paper* for continued debate in the fall sitting. The parliamentary business left outstanding includes legislation to ensure British Columbia's compliance with the provisions of the Trade, Investment and Labour Mobility Agreement between British Columbia and Alberta (TILMA); a bill to protect consumers from abusive lending practices and limiting fees and interest rates charged by the payday loan industry; and legislation re-organizing the transportation governance structure within Greater Vancouver and the Fraser Valley.

Special Committee on Sustainable Aquaculture

On May 16, 2007, the Special Committee on Sustainable Aquaculture released its final, two-volume report. During its 18-month inquiry

into the aquaculture industry in British Columbia, the Committee travelled to 21 communities along B.C.'s coast; collected 814 written submissions; received testimony from over 80 expert witnesses; visited 16 aquaculture sites and aquaculture-related facilities; and commissioned a comprehensive economic study of the wild and farmed salmon industries.

Chaired by Opposition Member **Robin Austin**, the Opposition majority on the Committee made 52 recommendations, including:

- a time-referenced transition to ocean-based closed containment, to be implemented with transition assistance and incentives for the industry;
- no fish farms north of the northern tip Vancouver Island;
- changes in the monitoring and regulatory frameworks to prevent perceptions of self-policing;
- a provincially supported pro-active marketing strategy which will promote the evolving industry; and
- locations designated for shellfish aquaculture which minimize competition with residential and recreational use.

Government members on the Committee opposed the recommendations contained in the report. Deputy Chair **Ron Cantelon** opposed the report on the basis that the technology recommended by the Committee does not currently exist anywhere in the world.

The Chair of the Committee tabled the report in the House on May 16, 2007, but did not seek leave to move of a motion to adopt the report. Rather, Mr. Austin has given notice of a motion standing in his name to adopt the report on the order paper.

Appointment of a new Auditor General

Precipitated by the resignation of acting Auditor General **Arn van Iersal**, the Select Standing Committee on Public Accounts renewed its search for a new Auditor General. On May 28, 2007, the Legislative Assembly approved a motion to appoint **John Doyle** as British Columbia's next Auditor General. Mr. Doyle previously served as the deputy Auditor General of Western Australia and was the Head of the School of Accounting and Finance at the University of Notre Dame in Fremantle (Perth).

Mr. Doyle will be joining the Office of the Auditor General later this fall. In the interim, **Errol Price** has been appointed as the acting Auditor General.

Jonathan Fershau
Committees Research Analyst



Manitoba

Manitobans went to the polls on Tuesday, May 22, 2007 to vote in the province's 39th general election. Once the polls closed and the ballots were counted the NDP emerged with 36 members and a third majority government. The Progressive Conservatives won 19 seats to retain official opposition status while the Manitoba Liberals won back the two seats they had held in the previous legislature.

Of note in the election results were the high proportion of women

elected. At 32%, the Manitoba Legislature now has the largest proportion of female members of any Legislature in Canada.

The inaugural sitting of the first session of the 39th Manitoba legislature ran from June 6th to June 14th, 2007. On opening day **George Hickey** (NDP - Point Douglas) was acclaimed as Speaker of the House. First elected to the Chair in 1999, this will be Mr. Hickey's third term as Speaker. The session also saw the passage of a Throne Speech and Interim Supply measures, as well as notification that the government will reintroduce 22 bills from the last legislature during the fall sitting.

Changes to the *Legislative Assembly Act* also passed during this short sitting. The amendments provide that the Speaker of the assembly continues to hold office when the house is dissolved, providing continuity when house proceedings are interrupted, for example, in the event of an election. The amended act will also ensure the speaker's compensation better reflects the challenges of the position.

Following the example of previous sessions, during this sitting the House unanimously passed a sessional order establishing a year long legislative calendar. As agreed to in the sessional order, the house will sit during the following dates over the next year:

- September 25, 2007 to November 8, 2007 - To conclude the current budget process (including the consideration of departmental estimates) and to address the bills re-introduced from the previous session.
- November 20, 2007 to December 6, 2007 - Beginning with a throne speech commencing the second session of the 39th Manitoba legislature.

- April 9, 2008 to June 12, 2008 - To consider the next budget and legislative agenda.

In addition to these start and end dates, the sessional order also lays out a series of other dates during session by which times certain steps in the legislative and budget processes must be completed.

During the height of a warm and wonderful Manitoba summer, Speaker Hickey hosted the very successful 45th Commonwealth Parliamentary Association (CPA) Canadian Regional Conference from Wednesday, July 25th, through Saturday, July 28th 2007.

