



Legislative Reports



Alberta

The Fall sitting of the First Session of the 27th Legislature adjourned on December 3, 2008, after 26 sitting days. At the conclusion of the sitting, 41 Government Bills and one Private Members' Public Bill had been passed by the Assembly.

During the Fall sitting the Assembly also approved supplementary estimates for 14 departments totalling \$1,016,186,000 and \$20,441,000 in transfers.

A notable Government Bill passed during the Fall sitting was Bill 42, *Health Governance Transition Act*. The Bill provides for the dissolution of the Alberta Cancer Board and the Alberta Alcohol and Drug Abuse Commission (AADAC), both of which were established by legislation. The Bill enables the transfer of the capital assets and liabilities of these boards and the Cancer Foundation to the new authority. The Bill was introduced to meet legislative requirements following a ministerial order that consolidated nine regional health authorities and three boards, the Alberta Cancer Board, the Mental Health Board, and AADAC into one authority. The opposition

raised several concerns regarding the efficiency and reasoning behind what they termed the new "superboard."

The Private Members' Public Bill passed by the Assembly was Bill 206, *Alberta Personal Income Tax (Physical Activity Credit) Amendment Act, 2008*, sponsored by **Dave Rodney** (PC, Calgary-Lougheed). The Bill provides non-refundable tax credits for fees paid to eligible organizations and programs which promote physical activity. It received Royal Assent on December 2, 2008.

Policy Field Committees

In 2007 four Policy Field Committees were established by temporary Standing Orders. An additional Policy Field Committee was created following the passage of another set of temporary Standing Orders in 2008, which were made permanent during the Fall sitting.

In the Spring five Bills were referred to each of the Assembly's five Policy Field Committees:

- Bill 10, *Security Services and Investigators Act*, was referred to the Standing Committee on Public Safety and Services;
- Bill 18, *Film and Video Classification Act*, to the Standing Committee on Community Services;
- Bill 23, *Weed Control Act*, to the Standing Committee on Resources and Environment;
- Bill 24, *Adult Guardianship and Trusteeship Act*, to the Standing Committee on Health;

- Bill 204, *Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008*, to the Standing Committee on Economy.

Bills 18, 23, and 24 were referred to the appropriate Policy Field Committee following First Reading and Bills 10 and 204 were referred during Second Reading consideration.

The committees reviewed the proposed legislation throughout the Summer and Fall. Three committees also held public hearings on their Bills. The Chairs of the committees presented reports to the Assembly on October 22, 2008, recommending that all Bills proceed with the exception of Bill 204. The reports received the concurrence of the Assembly, including the report from the Standing Committee on Economy regarding Bill 204, a Private Members' Bill proposing to ban the use of hand-held communication devices while driving. In its report, the committee recommended that the issue be reviewed by the Departments of Transportation, Solicitor General and Public Security, and Justice and that an offence of distracted driving be created either by legislation or regulation. The committee further recommended that the draft legislation or prospective regulation be referred back to it prior to the Spring 2009 sitting of the Assembly.

In November the Standing Committee on Health held three meetings with stakeholder groups and representatives from the

Ministry of Health and Wellness. Under temporary Standing Order provisions that were in place at the time, Policy Field Committees were given additional powers, one of which was the ability to hold public meetings on any matter within a committee's mandate. The meeting with the Department was the result of a motion requesting the attendance of the Minister of Health and Wellness and the Acting Chief Medical Officer of Health to respond to questions related to the delivery of public health to Albertans. The other two meetings were held as a response to stakeholders who had asked to present on certain issues within the Committee's mandate.

Prior to the adjournment of the Fall Sitting, Bill 52, *Health Information Amendment Act, 2008*, was referred to the Standing Committee on Health following Second Reading. It is anticipated that the Bill will be reinstated during the Spring sitting. This would mark the first time the Assembly has reinstated a Bill from a previous session since a provision to allow this procedure was added to the Standing Orders in 2001.

Privilege

On October 23, 2008, **Brian Mason** (ND, Edmonton-Highlands-Norwood) raised a purported question of privilege regarding a confidentiality agreement referred to by **Ron Stevens**, Deputy Premier, in response to a question asked by Mr. Mason during Oral Question Period on October 23, 2008. Mr. Mason alleged that the Deputy Premier had misled the Assembly when he claimed that the New Democrat caucus was provided with an oath of confidentiality to sign had they wished to view confidential documents

regarding children in care.

On October 27, 2008, Speaker **Ken Kowalski** heard additional comments from Mr. Mason concerning the purported question of privilege. The Speaker also heard from Mr. Stevens who apologized to the Assembly.

The Speaker indicated the matter was concluded. He then stated that for an allegation of deliberately misleading the House to be ruled as a *prima facie* case of privilege, two criteria were necessary: the statement must have been misleading; and it must have been established that the Member intended to mislead the Assembly.

Standing Orders

The Standing Orders of the Legislative Assembly of Alberta have undergone significant review and changes since 2007, when Premier **Ed Stelmach** took office. Key changes that were brought forward in 2007 included an expanded committee system, additional hours for consideration of estimates, and a significant reduction in the number of evening sittings. Following the general election held on March 3, 2008, the Assembly extended most of the 2007 temporary Standing Orders until the conclusion of the 2008 Fall Sitting and referred the Standing Orders to the Standing Committee on Privileges and Elections, Standing Orders and Printing. During the 2008 Fall Sitting, the committee presented its report, which included the following key recommendations:

- The adoption of a sessional calendar with a Spring Sitting to commence the second Tuesday in February and concluding no later than the first Thursday in June, and a Fall Sitting to commence the last Monday in October and conclude the first Thursday in December;
- The elimination of evening

sittings;

- Revised sitting hours whereby the Assembly now sits Monday through Wednesday from 1:30 p.m. to 6:00 p.m. and Thursday from 1:30 to 4:30 p.m. (The Assembly previously sat Monday through Thursday from 1:30 p.m. to 5:30 p.m. and Monday, Tuesday and Wednesday evenings from 7:30 p.m. until adjournment). There is a provision in the Standing Orders to allow the Assembly to meet in the evenings to consider Government Business upon passage of a Government Motion;
- The continuation of five Policy Field Committees (Standing Committees) in the subject areas of Community Services, Economy, Health, Public Safety and Services, and Resources and Environment;
- Modification to the supply process whereby department estimates would be referred to Policy Field Committees and the time for consideration would increase from 60 to 72 hours. The Policy Field Committees are expected to meet in the evenings for consideration of the main estimates during the 2008 Spring Sitting (from 6:30 p.m. to 9:30 p.m.);
- A provision whereby committees of the Assembly are appointed for the life of a Legislature.

Prior to the conclusion of the Fall Sitting, the Assembly adopted a resolution outlining permanent changes to the Standing Orders which reflected the Committee's recommendations. The amendments took effect on December 4, 2008.

Other matters

David Swann (Lib, Calgary-Mountain View) was chosen as the new Leader of the Alberta Liberal Party and Leader of the Official Opposition at the Liberal leadership convention on December 15, 2008. He replaced **Kevin Taft** (Lib, Edmonton-Riverview) who had

served as Leader since March 27, 2004.