Rick Yarish
Clerk Assistant /
Clerk of Committees



Ontario

The Second Session of the 38th Parliament was prorogued on June 5, 2007. The House had a very busy spring session approving a number of important bills after they were reported back from various Standing Committees of the Legislative Assembly.

On May 10, 2007, the Premier asked the Auditor General to conduct a special assignment under Section 17 of the Auditor General Act to review the grant decision making processes with respect to the Ministry of Citizenship and Immigration strategic year-end investments for the fiscal period 2005-2006 and 2006-2007. The Au-

ditor presented his report to the Premier on July 26, 2007.

A statutory dissolution date of September 10, 2007 is set for the current Parliament with a fixed general election date of October 10, 2007.

Committees

The Standing Committee on Estimates met on its' regularly scheduled times to consider the 2007-2008 printed Estimates of ministries and offices following the introduction of the budget on March 22, 2007.

The Standing Committee on Finance and Economic Affairs considered three Government bills namely Bill 187, *An Act respecting Budget measures, interim appropriations and other matters*. Two days of public hearings were held in April followed by a day of clause-by-clause consideration in May and the bill was reported back to the House with certain amendments. The Committee also considered Bill 203, *An Act to amend the Highway Traffic Act and the Remedies for Organized Crime and Other Unlawful Activities Act, 2001 and to make consequential amendments to other Acts*. This bill deals with increases in fines and penalties for impaired driving and street racing as well as the forfeiting of a vehicle used to engage in unlawful activities. Public hearings were held on May 3 with clause-by-clause consideration on May 10, 2007 before the amended bill was reported back. The Committee also considered Bill 174, *An Act to enact the Taxation Act, 2007 and make complementary and other amendments to other Acts*. Public hearings were held on May 15 with clause-by-clause on May 17, 2007 and the bill was reported with certain amendments.

The Standing Committee on General Government considered two Government bills: Bill 184, *an Act to protect species at risk and to make re-*

lated changes to other Acts. The bill deals with the protection and recovery of species at risk in Ontario and replaces the existing *Endangered Species Act*. Two days of public hearings were held followed by one day of clause-by-clause consideration and the bill was reported back to the House with certain amendments. The Committee also considered Bill 212, *An Act to amend the Education Act in respect of behaviour, discipline and safety*. The bill repeals sections of the *Education Act* that deal with the suspension and expulsion of pupils and adds bullying as an activity that could lead to suspension or expulsion. Students that have been suspended will be required to attend a program for suspended students that will be provided by the school board. Public Hearings were held on May 14 and 16, 2007 with clause-by-clause consideration on May 28, 2007 and the amended bill was reported back to the House on May 29.

The Standing Committee on Government Agencies continued to meet to consider intended appointments and also continued with its mandate of reviewing Agencies. On May 28, 2007, the Committee tabled a report on the Workplace Safety and Insurance Board.

The Standing Committee on Justice Policy considered two Government bills: Bill 165, *An Act to establish and provide for the office of the Provincial Advocate for Children and Youth*. This bill proposed to establish the position of Provincial Advocate for Children and Youth which would be an officer of the Legislative Assembly. The Committee held two days of public hearings on the bill and after clause-by-clause consideration, reported the bill back to the House with certain amendments. The bill was ordered for Third reading but the Order was subsequently discharged and the

bill re-committed to the Committee for further review at which point, one additional amendment was considered and adopted. The Committee also considered Bill 198, *An Act to amend the Ontario Water Resources Act to safeguard and sustain Ontario's water, to make related amendments to the Safe Drinking Water Act, 2002 and to repeal the Water Transfer Control Act*. The Committee held one day of public hearings and pursuant to the time allocation motion passed by the House, held one day of clause-by-clause review.

The Standing Committee on the Legislative Assembly considered the following Private Members Public Bills: Bill 161, *an Act respecting employment Agencies*; Bill 164, *an Act to amend the Consumer Protection Act, 2002, the Environmental Protection Act and the Occupational Health and Safety Act*; and Bill 67, *An Act to amend various Acts to require a declaration with respect to the donation of organs and tissue on death*. In addition, the Committee also conducted public hearings on a government bill: Bill 218, *An Act to amend the Election Act and the Election Finances Act and to make related amendments to other Acts*. This bill was reported back to the House with certain amendments.

The Standing Committee on Public Accounts met to review the Annual Report of the Auditor General pursuant to its mandate.

The Standing Committee on Social Policy considered Bill 171, *An Act to improve health systems by amending or repealing various enactments and enacting certain Acts*. The Committee held two days of public hearings on April 23 and 24, 2007. After three days of clause-by-clause consideration in May, the Committee reported the bill back to the House with certain amendments.

Other Matters

On July 10, 2007, **Ernie Parsons**, Member for Prince-Edward Hastings, resigned from the Legislative Assembly. On July 26, 2007, **Mike Colle** resigned as Minister of Citizenship and Immigration.

Katch Koch
Committee Clerk



New Brunswick

The First Session of the 56th Legislative Assembly of New Brunswick, which opened on February 6, 2007, prorogued on Friday July 6, after sitting a total of 79 sitting days. The last session to approach this number of sitting days was in 1975, when the First Session of the 48th Legislative Assembly met for 78 days.

The House sat long hours during the session. In addition to the regular sittings days which lasted until 6 p.m., there were 26 evening sittings which generally lasted until 10 p.m. In total, the House sat for over 476 hours during the session, a 66% increase over the previous session which met for 287 hours. Over 156 hours were spent considering the budgetary estimates in Committee of Supply and over 70 hours were spent considering legislation in Committee of the Whole.

Legislation

The Government, led by Premier **Shawn Graham**, introduced 74 Bills during the course of the session, all

of which received Royal Assent. The *Ombudsman Act* was amended and a revised *Child and Youth Advocate Act* brought in to ensure the proper functioning of these offices and to provide greater access to information. One of the most significant pieces of legislation was Bill 17, *An Act to Amend the Off-Road Vehicle Act*. The Bill was introduced by Public Safety Minister **John Foran**. The Bill, which received Royal Assent on June 26, prohibits the operation of off-road vehicles, including all-terrain vehicles, dirt bikes, dune buggies, motorized vehicles and amphibious vehicles, by youth under the age of 16, except as otherwise provided. Youth 14 or 15 years of age are permitted to operate off-road vehicles under certain conditions, one of which requires the operation of an appropriate-sized machine. Exceptions would also permit the operation of off-road vehicles on closed courses by youth under the age of 16. The Bill was the subject of much debate and numerous petitions in opposition to the Bill were presented in the House.

The Official Opposition under Leader **Jeannot Volpé** introduced a number of Bills for the consideration of the House. Bill 60, *An Act to Amend the Industrial Relations Act*, was introduced by **Margaret-Ann Blaney** (PC, Rothesay) on May 9 and subsequently referred to the Standing Committee on Law Amendments for review. The Member stated that the proposed changes would better protect New Brunswick workers and would prevent employers from circumventing their responsibilities under the collective bargaining process by shifting work from unionized businesses to nonunionized businesses. It was noted that the process, referred to as "double-breasting," has already been addressed by legislative changes in most other Canadian jurisdictions. The Standing

Committee on Law Amendments met to review the matter and is expected to receive submissions from the public in the fall. The Committee is chaired by **T.J. Burke**, Minister of Justice and Consumer Affairs and Attorney General.

During the session, Question Period was dominated by issues relating to the Caisse Populaire in Shippagan, the government's self-sufficiency agenda, increases to personal and business taxes, a new education plan entitled *When Kids Come First*, power rate increases, and the health care policy for the province.

Standing Rules

To ensure the smooth running of the House during future sessions, the Government reintroduced a report of the Standing Committee on Procedure originally presented during the Third Session of the 55th Legislature. The report proposes numerous changes to the *Standing Rules* to facilitate and expedite the transaction of business in the House. If implemented, the new rules would cap debate on departmental estimates at 80 hours and allow the Opposition to set the agenda on Thursdays with regard to Opposition Members' Business (Opposition Members' Public Bills and Motions). To allow for further consideration, Government House Leader, **Stuart Jamieson**, seconded by Opposition House Leader **Bev Harrison**, amended the concurrence motion to state that the amended rules would not come into effect should a subsequent report recommending alternative rule changes be presented within the first two sitting days of the next session.

Committees

On July 5, the House appointed two new Select Committees.

The Select Committee on Wellness will be charged with stimulating dialogue and discussion among citizens and stakeholders on the importance of wellness and the benefits of adopting and maintaining healthy lifestyles. The Committee will meet with citizens and stakeholders throughout the province and report to the House with recommendations on promoting public engagement and ownership of wellness.