Dr. Swann was elected to his second term as a Member of the Legislative Assembly for the constituency of Calgary-Mountain View on March 3, 2008. He is the critic for health and wellness and executive council. Prior to being elected to the Legislature, he practised as a family physician from 1975 to 1984 and then worked as a public health consultant from 1988 to 2004.

On October 23, 2008, the Assembly approved a motion to concur in the report of the Select Special Ethics Commissioner Search Committee to appoint **Neil Wilkinson** as the provincial Ethics Commissioner. Mr. Wilkinson is the former Chair of the Board of Directors for Capital Health.

On November 4, 2008, the Assembly passed a motion to concur with the reappointment of **G. B. (Gord) Button** as Ombudsman for a five-year term as recommended in the October 2008 report of the Select Standing Committee on Legislative Offices.

Speaker Kowalski hosted a Remembrance Day service in the rotunda of the Legislature Building on November 5, 2008. Premier Stelmach, Mr. Taft, and Mr. Mason participated in the service.

Spring Sitting

The Spring sitting of the Second Session began on February 10 with the Speech from the Throne by **Norman L. Kwong**.

Micheline S. Gravel

Clerk of Journals/Table Research



British Columbia

On September 10, 2008, Government House Leader **Mike de Jong** publicly announced that there would be no fall sitting, as the government had no urgent new legislation to present. However, in response to the global economic downturn, the Legislative Assembly has been called back twice — the first time for an abbreviated fall sitting, and on the second occasion for a special week-end sitting.

Fall Sitting

The short fall sitting commenced on November 20, 2008, seven weeks later than anticipated in the parliamentary calendar and with one week remaining before the scheduled adjournment. The government's main purpose for reconvening the Legislative Assembly for five sitting days was to seek passage of Bill 45, *Economic Incentive and Stabilization Statutes Amendment Act, 2008* and Bill 46, *Vancouver Foundation Amendment Act, 2008*.

Bill 45 contained some components of the government's ten-point economic plan, which Premier **Gordon Campbell** had presented in a televised address to the province on October 22. For example, the bill proposed amendments to the *Income Tax Act* to accelerate personal and small business income tax reductions, and changes to the *Land Tax Deferral Act* to allow some homeowners to

defer payment of their 2009 property taxes.

During second reading debate on Bill 45, Opposition finance critic **Bruce Ralston** claimed that both the economic plan and the enabling legislation lacked substance, stating that additional provincial investments in housing, public transit, and forestry were also needed. Opposition members were also concerned about the proposed changes to the property assessment system, including their effect on local governments. However, they ultimately voted in favour of the bill, which received royal assent on November 27, 2008.

Special Sitting

On Saturday, January 17, 2009, the House reconvened for a special sitting to consider Bill 47, *Vancouver Charter Amendment Act, 2009*. The Bill was drafted in response to an urgent request from the Mayor of Vancouver for a legislative amendment to permit the city to borrow money in order to complete the Athletes' Village project for the 2010 Olympics, after its lenders asked the city to guarantee loan repayments for the development.

Following first reading, Mr. De Jong proposed that, pursuant to Standing Order 81 (Urgency cases), Bill 47 be permitted to advance through two or more stages in one day due to its urgency. However, **Adrian Dix**, speaking on behalf of the Opposition House Leader, argued that the bill required the full scrutiny of debate on different days prior to being passed. After considering the submissions of the two House Leaders, the Speaker ruled that Standing Order 81 be applied in the case of Bill 47, due to its narrow scope and the urgency of the occasion. Following more than 18 hours of debate, the legislative

amendment was passed unanimously the morning of Sunday, January 18.

Parliamentary Committees

The Select Standing Committee on Finance and Government Services released a report on its annual budget consultations on November 15, 2008. The report summarizes the public input on the 2009 budget expressed at seventeen public hearings, and in written submissions, on-line survey responses and household flyers. In total, more than 2,900 British Columbians participated in the process.

The report contains 68 recommendations to government on tax policy, program spending, and capital spending, including: new tax credits for the digital media and mining industries, home-based caregivers and for charitable donations; further investments in agriculture and aquaculture, mental health and addictions services, and the provincial parks system; and working with partners in the development of rail infrastructure and commuter rail service on Vancouver Island. However, in light of the uncertain economic environment, the Committee acknowledged the need for the government to proceed prudently with respect to new and expanded spending proposals.

The Special Committee to Appoint a Police Complaint Commissioner, which was appointed in May 2008, released its report on December 17, 2008. The Committee unanimously recommended **Stan T. Lowe**, the Communications Counsel for the Criminal Justice Branch since 2005. Mr. Lowe is expected to begin his six-year, non-renewable term as Police Complaint Commissioner in February 2009, following the formal recommendation of his

appointment in the Legislative Assembly.

Changes in the Legislature

Since B.C.'s last legislative report (Summer 2008), there have been several changes in the composition of the House, due to by-elections, a cabinet shuffle and the sudden death of a minister. The current party standings in the Legislative Assembly are B.C. Liberal Party 42, NDP 34 and 3 vacancies.

Two Vancouver by-elections were held on October 29, 2008, following the resignations of NDP MLA **Gregor Robertson** and Liberal MLA **Lorne Mayencourt**. The newly elected MLAs are **Spencer Herbert** (NDP) for Vancouver-Burrard and **Jenn McGinn** (NDP) for Vancouver-Fairview.

An additional two MLAs also recently resigned their seats, in order to pursue new opportunities. It was announced on December 18, 2008 that **Carole Taylor**, Liberal-MLA for Vancouver-Langara, had been invited to chair the federal government's economic advisory council. **Richard Neufeld**, Liberal-MLA for Peace River North and former Minister of Energy, Mines and Petroleum Resources, was appointed to the Senate on December 22, 2008. By-elections will not be held for either electoral district, as a general provincial election is scheduled for May 12, 2009, meeting the requirement to fill seat vacancies within six months.

On January 19, 2009, the Premier announced a minor cabinet shuffle. **Blair Lekstrom** was appointed Minister of Energy, Mines and Petroleum Resources, and **Kevin Krueger** was appointed Minister of Community Development. Another change is the creation of a new Ministry of Small Business, Technology and Economic Development, which

will be led by **Ida Chong**.

On January 20, **Stan Hagen**, Minister of Agriculture and Lands, passed away suddenly. Mr. Hagen represented the Comox Valley for thirteen years, during which time he held ten different portfolios under the Social Credit and Liberal governments. Since his passing, many public tributes have recognized Mr. Hagen's long contribution to public service, as well as his kind and generous personal nature.

Subsequently, on January 30, Nanaimo-Parksville MLA **Ron Cantelon** was appointed as the new Minister of Agriculture and Lands.

Erin Bett

Committee Researcher



On November 5, 2008, Premier **Jean Charest** asked the Lieutenant-Governor, **Pierre Duchesne**, to end the 38th Legislature that had begun on April 5, 2007. Upon its dissolution, the Assembly was composed of 48 Members of the Québec Liberal Party, 39 Members of the Action démocratique du Québec, and 36 Members of the Parti Québécois, 2 seats being vacant at that time. The general election was held on December 8, 2008. As had been done in the general election of 2007, the leaders' debate was held within the Parliament Building, at the *Le Parlementaire* restaurant.