The Select Committee on Life Long Learning was appointed in recognition of the continuing need to maintain a highly skilled and educated workforce in New Brunswick and to ensure that all citizens have the skills required to participate fully in society. The Committee will have jurisdiction to examine and report on all aspects of the education system in the province. As its first task, the Committee will inquire into and report on the status of literacy in New Brunswick and make recommendations to the House on measures to improve literacy levels in the province.

The two major Standing Committees are expected to be very busy in the fall. Meetings have been scheduled for the Standing Committee on Crown Corporations, chaired by **Roy Boudreau** (L, Campbellton-Restigouche Centre), beginning the second week of September. In late September and October the Standing Committee on Public Accounts will meet to review the activities and finances of the various government departments. The Committee is chaired by **John Betts** (PC, Moncton Crescent).

Other Matters

The Legislative Assembly Security Detail under Sergeant-at-Arms **Daniel Bussières** continued to implement further measures to ensure the security of Members, staff and visitors. Over the past number of years the security detail has incrementally been equipped with state of the art monitoring and detection instruments which complement the guard functions. All visitors to the Assembly must now pass through a metal and explosives detector and have baggage and apparel electronically screened prior to entering the main building. In addition to the existing guard force under the Corps of Commissionaires, the Legislature has created four new Security Detail Officer Positions falling directly under the Sergeant-at-Arms.

The indemnities, expenses and pensions payable to the 55 elected Members of the Legislative Assembly are currently under review by the MLA Compensation Review Commission. The commission was mandated on March 23, 2007 to undertake this review by the Legislative Administration Committee. Under the Honourable **Patrick A.A. Ryan**, a retired Justice of the Court of Appeal of New Brunswick, the MLA Compensation Review Commission will examine: indemnity (salary); non-taxable expense allowance; pension eligibility; re-establishment allowances for Members defeated, resigned, or not re-offering; and expense allowance for career re-training.

On May 15, 2007, Governor General **Michaëlle Jean** and her husband **Jean-Daniel Lafond** made their first official visit to the province. The welcoming ceremony, which took place on the front grounds of the Legislative Assembly, included a review of a guard of

honour and a 21-gun salute. Her Excellency addressed the 55 Members of the Legislative Assembly, and the people of New Brunswick, in the historic Legislative Assembly chamber and signed the Assembly Guest book.

Donald Forestell

Clerk Assistant and Clerk of Committees



Prince Edward Island

The Sixty-second General Assembly was dissolved on April 30, and a provincial general election was held on May 28, 2007. At dissolution, the Progressive Conservative party held 23 seats, and the Liberals, 4. The election resulted in a complete reversal, with the Liberals winning 23 of the 27 electoral districts, and the Progressive Conservatives, 4 seats.

Former Premier **Pat Binns**, was re-elected but on August 30th he was named Canada's Ambassador to Ireland. Much of his former cabinet was defeated, with the exceptions of **Jim Bagnall**, who held the portfolio of Agriculture, Fisheries and Aquaculture; and **Mike Currie**, former Minister of Development and Technology.

Ron MacKinley, Dean of the Prince Edward Island House, was returned to the Legislative Assembly for the eighth time. He was first elected in a by-election in December 1985.

The Liberals received 52.93% of the popular vote; and the Progressive Conservatives, 41.35%.

The Green Party, not a registered political party at the time of the previous general election in 2003, fielded a slate of 18 candidates and captured 3.04% of the popular vote. The fourth political party, the New Democrats, had 15 candidates and received 1.96% of the popular vote. Only two candidates ran as independents, and they received 0.73% of the popular vote.

During the Third Session of the Sixty-second General Assembly, Bill No. 38, *An Act to Amend the Election Act*, received Royal Assent on April 27, 2007. Among other things, the Bill provides for general elections to be held on the second Monday in May in the fourth calendar year following ordinary polling day in the most recent general election. This means that Islanders are scheduled to go to the polls next on May 9, 2011.

It's said that politics is a way of life on Prince Edward Island, and the voter turnout for the general election would seem to support this view. A total of 97,810 residents were eligible to vote and percentage voter turnout was 83.5%.

Over the past 40 years, there has been only one general election where voter turnout dipped below the 80% mark – in 1982, when only 78.2% of voters cast their ballots. Only four years later, the highest percentage turnout was reached in 1986, with 87.6% voter turnout.

First Session Sixty-third General Assembly

The First Session of the Sixty-third General Assembly opened on July 6, 2007, and adjourned to the call of the Speaker that same day. Prince Edward Island does not have a parliamentary calendar; however, it is anticipated that the Legislative Assembly will be recalled in late summer or early fall.

The new Speaker of the Legislative Assembly is **Kathleen Casey** (District 14, Charlottetown-Lewis Point). As there was only one member seeking the speakership, a secret balloting procedure was unnecessary, and she was declared elected by acclamation. She is the 40th individual to serve in the capacity since Prince Edward Island joined Canada in 1873.

Several appointments were made at the opening. **Paula Biggar** (District 23, Tyne Valley-Linkletter) was appointed Deputy Speaker. Prior to her election to the Legislative Assembly on May 28, 2007, she was an educational assistant with the Western School Board. She has been a municipal councillor and a volunteer in many areas of community life, including the Tyne Valley and Area Development Corporation, the Friends of Stewart Memorial Hospital, the Home and School Association, and various organizations dedicated to youth.

Warrant Officer **J.A. (Al) McDonald**, C.D., was appointed Sergeant-at-Arms; and Sergeant **Maurice R. Fitzpatrick** was appointed to the new position of Assistant Sergeant-at-Arms.

Marian Johnston
Clerk Assistant and
Clerk of Committees



Newfoundland and Labrador

The Third Session of the Forty-Fifth General Assembly resumed on March 22nd.

Four recently elected Members took their seats for the first time: **Keith Hutchings** (Ferryland), **Tony Cornect** (Port au Port), **Dwight Ball** (Humber Valley) and **John Dinn** (Kilbride).

The new Member for Labrador West, **Jim Baker** elected on March 13th, took his seat on April 24th.

Chuck Furey, Chief Electoral Officer and Commissioner of Members' Interests resigned on March 28. Premier **Danny Williams** announced on April 23rd that the House would be asked to confirm **Paul Reynolds** as Mr. Furey's successor. The Resolution confirming the appointment of Mr. Reynolds was passed under Closure on June 5th.

The Fourth Session of the Forty-Fifth General Assembly opened on April 24th and the Budget was introduced two days later.

Report of Commission

On June 7th the "Green Report" was released publicly having been submitted to the Premier on the 4th. The Report entitled *Rebuilding Confidence - Report of the Review Commission on Constituency Allowances and Related Matters* had been awaited with great anticipation as the House of Assembly and the administration were anxious to get started on the implementation of the expected recommendations.

The Commissioner made 80 recommendations designed to clarify the rules which apply to Members in respect of the way in which they conduct their affairs, to restructure the administrative operations of the Assembly establishment, to enhance financial controls and to create a regime of public accountability. It is hoped that the recommendations when implemented will help ensure that the difficulties

which led to the striking of the Commission do not recur.

On the last day of the sitting the House passed unanimously the legislation recommended by the Commissioner: *An Act Respecting the Effective Administration of the House of Assembly, The Standards of Conduct of Elected Members, and Their Ethical and Accountable Behaviour*.

There is much work to be done to ensure that the recommendations are in effect by October 9th, 2007 the date of the next General Election in the Province.

On August 29 the new House of Assembly Management Commission (formerly the Commission of Internal Economy) held their first meeting under the requirements of the *House of Assembly Integrity, Accountability and Administration Act*. The meeting was open to the public and was telecast live.

Apart from the *House of Assembly Accountability, Integrity and Administration Act* the most significant piece of legislation passed by the House was the Bill entitled *An Act Respecting FPI Limited* which provided for the repeal of the *Fisheries Products International Act* and the sale of the Company's assets upon proclamation of the legislation.

Constituency Allowance Overpayments

On July 23rd the Royal Newfoundland Constabulary charged **Wally Andersen**, MHA, (Torngat Mountains) one of the Members found by the Auditor General to be in receipt of constituency allowance payments in excess of his entitlement, with fraud, uttering a forged document and breach of trust. Mr. Andersen is scheduled to appear in court on September 18th. Mr. Andersen has advised that he will resign from the House on September 5th.

On August 24th former MHA **Jim Walsh** was charged with fraud over \$5000, breach of trust, uttering a forged document and fraud on the government. Mr. Walsh is scheduled to appear in court on October 23.

On August 28th former MHA **Randy Collins** and the former Director of Financial Operations of the House of Assembly, **Bill Murray**, were charged with fraud over \$5000, breach of trust, uttering a forged document and fraud on the government. Mr. Collins is scheduled to appear in court on October 30th and Mr. Murray on October 16th. The Government is also suing Mr. Murray for, *inter alia*, breach of trust.

Also on August 28th **Ed Byrne**, former Minister of Natural Resources was charged with fraud over \$5000, breach of trust, and uttering a forged document. Mr. Byrne is scheduled to appear in court on October 25th.