Following the vote, the

Québec Liberal Party was returned to power with the election of 66 Members, including the Premier and Member for Sherbrooke, Mr. Charest. The Parti Québécois won 51 seats and forms the Official Opposition, led by **Pauline Marois**, the Member for Charlevoix. Lastly, eight other Members were elected, seven of whom are from the Action démocratique du Québec and a first Member elected under the banner of Québec Solidaire.

On December 18, 2008, Premier Charest introduced a Cabinet composed of 26 members, half of whom are women. For her part, Mrs. Marois announced the Official Opposition Members' responsibilities on January 9, 2009. **Mario Dumont**, Leader of the Action démocratique du Québec, had done the same on December 19.

Extraordinary Sitings and the Election of the New President of the Assembly

At the request of Premier Charest, the National Assembly held extraordinary sittings on January 13-15, 2009. **Pierre Paradis**, the Member for Brome-Missisquoi, presided over the election of the new President.

Upon the expiration of the deadline for the nomination of candidacies, the official list contained a single name, **Yvon Vallières**, the Québec Liberal Party Member for Richmond. Mr. Vallières was thus unanimously elected by his peers and became the 44th President of the Québec National Assembly.

Mr. Vallières holds a diploma in teaching and in the psychology of human relations. He was a Member of the Québec Liberal Party in the electoral division of Richmond for a first term of office from 1973 to 1976, and has been re-elected without interruption

since the general election of 1981. During his career, he held several parliamentary and ministerial functions.

In addition to the election of the President and the establishment of the standing committee, the sittings held in January 2009 enabled Members to pass Bill 1, *An Act to amend the Supplemental Pension Plans Act and other legislative provisions in order to reduce the effects of the financial crisis on plans covered by the Act*, a bill which was given royal assent on January 15, 2009.

Parliamentary Simulations

As is the case each year during the holiday period, two parliamentary simulations were held at the Parliament Building. The 59th legislature of the Youth Parliament, brought together young people from 18 to 25 years of age to express their opinions and defend their points of view. It was held from December 26 to 30. It was followed by the 26th edition of the Student Parliament.

Furthermore, from January 6-10, 2009, more than 140 college-level students hailing from 28 cegeps and colleges throughout the province of Québec gathered at the Québec Parliament for the 17th edition of the Student Forum. This parliamentary simulation enables participants to examine bills dealing with issues that concern them, and this year the focus was on the nationalization of wind energy, the restructuring of the education system, and finding ways to strike a balance between studying and working at the high school and college levels.

Other Matters

From December 21, 2008 to January 4, 2009, the National Assembly Channel marked the 30th anniversary of the direct broadcasting of parliamentary proceedings by

presenting a special programme schedule. This programme schedule featured the first period of Routine Proceedings broadcast in 1978, as well as all of the first oral question periods of each of the subsequent legislatures. Reflecting the major political issues of the past 30 years and the exchanges between political figures who were the instigators thereof, each excerpt was put into context by National Assembly librarian and historian **Martin Pelletier**.

The Member for Dubuc from 1976 to 1989, **Hubert Desbiens**, passed away in Chicoutimi on 1 January 2009.

Marie-France Lapointe
Secretariat of the Assembly

Standing Committees

The dissolution of the 38th Legislature, last November 5, ended some forty mandates that had been given to the standing committees or that they had undertaken on their own initiative. The committees were very busy during the weeks prior to this dissolution, however, particularly as regards the holding of public hearings at the Assembly but also outside of the Parliament.

After having held three days of public hearings in Montréal, the Committee on Social Affairs continued its regional tour on homelessness by visiting the cities of Trois-Rivières and Gatineau. Six days of hearings were subsequently held in Québec City in October and November. At the time of the dissolution of the Assembly, the Committee had received close to 150 briefs, heard approximately one hundred individuals and groups and obtained some twenty answers to the questionnaire that it had made available on line on

the Internet site of the Assembly. However, the Committee was unable to conclude its hearings and table its report owing to the dissolution of the Assembly.

The Committee on Labour and the Economy held special consultations in September, October and November 2008 on the discussion paper entitled *Forest land occupancy and the constitution of forest conservation authorities* presented by the Minister of Natural Resources and Wildlife. This paper states the measures that are likely to be implemented within the framework of a new forest management plan. The Committee held eleven sittings during which it heard 66 persons and organizations. It also received close to seventy briefs.

Last October, the Committee on Institutions held special consultations on Bill 99, *An Act to amend the Code of Civil Procedure to prevent abusive use of the courts and promote freedom of expression and citizen participation in public debate*. This bill followed up on the general consultation that had been held in winter 2008 on the reform of the Code of Civil Procedure and strategic lawsuits against public participation. However, the Committee was unable to give clause-by-clause consideration to this bill owing to the dissolution of the legislature.

On October 29, 2008, the Committee on Institutions tabled its report within the framework of the mandate on the nature and context of the signing of the contract granted to Attractions hippiques by the Government of Québec. In this report, which contains three recommendations, the Committee focussed on the main elements of the privatization process and the difficulties that Québec's horse racing industry is currently experiencing.

Last October 15-16, the Committee on Transportation and

the Environment examined the activities, orientations and management of the Société de l'assurance automobile du Québec. It should be mentioned that, in pursuance of Standing Order 294, each committee is responsible for the yearly examination of at least one agency under its authority. However, the Committee was unable to complete its mandate owing to the dissolution of the Assembly.

In October 29-30, the Committee on Public Administration held public hearings concerning the special report by the Auditor General on the use of public funds by the former Lieutenant-Governor of Québec. On this occasion, the Committee heard, in that order, the Auditor General of Québec, Renaud Lachance, the Secretary General of the Executive Council, Gérard Bibeau, the former Lieutenant-Governor of Québec, Lise Thibault, as well as the current Lieutenant-Governor, Pierre Duchesne. It should be noted that the hearing, by a parliamentary committee, of a former Lieutenant-Governor or of a Lieutenant-Governor in office constitutes a first in Canada.

Further information regarding the standing committee proceedings is available on the Québec National Assembly Internet site at www.assnat.qc.ca.

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New Brunswick

The Third Session of the 56th Legislative Assembly of New Brunswick, which opened on November 25, 2008, adjourned on December 19, 2008, after sitting a total of 16 days. The agenda of the House for the Fall sitting was devoted to debating the Throne Speech, capital budget, and various pieces of legislation and private members' resolutions.

On December 9, 2008, the Minister of Finance, **Victor Boudreau**, introduced the 2009-2010 Capital Budget, which totals \$661.4 million. The budget represents the first part of a two-year capital investment plan that will exceed \$1.2 billion. The focus of the capital budget is the \$378.8 million investment in transportation-related infrastructure. The budget also includes an investment of over \$100 million in construction and improvements across the community college network over the next two years. Other capital investments for 2009-2010 include \$67.1 million for the health care system; \$49.5 million for K-12 schools; \$30 million for universities; \$21.3 million to modernize corrections facilities; \$18.7 million for the Petitcodiac River restoration project; \$7 million to upgrade the provincial fleet of vehicles; \$4 million for tourism infrastructure; and \$2.8 million for the ongoing upgrades to the Legislative Assembly Building.

The government, under

Premier **Shawn Graham**, introduced twenty-five bills during the course of the Fall sitting. Among the noteworthy pieces of legislation introduced in the House were the following:

- Bill 6, *Modernization of Benefits and Obligations Act*, introduced by the Minister of Justice and Consumer Affairs, **Thomas J. Burke**, entitles same-sex common-law partners to the same benefits and to be under the same obligations as opposite-sex common-law partners. The bill also incorporates gender-neutral terminology in reference to persons in common-law partnerships and marital relationships.
- Bill 10, *An Act to Amend the Political Process Financing Act*, introduced by the Minister of Health and Government House Leader, **Michael Murphy**, limits how much third-parties can spend on advertising during election campaigns and requires all third-party election advertisers who spend more than \$500 during an election to register with the supervisor of political financing.
- Bill 21, *An Act to Amend the Assessment Act*, introduced by the Minister of Business New Brunswick, **Greg Byrne**, improves the property assessment appeal process to make it more transparent and fair, which includes provisions for public disclosure of real estate sale prices; a shared burden of proof; and an extended time to appeal.
- Bill 28, *Limitation of Actions Act*, introduced by the Minister of Justice and Consumer Affairs, modernizes the time limits within which civil proceedings must be commenced, and provides a defense if a claim is brought too late. The bill provides for a discovery period of two years beginning on the day the claim is discovered; and an ultimate period of fifteen years beginning on the day the act on

which the claim is based occurred. The bill was referred to the Standing Committee on Law Amendments, which is scheduled to hold public hearings in February.

The Official Opposition, led by Opposition Leader **David Alward**, introduced three bills for the consideration of the House. Among those were Bill 17, *An Act to Amend the Harmonized Sales Tax Act*, introduced by Mr. Alward, which provides for a tax credit on the purchase of home heating fuels; and Bill 18, *An Act to Amend the Taxpayer Protection Act*, introduced by **Bruce Fitch**, which requires that the wording of any referendum question to implement a new tax, must first be approved by the Legislative Assembly before the question is submitted to voters.

Question Period

This was the first session that the Legislative Assembly has been able to make Question Period available on line, on a same-day or next-day basis, as audio and video-on-demand webcasts. Question Period audio is now available simultaneously in the original language, English interpreted, and French interpreted feeds, similar to the live proceedings and other special events, such as the Throne and Budget speeches. In addition, the Question Period video is searchable in either official language, by session, name of speaker, or key topics.

Committee Work

On December 12, 2008, the Select Committee on Tax Review, chaired by **Roly MacIntyre**, tabled its Final Report. The Committee had under consideration several options to restructure the province's tax system. In the report the Committee recommended that government consider implementing a flat provincial tax rate of 10%;

increasing the non-refundable basic personal amount to \$12,000 for taxable income below \$35,000; implementing a non-refundable child tax credit of up to \$400 per child; implementing a universal child care benefit of \$600 annually per child under the age of six; lowering the general corporate income tax rate to 5%; increasing the Harmonized Sales Tax rate and introducing an HST rebate program for low income earners; and implementing a three-year average assessment value on property. The Committee also recommended against implementing a carbon tax until further study is undertaken.

Since the adjournment of the House on December 19, two Standing Committees have maintained active schedules. The Standing Committee on Public Accounts, chaired by **John Betts**, and the Standing Committee on Crown Corporations, chaired by **Rick Miles**, have been busy reviewing the annual reports and public accounts of various government departments, agencies, and Crown corporations.

Appointment to Senate

On January 2, 2009, **Percy Mockler** was appointed to the Senate by Prime Minister Stephen Harper. At the time of his appointment, Mr. Mockler was serving as the MLA for Restigouche-la-Vallée. A Progressive Conservative Member, he was first elected in 1982. He was re-elected in 1993 (by-election) and 1995. Following his re-election in 1999 he was sworn in as Solicitor General and Minister of Human Resources Development and Housing. He was named Minister of Family and Community Services in 2000 and became Minister of Transportation in 2001. Re-elected in 2003, he served as Minister

of Intergovernmental and International Relations, Minister responsible for the Francophonie, 2004 Celebrations, Service New Brunswick, and Culture and Sport. In 2006, he was sworn in as Minister of Wellness, Culture and Sport; Minister responsible for the Immigration and Repatriation Secretariat; and Minister responsible for La Francophonie. Re-elected in September of 2006, he was opposition critic for areas of interest related to the Regional Development Corporation, intergovernmental affairs and the Population Growth Secretariat. A by-election will be held in Restigouche-la-Vallée on March 9, 2009.

House Standings

The Legislature is scheduled to resume sitting on March 17, 2009, at which time the Minister of Finance is expected to deliver the budget speech. The current standings in the House are 32 Liberals, 22 Progressive Conservatives, and one vacancy.

Shayne Davies

Clerk Assistant & Committee Clerk



Saskatchewan

The recent fall legislative session came to an end on December 4, 2008. The focus of the 25-day period was the introduction of legislation and the passage of Supplementary Estimates. Up for debate this fall were nearly 40 new pieces of government legislation, one bill reinstated from the

previous session, and four Private Members' Public Bills. The Saskatchewan Legislature will commence its spring session on March 2, 2009.

Legislation

Of all the newly proposed legislation, a few bills are of particular interest. Bill No. 60 – *The Senate Nominee Election Act*, has particular relevance to the current federal scene, but it was introduced by the government (then in opposition) as far back as 2006. It proposes to elect nominees for any vacant Senate positions Saskatchewan may have in the future. The opposition, which favours the abolition of the Upper Chamber, has already begun to voice its objections to this prospect and more of the same is expected in the spring session.

Still on the theme of elections, Bill No. 59 – *The Election Amendment Act, 2008*, aims to restrict advertising by government ministries and agencies in the period prior to an election. A law implementing fixed election dates was passed in April of 2008, and this new bill seeks to eliminate any possible or perceived advantage of the government to increase its advertising prior to the issuance of a writ.

In an attempt to define the work of a professional artist, protect intellectual property and enforce written contracts between artists and engagers, the government introduced Bill No. 68 – *The Arts Professions Act*. A similar bill proposed by the previous government in 2006-2007 was the subject of two weeks of public hearings and a substantive report before dying on the Order Paper, so it will be interesting to see the path this new legislation takes.

Bill No. 9 – *The Superannuation (Supplementary Provisions)*

Amendment Act, 2008, had the honour of being the first bill to be reinstated from a previous session. According to the new rules adopted in 2007, a bill introduced in one session may be reinstated by the government in the first five days of the next sitting. Bill No. 9 was brought back at the exact stage it was left on the *Orders of the Day*, and the time spent in debate was carried forward as well.

The Saskatchewan Legislature passed two pieces of Private Members' legislation that acknowledge the work of the province's armed service personnel. Bill No. 601 – *The Air, Army, Sea and Navy League Cadets Recognition Day Act*, and Bill No. 602 – *The National Peacekeepers Recognition Day Act*, each establish a day for the province to officially commemorate the contribution and sacrifice made by Saskatchewan's cadets and peacekeepers. Both bills were passed through all stages in one day, by leave of the Assembly.