The Royal Newfoundland Constabulary announced on 31st that they would not be laying criminal charges against **Percy Barrett**, MHA (Bellevue), one of the Members who was found to be in receipt of excess constituency allowance payments. Mr. Barrett had stated previously that he would be repaying any amounts he had received in excess of his allowance entitlement. Mr. Barrett stated at a news conference on September 4th that he felt vindicated by the decision of the R.N.C.

The Government has said that it will be suing to recover any monies paid inappropriately to the MHAs and the former MHA mentioned in the reports of the Auditor General. The Government has also filed a statement of claim against the former Director of Financial Operations of the House of Assembly, alleging breach of trust, *inter alia*, and will seek repayment of any

monies found to be owing to the Treasury from the former Director of Financial Operations.

Photo of Speaker Bennett

In July the House of Assembly marked an event of historical interest thanks to the persistence of librarian **Trine Schioldan**. When Trine came to work at the Legislative Library it was brought to her attention that the collection of Speakers' portraits encircling the floor of the Assembly chamber was incomplete. There was no likeness of **Thomas Bennett** (1788-1872), who occupied the office of Speaker from 1834-1837. It took three years of international research to locate a photograph in the collection of **Robert Bayley**, a distant relative of Thomas Bennett, living in England. Mr. Bayley travelled to the Province in June and presented the photograph to the Speaker on June 27th. Newfoundland artist **Gerald Squires** has been commissioned by the House of Assembly to paint a portrait of Thomas Bennett which will hang in the House of Assembly Chamber among those of his colleagues 170 years after his tenure as Speaker.

The House adjourned on June 14th having passed 32 Bills and is not expected to sit again before the October 9th General Election.

Elizabeth Murphy
Clerk Assistant



House of Commons

With public opinion polls continuing to indicate that no po-

litical party enjoyed sufficient support to form a majority government, it was clear to most observers by mid-May that there was little appetite on either side of the House for a spring election. Increasing rancour and obstruction followed. The latter was most evident in opposition-controlled committees, which saw filibusters, boycotts, cancelled meetings, non-confidence motions and refusals by government Members to stand for election as Chair.

Tensions also rose between the two Chambers culminating on June 19, 2007, when the Senate concurred in a report (presented on June 12, 2007) recommending that Bill S-4 (*An Act to amend the Constitution Act, 1867 (Senate tenure)*), as amended, not be proceeded with at third reading until such time as the Supreme Court of Canada has ruled with respect to its constitutionality. The decision effectively neutralized this key element of the government's Senate-reform initiative.

In June several government bills were before the Senate, however there was last-minute, accelerated passage of nine uncontroversial bills along with Bill C-52 (*An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007*).

Former Liberal Minister and interim Opposition Leader **Bill Graham** rose in the House on June 19, 2007 to announce his resignation, effective July 2nd. This announcement led to a rare moment of harmony and civility in the Chamber, as representatives of all parties rose to offer tributes to a colleague esteemed by Members of every political stripe. Following Mr. Graham's resignation, four other members have resigned, which, when combined with earlier vacancies, will lead to a number of by-elections this Fall including two that have been

announced in Quebec for September 17, 2007.

As the summer adjournment approached, resistance to the passage of the Budget Bill (Bill C-52) was fuelled by opposition from three provincial premiers to budgetary provisions respecting equalization payments. This opposition was underscored by the decision of Nova Scotia MP **Bill Casey** to vote against the motion to concur in the bill at Report Stage on June 5, 2007, with the result that he was expelled from the Conservative caucus and now sits as an Independent.

The general aversion to the confidence crisis that would inevitably have followed the defeat of a budget bill such as C-52 led to its third reading and passage on June 12, 2007. This passage of the bill may have been motivated by the government's insistence that it would not hesitate to recall the House during the summer should the bill fail to clear the House and then the Senate without amendment and in a timely fashion.

The cooperation of the Senate in the latter regard allowed the House to rise on June 20, 2007, seemingly to the great relief of Members on all sides. The price of this co-operation was apparently the government's acquiescence in the passage at Third Reading in the Senate of Bill C-288 (*Kyoto Protocol Implementation Act*), a private Members' bill sponsored by Liberal **Pablo Rodriguez**. Opinions differ as to what, if anything, the Act obliges the government to do, particularly since the Speaker had previously ruled against the requirement for a Royal Recommendation. The bill purportedly obliges the government to introduce a new climate-change plan within two months to honour Canada's commitments under the Kyoto Protocol.