Committee Meetings

Over the intersessional period, Saskatchewan's standing committees have been busy continuing their work. The Crown and Central Agencies committee met on January 19, 2009, to discuss the recommendations of the Provincial Auditor to multiple provincial Crown corporations. Representatives of both the Auditor's office and the Crowns were on hand to respond to questions by the committee members. The following day saw a meeting of the Public Accounts committee, which received a very interesting presentation on parliamentary oversight by the Canadian Comprehensive Auditing Foundation (CCAF-FCVI). Following the presentation, the committee reviewed

and adopted the Provincial Auditor's Business and Financial Plan for 2009-2010.

Leadership Race

Saskatchewan New Democratic Party leader **Lorne Calvert** announced his retirement in the fall, and the contest to replace him is beginning to take shape. The first to toss his cap in the ring was former cabinet Minister and deputy Premier, **Dwayne Lingenfelter**. Out of the political arena since 2000, Mr. Lingenfelter previously served in the government of **Roy Romanow**. Joining Mr. Lingenfelter in the race is relative newcomer, **Yens Pedersen**, a Regina lawyer and former president of the provincial NDP. Several elected members of the party are also rumoured to be considering challenging the leadership. Former cabinet Minister **Andrew Thomson** has officially declined to enter the race, as has **Nettie Wiebe**, who ran for the leadership in 2001 and was head of the National Farmers Union.

Honour from Ukraine

For his efforts to maintain and strengthen Saskatchewan's relationship with Ukraine, Deputy Premier **Ken Krawetz** was recently awarded Ukraine's highest tribute for non-citizens. The Order of King Yaroslav the Wise was also presented to three other notable Canadians, including Alberta Premier, **Ed Stelmach**. In 2007, Mr. Krawetz sponsored *The Ukrainian Famine and Genocide (Holodomor) Memorial Day Act*. This legislation officially recognizes and honours the 75th anniversary of the famine and establishes an annual day to pay tribute to those who lost their lives.

Joelle M. Perras
Committee Researcher



Senate

The Senate Chamber was the scene of the Opening of both the First and Second Sessions of the 40th Parliament over the span of just over two months. The first Opening took place on November 18, 2008, followed by just 3 weeks of sittings before it was prorogued on December 3, 2008. The Opening of the Second Session of the Fortieth Parliament took place on January 26, 2009.

According to custom, the Speech from the Throne was given at each Opening by the Governor General, **Michaëlle Jean**, and the *pro forma* Bill S-1, An Act relating to railways, was introduced in the Senate. Bill S-1 enables senators to deal with Senate matters before addressing the issues raised by the government in the Speech from the Throne. Thus far, Bill S-1 has always consisted of a simple title page and nothing more. For the first time ever, on November 18, 2008, Bill S-1 contained some text explaining the purpose of the bill. The most significant part states the following: "This bill asserts the right of the Senate to give precedence to matters not addressed in the Speech from the Throne."

After the Speech from the Throne, it is customary for the government to choose two senators to move and second a motion for an Address in Reply to the Speech from the Throne. This honour was given to Senators

Michael Meighen and **Andrée Champagne** during the First Session, and to new Senators **Suzanne Fortin-Duplessis** and **Irving Gerstein** respectively during the Second Session. Both new senators made their maiden speeches in the Senate on this occasion.

Former Senators and new Senators

Tribute was paid to former Senator and businessman **Joseph Landry** from New Brunswick, who passed away on July 25, 2008. He was appointed to the Senate in 1996 by Prime Minister **Jean Chrétien** and retired in 1997 at age 75.

On October 22, 2008 Senator **Marilyn Trenholme Counsell** retired from the Senate. Senator Trenholme Counsell was a former New Brunswick lieutenant governor who took a special interest in literacy and early childhood development. She was appointed to the Senate in 2003 by Prime Minister Chrétien. Senator **Leonard Gustafson** retired on November 11, 2008. Senator Gustafson was a wheat farmer from Saskatchewan who worked on issues of concern to the agricultural sector. He was the Chair of the Senate Committee on Agriculture and Forestry from 1996 to 2002, and Deputy Chair of the same from then until his retirement. He was appointed to the Senate in 1993 by Prime Minister **Brian Mulroney**.

Prime Minister **Stephen Harper** appointed 18 senators to the Red Chamber between January 2 and 14, 2009. This is the largest group of senators appointed to the Senate since Confederation. All 18 senators will sit as Conservatives. In a statement released on December 22, 2008, the Prime Minister assured Canadians that all of the new senators support his drive for Senate Reform, notably his plan

to restrict Senate terms to 8 years. Senator **Pamela Wallin** has stated in the media that she plans to step-down and run for election to the Senate as soon as her province of Saskatchewan has an election for its Senate seats.

The names of the new senators and the Provinces or Territories they each represent are:

British Columbia

Nancy Greene Raine is a former alpine skier who has the Canadian record in World Cup victories, including the Olympics. **Yonah Martin** is of Korean and Canadian descent, and has spent her life building bridges between different cultural communities in BC. **Richard Neufeld** has been involved in public life for many years, most recently as B.C. Minister of Energy Mines and Petroleum Resources.

Newfoundland & Labrador

Fabian Manning has represented the people of Newfoundland and Labrador at all 3 levels of government. While he was an MP, he served as Chair of the Standing Committee on Fisheries and Oceans as well as the Conservative Government's Atlantic caucus.

New Brunswick

Percy Mockler was a long-time MLA in New Brunswick, with titles including Minister of Wellness, Culture and Sport, Solicitor General, and Minister of Human Resources, Development and Housing. **John D. Wallace** was a distinguished lawyer in St. John who after retirement became involved in community affairs.

Nova Scotia

Fred Dickson is one of Canada's top legal experts on off-shore resource development and a well-respected lawyer. **Stephen Greene** was a senior aide in the Reform Party from 1993 to 1996,

and most recently served as Principal Secretary and Deputy Chief of Staff to Nova Scotia Premier Rodney MacDonald. **Michael L. MacDonald** is a businessman who is Vice-President of the Conservative Party of Canada and a Nova Scotia representative on the Party's national executive.

Ontario

Nicole Eaton has been involved in a number of charitable organizations such as St. Michael's Hospital Foundation and the National Ballet of Canada, and is a National Post columnist. **Irving Gerstein** is a businessman and former Chair of the Conservative Fund Canada, and a long-time Director of the Mount Sinai Hospital.

Prince Edward Island

Michael Duffy is best known for his role as host of CTV's daily program on politics, *Mike Duffy Live*, and has honorary degrees from three universities, including the University of PEI.

Québec

Patrick Brazeau (Repentigny) was the National Chief of the Congress of Aboriginal Peoples since 2006, helping to promote social and economic equity for off-reserve and non-status Indians. He is a member of the Algonquin Nation. **Suzanne Fortin-Duplessis** (Rougemont) was the MP for the riding of Louis-Hébert from 1984 to 1993 and is a former member of the board of the Alzheimer Society and the *Fondation de l'Opéra de Québec*. **Leo Housakos** (Wellington) is a businessman who co-founded the Montreal Hellenic Chamber of Commerce and is currently a Director of Via Rail Canada. **Michel Rivard** (The Laurentides) had a long career in public administration, was President of the Executive Committee of the *Communauté Urbaine de Québec* and was an

MNA for Limoilou.

Saskatchewan

Pamela Wallin is an award-winning journalist who co-hosted *Canada AM*. She is the Chancellor of the University of Guelph, Senior Advisor on Canada-US relations at the Americas Society and the Council of the Americas, and served on the Independent Panel on Canada's Future Role in Afghanistan.

Yukon

Hector Daniel Lang was a long-time MLA in the Yukon Legislative Assembly. He is currently the Vice Chairman of the Board of Governors for Yukon College.

All new senators were introduced in the Senate on January 26, 2009, the day of the Opening of the Second Session of the 40th Parliament.

Katie Castleton
Procedural Clerk
Journals Office



Yukon

On December 15, the 2008 Fall Sitting of the First Session of the 32nd Legislative Assembly adjourned. The 28-day sitting had convened on October 23rd. The Sitting concluded with Assent being given in the Chamber by the Commissioner of Yukon, **Geraldine Van Bibber** (to Bill Nos. 12, 54, 55, 56, and 60).

Assent

In the Fall Sitting, a total of 11 bills (all Government bills) were granted Assent by Commissioner Van Bibber. They were:

- Bill No. 12, Second Appropriation Act, 2008-09
- Bill No. 54, Electoral District Boundaries Act
- Bill No. 55, Act to Amend the *Social Assistance Act*
- Bill No. 56, Act to Amend the *Territorial Lands (Yukon) Act*
- Bill No. 57, Act to Amend the *Miners Lien Act*
- Bill No. 58, Act to Amend the *Quartz Mining Act*
- Bill No. 59, Forest Resources Act
- Bill No. 60, Act to Amend the *Judicature Act*
- Bill No. 61, Act to Amend the *Municipal Act*
- Bill No. 62, Act to Amend the *Animal Protection Act*
- Bill No. 63, Act to Amend the *Seniors Income Supplement Act*

Bill No. 54, *Electoral District Boundaries Act*, puts into effect the recommendations of the Final Report of the Electoral District Boundaries Commission, which had been tabled by Speaker **Ted Staffen** in the 2008 Spring Sitting. The Act provides for the addition of another seat within the city of Whitehorse. This will increase to nineteen the total number of MLAs forming the next Legislative Assembly.

Committee Reports

As predicted in the Winter edition of the *Canadian Parliamentary Review*, on November 20th, the Select Committee on Human Rights tabled its Report, bringing to a conclusion the Committee's work. Earlier in the Fall, the Committee had held hearings throughout the territory, and accepted written submissions, in its review of Yukon's 21 year old *Human Rights Act*. The members of the all-Party committee – whose terms of reference provided for decisions to be taken with unanimous consent – were **Marian Horne** (Pelly-Nisutlin, Yukon

Party), **Don Inverarity** (Porter Creek South, Liberal) and **Steve Cardiff** (Mount Lorne, NDP).

On December 15, 2008, Speaker Staffen tabled the Interim Report of the Select Committee on Whistle-blower Protection. The other members of the Committee, of which Speaker Staffen is Chair, are **Steve Nordick** (Klondike, Yukon Party), Mr. Cardiff, **Jim Kenyon** (Porter Creek North, Yukon Party), and **Eric Fairclough** (Mayo-Tatchun, Liberal). The Committee is tasked with reviewing and reporting to the Assembly its findings and recommendations concerning the central issues that should be addressed in whistle-blower protection legislation.

Transitions

On December 22, 2008, **Hector Daniel (Dan) Lang** was named to represent Yukon in the Senate of Canada. On January 26th this year, Mr. Lang was officially sworn in as senator. Mr. Lang had been a member of the Legislative Assembly from 1974-1992, and had held various cabinet portfolios during his career as an MLA. In the present Legislative Assembly, Senator Lang's brother, **Archie Lang** (Porter Creek Centre, Yukon Party), is Minister of Highways and Public Works, and Minister of Community Services. Mr. Lang is Yukon's third senator. Yukon's first senator, **Paul Lucier**, served from 1975 until his death in 1999. **Ione Christensen** served from 1999 until her retirement in 2006.

On January 26, 2009, **John Edzerza** (McIntyre-Takhini) resigned from the NDP Caucus to become an Independent member. In light of Mr. Edzerza's announcement, party standings in the Yukon Legislative Assembly are as follows: Yukon Party, 10; Liberal Party, 5; NDP, 2; Independent, 1. Initially, Mr.

Edzerza had been elected to the Legislative Assembly in 2002 as a member of the Yukon Party and served as Minister of Education, Minister of Justice and Minister responsible for the Public Service Commission between 2002 and 2006. Before the 2006 general election, Mr. Edzerza resigned from Cabinet to become an Independent member. In the 2006 general election, Mr. Edzerza campaigned and was elected under the NDP banner.

On February 5, 2009, **Todd Hardy**, Leader of the Third Party, publicly announced his intention to step down as Leader of the NDP. Mr. Hardy, who says he will retain his Whitehorse Centre seat, expects a successor will be named as NDP Leader this year in Fall. Mr. Hardy was first elected to Yukon's Legislative Assembly in 1996. After losing his seat in the 2000 election, Mr. Hardy was re-elected in 2002, and again in 2006. In 2002, Mr. Hardy won the NDP leadership. Mr. Hardy, who is fighting leukemia, indicates he will be focusing his efforts on regaining his health. Mr. Hardy and Mr. Cardiff comprise the NDP Caucus.

In Remembrance

On December 15, 2008, Premier **Dennis Fentie** (Watson Lake, Yukon Party) paid tribute in the House on behalf of all Members and Yukoners to former Yukon MP **Erik Nielsen**, who had passed away on September 4th. Mr. Nielsen had represented Yukon in the House of Commons for 30 years, and from 1984-1986 served as Canada's Deputy Prime Minister. In recognition of Mr. Nielsen's contribution to the territory and to the country, the Premier announced that Whitehorse International Airport was being renamed Erik Nielsen

Whitehorse International Airport.

Former *Hansard* Contractor, **Dave Robertson** passed away on December 18th, 2008, following a long battle with cancer. On December 15th, Speaker Staffen delivered a tribute on behalf of the House, recognizing Mr. Robertson for his long service in the production of *Hansard* for the Yukon Legislative Assembly. The Speaker noted that the 2008 Fall Sitting was the first Sitting in more than thirty years in which Mr. Robertson had not been involved in the production of *Hansard*. Mr. Robertson had first taken on the contract to print *Hansard* in the 1970s. The Speaker noted while Mr. Robertson had retired from the editing process ten years ago, that he had continued to provide technical support to *Hansard*, and remained a familiar presence, coming in daily to see that everything got off to a smooth start.

Report of the Auditor General

On January 30, 2009, the Auditor General of Canada, **Sheila Fraser**, was in Whitehorse to release a report entitled *Public Schools and Advanced Education: Yukon Department of Education*. That morning, Ms. Fraser provided a briefing on the report to MLAs in the legislative Chamber. The following week (on February 6), the Standing Committee on Public Accounts held a public hearing in the Chamber to consider the Auditor General's Report. Officials from the Office of the Auditor General of Canada were present to advise the Committee. Over the course of the day, the Committee questioned witnesses from the Department of Education and Yukon College with respect to the findings in Ms. Fraser's Report. The Public Accounts Committee will prepare a report on the Auditor General's Report and the

related public hearing held by the Committee. Both reports will be tabled in the 2009 Spring Sitting.