In an epilogue to the above, at a ceremony in the Senate on June 22,

2007, ten bills, including Bill C-52, received Royal Assent.

Finally, a new legislative initiative worthy of note is Bill C-56 (*An Act to amend the Constitution Act, 1867 (Democratic representation)*), which was introduced in the House on May 11, 2007 but had not yet been debated when the House rose for the summer. The bill proposes to add 22 new seats to the House of Commons to take account of population growth and redistribution.

Other Chamber business

Opposition motions considered between May 3 and June 22, 2007, included those on the topics of gas prices, *Canada's Clean Air and Climate Change Act* and Equalization Program and Atlantic Accords.

The Main Estimates 2007-2008 were concurred in on June 7, 2007, whereupon the government introduced Bill C-60 (*An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008*). All motions respecting the Bill were then agreed to on division and at each stage.

On June 13, 2007, a Ways and Means motion to introduce an Act to amend the *Bankruptcy and Insolvency Act*, the *Companies' Creditors Arrangement Act*, the *Wage Earner Protection Program Act* and chapter 47 of the *Statutes of Canada, 2005* was deemed adopted by the House.

Finally, as a result of the new rules concerning Private Members' Business combined with the dynamics of a minority parliament, an increasing number of Private Members' Bills have completed the legislative process and have received Royal Assent. Such occurrences were extremely rare in previous parliaments and have brought more attention to Private Members' busi-

ness and the bills being proposed by individual Members.

Procedure/Privilege

On May 31, 2007, a motion pursuant to Standing Order 56.1 limiting consideration by the Standing Committee on Aboriginal Affairs and Northern Development of Bill C-44 (*An Act to amend the Canadian Human Rights Act*) was agreed to, fewer than 25 Members having risen to object. Opposition House Leader **Ralph Goodale** rose on a point of order a few minutes later to object to the use of Standing Order 56.1 to direct the business of a committee. Deputy Speaker **Bill Blaikie** agreed and ruled that the motion had indeed been out of order.

On Wednesday, June 6, 2007 the 53rd Report of the Standing Committee on Procedure and House Affairs was presented in the House. The report recommended additions to *Standing Orders* 31 and 37 limiting the number of interventions by Independent Members during Statements by Members and Oral Questions. Unanimous consent for concurrence in the report was sought and denied.

Three Independent Members, **Louise Thibault**, **André Arthur** and **Joe Comuzzi**, subsequently rose to object to the changes proposed in the report. The Speaker replied that proposed changes to the *Standing Orders* were a matter for the House, not the Speaker, to decide. No motion for concurrence in the report has yet been debated.

On Friday, June 8, 2007, **Ruby Dhalla**, rising on a question of privilege, charged that **Deepak Obhrai** had threatened and intimidated her during a meeting of a parliamentary friendship group on Thursday, June 7, 2007. The Deputy Speaker, having expressed doubts about the authority of the Chair to rule on statements made either in the

Chamber nor in Committee, took the matter under advisement. On June 13, Mr. Obhrai rose in the House to address the question of privilege which then obviated the need for a formal ruling.

The 20th Report of the Standing Committee on Public Accounts (2007) was presented to the House and concurred in on June 15, 2007, in response to a request, addressed to Speaker **Peter Milliken** on June 5, 2007 by RCMP Chief Superintendent Paulson, that the House of Commons waive parliamentary privilege to facilitate a criminal investigation into allegations that Deputy Commissioner **Barbara George** had committed perjury during testimony before the Standing Committee on Public Accounts.

The report strongly re-affirmed the exclusive right of the House to determine whether and when to waive privilege, insisting that until such a determination has been made "all testimony by witnesses before its Committees is protected by parliamentary privilege, and therefore is unavailable for any other use in or for any other legal proceeding or process, including investigations." The report also underscored the principle that "it is primarily the responsibility of the House to pursue and punish allegations of perjury and contempt of Parliament".

By virtue of its concurrence in the report, the House declined to waive parliamentary privilege for the purposes of any criminal investigation of perjury founded on the testimony given by Ms George or any other witnesses before the Standing Committee on Public Accounts.

Committees

The work of Standing Committees was periodically disrupted during the months of May and June 2007 by

growing tensions resulting from the ability of the opposition effectively to control the agenda of each committee. The following incidents are illustrative of this.⁰

On May 3, 2007, Chair **Leon Benoit** abruptly declared a meeting of the the Standing Committee on International Trade adjourned when the Committee adopted a motion over-ruling his decision to exclude evidence concerning the integration of North American energy supplies. After Mr. Benoit and the other Conservative members of the Committee had left the room, the Members remaining continued to hear from the scheduled witness off the record with Vice-Chair **Lui Temelkovski** presiding informally.