Linda Kolody
Deputy Clerk



Prince Edward Island

The Second Session of the Sixty-third General Assembly adjourned to the call of the Speaker on December 3, 2008, after 13 sitting days. It was announced on January 30, 2009, that the House will re-convene on April 2, with a continuation of the Second Session which opened last April. The announcement marks the first time that a parliamentary calendar has been invoked to decide the opening day of the spring sitting. In 2008, the Assembly adopted a recommendation that the spring sitting of the Legislative Assembly is to start during the first week of April each year.

In December 2008, the Indemnities and Allowances Commission, which reviews salaries and benefits of members, recommended a salary increase of 2.5% apply as of April 1, 2009. As of that date, the salary for a member of the Legislative Assembly of Prince Edward Island will be \$65,344. The Commission's authority in this regard 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 decision to the Speaker each year by the first of

December.

Premier **Robert Ghiz** announced changes to his cabinet on January 13, 2009. **Allan Campbell**, formerly Minister of Fisheries, Aquaculture and Rural Development will now head up the Department of Innovation and Advanced Learning. **Richard Brown** has moved to the Department of Environment, Energy and Forestry from the Department of Innovation and Advanced Learning. **Neil LeClair**, the former Minister of Agriculture, will now serve as the Minister of Fisheries, Aquaculture and Rural Development. **George Webster** takes the agriculture portfolio as Minister of Agriculture; prior to this, he was the Minister of Environment, Energy and Forestry.

Committee Activity

The Standing Committee on Social Development has maintained an active agenda in recent months. The committee was mandated by the Legislative Assembly to review the safe use of cell phones in vehicles and was asked by the Department of Health to review proposed amendments to the *Smoke-free Places Act*. For both issues, the committee sought public input by advertising for submissions and held several meetings to meet with interested individuals and groups. Regarding the safe use of cell phones in vehicles, the committee recommended that the Department of Transportation and Public Works increase educational awareness campaigns for drivers and review the issue in one year. On the matter of proposed amendments to the *Smoke-free Places Act*, the committee made a number of recommendations, including a recommendation that provisions to prohibit smoking in a motor vehicle when children are present

be introduced, and that smoking on patios and decks of eating establishments and licensed premises continue to be permitted. The complete text of both reports can be found on line at www.assembly.pe.ca.

In its report of November 2008, the Standing Committee on Privileges, Rules and Private Bills made the recommendation that the maximum number of members on a standing committee of the Legislative Assembly be reduced from ten to eight members, to be effective as of the opening of the Third Session of the Sixty-third General Assembly. No change was recommended for the number of opposition members serving on a standing committee, which will remain at two (unless there are fewer than two members of the official opposition). The report was adopted by the Assembly.

On November 1, 2007, a motion was adopted by the Legislative Assembly instructing the Standing Committee on Fisheries, Intergovernmental Affairs and Transportation to conduct a thorough review of the collapse of Polar Foods International Inc., a business failure the Auditor General identified as costing Island taxpayers approximately \$31 million. The committee received varied input regarding the causes and outcomes of the collapse of the company and, after due consideration, made a number of recommendations in its report, adopted by the Legislative Assembly in November 2008: (1) that the Department of Fisheries, Aquaculture and Rural Development review, in detail, the testimony received by the committee and take a lead role, in conjunction with industry, in preparing the strategy for the development and sustainability of the lobster fishing and processing industries in the province; (2) that

the *Companies Act* be amended to make it consistent with similar acts in other Canadian jurisdictions; and (3) that the Standing Committee on Privileges, Rules and Private Bills study the advisability of establishing a new standing committee of the Legislative Assembly to be charged with matters concerning crown corporations, boards and agencies.

The Standing Committee on Community Affairs and Economic Development continued its work on the subject of rural development in the province. In its report of November 26, 2008, the committee made seven recommendations, including that government continue to explore appropriate decentralization of government services across the province, and encouraged continued public consultations by government on rural sustainability. The report also noted the recent announcement that high speed internet will be available throughout the province by the end of 2009.

The Standing Committee on Agriculture, Forestry and Environment put forward twelve recommendations for the consideration of the members of the Legislative Assembly in November 2008. Among them, were recommendations that government continue funding the activities for the "Buy P.E.I." marketing program and expressing support for initiatives to establish the necessary infrastructure and technology to meet the demand for value-added products in agriculture. The committee reported it heard of the potential value in establishing a province-wide GMO (genetically-modified organisms)-free zone for canola, and recommended that the provincial Department of Agriculture work closely with Island producers of this crop to identify the advantages of such a

strategy.

Architectural History

Kathleen Casey, Speaker of the Legislative Assembly of Prince Edward Island, announced in collaboration with her Maritime colleagues, that **James W. Macnutt** of Charlottetown has been engaged to write a book on the architectural history of the three Maritime legislative assembly buildings. Mr. Macnutt has written and lectured on architectural history and is intimately familiar with the Legislative Assembly of Prince Edward Island, having served as its first legislative counsel and as law clerk. The book will document, through pictures and text, the origins and usage of the architectural styles in which the buildings are constructed. Mr. Macnutt will also explore the origins of the form and function of the various parliamentary chambers and spaces in each building as they continue to allow for the functioning of modern legislatures and the practice of responsible government.

A greater appreciation of the principles of parliamentary democracy is one of the most effective ways of ensuring the continuing preservation of our system of government. As part of the role of the Speaker of the Legislative Assembly, the office promotes these principles in an attempt to generate a deeper understanding of our legislature and our system of responsible government. As such, Speakers **Roy Boudreau** of New Brunswick, **Alfie MacLeod** of Nova Scotia, and Speaker Casey are in agreement that there is a need for a comprehensive architectural history of their respective legislative assembly buildings that will serve as a guide for visitors and users alike to assist in explaining and interpreting the

history, symbolism and uses of their respective buildings in the democratic process.

"Since being elected as Speaker of the House in July 2007, I continue to feel privileged and fortunate to come to work every day at Province House. I am excited that this important book will be written and made available to Islanders and will serve as an excellent reference for those interested in Province House and in the practice of parliamentary democracy in Prince Edward Island, New Brunswick and Nova Scotia," said Speaker Casey.

To be completed in the fall of 2010, the book will explore the many common architectural themes shared by legislative assembly buildings and why they were built in the fashion they were. It will interpret such things as why the Legislative Council and House of Assembly Chambers are located on the second floor of the buildings, and why very carefully chosen locations within the city were selected as the construction sites.

Other matters

As promised in the April 2008 Speech from the Throne, government has appointed a commissioner to conduct a comprehensive review of municipal and land use and development issues in the province. Hon. Ralph Thompson, who retired from the Prince Edward Island Provincial Court in 2005, has been given the task of conducting a thorough review of land use challenges and municipal governance issues facing the province. Commissioner Thompson is expected to submit a report by the end of 2009, outlining recommendations to address challenges and proposed revenue measures needed to support suggested changes. He has also been

directed to provide a review of the impact of unincorporated areas on existing municipal structures.

In December 2008, the Environment, Energy and Forestry Minister **George Webster** acknowledged the environmental efforts of Islanders after the findings of a recent study by Statistics Canada showed that Prince Edward Island households are the most environmentally active in the country.

"The findings in this report clearly show that the environment is very important to Islanders," Webster said. In the report, a nation-leading 64% of Island households were deemed "very active" when it comes to household environmental activity. P.E.I. also had the highest rate of composting (92%) and was tied with Nova Scotia and British Columbia for the highest recycling rate (99%). The Households and the Environment Survey collects information on a variety of environmental themes. The study identified six environmental household behaviours: use of reduced volume toilets, use of low-flow showerheads, use of compact fluorescent light bulbs, recycling, composting and lowering temperatures. Households that engaged in four to six behaviours were considered very active.

The Chairperson of the Prince Edward Island Human Rights Commission, **Richard Montigny**, announced on December 10, 2008, that **Barbara Fanning** is the inaugural recipient of the Award for the Advancement of Human Rights on P.E.I. Ms. Fanning was recognized as a passionate advocate for the rights of men and women with intellectual disabilities for the past twenty years. The P.E.I. Human Rights Commission recently created this annual award to recognize individuals, groups or organizations that have made

significant contributions toward the advancement of human rights on Prince Edward Island. The presentation was made on International Human Rights Day, which is celebrated every year in countries all around the world to commemorate the signing of the Universal Declaration of Human Rights.

Marian Johnston

Clerk Assistant and
Clerk of Committees



House of Commons

On November 18, 2008, having sworn the oath of office, the newly-elected Members attended the opening of the Fortieth Parliament. Their first order of business was to elect a new Speaker from among the eight candidates. **Peter Milliken** was re-elected on the fifth ballot for his fourth term as Speaker of the House of Commons.

In the Speech from the Throne delivered the next day, **Stephen Harper's** Conservative government put forward a five-point plan to protect the economy, and a plan to reform some federal institutions. Upon their return to the Chamber, and on motion of the Prime Minister, the traditional pro forma Bill C-1 was introduced and read a first time. As a departure from the usual practice, the Prime Minister tabled a copy of the Bill, the text of which asserted the traditional rights of the House of Commons.

Debate on the motion regarding the Address in Reply to the Speech from the Throne proceeded without incident; the sub-amendment was rejected, after it was ordered by unanimous consent that it be considered on the third of the said days (rather than the second day, as the Standing Orders provide). The amendment was passed on the fourth of the said days.

On November 21, 2008, the Speaker proposed that **Andrew Scheer** be appointed Deputy Speaker and Chair of Committees of the Whole, that **Denise Savoie** be appointed Deputy Chair of Committees of the Whole and that **Barry Devolin** be appointed Assistant Deputy Chair of Committees of the Whole. Each of these motions were agreed to.

On November 27, 2008, Minister of Finance **Jim Flaherty** presented the government's economic and fiscal statement. The three opposition parties indicated that they would not support the statement and expressed the desire to form a coalition government to replace the Conservative government. Just 13 sitting days after the session began, on December 4, 2008, at the Prime Minister's request, the Governor General prorogued Parliament until January 26, 2009.

On January 26, 2009, the Governor General officially opened the Second Session of the Fortieth Parliament with the Speech from the Throne. It was shorter than usual and focused on a single theme: the economy. On the same day, the traditional *pro forma* Bill C-1 having been introduced and read a first time, the Prime Minister asked for and obtained unanimous consent for the Bill to be printed. The Deputy Chair of Committees of the Whole and the Assistant Deputy Chair of Committees of the Whole were re-appointed.

Following the designation of an order of the day for consideration of a ways and means motion for the presentation of the budget, the Minister of Finance tabled the first budget of the Fortieth Parliament in the House on January 27, 2009. Four days of resumed debate ensued. On the second day, the sub-amendment put forward by the Bloc Québécois was rejected. On the third day, the amendment put forward by the Liberal Party was adopted. This amendment enjoined the government to report to Parliament no later than five sitting days before the last allotted day of each supply period in 2009 on the economic situation and the implementation of the budget, among other things. Finally, on the fourth day, February 3, 2009, the main motion (as amended by the Liberal Party's amendment) calling for the House to approve the government's general budget policy was adopted.

Committees

A Standing Order change was adopted on November 27, 2008, providing that the membership of the four standing committees chaired by an opposition member would be reduced to 11 members as opposed to 12.

During the 1st Session of the 40th Parliament, the Standing Committee on Procedure and House Affairs presented its first report on December 2, 2008, on the striking of the membership of standing and standing joint committees. However, due to the prorogation on December 4, committees, with the exception of Procedure and House Affairs, did not have time to organize.

In the 2nd Session, on February 10, 2009, the House, by unanimous consent, appointed a special committee to consider the Canadian mission in Afghanistan.

Privilege

On November 27, 2008, **Wayne Easter** raised a question of privilege in the House, arguing that the parliamentary secretary to the Minister of Natural Resources and for the Canadian Wheat Board, **David Anderson**, had inappropriately used confidential mailing lists and the franking privileges of the House for political purposes. Mr. Easter alleged that the parliamentary secretary had overstepped his privileges by sending a letter to grain producers, encouraging them to support certain candidates in the upcoming elections for directors of the Canadian Wheat Board. On Thursday, December 4, 2008, the Speaker concluded that there was no *prima facie* question of privilege since the distribution of the material neither defamed nor compromised the ability of Members to perform their parliamentary duties.

After learning of allegations of theft and embezzlement against him from a journalist who had obtained a copy of an RCMP report through Access to Information, **Bill Casey** raised a question of privilege on February 3, 2009. Despite much of the information in the report having been redacted or removed (except his own name, which could be identified at the end of the document), he inferred that the transfer of \$30,000 between his then riding association and campaign accounts was what was at issue. Further, the report contained contradictions about whether or not an investigation was warranted. However, the mere existence of the allegations and the report had the Member contending that these had the potential to cast doubt on his credibility and honesty and, thus, prevent him from effectively fulfilling his duties as a Member of Parliament. On February 12, the

Speaker stated that, while being entirely sympathetic to the plight of the Member, he was unable to find that the Member's ability to fulfil his parliamentary functions effectively had been undermined, thereby concluding that there was no *prima facie* question of privilege.

On February 4, 2009, another question of privilege was raised. **Marlene Jennings** stated that she and all other Members received an email on their House of Commons BlackBerry from fellow MP **Maria Mourani**, which glorified three organizations that the federal government had deemed

to be terrorist organizations. The Member went on to say that the misuse of parliamentary services in this manner constituted a violation of her privileges as a Member of Parliament. Ms. Mourani apologized, acknowledging that she should have viewed all the material in the links included in her email before sending it and that she found the material to be hateful propaganda. The Speaker ruled on February 12, 2009, that he could not find that the privileges of Ms. Jennings had been violated by this unfortunate incident, although there was no doubt that she and other Members had been offended

by the material received.

Other matters

Supplementary Estimates B for 2008-2009 were tabled on Monday, November 24, 2009, by the President of the Treasury Board, **Vic Toews**, and referred to the appropriate committees. As the House was prorogued before these Supplementary Estimates had been adopted, they were tabled again during the second session on January 29, 2009.

David Gagnon
Procedural Clerk