Also on May 3, 2007, Hockey Canada Officials appeared before the Standing Committee on Official Languages at the insistence of opposition Members of the Committee to submit to questioning regarding the decision to name **Shane Doan** captain of Team Canada at the world hockey championships. Government Members used the opportunity to dissociate themselves from the decision, which had provoked a strong negative reaction both in the media and from ordinary Canadians.

The cancellation of a May 8, 2007 meeting of the Standing Committee on Official Languages by Chair **Guy Lauzon**, led to the adoption, at a meeting held on May 15, 2007 pursuant to Standing Order 106.(4), of a motion of non-confidence in the Chair. Opposition Members had charged Mr. Lauzon with acting unilaterally to exclude evidence unfavourable to the government. A new Chair could not be elected as none of the Conservative Members of the Committee would agree to stand for election. Extended negotiations between the parties finally brought the resulting impasse to an

end on May 31, 2007, with the election of **Steven Blaney** as Chair.

On May 10, 2007, in an attempt to exclude evidence in respect of the censoring of documents on detainees in Afghanistan, Conservative **Mike Wallace** filibustered a five-hour meeting of the Standing Committee on Access to Information, Privacy and Ethics. The filibuster ended only after the arrival of reporters at the meeting.

A meeting of the Standing Committee on Procedure and House Affairs was held up for nearly two hours on May 17, 2007, as Conservative **Joe Preston** filibustered in order to thwart the Committee's consideration of a motion for concurrence in a recommendation of the Subcommittee on Private Members' Business that Bill C-415 (*An Act to amend the Canada Labour Code (replacement workers)*), a private Member's bill standing in the name of Liberal **Mario Silva**, be declared non-votable.

Coincidentally, the May 17th filibuster also prevented the committee from dealing with an NDP motion seeking to compel the government to nominate a Conservative Member to replace Mr. Lauzon as Chair of the Standing Committee on Official languages.

At a meeting of the Standing Committee on Agriculture and Agri-Food on June 5, 2007, Conservative **David Anderson** attempted to block a motion on the government's policies with respect to the

Canadian Wheat Board by proposing an amendment to the motion and addressing the Committee for fifty minutes in support of it.

Bob Mills, the Chair of the Standing Committee on Environment and Sustainable Development resigned on June 14, 2007, rather than allow the Committee to hear evidence critical of the government's climate-change targets. No other Conservative Member of the Committee would agree at that time to stand for election as Chair. The resulting impasse was resolved on June 19, 2007, with the opposition Members co-operating to re-elect Mr. Mills as Chair.

Tensions concerning committees rose further when it was discovered that the Chief Government Whip had circulated a secret handbook for government committee chairs, outlining strategies to make committees operate in the government's favour.

Other Matters

On June 4, 2007, representatives from all parties rose to pay tribute to Bloc Québécois MP **Michel Gauthier** on the occasion of his retirement from political life.

On June 6, 2007 the House unanimously adopted a motion "that this House request that the Government of Burma release the Leader of the National League for Democracy and Nobel Peace Prize laureate, **Aung San Suu Kyi**, from house ar-

rest, which has been imposed on her since 1989."

Similarly, on June 8, 2007, a motion that the House "send a message to the Parliament of Lebanon to urge it to reconvene in order to establish the Special Tribunal to try those accused of the assassination of **Rafiq Hariri**" was adopted by unanimous consent.

On June 12, 2007, the Government House Leader tabled the certificate of nomination and biographical notes of **Mary Elizabeth Dawson**, nominee for the position of Conflict of Interest and Ethics Commissioner. Pursuant to S.O. 111.1(1), the matter was referred to the Standing Committee on Access to Information, Privacy and Ethics. In its Fifth Report, presented on June 14, 2007, the Committee recommended that the nomination be concurred in.

On June 12, 2007, the government also tabled the certificate of nomination and biographical notes of **Christiane Ouimet**, nominee for the position of Public Sector Integrity Commissioner. The matter was referred to the Standing Committee on Government Operations and Estimates, and on June 14, 2007, the committee's Ninth Report was presented and deemed concurred in by unanimous consent.

Gary Sokolyk
Procedural Clerk
Table Research Branch
House Proceedings Directorate